FINAL

ENVIRONMENTAL IMPACT REPORT FOR UPTOWN NEWPORT

SCH NO. 2010051094

prepared for:

CITY OF NEWPORT BEACH

Contact:
Rosalinh Ung
Associate Planner

prepared by:

THE PLANNING CENTER|DC&E

Contact:
JoAnn C. Hadfield
Director, Environmental Services

FEBRUARY 2013

FINAL

ENVIRONMENTAL IMPACT REPORT FOR UPTOWN NEWPORT

SCH NO. 2010051094

prepared for:

CITY OF NEWPORT BEACH

3300 Newport Boulevard
Newport Beach, CA 92658
Tel: 949.644.3208

Contact:
Rosalinh Ung
Associate Planner

prepared by:

THE PLANNING CENTER|DC&E

3 MacArthur Place, Suite 1100
Santa Ana, CA 92707
Tel: 714.966.9220 • Fax: 714.966.9221
E-mail: information@planningcenter.com
Website: www.planningcenter.com

Contact:
JoAnn C. Hadfield
Director, Environmental Services

CNB-13.0E

FEBRUARY 2013

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APPENDICES

LIST OF FIGURES

1. Introduction

1.1 INTRODUCTION

This Final Environmental Impact Report (FEIR) has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code Section 21000 et seq.) and CEQA Guidelines (California Administrative Code Section 15000 et seq.).

According to CEQA Guidelines, Section 15132, the FEIR shall consist of:

(a) The Draft Environmental Impact Report (DEIR) or a revision of the Draft.

(b) Comments and recommendations received on the DEIR either verbatim or in summary.

(c) A list of persons, organizations, and public agencies comments on the DEIR.

(d) The responses of the lead agency to significant environmental points raised in the review and consultation process.

(e) Any other information added by the lead agency.

This document contains responses to comments received on the DEIR for the Uptown Newport project during the public review period, which began September 10, 2012, and closed October 24, 2012. This document has been prepared in accordance with CEQA and the CEQA Guidelines and represents the independent judgment of the lead agency. This document and the circulated DEIR comprise the FEIR, in accordance with CEQA Guidelines, Section 15132.

1.2 FORMAT OF THE FEIR

This document is organized as follows:

Section 1, Introduction. This section describes CEQA requirements and content of this FEIR.

Section 2, Response to Comments. This section provides a list of agencies and interested persons commenting on the DEIR, copies of comment letters received during the public review period, and individual responses to written comments. To facilitate review of the responses, each comment letter has been reproduced and assigned a number (A0 through A11 for letters received from agencies, O1 through O8 for letters received from organizations, and I1 through I6 for letters received from individuals). Individual comments have been numbered for each letter, and the letter is followed by responses with references to the corresponding comment number.

Section 3, Revisions to the Draft EIR. This section contains revisions to the DEIR text and figures as a result of the comments received by agencies and interested persons as described in Section 2. A separate subsection is also included to detail the results of updated traffic modeling to reflect a cumulative project not previously included in the analysis. And finally, this section includes minor updates to the project description and/or errors and omissions discovered subsequent to release of the DEIR for public review. The subsections are as follows:

3.1 Introduction

3.2 Revisions to Respond to DEIR Comments

3.3 Updates to the Project Description

3.4 Updated Traffic Modeling

3.5 Revised and Updated Figures

The City of Newport Beach staff has reviewed the revisions to the DEIR and determined that none of this material constitutes the type of significant new information that requires recirculation of the DEIR for further public comment under CEQA Guidelines Section 15088.5. None of this new material indicates that the project would result in a significant new environmental impact not previously disclosed in the DEIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated or that there would be any of the other circumstances requiring recirculation described in Section 15088.5.

1.3 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES

CEQA Guidelines Section 15204 (a) outlines parameters for submitting comments and reminds persons and public agencies that the focus of review and comment of DEIRs should be

> "on the sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible. …CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR."

CEQA Guidelines Section 15204 (c) further advises, "Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence." Section 15204 (d) also states, "Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency's statutory responsibility." Section 15204 (e) states, "This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section."

In accordance with CEQA, Public Resources Code Section 21092.5, copies of the written responses to public agencies will be forwarded to those agencies at least 10 days prior to certifying the environmental impact report. The responses will be forwarded with copies of this FEIR, as permitted by CEQA, and will conform to the legal standards established for response to comments on DEIRs.

2. Response to Comments

Section 15088 of the CEQA Guidelines requires the lead agency (City of Newport Beach) to evaluate comments on environmental issues received from public agencies and interested parties who reviewed the DEIR and prepare written responses.

This section provides all written responses received on the DEIR and the City of Newport Beach's responses to each comment.

Comment letters and specific comments are given letters and numbers for reference purposes. Where sections of the DEIR are excerpted in this document, the sections are shown indented. Changes to the DEIR text are shown in underlined text for additions and ~~strikeout~~ for deletions.

The following is a list of agencies and persons that submitted comments on the DEIR during the public review period.

Number Reference	Commenting Person/Agency	Date of Comment	Page No.
Individuals			
I1	Kimberly A. Jameson, PhD	October 6, 2012	2-117
I2	Bruce Asper	September 2012	2-121
I3	Debbie Stevens	October 23, 2012	2-125
I4	Whitney Allen	October 23, 2012	2-137
I5	Roger Stone	October 24, 2012	2-141
I6	James B. Hasty	October 24, 2012	2-145

LETTER A0 – State Clearinghouse (3 pages)

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

RECEIVED BY
COMMUNITY
OCT 29 12
DEVELOPMENT
CITY OF NEWPORT

October 25, 2012

Rosalinh Ung
City of Newport Beach
3300 Newport Boulevard
Newport Beach, CA 92658-8915

Subject: Uptown Newport
SCH#: 2010051094

Dear Rosalinh Ung:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on October 24, 2012, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

A0-1

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2010051094
Project Title Uptown Newport
Lead Agency Newport Beach, City of

Type EIR Draft EIR

Description The proposed Uptown Newport project would consists of mixed uses with up to 1,244 residential units, 11,500 sf of neighborhood-serving retail space, and ~two acres of park space. Proposed buildings would range from 30 feet to 75 feet in height; with residential towers up to 150 feet high (13 stories). Residential product types would be for-sale products with a mix of townhomes, mid-and high-rise condominiums, and affordable housing. In addition to neighborhood-serving retail, the vision for the project is to incorporate an upscale, sit-down restaurant within the 11,500 sf commercial development. Two parks totaling ~2 acres would be developed, as well as landscaped area surrounding proposed buildings. Parks and landscaped areas would be accessible to the public but privately owned. Access to the site would be from Jamboree Road, Birch Street, and Von Karman Avenue.

Lead Agency Contact

Name Rosalinh Ung
Agency City of Newport Beach
Phone (949) 644-3208 **Fax**
email rung@newportbeach.ca.gov
Address 3300 Newport Boulevard
City Newport Beach **State** CA **Zip** 92658-8915

Project Location

County Orange
City Newport Beach
Region
Lat / Long 33° 39' 45" N / 117° 51' 37" W
Cross Streets Jamboree Road and Fairchild Road
Parcel No.
Township 6S **Range** 9W **Section** 7 **Base** SBB&M

Proximity to:

Highways I-405, SR-55, SR-73
Airports John Wayne Airport
Railways
Waterways San Diego Creek, Barranca Channel, Upper Newport Bay
Schools 5 private/Parochial Schools/1 public ES
Land Use LU: Z: GP: Industrial: Koll Center Planned Community (PC-15): Mixed Use Horizontal-2 (MU-H2)

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wildlife; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Management Agency, California; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 12; Department of Housing and Community Development; State Water Resources Control Board, Division of Water Rights; Department of Toxic Substances Control; Regional Water Quality

Document Details Report
State Clearinghouse Data Base

Date Received 09/10/2012 *Start of Review* 09/10/2012 *End of Review* 10/24/2012

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A0. Response to Comments from State Clearinghouse, Scott Morgan, Director, dated October 25, 2012

A0-1 The comment acknowledges that the City of Newport Beach has complied with State Clearinghouse review requirements for the DEIR, pursuant to CEQA. This comment also acknowledges that the State Clearinghouse received the DEIR and submitted it to select state agencies for review. Comment acknowledged.

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LETTER A1 – Newport Mesa Unified School District (2 pages)

NEWPORT-MESA Unified School District

2985 Bear Street • Costa Mesa • California 92626 • (714) 424-5000

BOARD OF TRUSTEES

Dana Black • Dave Brooks • Walt Davenport

Martha Fluor • Katrina Foley • Judy Franco • Karen Yelsey

Frederick Navarro, Ed.D., Superintendent

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COMMUNITY
SEP 24 2012
DEVELOPMENT
CITY OF NEWPORT BEACH

September 19, 2012

Ms Rosalinh Ung, Associate Planner
City of Newport Beach
3300 Newport Boulevard
Newport Beach, California 92658-8915

RE: Response of the Newport-Mesa Unified School District to the Uptown Newport Draft EIR dated September, 2012

Dear Ms Ung:

Thank you for the opportunity to comment upon the Draft EIR for the proposed Uptown Newport Project. On behalf of the Newport-Mesa Unified School District I would like to offer the following points of clarification:

1. The proposed project is not within the jurisdiction of the Newport-Mesa Unified School District (NMUSD). It is within the Santa Ana Unified School District (SAUSD). As such, Newport-Mesa will not be serving the students to be generated by the project. A1-1

2. Please be advised that Newport-Mesa does not accept inter-district applications for students who do not reside within the NMUSD boundaries due to funding constraints. Again, Newport-Mesa will not be serving the students to be generated by the project. A1-2

3. While the Draft EIR, under the heading of "Expansion of NMUSD Boundaries" on page 5-12-21, discusses the general procedure for transfer of territory from one school district to another, the discussion is complete only if read in its entirety in accompaniment with section 2.1.5 of the School Impacts and Mitigation Study, attached to the Draft EIR as Appendix L. The latter document makes clear, as the body of the Draft EIR does not, that there are many considerations which apply in any proposal to shift territory from one school district to another. One significant consideration is the agreement of the school districts involved as to whether the proposed shift is acceptable. It is a rare instance when any change in school district boundaries occurs without the agreement of the boards of education of both districts. No such discussions have occurred to date between NMUSD and SAUSD. A1-3

4. The information regarding NMUSD generation rates and the availability of capacity in NMUSD schools, while factually correct, is not directly relevant to the larger consideration A1-4

of the Draft EIR. NMUSD has no jurisdiction, nor any obligation to serve the students from the proposed project.

A1-4 cont'd

Consequently, in that the Project area is not within NMUSD borders, the students generated by the Project will have no foreseeable eligibility to be served by NMUSD.

Please let me know if there are any questions.

Sincerely,

Paul H. Reed
Deputy Superintendent and Chief Business Official

A1. Response to Comments from Newport Mesa Unified School District, Paul H. Reed, Deputy Superintendent and Chief Business Official, dated September 19, 2012.

A1-1 The DEIR correctly indicates that the project site is within the service boundary of the Santa Ana Unified School District (SAUSD). The City acknowledges the Newport Mesa Unified School District's (NMUSD's) clarification that Newport-Mesa will not be serving students generated by the Uptown Newport project.

A1-2 Comment acknowledged.

A1-3 The commenter is correct in noting that the DEIR description under *Expansion of NMUSD Boundaries* is not complete without the context provided in the "School Impacts and Mitigation Report" prepared by Jeanette C. Justus Associates and included in Appendix L of the DEIR. The DEIR text has been supplemented to describe the process and findings required to reorganize school district boundaries (see Chapter 3.0, *Revisions to the Draft EIR*). As included in the supplemental text, four types of reorganization proposals exist, and proposals must show that the district:

- Will have a sufficient number of pupils enrolled,
- Will be organized on the basis of a substantial identity,
- Will result in an equitable division of property and facilities,
- Will preserve its ability to educate students in an integrated environment and will not promote racial or ethnic discrimination or segregation,
- Will not increase in costs to the state as a result of the proposed reorganization,
- Will continue to promote sound education performance and will not significantly disrupt the educational program,
- Will not increase school facilities costs as result of the proposed reorganization
- Is not designed for purposes to significantly increase property values,
- Will continue to promote sound fiscal management and not cause a substantial negative effect on the fiscal status.

It is also acknowledged that no discussions have yet occurred between NMUSD and SAUSD regarding any potential district boundary changes.

A1-4 Comment acknowledged.

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LETTER A2 – Native American Heritage Commission (5 pages)

STATE OF CALIFORNIA — Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
ds_nahc@pacbell.net

RECEIVED BY COMMUNITY DEVELOPMENT
SEP 24 2012
CITY OF NEWPORT BEACH

September 20, 2012

Ms. Rosalinh Ung, Project Planner
City of Newport Beach
3300 Newport Boulevard
Newport Beach, CA 92658

Re: SCH#2010051094; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the **"Uptown Newport Project"** located on about 25-acres in the City of Newport Beach; Orange County, California

Dear Ms. Ung:

The Native American Heritage Commission (NAHC) is the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604).

This letter includes state and federal statutes relating to Native American historic properties or resources of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC recommends that the lead agency request that the NAHC do a Sacred Lands File search as part of the careful planning for the proposed project. A2-1

The NAHC "Sacred Sites,' as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural

significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties, including archaeological studies. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and California Public Resources Code Section 21083.2 (Archaeological Resources) that requires documentation, data recovery of cultural resources, construction to avoid sites and the possible use of covenant easements to protect sites.

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

A2-1 cont'd

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

2

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251. A2-1 cont'd

Sincerely,

Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

3

Native American Contacts
Orange County
September 20, 2012

Ti'At Society/Inter-Tribal Council of Pimu
Cindi M. Alvitre, Chairwoman-Manisar
3094 Mace Avenue, Apt. B Gabrielino
Costa Mesa, , CA 92626
calvitre@yahoo.com
(714) 504-2468 Cell

Gabrielino Tongva Nation
Sam Dunlap, Cultural Resources Director
P.O. Box 86908 Gabrielino Tongva
Los Angeles , CA 90086
samdunlap@earthlink.net

(909) 262-9351 - cell

Juaneno Band of Mission Indians Acjachemen Nation
David Belardes, Chairperson
32161 Avenida Los Amigos Juaneno
San Juan Capistrano CA 92675 m
chiefdavidbelardes@yahoo.
(949) 493-4933 - home
(949) 293-8522

Juaneno Band of Mission Indians Acjachemen Nation
Anthony Rivera, Chairman
31411-A La Matanza Street Juaneno
San Juan Capistrano CA 92675-2674
arivera@juaneno.com
(949) 488-3484
(949) 488-3294 - FAX
(530) 354-5876 - cell

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
Private Address Gabrielino Tongva
,
tattnlaw@gmail.com
310-570-6567

Gabrielino Tongva Indians of California Tribal Council
Robert F. Dorame, Tribal Chair/Cultural Resources
P.O. Box 490 Gabrielino Tongva
Bellflower , CA 90707
gtongva@verizon.net
562-761-6417 - voice
562-761-6417- fax

Gabrieleno/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
PO Box 693 Gabrielino Tongva
San Gabriel , CA 91778
GTTribalcouncil@aol.com
(626) 286-1632
(626) 286-1758 - Home
(626) 286-1262 -FAX

Juaneno Band of Mission Indians
Alfred Cruz, Cultural Resources Coordinator
P.O. Box 25628 Juaneno
Santa Ana , CA 92799
alfredgcruz@sbcglobal.net
714-998-0721
714-998-0721 - FAX
714-321-1944 - cell

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2010051094; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Uptown Newport Project; located in the City of Newport Beach; Orange County, California.

Native American Contacts
Orange County
September 20, 2012

Juaneño Band of Mission Indians
Sonia Johnston, Tribal Chairperson
P.O. Box 25628 Juaneno
Santa Ana , CA 92799
sonia.johnston@sbcglobal.
714-323-8312
714-998-0721

Juaneno Band of Mission Indians Acjachemen Nation
Joyce Perry, Representing Tribal Chairperson
4955 Paseo Segovia Juaneno
Irvine , CA 92612
949-293-8522

Juaneno Band of Mission Indians
Anita Espinoza
1740 Concerto Drive Juaneno
Anaheim , CA 92807
neta777@sbcglobal.net
(714) 779-8832

Gabrielino-Tongva Tribe
Linda Candelaria, Chairwoman
1875 Century Pk East #1500 Gabrielino
Los Angeles , CA 90067
lcandelaria1@gabrielinoTribe.org
626-676-1184- cell
(310) 587-0170 - FAX

United Coalition to Protect Panhe (UCPP)
Rebecca Robles
119 Avenida San Fernando Juaneno
San Clemente CA 92672
rebrobles1@gmail.com
(949) 573-3138

Gabrieleno Band of Mission Indians
Andrew Salas, Chairperson
P.O. Box 393 Gabrielino
Covina , CA 91723
(626) 926-4131
gabrielenoindians@yahoo.
com

Gabrielino-Tongva Tribe
Bernie Acuna
1875 Century Pk East #1500 Gabrielino
Los Angeles , CA 90067
(619) 294-6660-work
(310) 428-5690 - cell
(310) 587-0170 - FAX
bacuna1@gabrieinotribe.org

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2010051094; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Uptown Newport Project; located in the City of Newport Beach; Orange County, California.

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A2. Response to Comments from the Native American Heritage Commission, Dave Singleton, Program Analysis, dated September 20, 2012.

A2-1 A cultural resources report prepared by Cogstone for the proposed project ("Archaeological and Paleontological Assessment of the Uptown Newport Village Project, City of Newport Beach, Orange County, California," January 2012) and included as DEIR Appendix F, followed the recommendations as outlined in this comment letter. As described in DEIR Section 5.4.1, [Cultural Resources] *Environmental Setting*, a sacred lands record search was requested and conducted by the Native American Heritage Commission (NAHC) in October 2011. Cogstone also contacted 16 Native American tribes or individuals for further information as recommended by NAHC. Letters requesting information and containing maps and project information were sent to these 16 tribal contacts on November 14, 2011. One response was received from the Acjachemen tribe, stating that the area is sensitive in general. No other responses were received.

DEIR Mitigation Measure 4-1 requires cultural resource monitoring for ground-disturbing activities and outlines procedures in the event of cultural resource discoveries. As noted by the commenter, the project applicant shall comply with regulatory requirements in the event of a discovery of human remains. Implementation of the recommended mitigation measures and compliance with regulatory requirements would reduce the potential impacts to cultural resources to less than significant.

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LETTER A3– Airport Land Use Commission (2 pages)

AIRPORT LAND USE COMMISSION
FOR ORANGE COUNTY
3160 Airway Avenue • Costa Mesa, California 92626 • 949.252.5170 fax: 949.252.6012

October 15, 2012

Rosalinh Ung, Associate Planner
City of Newport Beach
3300 Newport Boulevard
Newport Beach, CA 92658-8915

Subject: Draft Environmental Impact Report (DEIR) for Uptown Newport Project

Dear Ms. Ung:

Thank you for the opportunity to review the DEIR for the proposed Uptown Newport Project in the context of the Airport Land Use Commission's *Airport Environs Land Use Plan for John Wayne Airport (JWA AELUP)* and the *AELUP for Heliports*. The project proposes a mix of residential, commercial, and open space uses. Up to 1,244 residential units, 11,500 square feet of commercial space, and two acres of park space are proposed. Proposed buildings would range from 30 feet to 75 feet high, with residential towers up to 150 feet high (13 stories). The site encompasses 25 acres in the Airport Business Area of the City, and is approximately .6 mile southeast of JWA. We wish to offer the following comments and respectfully request consideration of these comments as you proceed with preparation of your DEIR. A3-1

The DEIR does include a discussion of the proposed project within the Federal Aviation Regulation (FAR) Part 77 Obstruction Imaginary Surfaces and the Notification Surface for JWA. Based on FAA's aeronautical study for the proposed project, three of 11 selected latitude/longitude building points onsite, were identified as obstacles under the obstruction standards of Title 14 CFR Part 77; Section 77.19 (a) by approximately one to three feet. In response to the FAA's aeronautical study, the DEIR states that the Planned Community Development Plan (PCDP) for Uptown will include the requirement that buildings and any appurtenances not exceed 206 feet above mean sea level (AMSL). We suggest that the Figure 3-2 of the PCDP include a note clarifying that the Tower Zone 1 height limit is 150 feet, but cannot exceed 206 feet AMSL. The DEIR should also clarify that the three points considered obstacles per the FAA aeronautical study are associated with the Tower Zone 1 building. A3-2

The DEIR states that the southern and easternmost parts of the site are within the 60 db community noise equivalent level (CNEL) noise contour for JWA. The DEIR includes several policies to address aircraft overflight and noise. The city is requiring that the interior CNEL for Uptown does not exceed 45 dB. In addition, the applicant and or future residential developers will be required to notify prospective purchasers or tenants of aircraft overflight and noise. Proposed parks in Uptown would be required to post notifications to users regarding proximity to JWA and aircraft overflight and noise. We recommend that these requirements are also incorporated into the PCDP for Uptown Newport. A3-3

With respect to safety issues, the DEIR discusses the project's location within Safety Zone 6 for JWA. Risk factors associated with Safety Zone 6 generally include a low likelihood of accident occurrence. Allowed uses in this safety zone include residential and most nonresidential uses, with the exception of outdoor stadiums and similar uses with very high intensities. Children's schools, large day care centers, hospital and nursing homes should be limited, as well as processing and storage of bulk quantities of highly hazardous materials. The proposed mixed uses for the Uptown project would be compatible within this zone. The DEIR should clarify that noise and overflight should be considered and disclosed to residents. A3-4

In addition, the Draft EIR should identify if the project allows for heliports as defined in the *Orange County AELUP for Heliports*. Should the development of heliports occur within your jurisdiction, proposals to develop new heliports must be submitted through the City to the ALUC for review and action pursuant to Public Utilities Code Section 21661.5. Proposed heliport projects must comply fully with the state permit procedure provided by law and with all conditions of approval imposed or recommended by FAA, by the ALUC for Orange County and by Caltrans/Division of Aeronautics. A3-5

As you know, referral by the City to the ALUC is recommended for this project due to the location of the proposal within a JWA AELUP Planning Area and due to the nature of the required City approvals (i.e., Planned Community Development Plan Amendment and Adoption) under PUC Section 21676(b). In this regard, please note that the Commission suggests such referrals be submitted to the ALUC for a determination, between the Local Agency's expected Planning Commission and City Council hearings. Because your City is referring the project to the ALUC prior to the City's Planning Commission hearing instead of between the City's Planning Commission and City Council hearings, we recommend that the City submit any project changes relevant to JWA that occur prior to City Council project approval to ALUC staff for review and resubmit the project for ALUC consistency determination. A3-6

Thank you for the opportunity to comment on this DEIR. Please contact Lea Choum at (949) 252-5123 or via email at lchoum@ocair.com if you need any additional details or information regarding the future referral of your project.

Sincerely,

Kari A. Rigoni
Executive Officer

A3. Response to Comments from Airport Land Use Commission, Kari A. Rigoni, Executive Officer, dated October 15, 2012.

A3-1 Comment acknowledged.

A3-2 In response to the commenter, the discussion under subsection *Potential Hazards to Aircraft Flight* on page 5.9-37 of the DEIR has been revised to clarify that the three points considered obstacles by FAA are related to the Tower Zone 1 buildings (please see Chapter 3.0, *Revisions to the Draft EIR*). As requested, Section 3.1 of the Planned Community Development Plan (PCDP) has also been modified to include that the maximum height limit is 150 feet for buildings in the "High-Rise" zone, but cannot exceed 206 feet AMSL.

A3-3 The specified requirements as included in the DEIR have been incorporated into the PCDP as requested.

A3-4 The commenter concludes that the proposed mixed uses for Uptown Newport are compatible with the project's location within John Wayne Airport's (JWA's) Safety Zone 6. As included in the City of Newport Beach Standard Conditions of Approval (DEIR Page 5.10-51), the City's General Plan Noise Element Policy N 3.2 requires that residential developers notify prospective purchasers or tenants of aircraft overflight and noise. As stated in Response A3-3, the PCDP has also been revised to specify this requirement.

A3-5 Comment acknowledged. Heliports are not being proposed as a part of the project. Should heliports be proposed in the future, such proposals would be submitted through the City to the ALUC pursuant to Public Utilities Code Section 21661.5 and would fully comply with the state permit procedure, FAA, and ALUC.

A3-6 As requested, the City provided applicable project information/updates to ALUC staff prior to the ALUC's public hearing for the Uptown Newport project held on October 18, 2012. The Commission considered the project at the hearing and voted to find the project inconsistent with the Commission's "Airport Environs Land Use Plan (AELUP) for John Wayne Airport (JWA)" and "AELUP for Heliports." The Commission based their inconsistency decision on Section 2.1.1 of the JWA AELUP, which states: "the Commission may utilize criteria for protecting aircraft traffic patterns at individual airports which may differ from those contained in FAR Part 77, should evidence of health, welfare, or air safety surface sufficient to justify such an action" (see ALUC letter dated October 22, 2018, documenting this determination, Appendix D).

As described in the DEIR, since the ALUC has made the determination that Uptown Newport is not consistent with the AELUP, approval of the project would require the Newport Beach City Council to override this determination with a two-thirds vote. ALUC's inconsistency determination results in a significant, unavoidable impact for the project. Pending ALUC's determination, the DEIR disclosed this impact as a "potentially significant impact" for which no applicable mitigation is available. To reflect the October 18, 2012, action by ALUC, the DEIR has been modified to conclude that the AELUP inconsistency determination represents a significant, unavoidable impact for Uptown Newport (see Chapter 3.0, *Revisions to the Draft*

EIR). If the City Council overrides the inconsistency determination, a Statement of Overriding Considerations for this impact will be required by the City Council prior to approving the project.

LETTER A4 – Santa Ana Unified School District (4 pages)

Santa Ana Unified School District

Facilities & Governmental Relations
Joe Dixon, Assistant Superintendent

Thelma Meléndez de Santa Ana, Ph.D.
Superintendent

October 16, 2012

Rosalinh Ung, Associate Planner
City of Newport Beach
3300 Newport Boulevard
Newport Beach, CA 92658-8915

Re: **Response to the Draft Environmental Impact Report for the Uptown Newport Project**

Dear Ms. Ung:

The Santa Ana Unified School District (SAUSD or District) appreciates the opportunity to provide comments with respect to the Draft Environmental Impact Report (DEIR) for the Uptown Newport Project.

The cumulative planned residential development in the project vicinity, in consideration of the distance to the nearest District schools, warrants the need for a school facility in the area. One of the goals of the District is to build a neighborhood school in the John Wayne Airport area to best serve students, promote community ownership, increase property values, and limit bussing costs.

While developer fees are intended to help offset impacts from the students generated by new development, the fees will not be sufficient to build a new comprehensive school facility, including classrooms, library space, or other educational or recreational facilities. The District has initiated discussions with local developers regarding the potential placement of a new neighborhood school and mitigation agreement that is mutually agreeable for all parties. A4-0

In the unfortunate event that a site or sufficient funding cannot be obtained to construct the new facility, the District has capacity at the existing schools serving the project area, including Monroe Elementary, McFadden Intermediate, and Century High Schools.

In response to the DEIR School Services section, the District has the following comments regarding the analysis of the existing school capacity and cumulative impacts. The comments are numbered and in sequential page order for your reference.

1601 East Chestnut Avenue, Santa Ana, CA 92701-6322, (714) 480-5357

BOARD OF EDUCATION
Rob Richardson, President • José Alfredo Hernández, J.D., Vice President
Audrey Yamagata-Noji, Ph.D., Clerk • John Palacio, Member • Roman A. Reyna, Member

SAUSD Comments:

1. Page 5.12-12, Section 5.12.3, *School Services*

   The DEIR references the date of the *School Impacts and Mitigation Report* as January 2012; however, according to the title page of the report (Appendix L), the DEIR text should be corrected to "August 2012." A4-1

2. Page 5.12-12, Table 5.12-5, *SAUSD Overall Capacity*

   Table 5.12-5 references SAUSD capacity taken from the 2011 School Facilities Needs Analysis (SFNA). As noted in the SFNA, the capacity reflects permanent classroom capacity only, and does not include the capacity of portable classrooms. Without noting this in the DEIR text, Table 5.12-5 can be misleading, showing deficient capacity at the K-6 grade level. SAUSD requests the DEIR text be revised to add clarification that Table 5.12-5 reflects permanent classroom capacity. A4-2

3. Page 5.12-12, Table 5.12-5, *SAUSD Overall Capacity*

   Table 5.12-5 references SAUSD enrollment taken from the *School Impacts and Mitigation Report*. According to the report, SAUSD's enrollment excludes enrollment at Orange County High School of the Arts (OCHSA), one of the District's charter schools. However, SAUSD has five charter schools. District enrollment is ordinarily stated as either including all charter enrollment, or no charter enrollment. It is unrepresentative of SAUSD's enrollment to exclude a single school. A4-3

4. Page 5.12-15, Table 5.12-6, *SAUSD Schools Near Project Site*

   Table 5.12-6 references school enrollment and capacity from SAUSD's response letter to the DEIR Notice of Preparation (NOP) dated November 28, 2011. Therefore, the source of the data referenced in the table should be changed from Jeanette C. Justus Associates to SAUSD. A4-4

5. Page 5.12-15, Table 5.12-6, *SAUSD Schools Near Project Site*

   As noted in SAUSD's NOP response letter, the District's capacity reflects permanent classroom capacity only, and does not include the capacity of portable classrooms. Without noting this in the DEIR text, Table 5.12-6 can be misleading, showing deficient capacity at the intermediate school level. SAUSD requests the DEIR text be revised to add clarification that Table 5.12-6 reflects permanent classroom capacity. A4-5

6. Page 5.12-21, Section 5.12.3.3, *Alternative School Facility Options*

   The subsection *Expansion of NMUSD Boundaries* says a boundary change "would enable project students to maximize their quality of life." As an objective DEIR, the document should read as follows: A4-6

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"The project applicant may choose to propose to modify the school district boundaries so that the entire project would be within the boundaries of the neighboring NMUSD. ***In the absence of a neighborhood school within SAUSD, such territory transfer*** would ensure that project-generated students attend school facilities nearest to their homes and busing or other transportation costs and impacts are minimized. ~~In the absence of a neighborhood school within SAUSD, such territory transfer would enable project students to maximize their quality of life by being better able to take advantage of school-related activities such as after school programs and athletic clubs. Living near the families of their children's classmates would allow project residents with children to build stronger communal ties.~~ The transfer of school district boundaries would be subject to concurrence of the Orange County Committee on School District Organization and the State Board of Education. The impacts and reorganization would differ between elementary and ~~middle~~ ***secondary*** school students."

A4-6 cont'd

7. Page 5.12-21, Section 5.12.3.4, *Cumulative Impacts*

The DEIR says "The cumulative projects in the project area are listed on Table 4-3." This is a typo, and should be corrected to "Table 4-2."

A4-7

8. Page 5.12-21, Section 5.12.3.4, *Cumulative Impacts*

Section 5.12.3.4 says, "No cumulative projects including residential use, which would therefore generate students, were identified within SAUSD boundaries." This is not correct. Table 4-2, *Cumulative Projects*, lists six residential projects within SAUSD boundaries, including #6 Koll Center, #12 Central Park, #15 The Lofts, #18 Plaza II and IV, #19 Carlyle, and #28 Martin Street Residential. Each one of those projects will impact SAUSD enrollment and should be considered cumulatively as part of this DEIR.

In addition, Table 4-2 is missing a planned residential project within the vicinity of the Uptown Newport Project. The proposed Irvine Technology Center is located at the northeast corner of Jamboree Road and Campus Drive. The project includes the development of up to 1,800 single-family attached residential units and up to 17,000 square feet of retail and commercial uses.

Therefore, the text of the DEIR should be revised to the following: "Nine cumulative projects were identified within SAUSD boundaries; seven of those projects contain residential uses and would thus generate students."

A4-8

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9. Page 5.12-22, Table 5.12-11, *Student Generation by Cumulative Projects*

Table 5.12-11, *Student Generation by Cumulative Projects*, does not analyze the cumulative impacts to SAUSD. As previously mentioned, the Cumulative Impacts section does not recognize the six residential projects within SAUSD referenced in Table 4-2. These cumulative projects include #6 Koll Center, #12 Central Park, #15 The Lofts, #18 Plaza II and IV, #19 Carlyle, and #28 Martin Street Residential. Table 5.12-11 also does not include the Irvine Technology Center, a planned residential and commercial project located at the corner of Jamboree Road and Campus Drive within SAUSD boundaries. A4-9

In addition, Table 5.12-11 incorrectly lists cumulative project #6 Koll Center as a project with NMUSD. The address of that project, 4343 Von Karman Avenue, is located within SAUSD boundaries.

In order to analyze cumulative impacts to SAUSD, Table 5.12-11 should be revised to include the above referenced projects and analyze the students generated within SAUSD boundaries.

Thank you for considering SAUSD's comments in response to the DEIR for the Uptown Newport Project. I look forward to receiving the response to the comments.

Sincerely,

Joe Dixon
Assistant Superintendent

1601 East Chestnut Avenue, Santa Ana, CA 92701-6322, (714) 480-5357

BOARD OF EDUCATION
Rob Richardson, President • José Alfredo Hernández, J.D., Vice President
Audrey Yamagata-Noji, Ph.D., Clerk • John Palacio, Member • Roman A. Reyna, Member

A4. Response to Comments from the Santa Ana Unified School District, Joe Dixon, Assistant Superintendent, dated October 16, 2012.

A4-0 Comment acknowledged.

A4-1 As requested, the report date for the "School Impacts and Mitigation Report" has been corrected on page 5.12-12 of the DEIR (please see Chapter 3.0, *Revisions to the Draft EIR*).

A4-2 DEIR page 5.12-12 and Table 5.12-5, *Santa Ana Unified School District Overall Capacity (2011–2012)*, have been revised to clarify that the classroom capacity provided only includes permanent classroom capacity. As noted in this comment and described in the "School Impacts and Mitigation Report," DEIR Appendix L, all students in McFadden Intermediate School are housed with use of portable classrooms. The revisions are included in Chapter 3.0, *Revisions to the Draft EIR*.

A4-3 Charter school capacity and enrollment information is not included in Table 5.12-12, *Santa Ana Unified School District Overall Capacity* (2011–2012); DEIR Section 5.12, *Public Services*; or in "School Impacts and Mitigation Report" in DEIR Appendix L. The information excludes all five SAUSD charter schools. We concur that the footnote in the "School Impacts and Mitigation Report" highlighting exclusion of the Orange County High School of the Arts (OCHSA) enrollment information is confusing. The note regarding the OCHSA charter school that is outlined in the "School Impacts and Mitigation Report" has been removed accordingly.

A4-4 The commenter is correct in noting that the source of the SAUSD enrollment and capacity information is from the response letter from SAUSD dated November 28, 2011. A copy of the SAUSD letter was included in DEIR Appendix K, *Service Provider Correspondence.* Table 5.12-6, *Santa Ana Unified School District Schools near Project Site (2011–2012)*, has been revised accordingly (see Chapter 3.0, *Revisions to the Draft EIR*).

A4-5 Table 5.12-5 and the accompanying text have been revised to clarify that capacity information only reflects permanent facilities (please see Chapter 3.0, *Revisions to the Draft EIR*).

A4-6 The discussion under subsection *Expansion of NMUSD Boundaries* on page 5.12-21 of the DEIR has been revised as requested (please see Chapter 3.0, *Revisions to the Draft EIR*).

A4-7 The typo referenced has been corrected (please see Chapter 3.0, *Revisions to the Draft EIR).*

A4-8& 9 The commenter has correctly identified related development projects within the SAUSD boundaries that were erroneously excluded from the cumulative analysis for SAUSD. Table 5.12-11, *Student Generation by Cumulative Projects*, has been updated to reflect the additional projects and the inclusion of the Koll Project within SAUSD. The analysis has also been supplemented to identify the cumulative effect of student generation associated with these projects as well as Uptown Newport on the schools closest to the project site (James Monroe Elementary, McFadden

Intermediate, and Century High School; please see Chapter 3.0, *Revisions to the Draft EIR*). Development of these projects as planned would result in the permanent capacity of each of these schools being exceeded as follows: James Monroe by approximately156 students, McFadden Intermediate by approximately 46 students, and Century High School by approximately 66 students (see revised Table 5.12.11 in Chapter 3.0, *Revisions to the Draft EIR*). As stated in Comment A4-0, SAUSD has initiated discussions with local developers regarding the potential placement of a new neighborhood school and mitigation agreement. The cumulative analysis substantiates the need for additional classrooms, but does not reflect a significant impact with respect to school services. As concluded in the DEIR, according to Section 65996 of the California Government Code, development fees authorized by SB 50 are deemed to be "full and complete school facilities mitigation."

LETTER A5 – Santa Ana Regional Water Quality Control Board (4 pages)

CALIFORNIA Water Boards

EDMUND G. BROWN JR. GOVERNOR

MATTHEW RODRIQUEZ SECRETARY FOR ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

October 16, 2012

Rosalinh Ung
City of Newport Beach
3300 Newport Boulevard
Newport Beach, CA 92663

COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE UPTOWN NEWPORT PROJECT (SCH NO. 2010051094)

Dear Ms. Ung:

Thank you for providing Regional Board staff the opportunity to review the Draft Environmental Impact Report ("DEIR") for the Uptown Newport Project ("Project"). The project involves the eventual redevelopment of the Tower Jazz industrial site into a mixed-use development consisting of 1,244 residential units, two public parks totaling 2.05 acres, and 11,500 square feet of retail space. The project is proposed to occur in two phases with the first phase commencing in 2013 and the second phase as early as 2017 contingent on the termination of the lease of the Tower Jazz facility on the remainder of the property. Regional Board staff is providing the following comments:

1) Mitigation measure 7-3 requires, in part, that the project applicant obtain a "No Further Action" declaration or "Letter of Allowance" from the Regional Board. Regional Board staff agrees that we will have some oversight for the site clean-up. However, we request that the mitigation measure be amended to allow the desired clearance to also come from the Orange County Health Care Agency. This will accommodate several alternative avenues for obtaining the clearance. A5-1
2) The project description provided in the DEIR appears to be inadequate. The project includes more than the construction of the improvements summarized above and in the DEIR but also the related agency approvals. The Project appears to include the City's approval of Tentative Tract Map 17438; the Design Guidelines; Phasing Plan; Preliminary Site Plan; and Land Uses, Development Standards and Procedures. None of these actions by the City are described in the DEIR. Please include a list of all discretionary approvals that are anticipated from the Lead and Responsible Agencies in the Final EIR. A5-2

CAROLE H. BESWICK, CHAIR | KURT V. BERCHTOLD, EXECUTIVE OFFICER
3737 Main St., Suite 500, Riverside, CA 92501 | www.waterboards.ca.gov/santaana

RECYCLED PAPER

3) The DEIR does not accurately characterize the City's responsibilities to address the water quality impacts of the Project. The Area-Wide Urban Storm Water Runoff Permit for Orange County and the Incorporated Cities, Regional Board Order No. R8-2009-0030, NPDES Permit No. CAS618030 ("Permit") requires, in part, that the permittees have an effective public education program. The circulation of an environmental document to the public and decision-makers is a logical opportunity to educate the readers about the City's storm water program along with the potential water quality impacts of projects. As such, please make the following changes to the DEIR:
   a. Please correct the statement in the final sentence of the second paragraph on page 5.8-2. The Regional Board is the agency responsible for enforcing the "MS4 NPDES permit", not the permittees. The City of Newport Beach must obtain and exercise its own separate authority to enforce requirements related to preventing pollution in urban runoff according to the requirements of the Permit. A5-3
   b. Please include a specific description of the Permit and summarize its requirements relevant to the Project. These requirements include the City's application of the processes, procedures, and standards described in the 2011 Model Water Quality Management Plan ("WQMP"), and the related Technical Guidance Document, to the approval and implementation of the Project's WQMP.
   c. Please also include a description of the relevant municipal ordinances and programs and how they will be applied to the Project. This should include a description of the City's construction and industrial/commercial site inspection programs; public education programs; and requirements for the operation, maintenance and City-inspection of structural treatment control BMPs.
4) The City's approval of the Project draft or preliminary WQMP will violate the requirements of the Permit and subject the City to enforcement action. The basis for this conclusion is summarized below. The applicable standard for urban runoff is the "maximum extent practicable" standard. This standard is met by the City complying with the requirements of the Permit. When a project WQMP is not prepared according to the Permit's requirements, the maximum extent practicable standard has not been met and the permittee may not conclude that the project's water quality impacts have been addressed or mitigated.
   a. The Project WQMP does not follow the feasibility criteria for evaluating evapotranspiration or harvest and [re-]use required by the Permit. Instead, evapotranspiration and harvest and use are rejected based on an unsubstantiated statement that they are "not practicable for the site due to the high building density and land use proposed for the site". The Project WQMP must substantiate this conclusion based on the methods described in the Technical Guidance Document. A5-4
   b. The Project WQMP does not contain sufficient information to evaluate the feasibility of the proposed infiltration facility according to the requirements of the Technical Guidance Document. The infiltration surface area has not been calculated using a factor of safety and the site-specific infiltration

rate has not been estimated. As a result, the expectation for an infiltration facility is speculative. The Project WQMP must employ the techniques in the Technical Guidance Document to evaluate the feasibility of the infiltration facility.

c. The Project WQMP indicates that if an infiltration facility is ultimately infeasible, then an "engineered filter media" will be used. This description of the alternate facility is unacceptably vague, it has not been sized or assessed for feasibility, and its use may violate the Permit's required hierarchy of BMPs. The alternate facility must be properly identified, assessed, and comply with the hierarchy for selecting structural treatment control BMPs.

d. The Project WQMP site plan does not indicate any site design best management practices ("BMPs") and none could be found in the text of the WQMP. Provision XII.B.3. of the Permit requires "source control, pollution prevention, site design, [low impact development ("LID")] implementation,...and structural treatment control BMPs". Site design includes the use of disconnected roof drains and permeable pavements. Many of the design concepts mentioned in Section 4.5 of the Design Guidelines are site design BMPs but none appear in the preliminary WQMP. Site design BMPs must be provided in the preliminary WQMP. A5-4 cont'd

e. The inclusion of vague and unnecessary materials in the Project WQMP burdens both the City and the future occupants of the project to the detriment of the City's storm water program. Of the 387 page document, less than 10% of the pages constitute the body of the WQMP, suggesting that some unnecessary information has been included in the document. For example, the hydrology study omits the drainage map, rendering the data difficult to interpret to technical staff or even to assess its relevance to the sizing of structural BMPs. The purpose of including BMP fact sheets is unclear and the fact sheet for an infiltration basin appears irrelevant since one is not proposed. The City is obligated to enforce the final WQMP and any commitments must be clear. This includes any commitments implied by the inclusion of the fact sheets. The City should purge vague and unnecessary material from the Project WQMP. Technical information that is not immediately relevant to the BMPs should be removed and maintained elsewhere.

5) Of notable importance is the City's approval of the Land Uses, Development Standards and Procedures. This document includes a declaration that "whenever the development regulations of this plan conflict with the regulations of the Newport Beach Municipal Code, the regulations contained herein shall prevail". As the result, this document has the potential to promulgate regulations that pose a barrier to the implementation of LID BMPs within the project area. This document should be given special mention in the DEIR and any potential barriers to implementing LID BMPs disclosed consistent with Provision XII.A.4. of the Permit. A5-5

6) Regional Board staff requests that specific consideration be given in the preliminary Project WQMP to providing a community wash rack or designate vehicle wash areas that minimize the discharge of wastewater to the storm drain. Private vehicle washing is a reasonably anticipated activity. This activity should be accommodated unless the City is able to provide valid objective evidence that its existing municipal ordinance and enforcement programs are effective. A5-6

If you have any questions, please contact me at afischer@waterboards.ca.gov or at (951) 320-6363.

Sincerely,

Adam Fischer
Environmental Scientist

cc: County of Orange RDMD – Grant Sharp
City of Newport Beach – John Kappeler
City of Newport Beach – Rosalinh Ung (rung@newportbeachca.gov)
Uptown Newport LP -- Brian Rupp (brupp@shopoff.com)

A5. Response to Comments from Santa Ana Regional Water Quality Control Board, Adam Fischer, Environmental Scientist, dated October 16, 2012.

A5-1 A No Further Action letter dated November 1, 2012, for the Phase 1 development of the Uptown Newport project has been issued by the RWQCB (see Appendix D). Per the letter, "Board staff has no objection to the proposed site development and is not requiring further remediation of the soil on the Phase 1 portion of the property." The Orange County Health Care Agency is not party to the risk assessment, and there is no regulatory requirement to include the agency in the review process.

A5-2 The project includes all requested discretionary actions by the City of Newport Beach listed on page 3-34 in DEIR Chapter 3, *Project Description*.

A5-3 Following are responses to the individual lettered comments.

a. Page 5.8-2 in Section 5.8, *Hydrology and Water Quality*, is revised as shown below. Deleted text is shown in ~~strikeout~~ and added text is shown underlined. These revisions are also documented in Chapter 3, *Revisions to the Draft* EIR

The NPDES has a variety of measures designed to minimize and reduce pollutant discharges. All counties with storm drain systems that serve a population of 50,000 or more, as well construction sites one acre or more, must file for and obtain an NPDES permit. Another measure for minimizing and reducing pollutant discharges to a publicly owned conveyance or system of conveyances (including roadways, catch basins, curbs, gutters, ditches, man-made channels, and storm drains designed or used for collecting and conveying stormwater) is the EPA's Storm Water Phase II Final Rule. The Phase II Final Rule requires an operator (such as a city) of a regulated small municipal separate storm sewer system (MS4) to develop, implement, and enforce a program (e.g., best management practices [BMPs], ordinances, or other regulatory mechanisms) to reduce pollutants in post-construction runoff to the City's storm drain system from new development and redevelopment projects that result in the land disturbance greater than or equal to one acre. The ~~City of Newport Beach Public Works Department~~ Regional Water Quality Control Board (RWQCB) is the local enforcing agency of the MS4 NPDES permit.

b. Per the commenter's request, the following additional information is added to the DEIR (please see Chapter 3.0, *Revisions to the Draft EIR*).

The "MS4 NPDES Permit" (Permit) refers to the Santa Ana Regional Water Quality Control Board Order No. R8-2009-0030, NPDES Permit No. CAS618030. The permit provides a framework for regulating stormwater discharges from municipal separate storm sewer systems as well as other designated stormwater discharges that are considered significant contributors of pollutants to waters of the United States. Under the permit, the City of Newport Beach is named a permittee—along with a number of other municipalities. Each permittee owns and operates storm drains and other drainage facilities that are generally considered waters of the United States, and each permittee is held responsible for adhering to and enforcing the regulations of the permit.

It is the intent of the permit to require the implementation of BMPs to reduce—to the maximum extent practicable—the discharge of pollutants in urban stormwater from the MS4s in order to support attainment of water quality standards. The permit requires development of a WQMP to be implemented as part of a project's post-development stormwater management program. The WQMP shall identify various BMPs based on a preferred hierarchy. The project-specific WQMP shall be prepared under the standards, procedures, and guidelines outlined in the 2011 Model WQMP and the related Technical Guidance Document. Being a significant redevelopment project, the Uptown Newport Planned Community is required to prepare a project-specific WQMP in accordance with the requirements of the MS4/NPDES permit, and a revised preliminary WQMP has been prepared (see Appendix A). A final WQMP will be prepared during the final design phase of the project.

c. Per the commenter's request, the following additional information is added to the DEIR (please see Chapter 3.0, *Revisions to the Draft EIR*).

The City of Newport Beach has developed a Local Implementation Plan (LIP) that provides a written account of the activities that the City has undertaken and is undertaking to meet the requirements of the Third Term Permit and make a meaningful improvement in urban water quality. In developing this LIP, the City has used the 2003 DAMP as the foundation for its program development, and the LIP contains numerous references to it. The two, in effect, act as companion parts of the City's compliance program. The LIP is intended to serve as the basis for City compliance during the five-year life of the Third Term Permit, but is subject to updating and modification as the City determines necessary, or as directed by the RWQCB. A copy of the City of Newport Beach's LIP and additional information regarding the City's water quality programs can be found at http://www.newportbeachca.gov/index.aspx?page=429.

Relevant City of Newport Beach Municipal Code sections are described in the table below.

Municipal Code Section	Requirements
14.36.040 Control of Urban Runoff	All new development and significant redevelopment within the City of Newport Beach shall be undertaken in accordance with: a. The DAMP, including but not limited to the development project guidance; and b Any conditions and requirements established by the planning department, engineering department or building department, which are reasonably related to the reduction or elimination of pollutants in storm water runoff from the project site.
14.36.050 Inspections	Compliance Assessments. The Authorized Inspector may inspect property for the purpose of verifying compliance with this chapter, including but not limited to: (i) identifying products produced, processes conducted, chemicals used and materials stored on or contained within the property; (ii) identifying point(s) of discharge of all wastewater, process water systems and pollutants; (iii) investigating the natural slope at the location, including drainage patterns and man-made conveyance systems; (iv) establishing the location of all points of discharge from the property, whether by surface runoff or through a storm drain system; (v) locating any illicit connection or the source of prohibited discharge; (vi) evaluating compliance with any permit issued pursuant to Section 14.36.070; and (vii) investigating the condition of any legal nonconforming connection.

14.36.060 Enforcement	Enforcement methods include:
	• Administrative remedies
	  ○ Notice of Noncompliance
	  ○ Administrative Compliance Order
	  ○ Cease and Desist Order
	• Nuisance (emergency abatement by City Manager)
	• Citation (arrest, release, and citation to appear before magistrate)
	• Injunction

14.36.070 Permits	The City may issue permits for discharges to the storm water drainage system from properties or facilities not subject to requirements of a State General Permit or a National Pollution Discharge Elimination System Permit.

A5-4

a. Upon further review of the subsurface data from the Uptown Newport Geotechnical Investigation Report and from input received from the project's geotechnical engineer, it has been determined that the infiltration capacity of the onsite soils will support the use of infiltration BMPs. Therefore, the project preliminary WQMP has been revised to designate infiltration BMPs as "feasible" for the entire design control capture volume (DCV). For this reason, a revised preliminary WQMP has been prepared (see Appendix A of this FEIR) that replaces the currently proposed biotreatment BMPs with infiltration BMPs. Because infiltration BMPs are anticipated to treat the entire DCV, determining the feasibility of evapotranspiration and harvest and reuse BMPs is not necessary, and the WQMP is consistent with the Technical Guidance Document (TGD).

b. The revised preliminary WQMP relies on a design infiltration rate based on available geotechnical data and input from the project's geotechnical engineer. The infiltration surface area has been calculated using a factor of safety and a site-specific infiltration rate of 1.0 inch per hour, provided by the project's geotechnical engineer. It is the intent to provide infiltration for the entire DCV. There are, however, a number of unknown site-specific variables that can potentially influence to what extent infiltration can be provided over the entire 25-acre site. Biotreatment BMPs would be used only if upon final design it is realized that infiltration BMPs are not capable of treating the entire DCV in accordance with the TGD.

c. As described in responses 4a and 4b, it has been determined through review of available geotechnical data and input from the project's geotechnical engineer that favorable infiltration capacity can reasonably be expected on the project site. For this reason, the "alternative" facility no longer applies and has been removed from the revised preliminary WQMP accordingly.

d. In accordance with Provision XII.B.3 of the Third Term Permit, site design BMPs are proposed for the project. The site design BMPs applicable to the project are included in the revised preliminary WQMP.

e. Nonapplicable reference data have been removed from the appendices of the revised preliminary WQMP.

A5-5 The Uptown Newport Planned Community Development Plan (PCDP) is the proposed zoning for the project and sets forth land use regulations and development standards for the project. These regulations and standards take precedence over similar but conflicting standards and regulations from the Newport Beach Municipal Code. This declaration does not remove the burden on the project to comply with the requirements of the MS4/NPDES permit.

A5-6 Private vehicle washing would be prohibited within Uptown Newport. This restriction would be included in the CC&Rs for the project. Therefore, a community wash area or designated vehicle wash area would not be provided as part of the Uptown Newport project.

LETTER A6 – City of Irvine (3 pages)

Community Development www.cityofirvine.org

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

RECEIVED BY COMMUNITY DEVELOPMENT OCT 22 2012 CITY OF NEWPORT BEACH

October 17, 2012

Ms. Rosalinh Ung
Associate Planner
City of Newport Beach
3300 Newport Boulevard
Newport Beach, CA 92658-8915

Subject: Environmental Impact Report (EIR) for the Uptown Newport Project

Dear Ms. Ung:

City of Irvine staff has received and reviewed the information provided for the referenced project and offers the following comments:

General Comments

1. The main full access to the site is calculated to have 300 feet of queuing before the 90-degree bend. Please provide the interim and ultimate distribution analysis for each access using the interim and ultimate PM peak hour in bound projected traffic volumes. In addition, we request to review the master plans or site plans associated with the project, including detailed access analysis for the site, since the three proposed access locations could potentially result in peak hour impacts to streets within the City of Irvine. A6-1

2. We recommend a shared access agreement be in place before finalizing the EIR with the property owner for the proposed shared Birch Street access. A6-2

3. There are two projects being processed adjacent to this site which should be included in the list of cumulative projects in the area (Scholle and Irvine Technology Center (ITC)). Please contact Peter Anderson at (949) 724-7370 for more detailed information regarding these two projects. A6-3

4. Please confirm that Caltrans has received a copy of this EIR. A6-4

5. On Page 1-5, the last paragraph states that the Tower Jazz facility is expected to continue as an interim use after the development of Phase 1; however, Table 5.14-6 states that the trips for existing Tower Jazz will be demolished for Phase 1. Please clarify the text and the table. A6-5

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6. Revise Figure 5.14-3 to include City of Irvine I-Shuttle routes and stops. A6-6

Traffic Study

7. Revise the traffic study to include a list of City of Irvine Congestion Management Plan (CMP) links within the study area. A6-7

8. Provide existing 2018 and 2021 no project and with project Average Daily Trips (ADT) volumes for each link within the study area. ADTs were missing from the report. A6-8

9. Please include Intersection Capacity Utilization (ICU) values for the intersections of Michelson/Teller and Dupont/Teller which are within the study area. A6-9

10. Please check the existing 2018 and 2021 ICU values for the following locations since there are major discrepancies between IBC Vision Plan values and this report: A6-10

- Von Karman/Campus
- Von Karman/Michelson
- Jamboree/Main
- Jamboree/I-405 NB ramps
- Jamboree/I-405 SB ramps
- Jamboree/Michelson
- Harvard/Michelson
- MacArthur/Campus
- MacArthur/Birch
- MacArthur/Jamboree
- Carlson/Campus
- Mesa/University
- California/University

Please review the data used to generate the ICU values and modify accordingly or provide an explanation for the changes.

Thank you for the opportunity to review and comment on the proposed project. Staff would appreciate the opportunity to review any further information regarding this project as the planning process proceeds.

If you have any questions, I can be reached at (949) 724-6314, or at dlaw@cityofirvine.org.

Sincerely,

David R. Law, AICP
Senior Planner

Cc: Barry Curtis, Manager of Planning Services (via email)
Bill Jacobs, Principal Planner (via email)
Farideh Lyons, Senior Transportation Analyst (via email)

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A6. Response to Comments from the City of Irvine, David. R. Law, Senior Planner, dated October 17, 2012.

A6-1 The distribution of project traffic at the site entry points for Phase 1 and ultimate buildout of the project is shown on Figure 23 of the updated traffic study (FEIR Appendix E). The current site plan is in Figure 3.6-b, *Master Site Plan*, in Section 3.5, *Revised and New Figures*. The main entry on Jamboree Road has been modified to provide two inbound lanes between Jamboree Road and the 90-degree bend in order to provide more capacity for incoming traffic. The Highway Capacity Manual (HCM) intersection output has been reviewed, and the evening peak hour entering queue on northbound Jamboree is estimated to average no more than 1 vehicle at the unsignalized entrance and 11 vehicles at the main entrance at ultimate project buildout.

A6-2 The DEIR accurately stated the Birch Street access easement rights (see DEIR page 5.14-34), and the use of the easement is appropriately incorporated into the traffic analysis. According to the applicant and current property owner of the Uptown Newport project, the access easement to Birch Street is a nonexclusive easement dated April 28, 1978, and recorded in the Orange County Recorder's Office on May 26, 1978. The easement granted to Rockwell International, Uptown Newport's predecessors-in-interest, is a "non-exclusive easement for passage in, over and along the real property including the right to maintain driveways, roadways, sidewalks and passageways on said property." The easement has been continuously used for many decades by the property owners, employees, agents, and guests, among others. The easement contains no such restrictions as outlined in the comment and does not limit its use to (1) a specific period of time, (2) private access only, or (3) vehicular access. Additionally, "passage over" and the right to maintain sidewalks necessarily imply pedestrian access. The DEIR, therefore, accurately states the easement rights.

A6-3 The project-related traffic from the two additional cumulative projects (Scholle and Irvine Technology Center) has been added to the study intersections, and the peak hour intersection analysis for all affected scenarios has been rerun (see Section 3.4, *Updated Traffic Modeling*). No new project impacts have been identified in the revised analysis. The traffic impact study has been updated to reflect the revised analysis (FEIR Appendix E).

A6-4 Caltrans received and reviewed the DEIR and provided comments in a letter to the City of Newport Beach dated October 24, 2012. Please see Letter A7 and Responses A7-1 to A7-10.

A6-5 The existing TowerJazz includes two buildings—4311 and 4321 Jamboree Road. The trips that would cease after completion of Phase 1 are related to the 4311 Jamboree Road building, which would be demolished during project Phase 1. This is presented in DEIR Table 5.14-6, which shows the project's trip generation for Phase 1.

A6-6 Copies of the I-Shuttle route maps and schedules for Routes A and B in the project study area are attached in Appendices C1 and C2.

A6-7 In the City of Irvine, the following roadways are congestion management plan (CMP) roadways:

- Jamboree Road
- MacArthur Boulevard
- Irvine Center Drive
- Laguna Canyon Road

This information has been added to the traffic impact study prepared in November 2012, which is included as FEIR Appendix E.

A6-8 ADT volumes for Existing, 2018, and 2021 without and with the project are provided in Table 1 on the next page.

A6-9 The list of study intersections was developed in the Fall of 2011, with input and concurrence from City of Irvine staff. Furthermore, based on the trip distribution assumptions in the study, project traffic is not distributed through either of these intersections. The two requested intersections were not added to the traffic impact analysis.

A6-10 The commenter does not state which scenario from the IBC Vision Plan is being compared to the Uptown Newport intersection results. This response is based on a comparison of the Year 2021 Cumulative with Full Uptown Newport Project results and the Year 2015 Cumulative Baseline with Project scenario for the IBC Vision Plan.

The IBC Vision Plan analysis was based on traffic forecasts from the then-current (2009) ITAM model. The ITAM forecasts for the Uptown Newport analysis were provided by the City in December 2011. There are various differences between the two ITAM data sets, depending on the intersection / location.

In addition, based on direction from the City of Irvine, a growth rate of 1.5 percent per year was added to the ITAM forecasts for all intersection movements to develop 2018 and 2021 forecasts. This means that for the ultimate project completion (Year 2021), the 2015 ITAM forecasts were "grown" by 9 percent. As a result, it is not surprising that the Uptown Newport 2021 Cumulative with Project intersection results are typically 8 to 10 percent higher than the IBC Vision Plan results.

It should be noted that two intersections of those listed, (MacArthur/Birch and MacArthur/Jamboree) are City of Newport Beach intersections. ITAM forecasts were not provided for these intersections, and therefore they were analyzed using the "build-up" method, per City of Newport Beach policy. In the case where Uptown Newport intersection results are less than the IBC Vision Plan results, this was the result of a combination of differences in the ITAM forecasts themselves, as well as lane changes.

Table 1
Uptown Newport: Roadway Segment ADT

Roadway	Segment	Existing		Phase 1 (2018)		Phase 2 (2021)	
		Existing	Plus Project Phase 2	Without Project	With Project	Without Project	With Project
Main Street	Jamboree to Harvard	19,620	19,570	33,880	33,860	35,430	35,380
Michelson Drive	East of Jamboree	19,920	19,870	34,510	34,490	36,080	36,030
Michelson Drive	East of Harvard	16,370	16,320	21,540	21,520	22,520	22,470
Campus Drive	Jamboree to Carlson	14,970	14,920	22,350	22,570	23,370	23,320
Jamboree Road	Michelson to Dupont	45,560	47,430	55,430	56,610	57,930	59,700
Jamboree Road	Dupont to Campus	42,710	44,480	51,500	52,680	53,820	55,590
Jamboree Road	South of Bayview	34,990	35,710	43,740	44,190	44,850	45,590
Carlson Avenue	Michelson to Campus	7,450	7,450	13,690	13,690	14,310	14,310
Harvard Avenue	Michelson to University	17,310	17,310	19,330	19,330	20,220	20,220
Mesa Drive	West of Irvine Avenue	5,660	5,660	5,810	5,810	5,880	5,880
Irvine Avenue	South of Mesa Drive	25,100	25,460	29,430	29,660	30,050	30,410
Irvine Avenue	North of Mesa Drive	19,340	19,700	23,120	23,350	23,740	24,100
Bayview Place	South of Bristol	3,510	3,510	3,740	3,740	3,740	3,740
Bayview Way	West of Jamboree	1,870	1,870	2,140	2,140	2,170	2,170
University	East of Jamboree	9,580	9,580	11,280	11,280	11,410	11,410
University	California to Mesa	28,830	28,830	34,580	34,580	36,100	36,100
University	Mesa to Campus	29,600	29,600	35,990	35,990	37,580	37,580
University	East of Campus	29,300	29,250	32,460	32,680	33,880	33,830

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LETTER A7 – California Department of Transportation (5 pages)

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY Edmund G. Brown, Governor

DEPARTMENT OF TRANSPORTATION
District 12
3347 Michelson Drive, Suite 100
Irvine, CA 92612-8894
Tel: (949) 724-2267
Fax: (949) 724-2592

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RECEIVED BY COMMUNITY DEVELOPMENT CITY OF NEWPORT BEACH
OCT 26 2012

October 24, 2012

Rosalinh Ung
City of Newport Beach
3300 Newport Boulevard
Newport Beach, CA 92658

File: IGR/CEQA
SCH#: 2010051094
Log #: 2533A
SR-73, SR-55, and I-405

Subject: Uptown Newport Village Specific Plan Project

Dear Ms. Ung,

Thank you for the opportunity to review and comment on the **Draft Environmental Impact Report (DEIR) for the Uptown Newport Village Specific Plan Project.** The project proposes redevelopment of existing industrial and office uses with residential and mixed-use development. Approximately 1,244 housing units, 11,500 square feet of neighborhood serving uses, a Central Park and two pocket parks totaling 2 acres, and parking would be developed in a pedestrian-friendly village format. A new street grid system would be developed to provide appropriate circulation throughout the project site. The nearest State routes to the project are SR-73, SR-55, and I-405.

The California Department of Transportation (Department), District 12 is a commenting agency on this project and has the following comments:

1. This project will impact SR-73, SR-55, and I-405 freeway mainlines, interchanges, ramps and intersections. Impacts of development causing operating conditions to deteriorate to deficient levels of service, or impacts adding to an existing deficient level of service condition require mitigation. A7-1

2. The Department's traffic operations branch requests a capacity analysis study for all mainline ramps and ramp intersections within the study area to determine if the project will cause queuing from the ramps to the mainline. A7-2

3. The study area and trip distribution diagrams for the Existing vs. Proposed condition show significant impacts to SR 55, SR 73, SR 55/I-405 connectors. However, the report does not include an analysis that these trips have on the State Highway facilities or a quantative analysis of the cumulative impacts this project will create on SR 55, SR 73 and I-405 and the connections between these facilities. A7-3

4. The following significance thresholds SHOULD be used when analyzing State Transportation Facilities: A7-4

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For Freeway Mainline Segments, a significant impact occurs when:

a) The project degrades the Level of Service (LOS) from LOS D/E cusp or better without the project to a LOS that is worse than D/E cusp with the project, or

b) The project contributes at least 50 peak hour trips to a freeway segment (one-way, all lanes) that, without the project, is or will be operating at an unacceptable LOS (worse than D/E cusp). The 50-trip threshold is specified in the Department's LD-IGR Technical Bulletin dated June 2008.

For Off-ramps, a significant impact occurs when:

a) The project degrades the Level of Service (LOS) from LOS D/E cusp or better without the project to a LOS that is worse than D/E cusp with the project, or

b) The project contributes at least 10 peak hour trips per lane at the gore point to an off-ramp that, without the project, is or will be operating at an unacceptable LOS (worse than D/E cusp). The 10 trips per lane is derived proportionally from the 50-trip mainline threshold with the following assumptions:

- Freeway Mainline Segments: 2,000 vehicles per hour per lane (vphpl) for mixed-flow (general purpose) lanes
- Off-ramps: 1,500 vehicle per hour (vph) for a one-lane ramp
- Number of lanes for a typical freeway segment: 4 lanes

A7-4 cont'd

$$\text{Off-ramp Threshold} = \frac{\text{Mainline Threshold}}{\text{Mainline Capacity} * \text{Number of Lanes}} * \text{Off-ramp Capacity}$$

$$= \frac{50}{2{,}000 * 4} * 1{,}500$$

$$= 9.375$$

$$\cong 10 \text{ (rounded up to nearest integer because trip numbers are integers)}$$

For On-ramps, a significant impact occurs when:

a) The demand on a ramp exceeds the storage capacity, and the queue extends back on to City streets. The storage analysis should follow the Department's Ramp Metering Guidelines with the capacity assumption of a maximum of 900 vphpl for 1 lane and 1,200 vphpl for 2 lanes.

For Ramp Intersections, a significant impact occurs when:

a) The project degrades the Level of Service (LOS) from LOS D/E cusp or better without the project to a LOS that is worse than D/E cusp with the project, or

b) The project contributes at least 10 seconds per vehicle in delay to an intersection that, without the project, is or will be operating at an unacceptable LOS (worse than D/E cusp).

To calculate a projects fair share responsibility:

The formula is included below for your use:

The Department's Methodology

$$P = \frac{T}{(T_B - T_E)}$$

A7-4 cont'd

Where:

P = The equitable share for the proposed project's traffic impact.
T = The vehicle trips generated by the project during the peak hour of adjacent State highway facility in vehicles per hour, vph.
T_B = The forecasted traffic volume on an impacted State highway facility at the time of general plan build-out (e.g., 20 year model or the furthest future model date feasible), vph.
T_E = The traffic volume existing on the impacted State highway facility plus other approved projects that will generate traffic that has yet to be constructed/opened, vph.

5. The Department has interest in working cooperatively to establish a Traffic Impact Fee (TIF) program to mitigate such impacts on a "fair share" basis. Local development project applicants would pay their "fair share" to an established fund for future transportation improvements on the state highway system. If there is an existing TIF program, it can be amended to include mitigation for the state highway system or a new TIF program may be considered. The Department requests the opportunity to participate in the TIF for state highway improvements development process. A7-5

6. The Department requests to participate in the process to establish and implement "fair share" mitigation for the aforementioned project impacts. The Department has an established methodology standard used to properly calculate equitable project share contribution. This can be found in Appendix B of the Department's Guide for the Preparation of Traffic Impact Studies which is available at: http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf. A7-6

7. The Department, in accordance with Section 130 of the California Streets and Highways Code, may enter into a contract with the lead agency to provide the mitigation measures listed in the EIR. This may include construction of the mitigation measures, the advancement of funds (proportional to the fair-share cost) to pay for mitigation measures, or the acquisition of rights-of-way needed for future improvements to the state highway system. A7-7

8. For CEQA purposes, the Department does not consider the Congestion Management Plan (CMP) significance threshold of an increase in v/c more than 1% ramps or 3% for mainline appropriate. For analysis of intersections connecting to State facilities, ramps and freeway A7-8

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mainline, we recommend early coordination occur to discuss level of significance thresholds related to traffic and circulation. A7-8 cont'd

9. The Department understands that it is the lead agency's right and responsibility to choose an appropriate significance threshold when analyzing a project's environmental impacts. However, the significance threshold of 1% increase in V/C established by the city is not the type of significance threshold the Department would use for cumulative impacts. Per CEQA Case Law *(King County Farm Bureau et al. v. City of Handford, 1990)*, a fixed ratio or percentage may not be an appropriate significance threshold for cumulative impact analysis. A minor increase (less than 1%) in traffic could affect the operation of State Route 73. Should there be any significant cumulative impacts on State Facilities, appropriate mitigation measures are to be identified and submitted for our review and comment. If the City has any questions about selecting appropriate significance threshold, we would be happy to provide assistance. A7-9

10. The Department endeavors to maintain a target LOS at the transition between LOS C and LOS D on State highway facilities. Any degradation of the LOS past this threshold should be mitigated to bring the facility back to the baseline/existing condition. The traffic study should analyze impacts in terms of LOS and hours of delay. For example, when the existing condition of a freeway segment is operating at LOS F and a project will add a significant number of new trips to this segment the LOS will not change but the total hours of delay would. Therefore, when fully disclosing the impacts a project will have on this segment, the total hours of delay would be a more accurate method to use. For future projects that may impact State facilities, we recommend that early coordination be done between the Department and the City to fully address level of significance thresholds (transition between LOS C and D) and appropriate methods for analyzing impacts (LOS vs. Hours of Delay). A7-10

Please continue to keep us informed of this project and any future developments, which could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Damon Davis at (949) 440-3487.

Sincerely,

Chris Herre, Branch Chief
Local Development/Intergovernmental Review

C: Terry Roberts, Office of Planning and Research

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10/23/2012 15:53 97242592 PAGE 05/05

October 24, 2012

Rosalinh Ung
City of Newport Beach
3300 Newport Boulevard
Newport Beach, CA 92658

File: IGR/CEQA
SCH#: 2010051094
Log #: 2533A
SR-73, SR-55, and I-405

Subject: Uptown Newport Village Specific Plan Project

BC: Ahmed Abou-Abdou, Acting Deputy District Director

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A7. Response to Comments from the California Department of Transportation, Chris Herre, Branch Chief, dated October 24, 2012.

A7-1 Potential impacts to the freeways and ramp intersections in the study area are addressed in the DEIR, section 5.14, *Transportation and Tr*affic. The analysis includes 4 ramp intersections and 10 freeway mainline segments on SR-73 and I-405. The analysis was conducted using the Highway Capacity Manual (HCM) analysis methodology, as specified in the Caltrans "Guide for the Preparation of Traffic Impact Studies" (December 2002).

A7-2 See response to A7-1.

A7-3 See response to A7-1.

A7-4 The analysis shows that the project will not cause a freeway ramp intersection to worsen from LOS D/E or better and will not contribute 10 seconds per vehicle in delay at any intersection ramp that is already operating at worse than LOS D/E. On the freeway mainline segments, the project will not cause a freeway mainline segment to worsen from LOS D/E or better. For any freeway mainline segment that is already operating at worse than LOS D/E, the project's contribution to the peak hour density (pc/mi/ln) will be 0.0 to 0.2 vehicle per hour per lane (less than one-quarter of a vehicle).

The HCM analysis provides queuing information for freeway ramp intersections. The analysis results indicate that the queuing storage length available for traffic entering and exiting the freeway will accommodate the future 2021 peak hour volumes with the project traffic.

A7-5 The comment is noted. The project impact on state highway facilities would not require mitigation.

A7-6 The comment is noted.

A7-7 The comment is noted.

A7-8 The comment is noted. The project does not have a significant impact using the thresholds described in response A7-4.

A7-9 The comment is noted. The project does not have a significant impact using the thresholds described in response A7-4.

A7-10 The comment is noted. The project does not have a significant impact using the thresholds described in response A7-4.

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LETTER A8 – Irvine Ranch Water District (2 pages)

IRVINE RANCH WATER DISTRICT 15600 Sand Canyon Ave., P.O. Box 57000, Irvine, CA 92619-7000 (949) 453-5300

October 24, 2012

Rosalinh Ung
Associate Planner
City of Newport Beach
3300 Newport Blvd.
Newport Beach, CA 92658-8915

Subject: Notice of Completion and Availability of the Draft Environmental Impact Report (DEIR) (SCH#2010051094) for Uptown Newport, 4311-4321 Jamboree Road, Newport Beach

Dear Ms. Ung:

Irvine Ranch Water District (IRWD) has received and reviewed the subject DEIR and offers the following comments.

The DEIR states that the TowerJazz building, northern parking area and other remaining site improvements would be demolished under Phase 2 to develop up to 830 dwelling units and other associated site improvements. The DEIR assumes that Phase 2 could commence as early as spring 2017 with build-out through 2021. IRWD has confirmed with TowerJazz that the company has previously negotiated and signed two five-year extensions to its lease after 2017 which will extend TowerJazz operations until 2027. A8-1

IRWD completed a Sub-Area Master Plan (SAMP) in February 2008 which analyzed demands for land use changes envisioned by the Irvine Business Complex including this site within the City of Newport Beach. IRWD would request that the developer meet with IRWD staff to determine the necessity of a SAMP update or SAMP addendum as specifics of the project become known. Please contract Eric Akiyoshi at (949) 453-5552 regarding the SAMP update with respect to the land use changes proposed by the project. A8-2

On March 14, 2011, the IRWD Board of Directors approved an assessment of water supplies for the Uptown Newport Beach project and made the determination that sufficient water supply is available for the project. This water supply assessment (WSA) included projections for water demand up to 1,244 units in the City of Newport Beach and is included in the DEIR. As tract maps are prepared for this project, verification of water supply for projects with a minimum of 500 dwelling units is required. Please contact Kellie Welch at (949) 453-5604 to request the verification of water supplies. A8-3

In Section 5.15.1 *Water Supply and Distribution Systems*, page 5.15-1, the DEIR states "Approximately 50 percent of IRWD's water supply is imported through the Metropolitan Water District (MWD) and 50 percent is groundwater pumped from the Orange County Groundwater A8-4

Basin (Basin)". Tables 5.15-1, 5.15-2 and 5.15-3 in this Section include potable water supply information taken from IRWD's WSA. As clarification, this information from the WSA actually depicts IRWD's capacity and actual deliveries are different from capacity. Currently, approximately 30 percent of IRWD's potable water supply is imported through MWD and 70 percent of its potable supply is through groundwater pumped from the Basin.

A8-4 cont'd.

Under the *Single and Multiple Dry year* discussion in Section 5.15.1 at page 5.15-3, the DEIR states, "IRWD has used the single dry-year of 1977 and the multiple dry years of 1990-1992 to model these scenarios." As clarification, these specified years were used in IRWD's 2010 Urban Water Management Plan UWMP and do, however, correspond with projections used in the WSA. As stated on page 3 of the approved WSA, IRWD projects increased dry year and multiple dry year demands as follows: "Lower levels of precipitation and higher temperatures will result in higher water demands, due primarily to the need for additional water for irrigation. To reflect this, base (normal) WRMP water demands have been increased 7% in the assessment during both "single-dry" and "multiple-dry" years. This is consistent with IRWD's 2005 UWMP and historical regional demand variation as documented in the Metropolitan Water District of Southern California's ("MWD's") Integrated Resources Plan (1996) (Volume 1, page 2-10)." The DEIR references the statement quoted above as from (IRWD 2011b), however, in the Bibliography, item IRWD 2011b is cited as an Irvine Desalter Project Brochure. The correct reference for discussion of IRWD's water supply sufficiency and single and multiple dry years should be the WSA which is included in Appendix N. Also, on page 5.15-2 under discussion of the Irvine Desalter, there is a reference to IRWD 2011c which is not shown in the Bibliography.

A8-5

IRWD appreciates the opportunity to review and comment on the DEIR. If you have any questions or require additional information, please contact Kellie Welch at (949) 453-5604.

Sincerely,

Paul Weghorst
Director of Water Resources and Environmental Compliance

PW/CLK/clg

cc: Mike Hoolihan, IRWD
Kellie Welch, IRWD
Eric Akiyoshi, IRWD
Greg Heiertz, IRWD

S:/deptlist/admin/710/kw/Comments Letter Oct 24_2012.docx

A8. Response to Comments from Irvine Ranch Water District, Paul Weghorst, Director of Water Resources and Environmental Compliance, dated October 24, 2012.

A8-1 As documented in the DEIR, TowerJazz's current lease expires in March 2017, but the company has an option to extend the lease to as late as March 2027. The analysis of Phase 1 throughout the Draft EIR addresses the operating impacts, including water demand, associated with concurrent operation of the manufacturing facility and Phase 1 development of Uptown Newport. If TowerJazz extends its lease to 2027, these conditions would extend to that year. Mitigation measures for the Phase 1 condition would apply whether the lease expires in 2017 or is extended to 2027.

A8-2 The project applicant, Uptown Newport LP, will consult with IRWD staff regarding water service requirements for the project and whether an update or addendum to the Sub-Area Master Plan (SAMP) is needed.

A8-3 As the project submits tentative tract map(s) to the City of Newport Beach for approval, the applicant will request verification of water supply from IRWD for each proposed tentative tract map of 500 or more dwelling units.

A8-4 Comment acknowledged. The text on DEIR page 5.15-1 has been revised to clarify the distinction between IWRD's water capacity vs. current deliveries (see Chapter 3.0, *Revisions to the Draft* EIR).

A8-5 Pages 5.15-2 and 5.15-3 have been revised as follows to correctly reflect the methodology employed in the IRWD-prepared water supply assessment (see Chapter 3.0, *Revisions to the Draft EIR*):

~~Historic water shortages are used to model the single- and multiple-year dry scenarios. IRWD has used the single-dry year of 1977 and the multiple-dry years of 1990-1992 to model these scenarios (IRWD 2011b).~~ Lower levels of precipitation and higher temperatures will result in higher water demands, due primarily to the need for additional water for irrigation. To reflect this, base (normal) Water Resource Management Plan (WRMP) water demands were increased 7 percent in the assessment during both "single-dry" and "multiple-dry" years.

DEIR Page 5.15-2 has been corrected to show the source under the header *Irvine Desalter* as the "Irvine Desalter Project Brochure," IRWD 2011b (see Chapter 3.0, *Revisions to the Draft EIR*).

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LETTER A9 – University of California Irvine (1 page)

UNIVERSITY OF CALIFORNIA, IRVINE

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO • SANTA BARBARA

Environmental Planning and Sustainability

750 University Tower
Irvine, CA 92697-2325
(949) 824-6316
(949) 824-1213 Fax

24 October 2012

Rosalinh Ung
Associate Planner
City of Newport Beach
3300 Newport Boulevard
Newport Beach, CA 92658-8915

Re: DEIR Uptown Newport Project (PA2011-134)

Dear Ms. Ung:

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the Uptown Newport Project (Project) in the City of Newport Beach. The University of California, Irvine has the following comments on the document:

1. UC Irvine's response to the Notice of Preparation for this project identified the 2007 UCI Long Range Development Plan (LRDP) as the adopted land use plan for the UCI campus and requested that the LRDP development program be used in the analysis contained in the DEIR. It is not apparent from review of the DEIR that the project analysis and cumulative analysis included and considered the LRDP development program. A9-1

2. Please confirm whether the UCI LRDP development program was included in the DEIR analysis and identify the LRDP program or projects that were utilized in the cumulative analysis. A9-2

3. Appendix C in the DEIR Traffic Impact Analysis does not appear to mention the UCI LRDP or include the LRDP development program in the traffic forecasts and analysis. Please indicate at what level the 2007 LRDP (UC Irvine campus as a whole and the North Campus planning area) were included in the analysis prepared for the DEIR. A9-3

4. Please describe the analysis used to determine that implementation of the project would not conflict with the UCI LRDP nor result in any impacts to the UCI LRDP A9-4

5. Please describe the traffic volume forecasts and criteria used to conclude that the intersection on Jamboree Road (north of Fairchild Road) would continue to operate at an acceptable level of service as an un-signalized intersection following completion of Phase 2. A9-5

Please continue to keep UC Irvine informed of the project review and approval process and provided with any subsequent documents. Please contact me at (949) 824-8692 if you require additional information regarding UC Irvine planning.

Sincerely,

Alex Marks,
Associate Planner

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A9. Response to Comments from the University of California, Irvine, Alex Marks, Associate Planner, dated October 24, 2012.

A9-1 The UCI LRDP is included in the cumulative analysis for the Year 2018 and 2021 scenarios. The project was inadvertently left off the cumulative projects in DEIR Table 4-2.

A9-2 The UCI LRDP is included in the cumulative analysis for the Year 2018 and 2021 analysis. Information regarding the LRDP project trips (2025 with Proposed LRDP) at the study intersections was obtained from the "LRDP Update 2007 EIR" traffic study.

A9-3 Information regarding the LRDP as a cumulative project has been added to the revised traffic study (see FEIR Appendix E). The LRDP project trips for the uses anticipated to be operational by 2025 were included to develop future year forecasts in the study area.

A9-4 The project impact was evaluated at 43 study intersections in the project vicinity, including intersections in both the City of Newport Beach and the City of Irvine. The traffic forecasts for the Irvine intersections are from the City of Irvine citywide ITAM traffic model, provided by Irvine staff. Per direction from the City of Irvine, a growth rate of 1.5 percent per year was added to the ITAM forecasts for a very conservative analysis. The results of the analysis indicated that the Uptown Newport project would not cause any study intersection to operate at an unacceptable level of service and would not contribute a significant amount of traffic to any study intersection already operating at an unacceptable level of service.

A9-5 The unsignalized entrance on Jamboree Road currently allows all turning movements. With completion of the project, the entrance would be relocated approximately 175 feet farther to the north and modified to prohibit left turns out. At project completion, the intersection would be limited to right turns in from southbound Jamboree Road, right turns out from the driveway onto southbound Jamboree Road, and left turns in from northbound Jamboree Road. With these changes, the intersection would operate with very low levels of delay in both peak hours and would not adversely affect traffic flow on Jamboree Road.

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LETTER A10 – South Coast Air Quality Management District (4 pages)

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

E-Mailed: October 25, 2012
rung@newportbeachca.gov

October 25, 2012

Ms. Rosalinh Ung, Associate Planner
City of Newport Beach
3300 Newport Boulevard
Newport Beach, CA 92663

Review of the Draft Environmental Impact Report (Draft EIR) for the Uptown Newport Project

The South Coast Air Quality Management District (AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comment is intended to provide guidance to the lead agency and should be incorporated into the Final Environmental Impact Report (Final EIR) as appropriate.

Based on a review of the Draft Environmental Impact Report (Draft EIR) the lead agency has not provided sufficient transportation-related technical information to substantiate the project's operational air quality impacts from the proposed project. Therefore, the AQMD staff recommends that the lead agency provide additional information in the Final EIR that addresses these concerns. Further, given that the Draft EIR demonstrates significant air quality impacts from NOx emissions during construction the AQMD staff recommends that the lead agency provide additional mitigation pursuant to CEQA Guidelines Section 15126.4. Details regarding these comments are attached to this letter. A10-1

Pursuant to Public Resources Code Section 21092.5, please provide the AQMD with written responses to all comments contained herein prior to the adoption of the Final EIR. Further, staff

is available to work with the lead agency to address these issues and any other questions that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

Sincerely,

Ian MacMillan
Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

Attachment

IM:DG

ORC120911-05
Control Number

CalEEMod Input Data-Vehicle Fleet Mix

1. Upon review of the air quality appendix for the Draft EIR the AQMD staff noticed that the reported values for the transportation emissions source categories (i.e., fleet-mix input values) are based on a set of non-default values in CalEEMod. Specifically, the lead agency assumed that 60% of the project's vehicle trips are attributed to light duty automobiles (LDA) and 30% are due to light duty trucks (LDT2) based on CalEEMod input sheets, however, the lead agency did not provide any technical information to substantiate these values. Therefore, the AQMD staff recommends that the lead agency provide additional information in the Final EIR that substantiates the fleet-mix values used to determine the project's air quality impacts. A10-2

Construction Mitigation Measures

2. Given that construction air quality analysis in the Draft EIR demonstrates significant air quality impacts from NOx emissions the AQMD staff recommends that the lead agency provide additional mitigation pursuant to CEQA Guidelines Section 15126.4. Specifically, AQMD staff recommends that the lead agency minimize or eliminate significant adverse air quality impacts by adding the mitigation measures provided below. These measures should be made applicable to all construction equipment regardless of the duration of time that certain equipment pieces remain on site.

   - Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the lead agency determines that 2010 model year or newer diesel trucks cannot be obtained the lead agency shall use trucks that meet EPA 2007 model year NOx and PM emissions requirements.

   - Consistent with measures that other lead agencies in the region (including Port of Los Angeles, Port of Long Beach, Metro and City of Los Angeles)[1] have enacted, require all on-site construction equipment to meet EPA Tier 3 or higher emissions standards according to the following: A10-3

     ✓ Project Start, to December 31, 2014: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 3 offroad emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

     ✓ Post-January 1, 2015: All offroad diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions

[1] For example see the Metro Green Construction Policy at: http://www.metro.net/projects_studies/sustainability/images/Green_Construction_Policy.pdf

reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

- ✓ A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

- ✓ Encourage construction contractors to apply for AQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for AQMD "SOON" funds. The "SOON" program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at the following website: http://www.aqmd.gov/tao/Implementation/SOONProgram.htm

For additional measures to reduce off-road construction equipment, refer to the mitigation measure tables located at the following website: www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html.

A10. Response to Comments from the South Coast Air Quality Management District, Ian MacMillan, Program Supervisor, dated October 25, 2012.

A10-1 Response to the South Coast Air Quality Management District's (SCAQMD) comments are provided in Responses A10-2 and A10-3, below. Written responses to all public agency comments will be sent prior to the certification of the EIR, in accordance with CEQA Statutes Section 21092.5.

A10-2 Air quality modeling was based on a tailored fleet mix for the proposed project in Newport Beach. The data used to substantiate the change to model defaults were included in DEIR Appendix C (see pages 4, 11, and 14).

The CalEEMod run is based on EMFAC for Orange County, albeit modified as described below. EMFAC fleet mix percentage is the fleet mix by vehicle miles traveled (VMT) and not trips (e.g., percent of miles traveled by light duty automobiles and not percent of trips that are light duty automobiles). The default fleet mix in CalEEMod for Orange County (2018) assumes that approximately 83 percent of vehicles are passenger vehicles (LDA, LDT1, and LDT2) and 17 percent are medium-duty and heavy-duty trucks and buses. Because CalEEMod calculates emissions from the transportation sector based on trip generation, the fleet mix assumes a disproportionately high number of medium-duty and heavy-duty trucks and bus trips. For example, of the 9,033 trips generated by the project per day, the CalEEMod default would assume that 1,585 trips per day are medium- and heavy-duty truck and bus trips, which is unrealistic for a residential/commercial mixed-use project. CalEEMod calculates such a high number, again, because the fleet mix in CalEEMod is based on VMT and not trips, and trucks travel approximately three to four times longer per trip than passenger vehicles (e.g., in the Southern California Association of Government's [SCAG] region, 8- to10-mile average trip length for passenger vehicles versus 30+-mile trip length for trucks). In CalEEMod, the length of the trip is applied to the trip generation rate by trip type (e.g., home to work, commercial to commercial, etc.) and does not allow the user to modify the length of the trip based on the vehicle type (i.e., passenger vehicle or truck trips). Therefore, the CalEEMod defaults were modified to reflect the fleet mix as a percentage of trips (not VMT) based on the fleet mix provided by Caltrans for Pacific Coast Highway. This data was provided in DEIR Appendix C.

As identified in Appendix C, Caltrans's "Annual Average Daily Truck Traffic on the California State Highway System" (2011), Pacific Coast Highway south of State Route 55 was 98.9 percent passenger vehicles, 0.9 percent medium-duty trucks, and 0.3 percent heavy-duty trucks. This traffic volume is more reflective of the residential and commercial nature of projects in the City of Newport Beach and of the residential-commercial nature of the proposed project. It also more accurately reflects the fleet mix by percentage of trips instead of by percentage of VMT, which is currently the model default.

A10-3 Mitigation Measure 2-1 has been revised based on the recommendations of SCAQMD to further reduce project-related NO_x from off-road construction equipment. Construction-related NO_x emissions generated by the project were identified as a significant unavoidable impact of the project (see Chapter 3, *Revisions to the Draft EIR*).

Applicability of Mitigation Based on the Duration of Time Onsite: Mitigation Measure 2-1 has been revised to apply to nonemergency equipment rather than only to equipment onsite for more than five days.

Tier 4 Phase-In: At the time of the preparation of the DEIR, Tier 4 equipment is not readily available in southern Californian construction equipment fleets, and it is speculative to determine when such equipment may be readily available for contractors. Nonetheless, Mitigation Measure 2-1 includes a phase-in for Tier 4 equipment, if available.

Level 3 DPF: Diesel particulate filters (DPF) reduce the amount of particulate matter (PM_{10} and $PM_{2.5}$) generated by project-related off-road construction equipment exhaust. As shown in DEIR Table 5.2-16 and Table 5.2-17, with mitigation the proposed project would not exceed the SCAQMD significance thresholds for particulate matter (PM_{10} or $PM_{2.5}$). Therefore, use of DPF is not warranted.

Copy of Tier/BACT Specification: Mitigation Measure 2-1 already states that a copy of each unit's certified Tier specification shall be provided at the time of mobilization of each applicable unit of equipment.

2-1 The construction contractor shall use construction equipment rated by the United States Environmental Protection Agency as having Tier 3 or higher exhaust emission limits for nonemergency equipment over 50 horsepower ~~that are onsite for more than 5 days~~. Tier 3 engines between 50 and 750 horsepower are available for 2006 to 2008 model years. After January 1, 2015, nonemergency equipment over 50 horsepower ~~that are onsite for more than 5 days~~ shall be equipment meeting the Tier 4 standards, if available. A list of construction equipment by type and model year shall be maintained by the construction contractor onsite. A copy of each unit's certified Tier specification shall be provided at the time of mobilization of each applicable unit of equipment. Prior to construction, the City of Newport Beach shall ensure that all demolition and grading plans clearly show the requirement for United States Environmental Protection Agency Tier 3 or higher emissions standards for construction equipment over 50 horsepower during ground-disturbing activities. In addition, ~~equipment~~ the construction contractor shall properly service and maintain construction equipment in accordance with the manufacturer's recommendations. Construction contractors shall also ensure that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with California Air Resources Board's Rule 2449.

2010 Haul Trucks: Mitigation Measure 2-2 already requires use of EPA-certified SmartWay trucks for large vendor truck deliveries. However, a new mitigation measure has been added in order to further reduce project-related NO_x from on-road construction vehicles and is based on the recommendations of SCAQMD for on-road haul trucks used to transport demolition debris and soil offsite. Construction-related NO_x emissions generated by the project were identified as

a significant unavoidable impact of the project (see Chapter 3, *Revisions to the Draft EIR*).

2-7 The construction contractor shall use haul trucks and/or require subcontractors to use haul trucks that are 2010 or newer for demolition and construction (C&D) debris removal offsite and soil haul, unless evidence is provided by the contractor/subcontractor that such trucks are not readily available at the time of issuance of a demolition and/or grading permit.

SOON Funds: The comments on SCAQMD's Surplus Off-Road Opt-In for NOx (SOON) fund are noted. The SOON program provides funds to accelerate cleanup of off-road diesel vehicles, such as heavy duty construction equipment. Because there is no calculation for measuring a decrease in emissions based on this recommendation and no way to monitor emission reductions, CEQA does not consider this a mitigation measure; however, the comment is noted and is included in the administrative record.

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LETTER O1 – John S. Adams & Associates, Inc. (5 pages)

JOHN S. ADAMS & ASSOCIATES, INC.
5100 BIRCH STREET, NEWPORT BEACH, CALIFORNIA 92660
(949) 833-1972 FAX (949) 851-2055

October 23, 2012

Ms. Rosalinh Ung
Associate Planner
City of Newport Beach
3300 Newport Boulevard
Newport Beach, CA 92658-8915

Re: EIR – September 2012
Uptown Newport Project
Newport Beach, California

Dear Ms. Ung:

I am submitting these comments as President of Courthouse Plaza Association. This association includes 5100, 5120, 5140 and 5160 Birch Street (Courthouse Plaza), a four building office complex located immediately adjacent to the proposed Uptown Newport Project.

This letter expresses our strong opposition to the Uptown Newport project, in particular the Environmental Impact Report (EIR) prepared in conjunction with this project.

The following comments outline the flaws and errors contained in the Uptown Newport Project EIR dated September 2012.

Project Alternatives

The report gives minimal consideration to Project Alternatives. The alternatives all are considered as unlikely to yield a reasonable return on investment.

The report provides no basis, economic analysis or support for these conclusions. In addition the report does not consider a traffic neutral alternative as indicated in the General Plan. O1-1

Traffic

The applicant's presentation, Part 1, to the Planning Commission Study Session on October 4, 2012 indicated the following regarding the General Plan considerations for the project.

The General Plan allocated 2,200 residential units within the airport area. O1-2

- 550 new/additive units
- 1,650 replacement units from conversion of commercial and industrial uses
- Traffic neutral

The daily trip generation for this project is summarized in the report as follows:

Existing Use:	747
Proposed Total:	9,047
Net New Trips:	8,286

The proposed project results in an increase of 8,286 trips, which is a twelve-fold increase. However, the EIR concludes that this impact in not significant. An increase of 8,286 trips at this location cannot be considered not significant and is certainly not traffic neutral, as required by the General Plan. **The EIR's conclusion that this massive traffic increase is insignificant defies all logic.** O1-2 cont'd.

Traffic studies appear to have been completed prior to the implementation of the EIR. If traffic studies were completed on behalf of the project developer prior to the EIR they should not be considered valid and current traffic studies should be completed.

In addition, the traffic studies do not appear to consider increases in traffic that will result when the current 24% office vacancy rate in the airport area reduces to a more typical 5% office vacancy rate when economic conditions improve in the future.

Birch Street Easement

The proposed development proposes to utilize a private easement (Birch Street Easement) for one of the three primary ingress and egress points to the development.

The traffic study for the Birch Street Easement indicates the following peak hour traffic volumes.

	Figure 7 Existing Peak Hour		Figure 12 Existing plus Project Peak Hour		Percent Change	
	AM	PM	AM	PM	AM	PM
Left in	46	19	45	70	(-2%)	**+268%**
Right in	21	25	21	82	0	**+228%**
Left out	1	58	55	75	**+5500%**	+29%
Right out	14	46	63	62	**+350%**	+34%
Totals	**82**	**148**	**184**	**289**	**+124%**	**+95%**

O1-3

The peak hour traffic as a result of the project will increase 124% in the AM and 95% in the PM. Additionally, certain turning points have an even more significant increase in traffic. The added traffic created by this development is an added burden on the easement and cannot be considered not significant. **Again, the EIR's conclusion that the increased traffic on the Birch Street Easement is not significant defies logic.**

In addition, the traffic study is flawed. Under Site Access and On-Site Circulation (Page 86) the report indicates two access points to Jamboree Road: (1) the southerly signaled access at Fairchild Road and; (2) the northerly unsignalized intersection to the north. This northerly intersection is described as allowing right turn-in-and-out and left turn-in movements. Left turns out would be prohibited by signage as well as a raised medium on Jamboree. However, Figure 23 (Page 90) incorrectly shows left turn-out traffic.

The traffic study needs to be revised to address this issue and determine how much of this additional peak hour traffic will be directed through the Birch Street Easement.

The EIR also does not address the added impact of the Phase 1 development on the Birch Street Easement. Under the proposed plan a majority of Jazz traffic will be directed out the Birch Street Easement. Current plans indicate a narrow gated access point to the two Jamboree Road driveways which will directly encourage additional traffic to utilize the Birch Street Easement..

O1-3 cont'd.

The traffic flow should be mitigated to insure equal traffic access by Jazz out to Jamboree Road and not additionally burden the Birch Street Easement.

Lastly, the entire traffic study is based on the assumption that public vehicular access is allowed across the Birch Street Easement. The easement is a private driveway easement and does not allow public access. The general public does not have any current or future rights to utilize the Birch Street Easement. Therefore, the traffic study is based on an incorrect assumption.

Pedestrian Traffic

The proposed development plan indicates pedestrian access directed across the Birch Street Easement. On Page 5.14-34 of the EIR under Access Easement to Birch Street, the EIR states the grant of easements includes the right of pedestrian passage.

O1-4

The easement does not have language that addresses the allowance of pedestrian passage. The EIR needs to be revised to correctly state the easement access rights.

Construction Traffic

The EIR fails to address when, where and how much construction traffic will ingress and egress at the Birch Street Easement. The EIR does not address the impact on the easement due to construction traffic, noise and driveway maintenance.

O1-5

Noise/Vibration

On Page 5.10-39 of the EIR, the EIR states that vibration levels during Phase 2 will exceed thresholds at the adjacent office buildings to the northeast, which is our Courthouse Plaza project. The EIR states the vibration levels will cause annoyance to the occupants. However, the EIR concludes that the impact is less than significant because vibration moves around the site. O1-6

The impact will be significant on Courthouse Plaza. The loud noise and vibration caused during construction could result in lost tenants and reduced rental rates during construction. This will have significant economic impact on the Courthouse Plaza buildings.

Equinox Shadows

Figures 1C, 2B, and 2C indicate the Courthouse Plaza office buildings will be subject to significant shadow impacts.

These shadow issues should be mitigated by increasing the 15 foot set back from the Courthouse Plaza property line and reducing the building height from the proposed 150 feet. In addition, any proposed buildings that will cast shadows on adjacent properties should be relocated to the interior of the Uptown Village parcel so that all shadows are contained on-site. O1-7

Design Guidelines

The EIR indicates the property would be subject to Uptown Newport Design Guidelines.

On pages 33, 47 and 48 of Design Guidelines are exhibits that indicate landscaping, walks and trails and lighting plans that are placed along the Birch Street Easement and Birch Street frontage. The project developer does not have the right to construct these improvements in the easement area. The report should remove reference to these items and address project impacts absent these incorrect assumptions. O1-8

Phasing Plan

The EIR references the project Phasing Plan.

On pages 25, 26, 29, 30 and 33 are exhibits that indicate various utility, landscaping, pedestrian circulation plans that are placed along the Birch Street Easement. O1-9

The project developer does not have the right to construct these improvements in the easement area. The report should remove reference to these items and address project impacts absent these assumptions.

Site Development Standards

The EIR references land uses and Site Development Standards.

Site Development Standards Page 13, Figure 3-4 indicates interior spine and neighborhood public sheets with widths of 34 to 54 feet that connect to the Birch Street Easement. The City of Newport Beach should not approve a development plan that funnels public street traffic through a private driveway easement with only a 30'width. O1-10

The result is an attempt to convert a private driveway easement into a public street.

Conclusion

The EIR has not adequately addressed the proposed impact on adjacent property due to traffic, shade and shadow, and proposed infrastructure. The EIR's identifies numerous traffic, shade, noise/vibration and construction impacts on the adjacent properties. Yet, the EIR consistently downplays all the impacts and classifies them as not significant. **The EIR appears biased in support of the proposed development and does not adequately consider the impacts on the adjacent property owners.** O1-11

The developer should be required to mitigate all traffic, shadow, noise/vibration, and infrastructure plans on its property and not put any added burden on our property or other adjacent property.

Sincerely,

JOHN S. ADAMS & ASSOCIATES, INC.

John S. Adams

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O1. Response to Comments from John S. Adams & Associated, Inc., John S. Adams, dated October 23, 2012.

O1-1 As required by CEQA (Guidelines Section 15126.6), the DEIR "describe(s) a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." The DEIR reviews two project alternatives—Alternative Project Location and Optional Project Phasing Alternatives—and provides the reasons why they were not selected for detailed analysis. The No Project alternative and three optional development alternatives are evaluated in the DEIR in more detail.

A "reasonable return of investment" is included as a project objective (see DEIR page 7-2, Objective No. 6). Per CEQA, the alternatives are reviewed, in part, for their ability to "feasibly attain most of the basic objectives of the project." Additionally, CEQA includes economic viability as one of the factors that may be taken into account when addressing the feasibility of alternatives. The DEIR concludes that the Hotel/Office/Commercial alternative may be able to attain this objective and that the Office/Commercial/Residential and Reduced Density alternatives are unlikely to achieve this objective. The reasoning supporting these conclusions is provided in the DEIR text. For example, the following discussion supports the conclusion regarding economic viability for the Hotel/Office/Commercial alternative (see DEIR page 7-26):

> It is uncertain whether this alternative would yield a reasonable return on investment. Although statistics are not readily available for the demand for hotel units, information does indicate a depressed market demand for office use in the Orange County airport area as of the 4th quarter of 2011 (CBRE 2011). As of that quarter, the office vacancy rate was 24.9 percent, and it was estimated that it would take 8.5 years to absorb all of the available and under-construction Class A office space based on an annual absorption rate (2011) of 769,204 square feet for the Greater Airport area. Office use by Phase 2 of the project could be feasible if the economy picks up. If the office vacancy rate drops to approximately 7 percent, the existing office availability (including under construction) could be absorbed in approximately 4.2 years, and new office uses could be marketable. With a 5.7 percent vacancy rate, the retail market is better than the office market, but still depressed.

Each alternative was reviewed for its ability to avoid or substantially lessen any of the significant impacts of the project. As substantiated in the DEIR, although each development alternative could reduce one or more impacts of the proposed project, none of the development alternatives could eliminate any of the significant, unavoidable impacts of the proposed project.

Contrary to this commenter's assertion, each of the development alternatives evaluated for the DEIR would be traffic neutral. General Plan consistency, including trip neutrality, was a primary criterion in defining project alternatives (please refer to the third bullet on DEIR page 7-8). Moreover, a detailed trip summary, including daily and AM/PM peak trips for each alternative, was provided and compared to the proposed project.

O1-2 *Significance of Traffic Impact*

The commenter has correctly reproduced the daily trip information for the proposed project in comparison to the existing use. This information is provided in DEIR Table 5.14-7, *Summary of Full Project Trip Generation*. The traffic impact analysis was prepared in accordance with the City of Newport Beach Traffic Phasing Ordinance (TPO), the congestion management program (CMP), and CEQA requirements. The criteria to evaluate the significance of traffic impacts was consistent with the detailed significance criteria for both the City of Newport Beach and City of Irvine, as described on DEIR pages 5.14-10 and -11. Impacts from the project-related traffic trips were evaluated at 43 intersections in the study area for existing and future conditions. For example, based on the analysis, the proposed project would not significantly impact any local intersections:

- In the City of Newport Beach, the addition of project-generated trips would not cause the level of service at any intersection to deteriorate from acceptable (e.g., LOS "D") to a deficient level of service and would not increase the ICU at a study intersection by 1 percent or more (volume/capacity increase of 0.010 or more).

- In the City of Irvine, the project would not result in a 2 percent or greater impact (V/C increase of 0.02 or more) at any intersection that exceeds the acceptable level of service in the baseline condition, nor would it increase the ICU by 1 percent or more at a study intersection, causing it to become deficient.

As described in the DEIR, the trip generation estimates for the existing office and industrial development on the site, compared to the proposed project's, reveals that the proposed development would result in a shift of traffic patterns to and from the site. The existing office and industrial uses and nearby office uses have a heavier inbound traffic flow toward the project site in the morning and a heavier outbound traffic flow in the afternoon. The proposed project would have reverse traffic patterns. The results of the analysis show that though there would be increases in delay at some intersections related to project traffic, these increases would not exceed the significance criteria established by the cities of Newport Beach and Irvine.

Trip Neutrality

The project has been determined to be "trip neutral" as set forth in General Plan Land Use Policy 6.15.5, "Residential and Support Uses." The provisions of this policy and the project consistency analysis are provided in DEIR Table 5.9-1, *General Plan Consistency Analysis*. The policy states: "When a development phase includes a mix of residential and nonresidential uses or replaces existing industrial uses, the number of **peak hour** trips generated by cumulative development of the site shall not exceed the number of trips that would result from development of the underlying permitted nonresidential uses" (emphasis added). This policy additionally provides for the development of a maximum of 2,200 multifamily residential units and mixed-use buildings within the Airport Area.

The City applies a land use conversion methodology to determine consistency with the general plan's trip-neutral policy (i.e., office to residential) As detailed on DEIR page 5.9-15, based on the land use conversion methodology, a total of 694 residential units may be allocated to the site based on the permitted land uses and square-foot allocations in the general plan. The conversion methodology is also used to allocate units allowed as infill development (known as "additive units") in addition to general replacement units. Under the ICDP, 290 units were allocated to the project site as additive units. When the replacement and additive units are combined, the total is 984 units, but retail uses are factored in and reduce the total number of units by 62. Based on the methodology used to conform to the general plan traffic-neutral policy, 922 units may be constructed on the site. Pursuant to California law, 322 additional density bonus units may also be added to the site, for a total of 1,244 units as proposed. Based on the detailed analysis provided on DEIR page 5.9-15, the DEIR concludes that the number of peak hour trips generated by development of the project site would not exceed the number of trips attributable to existing permitted nonresidential uses. The Uptown Newport project is therefore consistent with the traffic-neutral requirement of General Plan Land Use Policy 6.15.5. (Note that the trip-neutrality policy does not apply to any bonus density units; these units would be additive to traffic. The traffic analysis for the project, however, is conducted on the entire 1,244 units.)

Traffic Study Completion Date

The Uptown Newport traffic study was initiated at the same time as the EIR, and the traffic consultant, Kimley-Horn, is a subconsultant to The Planning Center|DC&E. The report was completed May 2012. The Planning Center|DC&E was selected for preparation of the Uptown Newport EIR pursuant to a Request for Proposal process and is under contract to the City.

Note also that this FEIR includes a revised traffic study dated November 2012 (see Appendix E, bound separately). As described in FEIR Section 3.4 , *Updated Traffic Modeling,* the traffic analysis was updated to respond to comments received on the DEIR. The analysis was updated to include two additional cumulative projects in the area identified by the City of Irvine and to reflect minor changes in the site plan. The update also includes corrections to respond to comments in this letter regarding turning movements for the northernmost Jamboree Road project access.

Effect of Office Vacancy

Pursuant to the California Environmental Quality Act (CEQA), the EIR impact analysis should evaluate the changes in conditions in comparison to existing conditions (see CEQA Guidelines Section 15126.6, Consideration and Discussion of Significant Impacts). Existing conditions are normally defined as the time that the notice of preparation (NOP) is issued for the project. The Uptown Newport NOP was issued December 8, 2011. The traffic study is appropriately based on the conditions at the time the NOP was released (including vacancy conditions).

Also, as described above, the proposed project is consistent with the general plan for the project site and complies with General Plan Policy 6.15.5, which requires that peak hour trips not exceed the peak hour trips attributed to underlying existing uses.

The City's general plan provides for the conversion of existing land uses in the Airport Area to residential uses on a traffic-neutral basis. The City applies conversion factors for determining consistency with the trip-neutral requirement of this policy. The application of the conversion factors to the Airport Area properties is documented in the report, "Airport Area Residential & Mixed-Use Adjustment Factors for Traffic Analyses in Newport Beach," prepared by Richard M. Edmonston, PE, and dated March 10, 2009.

O1-3 *Birch Street Easement Level of Service*

The project-related percentage increases in peak hour traffic for the Birch Street easement are relatively high because the existing traffic is very low due to the existing buildings not being fully occupied. However, based on the intersection operation analysis in the traffic impact analysis, the driveway has sufficient capacity to absorb project-related traffic. Peak hour volumes would be less than 180 vehicles each way, which is less than 3 cars per minute per direction. As shown in DEIR Tables 5.14-10 and 5.14-11 for the Birch Street/Birch Street easement intersection (Birch St/Driveway), both AM and PM peak hour movements would operate at level of service B (or A) for cumulative conditions for both Phase 1 and Phase 2 (project buildout) conditions. The acceptable level of service results (LOS A and B) for the Birch Street/Birch Street easement intersection did not change as a result of the updates included in the revised traffic study (FEIR Appendix E). Project-related impacts would be less than significant, and no mitigation would be required.

The updated traffic modeling corrected the erroneous left turn out at the northern project site access at Jamboree Road. Please refer to FEIR Appendix E, Figure 23, page 90. As detailed in updated Tables 5.14-11 and -12 (FEIR pages 3-41 through 3-44 and 3-51 through 3-54, respectively), the level of service at the Birch Street/Birch Street Easement intersection would remain at acceptable levels (A and B) with this correction for both 2018 (Phase 1) and buildout conditions in 2021.

Phase 1 TowerJazz Traffic

During Phase 1, TowerJazz traffic would continue to utilize both the Birch Street easement and the Jamboree Road driveway. The intersection of Birch Street/Project Driveway (Birch easement) would operate at LOS A in the AM peak hour and LOS B during the PM peak hour (see updated Table 5.14-10, FEIR page 3-41). The Birch Street easement would operate at an acceptable LOS, and impacts would be less than significant.

Birch Easement Public Access

The DEIR accurately stated the Birch Street access easement rights (see DEIR page 5.14-34), and the use of the easement is appropriately incorporated into the traffic analysis. According to the applicant and current property owner of the Uptown Newport project, the access easement to Birch Street is a nonexclusive easement dated April 28, 1978, and recorded in the Orange County Recorder's Office on May 26, 1978. The easement granted to Rockwell International, Uptown Newport's predecessors-in-interest, is a "non-exclusive easement for passage in, over and along the real property including the right to maintain driveways, roadways,

sidewalks and passageways on said property." The easement has been continuously used for many decades by the property owners, employees, agents, and guests, among others. The easement contains no such restrictions as outlined in the comment and does not limit its use to (1) a specific period of time, (2) private access only, or (3) vehicular access. Additionally, "passage over" and the right to maintain sidewalks necessarily imply pedestrian access. The DEIR, therefore, accurately states the easement rights.

O1-4 Please refer to Response O1-3, *Birch Easement Public Access*.

O1-5 As stated on DEIR page 5.14-67, the approach and departure routes for construction vehicles would be via Jamboree Road. There would be no construction traffic using the Birch Street easement.

O1-6 An analysis was conducted to evaluate vibration impacts during construction at the properties nearest to the project site. Because of proximity, the highest vibration levels at the Courthouse Plaza would occur during Phase 2 construction. DEIR Table 5.10-17 shows that the 84 VdB threshold would be exceeded when vibratory rollers operate nearest to the Courthouse Plaza (referred to as "buildings to the northeast" in the analysis; see DEIR Figure 5.10-6). The operation of other equipment—including large bulldozers, jackhammers, and loaded trucks—would not generate vibration levels above the thresholds of significance. Although these levels would have the potential to cause annoyance to the occupants of the Courthouse Plaza, vibration dissipates rapidly with distance. As described on DEIR page 5.10-36, vibration from the use of heavy earthmoving equipment would not exceed the thresholds when operating over 100 feet away from a receptor. Vibration equipment moves around the site and is used intermittently; therefore, annoyance caused by vibration generated by construction equipment would be sporadic and short term.

Construction noise would potentially cause annoyance to office occupants in areas facing the construction area. Noise levels from the construction of the project are comparable to existing noise levels along Jamboree Road and in the vicinity of the existing TowerJazz building. Noise disturbances would be greatest during Phase 2 of the project and would be intermittent, but could occur for prolonged periods. Due to the length of construction activities and the level of noise from the combination of construction activities, project-related construction noise at the nearby office and retail receivers would be significant. Because of the height of the buildings adjacent to the project site, sound walls blocking line of sight between construction activities and nearby noise-sensitive receptors would be infeasible. Line-of-sight variations between existing buildings and proposed buildings preclude the use of sound walls—they would not effectively block sound from the project. Noise impacts during construction would be significant and unavoidable.

As summarized above, project-related vibration impacts would be less than significant, and construction-related noise impacts would be significant and unavoidable. The commenter's concern about potential economic impacts due to short-term construction-related project impacts is acknowledged and will be forwarded to decision makers for their consideration. Economic issues that do not result in direct or indirect physical environmental impacts are not within the realm of the environmental review under the California Environmental Quality Act.

O1-7 The shade/shadow exhibits provided in DEIR Appendix B illustrate project-related building shadows that would be cast on- and offsite at various times on the shortest and longest days of the year (winter and summer solstices) as well as the fall equinox (equal day and night). Shadow lengths are longest in December during the winter solstice (which is the worst case for shadow impacts to adjacent land uses). Figures 1a through 1c of DEIR Appendix B show fall equinox shadows, and winter solstice shadows are depicted in Figures 2a through 2c of Appendix B. DEIR Section 5.1, *Aesthetics*, applies the threshold described on page 5.1-18 as a guideline, and—as illustrated in the shadow/shade analysis figures—no onsite or surrounding land uses or areas (including the Courthouse Plaza building) would be shaded in excess of the thresholds, which are four hours on any day during the fall equinox or summer solstice and three hours on any day during the winter solstice.

Additionally, in response to public comments and discussion at the Planning Commission public hearings, the setback for the tower zone (150-foot building height area) from the Courthouse Plaza boundary was increased by 100 feet (see revised Figures 5.1-2, *High Rise Zones and Height Limits*, in Section 3.5, *Revised and New Figures*). The height limit within the 100-foot setback from the Courthouse Plaza property boundary would now be limited to 55 feet. The modified height limits would reduce the amount of shadow that could be cast onto the office buildings and common areas of the Courthouse Plaza.

Shade/shadow impacts would not occur under either phase of the proposed project during the fall equinox, winter solstice, or summer solstice. Because no significant impacts were identified, no mitigation measures are required, including those measures recommended by the commenter.

O1-8 The Birch Street easement does not restrict the improvements as indicated in this comment. Please refer to response O1-3, *Birch Easement Public Access*.

O1-9 The Birch Street easement does not restrict the improvements as indicated in this comment. Please refer to response O1-3, *Birch Easement Public Access.*

O1-10 As described in Response O1-3, *Birch Easement Level of Service*, this easement would continue to operate at an acceptable level of service. Based on the traffic analysis, the existing roadway can accommodate the traffic that would enter and exit through this easement.

O1-11 As detailed in these responses to this comment letter, the DEIR analyzes the project-related impacts due to traffic, shade and shadow, noise and vibration, infrastructure, and construction-related impacts. The analysis is objective and quantified where applicable, based upon professional industry practices. In accordance with CEQA requirements, impact significance has been determined based on adopted significance thresholds, and mitigation measures have been provided for any significant impacts. Nevertheless, significant construction-related impacts remain unavoidable for the proposed project. These impacts are documented in the DEIR and would require a statement of overriding considerations by City decision makers to approve the proposed project.

LETTER O2 – Canopi, LLC (2 pages)

CANOPI, LLC

October 23, 2012

Via Facsimile: 949.644.3229

Rosalinh Ung
Associate Planner
City of Newport Beach
3300 Newport Blvd.
Newport Beach, CA 92663

Re: Uptown Newport Project Concerns

Dear Ms. Ung:

On behalf of Canopi LLC I wish to express our concerns regarding the proposed Uptown Newport Development being considered for 4311-4321 Jamboree Road.

As the owner of the property at 4440 Von Karman Avenue in Koll Center Newport (KCN), we are worried about several aspects of this proposed development that do not appear to have been adequately reviewed:

Density: At over 1200 units, the proposed density of this development is extremely high, leading to several concerns:

General Traffic: The EIR notes that this project will result in 8,286 additional daily trips in the immediate vicinity of the development, but states that the impact will be "Less than significant". In an area where traffic already backs up in the mornings and evenings as commuters move through Koll Center Newport, it seems counter-intuitive (to say the least) that an additional 8,200 trips per day in the immediate area would not have a significant impact on traffic. We feel the traffic studies for this development are incomplete and/or inaccurate and should be revisited. O2-1

Koll Center Newport Traffic: While the design guidelines for the project suggest only emergency vehicle access to Koll Center Newport, the EIR clearly shows vehicular circulation through the back side of KCN (EIR p.99, figure 3-9). This access is presumably meant to connect with Von Karman Ave. Koll Center Newport was not designed nor meant to support this kind of residential and/or retail traffic. This additional traffic would have an extreme adverse impact on KCN which is designed only to support traffic to/from the office buildings in the facility. O2-2

Koll Center Newport Pedestrian Traffic: The EIR also shows several pedestrian access paths directly into Koll Center Newport. The impact of additional foot traffic on surrounding workplaces, employees and companies located in KCN has not been adequately addressed. Aside from the general concern of excessive foot traffic around the office buildings, there are common areas (walking paths, lakes, etc.) maintained at the expense of KCN building owners. Will the cost of maintaining these areas be shared with Uptown Newport in the future? O2-3

Parking: This plan does not show adequate surface parking to meet retail/restaurant minimum parking counts. The traffic burden on surrounding parking lots by use of pedestrian access is a serious concern that has not been addressed. O2-4

4440 Von Karman Ave., Ste. 120 • Newport Beach, CA 92660 • Phone 949.798.0061 • Fax 949.798.0062

CANOPI, LLC

Building owners in Koll Center Newport purchased properties in this office park specifically for the exclusive business environment available in this facility and the attractive tenants that can be lured based on this dynamic. It is a structure that serves both property owners and the City of Newport Beach well.

Canopi is not opposed to new, innovative development that can enhance the business, residential and retail environments in Newport Beach. However, Koll Center Newport is an established business center in the city and the impact on workplaces, employees and companies in this business park has not been adequately considered in the Uptown Newport proposal. Further, we are concerned that this project has proceeded to this point without the developer and city planners soliciting input from Koll Center Newport property owners who will be so directly impacted by its implementation. O2-5

We request that the concerns noted above be addressed in further detail and we look forward to being more closely involved in the project as it proceeds.

Sincerely,

Scott Wessler
Vice President
Canopi LLC

4440 Von Karman Ave., Ste. 120 • Newport Beach, CA 92660 • Phone 949.798.0061 • Fax 949.798.0062

O2. Response to Comments from Canopi, LLC, Scott Wessler, Vice President, dated October 23, 2012.

O2-1 The traffic analysis presented in DEIR Section 5.14*, Transportation and Traffic*, evaluated the traffic impacts from project-related trips—8,286 daily, 644 in the AM peak hour, and 829 in the PM peak hour. The analysis was prepared in accordance with the City of Newport Beach Traffic Phasing Ordinance (TPO), the congestion management program (CMP), and CEQA requirements. The criteria to evaluate impacts in the study area were consistent with the thresholds of significance required by the City of Newport Beach and City of Irvine, as described in pages 5.14-10 and -11 of the DEIR. The project trip generation would result in a shift of traffic patterns. The existing and nearby office and industrial uses have a heavier traffic flow toward the project site in the morning and a heavier traffic flow away from the site in the afternoon. The proposed project (primarily residential) would have reverse traffic patterns. Based on the analysis, project-related traffic would increase delays at some intersections, but would reduce delays (improve operations) at others. Project-related traffic impacts would not exceed the significance criteria established by the cities of Newport Beach and Irvine, and impacts would therefore be less than significant.

O2-2 As described in the DEIR and depicted in DEIR Figure 3-8, *Phase I Circulation Plan*, emergency access only would be provided through the Koll Center property to the west of the project site. No project-related trips are included in the traffic analysis to exit at this location (see DEIR Figure 5.14-5, *Trip Distribution [Proposed]*). The project would therefore not impact Koll Center Newport traffic.

O2-3 As noted in the DEIR, the proposed project includes pedestrian connections at several different locations between the project site and the adjacent Koll properties. This is consistent with the policies in the City's general plan and the subsequent Integrated Conceptual Development Plan (ICDP) adopted by the City Council on September 28, 2010. As shown on DEIR Figure 3-5, *Integrated Conceptual Development Plan*, the ICDP provides for the redevelopment of the 25-acre Uptown Newport site and the 12.7 acres between Birch Street and Von Karman Avenue (Koll property):

> ...with new residential development and open space, carefully integrated with existing office buildings and parking structures which will remain. *Connectivity within the two properties will be provided with existing and new pedestrian ways*, improved parking lot screening, planting and/or enhanced paving which are compatible between the Koll and Conexant [Uptown Newport]. (emphasis added)

It is not expected that Uptown Newport project-generated pedestrian traffic would cause degradation of Koll Center Newport amenities such as walking paths and lakes. Moreover, it is intended that the two project sites be integrated, and Koll Center Newport employees and future residents would both use the pedestrian improvements within the Uptown Newport project site. The Uptown Newport project would offer new retail uses and services, including eating establishments, within convenient walking distance for Koll Center Newport office employees.

O2-4 Uptown Newport would comply with the specific parking requirements detailed in the Uptown Newport Planned Community Development Plan (PCDP), "Land Uses, Development Standards and Procedures" (see Section 3.4, *Parking Requirements*, of the PCDP). Please note that parking is no longer considered an environmental issue under CEQA and is not a subject of review in the DEIR. This comment, however, will be forwarded to City decision makers for their consideration of the project.

O2-5 As stated in Response O2-3, the Uptown Newport project is consistent with the City's general plan and ICDP as approved by the City Council of Newport Beach (2006 and 2010, respectively). These plans both envisioned mixed land uses for the project site and integration of these uses with the adjacent Koll Center Newport property. The planning process for both these plans included numerous opportunities for public participation and feedback. Similarly, public participation and input for Uptown Newport has been solicited in accordance with CEQA.

LETTER O3 – Olen (2pages)

OLEN

October 24, 2012

VIA MESSENGER and EMAIL (rung@newportbeachca.gov)
Ms. Rosalinh Ung
Associate Planner
3300 Newport Blvd.
Newport Beach, California 92663

RE: Uptown Newport (PA2011-134) - Draft Environmental Impact Report
SCH No. 201005194

Dear Ms. Ung:

My client, OCRC Capital Corporation ("OCRC"), owns a building, located at 4910 Birch Street, situated located within the Koll Center office park. On behalf of OCRC, this correspondence shall serve as our opposition and comments regarding the Uptown Newport Draft Environmental Impact Report SCH No. 2010051094 ("DEIR").

As set forth in detail below, a review of the proposed Uptown Newport project and specifically, the DEIR reveals that it insufficiently addresses many environmental issues. Notably, the DEIR comes to the unlikely conclusion that there will not be a significant or adverse impact on the substantial increase in traffic that will result from the project. It seems doubtful that an increase in car trips from approximately 747 cars to 9,033 cars will have no impact on the environment. Also, the traffic study is outdated and fails to evaluate the traffic burden on the surrounding parking lots by the use of pedestrian access and lack of surface parking to meet the retail/restaurant minimum parking counts. O3-1

Additionally, the DEIR fails to provide an adequate evaluation of the noise after development and the decibel levels at different heights. Moreover, there is inadequate support for the evaluation of the shade and shadow created by the 150' buildings on the already existing buildings. Another noteworthy aspect of the DEIR that will affect our client is that it presumes that access for ingress/egress through Koll Center Newport will be granted. At this point, it is our understanding that no such grant of rights has been tentatively structured nor suggested. Also, as you know, Uptown Newport proposes to install new utilities that will traverse private property and property easements. The legal implications that underscore the proposal to install utilities and public walkways across third-party private easements is the material long, drawn out, expensive legal battles are made of. O3-2

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(949) 644-OLEN • Fax (949) 719-7200
www.olenproperties.com

As we wrote previously, the Uptown Newport proposed project and the DEIR do not address the necessary elements and impact to emergency services that are relevant to providing a foundation for a successful residential development. The DEIR does not adequately evaluate the impact of an additional 1,244 units to police and fire services. Similarly, it seems obvious that a residential development in this area would be isolated and surrounded by commercial- and industrial-use property that is incompatible with a residential development. Also, there are a lack of basic necessities, including schools, libraries, public parks and even grocery stores. None of these issues are evaluated in the DEIR. O3-3

Lastly, the DEIR does not address the impact to the businesses in the Airport Area of Newport Beach, which are the economic blood supply to the City. Without a doubt, companies, including the tenants that occupy our building, will be driven out of the Airport Area due to the increased traffic on the streets, inconvenience during construction, and obliterated tenant views. The City benefits from the tax revenues and job creation these businesses provide. Projects like Uptown Newport show a lack of concern for local businesses and influence companies to move to adjacent areas in Irvine. Finally, the DEIR fails to evaluate the deleterious effect on property values and the impact to the current owners and tenants in the Airport Area, and will affect the current and future commercial use of those properties. O3-4

Thank you for your consideration.

Very truly yours,

Marisa Poulos

Marisa D. Poulos
Associate Counsel

cc: Igor Olenicoff

O3. Response to Comments from Olen, Marisa D. Poulos, Associate Counsel, dated October 24, 2012.

O3-1 Regarding traffic impacts related to project traffic to the study area, please refer to Response O2-1. Regarding concerns related to parking supply, please refer to Response O2-4.

O3-2 Following is a response to the individual comments in the commenter's paragraph:

- As detailed in DEIR Section 5.10, *Noise*, analyses were conducted to evaluate both short-term and long-term project-related noise impacts to surrounding land uses. Long-term, project-related noise impacts related to traffic and stationary noise would not significantly impact nearby buildings at any height. Project-related construction noise impacts were also evaluated for the buildings facing the project site. The impacts described in Impact 5.10-5 apply at all building floors facing the project site. Mitigation Measures 10-9 to 10-12 would reduce noise levels from construction activities at the nearby uses during Phase 1 and Phase 2. Because of the height of the buildings adjacent to the project site, sound walls blocking line of sight between construction activities and nearby noise-sensitive receptors would be infeasible. Despite the application of mitigation measures, nearby noise-sensitive uses would be temporarily exposed to elevated noise levels during construction activities. Impact 5.10-6 would remain significant and unavoidable.

- DEIR Section 5.1.3, *Aesthetics, Environmental Impacts,* includes a detailed description of shade/shadow impacts as depicted in nine separate exhibits included in DEIR Appendix B. The exhibits illustrate project-related building shadows that would be cast on- and offsite at various times on the shortest and longest days of the year (winter and summer solstices) as well as on the fall equinox (equal day and night). DEIR Section 5.1 applies the threshold described on page 5.1-18 as a guideline, and—as illustrated in the shadow/shade analysis figures—no onsite or surrounding land uses or areas would be shaded in excess of the thresholds, which are four hours on any day during the fall equinox or summer solstice and three hours on any day during the winter solstice. At no time would the project cast a shadow on the property at 4910 Birch Street.

- The applicant has existing utility easements on title to accommodate the project as proposed.

- Please refer to Response O1-3 regarding the Uptown Newport access via Birch Street and Response O2-2 regarding emergency access through Koll Center Newport.

O3-3 Since a response to the EIR notice of preparation was not received from this commenter, the reference to previous correspondence regarding emergency services is unclear. Public services—including police, fire, school, and library services—are addressed in DEIR Section 5.12, *Public Services.* Project-related park demand is assessed in DEIR Section 5.13, *Recreation,* and impacts are concluded to be less than significant (note also that two parks, available to the public, are incorporated into the project). Conclusions that adequate police, fire, school, and

library services would be provided for the project are supported by letters from the respective service providers (see DEIR Appendix K, *Service Provider Correspondence*). Grocery store proximity is not an environmental issue addressed under CEQA.

The commenter's opinion that a residential development at the Uptown Newport project site would be incompatible with existing commercial and industrial land uses surrounding the site is acknowledged. The proposed project, however, is consistent with the City of Newport Beach's General Plan and the Integrated Conceptual Development Plan (ICDP, adopted by the City Council September 28, 2010). As shown on DEIR Figure 3-5, *Integrated Conceptual Development Plan,* the ICDP provides for the redevelopment of the 25-acre Uptown Newport site and the 12.7 acres between Birch Street and Von Karman Avenue (Koll property) "with new residential development and open space, carefully integrated with existing office buildings and parking structures which will remain."

O3-4 Project-related traffic (including construction traffic) and aesthetic impacts are addressed in DEIR Sections 5.14, *Transportation and Traffic,* and 5.1, *Aesthetics*. The project would not significantly impact the level of service of the area roadway system, and construction traffic impacts are determined to be less than significant. As described on DEIR page 5.1-5 (Impact 5.1-1), the project would not have a substantial adverse effect on scenic vistas. The City of Newport Beach does not protect private views, such as the tenant views referenced by this commenter. Moreover, the DEIR does not address the potential impact on area property values because economic issues that do not result in direct or indirect physical environmental impacts are not within the realm of the environmental review under CEQA. The commenter's concerns about tenant views and the potential for the project to adversely impact surrounding property values will be forwarded to decision makers for their consideration.

LETTER O4 – The Kennedy Commission (3 pages)

THE Kennedy COMMISSION

www.kennedycommission.org
17701 Cowan Ave., Suite 200
Irvine, CA 92614
949 250 0909
fax 949 263 0647

October 24, 2012

Ms. Rosalinh Ung, Associate Planner
City of Newport Beach
3300 Newport Blvd.
Newport Beach, CA 92658-8915

RE: Draft Uptown Newport Environmental Impact Report

Dear Ms. Ung,

The Kennedy Commission (the Commission) is a broad based coalition of residents and community organizations that advocates for the production of homes affordable for families earning less than $20,000 annually in Orange County. Formed in 2001, the Commission has been successful in partnering and working with jurisdictions in Orange County to create strategic and effective housing and land-use policies that has led to new construction of homes affordable to lower income working families.

The Commission applauds the City for providing the community an opportunity to submit comments on the Draft Environmental Impact Report (DEIR) on the Uptown Newport project. On January 6, 2012, the Commission provided a comment letter regarding the Notice of Preparation (NOP) for the project's EIR and we want to thank the City for addressing our comments and recommendations from the NOP in the DEIR.[1] The Commission would also like to commend the City for it's leadership in encouraging and facilitating the development of 184 homes affordable to lower income working families. Locating homes, especially affordable homes, near job centers (i.e. John Wayne airport and corporate offices), mass transit and neighborhood amenities will create a more walkable, healthier and sustainable Newport Beach. O4-1

As the City moves forward in drafting the Affordable Housing Implementation Plan (i.e. providing specific language on the affordability levels), the Commission strongly urges the City to continue to make the development of homes affordable to lower income working families a priority at Uptown Newport.

Affordability for Extremely Low, Very Low and Low-Income Households

With a significant lack of quality affordable homes, it is evident that Orange County is a very expensive place to live in. While the economic downturn has allowed home prices to be at an all-time low, many lower income working families are still not able to purchase a home and remain as renters; however, many of these renting families continually struggle financially to live in the city they work in. Over the past year, Orange County had the biggest rental increase in Southern California (13%) and compared to other cities in Orange County,[2] housing costs are significant O4-2

[1] Draft Uptown Newport Environmental Impact Report, City of Newport Beach, p. 2-4, September 2012.
[2] Rising Rents May Signal a Housing Market Recovery, Los Angeles Times, March 13, 2012.

higher in Newport Beach.[3] Newport Beach is the most expensive place to rent in Orange County (average rent of $2,118 a month) and had the county's "biggest rent hike in the year… with average big-complex apartment rents rising by $167 a month…"[4] The city is also the only one in the County where "…the typical apartment rents for at least $2,000 a month-- more than the typical Orange County mortgage payment."[5]

According to the City's certified 2008-2014 Housing Element, the City's total Regional Housing Needs Assessment (RHNA), including the un-accommodated portion of the 2000-2005 RHNA, for lower income households are: 451 homes at very low-income, 319 homes at low-income and; 442 homes at moderate-income.[6] Located in the John Wayne Airport Area, the Uptown Newport project will provide 1,244 homes, of which 184 homes will be set aside as affordable.[7] While the project will accommodate more than half of Airport Area's maximum development capacity of 2,220 homes,[8] the project provides an opportunity for the City to count the proposed homes towards its RHNA, especially for the lower income categories. According to the City's Housing Element, the Airport Area was identified as the "greatest potential" to accommodate the City's lower income RHNA need of 770 homes.[9] O4-3

Affordable Homes Decreases Environmental Impacts

With high housing costs and significant lack of affordable homes, many workers and families, especially those who earn lower wages, struggle financially to live in the city they work in. Compared to other cities in Orange County, housing costs are significantly higher in Newport Beach and simply out of reach for extremely low-, very low- and low-income families. These impacts not only hurt workers and families but may also have negative environmental impacts to the City.

The environmental impacts of a development are especially less drastic when a person can afford to live and spend their money in the same community in which they work in. With low wages and high housing costs, many workers live in other cities and become dependant on their automobile to commute to and from work and other destinations. These trips may increase traffic congestion and air pollutants that not only negatively impact the environment but also the quality of life for the community. Locating homes, specifically affordable homes, near transit, job centers and neighborhood services will decrease the environmental impacts of traffic congestion, vehicle miles travelled (VMT) and greenhouse gas emissions. Addressing these O4-4

[3] City of Newport Beach General Plan Housing Element Draft, p. 5-30 and 5-31, August 2011.
[4] Newport Beach Rents Up $167 a Month, Orange County Register, July 18, 2012.
[5] Newport Beach Has Highest Average-Rent Leap in County, Orange County Register, October 21, 2012.
[6] City of Newport Beach General Plan Housing Element, p. 5-45, November 2011.
[7] Uptown Newport Environmental Impact Report, City of Newport Beach, p. 1-5, September 2012.
[8] City of Newport Beach General Plan Housing Element, p. 5-78, November 2011.
[9] City of Newport Beach General Plan Housing Element, p. 5-54, November 2011.

environmental impacts will also align with the Sustainable Communities and Climate Protection Act of 2008 (SB 375) and help the City implement and comply with the goals of SB 375. O4-4 cont'd.

Conclusion

The Commission looks forward to hearing the City's response to our concerns and partnering with the City to achieve our mutually beneficially goals in creating more livable and economically competitive communities to all working families in the City. The Commission also welcomes the opportunity to continue our dialogue that will result in the production of new homes affordable to extremely low, very low and low-income working families. O4-5

Please keep us informed of any upcoming meetings and additional information on the Uptown Newport Project. If you have any questions, feel free to contact me at (949) 250-0909 or cesarc@kennedycommission.org.

Sincerely,

Cesar Covarrubias
Executive Director

cc: Melinda Coy, State Department of Housing and Community Development

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O4. Response to Comments from The Kennedy Commission, Cesar Covarrubias, Executive Director dated October 24, 2012.

O4-1 Comment acknowledged.

O4-2 Comment acknowledged.

O4-3 Comment acknowledged.

O4-4 Comment acknowledged. The environmental benefits of locating housing—including affordable homes—near transit, job centers, and neighborhood services is acknowledged and reflected in the City's General Plan policies, the Integrated Conceptual Development Plan (ICDP), and the Uptown Newport project objectives, which are outlined in DEIR Chapter 3, *Project Description*. As summarized on DEIR page 5.9-11, the proposed project would be consistent with General Plan Policy LU 2.2, Sustainable and Complete Community:

> Emphasize the development of uses that enable Newport Beach to continue as a self-sustaining community and minimize the need for residents to travel outside the community for retail, goods and services, and employment.

Project-specific objectives in DEIR Section 3.3., *Statement of Objectives*, include implementation of the goals and policies of the City's General Plan and ICDP and to "provide housing in close proximity to jobs and supporting services, with pedestrian-oriented amenities that facilitate walking and enhance livability."

The project will provide housing, including affordable housing, adjacent to transit, and will assist the City in achieving the sustainability goals as set forth in SB 375.

O4-5 Comment acknowledged.

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LETTER O5 – Saunders Property Company (1 page)

SAUNDERS PROPERTY COMPANY

4040 MacArthur Blvd., Suite 300
Newport Beach, CA 92660
Tel: (949) 251-0444
Fax: (949) 251-0888

John R. Saunders
President

2012/OCT/24/WED 05:12 PM SAUNDERS PROPERTY FAX No. 9492510888 P. 002

October 24, 2012

Ms. Rosalinh Ung
Associate Planner
City of Newport Beach
3300 Newport Blvd.
Newport Beach, CA 92663

Re: Uptown Newport (the "Project")

Dear Ms. Ung:

Saunders Property Company (SPC) is the owner of the office building located at 4040 MacArthur Blvd., within the Koll Center Newport (KCN) development. This letter (somewhat similar to the one we sent in June of this year) is intended to express our concerns regarding the Project. The lack of inclusion in the planning process of those surrounding commercial property owners most directly impacted by the Project is very disconcerting.

The sheer size of the Project at 1,200 units, the ten fold increase in traffic counts (despite the EIR claiming "no impact"), degradation of access to KCN and the lack of addressing shade/shadow impacts on surrounding single story office buildings from 150 foot planned structures. There are a lot of issues that need to be addressed and surrounding commercial owners should have a seat at that table for those decisions. O5-1

SPC is not opposed to the residential applications in the airport area, but believe these developments need to not overshadow existing uses and negatively impact their use and value. The best way to accomplish that is to include, in a significant and meaningful manner, the input of existing neighbors which, in this case, include all KCN owners.

Thank you for your consideration.

Sincerely,

SAUNDERS PROPERTY COMPANY

John Saunders
President

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O5. Response to Comments from Saunders Property Company, John Saunders, President, Dated October 24, 2012.

O5-1 In accordance with the California Environmental Quality Act (CEQA), the environmental review process incorporates numerous opportunities for the public and surrounding property owners to participate in project review. Opportunities for input into the CEQA process for the project have included the following to date (all of which have been publicly noticed):

- Public Scoping Meeting: held 12/15/11, providing an overview of the proposed project and soliciting agency and public input regarding the scope of the EIR.
- Notice of Preparation: issued 12/8/11, soliciting agency and public EIR input and providing a 30-day public review and comment period (12/8/11–1/9/12).
- DEIR Public Review: 45-day public review and comment period for the DEIR (9/10/12–10/24/12).
- Planning Commission Study Session: 10/4/12, providing public opportunity to comment on the project.

Planning Commission and City Council public hearings also provide the opportunity for public participation regarding the Uptown Newport project and the EIR.

Contrary to this comment, the DEIR does not claim that the proposed project would result in "no impact" to surrounding properties. The analysis in the DEIR does, however, substantiate that traffic impacts and shade/shadow impacts would be less than significant. Please refer to Responses O1-2 and O1-7 for further discussion regarding these impacts. Also note that, based on the worst-case shade/shadow analysis in DEIR Appendix B, at no time would Uptown Newport buildings cast a shadow on the Saunders Property Company office building at 4040 MacArthur Boulevard.

Based on the DEIR analysis, including in-depth technical assessments of traffic, air quality, noise and vibration, and risk, the proposed project would not result in any long-term significant impacts to surrounding properties. The DEIR does conclude, however, that short-term, construction-related noise and air quality impacts would be significant and unavoidable. The impacts to surrounding office buildings are disclosed in the DEIR, and a statement of overriding considerations will be required for these impacts. Note, however, that each of the development alternatives evaluated for the project site—including alternative uses and reduced density alternatives—would also result in significant, unavoidable construction-related air quality and noise impacts. Regardless of the ultimate use, redevelopment of the project site and elimination of the existing industrial use would most likely result in short-term significant impacts.

Economic impacts, including potential impacts on surrounding property values, that do not directly or indirectly result in physical environmental impacts are not within the realm of the environmental review under CEQA.

The commenter's concern about potential impacts to the value of surrounding land uses will be forwarded to decision makers.

LETTER O6 – 4200 Von Karman, LLC (2 pages)

10/24/2012 WED 15:20 FAX ☑001/002

4200 Von Karman, LLC

4000 Westerly Place, Suite 110 Newport Beach, CA 92660

October 24, 2012

VIA FACSIMLE (949) 644-3229

Ms. Rosalinh Ung
Associate Planner
City of Newport Beach
3300 Newport Boulevard,
Newport Beach, California 92663

re: Uptown Newport (the "Project")

Dear Ms. Ung-

I am the co-owner of a small office building located at 4200 Von Karman Avenue, Newport Beach, California (the "Property"), which Property is part of Koll Center Newport ("KCN"). This letter is to express strong opposition to the referenced Project, and specifically the Environmental Impact Report ("EIR") prepared in conjunction with such Project.

As the Project contemplates over 1200 residential units, the EIR focuses its concern on residential tenants, and gives virtually no commentary to commercial office use and/or retail use in the impacted area. The EIR insufficiently addresses a number of areas of concern for the owners surrounding the Project, and none more than the significant increase in traffic. The EIR projects a traffic count that will increase ten-fold (8,286 additional daily trips) with the Project, and to conclude that such an increase has NO IMPACT stretches the realm of credulity. In addition, the EIR fails to sufficiently address the traffic burden on surrounding parking to meet retail/restaurant minimum parking counts. In addition, the EIR insufficiently addresses traffic during construction (a period that could easily be a period of five (5) years) along Jamboree Road as an arterial corridor. We believe the EIR uses outdated traffic study data that results in incomplete conclusions. O6-1

Setting aside obvious traffic concerns, the EIR also fails to sufficiently address the following matters:

(a) effect on surrounding workplaces, employees and companies located in the John Wayne Airport area;
(b) dependency on KOLL development that is very unlikely to occur;
(c) inconsistency with the CC&R's for KCN that owners relied upon to govern the common areas at KCN; and
(d) effect of shade/shadow on surrounding one-story office buildings from 150 foot planned structures that is significant. O6-2

10/24/2012 WED 15:20 FAX 002/002

Lastly, the applicant's development plan and EIR fail to address alternative land use options with collaborative input from adjacent property owners. This landmark site cries out for a true mixed-use plan that would include a variety of uses including but not limited to: office, retail, residential, child care and restaurants. The current plan of dense, mid-rise apartment buildings undoubtedly yields the highest land value in the shortest period of time. My question: why settle for such dense, traffic oriented use when "uptown" could be so much more? O6-3

Thank you for considering a more creative and less dense land use on this unique site.

Sincerely,
4200 Von Karman, LLC

By: BRYAN BENTROTT
Managing Member
(949) 655-8226

CC: Brad Schroth, bschroth@presusa.com
Bruce McDonald, bruce.mcdonald@dexus.com

O6. Response to Comments from 4200 Von Karman, LLC, Bryan Bentrott, dated October 24, 2012.

O6-1 The DEIR prepared for the Uptown Newport project is a comprehensive document addressing all topics under the California Environmental Quality Act (CEQA) with the exception of Agricultural and Forestry Resources and Mineral Resources (these topics were closed out in the Initial Study). The remaining topics are addressed in detail in the DEIR, including potential project-related aesthetic, air quality, hazards, land use and planning, public services, traffic, and utility impacts to surrounding commercial office and retail uses. Both short-term construction and long-term operational impacts are evaluated. The traffic study is not outdated. It was initiated at the same time as the EIR and was completed May 2012. In response to issues raised in DEIR comment letters, this study was updated and is included in FEIR Appendix E. The original and updated analyses both conclude that the project would not result in significant construction or long-term operational traffic impacts (please refer to Responses O1-2, 3, and 5). Please refer to Response O2-4 regarding project parking requirements.

Potential construction-related traffic impacts are addressed under DEIR Impact 5.14-7, page 5.14-67. During project construction, temporary delays in traffic may occasionally occur due to oversized vehicles traveling at lower speeds on local streets. Up to 289 vehicles a day would be added on Jamboree Road during building construction, and up to 65 haul truckloads would occur during demolition and grading. Segments of Jamboree Road in the vicinity of the project site currently handle over 40,000 vehicles per day. Delays during construction would be occasional and of short duration. These temporary delays would be less than significant. Additionally, the project applicant would be required to prepare and submit a traffic-management plan and acquire a street-closure permit prior to the commencement of any construction activities, in accordance with the provisions outlined in Chapters 12.62, Temporary Street Closure, and 13.01, Street Construction Permits, of the City's Municipal Code.

O6-2 Following are individual responses to parts (a) to (d) of this comment:

(a) In accordance with CEQA, the DEIR evaluates project-specific impacts in additional to cumulative projects for each environmental topic. The proposed project is consistent with the City's General Plan and the Integrated Conceptual Development Plan (ICDP), both of which outline specific goals and policies relating specifically to the John Wayne Airport Area. Based on the DEIR analyses, the project would not result in any long-term significant impacts to surrounding properties (e.g., including workplaces, employees, and companies). Short-term, construction-related significant impacts to adjacent properties are detailed in the DEIR for air quality and noise.

(b) As shown on DEIR Table 4-2, *Cumulative Projects,* and based on the application for the Koll Center project, it would consist of 260 residential units and 3,400 square feet of commercial use. The project is analyzed as a related, cumulative project throughout the DEIR. The potential impacts associated with the proposed development have therefore been incorporated in the cumulative

analysis to account for additional, incremental air quality, traffic, noise, utility and public service impacts, etc. The DEIR does not assume any improvements or mitigation associated with the Koll Center project, and the Uptown Newport project could proceed as detailed in the DEIR completely independently of whether the Koll Center project is implemented.

(c) Although the Uptown Newport project is within the Koll Center, it is not subject to the Koll Center CC&Rs.

(d) Please refer to Response O1-7 regarding project-related shade/shadow impacts. Also note that the Uptown Newport project would at no time cast a shadow on the property at 4200 Von Karman Avenue.

O6-3 Please refer to Response O5-1 regarding opportunities for the public and surrounding property owners to provide input into the planning review process for the Uptown Newport project. Please also note that DEIR Chapter 7, *Alternatives to the Proposed Project,* evaluates three alternative land use scenarios for the project site, including a Hotel/Office/Commercial alternative, an Office/Commercial /Residential alternative, and a Reduced Density alternative. Pursuant to CEQA, these alternatives have been reviewed for their potential to avoid or lessen the significant effects of the project as proposed while feasibly attaining most of the basic objective of the project.

This commenter's opinion regarding the land use mix and density of the proposed project will be forwarded to decision makers for consideration.

LETTER O7 – Merged Investment Group (2pages)

MIG REAL ESTATE
Merage Investment Group

October 24, 2012

Ms. Rosalinh Ung
Associate Planner
City of Newport Beach
3300 Newport Boulevard,
Newport Beach, California 92658

Sent Via Email rung@newportbeachca.gov

Re: Uptown Newport (the "Project")

Dear Ms. Ung:

MIG Real Estate ("MIG"), as the sole member of 4350 Von Karman, LLC, is the owner of the property with an address at 4350 Von Karman Avenue, Newport Beach, California (the "Property"), which Property is part of Koll Center Newport ("KCN"). This letter is to express strong opposition to the referenced Project, and specifically the Environmental Impact Report ("EIR") prepared in conjunction with such Project.

The EIR focuses its concern on the approximate new 1,200 plus residential tenants and does not address the true impact on the surrounding commercial and retail use in the impacted area. The EIR insufficiently addresses a number of areas of concern for MIG, and none more than the significant increase in traffic. The EIR projects a traffic count that will increase ten-fold (8,286 additional daily trips) as a result of the Project, and to conclude that such an increase has NO IMPACT is not reasonable. In addition, the EIR fails to appropriately address the traffic burden on surrounding parking to meet retail/restaurant minimum parking counts. Further, the EIR insufficiently addresses traffic during construction (a period that could easily last five years) along Jamboree Road as an arterial corridor. MIG believes the EIR uses outdated traffic study data that results in incomplete conclusions. O7-1

In addition to the traffic concerns, the EIR also fails to adequately address the following matters:

(a) consequence on surrounding workplaces, employees and companies located in the John Wayne Airport area;
(b) Project dependency on the KOLL development that is very unlikely to occur;
(c) inconsistency with the CC&R's for KCN that owners relied upon to govern the common areas at KCN;
(d) effect of shade/shadow on surrounding one-story office buildings from 150 foot planned structures that is significant; and
(e) impact of additional pedestrian traffic in a commercial office setting (within KCN)

O7-2

Lastly, the EIR does not aptly address alternative options for the Project's ingress and egress (which will create a major problem for adjacent owners) and that KCN was neither designed nor meant to support this type of project. O7-3

Affiliate of MIG Capital 4350 Von Karman Ave, 4th Floor Newport Beach, CA 92660 Main: 949.474.5800 www.migcap.com

MIG REAL ESTATE
Merage Investment Group

MIG believes these enumerated concerns, and others, have not been adequately reviewed.

Thank you for your consideration.

Very Truly Yours,

MIG Real Estate

Kevin Stiles
Director Asset Management

Affiliate of MIG Capital 4350 Von Karman Ave, 4th Floor Newport Beach, CA 92660 Main: 949.474.5800 www.migcap.com

O7. Response to Comments from Merged Investment Group Real Estate, Kevin Stiles, Director Asset Management, dated October 24, 2012.

O7-1 The commenter's opposition to the project and the EIR is acknowledged.

The traffic study is not outdated. It was initiated at the same time as the EIR, traffic counts were taken in March 2011, and the traffic study was completed May 2012. An update to the traffic study was prepared to address comments on the DEIR and is included as FEIR Appendix E. The updated results and conclusions are included in Section 3.4, *Updated Traffic Modeling,* of this FEIR.

The estimated construction traffic is presented in DEIR Tables 5.14.19 and 5.14-20. The DEIR concluded that the maximum number of truck trips per day would be 65 and the maximum number of vehicular trips would be 289 per day. Approach and departure routes for construction vehicles would be via Jamboree Road; there would be no construction traffic on Birch Street. Current daily traffic volumes on Jamboree Road in the vicinity of the project site are above 30,000. Temporary delays in traffic may occasionally occur due to oversized vehicles traveling at lower speeds on local streets; however, such delays would be occasional and of short duration. The analysis concludes that the project would not result in significant construction or long-term operational traffic impacts (please refer to Responses O1-2, 3, and 5). Please refer to Response O6-1 regarding specific construction-related traffic impacts.

The project would have access on Jamboree Road and Birch Street; there would be no significant traffic impacts on these driveways. Adequate, convenient parking for residents, guests, business patrons, and visitors would be provided onsite in accordance with the standards outlined in the project's PCDP and the City's zoning code. The project would provide sufficient parking onsite and there would be no burden to surrounding parking lots or traffic generated at nearby parking lots. Please refer to Response O2-4 regarding project parking requirements.

O7-2 Please refer to Response O6-2 for response to parts (a) to (d) of this comment. Please refer to Response O2-3 regarding part (e) of this comment.

O7-3 Please refer to Responses O1-3, O1-5, and O2-2 regarding the potential impacts of project-related ingress and egress on Koll Center Newport properties.

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LETTER O8 – The PRES Companies (2pages)

Oct. 24. 2012 12:06PM THE PRES COMPANIES No. 3816 P. 1

PRES

PRES COMPANIES

PRES
Brokerage Group

PRES
Development & Construction
Management Group

PRES
Corporate Consulting Group

PRES
Property/Asset
Management Group

PRES
Acquisitions &
Investment Group

PRES
Resorts Group

October 24, 2012

VIA FACSIMLE (949) 644-3229

Ms. Rosalinh Ung
Associate Planner
City of Newport Beach
3300 Newport Boulevard,
Newport Beach, California 92663

re: Uptown Newport (the "Project")

Dear Ms. Ung-

PRES-Lakeside L.P. ("PRES") is the owner of the property with an address at 4300-4340 Von Karman Avenue, Newport Beach, California (the "Property"), which Property is part of Koll Center Newport ("KCN"). This letter is to express strong opposition to the referenced Project, and specifically the Environmental Impact Report ("EIR") prepared in conjunction with such Project.

As the Project contemplates over 1200 residential units, the EIR focuses its concern on residential tenants, and gives short shrift to commercial office use and/or retail use in the impacted area. The EIR insufficiently addresses a number of areas of concern for PRES, and none more than the significant increase in traffic. The EIR projects a traffic count that will increase ten-fold (8,286 additional daily trips) with the Project, and to conclude that such an increase has NO IMPACT stretches the realm of credulity. In addition, the EIR fails to sufficiently address the traffic burden on surrounding parking to meet retail/restaurant minimum parking counts. In addition, the EIR insufficiently addresses traffic during construction (a period that could easily be a period of five (5) years) along Jamboree Road as an arterial corridor. PRES believes the EIR uses outdated traffic study data that results in incomplete conclusions. 08-1

Besides traffic concerns, the EIR also fails to sufficiently address the following matters:

(a) effect on surrounding workplaces, employees and companies located in the John Wayne Airport area;

(b) dependency on KOLL development that is very unlikely to occur; 08-2

(c) inconsistency with the CC&R's for KCN that owners relied upon to govern the common areas at KCN; and

(d) effect of shade/shadow on surrounding one-story office buildings from 150 foot planned structures that is significant.

4300 Von Karman Avenue | Newport Beach, CA 92660
Tel 949.261.7737 | Fax 949.442.1925 | www.presusa.com

Oct. 24. 2012 12:07PM THE PRES COMPANIES No. 3816 P. 2

PRES

Lastly, what is very disconcerting about the EIR, is the failure to address alternative options; to wit, access is a major problem and KCN was not designed nor meant to support this type of project, but there is no well conceived plans to address the impact of additional pedestrian traffic in a commercial office setting. 08-3

PRES believes these enumerated concerns, and others, have not been adequately reviewed.

Thank you for your consideration.

Very Truly Yours,
PRES-LAKESIDE LP

BY:
BRADLEY W. SCHROTH
Member/Manager

THE PRES COMPANIES

O8. Response to Comments from The PRES Companies, Bradley W. Schroth, Member/Manager, dated October 24, 2012.

O8-1 The commenter's opposition to the project and the EIR is acknowledged.

The traffic study is not outdated. It was initiated at the same time as the EIR and was completed May 2012. An updated traffic analysis was prepared to respond to comments on the DEIR and is included as FEIR Appendix E. Both the original analysis and updated report conclude that the project would not result in significant construction or long-term operational traffic impacts (please refer to Responses 01-2, 3, and 5). Please refer to Response O2-4 regarding project parking requirements. Please refer to Response O6-1 regarding specific construction-related traffic impacts.

O8-2 Please refer to Response O6-2 for response to part a) through d) of this comment. Please refer to Response O2-3 regarding part e) to this comment.

O8-3 Please refer to Responses O1-3, O1-5, and O2-2 regarding the potential impacts of project-related ingress and egress on Koll Center Newport properties.

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LETTER O9 – The Gas Company (1page)

1919 S. State College Blvd.
Anaheim, CA 92806-6114

The Gas Company

A Sempra Energy utility™

October 25, 2012

City of Newport Beach
3300 Newport Boulevard
Newport Beach, CA 92663

Attention: Rosalinh Ung

Subject: EIR for (SCH# 2010051094) for Uptown Newport, 4311-4321 Jamboree Rd., Newport Beach (PA2011-134)

Thank you for providing the opportunity to respond to this E.I.R. Document. We are pleased to inform you that Southern California Gas Company has facilities in the area where the aforementioned project is proposed. Gas service to the project can be provided from an existing gas main located in various locations. The service will be in accordance with the Company's policies and extension rules on file with the California Public Utilities Commission when the contractual arrangements are made.

This letter is not a contractual commitment to serve the proposed project but is only provided as an informational service. The availability of natural gas service is based upon conditions of gas supply and regulatory agencies. As a public utility, Southern California Gas Company is under the jurisdiction of the California Public Utilities Commission. Our ability to serve can also be affected by actions of federal regulatory agencies. Should these agencies take any action, which affect gas supply or the conditions under which service is available, gas service will be provided in accordance with the revised conditions. O9-1

This letter is also provided without considering any conditions or non-utility laws and regulations (such as environmental regulations), which could affect construction of a main and/or service line extension (i.e., if hazardous wastes were encountered in the process of installing the line). The regulations can only be determined around the time contractual arrangements are made and construction has begun.

Estimates of gas usage for residential and non-residential projects are developed on an individual basis and are obtained from the Commercial-Industrial/Residential Market Services Staff by calling (800) 427-2000 (Commercial/Industrial Customers) (800) 427-2200 (Residential Customers). We have developed several programs, which are available upon request to provide assistance in selecting the most energy efficient appliances or systems for a particular project. If you desire further information on any of our energy conservation programs, please contact this office for assistance.

Sincerely,

Jeannette Garcia
Technical Services Supervisor
Orange Coast Region - Anaheim

JG/rl
eir02.doc

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O9. Response to Comments from The Gas Company, Jeanette Garcia, Technical Services Supervisor, dated October 25, 2012.

O9-1 The comment acknowledges that The Gas Company has facilities in the project area and gas service can be provided to the proposed project. The comment letter is not a contractual commitment to serve the proposed project, but is provided only as an information service. Comment acknowledged and will be forwarded to the appropriate City of Newport Beach decision makers for their review and consideration.

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LETTER I1 – Kimberly A. Jameson, PhD, (1 page)

From: Kimberly A. Jameson, Ph.D. [mailto:kjameson@uci.edu]
Sent: Saturday, October 06, 2012 11:32 AM
To: Alford, Patrick
Cc: kjameson@uci.edu; Sabrina@uci.edu
Subject: Submitted Public comment on the Uptown Newport DEIR impacts project on UCI CCDC.

Patrick Alford,

Herewith I submit one public comment on the DEIR for the Uptown Newport project proposed in the city of Newport Beach. Thank you for submitting the entire paragraph below in the comments on the Draft EIR that the city submits. And please inform me if you are unable to submit the entire text show below as numbered paragraph (1) as a public comment.

(1) What provisions and safe guards are planned for minimizing the sensitive receptors present at the UCI Child Care Development Center (approximately 875 feet southeast of the project site on Jamboree Road)?

The Child Development Center Clinic engages in Outpatient Clinical Services, Neuropsychological and/or Psychoeducational Evaluations, Cognitive Behavioral Interventions, Parent Training Courses, Social Skills Courses with are all activities that require a nondisruptive enviroment free of environmental toxins. As part of your response please describe plans related to factors of project transportation, fencing, sound buffering plans that aime to minimizing noise impacts on the UCI CCDC. Also provide analyses of Fugitive Dust impacts, Construction traffic impacts, Toxic Emissions impacts and other hazards that will be present during all phases of this project. Pay particular attention to enumerating the impacts on the UCI CCDC during Phase 1 & 2 development, and describe in detail mitigated and unmitigated impacts analyses. I1-1

Thank you for submitting this comment.
Sincerely,
Kimberly A. Jameson

/*/*/*/*/*/*/*/*/*/*/*/*/
Kimberly A. Jameson, Ph.D.
Institute for Mathematical Behavioral Sciences University of California,
Irvine Social Science Plaza Irvine, CA 92697-5100
http://aris.ss.uci.edu/~kjameson/kjameson.html

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I1. Response to Comments from Kimberly A. Jameson, PhD, dated October 6, 2012.

I1-1 Upon completion of Phase 2 development, the proposed project would reduce exposure of toxic air contaminants (TACs) at the University of Irvine (UCI) Child Care Development Center. The implementation of the proposed project would result in the closure of the TowerJazz facility, which releases TACs. The residential mixed-use development would not generate substantial quantities of TACs per SCAQMD thresholds. Consequently, receptors in the area would have an overall net benefit in air quality as a result of the project.

An analysis of the project's air quality impacts on sensitive receptors during construction activities was conducted and discussed in DEIR Section 5.2, *Air Quality* (see Impact 5.2-4). Although construction activities would result in emissions of TACs from diesel-powered construction equipment, as described in the DEIR, short-term emissions of TAC from construction activities would not result in long-term health risks. Furthermore, localized emissions from construction activities with mitigation would be below the SCAQMD significance thresholds at the UCI Child Care Development Center, as shown in Table 5.2-17. These thresholds are based on the California ambient air quality standards (AAQS), which are designed to protect sensitive receptors most susceptible to further respiratory distress, such as asthmatics, the elderly, very young children, people already weakened by other disease or illness, and persons engaged in strenuous work or exercise. As identified in the DEIR, Mitigation Measures 2-1 through 2-6 would reduce localized construction emissions below the localized significance thresholds, and impacts to UCI Child Care Development Center would be less than significant.

Noise impacts during project construction and operation were evaluated at nearby sensitive receptors, including the UCI CCDC. The analysis concluded that there would be no substantial traffic noise increases due to project-related traffic along roadways. In addition, noise from operation of the project (such as HVAC units, parking lot activities, and use of outdoor areas) would be negligible at the UCI CCDC due to distance and existing traffic noise from Jamboree Road.

The analysis concluded that noise impacts at the office and retail uses adjacent to the site would be significant and unavoidable. At the UCI CCDC there would be temporary noise increases during project construction. The maximum noise increase over the entire construction period would occur during Phase 1, when a noise level increase of up to 8 dBA could occur. However, due to distance and the existing traffic noise on Jamboree Road, the average noise during construction would be less than the existing ambient noise, and noise from construction activities at the project site would generally not be heard.

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LETTER I2 – Bruce Asper (2 pages)

Uptown Newport Project

DEIR, Sep. 2012

NOISE , Section 5.10 Bruce Asper, EQAC

This ambitious project is to be in the development and construction phases for a period of at least seven years, from as early as 2013 to as late as 2021 or even beyond. There are over 1200 residences in the 2 Phases of construction, similar to the developments on the Irvine side of Jamboree as you proceed north and over the 405. The construction related noise implications for people who either work or live in the area are a big consideration, given both the scope in size as well as build out time for the entire project. I2-1

The report does a very thorough and analytical job on the technicalities of vibration noises, various types of sound and the City of Newport Beach's Conditions of Approval (the latter on p.5.10-51) . Arguably, the approach of the report is too analytical and lacks human concern or empathy, especially for those who live and work in the area. As but one small but important example, one of the most impacted sites nearby is the UCI Child Care Development Center, across the street from the project and less than 300 feet away. I2-2

If there is a regular theme to this DEIR noise section.it is, by implication, that the whole area is already very noisy, given airplanes flying overhead at approach and take-off level altitudes, heavy traffic on major traffic arteries such as Jamboree road and its associated noise levels and other ongoing construction project noises. The assumption implicitly is " what's a little more noise for a while".

To drill down a bit on just one of these noise elements, traffic. Jamboree is far and away the busiest in daily traffic volume of any of the streets measured in the DEIR. A typical work day has traffic volumes of between 35,000 and nearly 46,000 vehicles a day, depending on the stretch of the street measured. Noise from this source is already "the dominant noise in the vicinity of the project site" (p.5.10- I2-3

18, para #2). During the excavation phase of the project, it is the report's estimate that over 400 truck trips a day will be added to that number. The area already has a noise level of 72 to 73 dBA within 100 feet of Jamboree (the desired goal is below 65 dBA), without the additional truck traffic they will add in this phase. Sound engineers they hired to analyze the incremental noise due to the project indicated that the increase in noise level would only be "less than .2 dBA"(DEIR p.5.10-22, IMPACT 5.10-1, Kimley-Horn and Assoc., 2012). I find this to be very hard to believe, but I'm no sound engineer.

I2-3 cont'd

Still another area of concern is the exposure to noise to the people who will have moved into residences in Phase ! as a result of the soon to follow Phase 2, which begins with the demolition of the Tower-Jazz facility. The estimated noise levels during this construction time for the nearest Phase 1 buildings will be from 83-96 dBA, from 18 to 21 decibels over the desired threshold of 65dBA (chart, p.5.10-45), and this can go on for" up to 4 months" (same page as above, last para).

I2-4

At minimum, it seems a reasonable requirement that the affected people in Phase 1 residences be assured of some serious evaluation of sound barriers, sound walls or some protection for them and their hearing.

This project seems like too much and for too long.

UTILITIES

This is one of the feel good parts of the DEIR, in that the consumption of all the utility sources will dramatically decrease when both Phases, 1& 2,are completed.Most notably, the water consumption is estimated to drop by a whopping 85%, from the Tower-Jazz and Half Dome buildings current rate of 1,400,000 gallons of water EACH DAY to a predicted consumption of just over 200,000 gallons each day upon project completion and occupancy. What is going on at those two buildings that uses so much water, one may well ask.

I2-5

I2. Response to Comments from Bruce Asper, dated September 2012.

I2-1 Comment acknowledged.

I2-2 In accordance with the California Environmental Quality Act (CEQA), the Uptown Newport DEIR is a public document designed to provide decision makers and the public with an analysis of the environmental effects of the proposed project, to indicate possible ways to reduce or avoid environmental damage, and to identify alternatives to the project (see CEQA Guidelines Section 15002, *General Concepts*). The analysis is appropriately objective, and technical as needed, to accurately analyze the potential project's environmental impacts.

The Uptown Newport noise analysis specifically addressed potential noise and vibration impacts to the UCI Child Care Development Center. Because vibration diminishes rapidly with distance, vibration levels at the UCI Child Development Center would be less than significant (see DEIR Tables 5-10-16 and 5.10-17). The anticipated noise impacts during construction are shown in DEIR Tables 5.10-19 to 5.10-22. Construction noise would generally be overshadowed by traffic noise on Jamboree Road and would be less than significant at the UCI Child Development Center. Long-term project-related traffic noise would also be less than significant.

I2-3 In accordance with CEQA, the noise analysis includes an evaluation of the existing noise environment, and quantitatively analyzes the project's impacts in comparison to existing conditions. The noise analysis evaluates both construction-related impacts and long-term impacts for both Phase 1 and Phase 2 project conditions. The impacts are compared to objective thresholds of significance (regulations, standards, and policies) as detailed under DEIR Section 5.10.2, *Thresholds of Significance,* page 5.10-18.

The noise increase from project-related traffic for Phase 1 and Phase 2 is provided in Tables 5.10-11 and 5.10-12, respectively. The methodology used to project future noise levels is described on page 5.10-22. As shown for all the roadway segments analyzed, the increase in noise levels would be less than 0.2 dB. It is widely accepted that the average healthy ear (i.e., a person with no hearing deficiencies) can barely perceive changes of 3 dBA, either increase or decrease. A doubling in traffic would be required to increase noise levels by 3dBA. The project would generate far less traffic than the existing traffic volumes on study area roads.

I2-4 As described on DEIR page 5.10-46, Phase 2 construction would result in high noise levels at the residential units built during project Phase 1. Due to the length of construction activities and the noise level, these impacts would be significant. Mitigation Measures 10-9 to 10-12 (see DEIR page 5.10-56) would reduce construction noise impacts. However, due to the residential building heights, sound walls would not be effective for receptors at the second floor and above. Because some of the Phase 1 residential areas would overlook the Phase 2 construction area, these uses would be exposed to elevated noise levels during construction activities. This would be a temporary significant and unavoidable impact that would cease once Phase 2 construction is completed.

I2-5 DEIR Table 5.15-11, *Project Water Demand: Phase 2 and Project Buildout,* details the project site water demand at project buildout in comparison to existing conditions. The existing TowerJazz semiconductor manufacturing process is extremely water intensive. The proposed project, therefore, would result in a substantial reduction in water demand.

LETTER I3 – Debbie Stevens (4 pages)

Debbie Stevens
1120 Sea Lane
Corona Del Mar, CA 92625

October 23, 2012

Mr. Patrick Alford
City of Newport Beach
3300 Newport Blvd.
Newport Beach, California 92663

SUBJECT: Comments on Uptown Newport Draft EIR

Dear Mr. Alford:

I have reviewed the Draft Environmental Impact Report (EIR) for the Uptown Newport Project. My comments on the Draft EIR are summarized below.

COMMENTS APPLICABLE TO THE ENTIRE DRAFT EIR

- There are a number of references used in the Draft EIR that are not defined or included in Chapter 13 - Bibliography. I3-1

PROJECT DESCRIPTION

- Page 3-2: The terms "additive," "replacement," and "density bonus" in Table 3-1 should be defined and explained how they apply to the project. I3-2

AIR QUALITY

- There are a number of references used in the air quality section. None of them are defined or included in Chapter 13 - Bibliography. Examples include: WRCC 2012, SCAQMD 2005; Caltrans 1997, CARB 2011, BAAQMD 2011, and SCAQMD 2012.
- The existing facility emissions should be included as part of the environmental setting discussion.
- The reference to SCAQMD, 2005 looks like an old reference, but the information cannot be verified without knowing the source. I3-3
- Page 5.2-2, Last paragraph. The statement is made that "Adverse effects on human health are not caused directly by VOCs . . ." This statement is not true as some VOCs are toxic air contaminants. The statement should be revised.
- Page 5.2-7, first paragraph. The section on Air Quality Management Planning should be updated to reflect that the SCAQMD has prepared and published the 2012 AQMP.
- Pages 5.2-13 through 5.2-23. The emission calculations for the proposed project were developed using CALEEMod. This model is based on EMFAC2007

emission factors and does not use the latest EMFAC2011 emission factors. Further, it virtually impossible to verify the model input assumptions and output data with the information provided in the impact tables.

- Page 5.2-22 and 5.2-23, Tables 5.2-13 and 5.2-14. The units of the numbers in the tables should be provided and the LST significance thresholds should be identified.
- Page 5.2-24, CO Hotspot Analysis. It appears that a BAAQMD screening threshold has been used, although hard to verify because the reference is not identified (BAAQMD 2011). Justification for the use of a BAAQMD screening threshold in Newport Beach should be provided.
- Page 5.2-24, Impact 5.2-6. It does not appear that diesel particulate matter was included in the HRA summarized in Table 5.2-15.
- Page 5.2-25, Table 5.2-15. It appears that the ISCST3 model was used to estimate health risks. The most recent air quality model for preparation of HRAs is AERMOD.
- Page 5.2-31, Table 5.2-17. The SCAQMD significance thresholds should be included in the table.

I3-3 cont'd

HAZARDS AND HAZARDOUS MATERIALS

- Page 5.7-15, Thresholds of Significance. The thresholds identified in this section were not used to evaluate hazard impacts. Other thresholds were used including a risk threshold of 1.0E-06 (see Table 5.7-3), and ERPG-2 toxic endpoints (see page 5.7-25).
- Page 5.7-13, page 5.7-18. A number of the conclusions in Table 5.7-3 are incorrect. Vapor intrusion cancer risk identified as "Slab - Maximum," "Garage - 95% UCL," and "Garage - Maximum," range from 1.42E-06 to 8.78E-06, all of which exceed the threshold of 1.0E-06. Therefore, development and occupancy of Phase 1 of the project would expose future residents to substantial hazards from soil vapors originating from soil and groundwater contamination under the Phase 2 portion of the project site. These impacts should be considered significant.
- Page 5.7-33, Section 5.7.7 - Mitigation Measures. The mitigation measures for extremely hazardous materials should not be limited to anhydrous ammonia but should also include boron trichloride, chlorine, hydrofluoric acid, and sulfuric acid.
- The presence of extremely hazardous materials in close proximity to residential areas is a concern. The offsite consequence modeling completed used RMP*Comp and claimed that worst-case scenarios were used along with alternative scenarios. It should be noted that the RMP*Comp uses default assumptions. Site specific, container specific or chemical specific assumptions are not required to be used for all RMP*Comp assumptions. For example, RMP*Comp assumes that all releases take 10 minutes. This assumption actually underestimates the releases of gases from pressurized vessels as a release from a tank or cylinder failure would likely release its contents in much less time and

I3-4

result in higher concentrations than modeled, as would be the case with chlorine, anhydrous ammonia, and boron trichloride.

- The Hazard Assessment (see Appendix H) indicates that an alternative release scenario was completed for chlorine assuming as release from a restrictive flow orifice of 0.03 inch, which does not seem to be a release.
- The alternative release scenario for anhydrous ammonia assumes a release of 1 minute only and assumes that mitigation systems, e.g., water spray system, would operate immediately reducing an ammonia release by 90 percent and limiting the distance to the toxic endpoint of 200 ppm to 192 feet. The analysis should have taken response time into consideration. It seems highly unlikely that a release would occur, be detected immediately, the spray system would be operational, and the release would stop all within 60 seconds. Instead there is usually some type of response time, generally 2-5 minutes BEFORE a release is detected and then some short delay before the mitigation measures (e.g., water spray system) start operating. The alternative scenarios modeled for boron trichloride and chlorine also assumed a 1 minute release. The alternative release scenarios should be re-modeled using more realistic operating assumptions to determine an appropriate minimum distance for residential areas to be located.
- Residents of Phase I should be informed of the presence of extremely hazardous materials in the TowerJazz facility.

I3-4 cont'd

ALTERNATIVES TO THE PROPOSED PROJECT

- Page 7-5, Optional Phasing Alternative. It does not make sense to assume that residences would be built and remain vacant. Rather it would make sense to assume that construction of the residences would be delayed until 2015 or 2016 and could then be occupied in 2017, after the closure of the TowerJazz operation.
- Page 7-10, third paragraph, last sentence should be revised as follows: However, since no significant and unavoidable greenhouse gas impacts occur under the proposed project, no <u>significant</u> impacts would be avoided.
- Page 7-14, Table 7-3. Are the utilities/service system uses identified in Table 7-3 under No Project Alternative based on the existing (current) use at the site (e.g., existing water/electricity/natural gas use at the site)?
- Page 7-16, Table 7-4. There is a typo in the second to last lines of the table (e.g., 9.033 should be 9,033.
- General comment. The alternatives analysis evaluates a Reduced Density Alternative (561 dwelling units) and compared it to the proposed project (1,244 dwelling units). It was concluded that the Reduced Density Alternative would achieve all project objectives, except providing a reasonable return on investment. It was concluded or implied in the Draft EIR that the proposed project would provide a reasonable return on investment. Therefore, there are some alternatives between 561 dwelling units and 1,244 dwelling units that should be evaluated that would provide a reasonable return on investment and achieve all project objectives. What defines a "reasonable return on investment" should be defined.

I3-5

P. Alford
October 23, 2012
Page **4**

Thank you for your consideration.

Respectfully submitted,

Debra Bright Stevens

Debbie Bright Stevens

I3. Response to Comments from Debbie Stevens dated October 23, 2012.

I3-1 DEIR Chapter 13, *Bibliography*, has been supplemented to include the missing references. The updated chapter is included at the end of Chapter 3, *Revisions to the Draft EIR.* The added references are shown in underlined format.

I3-2 DEIR Table 3-1, *ICDP Unit Allocation Summary*, is reproduced directly from the Integrated Conceptual Development Plan (ICDP). The explanation of the calculation of allowable units on the Uptown Newport site is included on DEIR page 3-2 in the paragraph preceding Table 3-1. Following is a basic definition of the terms as requested:

- Replacement Units: these units replace existing land uses. The City used a conversion process based on equivalent traffic trips by land use to convert square footages of existing onsite uses (office, commercial, and industrial uses) to equivalent housing units. The conversion factors and the application to Airport Area properties converting to residential use is documented in "Airport Area Residential & Mixed-Use Adjustment Factors for Traffic Analyses in Newport Beach," prepared by Richard M. Edmonston, PE, and dated March 10, 2009.

- Additive Units: 550 units within the MU-H2 designated area in the Airport Area are allowed to be developed pursuant to the City's general plan (see DEIR, page 3-1). These units were designated additional infill units. In the ICDP, these units are classified "additive" units and do not replace any existing uses.

- Density Bonus: to help meet the City's housing element goals, the ICDP allocates up to 322 units on the maximum 35 percent allowance pursuant to City of Newport Beach Municipal Code and government code for the Uptown Newport site (e.g., Conexant property)

Also refer to DEIR Table 5.9-1, *General Plan Consistency Analysis,* under Policy LU 6.15.5, Residential and Support Uses, on pages 5.9 through 15-16, for description of dwelling-unit-allocation General Plan consistency and calculation methodology.

I3-3 References: The following air quality references have been added to the DEIR (see Chapter 3, *Revisions to the Draft EIR*).

Western Regional Climate Center (WRCC). Western U.S. Climate Historical Summaries. Newport Beach Harbor Monitoring Station (ID No. 046175). http://www.wrcc.dri.edu/summary/Climsmsca.html. Accessed 2012.

South Coast Air Quality Management District (SCAQMD). 2005, May. Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning.

California Department of Transportation (Caltrans). 1997, December. Transportation Project-Level Carbon Monoxide Protocol. UCD-ITS-RR-97-21. Prepared by Institute of Transportation Studies, University of California, Davis.

California Air Resources Board (CARB). 2011, June 23. Area Designations: Activities and Maps. http://www.arb.ca.gov/desig/adm/adm.htm.

Bay Area Air Quality Management District (BAAQMD). 2011 (revised). California Environmental Quality Act Air Quality Guidelines.

South Coast Air Quality Management District (SCAQMD). Multiple Air Toxics Exposure Study Model Estimated Carcinogenic Risk Map. http://www3.aqmd.gov/webappl/matesiii/ Accessed 2012.

Existing Facility Emissions: Although the environmental setting discussion does not describe the emissions currently generated by the Half Dome Building and the TowerJazz facility, existing facility emissions are described under DEIR Impact 5.2-3, and emissions from the Half Dome Building and TowerJazz facility are shown in Tables 5.2-10 and -11, respectively.

SCAQMD 2005 Reference Is Old: The reference is current; it is used to provide a general description of air quality pollutants of concern identified in SCAQMD's guidance document for addressing air quality issues in planning. SCAQMD has not revised this guidance document.

VOCs: Page 5.2-2 of the EIR has been revised as follows in Chapter 3, *Revisions to the Draft EIR*:

~~Adverse effects on human health are not caused directly by VOCs, but rather by reactions of VOCs to forms of secondary pollutants such as ozone~~ Although health-based standards have not been established for VOCs, health effects can occur from exposures to high concentrations of VOCs. Some hydrocarbon components classified as VOC emissions are hazardous air pollutants. Benzene, for example, is a hydrocarbon component of VOC emissions that is known to be a human carcinogen (SCAQMD 2005).

Draft 2012 AQMP: At the time of preparation of the air quality analysis, SCAQMD had not yet released the Draft 2012 Air Quality Management Plan (AQMP). Since release of the DEIR, the Draft 2012 AQMP has been released (mid-July), but has not yet been adopted. A discussion of the Draft 2012 AQMP has been added to page 5.2-7 in Chapter 3, *Revisions to the Draft EIR:*

On July 18, 2012, the SCAQMD released the Draft 2012 AQMP, which employs the most up-to-date science and analytical tools and incorporates a comprehensive strategy aimed at controlling pollution from all sources, including stationary sources, on-road and off-road mobile sources, and area sources. The Draft Plan also addresses several state and federal planning requirements, incorporating new scientific information, primarily in the form of updated emissions inventories, ambient measurements, and new meteorological air quality models. The Draft 2012 AQMP builds upon the approach identified in the 2007 AQMP for attainment of federal PM and ozone standards. It highlights the significant amount of reductions needed and the urgent need to engage in interagency coordinated planning to identify additional strategies, especially in the area of mobile sources, to meet all federal criteria air pollutant standards within the time frames allowed under the federal CAA. The Draft 2012 AQMP demonstrates attainment of federal 24-hour $PM_{2.5}$ standard by 2014 and the federal 8-hour ozone standard by 2023. The Draft 2012 AQMP includes an update to the revised EPA 8-hour ozone control plan with new commitments for

short-term NO_x and VOC reductions. The plan also identifies emerging issues of ultrafine ($PM_{1.0}$) particulate matter and near-roadway exposure and includes an analysis of energy supply and demand.

EMFAC2011: Appendix C provides assumptions used in air quality modeling. The CalEEMod program uses the EMFAC2007 plus the California Air Resources Board's (CARB) post-processor for Pavley + Low Carbon Fuel Standards (LCFS). The next version of CalEEMod will have the EMFAC2011 emissions factors integrated with the model (anticipated late 2012). CalEEMod is a SCAQMD-accepted modeling tool for calculating air quality and greenhouse gas emissions of a project.

Table Units: The measurement units (pounds per day) have been added in Tables 5.2-13, 5.2-14, and 5.2-17 in Chapter 3, *Revisions to the Draft EIR*. The LST significance thresholds are already identified in the tables (e.g., SCAQMD LST Phase 1 and SCAQMD LST Phase 1+2).

CO Hotspot: The Bay Area Air Quality Management District's (BAAQMD) CEQA Guidelines (revised 2011) were not used as screening thresholds for the proposed project. However, BAAQMD's guidance document (see Appendix D of BAAQMD's CEQA Guidelines) was used as additional evidence that unless a typical roadway intersection experiences volumes of over 44,000 vehicles per hour, the concentrations of carbon monoxide (CO) would not exceed the California ambient air quality standards. Furthermore, the discussion on CO hotspots explains that, prior to being designated by the Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) as in attainment of CO in 2003, SCAQMD's 1992 Federal Attainment Plan identified that peak carbon monoxide concentrations in 1992 were a result of unusual meteorological and topographical conditions and not a result of congestion at a particular intersection. As described in the EIR, the proposed project would not produce the volume of traffic required to generate a CO hotspot; therefore, CO hotspots are not an environmental impact of concern for the proposed project.

DPM: Diesel particulate matter (DPM) was included in the health risk assessment (HRA), which is provided in DEIR Appendix D. DEIR Table 5.2-15, *Health Risk Assessment*, provides a summary of the excess cancer risk and noncancer hazards, which include the impact of DPM as well as other TACs. Six of the nine facilities that emit TACs within a 1,000-foot radius of the site have emergency diesel generators and were evaluated for DPM. In addition, DPM emissions from TowerJazz included heavy duty trucks making 16 deliveries per day.

ISCST3 v. AERMOD: While the EPA now recommends the use of AERMOD for air dispersion modeling, the SCAQMD approves the use of either ISCST3 or AERMOD for health risk assessments. Studies conducted by SCAQMD indicate that in urban environments, the results from ISCST3 or AERMOD show no significant differences.

SCAQMD Significance Thresholds in Table: The line in DEIR Table 5.2-17 called "SCAQMD LST Phase 2 & Overlap of Phase 1 + Phase 2" is the localized significance threshold. Table 5.2-17 compares "Maximum Daily Emissions 2018" to the "SCAQMD LST Phase 2 & Overlap of Phase 1 + Phase 2" to determine if the project, with mitigation, would result in substantial concentrations of air pollutants at

sensitive receptors near the site during construction. As identified in the DEIR, Impact 5.2-4 would be less than significant with mitigation.

I3-4 *Threshold of Significance.* The thresholds of significance shown on DEIR page 5.7-15 are the CEQA Guidelines Appendix G thresholds. They do not provide a quantified threshold to evaluate the significance of a potential hazard (e.g., thresholds H-1 and H-2 are not defined beyond "create a significant hazard"). The impact analysis in Section 5.7.3, *Environmental Impacts*, defines and references the quantified thresholds applied to refine the Appendix G thresholds and make the significance conclusions.

Vapor Intrusion. The risk/hazard threshold for subsurface parking garages was incorrectly transferred from the technical report to the summary table in the DEIR, Table 5.7-3. The cancer risk threshold has been corrected from 1.0E-06 to 3.0E-06, below (also in Chapter 3.0, *Revisions to the Draft EIR*):

Table 5.7-3
Risk Assessment Results and Conclusions:
Assessment of Vapor Intrusion Risks for Future Residents of Phase 1

Exposure Scenario	Concentration Assessed	Risk/Hazard: Sampling Depth Assessed			Risk/Hazard Threshold	Conclusion (Risk)
		15 feet	10 feet	5 feet		
Cancer Risk						
Slab	95% UCL	3.69E-07	5.32E-07	9.56E-07	1.0E-06	Acceptable
Slab	Maximum	1.42E-06	2.01E-06	3.61E-06	~~1.0E-06~~4.0E-06	Acceptable
Garage	95% UCL	8.96E-07	2.34E-06	2.34E-06	~~1.0E-06~~ 3.0E-06	Acceptable
Garage	Maximum	4.24E-06	8.78E-6	8.78E-6	~~1.0E-06~~1.0E-05	Acceptable
Noncarcinogenic Health Hazard						
Slab	95% UCL	2.00E-03	2.89E-03	5.25E-03	1	Acceptable
Slab	Maximum	7.49E-03	1.73E-02	3.16E-02	1	Acceptable
Garage	95% UCL	4.97E-3	1.32E-2	1.31E-2	1	Acceptable
Garage	Maximum	2.78E-02	7.27E-02	7.27E-02	1	Acceptable

The risk conclusions in the table (acceptable) are correct. Future residents of Phase 1 would not be exposed to substantial hazards from soil vapors from soil and groundwater contamination under the Phase 2 portion of the site, and impacts would be less than significant.

Mitigation Measures. Mitigation is proposed for the anhydrous ammonia tank because it is the only extremely hazardous chemical used at TowerJazz that poses a potential risk to Phase 1 residents, based on the results of the "Off-Site Consequence Analysis" presented in DEIR Appendix H. The other chemicals stored at the facility (boron trichloride, chlorine, hydrofluoric acid, and sulfuric acid) are already equipped with the multiple safety measures recommended for a new anhydrous ammonia tank, including automatic shut-off valves, restrictive flow valves, toxic gas detection system, alarms, and double containment piping.

*RMP*Comp Modeling.* The RMP*Comp screening model was used to determine worst-case scenarios, as requested by the Newport Beach Fire Department.

However, this model uses simplistic assumptions and default parameters and does not have the capability to incorporate site-specific conditions. The commenter is correct that RMP*Comp assumes all releases take place over a period of 10 minutes. However, the model assumes that the entire contents of the largest onsite storage tank or vessel is released over that 10-minute period (e.g., 1,000 lb tank/10 min = release rate of 100 lb/min). Although RMP*Comp is a simplistic screening tool, its results are conservative for determining worst-case scenarios because it assumes the entire contents of the tank are released over a relatively short period of time and form an instantaneous toxic vapor cloud that travels directly to the receptor during nighttime conditions (low wind speeds), not considering wind direction.

The commenter is correct in stating that the release of gases from pressurized vessels may occur over a shorter period of time and is concerned that the modeled results are not conservative. The ALOHA model, which was used to model the alternative scenarios, does take into account the higher initial instantaneous flow rate for a pressurized vessel in calculating the release rate and the resultant toxic vapor cloud. It should be noted that though the initial instantaneous flow rate is higher than the RMP*Comp release rate, the pressure and flow rate decrease rapidly as the release occurs under choked flow conditions.

As a comparison between RMP*Comp and ALOHA, a hypothetical release scenario was assumed for a 1,000-lb anhydrous ammonia tank at a pressure of 90 psig. The RMP*Comp results for the worst-case scenario show a toxic endpoint of 0.2 mile, whereas the ALOHA distance for a release from a one-inch hole in the tank extends to only 234 feet. This is because as the pressure in the tank equalizes with the outside atmospheric pressure, the vapor flow from the tank stops. These results show that the RMP*Comp worst-case scenarios are conservative. The alternative release scenarios also were conservative because the calculated initial instantaneous release rate entered into the ALOHA model was assumed to occur during the entire release period, and no credit was taken for a reduction in the release rate over time.

Chlorine Release Scenario. The chlorine cylinders are equipped with a restrictive flow orifice to limit the potential danger of an uncontrolled release from a compressed gas cylinder. It is threaded onto the outlet of the cylinder so it is an integral part of the unit. The maximum flow rate from a cylinder during normal operating conditions is therefore limited to the flow through this 0.03-inch opening. For the alternative release scenario, it was assumed that both walls of the double containment piping connected to the chlorine cylinder completely ruptured, resulting in flow from the cylinder. Since the release scenario flow rate could never exceed the normal operating flow rate through the restricted flow orifice, this flow rate was used for the alternative release scenario.

Alternative Release Scenario Durations. The alternative release scenario may consider "active" mitigation such as automatic shut-off valves, excess flow valves, and containment with scrubbers. The ammonia storage tank is equipped with excess flow valves that automatically close when the flow rate from the tank exceeds a specified amount. The leak detection systems for the boron trichloride and chlorine cylinders consist of gas sensors at the storage cabinets. When the gas concentration exceeds a specified amount, these are set to activate audible and

visual alarms, which in turn activate the automatic shut-off valves. In addition, the chlorine cylinders have restrictive flow orifices so that a very low flow rate can never be exceeded, even under normal operating conditions. The EPA and CalARP guidance indicate that a release duration of one minute is appropriate for automatic responses, i.e., where the release is detected and a valve is closed automatically without human intervention, or where the device is "intrinsically automatic." This is the case with the extremely hazardous substances stored at TowerJazz. No human intervention is required to activate the safety measures, and therefore an alternative release duration of one minute is appropriate.

Disclosure. DEIR Mitigation Measure 7-3, page 5.7-34, requires that Phase 1 Uptown Newport residences be notified of the hazardous chemicals used and stored at the adjacent TowerJazz facility.

I3-5 *Page 7-5, Optional Phasing Alternative.* Redefining the optional phasing alternative to delay Phase 1 construction a couple of years would not alter the primary conclusions of this alternative. As with the DEIR-defined alternative, Phase 1 residents would not be exposed to operational impacts associated with TowerJazz, but would still be subject to the impacts associated with Phase 2 TowerJazz demolition and construction. Although the Phase 1 units would not remain vacant (as defined in the DEIR alternative) and associated impacts such as property vandalism could be avoided, the applicant's return on investment would be substantially postponed in comparison to the proposed project. Moreover, the significant, unavoidable impacts of demolition and construction-related impacts associated with the proposed project would not be avoided.

Page 7-10, GHG Revision. The requested change has been made and is included in Chapter 3.0, *Revisions to the Draft EIR.*

Page 7-14, Table 7-3. The No Project alternative is defined as the existing conditions at the project site at the time the proposed project environmental review was initiated.

Page 7-16, Table 7-4. The referenced typographical error has been corrected. Please see Chapter 3.0, *Revisions to the Draft EIR*.

Reasonable Return on Investment: As summarized in the bullet list on DEIR page 7-1, *Alternatives to the Proposed Project, Purpose and Scope, "*The range of alternatives required in an EIR is governed by a 'rule of reason' that require the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project" (CEQA Guidelines Section 15126.6[f][1]). The 561-unit development analyzed as the Reduced Density project represented the fewest number of units that could still be consistent with the City's general plan and ICDP for the project site. This was based on the rationale that the fewest number of units would have the greatest potential to reduce environmental impacts in comparison to the proposed project. Although the alternative would reduce some environmental impacts (expose fewer Phase 1 residents to TowerJazz operational impacts), it would not eliminate any of the significant, unavoidable impacts of the proposed project. Although an alternative with an increased number of units

(between 561 and 1,244) could attain more of the project objectives than the Reduced Density alternative, it would not substantially reduce any impacts and would not eliminate any significant, unavoidable impacts. Moreover, it would be less effective in achieving the objectives of the City's general plan and ICDP, including affordable housing goals. The project alternatives as analyzed in the EIR comply with the CEQA requirement to provide a reasonable range of alternatives.

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LETTER I4 – Whitney Allen (1 page)

October 23, 2012

RE: Uptown Newport Plan & EIR Objections
Planning Study Session, October 4, 2012

Dear Planning Commission,

I do not oppose the Uptown Newport project, I am an advocate for low income housing and I look forward to a well planned Uptown Newport that is sustainably beneficial to the region. I am passionate about the planning system within our local government and I have concerns with poorly planned projects that can negatively impact the City and region. The Uptown Newport project that was presented to the Commission on October 4, 2012 lacked the vitality to become an asset to the community and risks becoming an attractive public nuisance if the Planning Commission does not take action. I4-1

The isolated high-rise housing project is located in an office park, cutoff from vital resources.
As 21st century planners we should have learned from our history- NOT to build high-rise projects on islands completely cutoff from resources such as schools, grocery stores, and daily amenities. We should be building scattered-site housing that seamlessly blends with local values. This is not an intelligent way to meet RHNA allocations. This project is piecemeal planning- rather than looking at the entire picture (the entire idea behind city planning) this is accommodating developers and tweaking plans to meet state/regional allocations. Newport Beach is a world-renowned City with high quality planners that have the power to learn from other's mistakes and protect their City from poor planning. I4-2

Irvine condos just down the street stand empty because high-rise condos are not appealing to the local market- built and assessed just a few years ago they are now worth half what they were when constructed.

This is not a mixed use project; it is high-rise residential units placed within an Airport Area office park. Living in the Airport Area is not ideal for residents; it is a prime location for businesses- the economic engines that create local jobs that will unfortunately be pushed out of the City by the forces pushing these plans through.

I am not a resident of Newport Beach, I work here. I work in an office with coworkers who share my concerns. My coworkers and I will all be affected by the increase in traffic, pollution, noise, and shadows of 13 story high-rises during and after construction.

This project reflects planning that is detrimental to Newport economy.
The businesses in the Airport Area of Newport Beach are the economic engines that power the City, driving companies out to prioritize housing hurts the City in the long run. Replacing income generating businesses with residential units will increase the tax burdens on residents. Newport Beach is fortunate to be home to many large companies located in Airport Area- the City benefits from tax revenues and job creation they provide. Projects like this show a lack of concern for local businesses and influence companies to move to adjacent areas in Irvine. I4-3

The EIR insufficiently addresses the project's impacts on the surrounding area.
The EIR does not address the adverse impacts on surrounding office parks, companies or their employees that will directly impacted by this project. It inadequately addresses traffic on the streets surrounding the site after construction is complete and does not address the burden on surrounding parking lots that will have access to the under-parked project. Newport Beach does not have shade/shadow restrictions; this project places thirteen story high-rises directly adjacent to one story offices. I4-4

This is not a sustainable development.
With this project the City will be trading in the long term businesses that are the vital backbone to the community- in exchange for short term rewards that will burden the City's residents and plague the City with another attractive public nuisance. I4-5

Thank you for your consideration of these issues.

Sincerely,

Whitney Allen
Airport Area Employee

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I4. Response to Comments from Whitney Allen, dated October 4, 2012.

I4-1 Comment acknowledged.

I4-2 The Uptown Newport project has been designed to be consistent with the City's general plan and Integrated Conceptual Design Plan (ICDP) for the property and adjacent Koll Center site. Moreover, the project is consistent with the numerous planning goals and objectives in the general plan and detailed in DEIR Section 5.9, *Land Use and Planning* (see Table 5.9-1, *General Plan Consistency*). The project does not represent piecemeal planning.

The commenter's concern about the market demand for the project and potential loss of Airport Area businesses will be forwarded to decision makers. Economic issues that do not result in direct or indirect physical environmental impacts are not within the realm of the environmental review under the California Environmental Quality Act (CEQA).

The commenter's concern regarding Airport Area office worker exposure to project-related traffic, pollution, and noise and shadow impacts is acknowledged. Please refer to Responses to letter O1, John Adams and Associates. Also note that long-term air-quality impacts would be less than significant, and toxic air emissions associated with the existing TowerJazz facility would be eliminated, resulting in a net benefit to receptors in the project vicinity.

I4-3 The commenter has not provided any substantiation for the assertion that existing businesses in the Airport Area would be driven out by the proposed project or that the implementation of Uptown Newport would increase tax burdens on local residents. Moreover, such economic issues are not within the realm of environmental review under CEQA unless they would result in direct or indirect physical environmental impacts.

I4-4 Please refer to responses to comment letter O1 regarding potential project-related traffic and shade/shadow impacts on surrounding office uses. Please refer to Response O2-4 regarding potential parking-related impacts.

I4-5 Comment acknowledged. Please refer to Response I4-3.

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LETTER I5 – Roger Stone (1 page)

From: Roger Stone [mailto:Rogers@stoneins.com]
Sent: Wednesday, October 24, 2012 1:35 PM
To: Ung, Rosalinh
Subject: Shopoff proposed developement

I am writing to you to communicate my huge concern over the proposed development of the land just south of Birch and east of Jamboree, known as the "Shopoff project".

I am one of the KCN Building owners and was informed that there is a good chance this development will be given a green light if not apposed. I actually like the idea of a nicer development replacing the Jazz building/parking lot. With the proper care, it would boost the area.

But, From what I understand , there will be over 1,200 units of housing built in this lot. I drive down jamboree to get to my office each day on Birch and Von Karmon. It gets pretty busy each morning and even worse between the hours of 4and 6pm when I drive home. If there were 8,000 more cars on the road during those times, it would be a real crunch for most of us. Without any meaningful path for the reduction in cars during the rush hours, we will all be sitting for a while. Not good for air quality and not good for our nerves and sooner or later will detract from the leasing and employment potential for our area. I5-1

8,000 additional units on the road spread out over 4 hours is 2,000 units per hour additional traffic in this heavy traffic area as it is. It's going to create a real problem.

Maybe an additional lane on each side of Macarthur, Jamboree, birch and Von Karmon may help. I think adding 2,000 cars on the road may be livable, but 8,000 will kill the commerce around here. I suggest that we're think this project and make sure it allows for the commerce already here and doesn't back us up into a nightmarish driving situation.

Roger Stone / President
Roger Stone Insurance Agency
5015 Birch Street
Newport Beach, ca. 92660
an affiliate of Pacific Interstate Insurance Brokers
www.rogerstoneinsurance.com
ph. 949-265-4179 fax 949-757-0375

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I5. Response to Comments from Roger Stone, dated October 24, 2012.

I5-1 Based on the project-specific traffic analysis prepared for Uptown Newport, the project in conjunction with other cumulative, related projects would not result in any significant traffic impacts (see DEIR Section 5.14, *Transportation and Traffic*; DEIR Appendix M, *Uptown Newport Traffic Impact Analysis;* and updated traffic analysis, Appendix E of this FEIR). As described in the DEIR, the proposed development would result in a shift of traffic patterns to and from the site. The existing office and industrial site uses have a heavier traffic flow toward the project site in the morning, and a heavier traffic flow away from the site in the afternoon. The proposed project would have the reverse traffic pattern. The results of the analysis show that though there would be increases in delay at some intersections related to project traffic, these increases would not exceed the significance criteria established by the cities of Newport Beach and Irvine. The level of service at some intersections would experience a net benefit. Please also refer to Responses O1-2 and O1-3. No traffic mitigation or improvements would be required.

The project would not result in long-term significant air quality impacts and, upon closure of the TowerJazz industrial facility, would result in a net benefit to air quality.

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LETTER I6 – James B. Hasty (1 page)

From: Jim Hasty [mailto:JHasty@meyerprop.com]
Sent: Wednesday, October 24, 2012 2:25 PM
To: Ung, Rosalinh
Cc: Denise Bennett
Subject: Uptown Newport EIR

Dear Rosalinh:

I don't know if you recall assisting me when I was trying to understand what PRES was planning on the property next to ours.

I'm currently out of the country and just learned comments on the Uptown Newport EIR are due today. Based upon my initial review I recall the EIR was deficient in addressing adverse impacts that could not be mitigated, in failing to provide the assumptions supporting their conclusion that a lower density project was not feasible, their traffic conclusions were factually untenable, they failed to fully address the magnitude of the construction noise impacts and completely ignored permanent noise and air quality impacts and the impacts on fire, police and schools were primarily ignored. I6-1

In short, the Draft EIR was inadequate, incomplete and unsatisfactory.

I'll be happy to provide you a letter to this effect upon my return should you request one.

Thank you in advance for our company's comments.

Sincerely,

Meyer Properties

James B. Hasty
Senior Vice President

Sent from my iPad

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I6. Response to Comments from James B. Hasty, dated October 24, 2012.

I8-1 Comments acknowledged. Please refer to Response I3-5 regarding the feasibility of a lower density residential alternative. Please refer to Response O1-2 regarding traffic impacts and the DEIR's conclusions that impacts are less than significant.

Contrary to the assertion in this comment, the DEIR fully analyzes long-term air quality, noise, fire, police, and school impacts (see respective DEIR topical Sections 5.2, *Air Quality;* 5.10, *Noise and Vibration;* and 5.12, *Public Services*). For each topic, project-specific impacts are analyzed for both Phase 1 and Phase 2 (buildout) conditions, as well as for cumulative project conditions.

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3. Revisions to the Draft EIR

3.1 INTRODUCTION

This section contains revisions to the DEIR based upon (1) additional or revised information and figures required to prepare a response to a specific comment; (2) minor updates to the project description and related analyses; (3) updated traffic modeling results; (4) applicable updated information not available at the time of DEIR publication; and/or (5) typographical errors. This section also includes additional mitigation measures to fully respond to commenter concerns as well as provide additional clarification to mitigation requirements included in the DEIR. The provision of these additional mitigation measures does not alter any impact significance conclusions disclosed in the DEIR. Changes made to the DEIR are identified here in ~~strikeout text~~ to indicate deletions and in <u>underlined text</u> to signify additions.

3.2 DEIR REVISIONS IN RESPONSE TO WRITTEN COMMENTS

The following text has been revised in response to comments received on the DEIR.

Pages 1-14 and 1-15, Table 1-1, *Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation*, Chapter 1, *Executive Summary*. The following text has been modified in response to Comment A10-3 from Ian MacMillan of the South Coast Air Quality Management District.

Table 1-1 summarizes the conclusions of the environmental analysis in this DEIR. Table 1-1 presents a summary of the environmental impacts of the Modified Project (see FEIR Section 3.3, *Updates to the Project Description,* regarding project changes since DEIR), mitigation measures that reduce potential significant impacts of the proposed project and the level of significance of each significant impact after implementation of mitigation.

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Table 1-1
Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

Environmental Impact	Level of Significance Before Mitigation		Mitigation Measures	Level of Significance After Mitigation	
	Phase 1	Phase 2		Phase 1	Phase 2
5.2 AIR QUALITY					
5.2-2: Short-term construction emissions generated by the Uptown Newport project would result in NO_x emissions that exceed South Coast Air Quality Management District's regional significance thresholds and would cumulatively contribute to the nonattainment designations of the South Coast Air Basin.	Potentially significant (Substantial short-term air quality construction emissions)	Potentially significant (Substantial short-term air quality construction emissions)	**Phase 1 and Phase 2** 2-1 The construction contractor shall use construction equipment rated by the United States Environmental Protection Agency as having Tier 3 or higher exhaust emission limits for nonemergency equipment over 50 horsepower ~~that are onsite for more than 5 days~~. Tier 3 engines between 50 and 750 horsepower are available for 2006 to 2008 model years. After January 1, 2015, nonemergency equipment over 50 horsepower ~~that are onsite for more than 5 days~~ shall be equipment meeting the Tier 4 standards, if available. A list of construction equipment by type and model year shall be maintained by the construction contractor onsite. A copy of each unit's certified Tier specification shall be provided at the time of mobilization of each applicable unit of equipment. Prior to construction, the City of Newport Beach shall ensure that all demolition and grading plans clearly show the requirement for United States Environmental Protection Agency Tier 3 or higher emissions standards for construction equipment over 50 horsepower during ground-disturbing activities. In addition, ~~equipment~~ the construction contractor shall properly service and maintain construction equipment in accordance with the manufacturer's recommendations. Construction contractors shall also ensure that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with California Air Resources Board's Rule 2449. 2-2 The construction contractor shall implement the following measures or provide evidence to the City of Newport Beach that implementation would not be feasible: • If electricity is not available onsite, generators, welders, and air	Significant and unavoidable	Significant and unavoidable

Table 1-1
Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

Environmental Impact	Level of Significance Before Mitigation		Mitigation Measures	Level of Significance After Mitigation	
	Phase 1	Phase 2		Phase 1	Phase 2
			compressors shall use alternative fuels (i.e., electric, natural gas, propane, solar). • Construction parking shall be configured to minimize traffic interference. Construction trucks shall be routed away from congested streets and sensitive receptors. • Construction activities that affect traffic flow on the arterial system shall be scheduled to off-peak hours to the extent practicable. • Temporary traffic controls, such as a flag person(s), shall be provided, where necessary, to maintain smooth traffic flow. • Large shipments of construction materials and/or equipment requiring use of heavy-heavy duty tractor trailers (e.g., 53-foot truck) shall use EPA-certified SmartWay trucks. 2-3 Prior to issuance of a grading permit, the construction contractor shall provide a statement to the City of Newport Beach that the construction contractor shall support and encourage ridesharing and transit incentives for the construction crew, such as carpools, shuttle vans, transit passes, or secured bicycle parking for construction workers.		
5.2-4: Construction activities associated with the Uptown Newport project could expose sensitive receptors to substantial pollutant concentrations of $PM_{2.5}$.	Potentially significant (Exposure of sensitive receptors to construction emissions)	Potentially significant (Exposure of sensitive receptors to construction emissions)	**Phase 1 and Phase 2** 2-4 The construction contractor shall prepare a dust control plan and implement the following measures during ground-disturbing activities for fugitive dust control in addition to South Coast Air Quality Management District Rule 403 to reduce particulate matter emissions. The City of Newport Beach shall verify compliance that these measures have been implemented during normal construction site inspections.	Less than significant	Less than significant

Table 1-1
Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

Environmental Impact	Level of Significance Before Mitigation		Mitigation Measures	Level of Significance After Mitigation	
	Phase 1	Phase 2		Phase 1	Phase 2
			• During all grading activities, the construction contractor shall reestablish ground cover on the construction site through seeding and watering. • During all construction activities, the construction contractor shall sweep streets with Rule 1186–compliant, PM10-efficient vacuum units on a daily basis if silt is carried over to adjacent public thoroughfares or occurs as a result of hauling. • During all construction activities, the construction contractor shall maintain a minimum 24-inch freeboard on trucks hauling dirt, sand, soil, or other loose materials, and tarp materials with a fabric cover or other cover that achieves the same amount of protection. • During all construction activities, the construction contractor shall water exposed ground surfaces and disturbed areas a minimum of every three hours on the construction site and a minimum of three times per day. Recycled water should be used, if available. • During site preparation, the construction contractor shall stabilize stockpiled materials. Stockpiles within 300 feet of occupied buildings shall not exceed 8-feet in height, must have a road bladed to the top to allow water truck access, or must have an operational water irrigation system that is capable of complete stockpile coverage. • During all construction activities, the construction contractor shall limit onsite vehicle speeds on unpaved roads to no more than 15 miles per hour. 2-5 The construction contractor during Phase 2 activities shall adhere to one of the following if construction of Phase 1 overlaps with construction of Phase 2: • The construction contractor shall install Level 2 Verified		

Table 1-1
Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

Environmental Impact	Level of Significance Before Mitigation		Mitigation Measures	Level of Significance After Mitigation	
	Phase 1	Phase 2		Phase 1	Phase 2
			Diesel Emission Control Strategies (VDES) diesel particulate filters (DPF) on large off-road equipment that have engines rated 50 hp or greater during grading, utilities installation, paving, and concrete activities that overlap with Phase 1 building construction. A list of construction equipment by type and model year and type of DPF shall be maintained by the construction contractor onsite. Or • Phase 2 site improvements (grading, utilities installation, paving, and concrete construction subphases) shall not overlap with Phase 1 building construction. The City of Newport Beach shall verify compliance that one of these measures has been implemented during normal construction site inspections.		
			2-6 The construction contractor shall post a sign at the entrance to the construction site. The sign shall identify the designated contact person, telephone number, and email address for construction-related complaints. Upon receipt of a compliant, the complaint shall be investigated and corrective action shall be taken, if needed. The construction contractor shall file a report to the City of Newport Beach of the nature of the compliant and action taken to remedy the complaint within two working days. A log of the complaints and resolutions to the complaints shall be maintained onsite.		
			2-7 The construction contractor shall use haul trucks and/or require subcontractors to use haul trucks that are 2010 or newer for demolition and construction (C&D) debris removal offsite and soil haul, unless evidence is provided by the contractor/subcontractor that such trucks are not readily available at the time of issuance of a demolition and/or grading permit.		

Pages 4-14 to 4-15, Table 4-2, *Cumulative Projects*, Chapter 4, *Environmental Setting*. The following text has been modified in response to Comments A4-8 and A4-9 from Joe Dixon of the Santa Ana Unified School District and Comment A6-3 from David R. Law of the City of Irvine.

Table 4-2
Cumulative Projects

No.	*Project Name* *Project Location*	*Proposed Land Use(s)*
City of Newport Beach		
1	Newport Beach County Club 1600 & 1602 E. Coast Highway[1]	• 5 Residential DUs • 27 Hotel Rooms • 2,048 SF Concierge and Guest Center • 3,725 SF Tennis Club • 7,490 SF SPA • 54,819 SF Golf Club • 7 Tennis Courts and a Swimming Pool
2	Mariner's Medical Arts 1901 W. Westcliff Drive	• 12,245 SF Medical Office Addition
3	Banning Ranch 4520 W. Coast Highway	• 1,375 Residential DUs • 75,000 SF Commercial Retail • 75-Room Hotel Accommodations • 28 Acres of Parks and Open Space
4	Sunset Ridge Park 4850 W. Coast Highway	• 13.67 Acre Active Park • 2 Fields Soccer Complex
5	Marina Park 1700 Balboa Boulevard	• 10.45 Acre Public Marina, Beach, and Park 26,990 SF Balboa Center Complex • 23 Slips Visiting Vessel Marina • 1,328 SF Marina Services Building • 5,500 SF Girl Scout House • 153 Parking Spaces
6	Koll Center 4343 Von Karman Avenue	• 260 Residential DUs • 3,400 SF Commercial
7	AERIE 201 Carnation Avenue[1]	• 6-Unit Condominium with • Subterranean Parking
8	Newport Coast Planned Community Newport Coast Drive	• 3,180 Single-family DUs • 1,298 Condominiums/Townhomes • 582 Multifamily DUs
City of Irvine		
9	Element Hotel 17662 Armstrong Avenue	• 122 Room Extended Stay Hotel
10	Diamond Jamboree Southwest corner of Millikan Avenue/Alton Parkway	• 25,362 SF Office
11	Irvine Crossing 17386 Gillette Avenue and 17871 Von Karman Avenue	• 178,500 SF Office
12	Central Park Northwest corner of Jamboree Road/Michelson Drive	• 1,380 DUs • 90,000 SF Office • 19,700 SF Retail
13	Metlife 2567 Main Street	• 481 DUs

Table 4-2
Cumulative Projects

No.	Project Name Project Location	Proposed Land Use(s)
14	Essex 2552 Kelvin Avenue	• 132 DUs
15	The Lofts 2300 Dupont Drive	• 116 DUs
16	Avalon I 2701 Alton Parkway	• 280 DUs
17	2801 Alton Parkway	• 178 DUs
18	Plaza III and IV 3000 Scholarship	• 105 DUs
19	Carlyle 2201 Martin Court	• 156 DUs
20	Granite Court 17421 Murphy Avenue	• 71 DUs
21	2801 Kelvin Avenue	• 248 DUs
22	17352 Von Karman Avenue	• 32,066 SF Office • 67,698 SF Warehouse
23	Metropolis 2500 Main Street and Cartwright Road	• 457 DUs
24	Aloft Extended Stay Hotel 2320 Main Street	• 170 Rooms
25	HINES 18582 Teller Avenue and 2722 Michelson Drive	• 785,000 SF Office • 15,500 SF Retail
26	Park Place Northwest corner of Jamboree Road/Michelson Drive	• 3,697,770 SF Office • 350,000 SF Retail • 2,008 DUs • 308 Hotel Rooms
27	2851 Alton Parkway	• 171 DUs
28	Martin Street Residential 18301 Von Karman Avenue and 2301 Martin Court	• 82 DUs
29	UCI Long Range Development Plan	• Campus Master Plan
30	Irvine Technology Center – Phase I North of Campus Drive, West of Jamboree Road	• 1,035 DU Multi-Family • 8,500 SF Retail
31	Scholle Building Fairchild Road east of Jamboree Road	• 107,211 SF Office

Source: City of Newport Beach, City of Irvine.
Notes: DUs = dwelling units; SF = square feet
[1] Project does not have a net increase in traffic.

Page 5.2-2, Section 5.2, *Air Quality*. The following text has been modified in response to Comment I3-3 from Debbie Stevens.

Volatile Organic Compounds (VOC) are compounds composed primarily of atoms of hydrogen and carbon. Internal combustion associated with motor vehicle usage is the major source of hydrocarbons. Other sources of VOCs include evaporative emissions associated with the use of paints and solvents, the application of asphalt paving, and the use of household consumer products such as aerosols. ~~Adverse effects on human health are not caused directly by VOCs, but rather by reactions of VOCs to forms of secondary pollutants such as ozone.~~ Although health-based standards have not been established for VOCs, health effects can occur from exposures to high concentrations of VOCs. Some hydrocarbon components classified as VOC emissions are hazardous air pollutants. Benzene, for example, is a hydrocarbon component of VOC emissions that is known to be a human carcinogen (SCAQMD 2005). There are no ambient air quality standards established for VOCs. However, because they contribute to the formation of O_3, the South Coast Air Quality Management District (SCAQMD) has established a significance threshold for this pollutant (SCAQMD 2005).

Page 5.2-7, Section 5.2, *Air Quality*. The following text has been modified in response to Comment I3-3 from Debbie Stevens.

On July 18, 2012, SCAQMD released the Draft 2012 AQMP, which employs the most up-to-date science and analytical tools and incorporates a comprehensive strategy aimed at controlling pollution from all sources, including stationary sources, on-road and off-road mobile sources, and area sources. The Draft Plan also addresses several state and federal planning requirements, incorporating new scientific information, primarily in the form of updated emissions inventories, ambient measurements, and new meteorological air quality models. The Draft 2012 AQMP builds upon the approach identified in the 2007 AQMP for attainment of federal PM and ozone standards, and highlights the significant amount of reductions needed and the urgent need to engage in interagency coordinated planning to identify additional strategies, especially in the area of mobile sources, to meet all federal criteria air pollutant standards within the timeframes allowed under the federal CAA. The Draft 2012 AQMP demonstrates attainment of federal 24-hour $PM_{2.5}$ standard by 2014 and the federal 8-hour ozone standard by 2023. The Draft 2012 AQMP includes an update to the revised EPA 8-hour ozone control plan with new commitments for short-term NO_x and VOC reductions. The plan also identifies emerging issues of ultrafine ($PM_{1.0}$) particulate matter and near-roadway exposure and includes an analysis of energy supply and demand.

Page 5.2-22, Table 5.2-13, *Maximum Daily Onsite Construction Localized Emissions, Phase 1 (Portion)*, Section 5.2, *Air Quality*. The following table has been modified in response to Comment I3-3 from Debbie Stevens.

Table 5.2-13
Maximum Daily Onsite Construction Localized Emissions, Phase 1 (Portion)
(in pounds per day)

Source	Pollutants			
	NO_X	CO	PM_{10}	$PM_{2.5}$
2014 Onsite				
Demolition Phase 1	50	26	4.6	2.5
Grading Phase 1	46	21	5.4	3.2
Utilities Phase 1	34	14	1.3	1.3
Paving/Concrete Phase 1	50	28	3.0	3.0
Building Construction Phase 1	76	45	3.7	3.7
Maximum Daily Emissions 2014	160	87	7.9	7.9
2015 Onsite				
Building Construction Phase 1	70	43	3.3	3.3
2016 Onsite				
Building Construction Phase 1	64	41	2.7	2.7
SCAQMD LST Phase 1	**175**	**1,461**	**44.1**	**13.4**
Potentially Significant?	**No**	**No**	**No**	**No**

Source: CalEEMod Version 2011.1.1., SCAQMD 2003, and SCAQMD 2006.
Notes:
Based on receptors in SRA 20. Totals may not add up to 100 percent due to rounding.
Phase 1 Construction LSTs are based on 4 acres disturbed per day with sensitive land uses at 260 feet (79 meters) for PM_{10} and $PM_{2.5}$ and non-sensitive land uses within 82 feet (25 meters) for CO and NO_2. Note that during overlap of Phase 1 and Phase 2, a portion of Phase 1 residential buildings are assumed to be occupied and analyzed based on the LSTs for sensitive receptors within 25 meters for PM_{10} and PM_{25} (see Table 5.2-14).
Construction phasing and equipment is based on the preliminary information provided by the applicant. Where specific information regarding project-related construction activities was not available, construction assumptions were based on CalEEMod defaults, which are based on construction surveys conducted by SCAQMD of construction equipment and phasing for comparable projects.
Modeling corrected for an error in CalEEMod that calculates PM_{10} fugitive dust from hauling over the entire haul duration to occur on one day.
Assumes overlap of site improvement phases, building construction, and architectural coatings based on the schedule provided by the application (see Appendix C).
PM_{10} and $PM_{2.5}$ fugitive dust emissions assume application of Rule 403, which includes watering exposed surfaces at least two times daily, managing haul road dust by watering two times daily, street sweeping, and restricting speeds onsite to 15 miles per hour.

Page 5.2-23, Table 5.2-14, *Maximum Daily Onsite Construction Localized Emissions, Phase 1 (Portion) and Phase 2*, Section 5.2, *Air Quality*. The following table has been modified in response to Comment I3-3 from Debbie Stevens.

Table 5.2-14
Maximum Daily Onsite Construction Localized Emissions, Phase 1 (Portion) and Phase 2 (in pounds per day)

Source	Pollutants			
	NO_X	CO	PM_{10}	$PM_{2.5}$
2017 Onsite				
Building Construction Phase 1	58	41	2.7	2.7
Architectural Coatings Phase 1	2	2	0.2	0.2
Total Building Construction + Coatings Phase 1	60	43	2.9	**2.9**
Demolition Phase 2	36	25	4.4	1.7
Grading Phase 2	36	17	5.0	2.8
Utilities Phase 2	25	12	0.9	0.9
Grading + Trenching Phase 2	61	30	5.9	3.7
Paving/Concrete Phase 2	38	27	2.2	2.2
Utilities + Paving/Concrete Phase 2	99	57	8.2	**6.0**
Maximum Daily Emissions 2017	160	99	11.0	**8.9**
2018				
Building Construction Phase 1	53	40	2.4	2.4
Architectural Coatings Phase 1	2	2	0.2	0.2
Total Building Construction + Coatings Phase 1	55	42	2.6	2.6
Paving/Concrete Phase 2	35	27	2.0	2.0
Building Construction Phase 2	53	40	2.4	2.4
Building Construction + Paving Phase 2	88	67	4.4	4.4
Maximum Daily Emissions 2018	143	109	7.0	7.0
2019				
Building Construction	49	39	2.2	2.2
2020				
Building Construction	44	39	1.9	1.9
2021				
Building Construction	40	38	1.7	1.7
Architectural Coating	2	2	0.1	0.1
Maximum Daily Emissions 2021	42	40	1.8	1.8
SCAQMD LST Phase 2 & Overlap of Phase 1 + Phase 2	**175**	**1,461**	**11.7**	**7.7**
Potentially Significant?	**No**	**No**	**No**	**Yes**

Sources: CalEEMod Version 2011.1.1., SCAQMD 2003, and SCAQMD 2006.

Notes:

The highest emissions generated during the construction of the proposed project are **bolded for $PM_{2.5}$.** Emissions that exceed SCAQMD Thresholds are underlined.

Based on receptors in SRA 20. Totals may not add up to 100 percent due to rounding.

Phase 1 Construction LSTs are based on 4 acres disturbed per day with sensitive land uses at 260 feet (79 meters) for PM_{10} and $PM_{2.5}$ and non-sensitive land uses within 82 feet (25 meters) for CO and NO_2 (see Table 5.2-13). Note, during overlap of Phase 1 and Phase 2, a portion of Phase 1 residential buildings are assumed to be occupied and analyzed based on the LSTs for sensitive receptors within 25 meters for PM_{10} and PM_{25}

Phase 2 Construction LSTs are based on 4 acres disturbed per day with sensitive land uses within 82 feet (25 meters) for PM_{10} and $PM_{2.5}$ and non-sensitive land uses within 82 feet (25 meters) for CO and NO_2.

Construction phasing and equipment is based on the preliminary information provided by the applicant. Where specific information regarding project-related construction activities was not available, construction assumptions were based on CalEEMod defaults, which are based on construction surveys conducted by SCAQMD of construction equipment and phasing for comparable projects.

Modeling corrected for an error in CalEEMod that calculates PM_{10} fugitive dust from hauling over the entire haul duration to occur on one day.

Assumes overlap of site improvement phases, building construction, and architectural coatings based on the schedule provided by the application (see Appendix C).

PM_{10} and $PM_{2.5}$ fugitive dust emissions assume application of Rule 403, which includes watering exposed surfaces at least two times daily, managing haul road dust by watering two times daily, street sweeping, and restricting speeds onsite to 15 miles per hour.

Page 5.2-31, Table 5.2-17, *Maximum Daily Onsite Construction Localized Emissions. Phase 1 and Phase 2 Overlap with Mitigation*, Section 5.2, *Air Quality*. The following table has been modified in response to Comment I3-3 from Debbie Stevens.

Table 5.2-17
Maximum Daily Onsite Construction Localized Emissions. Phase 1 and Phase 2 Overlap with Mitigation
(in pounds per day)

Source	Pollutants			
	NO_X	CO	PM_{10}	$PM_{2.5}$
2017 Onsite				
Total Building Construction + Coatings Phase 1	**49**	**55**	**3.4**	**3.4**
Demolition Phase 2	37	38	3.6	1.3
Grading + Trenching Phase 2	47	47	**4.5**	**2.6**
Utilities + Paving/Concrete Phase 2	**50**	**55**	1.8	1.8
Maximum Daily Emissions 2017	100	111	**7.9**	**6.0**
2018				
Total Building Construction + Coatings Phase 1	49	55	3.3	3.3
Building Construction + Paving Phase 2	77	87	3.0	3.0
Maximum Daily Emissions 2018	**126**	**142**	6.3	6.3
SCAQMD LST Phase 2 & Overlap of Phase 1 + Phase 2	**175**	**1,461**	**11.7**	**7.7**
Potentially Significant?	**No**	**No**	**No**	**No**

Sources: CalEEMod Version 2011.1.1., SCAQMD 2003, and SCAQMD 2006.

Notes:

Based on receptors in SRA 20. Totals may not add up to 100 percent due to rounding.

Phase 1 Construction LSTs are based on 4 acres disturbed per day with sensitive land uses at 260 feet (79 meters) for PM_{10} and $PM_{2.5}$ and non-sensitive land uses within 82 feet (25 meters) for CO and NO_2 (see Table 5.2-13). Note that during overlap of Phase 1 and Phase 2, a portion of Phase 1 residential buildings are assumed to be occupied and analyzed based on the LSTs for sensitive receptors within 25 meters for PM_{10} and PM_{25}.

Phase 2 Construction LSTs are based on 4 acres disturbed per day with sensitive land uses within 82 feet (25 meters) for PM_{10} and $PM_{2.5}$ and non-sensitive land uses within 82 feet (25 meters) for CO and NO_2.

Construction phasing and equipment are based on the preliminary information provided by the applicant. Where specific information regarding project-related construction activities was not available, construction assumptions were based on CalEEMod defaults, which are based on construction surveys conducted by SCAQMD of construction equipment and phasing for comparable projects.

Modeling corrected for an error in CalEEMod that calculates PM_{10} fugitive dust from hauling over the entire haul duration to occur on one day.

Assumes overlap of site improvement phases, building construction, and architectural coatings based on the schedule provided by the application (see Appendix C).

PM_{10} and $PM_{2.5}$ fugitive dust emissions assume application of Rule 403, which includes watering exposed surfaces at least two times daily, managing haul road dust by watering three times daily, street sweeping, and restricting speeds onsite to 15 miles per hour.

Includes use of Tier 3 construction equipment (Mitigation Measure 2-1).

Site improvements associated with Phase 2 (grading, utilities, paving/concrete) calculated with installation of diesel particulate filters. Alternatively, site improvements (grading, utilities, paving/concrete) of Phase 1 could be scheduled to not overlap with Phase 1 construction.

Pages 5.2-27 and 5.2-28, Section 5.2, *Air Quality*. The following revisions to mitigation measures have been made in response to Comment A10-3 from Ian MacMillan of the South Coast Air Quality Management District.

Impact 5.2-2

2-1 The construction contractor shall use construction equipment rated by the United States Environmental Protection Agency as having Tier 3 or higher exhaust emission limits for nonemergency equipment over 50 horsepower ~~that are onsite for more than 5 days~~. Tier 3 engines between 50 and 750 horsepower are available for 2006 to 2008 model years. After January 1, 2015, nonemergency equipment over 50 horsepower ~~that are onsite for more than 5 days~~ shall be equipment meeting the Tier 4 standards, if available. A list of construction equipment by type and model year shall be maintained by the construction contractor onsite. A copy of each unit's certified Tier specification shall be provided at the time of mobilization of each applicable unit of equipment. Prior to construction, the City of Newport Beach shall ensure that all demolition and grading plans clearly show the requirement for United States Environmental Protection Agency Tier 3 or higher emissions standards for construction equipment over 50 horsepower during ground-disturbing activities. In addition, ~~equipment~~ the construction contractor shall properly service and maintain construction equipment in accordance with the manufacturer's recommendations. Construction contractors shall also ensure that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with California Air Resources Board's Rule 2449.

Impact 5.2-4

2-7 The construction contractor shall use haul trucks and/or require subcontractors to use haul trucks that are 2010 or newer for demolition and construction (C&D) debris removal offsite and soil haul, unless evidence is provided by the contractor/subcontractor that such trucks are not readily available at the time of issuance of a demolition and/or grading permit.

Page 5.7-18, Table 5.7-3, *Risk Assessment Results and Conclusions: Assessment of Vapor Intrusion Risks for Future Residents of Phase 1*, Section 5.7, *Hazards and Hazardous Materials*. The following table has been modified in response to Comment I3-3 from Debbie Stevens.

Table 5.7-3
Risk Assessment Results and Conclusions:Assessment of Vapor Intrusion Risks for Future Residents of Phase 1

Exposure Scenario	Concentration Assessed	Risk/Hazard: Sampling Depth Assessed			Risk/Hazard Threshold	Conclusion (Risk)
		15 feet	10 feet	5 feet		
Cancer Risk						
Slab	95% UCL	3.69E-07	5.32E-07	9.56E-07	1.0E-06	Acceptable
Slab	Maximum	1.42E-06	2.01E-06	3.61E-06	~~1.0E-06~~4.0E-06	Acceptable
Garage	95% UCL	8.96E-07	2.34E-06	2.34E-06	~~1.0E-06~~3.0E-06	Acceptable
Garage	Maximum	4.24E-06	8.78E-6	8.78E-6	~~1.0E-06~~1.0E-05	Acceptable
Noncarcinogenic Health Hazard						
Slab	95% UCL	2.00E-03	2.89E-03	5.25E-03	1	Acceptable
Slab	Maximum	7.49E-03	1.73E-02	3.16E-02	1	Acceptable
Garage	95% UCL	4.97E-3	1.32E-2	1.31E-2	1	Acceptable
Garage	Maximum	2.78E-02	7.27E-02	7.27E-02	1	Acceptable

Page 5.8-2, Section 5.8, *Hydrology and Water Quality*. The following text has been modified in response to Comment A5-3 from Adam Fischer of the Santa Ana Regional Water Quality Control Board.

The NPDES has a variety of measures designed to minimize and reduce pollutant discharges. All counties with storm drain systems that serve a population of 50,000 or more, as well construction sites one acre or more in size, must file for and obtain an NPDES permit. Another measure for minimizing and reducing pollutant discharges to a publicly owned conveyance or system of conveyances (including roadways, catch basins, curbs, gutters, ditches, man-made channels, and storm drains designed or used for collecting and conveying stormwater) is the EPA's Storm Water Phase II Final Rule. The Phase II Final Rule requires an operator (such as a City) of a regulated small municipal separate storm sewer system (MS4) to develop, implement, and enforce a program (e.g., best management practices [BMPs], ordinances, or other regulatory mechanisms) to reduce pollutants in post-construction runoff to the City's storm drain system from new development and redevelopment projects that result in the land disturbance greater than or equal to one acre. The ~~City of Newport Beach Public Works Department R~~ Regional Water Quality Control Board (RWQCB) is the local enforcing agency of the MS4 NPDES permit.

The "MS4 NPDES Permit" (Permit) refers to the Santa Ana Regional Water Quality Control Board Order No. R8-2009-0030, NPDES Permit No. CAS618030. The Permit provides a framework for regulating storm water discharges from municipal separate storm sewer systems (MS4), as well as other designated storm water discharges that are considered significant contributors of pollutants to waters of the United States (US). Under the Permit, the City of Newport Beach is named a permittee—along with a number of other municipalities. Each permittee owns and operates storm drains and other drainage facilities that are generally considered as waters of the United States, and each permittee is held responsible for adhering to and enforcing the regulations of the permit.

It is the intent of the permit to require the implementation of BMPs to reduce—to the maximum extent practicable—the discharge of pollutants in urban stormwater from the MS4s in order to support attainment of water quality standards. The permit requires development of a WQMP to be implemented as part of a project's post-development stormwater management program. The WQMP shall identify various BMPs based on a preferred hierarchy. The project-specific WQMP shall be prepared under the standards, procedures, and guidelines outlined in the 2011 Model WQMP and the related Technical Guidance Document. Being a significant redevelopment project, the Uptown Newport Planned Community is required to prepare a project-specific WQMP in accordance with the requirements of the MS4/NPDES permit, and a revised preliminary WQMP has been prepared (see Appendix A). A final WQMP will be prepared during the final design phase of the project.

Applicable Plans and Programs

City of Newport Beach Local Implementation Plan

The City of Newport Beach has developed a Local Implementation Plan (LIP), which provides a written account of the activities that the City has undertaken and the City is undertaking to meet the requirements of the Third Term Permit and make a meaningful improvement in urban water quality. In developing this LIP, the City has utilized the 2003 DAMP as the foundation for its program development and the LIP, as a result, contains numerous references to it and the two, in effect, act as companion parts of the City's compliance program. The LIP is intended to serve as the basis for City compliance during the five-year life of the Third Term Permit, but is subject to updating and modification as the City determines necessary, or as directed by the RWQCB. A copy of the City of Newport Beach's Local Implementation Plan (LIP) and additional information regarding the City's water quality programs can be found at http://www.newportbeachca.gov/index.aspx?page=429.

Relevant City of Newport Beach Municipal Code sections are described below:

Municipal Code Section	***Requirements***
14.36.040 Control of Urban Runoff	All new development and significant redevelopment within the City of Newport Beach shall be undertaken in accordance with: a. The DAMP, including but not limited to the development project guidance; and b. Any conditions and requirements established by the planning department, engineering department or building department, which are reasonably related to the reduction or elimination of pollutants in storm water runoff from the project site.
14.36.050 Inspections	Compliance Assessments. The Authorized Inspector may inspect property for the purpose of verifying compliance with this chapter, including but not limited to: (i) identifying products produced, processes conducted, chemicals used and materials stored on or contained within the property; (ii) identifying point(s) of discharge of all wastewater, process water systems and pollutants; (iii) investigating the natural slope at the location, including drainage patterns and man-made conveyance systems; (iv) establishing the location of all points of discharge from the property, whether by surface runoff or through a storm drain system; (v) locating any illicit connection or the source of prohibited discharge; (vi) evaluating compliance with any permit issued pursuant to Section 14.36.070; and (vii) investigating the condition of any legal nonconforming connection.

14.36.060 Enforcement	Enforcement methods include:
	• Administrative remedies
	  ○ Notice of Noncompliance
	  ○ Administrative Compliance Order
	  ○ Cease and Desist Order
	• Nuisance (emergency abatement by City Manager)
	• Citation (arrest, release, and citation to appear before magistrate)
	• Injunction

14.36.070 Permits	The City may issue permits for discharges to the storm water drainage system from properties or facilities not subject to requirements of a State General Permit or a National Pollution Discharge Elimination System Permit.

Page 5.9-37, Section 5.9, *Land Use and Planning*. The following text has been modified in response to Comment A3-2 from Kari A. Rigoni of the Airport Land Use Commission.

The FAA uses the Orange County Board of Supervisors established building height limit of 203.68 feet amsl to assess impacts to avigation activities of JWA. Additionally, because the proposed project falls within the FAR Part 77 Notification Area of JWA, the project applicant is required to file Form 7460-1 with FAA. Based on calculations prepared by the project applicant and submitted for review to FAA in conjunction with Form 7460-1, FAA conducted an aeronautical study for the proposed project consistent with FAA Part 77 regulations. As determined by the aeronautical study performed by FAA for 11 selected latitude/longitude building points onsite, three of the proposed building points (all within Tower Zone 1, as shown in Figure 5.1-2, *Building Height Limit Plan*) were identified as obstacles under the obstruction standards of Section 77.199(a) of Title 14 CRF Part 77 by approximately one to three feet, as the tallest buildings that would be permitted by the proposed project (150-foot-tall residential towers) would reach a maximum height of 207 feet amsl. The additional one to three feet in building height would penetrate the JWA horizontal airspace surface and therefore be an obstruction to JWA operations.

Page 5.10-56, Section 5.10, *Noise*. The following text has been modified to correct a minor error. The mitigation measure noted was included in DEIR Table 1-2, *Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation*, but was inadvertently omitted in Section 5.10, *Noise,* page 5.10-56.

Impact 5.10-5

Phase 1:

10-8 Augured piles shall be employed to the extent possible. Impact and vibratory pile drivers shall not be used during construction within 75 feet of any building.

Page 5.12-12, Section 5.12, *Public Services*. The following text has been modified in response to Comment A4-2 from Joe Dixon of the Santa Ana Unified School District.

This section provides an assessment of the existing school services and how the proposed project would affect these services. It is based, in part, on the following technical study included as Appendix L to this DEIR:

- *School Impacts and Mitigation Report*, Jeanette C. Justus Associates, ~~January~~ August 2012.

Page 5.12-12, Table 5.12-5, *Santa Ana Unified School District Overall Capacity (2011–2012)*, Section 5.12, *Public Services*. The following text has been modified in response to Comment A4-3 from Joe Dixon of the Santa Ana Unified School District.

Santa Ana Unified School District

SAUSD covers nearly 24 square miles and currently has 55,497 students in grades K–12 (2011–2012 academic year), with a total capacity of 55,844 students. Table 5.12-5 indicates that SAUSD is near capacity for all grade levels, and ~~is over capacity for~~ enrollment ~~rade levels~~ currently exceeds permanent classroom capacity for grades K–6. Portable classrooms, also used to accommodate K–6 students, are not included in the capacity information, as shown in Table 5.12-5.

Table 5.12-5
Santa Ana Unified School District Overall Capacity (2011–2012)

School Grade Levels	*Total Capacity* [1]	*Enrollment*[2]	*Available Capacity*
Elementary (K–6)	29,360	31,876	–2,516
Intermediate (7–8)	8,663	8,353	310
High (9–12)	17,844	15,268	2,576
District Total	**55,844**	**55,497**	**347**

Source: Jeannette C Justus Associates 2012
[1] Capacity shown does not include portable classrooms.
[2] Enrollment by grade level excludes charter school enrollment.

Page 5.12-15, Table 5.12-6, *Santa Ana Unified School District Schools near Project Site (2011–2012)*, Section 5.12, *Utilities and Service Systems*. The following text has been modified in response to Comments A4-5 and A4-6 from Joe Dixon of the Santa Ana Unified School District.

The SAUSD schools serving the project area are listed in Table 5.12-6 and shown in Figure 5.12-2. As indicated in Table 5.12-6, James Monroe Elementary and Century High Schools are close to capacity and McFadden Intermediate School is over capacity by 455 students. It should be noted, however, that the capacity shown in Table 5.12-6 for each school reflects permanent classroom capacity and does not include portable classrooms.

Table 5.12-6
Santa Ana Unified School District Schools near Project Site (2011–2012)

School Name	Distance to Project Site (miles)	Current Permanent Capacity [1]	Enrollment	Available Capacity
James Monroe Elementary School	5.0	500	472	28
McFadden Intermediate	5.7	960	1,415	–455
Century High School	6.1	2,030	1,999	31

Source: ~~Joannette C. Justus Associates 2012~~ Santa Ana Unified School District 2011 (see IS/NOP comment letter from SAUSD in Appendix K).
[1] Capacity shown does not include portable classrooms.

Page 5.12-21, Section 5.12, *Public Services*. The following text has been modified in response to Comment A4-7 from Joe Dixon of the Santa Ana Unified School District.

Expansion of NMUSD Boundaries

The project applicant may choose to propose to modify the school district boundaries so that the entire project site would be within the boundaries of the neighboring NMUSD. ~~This~~ In the absence of a neighborhood school within SAUSD, such territory transfer would ensure that project-generated students attend school facilities nearest to their homes and busing or other transportation costs and impacts are minimized. ~~In the absence of a neighborhood school within SAUSD, such territory transfer would enable project students to maximize their quality of life by being better able to take advantage of school related activities such as after school programs and athletic clubs. Living near the families of their children's classmates would allow project residents with children to build stronger communal ties.~~ The transfer of school district boundaries would be subject to concurrence of the Orange County Committee on School District Organization and the State Board of Education. The impacts and reorganization would differ between elementary and ~~middle~~ secondary school students.

Initiation of school district reorganization petitions is typically submitted by the County Superintendent of Schools to the State Board of Education, unless the petition is for territory transfer of uninhabited land. Four types of reorganization proposals exist:

- At least 25 percent of the registered voters residing in the territory proposed to be reorganized if the territory is inhabited. Where the petition is to reorganize territory in two or more school districts, the petition needs to be signed by at least 25 percent of the registered voters in that territory in each of those districts.

- A number of registered voters residing in the territory proposed to be reorganized, equal to at least 8 percent of the votes cast for all candidates for governor at the last gubernatorial election in the territory proposed to be reorganized, where the affected territory consists of a single school district with over 200,000 pupils in average daily attendance and the petition is to reorganize the district into two or more districts.

- The owner of the property, provided that territory is uninhabited and the owner thereof has filed either a tentative subdivision map with the appropriate county or city agency or an application for any project, as defined in Section 21065 of the Public Resources Code, with one or more local agencies. This type of territory transfer is assumed to be applicable to the properties in question.

- A majority of the members of the governing boards of each of the districts that would be affected by the proposed reorganization.

Proposals for reorganization of districts must show that each district:

- Will have a sufficient number of pupils enrolled.

- Will be organized on the basis of a substantial identity.

- Will result in an equitable division of property and facilities.

- Will preserve its ability to educate students in an integrated environment and will not promote racial or ethnic discrimination or segregation.

- Will not increase in costs to the state as a result of the proposed reorganization.

- Will continue to promote sound education performance and will not significantly disrupt the educational program.

- Will not increase school facilities costs as result of the proposed reorganization.

- Is not designed for purposes to significantly increase property values.

- Will continue to promote sound fiscal management and not cause a substantial negative effect on the fiscal status.

Page 5.12-21, Tables 5.12-11, *Student Generation by Cumulative Projects*, and 5.12-12, *SAUSD School Capacity with Cumulative Projects*, **Section 5.12, *Public Services*. The following text and tables have been modified in response to Comments A4-8 through A4-10 from Joe Dixon of the Santa Ana Unified School District.**

5.12.3.4 Cumulative Impacts

Cumulative impacts to school services would occur when the proposed project, in combination with other recent, current, and proposed residential projects in the area, causes a substantial increase in the student population. The cumulative projects in the project area are listed on Table ~~4-3~~ 4-2, in Chapter 4, *Environmental Setting*, of this Draft EIR. Student generation for cumulative projects is estimated below in Table 5.12-11. ~~No~~ Seven cumulative projects that ~~including~~ include student-generating residential uses~~,~~

~~which would therefore generate students,~~ were identified within SAUSD boundaries; one of those projects is within the City of Newport Beach and six are within the City of Irvine. ~~Eight~~ Seven cumulative projects were identified within NMUSD boundaries; ~~five~~ four of those projects contain residential uses and would thus generate students.

Student generation within the NMUSD is calculated from estimated student generation for the proposed project in a service letter response by Ara Zareczny, NMUSD facilities analyst, dated February 13, 2012. NMUSD student generation rates per residential unit are 0.045 for elementary schools (K-6), 0.016 for middle schools (7-8), and 0.019 for high schools (9-12). As shown below in Table 5.12-11, cumulative projects would generate ~~about 537~~ an estimated 516 students in the Newport-Mesa Unified School District. As listed above in Table 5.12-7, overall remaining capacity in NMUSD schools as of the 2011-2012 school year was 950 for elementary schools (K-6) and 1,086 at secondary schools (7-12), for a total of 2,036 seats. The majority of the related projects would not generate students within the Eastbluff Elementary School boundary for which remaining capacity is limited. As of 2012, there was adequate remaining capacity within NMUSD schools to accommodate students generated by cumulative projects in addition to the project-related student generation ~~projects~~. Each project would be required to pay school impact fees pursuant to SB 50; payment of such fees is considered full mitigation for impacts to public school facilities. The increase in school service demand due to the proposed Uptown Newport project would not combine with future demand to result in cumulatively considerable impacts on NMUSD.

Student generation within SAUSD was calculated using the IUSD generation rates outlined in Table 5.12-9, *Student Generation Rates for Proposed Project*, similar to the proposed project. The locations of the cumulative projects within SAUSD's boundary listed in Table 4-2 are shown in Figure 5.12-3, *Cumulative Projects and SAUSD School Attendance Area Boundaries*. As shown below in Table 5.12-11, cumulative projects would generate approximately 269 students in SAUSD. As shown in Table 5.12-12, *SAUSD School Capacity With Cumulative Projects*, with development of the proposed project and cumulative projects, all three SAUSD schools (James Monroe Elementary School, McFadden Intermediate School, and Century High School) would all be over capacity. It should be noted, however, that the capacity shown in Table 5.12-12 for each school does not include portable classrooms, only permanent classroom capacity. As with the proposed project, each cumulative project would be required to pay school impact fees pursuant to SB 50; payment of such fees is considered full mitigation for impacts to public school facilities. The increase in school service demand due to the proposed project would, therefore, not combine with future demand to result in cumulatively considerable impacts on SAUSD.

Table 5.12-11
Student Generation by Cumulative Projects

No.	Project Name Project Location	Proposed Residential Land Use(s)	Student Generation, students per DU [2] Elementary (K-6): 0.045	Middle (7-8): 0.016	High (9-12): 0.019	Total: 0.080	Schools: Elementary/ Middle/ High
City of Newport Beach / Newport-Mesa Unified School District							
1	Newport Beach County Club 1600 & 1602 E. Coast Highway[1]	5 Residential DUs	0.2	0.1	0.1	0.4	Lincoln ES/ Corona Del Mar HS/ Corona Del Mar HS
2	Mariner's Medical Arts 1901 W. Westcliff Drive	None	0.0	0.0	0.0	0.0	Not applicable
3	Banning Ranch 4520 W. Coast Highway	1,375 Residential DUs	61.9	22.0	26.1	110.0	Newport Heights ES/ Ensign MS/ Newport Harbor HS
4	Sunset Ridge Park 4850 W. Coast Highway	None	0.0	0.0	0.0	0.0	Not applicable
5	Marina Park 1700 Balboa Boulevard	None	0.0	0.0	0.0	0.0	Not applicable
~~6~~	~~Koll Center~~ ~~4343 Von Karman Avenue~~	~~260 Residential DUs~~	~~11.7~~	~~4.2~~	~~4.9~~	~~20.8~~	~~Eastbluff ES/~~ ~~Corona Del Mar HS/~~ ~~Corona Del Mar HS~~
7	AERIE 201 Carnation Avenue[1]	6-Unit Condominium with Subterranean Parking	0.3	0.1	0.1	0.5	Harbor View ES/ Corona Del Mar HS/ Corona Del Mar HS
8	Newport Coast Planned Community Newport Coast Drive	3,180 Single-family DUs 1,298Condominiums/ Townhomes 582 Multifamily DUs	227.7	81.0	96.1	404.8	Newport Coast ES Corona Del Mar HS/ Corona Del Mar HS
Subtotal, Newport-Mesa Unified School District			~~301.8~~ 290.1	~~107.3~~ 103.1	~~127.4~~ 122.5	~~536.5~~ 515.7	
No.	**Project Name Project Location**	**Proposed Residential Land Use(s)**	**Student Generation, Students per DU [3] Elementary (K–6): 0.040**	**Middle (7–8): 0.012**	**High (9–12): 0.017**	**Total: 0.069**	**Schools: Elementary/ Middle/ High**
City of Newport Beach / Santa Ana Unified School District							
6	Koll Center 4343 Von Karman Avenue	260 Residential DUs	~~11.7~~ 10.4	~~4.2~~ 3.1	~~4.9~~ 4.4	~~20.8~~ 17.9	James Monroe Elementary School/ McFadden Intermediate/ Century High School
Subtotal, Santa Ana Unified School District			**10.4**	**3.1**	**4.4**	**17.9**	
City of Irvine / Santa Ana Unified School District							
9	Element Hotel 17662 Armstrong Avenue	None	0.0	0.0	0.0	0.0	Not applicable

Table 5.12-11
Student Generation by Cumulative Projects

12	Central Park Northwest corner of Jamboree Road/Michelson Drive	1,380 Residential DUs	55.2	16.5	23.4	95.2	James Monroe Elementary School/ McFadden Intermediate/ Century High School
15	The Lofts 2300 Dupont Drive	116 Residential DUs	4.6	1.3	1.9	8.0	James Monroe Elementary School/ McFadden Intermediate/ Century High School
18	Plaza III and IV 3000 Scholarship	105 Residential DUs	4.2	1.2	1.7	7.2	James Monroe Elementary School/ McFadden Intermediate/ Century High School
19	Carlyle 2201 Martin Court	156 Residential DUs	6.2	1.8	2.6	10.7	James Monroe Elementary School/ McFadden Intermediate/ Century High School
28	Martin Street Residential 18301 Von Karman Avenue and 2301 Martin Court	82 Residential DUs	3.2	0.9	1.3	5.6	James Monroe Elementary School/ McFadden Intermediate/ Century High School
29	Irvine Technology Center Northwest Corner of Jamboree Road/Campus Drive	1,800 Residential DUs	72.0	21.6	30.6	124.2	James Monroe Elementary School/ McFadden Intermediate/ Century High School
Subtotal, Santa Ana Unified School District			**145.4**	**43.3**	**61.5**	**250.9**	
Total			~~**301.8**~~ **445.9**	~~**107.3**~~ **149.5**	~~**127.4**~~ **188.4**	~~**536.5**~~ **784.5**	

Source: City of Newport Beach, City of Irvine.
Notes: DUs = dwelling units; SF = square feet
[1] Project does not have a net increase in traffic.
[2] Student generation rates based on IUSD rates.
[3] Student general rates based on NMUSD rates.

Table 5.12-12
SAUSD School Capacity with Cumulative Projects

School Name	Current Permanent Capacity	Existing Enrollment	Uptown Newport Student Generation	Cumulative Project Student Generation	Total Student Generation[1]	Total Existing plus Future Students[2]	Remaining Capacity[1]
James Monroe Elementary School	500	472	50	156	206	678	-178
McFadden Intermediate	960	1,415	15	46	61	1,476	-516
Century High School	2,030	1,999	52	66	118	2,117	-87

[1] Total students shown here is a sum of the Uptown Newport plus cumulative project student generations.
[2] Total students shown here is a sum of the existing enrollment plus total student generations.
[3] Capacity shown does not include portable classrooms.

Page 5.12-24, Table 5.12-12, *Newport Beach Public Libraries*, Section 5.12, *Public Services*. The following text and table have been modified to correct the number of this table.

The Newport Beach Public Library (NBPL) provides library services to the proposed project site with four branches and a concierge service building where patrons can drop off and pick up books on hold and search the library catalog. Services at branches include Wi-Fi, printing, interlibrary loans, home-bound service, computer training classes, and book clubs for children, teens, and adults. Branch locations are provided in Table 5.12-~~12~~13.

Table 5.12-~~12~~13
Newport Beach Public Libraries

Branch	*Address*
Central Library	1000 Avocado Ave. Newport Beach, CA 92660
Mariners Branch	1300 Irvine Ave. Newport Beach, CA 92660
Balboa Branch	100 East Balboa Blvd. Balboa, CA 92661
Corona Del Mar Branch	420 Marigold Ave. Corona Del Mar, CA 92625
Newport Coast Community Center (concierge service)	6401 San Joaquin Hills Rd. Newport Coast, CA 92657

Page 5.12-26, Section 5.12, *Public Services*. The following text has been modified in response to Comment A4-7 from Joe Dixon of the Santa Ana Unified School District.

5.12.4.4 Cumulative Impacts

Cumulative impacts to school services would occur when the proposed project, in combination with other recent, current, and proposed residential projects in the area, causes a substantial increase in the student population. The cumulative projects in the project area are listed on Table ~~4-3~~ 4-2, in Chapter 4.

Page 5.15-1, Section 5.15, *Utilities and Service Systems*. The following text has been modified in response to Comment A8-4 from Paul Weghorst of the Irvine Ranch Water District.

Approximately 50 percent of IRWD's water supply capacity is water imported through the Metropolitan Water District (MWD) and 50 percent is groundwater pumped from the Orange County Groundwater Basin (Basin), including the Irvine and Lake Forest subbasins (see Figure 5.8-3, Orange County Main Groundwater Basin and Irvine Subbasin). Currently, approximately 30 percent of IRWD's potable water supply is imported through MWD, and 70 percent of its potable supply is groundwater pumped from the Basin.

Page 5.15-2, Section 5.15, *Utilities and Service Systems*. The following text has been modified in response to Comment A8-5 from Paul Weghorst of the Irvine Ranch Water District.

Irvine Desalter: The Irvine Desalter purifies water from the Irvine Subbasin (part of the larger Basin). Starting in 2007, the desalter performs two main operations: (1) it removes trichloroethylene (TCE) and other volatile organic compounds (VOC) from the groundwater from a contaminated plume on the former El Toro Marine Corps Air Station (MCAS), and (2) it removes salts and purifies water outside the TCE plume to be used as drinking water. Approximately 3,900 AFY from the desalter are used for landscaping, and an additional 5,100 AFY are used as drinking water (IRWD 2011~~c~~b).

Page 5.15-3, Section 5.15, *Utilities and Service Systems*. The following text has been modified in response to Comment A8-5 from Paul Weghorst of the Irvine Ranch Water District.

~~Historic water shortages are used to model the single- and multiple-year dry scenarios. IRWD has used the single-dry-year of 1977 and the multiple-dry-years of 1990-1992 to model these scenarios (IRWD 2011b).~~ Water demands in a single dry year and multiple dry years were projected in the WSA by increasing normal-year demands by 7 percent.

Page 7-10, Chapter 7, *Alternatives*. The following text has been modified in response to Comment I3-5 from Debbie Bright Stevens.

Greenhouse Gas Emissions

Phase 1

Existing, onsite land uses would remain under this alternative and TowerJazz operations would continue, including the substantial GHG emissions generated by this facility. TowerJazz would also continue to operate during Phase 1 of the proposed project. Under the No Project Alternative, GHG emissions would also be generated by the Half Dome office use, and vehicle trips generated by both TowerJazz and the office use. Since trip generation associated with the Phase 1 portion of the proposed project (680 units and 11,500 square feet of commercial) generates more vehicle trips than the Half Dome building, GHG emissions for the No Project alternative for Phase 1 would be less than the proposed project. However, since no significant and unavoidable greenhouse gas impacts occur under the proposed project, no significant impacts would be avoided.

Page 7-16, Table 7-4, *Hotel/Office/Commercial Alternative Trip Generation*, Chapter 7, *Alternatives*. The following text has been modified in response to Comment I3-5 from Debbie Bright Stevens.

Table 7-4
Hotel/Office/Commercial Alternative Trip Generation

Land Use	ITE Code	Unit	Trip Generation Rates [1] Daily	AM Peak Hour In	AM Peak Hour Out	AM Peak Hour Total	PM Peak Hour In	PM Peak Hour Out	PM Peak Hour Total
Hotel	310	Rooms	8.17	0.34	0.22	0.56	0.31	0.28	0.59
General Office Building	710	KSF	11.01	1.36	0.19	1.55	0.25	1.24	1.49
Shopping Center	820	KSF	42.94	0.61	0.39	1.00	1.83	1.90	3.73

Land Use	Quantity	Unit	Trip Generation Estimates Daily	AM Peak Hour In	AM Peak Hour Out	AM Peak Hour Total	PM Peak Hour In	PM Peak Hour Out	PM Peak Hour Total
Hotel	174	Rooms	1,422	59	38	97	54	48	102
General Office Building	160	KSF	1,762	218	30	248	41	198	239
Shopping Center	20	KSF	859	12	8	20	37	38	75
Subtotal – Before Internal Capture/Pass-by			**4,042**	**289**	**76**	**365**	**132**	**284**	**416**
Internal Trip Capture [2]			**60**	—	—	—	**2**	**2**	**4**
Pass-by Reduction for Retail (10%) [3]			—	—	—	—	**4**	**4**	**8**
Total			**3,983**	**289**	**76**	**365**	**126**	**278**	**404**
Proposed Project Total Trips			**~~9,033~~ 9,033**	**134**	**511**	**644**	**537**	**292**	**829**
DIFFERENCE			**-5050**	**155**	**-435**	**-279**	**-411**	**-14**	**-425**

Source: Kimley-Horn and Associates, 2012.
Notes: KSF = thousand square feet
[1] Institute of Transportation Engineers,: *Trip Generation*, 8th edition.
[2] ITE, *Trip Generation*.
[3] Based on net retail trips, after internal capture reduction.

Page 13-7, Chapter 13, *Bibliography*. The following reference has been added in response to Comment A4-5 from Joe Dixon of the Santa Ana Unified School District.

13.3 PERSONAL COMMUNICATIONS

Dixon, Joe. 2011, November 28. Comment letter on Uptown Newport Initial Study/Notice of Preparation. Santa Ana Unified School District.

3.3 UPDATES TO THE PROJECT DESCRIPTION

The Master Site Plan for the Uptown Newport has been revised to address comments and concerns raised by the City of Newport Beach Planning Commission and general public during the Planning Commission study session and public hearings. Phase 1 of the revised plan is shown as Figure 3-6a, *Phase 1 Master Site Plan*, and the full buildout conditions for the project are shown in Figure 3-6b, *Master Site Plan*. Primary revisions to the site plan include:

- Widening of the vehicular travel lanes at the primary entry at the intersection of Fairchild Avenue and Jamboree Road to provide additional lane width at the diagonal parking at the project entry. Two inbound travel lanes are provided (12 feet wide and 16 feet wide), and two outbound lanes are provided (12 feet wide and 14 feet wide).
- Widening of the westerly neighborhood street to 32 feet, which meets the standards for a neighborhood street with public access and parking on one side. The westerly neighborhood street will provide access to the Phase 1 neighborhood park and residential parcels adjacent to the streets as well as provide opportunity for future access to Von Karman Avenue.
- Relocation of the cul-de-sac street adjacent to the Phase 1 neighborhood park to the center of the project, which will allow for future connection between Uptown Newport and the Koll Center Newport, as envisioned by the City of Newport Beach General Plan.
- A traffic roundabout has been added in the center of the project to provide additional traffic calming along the spine street in the project and enhance vehicular circulation within the project.
- The neighborhood street from the Birch Street access through the Phase 2 portion of the project has been realigned farther south to provide more efficient parcel sizes in Phase 2.
- A private access/cul-de-sac has been added in Phase 2 along the extension of the northeasterly access drive off of Jamboree Road to provide access to Parcel 12.
- Minor modification to the high-rise zones and height limits as shown on Figure 5.1-2 (see Section 3.5, *Revised and New Figures*).

The revised site plan does not modify the overall land use proposed for the project or the phasing of development from the site plan analyzed in the DEIR. Although minor modifications to the internal circulation plan, developable area, and right-of-way acreages have been made, the overall land use and phasing remains essentially the same:

Table 1
Uptown Newport Land Use Summary

	Phase 1	***Phase 2***	***Total***
Number of Units	680	564	1,244
Developable Area (ac.)	~~8.65~~ 7.78	~~10.02~~ 10.68	~~18.67~~ 18.46
Park Area (ac.)	1.03	1.02	2.05
Retail (sf)	11,500	0	11,500
Right of Way Area (ac.)	~~2.61~~ 3.24	~~1.72~~ 1.30	~~4.33~~ 4.54
Total Area (ac.)	**~~12.29~~ 12.05**	**~~12.76~~ 13.00**	**25.05**

The circulation modifications have been included in the updated traffic modeling, summarized below in Section 3.4, *Updated Traffic Modeling*. The modifications would not alter the analysis or findings for construction-related impacts related to air quality, greenhouse gases, or noise impacts. The grading footprint would be the same, and any change to earthwork volumes would be nominal. Minor revisions to infrastructure improvement plans, including storm drainage, water system, and sewer system, have been made to coincide with the site plan/circulation modifications. Updated plans are included in the project's Planned Community Development Plan, January 2013, and have been reproduced as needed to update DEIR figures. These figures are in Section 3.5, *Revised and New Figures*:

- Figure 3-7, *Grading and Earthwork: Phase 1 and Phase 2*. This figure reflects updated cut and fill quantities that are reduced in comparison to the quantities analyzed in the DEIR (92,200 and 100,600 cubic yards cut and fill respectively, compared to 98,500 and 114,100 cubic yards in the DEIR). The construction-related impact analysis in the DEIR for air quality, greenhouse gases, and noise was therefore conservative, since it took into consideration higher earthwork volumes than required for the revised plan.

- Figures 3-8, *Phase 1 Circulation Plan*, and 3-9, *Phase 2 Circulation Plan*. These figures were modified to reflect the minor modifications that were made to the site plan and internal circulation plan.

- Figure 3-10, *Storm Drainage Concept: Phase 1 and Phase 2*. This figure was modified to reflect the minor modifications that were made to the site plan and internal circulation plan.

- Figure 3-11, *Proposed Water System: Phase 1 and Phase 2*. This figure was modified to reflect the minor modifications that were made to the site plan and internal circulation plan.

- Figure 3-12, *Proposed Sewer System: Phase 1 and Phase* 2. This figure was modified to reflect the minor modifications that were made to the site plan and internal circulation plan.

- Figure 5.1-2, *High Rise Zones and Height Limits.* This figure reflects the modifications made to the high rise zones. The DEIR shade/shadow analysis is applicable to the revised site plan, which has similar footprints for future high rises (up to 150 feet). The modified zones reduce the overall area that will allow high rises and increase the setback from adjacent property boundaries.

- Figure 5.8-4, *Phase 1 Storm Drain Concept*. This figure was modified to reflect the minor modifications that were made to the site plan and internal circulation plan.

- Figure 5.8-5, *Proposed Drainage Plan*. This figure was modified to reflect the minor modifications that were made to the site plan and internal circulation plan.

Operational impacts as analyzed for the proposed project by Phase 1 and Phase 2 are dependent upon the land uses (no. of dwelling units, square footage of retail, park space, public services and utility demand etc.), which have not been altered.

3.4 UPDATED TRAFFIC MODELING

Background

The traffic impact analysis prepared by Kimley-Horn and Associates has been updated to respond to comments from the City of Irvine. In particular, the traffic modeling for both the City of Newport Beach and the City of Irvine was updated to respond to Comment A6-3 (see Section 2.0, Letter A6) requesting that the following projects be added to the cumulative projects in the area (specific project information was obtained from the City of Irvine):

- Irvine Technology Center – Phase 1, north of Campus Drive, West of Jamboree Road, consisting of 1,035 multifamily dwelling units and 8,500 square feet of retail use.

- Scholle Building on Fairchild Road east of Jamboree Road, consisting of 107,211 square feet of office space.

The complete list of updated cumulative projects is provided in Table 4-2 in Section 3.2 of this FEIR. An updated Figure 4-4, *Cumulative Project Location Map*, is provided in Section 3.5, *Revised and Updated Figures*.

The complete, updated traffic study is included as Appendix E of this FEIR, bound as a separate document. The analysis methodology used for the update is the same as described in the DEIR, Section 5.14, *Transportation and Traffic*, and the update does not alter the existing, baseline conditions or significance thresholds used in the analysis. This FEIR section summarizes the findings of the updated analysis and reproduces the updated tables from the traffic study to disclose detailed modeling results. For comparison, the DEIR tables are included in strike-out format. The information and updated tables in this section are all excerpted from the full traffic study.

The updated modeling also reflects minor changes to the site plan described in Section 3.3, *Updates to the Project Description*. These changes include the modification of the main project entry to include two inbound lanes and two outbound lanes (formerly one inbound lane and two outbound lanes).

Modeling Results: Summary

The intersection levels of service analysis for the 2018 and 2022 Cumulative Scenarios and the traffic phasing ordinance (TPO) analyses have been updated. The traffic impact analysis (dated November 2012 and included as FEIR Appendix E) identified that the following intersections would operate below acceptable level of service for at least one of the scenarios evaluated:

- Jamboree Road at Main Street
- Jamboree Road at Michelson Drive
- Mesa Road at University Drive

As with the original traffic analysis, the project would not result in a significant impact at any of the 43 study area intersections. The updated results indicate that the project would not exceed the thresholds of significance for traffic impacts and no mitigation would be required.

Modeling Results: Revisions to the DEIR

The following details text and table revisions to the DEIR to reflect the updated traffic modeling and study:

Page 5.14-41. The following text has been modified to reflect updated traffic modeling results.

The following intersections would operate at an unacceptable level of service under Year 2018 Cumulative Conditions without and with Phase 1:

- 19. Jamboree Road at Main Street: (PM: LOS F)
- ~~21. Jamboree Road at I 405 SB Ramps (AM: LOS F)~~
- 22. Jamboree Road at Michelson Drive (PM: LOS F)
- 33. Harvard Avenue at Michelson Drive (PM: LOS E)

The project impact increment does not exceed the significance threshold at any of these intersections, and would not result in a significant impact with the addition of Phase 1 trips. All other study intersections would operate at an acceptable level of service in both peak hours. The project-related impact of the project at some of the study intersections would be negative, reflecting the reduction in existing office trips, which would more than offset the trips that would be added as a result of the proposed residential development in the evening peak hour at some intersections. As a result, some intersections would improve slightly as a result of the project.

Phase 2

Year 2021 Cumulative Conditions without, and with Phase 2 (project buildout) peak hour intersection operations are summarized on Table 5.14-11.

The following intersections would operate at an unacceptable level of service under Year 2021 Cumulative Conditions without, and with Phase 2:

- 19. Jamboree Road at Main Street: (PM: LOS F)
- ~~21. Jamboree Road at Main Street: (PM: LOS F)~~
- 22. Jamboree Road at Michelson Drive (PM: LOS F)
- ~~33. Harvard Avenue at Michelson Drive: (PM: LOS F)~~
- 41. Mesa Road at University Drive (PM: LOS E)

Page 5.14-48. The following text has been modified according to the updated traffic modeling results.

TPO Impact Analysis

Intersection peak hour traffic conditions were evaluated for Year 2018 TPO (Existing plus Growth plus Committed Projects) without Project, and with Phase 1 project traffic. The results of the intersection analysis are summarized on Table 5.14-12. The following intersection would operate at an unacceptable level of service under Year 2018 TPO Analysis without, and with Project Phase 1 Conditions:

- ~~21. Jamboree Road at I 405 SB Ramps (PM: LOS F)~~
- 22. Jamboree Road at Michelson Drive (PM: LOS F)
- 33. Harvard Avenue at Michelson Drive (PM: LOS E)

All other study intersections would operate at an acceptable level of service in both peak hours. The project-related impact of Phase 1 at ~~the intersection of Harvard Avenue and Michelson Drive~~ a few intersections in the study area would be slightly negative, meaning that the reduction in existing office trips would more than offset the addition of the proposed residential trips. As a result, the intersection operations would improve slightly as a result of the proposed project, but would continue to operate at LOS E. The project would not result in a significant impact with the addition of Phase 1 project trips at any of the study intersections.

Page 5.14-57. The following text has been modified to reflect the updated traffic modeling results.

All state highway study intersections would operate at an acceptable level of service under Year 2021 Cumulative Conditions without Project scenario~~, except one intersection. The intersection of Jamboree Road at I 405 Southbound Ramps is forecast to operate at LOS E in the AM peak hour~~. With the addition of project traffic, all state highway study intersections~~, except one~~ would continue to operate at an acceptable Level of Service using the HCM delay analysis methodology.~~ The intersection of Jamboree Road at I 405 Southbound Ramps would continue to operate at LOS E in the AM peak hour~~.

Page 5.14-37 to -40. Table 5.14-10 has been modified to reflect updated traffic modeling.

Table 5.14-10
Summary of Intersection Operations
Year 2018 Cumulative Conditions with Phase I

			Without Project				With Project				Project Impact			
			AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		Change		Significant?	
	Intersection	U/S	ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	AM	PM	AM	PM
1	MacArthur Blvd/Main St[a]	S	0.60	A	0.78	C	0.60	A	0.79	C	0.001	0.002	No	No
2	MacArthur Blvd/I-405 NB Ramps[a]	S	0.77	C	0.71	C	0.77	C	0.71	C	0.002	0.001	No	No
3	MacArthur Blvd/I-405 SB Ramps[a]	S	0.67	B	0.80	C	0.67	B	0.81	D	0.001	0.009	No	No
4	MacArthur Blvd/Michelson Dr[a]	S	0.64	B	0.91	E	0.64	B	0.92	E	0.001	0.003	No	No
5	MacArthur Blvd/Campus Dr[a]	S	0.64	B	0.89	D	0.65	B	0.89	D	0.004	-0.005	No	No
6	MacArthur Blvd/Birch St	S	0.40	A	0.52	A	0.40	A	0.52	A	0.003	0.004	No	No
7	MacArthur Blvd/Von Karman Ave	S	0.65	B	0.52	A	0.65	B	0.53	A	0.000	0.007	No	No
8	MacArthur Blvd/Jamboree Rd[a,b]	S	0.76	C	0.85	D	0.77	C	0.88	D	0.015	0.027	No	No
9	MacArthur Blvd/Fairchild Rd[a]	S	0.88	D	0.69	B	0.89	D	0.70	B	0.007	0.006	No	No
10	MacArthur Blvd NB Off-ramp/University Dr	S	0.53	A	0.63	B	0.53	A	0.63	B	0.000	0.000	No	No
11	MacArthur Blvd SB Off-ramp/University Dr	S	0.39	A	0.33	A	0.39	A	0.33	A	0.000	0.000	No	No
12	Von Karman Ave/Main St[a]	S	0.81	D	0.87	D	0.81	D	0.87	D	0.001	0.002	No	No

Table 5.14-10
Summary of Intersection Operations
Year 2018 Cumulative Conditions with Phase I

	Intersection	U/S	Without Project				With Project				Project Impact			
			AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		Change		Significant?	
			ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	AM	PM	AM	PM
13	Von Karman Ave/Michelson Dr[a]	S	0.70	B	0.91	E	0.70	B	0.91	E	0.004	0.004	No	No
14	Von Karman Ave/Dupont Dr[a]	S	0.51	A	0.62	B	0.52	A	0.63	B	0.004	0.004	No	No
15	Von Karman Ave/Campus Dr[a]	S	0.68	B	0.90	D	0.69	B	0.91	E	0.007	0.003	No	No
16	Von Karman Ave/Birch St	S	0.33	A	0.40	A	0.33	A	0.40	A	0.000	-0.001	No	No
17	Teller Ave/Campus Dr[a]	S	0.49	A	0.54	A	0.50	A	0.55	A	0.006	0.006	No	No
18	Teller Ave/Birch St	U	12.30	B	11.60	B	12.30	B	11.60	B	0.000	0.000	No	No
19	Jamboree Rd/Main St[a]	S	0.91	E	1.00	E	0.91	E	1.00	E	0.000	0.002	No	No
20	Jamboree Rd/I-405 NB Ramps[a,b]	S	0.72	C	0.93	E	0.72	C	0.94	E	0.005	0.011	No	No
21	Jamboree Rd/I-405 SB Ramps[a,b]	S	1.03	F	0.95	E	1.03	F	0.96	E	0.002	0.009	No	No
22	Jamboree Rd/Michelson Dr[a]	S	0.80	C	1.17	F	0.81	D	1.17	F	0.001	0.005	No	No
23	Jamboree Rd/Dupont Dr[a]	S	0.75	C	0.76	C	0.75	C	0.78	C	0.002	0.016	No	No
24	Jamboree Rd/Campus Dr[a]	S	0.78	C	0.83	D	0.78	C	0.83	D	0.008	0.006	No	No
25	Jamboree Rd/Birch St	S	0.60	A	0.70	B	0.60	A	0.72	C	0.003	0.021	No	No
26	Jamboree Rd/Fairchild Rd[a]	S	0.71	C	0.76	C	0.76	C	0.79	C	0.051	0.029	No	No

Table 5.14-10
Summary of Intersection Operations
Year 2018 Cumulative Conditions with Phase I

	Intersection	U/S	Without Project				With Project				Project Impact			
			AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		Change		Significant?	
			ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	AM	PM	AM	PM
27	Jamboree Rd/Bristol St North	S	0.37	A	0.56	A	0.38	A	0.57	A	0.007	0.007	No	No
28	Jamboree Rd/Bristol St South	S	0.54	A	0.62	B	0.55	A	0.63	B	0.006	0.004	No	No
29	Jamboree Rd/Bayview Way	S	0.41	A	0.45	A	0.42	A	0.46	A	0.001	0.004	No	No
30	Jamboree Rd/University Dr	S	0.66	B	0.65	B	0.66	B	0.66	B	0.006	0.006	No	No
31	Carlson Ave/Michelson Dr[a]	S	0.62	B	0.86	D	0.62	B	0.86	D	-0.001	0.000	No	No
32	Carlson Ave/Campus Dr[a]	S	0.63	B	0.81	D	0.63	B	0.82	D	0.001	0.004	No	No
33	Harvard Ave/Michelson Dr	S	0.72	C	0.91	E	0.72	C	0.91	E	0.000	-0.001	No	No
34	Campus Dr/Bristol St North	S	0.52	A	0.73	C	0.53	A	0.73	C	0.007	0.002	No	No
35	Birch St/Bristol St North	S	0.54	A	0.57	A	0.56	A	0.58	A	0.013	0.006	No	No
36	Campus Dr/Bristol St South	S	0.62	B	0.50	A	0.62	B	0.51	A	-0.001	0.008	No	No
37	Birch St/Bristol St South	S	0.40	A	0.42	A	0.40	A	0.43	A	-0.001	0.003	No	No
38	Bayview Pl/Bristol St South	S	0.41	A	0.50	A	0.41	A	0.51	A	0.001	0.012	No	No
39	Irvine Ave/Mesa Dr	S	0.37	A	0.56	A	0.37	A	0.56	A	0.001	0.001	No	No
40	University Dr/Campus Dr	S	0.84	D	0.83	D	0.85	D	0.83	D	0.008	0.004	No	No

Table 5.14-10
Summary of Intersection Operations
Year 2018 Cumulative Conditions with Phase I

	Intersection	U/S	Without Project				With Project				Project Impact			
			AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		Change		Significant?	
			ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	AM	PM	AM	PM
41	Mesa Rd/University Dr	S	0.62	B	0.87	D	0.62	B	0.87	D	0.000	0.000	No	No
42	California Ave/University Dr	S	0.63	B	0.69	B	0.63	B	0.69	B	0.000	0.000	No	No
43	Birch St/Driveway	S	8.80	A	11.5	B	8.60	A	11.20	B	-0.200	-0.300	No	No

Source: Kimley-Horn and Associates, 2012.
S = Signalized, U=Unsignalized
Bold values indicate intersections operating at an unacceptable LOS.
Intersection operation is expressed in average seconds of delay per vehicle during the peak hour for unsignalized intersections using HCM 2000 Methodology and is expressed in volume-to-capacity (V/C) for signalized intersections using ICU Methodology.
[a] Intersection is located within the Irvine Business Complex Vision Plan Area (LOS E Acceptable).
[b] Orange County Congestion Management Program (CMP) intersection (LOS E Acceptable).

Table 5.14-10
Summary of Intersection Operations
Year 2018 Cumulative Conditions with Phase I

	Intersection	U/S	Without Project				With Project				Project Impact			
			AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		Change		Significant?	
			ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	AM	PM	AM	PM
1	MacArthur Blvd/Main St[a]	S	0.60	A	0.78	C	0.60	A	0.78	C	0.000	0.003	No	No
2	MacArthur Blvd/I-405 NB Ramps[a]	S	0.77	C	0.71	C	0.77	C	0.72	C	0.002	0.004	No	No
3	MacArthur Blvd/I-405 SB Ramps[a]	S	0.67	B	0.80	C	0.67	B	0.81	D	0.002	0.010	No	No
4	MacArthur Blvd/Michelson Dr[a]	S	0.65	B	0.92	E	0.65	B	0.92	E	0.001	0.003	No	No
5	MacArthur Blvd/Campus Dr[a]	S	0.63	B	0.89	D	0.64	B	0.89	D	0.004	-0.005	No	No
6	MacArthur Blvd/Birch St	S	0.42	A	0.51	A	0.42	A	0.52	A	0.004	0.004	No	No
7	MacArthur Blvd/Von Karman Ave	S	0.67	B	0.54	A	0.67	B	0.54	A	0.000	0.007	No	No
8	MacArthur Blvd/Jamboree Rd[a,b]	S	0.78	C	0.89	D	0.80	C	0.92	E	0.015	0.027	No	No
9	MacArthur Blvd/Fairchild Rd[a]	S	0.89	D	0.55	A	0.89	D	0.56	A	0.007	0.006	No	No
10	MacArthur Blvd NB Off-ramp/University Dr	S	0.52	A	0.62	B	0.52	A	0.62	B	0.000	0.000	No	No
11	MacArthur Blvd SB Off-ramp/University Dr	S	0.39	A	0.33	A	0.39	A	0.33	A	0.000	0.000	No	No
12	Von Karman Ave/Main St[a]	S	0.81	D	0.87	D	0.81	D	0.87	D	0.001	0.002	No	No
13	Von Karman Ave/Michelson Dr[a]	S	0.70	B	0.91	E	0.70	B	0.91	E	0.004	0.004	No	No

Table 5.14-10
Summary of Intersection Operations
Year 2018 Cumulative Conditions with Phase I

	Intersection	U/S	Without Project				With Project				Project Impact			
			AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		Change		Significant?	
			ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	AM	PM	AM	PM
14	Von Karman Ave/Dupont Dr[a]	S	0.50	A	0.61	B	0.51	A	0.62	B	0.004	0.004	No	No
15	Von Karman Ave/Campus Dr[a]	S	0.67	B	0.88	D	0.68	B	0.89	D	0.008	0.003	No	No
16	Von Karman Ave/Birch St	S	0.33	A	0.40	A	0.33	A	0.40	A	0.000	-0.001	No	No
17	Teller Ave/Campus Dr[a]	S	0.50	A	0.52	A	0.50	A	0.53	A	0.006	0.006	No	No
18	Teller Ave/Birch St	U	12.3	B	11.6	B	12.3	B	11.6	B	0.0	0.0	No	No
19	Jamboree Rd/Main St[a]	S	0.91	E	1.01	**F**	0.91	E	1.01	**F**	0.000	0.002	No	No
20	Jamboree Rd/I-405 NB Ramps[a,b]	S	0.72	C	0.93	E	0.73	C	0.94	E	0.004	0.010	No	No
21	Jamboree Rd/I-405 SB Ramps[a,b]	S	0.88	D	0.95	E	0.89	D	0.96	E	0.002	0.009	No	No
22	Jamboree Rd/Michelson Dr[a]	S	0.82	D	1.18	**F**	0.82	D	1.18	**F**	0.001	0.005	No	No
23	Jamboree Rd/Dupont Dr[a]	S	0.76	C	0.75	C	0.76	C	0.77	C	0.001	0.016	No	No
24	Jamboree Rd/Campus Dr[a]	S	0.79	C	0.82	D	0.80	C	0.83	D	0.008	0.005	No	No
25	Jamboree Rd/Birch St	S	0.61	B	0.68	B	0.61	B	0.70	B	0.004	0.021	No	No
26	Jamboree Rd/Fairchild Rd[a]	S	0.71	C	0.74	C	0.77	C	0.78	C	0.062	0.038	No	No

Table 5.14-10
Summary of Intersection Operations
Year 2018 Cumulative Conditions with Phase I

	Intersection	U/S	Without Project				With Project				Project Impact			
			AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		Change		Significant?	
			ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	AM	PM	AM	PM
27	Jamboree Rd/Bristol St North	S	0.38	A	0.61	B	0.39	A	0.62	B	0.005	0.007	No	No
28	Jamboree Rd/Bristol St South	S	0.57	A	0.61	B	0.58	A	0.62	B	0.006	0.004	No	No
29	Jamboree Rd/Bayview Way	S	0.41	A	0.46	A	0.41	A	0.46	A	0.000	0.005	No	No
30	Jamboree Rd/University Dr	S	0.65	B	0.66	B	0.66	B	0.66	B	0.006	0.006	No	No
31	Carlson Ave/Michelson Dr[a]	S	0.62	B	0.86	D	0.62	B	0.86	D	-0.001	0.000	No	No
32	Carlson Ave/Campus Dr[a]	S	0.64	B	0.81	D	0.64	B	0.82	D	0.000	0.004	No	No
33	Harvard Ave/Michelson Dr	S	0.74	C	0.85	D	0.74	C	0.85	D	0.000	0.000	No	No
34	Campus Dr/Bristol St North	S	0.53	A	0.74	C	0.54	A	0.75	C	0.007	0.002	No	No
35	Birch St/Bristol St North	S	0.56	A	0.59	A	0.57	A	0.59	A	0.013	0.006	No	No
36	Campus Dr/Bristol St South	S	0.63	B	0.50	A	0.63	B	0.51	A	-0.001	0.008	No	No
37	Birch St/Bristol St South	S	0.44	A	0.43	A	0.43	A	0.44	A	-0.001	0.003	No	No
38	Bayview Pl/Bristol St South	S	0.45	A	0.50	A	0.45	A	0.51	A	0.002	0.011	No	No
39	Irvine Ave/Mesa Dr	S	0.37	A	0.57	A	0.37	A	0.57	A	0.000	0.001	No	No

Table 5.14-10
Summary of Intersection Operations
Year 2018 Cumulative Conditions with Phase I

	Intersection	U/S	Without Project				With Project				Project Impact			
			AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		Change		Significant?	
			ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	AM	PM	AM	PM
40	University Dr/Campus Dr	S	0.85	D	0.84	D	0.86	D	0.84	D	0.008	0.004	No	No
41	Mesa Rd/University Dr	S	0.63	B	0.87	D	0.63	B	0.87	D	0.000	0.000	No	No
42	California Ave/University Dr	S	0.61	B	0.70	B	0.61	B	0.70	B	0.000	0.000	No	No
43	Birch St/Driveway	S	8.8	A	11.5	B	8.6	A	11.4	B	-0.200	-0.100	No	No

Source: Kimley-Horn and Associates, November 2012.
S = Signalized, U=Unsignalized
Bold values indicate intersections operating at an unacceptable LOS.
Intersection operation is expressed in average seconds of delay per vehicle during the peak hour for unsignalized intersections using HCM 2000 Methodology and is expressed in volume-to-capacity (V/C) for signalized intersections using ICU Methodology.
[a] Intersection is located within the Irvine Business Complex Vision Plan Area (LOS E Acceptable).
[b] Orange County Congestion Management Program (CMP) intersection (LOS E Acceptable).

Page 5.14-43 to -46. Table 5.14-11 has been modified to reflect updated traffic modeling.

~~**Table 5.14-11**~~
~~**Summary of Intersection Operations**~~
~~**Year 2021 Cumulative Conditions with Phase 2 (Project Buildout)**~~

	~~Intersection~~	~~U/S~~	~~Without Project~~				~~With Project~~				~~Project Impact~~			
			~~AM Peak Hour~~		~~PM Peak Hour~~		~~AM Peak Hour~~		~~PM Peak Hour~~		~~Change~~		~~Significant?~~	
			~~ICU/ Delay~~	~~LOS~~	~~ICU/ Delay~~	~~LOS~~	~~ICU/ Delay~~	~~LOS~~	~~ICU/ Delay~~	~~LOS~~	~~AM~~	~~PM~~	~~AM~~	~~PM~~
~~1~~	~~MacArthur Blvd/Main St[a]~~	~~S~~	~~0.62~~	~~B~~	~~0.82~~	~~D~~	~~0.62~~	~~B~~	~~0.82~~	~~D~~	~~0.001~~	~~0.003~~	~~No~~	~~No~~
~~2~~	~~MacArthur Blvd/I-405 NB Ramps[a]~~	~~S~~	~~0.80~~	~~C~~	~~0.74~~	~~C~~	~~0.80~~	~~C~~	~~0.75~~	~~C~~	~~0.004~~	~~0.002~~	~~No~~	~~No~~
~~3~~	~~MacArthur Blvd/I-405 SB Ramps[a]~~	~~S~~	~~0.70~~	~~B~~	~~0.83~~	~~D~~	~~0.69~~	~~B~~	~~0.85~~	~~D~~	~~-0.009~~	~~0.019~~	~~No~~	~~No~~
~~4~~	~~MacArthur Blvd/Michelson Dr[a]~~	~~S~~	~~0.68~~	~~B~~	~~0.95~~	~~E~~	~~0.68~~	~~B~~	~~0.96~~	~~E~~	~~0.002~~	~~0.005~~	~~No~~	~~No~~
~~5~~	~~MacArthur Blvd/Campus Dr[a]~~	~~S~~	~~0.67~~	~~B~~	~~0.93~~	~~E~~	~~0.68~~	~~B~~	~~0.92~~	~~E~~	~~0.009~~	~~-0.005~~	~~No~~	~~No~~
~~6~~	~~MacArthur Blvd/Birch St~~	~~S~~	~~0.40~~	~~A~~	~~0.52~~	~~A~~	~~0.41~~	~~A~~	~~0.53~~	~~A~~	~~0.005~~	~~0.001~~	~~No~~	~~No~~
~~7~~	~~MacArthur Blvd/Von Karman Ave~~	~~S~~	~~0.67~~	~~B~~	~~0.53~~	~~A~~	~~0.67~~	~~B~~	~~0.53~~	~~A~~	~~0.000~~	~~0.003~~	~~No~~	~~No~~
~~8~~	~~MacArthur Blvd/Jamboree Rd[a,b]~~	~~S~~	~~0.78~~	~~C~~	~~0.87~~	~~D~~	~~0.80~~	~~C~~	~~0.92~~	~~E~~	~~0.024~~	~~0.046~~	~~No~~	~~No~~
~~9~~	~~MacArthur Blvd/Fairchild Rd[a]~~	~~S~~	~~0.92~~	~~E~~	~~0.72~~	~~C~~	~~0.93~~	~~E~~	~~0.73~~	~~C~~	~~0.011~~	~~0.008~~	~~No~~	~~No~~
~~10~~	~~MacArthur Blvd NB Off-ramp/University Dr~~	~~S~~	~~0.55~~	~~A~~	~~0.66~~	~~B~~	~~0.55~~	~~A~~	~~0.66~~	~~B~~	~~0.000~~	~~0.000~~	~~No~~	~~No~~
~~11~~	~~MacArthur Blvd SB Off-ramp/University Dr~~	~~S~~	~~0.39~~	~~A~~	~~0.33~~	~~A~~	~~0.39~~	~~A~~	~~0.33~~	~~A~~	~~0.000~~	~~0.000~~	~~No~~	~~No~~
~~12~~	~~Von Karman Ave/Main St[a]~~	~~S~~	~~0.84~~	~~D~~	~~0.90~~	~~D~~	~~0.84~~	~~D~~	~~0.91~~	~~E~~	~~0.000~~	~~0.003~~	~~No~~	~~No~~

Table 5.14-11
Summary of Intersection Operations
Year 2021 Cumulative Conditions with Phase 2 (Project Buildout)

			Without Project				With Project				Project Impact			
			AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		Change		Significant?	
	Intersection	U/S	ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	AM	PM	AM	PM
13	Von Karman Ave/Michelson Dr[a]	S	0.73	C	0.95	E	0.74	C	0.95	E	0.007	0.007	No	No
14	Von Karman Ave/Dupont Dr[a]	S	0.53	A	0.65	B	0.54	A	0.66	B	0.007	0.008	No	No
15	Von Karman Ave/Campus Dr[a]	S	0.71	C	0.94	E	0.72	A	0.95	E	0.012	0.007	No	No
16	Von Karman Ave/Birch St	S	0.33	A	0.40	A	0.34	A	0.40	A	0.014	0.005	No	No
17	Teller Ave/Campus Dr[a]	S	0.51	A	0.56	A	0.52	A	0.57	A	0.007	0.008	No	No
18	Teller Ave/Birch St	U	12.30	B	11.60	B	12.9	B	12.3	B	0.600	0.700	No	No
19	Jamboree Rd/Main St[a]	S	0.95	E	1.04	F	0.95	E	1.05	F	-0.002	0.004	No	No
20	Jamboree Rd/I-405 NB Ramps[a,b]	S	0.75	C	0.97	E	0.75	C	0.98	E	0.005	0.009	No	No
21	Jamboree Rd/I-405 SB Ramps[a,b]	S	1.07	F	0.99	E	1.07	F	1.00	E	-0.001	0.009	No	No
22	Jamboree Rd/Michelson Dr[a]	S	0.84	D	1.22	F	0.84	D	1.22	F	-0.001	0.003	No	No
23	Jamboree Rd/Dupont Dr[a]	S	0.78	C	0.78	C	0.78	C	0.82	D	0.000	0.035	No	No
24	Jamboree Rd/Campus Dr[a]	S	0.81	D	0.86	D	0.81	D	0.87	D	0.006	0.005	No	No
25	Jamboree Rd/Birch St	S	0.62	B	0.72	C	0.63	B	0.75	C	0.014	0.025	No	No
26	Jamboree Rd/Fairchild Rd[a]	S	0.74	C	0.79	C	0.78	C	0.80	C	0.043	0.015	No	No

Table 5.14-11
Summary of Intersection Operations
Year 2021 Cumulative Conditions with Phase 2 (Project Buildout)

			Without Project				With Project				Project Impact			
			AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		Change		Significant?	
	Intersection	U/S	ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	AM	PM	AM	PM
27	Jamboree Rd/Bristol St North	S	0.38	A	0.58	A	0.40	A	0.59	A	0.019	0.011	No	No
28	Jamboree Rd/Bristol St South	S	0.55	A	0.63	B	0.56	A	0.64	B	0.006	0.006	No	No
29	Jamboree Rd/Bayview Way	S	0.42	A	0.46	A	0.42	A	0.47	A	0.000	0.008	No	No
30	Jamboree Rd/University Dr	S	0.67	B	0.66	B	0.68	B	0.67	B	0.010	0.011	No	No
31	Carlson Ave/Michelson Dr[a]	S	0.64	B	0.90	D	0.65	B	0.91	E	0.001	0.006	No	No
32	Carlson Ave/Campus Dr[a]	S	0.66	B	0.85	D	0.66	B	0.85	D	-0.001	-0.003	No	No
33	Harvard Ave/Michelson Dr	S	0.76	C	0.95	E	0.76	C	0.96	E	0.002	0.006	No	No
34	Campus Dr/Bristol St North	S	0.52	A	0.73	C	0.54	A	0.73	C	0.014	0.005	No	No
35	Birch St/Bristol St North	S	0.54	A	0.57	A	0.57	A	0.58	A	0.024	0.010	No	No
36	Campus Dr/Bristol St South	S	0.63	B	0.50	A	0.62	B	0.52	A	-0.003	0.016	No	No
37	Birch St/Bristol St South	S	0.40	A	0.42	A	0.40	A	0.43	A	-0.002	0.005	No	No
38	Bayview Pl/Bristol St South	S	0.41	A	0.50	A	0.41	A	0.52	A	0.002	0.020	No	No
39	Irvine Ave/Mesa Dr	S	0.38	A	0.56	A	0.38	A	0.57	A	0.000	0.002	No	No

Table 5.14-11
Summary of Intersection Operations
Year 2021 Cumulative Conditions with Phase 2 (Project Buildout)

			Without Project				With Project				Project Impact			
			AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		Change		Significant?	
	Intersection	U/S	ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	AM	PM	AM	PM
40	University Dr/Campus Dr	S	0.88	D	0.87	D	0.88	D	0.86	D	-0.001	-0.002	No	No
41	Mesa Rd/University Dr	S	0.65	B	0.90	D	0.65	B	0.90	D	0.000	0.000	No	No
42	California Ave/University Dr	S	0.65	B	0.72	C	0.65	B	0.72	C	0.000	0.000	No	No
43	Birch St/Driveway	S	8.80	A	11.50	B	10.40	B	11.80	B	1.600	0.300	No	No

Notes:
a = Intersection is located within the Irvine Business Complex Vision Plan Area (LOS E Acceptable).
b = Orange County Congestion Management Program (CMP) intersection (LOS E Acceptable).
S = Signalized, U=Unsignalized
Bold values indicate intersections operating at an unacceptable LOS.
Intersection operation is expressed in average seconds of delay per vehicle during the peak hour for unsignalized intersections using HCM 2000 Methodology and is expressed in volume-to-capacity (V/C) for signalized intersections using ICU Methodology.

Table 5.14-11
Summary of Intersection Operations
Year 2021 Cumulative Conditions with Phase 2 (Project Buildout)

	Intersection	U/S	Without Project				With Project				Project Impact			
			AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		Change		Significant?	
			ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	AM	PM	AM	PM
1	MacArthur Blvd/Main St [a]	S	0.62	B	0.81	D	0.62	B	0.81	D	0.000	0.004	No	No
2	MacArthur Blvd/I-405 NB Ramps [a]	S	0.80	C	0.74	C	0.81	D	0.75	C	0.003	0.011	No	No
3	MacArthur Blvd/I-405 SB Ramps [a]	S	0.70	B	0.83	D	0.70	B	0.85	D	0.002	0.019	No	No
4	MacArthur Blvd/Michelson Dr [a]	S	0.67	B	0.96	E	0.68	B	0.96	E	0.002	0.005	No	No
5	MacArthur Blvd/Campus Dr [a]	S	0.66	B	0.93	E	0.67	B	0.92	E	0.009	-0.005	No	No
6	MacArthur Blvd/Birch St	S	0.43	A	0.52	A	0.43	A	0.52	A	0.006	0.003	No	No
7	MacArthur Blvd/Von Karman Ave	S	0.68	B	0.54	A	0.68	B	0.54	A	0.000	0.003	No	No
8	MacArthur Blvd/Jamboree Rd [a,b]	S	0.80	C	0.91	E	0.83	D	0.96	E	0.024	0.045	No	No
9	MacArthur Blvd/Fairchild Rd [a]	S	0.92	E	0.73	C	0.93	E	0.74	C	0.010	0.008	No	No
10	MacArthur Blvd NB Off-ramp/University Dr	S	0.54	A	0.65	B	0.54	A	0.65	B	0.000	0.000	No	No
11	MacArthur Blvd SB Off-ramp/University Dr	S	0.39	A	0.33	A	0.39	A	0.33	A	0.000	0.000	No	No
12	Von Karman Ave/Main St [a]	S	0.85	D	0.91	E	0.85	D	0.91	E	0.000	0.003	No	No
13	Von Karman Ave/Michelson Dr [a]	S	0.73	C	0.94	E	0.73	C	0.95	E	0.007	0.008	No	No

Table 5.14-11
Summary of Intersection Operations
Year 2021 Cumulative Conditions with Phase 2 (Project Buildout)

	Intersection	U/S	Without Project				With Project				Project Impact			
			AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		Change		Significant?	
			ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	AM	PM	AM	PM
14	Von Karman Ave/Dupont Dr [a]	S	0.53	A	0.64	B	0.53	A	0.64	B	0.007	0.008	No	No
15	Von Karman Ave/Campus Dr [a]	S	0.70	B	0.92	E	0.71	A	0.93	E	0.012	0.007	No	No
16	Von Karman Ave/Birch St	S	0.33	A	0.40	A	0.35	A	0.40	A	0.014	0.005	No	No
17	Teller Ave/Campus Dr [a]	S	0.52	A	0.55	A	0.53	A	0.55	A	0.008	0.008	No	No
18	Teller Ave/Birch St	U	12.3	B	11.6	B	12.9	B	12.3	B	0.600	0.700	No	No
19	Jamboree Rd/Main St [a]	S	0.95	E	1.05	**F**	0.95	E	1.05	**F**	-0.001	0.004	No	No
20	Jamboree Rd/I-405 NB Ramps [a,b]	S	0.75	C	0.97	E	0.76	C	0.98	E	0.005	0.009	No	No
21	Jamboree Rd/I-405 SB Ramps [a,b]	S	0.92	E	0.99	E	0.92	E	1.00	E	0.000	0.009	No	No
22	Jamboree Rd/Michelson Dr [a]	S	0.85	D	1.23	**F**	0.85	D	1.23	**F**	-0.001	0.004	No	No
23	Jamboree Rd/Dupont Dr [a]	S	0.79	C	0.78	C	0.79	C	0.81	D	0.000	0.027	No	No
24	Jamboree Rd/Campus Dr [a]	S	0.82	D	0.86	D	0.83	D	0.86	D	0.005	0.006	No	No
25	Jamboree Rd/Birch St	S	0.64	B	0.71	C	0.65	B	0.73	C	0.014	0.025	No	No
26	Jamboree Rd/Fairchild Rd [a]	S	0.74	C	0.77	C	0.80	C	0.80	C	0.062	0.035	No	No

Table 5.14-11
Summary of Intersection Operations
Year 2021 Cumulative Conditions with Phase 2 (Project Buildout)

	Intersection	U/S	Without Project				With Project				Project Impact			
			AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		Change		Significant?	
			ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	AM	PM	AM	PM
27	Jamboree Rd/Bristol St North	S	0.39	A	0.62	B	0.41	A	0.64	B	0.018	0.012	No	No
28	Jamboree Rd/Bristol St South	S	0.57	A	0.62	B	0.58	A	0.64	B	0.011	0.017	No	No
29	Jamboree Rd/Bayview Way	S	0.42	A	0.47	A	0.42	A	0.48	A	0.001	0.008	No	No
30	Jamboree Rd/University Dr	S	0.66	B	0.67	B	0.67	B	0.68	B	0.011	0.011	No	No
31	Carlson Ave/Michelson Dr[a]	S	0.65	B	0.89	D	0.65	B	0.90	D	0.002	0.005	No	No
32	Carlson Ave/Campus Dr[a]	S	0.67	B	0.85	D	0.66	B	0.85	D	-0.002	-0.003	No	No
33	Harvard Ave/Michelson Dr	S	0.77	C	0.89	D	0.77	C	0.89	D	0.002	0.005	No	No
34	Campus Dr/Bristol St North	S	0.53	A	0.74	C	0.55	A	0.75	C	0.014	0.004	No	No
35	Birch St/Bristol St North	S	0.56	A	0.59	A	0.58	A	0.60	A	0.024	0.011	No	No
36	Campus Dr/Bristol St South	S	0.63	B	0.51	A	0.62	B	0.52	A	-0.003	0.016	No	No
37	Birch St/Bristol St South	S	0.44	A	0.43	A	0.43	A	0.44	A	-0.002	0.005	No	No
38	Bayview Pl/Bristol St South	S	0.45	A	0.50	A	0.45	A	0.52	A	0.003	0.020	No	No
39	Irvine Ave/Mesa Dr	S	0.38	A	0.58	A	0.38	A	0.58	A	0.000	0.003	No	No

Table 5.14-11
Summary of Intersection Operations
Year 2021 Cumulative Conditions with Phase 2 (Project Buildout)

	Intersection	U/S	Without Project				With Project				Project Impact			
			AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		Change		Significant?	
			ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	AM	PM	AM	PM
40	University Dr/Campus Dr	S	0.88	D	0.87	D	0.88	D	0.87	D	0.000	-0.003	No	No
41	Mesa Rd/University Dr	S	0.65	B	0.91	**E**	0.65	B	0.91	**E**	0.000	0.000	No	No
42	California Ave/University Dr	S	0.64	B	0.72	C	0.64	B	0.72	C	0.000	0.000	No	No
43	Birch St/Driveway	S	8.8	A	11.5	B	10.6	B	13.4	B	1.800	1.900	No	No

Notes:
a = Intersection is located within the Irvine Business Complex Vision Plan Area (LOS E Acceptable).
b = Orange County Congestion Management Program (CMP) intersection (LOS E Acceptable).
S = Signalized, U=Unsignalized
Bold values indicate intersections operating at an unacceptable LOS.
Intersection operation is expressed in average seconds of delay per vehicle during the peak hour for unsignalized intersections using HCM 2000 Methodology and is expressed in volume-to-capacity (V/C) for signalized intersections using ICU Methodology.

Page 5.14-49 to -52. Table 5.14-12 has been modified to reflect updated traffic modeling.

~~Table 5.14-12~~
~~Summary of Intersection Operations~~
~~Year 2018 TPO Analysis~~

	~~Intersection~~	~~U/S~~	~~Without Project~~				~~With Project~~				~~Project Impact~~			
			~~AM Peak Hour~~		~~PM Peak Hour~~		~~AM Peak Hour~~		~~PM Peak Hour~~		~~Change~~		~~Significant?~~	
			~~ICU/ Delay~~	~~LOS~~	~~ICU/ Delay~~	~~LOS~~	~~ICU/ Delay~~	~~LOS~~	~~ICU/ Delay~~	~~LOS~~	~~AM~~	~~PM~~	~~AM~~	~~PM~~
~~1~~	~~MacArthur Blvd/Main St[a]~~	~~S~~	~~0.60~~	~~A~~	~~0.78~~	~~C~~	~~0.60~~	~~A~~	~~0.78~~	~~C~~	~~0.000~~	~~0.002~~	~~No~~	~~No~~
~~2~~	~~MacArthur Blvd/I-405 NB Ramps[a]~~	~~S~~	~~0.76~~	~~C~~	~~0.71~~	~~C~~	~~0.76~~	~~C~~	~~0.71~~	~~C~~	~~0.002~~	~~0.001~~	~~No~~	~~No~~
~~3~~	~~MacArthur Blvd/I-405 SB Ramps[a]~~	~~S~~	~~0.67~~	~~B~~	~~0.79~~	~~C~~	~~0.67~~	~~B~~	~~0.80~~	~~C~~	~~0.002~~	~~0.009~~	~~No~~	~~No~~
~~4~~	~~MacArthur Blvd/Michelson Dr[a]~~	~~S~~	~~0.64~~	~~B~~	~~0.91~~	~~E~~	~~0.64~~	~~B~~	~~0.91~~	~~E~~	~~0.001~~	~~0.003~~	~~No~~	~~No~~
~~5~~	~~MacArthur Blvd/Campus Dr[a]~~	~~S~~	~~0.62~~	~~B~~	~~0.89~~	~~D~~	~~0.63~~	~~B~~	~~0.89~~	~~D~~	~~0.005~~	~~0.000~~	~~No~~	~~No~~
~~6~~	~~MacArthur Blvd/Birch St~~	~~S~~	~~0.37~~	~~A~~	~~0.49~~	~~A~~	~~0.37~~	~~A~~	~~0.50~~	~~A~~	~~0.004~~	~~0.005~~	~~No~~	~~No~~
~~7~~	~~MacArthur Blvd/Von Karman Ave~~	~~S~~	~~0.58~~	~~A~~	~~0.46~~	~~A~~	~~0.58~~	~~A~~	~~0.46~~	~~A~~	~~0.000~~	~~0.007~~	~~No~~	~~No~~
~~8~~	~~MacArthur Blvd/Jamboree Rd[a,b]~~	~~S~~	~~0.65~~	~~B~~	~~0.74~~	~~C~~	~~0.66~~	~~B~~	~~0.77~~	~~C~~	~~0.017~~	~~0.027~~	~~No~~	~~No~~
~~9~~	~~MacArthur Blvd/Fairchild Rd[a]~~	~~S~~	~~0.87~~	~~D~~	~~0.67~~	~~B~~	~~0.87~~	~~D~~	~~0.68~~	~~B~~	~~0.007~~	~~0.006~~	~~No~~	~~No~~
~~10~~	~~MacArthur Blvd NB Off-ramp/University Dr~~	~~S~~	~~0.52~~	~~A~~	~~0.62~~	~~B~~	~~0.52~~	~~A~~	~~0.62~~	~~B~~	~~0.000~~	~~0.000~~	~~No~~	~~No~~
~~11~~	~~MacArthur Blvd SB Off-ramp/University Dr~~	~~S~~	~~0.38~~	~~A~~	~~0.32~~	~~A~~	~~0.38~~	~~A~~	~~0.32~~	~~A~~	~~0.000~~	~~0.000~~	~~No~~	~~No~~
~~12~~	~~Von Karman Ave/Main St[a]~~	~~S~~	~~0.81~~	~~D~~	~~0.87~~	~~D~~	~~0.81~~	~~D~~	~~0.87~~	~~D~~	~~0.000~~	~~0.002~~	~~No~~	~~No~~
~~13~~	~~Von Karman Ave/Michelson Dr[a]~~	~~S~~	~~0.70~~	~~B~~	~~0.90~~	~~D~~	~~0.70~~	~~B~~	~~0.91~~	~~E~~	~~0.004~~	~~0.005~~	~~No~~	~~No~~

Table 5.14-12
Summary of Intersection Operations
Year 2018 TPO Analysis

	Intersection	U/S	Without Project				With Project				Project Impact			
			AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		Change		Significant?	
			ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	AM	PM	AM	PM
14	Von Karman Ave/Dupont Dr[a]	S	0.51	A	0.62	B	0.52	A	0.63	B	0.004	0.004	No	No
15	Von Karman Ave/Campus Dr[a]	S	0.68	B	0.90	D	0.69	B	0.90	D	0.007	0.003	No	No
16	Von Karman Ave/Birch St	S	0.29	A	0.35	A	0.29	A	0.35	A	-0.001	-0.002	No	No
17	Teller Ave/Campus Dr[a]	S	0.49	A	0.54	A	0.50	A	0.55	A	0.006	0.006	No	No
18	Teller Ave/Birch St	U	12.10	B	11.50	B	12.10	B	11.50	B	0.000	0.000	No	No
19	Jamboree Rd/Main St[a]	S	0.91	E	1.00	E	0.91	E	1.00	E	0.000	0.002	No	No
20	Jamboree Rd/I-405 NB Ramps[a,b]	S	0.71	C	0.92	E	0.72	C	0.93	E	0.005	0.010	No	No
21	Jamboree Rd/I-405 SB Ramps[a,b]	S	1.02	F	0.95	E	1.03	F	0.95	E	0.002	0.009	No	No
22	Jamboree Rd/Michelson Dr[a]	S	0.80	C	1.16	F	0.80	C	1.17	F	0.001	0.005	No	No
23	Jamboree Rd/Dupont Dr[a]	S	0.74	C	0.75	C	0.75	C	0.77	C	0.002	0.016	No	No
24	Jamboree Rd/Campus Dr[a]	S	0.77	C	0.82	D	0.78	C	0.82	D	0.008	0.006	No	No
25	Jamboree Rd/Birch St	S	0.59	A	0.67	B	0.59	A	0.70	B	0.003	0.022	No	No
26	Jamboree Rd/Fairchild Rd[a]	S	0.69	B	0.74	C	0.74	C	0.77	C	0.053	0.030	No	No
27	Jamboree Rd/Bristol St North	S	0.34	A	0.51	A	0.35	A	0.52	A	0.015	0.008	No	No

Table 5.14-12
Summary of Intersection Operations
Year 2018 TPO Analysis

	Intersection	U/S	Without Project				With Project				Project Impact			
			AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		Change		Significant?	
			ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	AM	PM	AM	PM
28	Jamboree Rd/Bristol St South	S	0.52	A	0.60	A	0.52	A	0.60	A	0.002	0.004	No	No
29	Jamboree Rd/Bayview Way	S	0.37	A	0.42	A	0.37	A	0.43	A	0.000	0.005	No	No
30	Jamboree Rd/University Dr	S	0.62	B	0.59	A	0.62	B	0.59	A	0.006	0.006	No	No
31	Carlson Ave/Michelson Dr[a]	S	0.62	B	0.86	D	0.62	B	0.86	D	-0.001	0.000	No	No
32	Carlson Ave/Campus Dr[a]	S	0.63	B	0.81	D	0.63	B	0.82	D	0.001	0.004	No	No
33	Harvard Ave/Michelson Dr	S	0.72	C	0.91	E	0.72	C	0.91	E	0.000	-0.001	No	No
34	Campus Dr/Bristol St North	S	0.49	A	0.72	C	0.50	A	0.72	C	0.008	0.005	No	No
35	Birch St/Bristol St North	S	0.54	A	0.57	A	0.55	A	0.58	A	0.014	0.008	No	No
36	Campus Dr/Bristol St South	S	0.60	A	0.49	A	0.60	A	0.50	A	0.000	0.009	No	No
37	Birch St/Bristol St South	S	0.40	A	0.42	A	0.40	A	0.43	A	0.000	0.003	No	No
38	Bayview Pl/Bristol St South	S	0.41	A	0.50	A	0.41	A	0.51	A	0.002	0.012	No	No
39	Irvine Ave/Mesa Dr	S	0.36	A	0.52	A	0.36	A	0.52	A	0.000	0.002	No	No
40	University Dr/Campus Dr	S	0.84	D	0.82	D	0.84	D	0.83	D	0.008	0.003	No	No

Table 5.14-12
Summary of Intersection Operations
Year 2018 TPO Analysis

	Intersection	U/S	Without Project				With Project				Project Impact			
			AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		Change		Significant?	
			ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	AM	PM	AM	PM
41	Mesa Rd/University Dr	S	0.62	B	0.85	D	0.62	B	0.85	D	0.000	0.000	No	No
42	California Ave/University Dr	S	0.60	A	0.68	B	0.60	A	0.68	B	0.000	0.000	No	No
43	Birch St/Driveway	S	8.80	A	11.30	B	8.60	A	11.10	B	-0.200	-0.200	No	No

Source: Kimley-Horn and Associates, 2012
Notes:
a = Intersection is located within the Irvine Business Complex Vision Plan Area (LOS E Acceptable).
b = Orange County Congestion Management Program (CMP) intersection (LOS E Acceptable).
S = Signalized, U=Unsignalized
Bold values indicate intersections operating at an unacceptable LOS.
Intersection operation is expressed in average seconds of delay per vehicle during the peak hour for unsignalized intersections using HCM 2000 Methodology and is expressed in volume-to-capacity (V/C) for signalized intersections using ICU Methodology.

Table 5.14-12
Summary of Intersection Operations
Year 2018 TPO Analysis

	Intersection	U/S	Without Project				With Project				Project Impact			
			AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		Change		Significant?	
			ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	AM	PM	AM	PM
1	MacArthur Blvd/Main St[a]	S	0.59	A	0.77	C	0.59	A	0.78	C	0.001	0.002	No	No
2	MacArthur Blvd/I-405 NB Ramps[a]	S	0.76	C	0.71	C	0.77	C	0.71	C	0.002	0.001	No	No
3	MacArthur Blvd/I-405 SB Ramps[a]	S	0.67	B	0.78	C	0.67	B	0.79	C	0.001	0.010	No	No
4	MacArthur Blvd/Michelson Dr[a]	S	0.64	B	0.91	E	0.65	B	0.92	E	0.001	0.004	No	No
5	MacArthur Blvd/Campus Dr[a]	S	0.62	B	0.89	D	0.62	B	0.89	D	0.005	0.000	No	No
6	MacArthur Blvd/Birch St	S	0.39	A	0.49	A	0.37	A	0.50	A	-0.017	0.009	No	No
7	MacArthur Blvd/Von Karman Ave	S	0.59	A	0.47	A	0.58	A	0.46	A	-0.015	-0.006	No	No
8	MacArthur Blvd/Jamboree Rd [a,b]	S	0.67	B	0.78	C	0.66	B	0.77	C	-0.010	-0.015	No	No
9	MacArthur Blvd/Fairchild Rd[a]	S	0.87	D	0.53	A	0.88	D	0.54	A	0.007	0.006	No	No
10	MacArthur Blvd NB Off-ramp/University Dr	S	0.50	A	0.61	B	0.50	A	0.61	B	0.000	0.000	No	No
11	MacArthur Blvd SB Off-ramp/University Dr	S	0.38	A	0.32	A	0.38	A	0.32	A	-0.003	0.000	No	No
12	Von Karman Ave/Main St[a]	S	0.81	D	0.87	D	0.81	D	0.87	D	0.000	0.002	No	No
13	Von Karman Ave/Michelson Dr[a]	S	0.70	B	0.90	D	0.70	B	0.91	E	0.004	0.004	No	No

Table 5.14-12
Summary of Intersection Operations
Year 2018 TPO Analysis

	Intersection	U/S	Without Project				With Project				Project Impact			
			AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		Change		Significant?	
			ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	AM	PM	AM	PM
14	Von Karman Ave/Dupont Dr[a]	S	0.50	A	0.61	B	0.51	A	0.61	B	0.004	0.004	No	No
15	Von Karman Ave/Campus Dr[a]	S	0.67	B	0.88	D	0.68	B	0.88	D	0.008	0.004	No	No
16	Von Karman Ave/Birch St	S	0.29	A	0.35	A	0.29	A	0.35	A	-0.005	-0.004	No	No
17	Teller Ave/Campus Dr[a]	S	0.50	A	0.52	A	0.50	A	0.53	A	0.006	0.006	No	No
18	Teller Ave/Birch St	U	12.1	B	11.5	B	12.1	B	11.5	B	0.000	0.000	No	No
19	Jamboree Rd/Main St[a]	S	0.91	E	1.00	E	0.91	E	1.00	E	-0.001	0.002	No	No
20	Jamboree Rd/I-405 NB Ramps[a,b]	S	0.71	C	0.92	E	0.72	C	0.93	E	0.004	0.010	No	No
21	Jamboree Rd/I-405 SB Ramps[a,b]	S	0.88	D	0.95	E	0.88	D	0.95	E	0.002	0.009	No	No
22	Jamboree Rd/Michelson Dr[a]	S	0.82	D	1.17	**F**	0.82	D	1.18	**F**	0.001	0.005	No	No
23	Jamboree Rd/Dupont Dr[a]	S	0.75	C	0.74	C	0.76	C	0.76	C	0.002	0.016	No	No
24	Jamboree Rd/Campus Dr[a]	S	0.78	C	0.81	D	0.79	C	0.82	D	0.008	0.006	No	No
25	Jamboree Rd/Birch St	S	0.60	A	0.66	B	0.60	A	0.68	B	0.004	0.022	No	No
26	Jamboree Rd/Fairchild Rd[a]	S	0.69	B	0.73	C	0.75	C	0.76	C	0.062	0.037	No	No
27	Jamboree Rd/Bristol St North	S	0.35	A	0.56	A	0.35	A	0.52	A	0.007	-0.041	No	No

Table 5.14-12
Summary of Intersection Operations
Year 2018 TPO Analysis

	Intersection	U/S	Without Project				With Project				Project Impact			
			AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		Change		Significant?	
			ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	AM	PM	AM	PM
28	Jamboree Rd/Bristol St South	S	0.54	A	0.59	A	0.52	A	0.60	A	-0.019	0.013	No	No
29	Jamboree Rd/Bayview Way	S	0.37	A	0.43	A	0.37	A	0.43	A	0.008	-0.001	No	No
30	Jamboree Rd/University Dr	S	0.61	B	0.59	A	0.62	B	0.59	A	0.008	0.000	No	No
31	Carlson Ave/Michelson Dr[a]	S	0.62	B	0.86	D	0.62	B	0.86	D	-0.001	0.000	No	No
32	Carlson Ave/Campus Dr[a]	S	0.64	B	0.81	D	0.64	B	0.82	D	0.000	0.004	No	No
33	Harvard Ave/Michelson Dr	S	0.74	C	0.85	D	0.74	C	0.85	D	0.000	0.000	No	No
34	Campus Dr/Bristol St North	S	0.50	A	0.73	C	0.50	A	0.72	C	0.000	-0.011	No	No
35	Birch St/Bristol St North	S	0.56	A	0.58	A	0.55	A	0.51	A	-0.004	-0.071	No	No
36	Campus Dr/Bristol St South	S	0.61	B	0.49	A	0.60	A	0.50	A	-0.011	0.005	No	No
37	Birch St/Bristol St South	S	0.43	A	0.43	A	0.40	A	0.43	A	-0.036	-0.008	No	No
38	Bayview Pl/Bristol St South	S	0.44	A	0.50	A	0.41	A	0.50	A	-0.032	0.007	No	No
39	Irvine Ave/Mesa Dr	S	0.36	A	0.54	A	0.36	A	0.52	A	0.000	-0.014	No	No
40	University Dr/Campus Dr	S	0.84	D	0.83	D	0.85	D	0.83	D	0.008	0.004	No	No

Table 5.14-12
Summary of Intersection Operations
Year 2018 TPO Analysis

	Intersection	U/S	Without Project				With Project				Project Impact			
			AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		Change		Significant?	
			ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	AM	PM	AM	PM
41	Mesa Rd/University Dr	S	0.62	B	0.86	D	0.62	B	0.86	D	0.000	0.000	No	No
42	California Ave/University Dr	S	0.59	A	0.68	B	0.59	A	0.68	B	0.000	0.000	No	No
43	Birch St/Driveway	S	8.8	A	11.3	B	8.6	A	11.1	B	-0.200	-0.200	No	No

Source: Kimley-Horn and Associates, 2012
Notes:
a = Intersection is located within the Irvine Business Complex Vision Plan Area (LOS E Acceptable).
b = Orange County Congestion Management Program (CMP) intersection (LOS E Acceptable).
S = Signalized, U=Unsignalized
Bold values indicate intersections operating at an unacceptable LOS.
Intersection operation is expressed in average seconds of delay per vehicle during the peak hour for unsignalized intersections using HCM 2000 Methodology and is expressed in volume-to-capacity (V/C) for signalized intersections using ICU Methodology.

Page 5.14-55. Table 5.14-13 has been modified according to the updated traffic modeling results.

Table 5.14-13
Summary of State Highway Intersection Operations
Year 2018 Cumulative with Phase 1

			Without Project				With Project				Project Impact			
			AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		Change		Significant?	
	Intersection	U/S	ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	AM	PM	AM	PM
2	MacArthur Blvd/I-405 NB Ramps	S	21.0	C	19.9	B	21.0	C	19.8	B	0.000	-0.100	No	No
3	MacArthur Blvd/I-405 SB Ramps	S	20.0	C	20.8	C	20.1	C	21.1	C	0.100	0.300	No	No
20	Jamboree Rd/I-405 NB Ramps	S	18.4	B	11.1	B	18.4	B	11.8	B	0.000	0.700	No	No
21	Jamboree Rd/I-405 SB Ramps	S	48.4	D	26.2	C	48.9	D	26.4	C	0.500	0.200	No	No

Source: Kimley-Horn and Associates, 2012.

Table 5.14-13
Summary of State Highway Intersection Operations
Year 2018 Cumulative with Phase 1

	Intersection	U/S	Without Project				With Project				Project Impact			
			AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		Change		Significant?	
			ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	AM	PM	AM	PM
2	MacArthur Blvd/I-405 NB Ramps	S	21.3	C	19.8	B	21.3	C	19.8	B	0.000	0.000	No	No
3	MacArthur Blvd/I-405 SB Ramps	S	20.1	C	20.8	C	20.2	C	21.1	C	0.100	0.300	No	No
20	Jamboree Rd/I-405 NB Ramps	S	18.7	B	11.2	B	18.7	B	11.8	B	0.000	0.600	No	No
21	Jamboree Rd/I-405 SB Ramps	S	24.6	C	33.9	C	24.7	C	34.6	C	0.100	0.700	No	No

Source: Kimley-Horn and Associates, 2012.

Page 5.14-59. Table 5.14-14 has been modified to reflect the updated traffic modeling results.

~~Table 5.14-14~~
~~Summary of State Highway Intersection Operations~~
~~Year 2021 Cumulative with Phase 2~~

	~~Intersection~~	~~U/S~~	~~Without Project~~				~~With Project~~				~~Project Impact~~			
			~~AM Peak Hour~~		~~PM Peak Hour~~		~~AM Peak Hour~~		~~PM Peak Hour~~		~~Change~~		~~Significant?~~	
			~~ICU/ Delay~~	~~LOS~~	~~ICU/ Delay~~	~~LOS~~	~~ICU/ Delay~~	~~LOS~~	~~ICU/ Delay~~	~~LOS~~	~~AM~~	~~PM~~	~~AM~~	~~PM~~
~~2~~	~~MacArthur Blvd/I-405 NB Ramps~~	~~S~~	~~21.6~~	~~C~~	~~20.4~~	~~C~~	~~21.5~~	~~C~~	~~20.3~~	~~C~~	~~-0.100~~	~~-0.100~~	~~No~~	~~No~~
~~3~~	~~MacArthur Blvd/I-405 SB Ramps~~	~~S~~	~~20.4~~	~~C~~	~~21.5~~	~~C~~	~~20.6~~	~~C~~	~~22.1~~	~~C~~	~~0.200~~	~~0.600~~	~~No~~	~~No~~
~~20~~	~~Jamboree Rd/I-405 NB Ramps~~	~~S~~	~~18.9~~	~~B~~	~~12.3~~	~~B~~	~~18.8~~	~~B~~	~~13.0~~	~~B~~	~~-0.100~~	~~0.700~~	~~No~~	~~No~~
~~21~~	~~Jamboree Rd/I-405 SB Ramps~~	~~S~~	~~60.8~~	~~E~~	~~28.5~~	~~C~~	~~60.3~~	~~E~~	~~28.8~~	~~C~~	~~-0.500~~	~~0.300~~	~~No~~	~~No~~

~~Source: Kimley-Horn and Associates, 2012.~~
~~Notes:~~
~~S = Signalized~~
~~**Bold** and shaded values indicate intersections operating at LOS E or F.~~
~~Intersection operation is expressed in average seconds of delay per vehicle during the peak hour for signalized intersections using the HCM 2000 Methodology.~~

Table 5.14-14
Summary of State Highway Intersection Operations
Year 2021 Cumulative with Phase 2

Intersection		U/S	Without Project				With Project				Project Impact			
			AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		Change		Significant?	
			ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	ICU/ Delay	LOS	AM	PM	AM	PM
2	MacArthur Blvd/I-405 NB Ramps	S	21.9	C	20.3	C	21.9	C	20.2	C	0.000	-0.100	No	No
3	MacArthur Blvd/I-405 SB Ramps	S	20.5	C	21.5	C	20.7	C	22.1	C	0.200	0.600	No	No
20	Jamboree Rd/I-405 NB Ramps	S	19.1	B	12.4	B	19.1	B	13.0	B	0.000	0.600	No	No
21	Jamboree Rd/I-405 SB Ramps	S	27.0	C	42.3	D	26.9	C	43.6	D	-0.100	1.300	No	No

Source: Kimley-Horn and Associates, 2012.
Notes:
S = Signalized
Bold and shaded values indicate intersections operating at LOS E or F.
Intersection operation is expressed in average seconds of delay per vehicle during the peak hour for signalized intersections using the HCM 2000 Methodology.

3.5 REVISED AND NEW FIGURES

The report figures that follow are revisions of figures that already appear in the DEIR (as indicated) or new figures provided for clarification to respond to comments.

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Phase 1 Master Site Plan

Source: MVE & Partners 2012

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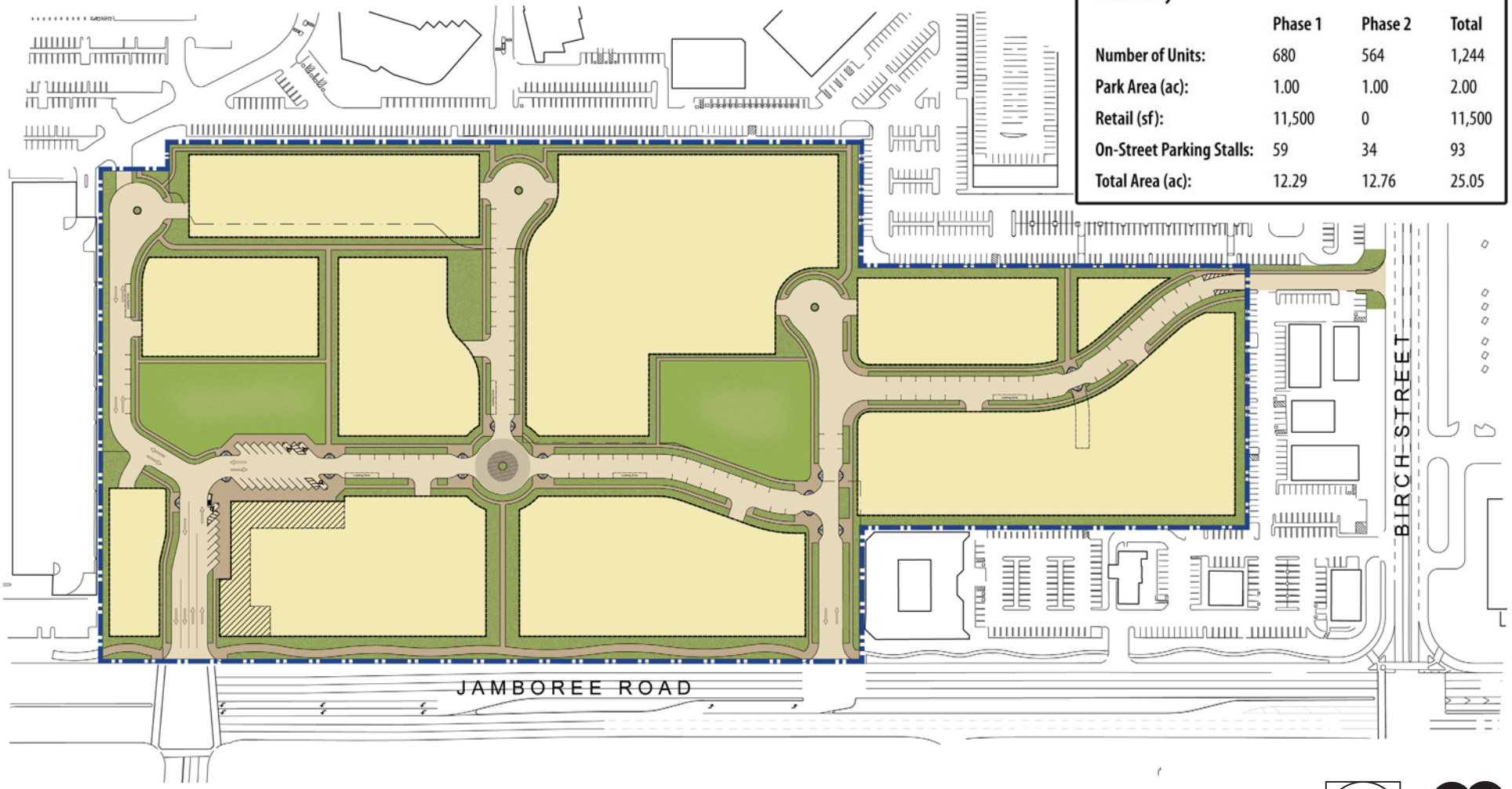
Master Site Plan



Source: MVE & Partners 2012

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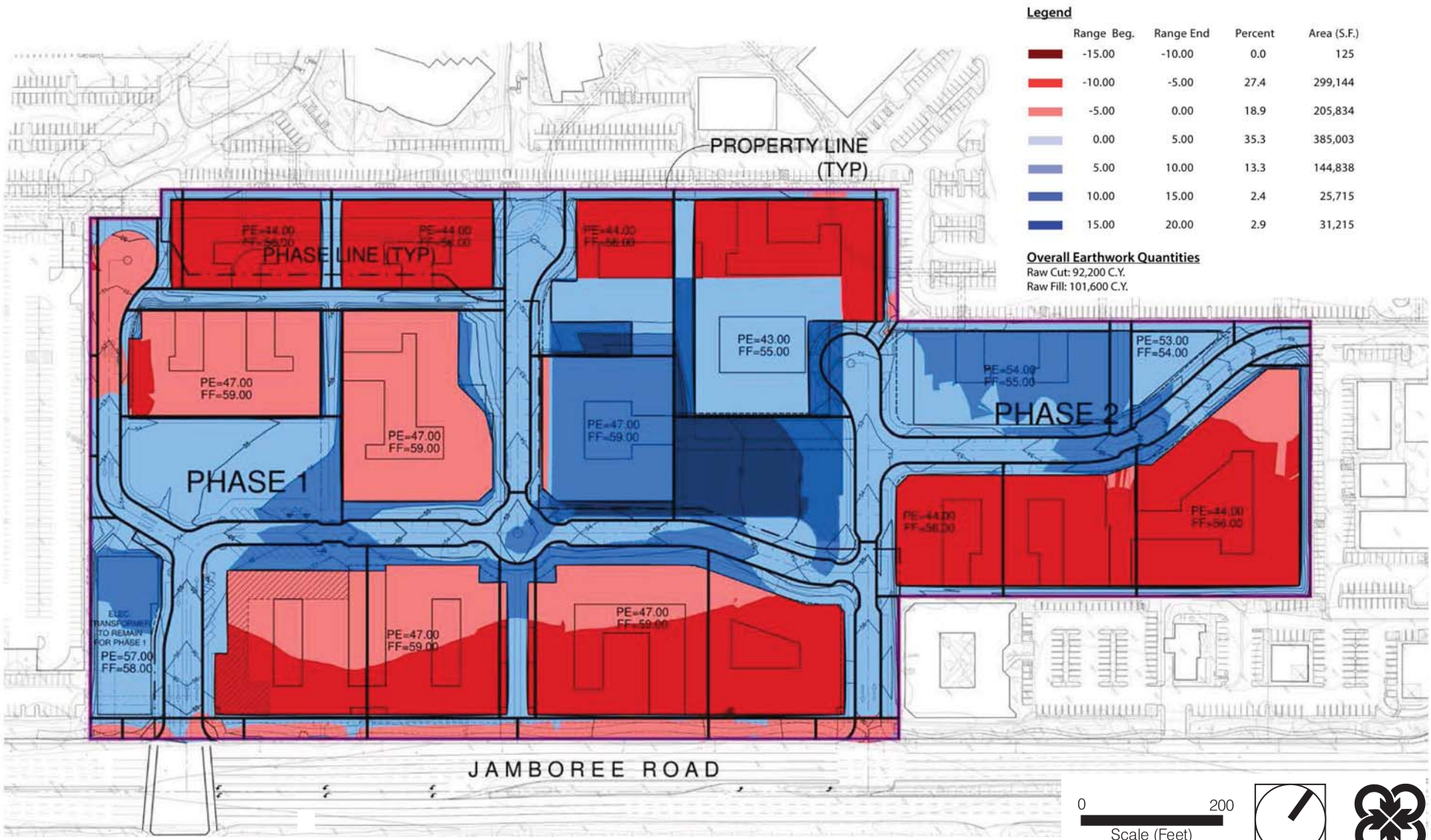
Conceptual Grading and Earthwork: Phase 1 and Phase 2



Source: MVE & Partners, Inc 2013

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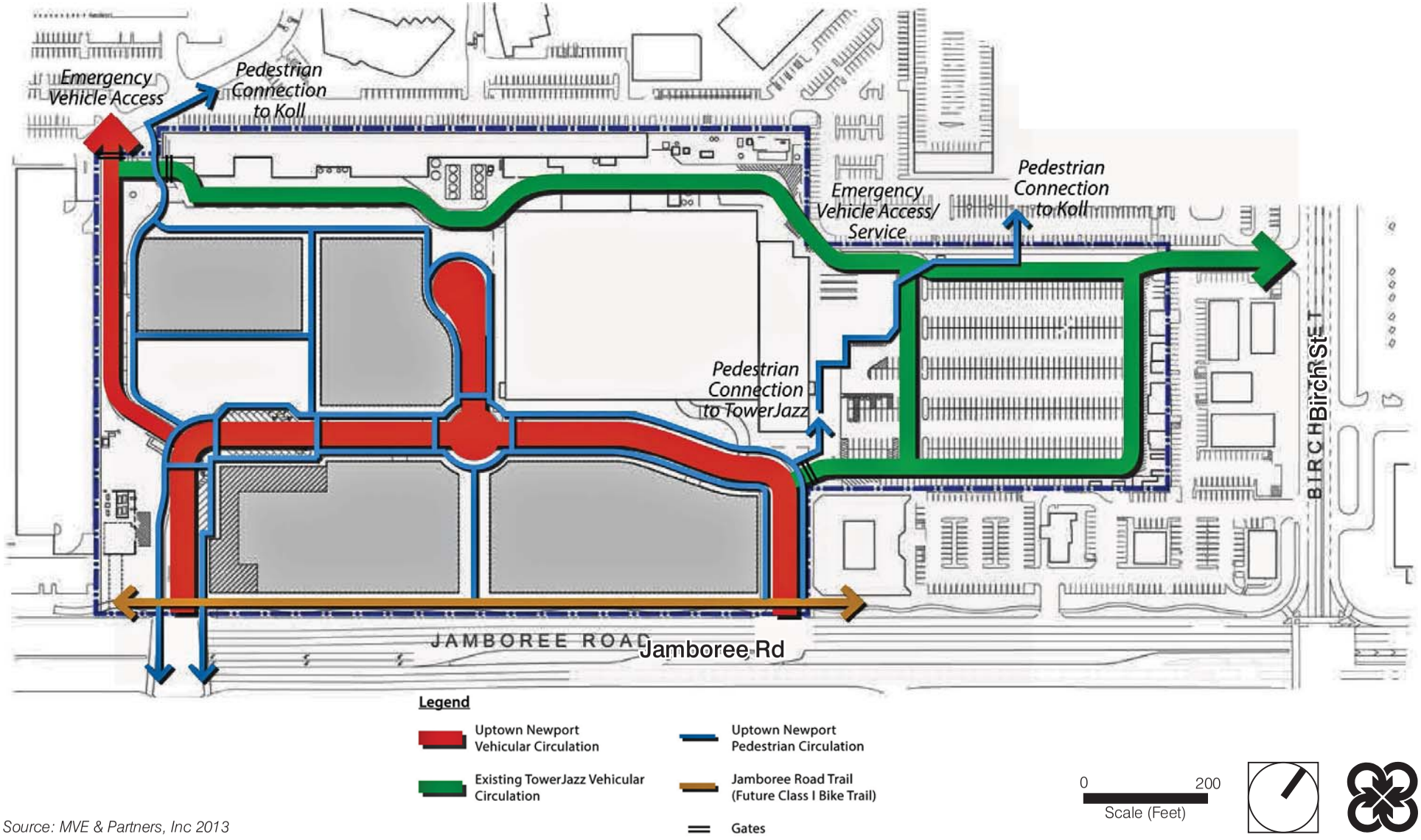
Phase 1 Circulation Plan



Source: MVE & Partners, Inc 2013

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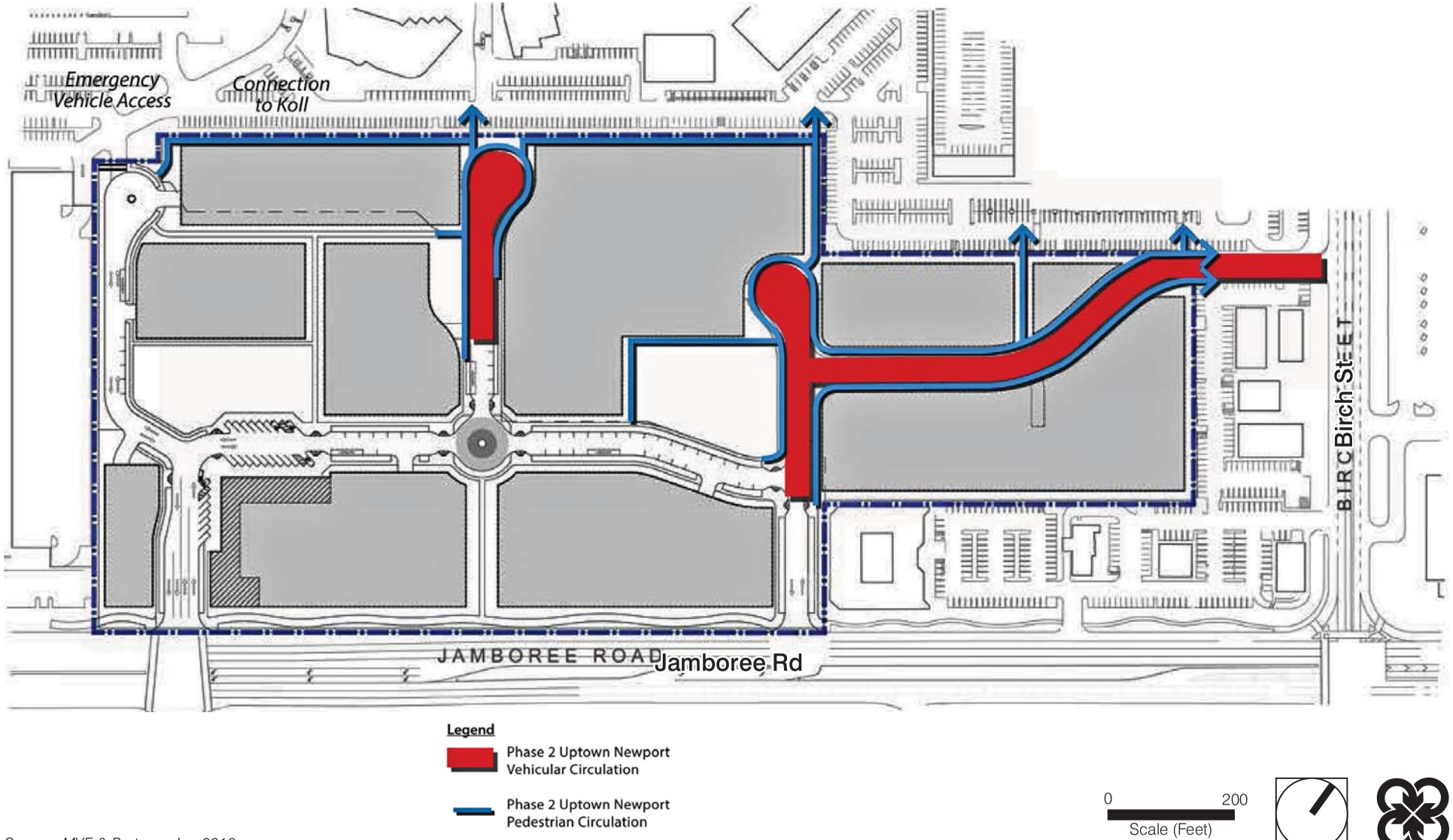
Phase 2 Circulation Plan



Source: MVE & Partners, Inc 2013

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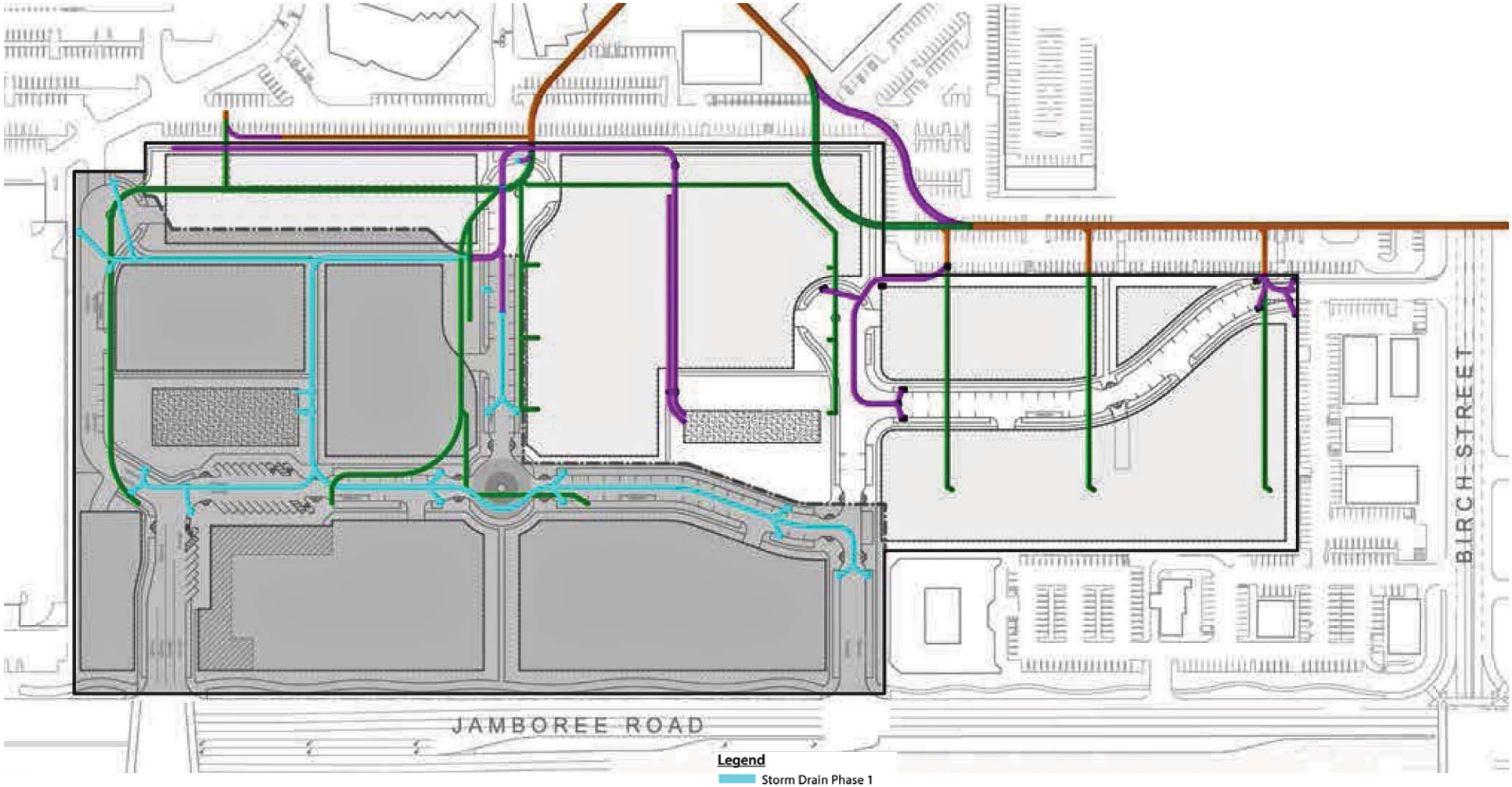
Storm Drainage Concept: Phase 1 and Phase 2



Source: MVE & Partners, Inc 2013

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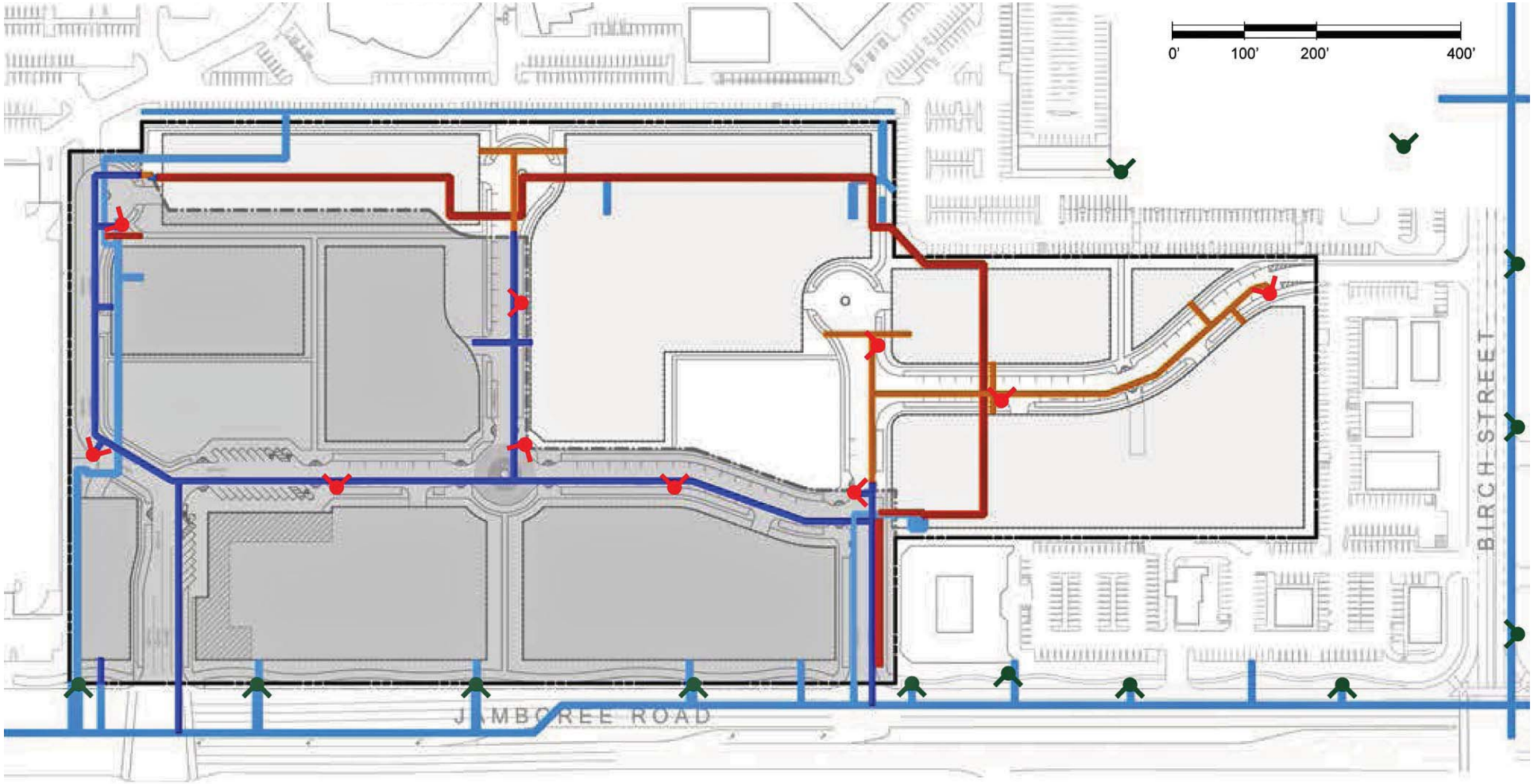
Proposed Water System: Phase 1 and Phase 2



Source: MVE & Partners, Inc 2013

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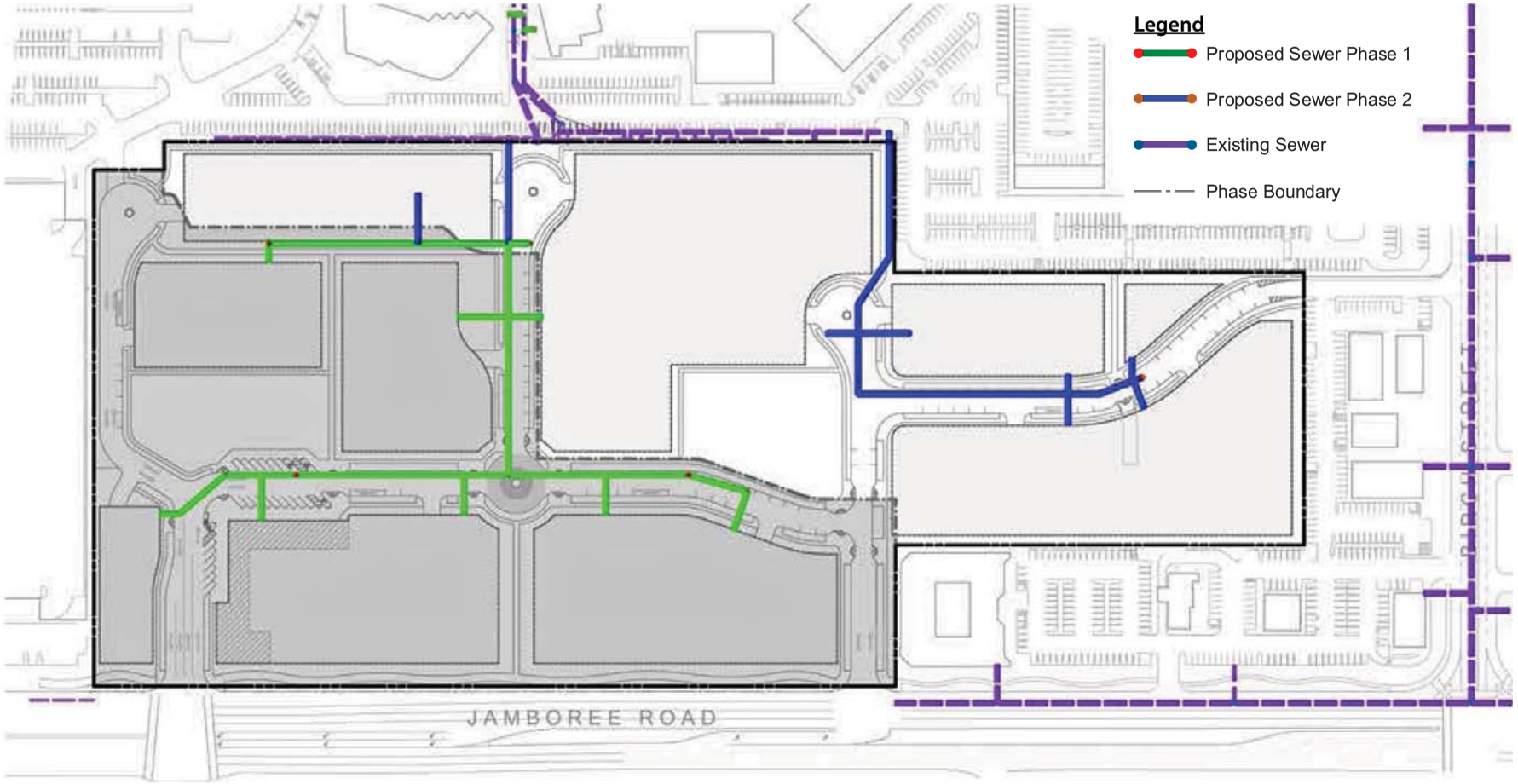
Proposed Sewer System: Phase 1 and Phase 2



Source: Hall & Foreman Inc 2013

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Illustrative Site Plan and Vision

Note: For conceptual purposes only.
Source: Design Guidelines, MVE & Partners 2013

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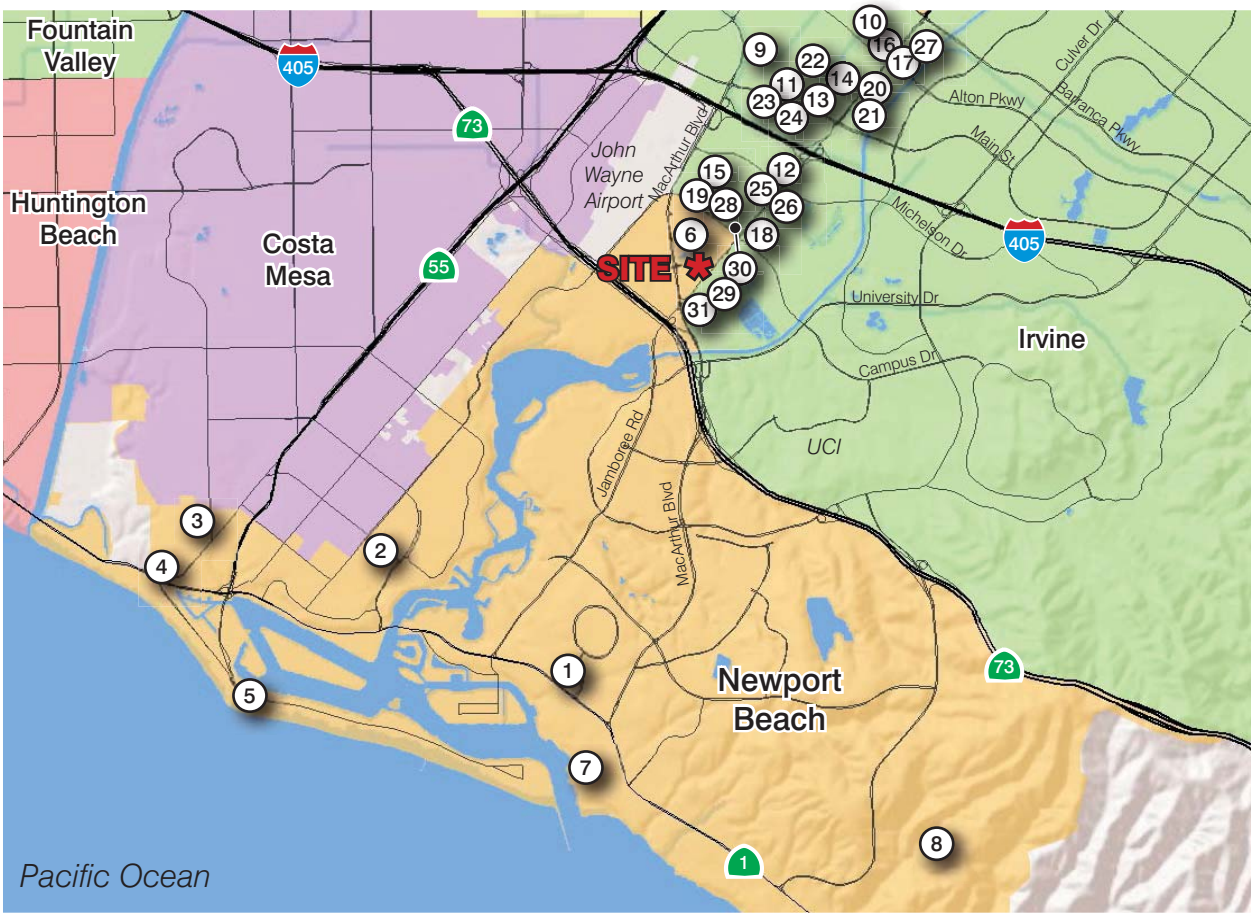
Cumulative Projects Location Map



1. Newport Beach Country Club
   1600 E. Coast Highway
2. Mariner's Medical Arts
   1901 W. Westcliff Drive
3. Banning Ranch
   4520 W. Coast Highway
4. Sunset Ridge Park
   4850 W. Coast Highway
5. Marina Park
   1700 Balboa Boulevard
6. Koll Center
   4343 Von Karman Avenue
7. AERIE
   201 Carnation Avenue
8. Newport Coast Planned Community
   Newport Coast Drive
9. Element Hotel
   17662 Armstrong
10. Diamond Jamboree
    Southwest Corner of Millikan/Alton
11. Irving Crossing
    17836 Gillette and 17871 Von Karman
12. Central Park
    NW Corner of Jamboree Road/ Michelson Drive
13. Metlife
    2567 Main Street
14. Essex
    2552 Kelvin Avenue
15. The Lofts
    2300 Dupont Drive
16. Avalon I
    2701 Alton Parkway
17. 2801 Alton Parkway
18. Plaza III & IV
    3000 Scholarship
19. Carlyle
    2201 Martin Court
20. Granite Court
    17421 Murphy Avenue
21. 2801 Kelvin Avenue
22. 17352 Von Karman
23. Metropolis
    2500 Main and 17872 Cartwright
24. Aloft Extended Stay Hotel
    2320 Main Street
25. HINES
    18582 Teller and 2722 Michelson
26. Park Place
    NE Corner of Jamboree Road/ Michelson Drive
27. 2851 Alton
28. Martin Street Residential
    18831 Von Karman and 2301 Martin
29. UCI Long Range Development Plan
30. Irvine Technology Center
    NW Corner of Jamboree Road/ Campus Drive
31. Scholle Building

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Scale (Miles)

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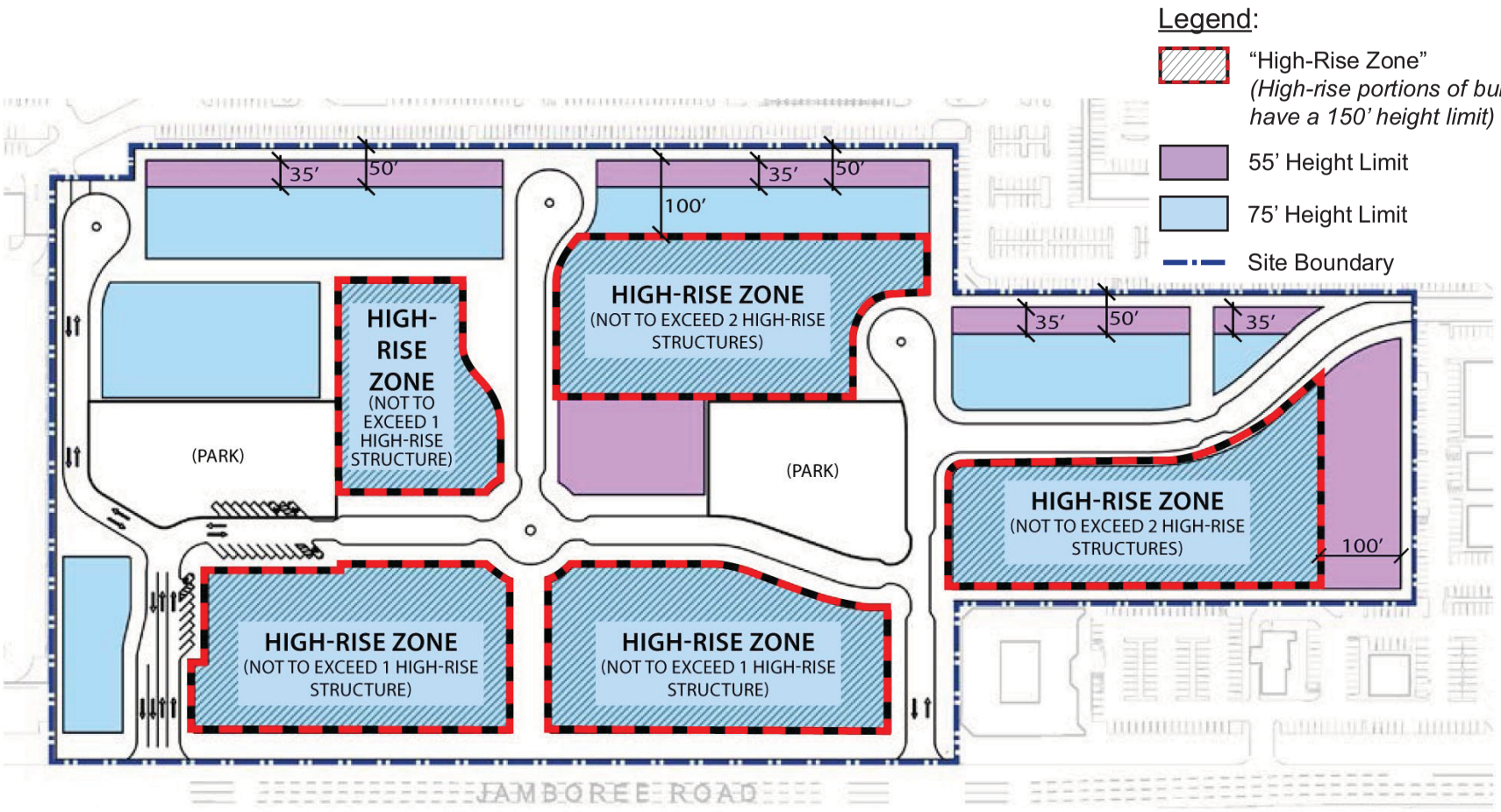
High Rise Zones and Height Limits



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Source: MVE & Partners 2013

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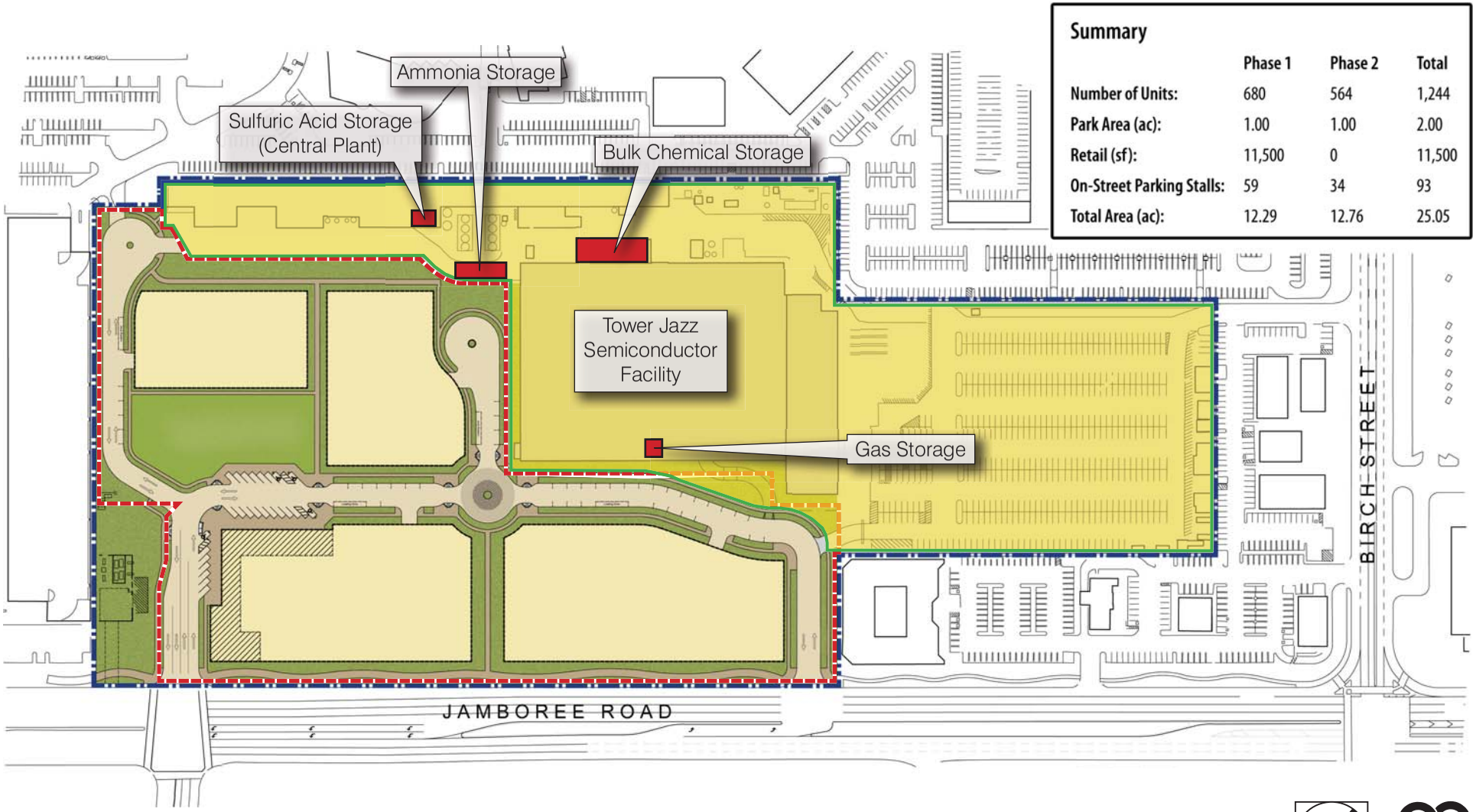
Phase 1 Site Layout and Chemical Storage Locations



Source: MVE & Partners 2012

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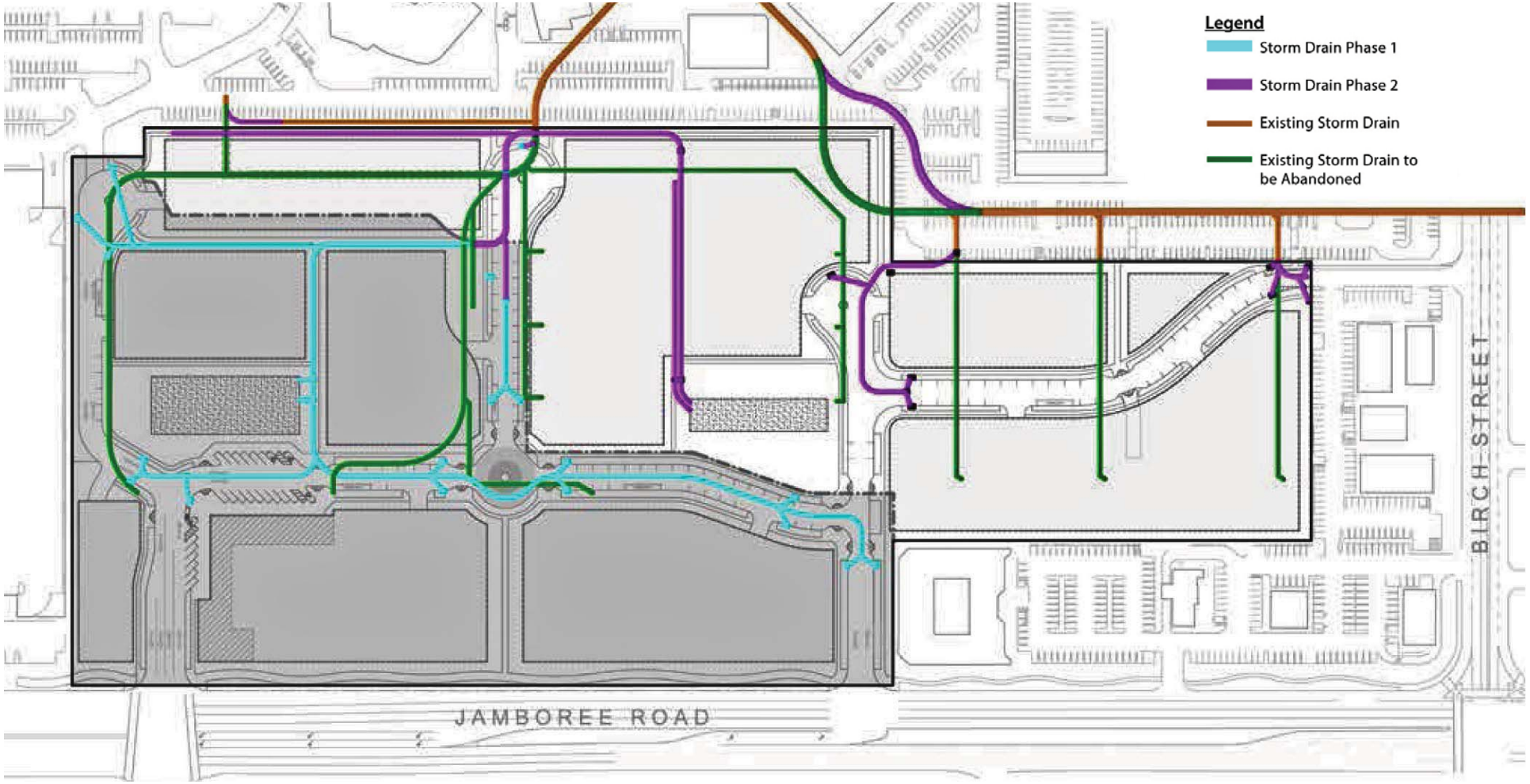
Phase 1 Storm Drain Concept



Source: Phasing Plan 2011

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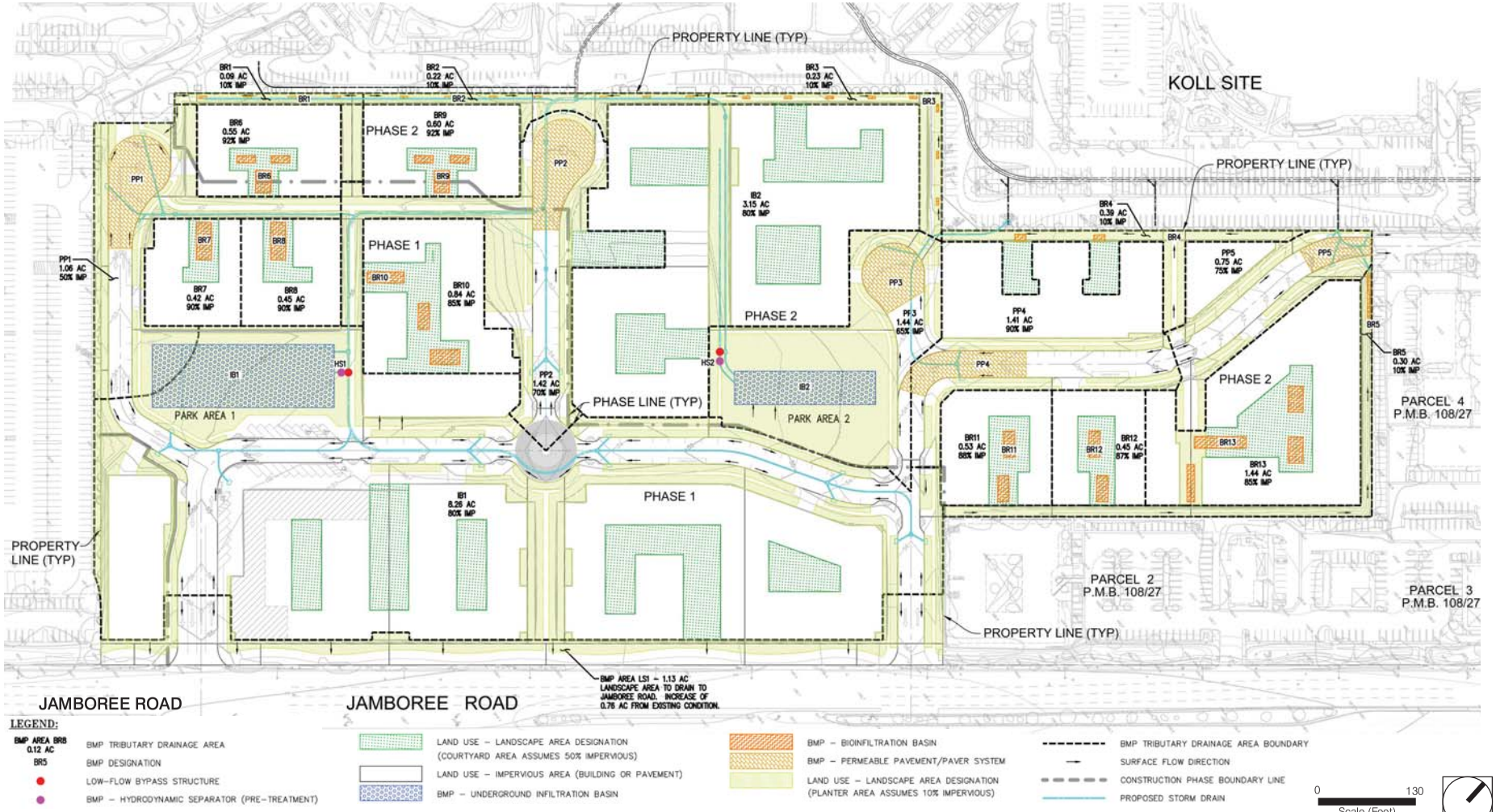
Proposed Drainage Plan



Source: Hall & Foreman Inc 2013

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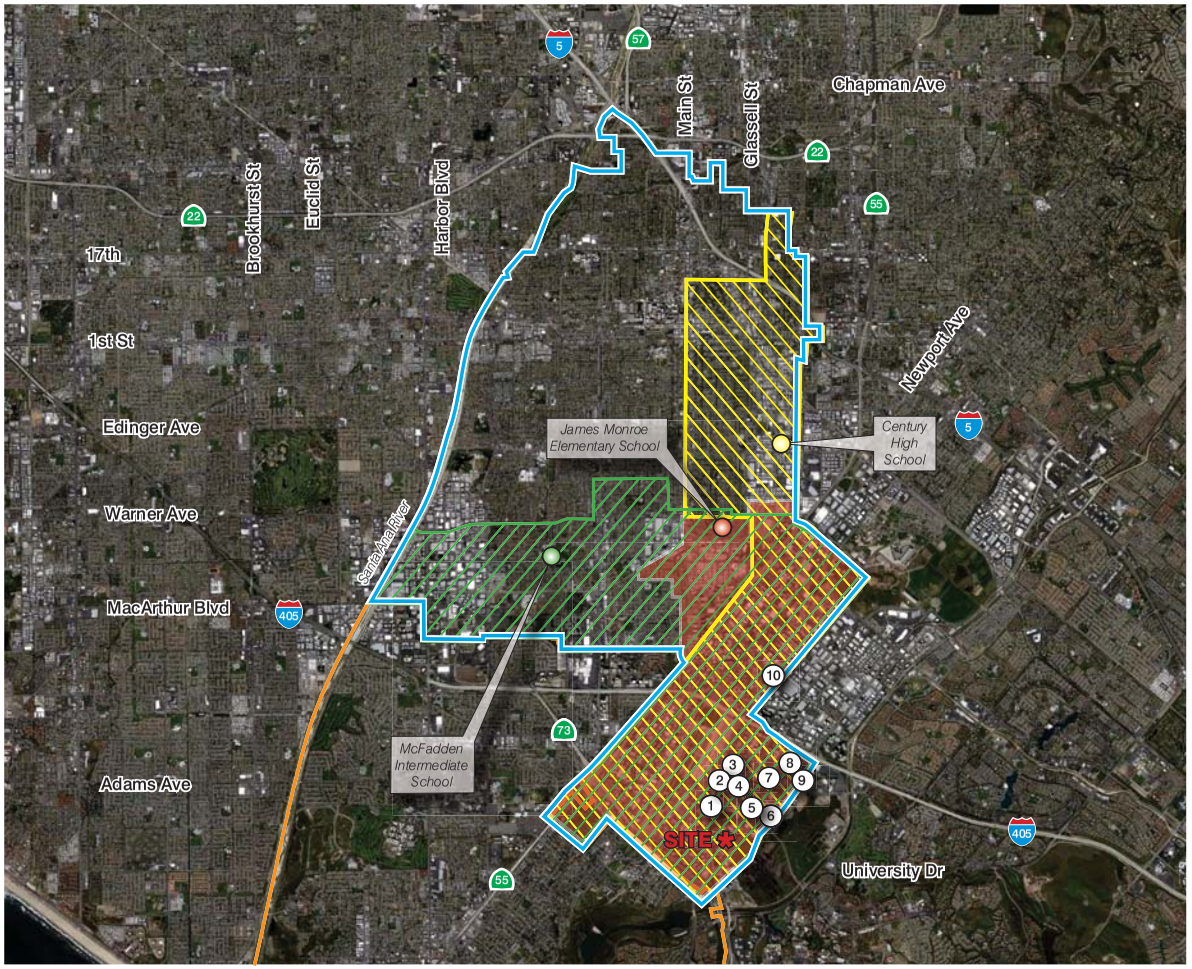
Cumulative Projects and SAUSD School Attendance Area Boundaries



1. Koll Center, 4343 Von Karman Avenue
2. Carlyle, 2201 Martin Court
3. The Lofts, 2300 Dupont Drive
4. Martin Street Residential, 18831 Von Karman and 2301 Martin
5. Irvine Technology Center, NW Corner of Jamboree Road/Campus Drive
6. Plaza III & IV, 3000 Scholarship
7. HINES, 18582 Teller and 2722 Michelson
8. Central Park, NW Corner of Jamboree Road/Michelson Drive
9. Park Place, NE Corner of Jamboree Road/Michelson Drive
10. Element Hotel, 17662 Armstrong

Newport-Mesa Unified School District

Santa Ana Unified School District

James Monroe Elementary Attendance Boundary

McFadden Intermediate Attendance Boundary

Century High School Attendance Boundary

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Scale (Miles)

Source: Basemap-Google Earth Pro 2011

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Appendix A. Preliminary Water Quality Management Plan

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Appendix B. Uptown Newport Phase 1 RWQCB NFA Letter

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Appendix C1. I-Shuttle Route A

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Appendix C2 I-Shuttle Route B

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Appendix D ALUC Hearing Finding Letter

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Appendix E Revised Traffic Impact Analysis (bound separately)

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