July 2019 | Addendum to the Museum House Project Draft EIR (ER2016-002)
SCH No. 2016021023

VIVANTE SENIOR HOUSING PROJECT

City of Newport Beach

Prepared for:

City of Newport Beach
Contact: Makana Nova, Associate Planner
Community Development Department
100 Civic Center Drive
Newport Beach, California 92660
949.644.3249

Prepared by:

PlaceWorks
Contact: JoAnn Hadfield, Principal
3 MacArthur Place, Suite 1100
Santa Ana, California 92707
714.966.9220
info@placeworks.com
www.placeworks.com

PLACEWORKS

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Abbreviations and Acronyms

AAQS	ambient air quality standards
AB	Assembly Bill
AELUP	airport environs land use plan
afy	acre-feet per year
ALUC	airport land use commission
AQMP	air quality management plan
BMP	best management practices
CAL FIRE	California Department of Forestry and Fire Protection
CALGreen	California Green Building Standards Code
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
cfs	cubic feet per second
CNEL	Community Noise Equivalent Level
CO_2e	carbon dioxide equivalent
dBA	A-weighted decibel
du	dwelling units
EIR	environmental impact report
EPA	Environmental Protection Agency (US)
ESA	environmental site assessment
FAA	Federal Aviation Administration
GHG	greenhouse gases
GPA	general plan amendment
ITE	Institute of Transportation Engineers
JWA	John Wayne Airport
LEED	Leadership in Energy and Environmental Design
LOS	level of service
LRA	local responsibility area
LST	localized significance thresholds
L_{eq}	equivalent continuous noise level
MS4	municipal separate storm sewer system
MT	metric ton
NBFD	Newport Beach Fire Department
NBPD	Newport Beach Police Department

Abbreviations and Acronyms

NPDES	National Pollution Discharge Elimination System
OCMA	Orange County Museum of Art
PCDP	Planned Community Development Plan
ppd	pounds per day
PPV	peak particle velocity
RHNA	regional housing needs assessment
RPS	Renewable Portfolio Standard
RTP/SCS	regional transportation plan / sustainable communities strategy
SB	Senate Bill
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCE	Southern California Edison
SoCAB	South Coast Air Basin
SoCal Gas	Southern California Gas Company
SRA	state responsibility area
SWPPP	Stormwater Pollution Prevention Plan
TMDL	total maximum daily load
TPO	Traffic Phasing Ordinance
VMT	vehicle miles traveled
VOC	volatile organic compound
WQMP	water quality management plan

Abbreviations and Acronyms

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1. Introduction

This document is an Addendum to the Draft Environmental Impact Report (EIR; State Clearinghouse No. 2016021023) for the Museum House project (Original Project) prepared for the City of Newport Beach in 2016, which was certified by the Newport Beach City Council on November 29, 2016 (2016 Certified EIR). The 2016 Certified EIR analyzed the potential environmental impacts of the Original Project, which consisted of demolition of the existing Orange County Museum of Art (OCMA) building and associated hardscape and landscape improvements to accommodate the development of a 25-story, 100-unit residential condominium tower with two levels of subterranean parking. The building footprint was approximately 75 feet by 220 feet. The tower was 295 feet high from finished grade at the building entry to top of the tower.

This Addendum analyzes the potential environmental effects associated with the Vivante Senior Housing Project (Modified Project). Similar to the Original Project, development of the Modified Project requires demolition of the OCMA building and associated hardscape and landscape improvements. The Original Project was limited to the 1.99-acre OCMA building parcel at 850 San Clemente Drive. The Modified Project would require—in addition to the OCMA building—demolition of the office building and associated hardscape and landscape improvements at 856 San Clemente Drive, which served as the museum's administrative offices and sits on an approximately one-acre parcel (0.91 acre). The two parcels make up the approximately 2.9-acre Modified Project site. This site is proposed to be redeveloped with the Modified Project's six-story senior housing project, including 90 independent/assisted living dwelling units and a 27-bed memory care facility. The proposed design is a new, 183,983-square-foot, L-shaped building with a basement.

This Addendum addresses the environmental impacts of the Modified Project to determine if there are any new or more-severe significant impacts compared to the impacts of the Original Project disclosed in the 2016 Certified EIR. This Addendum substantiates that no supplemental or subsequent EIR is required for the Modified Project, pursuant to Section 21166 of the California Environmental Quality Act (CEQA) and Sections 15162 and 15164 of the CEQA Guidelines. Although the Modified Project differs in some respects from the Original Project analyzed in the 2016 Certified EIR, the changes would not result in any new or substantially more severe impacts. Further, no new or substantially more severe impacts would result from any changes in circumstances surrounding the Modified Project.

1.1 PURPOSE OF THIS ADDENDUM

1.1.1 CEQA Requirements

According to Section 21166 of CEQA and Section 15162 of the State CEQA Guidelines, when an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR or negative declaration shall be prepared for the project unless the lead agency determines that one or more of the following conditions are met:

1. Introduction

1. Substantial project changes are proposed that will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

2. Substantial changes would occur with respect to the circumstances under which the project is undertaken that require major revisions to the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

3. New information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified or the negative declaration was adopted shows any of the following:

    a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration.

    b. Significant effects previously examined will be substantially more severe than identified in the previous EIR.

    c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt the mitigation measures or alternatives.

    d. Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measures or alternatives.

Preparation of an Addendum to an EIR is appropriate when none of the conditions specified in Section 15162 (above) are present and some minor technical changes to the previously certified EIR are necessary.

After careful consideration of the potential environmental impacts of the Modified Project, the City of Newport Beach, as lead agency, has determined that none of the conditions requiring preparation of a subsequent or supplement to an EIR have occurred. Given that the Original Project authorized a more intense development than the proposed Modified Project, a general reduction in the level of environmental impacts would occur with the Original Project. Moreover, the mitigation measures (refined as appropriate) would adequately mitigate the Modified Project. The City, therefore, has determined that the circumstances described in CEQA Guidelines Section 15164 apply to the Modified Project, and an Addendum to the 2016 Certified EIR is appropriate.

This Addendum includes analysis of new topical sections that were not analyzed in the 2016 Certified EIR; specifically, it includes a new energy and wildfire section (see discussion below in Section 1.1.3, *CEQA Checklist Update*). These additional analyses are appropriate for inclusion in the Addendum, but none result in new or increased significant impacts that would require preparation of a subsequent EIR pursuant to Section 15162 of the CEQA Guidelines.

1.1.2 Scope of Subsequent Analysis

The discretionary approvals subject to CEQA for the Modified Project include a General Plan Amendment, Planned Community Development Plan Amendment, Conditional Use Permit, Development Agreement, Major Site Development Review, and Lot Merger. As lead agency under CEQA for this action, the City of Newport Beach is required to evaluate the environmental impacts associated with these discretionary approvals. The scope of the review for project-related impacts for this Addendum is limited to changes between the Original Project and Modified Project. The 2016 Certified EIR and related approved mitigation for impacts associated with the Original Project effectively serve as the baseline for the environmental impact analysis of the Modified Project. As required by CEQA, this Addendum also addresses changes in circumstances or new information that would potentially involve new environmental impacts.

Additionally, this Addendum is the primary reference document for the formulation and implementation of a mitigation monitoring plan for the Modified Project. All applicable measures from the mitigation monitoring programs approved in conjunction with this Addendum and the 2016 Certified EIR have been incorporated into this document. This document is intended to provide sufficient information to allow the City of Newport Beach and any other permitting agencies to evaluate the potential impacts from construction and operation of the Modified Project.

1.1.3 CEQA Checklist Update

On December 28, 2018, the Office of Administrative Law approved updated CEQA Guidelines to be implemented as of January 1, 2019. The updated guidelines include an update to the Appendix G Checklist, which is used as the basis for topical environmental review by the City of Newport Beach. This Addendum has been prepared to fully address the requirements of the updated guidelines. It follows the updated Appendix G checklist and provides explanations as necessary to the conclusions of the 2016 Certified EIR.

1.2 CONTENT AND ORGANIZATION OF THIS ADDENDUM

This Addendum relies on the most current CEQA environmental checklist (Appendix G, 2019 CEQA Guidelines), which addresses environmental issues section by section. The completed checklist and conclusions in the checklist are included and substantiated in Section 5, *Environmental Analysis,* which includes the following subheadings for each environmental topic:

- Summary of Impacts Identified in the 2016 Certified EIR
- Impacts Associated with the Modified Project
- Adopted Mitigation Measures Applicable to the Modified Project
- Level of Significance After Mitigation

Where applicable, conditions of approval identified in the 2016 Certified EIR to reduce Original Project environmental impacts are reproduced in this Addendum as also applicable for the Modified Project. Mitigation measures in the 2016 Certified EIR have also been carried forward in this Addendum. Where necessary, mitigation measures have been updated, refined, and/or supplemented to ensure mitigation is implemented as

1. Introduction

intended for the Modified Project. Any changes to mitigation measures are shown in ~~strikeout~~ text to indicate deletions and **underlined bold** text to signify additions and will be incorporated into the final mitigation monitoring program for the Modified Project.

2. Environmental Setting

2.1 PROJECT LOCATION

The project site is in the central portion of the City of Newport Beach (City), which is in the western part of Orange County in southern California. The City is bordered by Huntington Beach to the northwest, Costa Mesa to the north, Irvine to the northeast, Laguna Beach and unincorporated areas (Crystal Cove State Park) of Orange County to the southeast, and the Pacific Ocean to the south (see Figure 1, *Regional Location*, and Figure 2, *Local Vicinity*). As shown in Figures 1 and 2, regional access to the project site is provided via Interstate 405 (I-405), State Route 55 (SR-55), SR-73 (San Joaquin Hills Transportation Corridor), and Highway 1 (Pacific Coast Highway).

The project site is in Newport Center, an area of the City that includes a mix of high- and low-rise office, residential, and hospitability buildings surrounding the Fashion Island regional mall. The site is approximately 2.9 acres and is identified as 850 and 856 San Clemente Drive (Assessor's Parcel Numbers 442-261-05 and 442-261-17, respectively). As shown in Figure 3, *Aerial Photograph*, the project site is generally bounded by Santa Cruz Drive to the east, Santa Barbara Drive to the west, San Joaquin Hills Road to the north, and San Clemente Drive to the south.

2.2 ENVIRONMENTAL SETTING

2.2.1 Existing Land Use

As shown on Figure 3, the project site is currently improved with the Orange County Museum of Art building, a single-story museum and exhibition space. The OCMA building comprises 23,632 square feet. The project site is also improved with a 13,935-square-foot, single-story office building, which serves as the administrative offices of the museum. The museum is closed to the public; however, it does host occasional private events. The office building is still occupied by museum staff. Existing hardscape and landscaping improvements onsite include a parking lot, lawn areas, shrubs, and a number of ornamental trees.

2.2.2 Surrounding Land Use

Figure 3 shows the land uses surrounding the project site. The predominant uses are the multistory parking garages to the east and northwest and the Villas at Fashion Island (524 apartment homes) to the north. Other surrounding land uses include a multistory office building to the west and The Colony (245 apartment homes) and Pacific Life multistory office building across San Clemente Drive to the south. The Newport Beach Police Department Station and Newport Beach Fire Station—Fashion Island Station No. 3—are approximately 275 feet northwest of the project site. Fashion Island, a major retail and restaurant shopping mall, is approximately one-quarter mile south of the site.

2.2.3 Existing General Plan and Zoning

General Plan

The Newport Beach General Plan land use designation for the project site is Private Institutional (PI), which is intended for privately owned facilities that serve the public, including places for religious assembly, private schools, health care, cultural institutions, museums, yacht clubs, congregate homes, and comparable facilities.

The project applicant (Nexus Development Corporation) requests a General Plan Amendment to MU-H3 as part of the Modified Project where the senior housing units are considered a residential use and the memory care beds are considered a nonresidential use.

Zoning

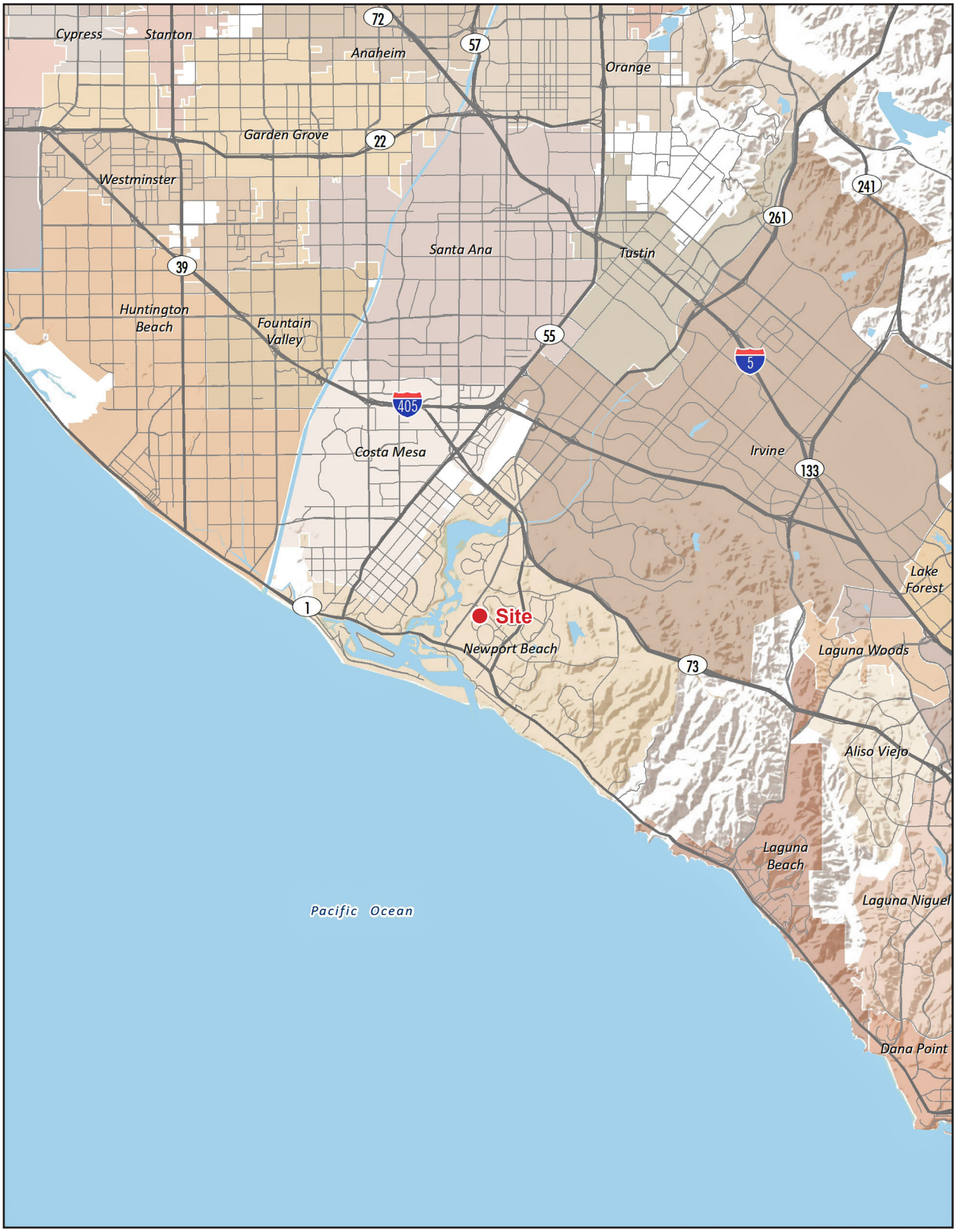
According to the City's zoning map, the project site is zoned PC-19 (San Joaquin Plaza Planned Community Development Plan) (PCDP). The San Joaquin Plaza PCDP encompasses 2.92 acres and is intended for a combination of civic, cultural, business, and professional office uses. The PCDP also details permitted uses, which include retail sales and services; administrative/professional offices; restaurants, bars, and theater/nightclubs; institutional, financial, and governmental facilities; and civic, cultural, commercial-recreational, and recreational facilities.

The project applicant requests to amend the PC-19 zoning district to allow for senior housing and convalescent facility (including assisted living and memory care) as conditionally permitted uses within the Zoning district for this site.

2.2.4 Environmental Resources

The project site and its immediate surroundings are fully developed and there are no known native biological resources onsite or in the immediate project area. The project site contains no historic buildings, housing, scenic resources, mineral resources, notable trees, or water bodies. Additional information regarding environmental resources on the project site and its surroundings—or the lack of such resources—can be found in Chapter 5, *Environmental Analysis*, of this Addendum under each respective environmental topic.

Figure 1 - Regional Location



Note: Unincorporated county areas are shown in white.

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Scale (Miles)

Source: ESRI, 2018

2. Environmental Setting

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Figure 2 - Local Vicinity

Source: ESRI, 2018

2. Environmental Setting

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Figure 3 - Aerial Photograph

Modified Project Boundary

Original Project Boundary

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Scale (Feet)

Source: Google Earth Pro, 2018

2. Environmental Setting

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3. Project Description

3.1 PROJECT BACKGROUND AND PREVIOUS ENVIRONMENTAL ANALYSIS

Following is a summary of the background, history, and related environmental documentation associated with the previous residential development project proposed for the project site.

3.1.1 Museum House Project

The Museum House project was proposed in 2016 on the approximately two-acre parcel at 850 San Clemente Drive (Assessor's Parcel Number 442-261-05). The Original Project consisted of demolition of the existing 23,632-square-foot Orange County Museum of Art building and associated hardscape and landscape improvements to accommodate the development of a 25-story, 100-unit residential condominium tower with two levels of subterranean parking. The Original Project's building footprint was approximately 75 feet by 220 feet. The tower was 295 feet high from finished grade at the building entry to top of the tower. The Original Project's development specifications are detailed in Table 1.

Table 1 Original Project Development Summary

Condominium Tower	
	Gross Building Area in Square Feet (SF)
Residential Building	391,158 SF
Two Level Underground Parking	115,828 SF (Level P1: 60,259 SF; Level P2: 55,569 SF)
Total	**506,986 SF**
Dwelling Units	
2 Bedroom/3 Baths	54 units
3 Bedrooms/4 Baths	46 units
Total	**100 units**
Parking	
Residential	200 spaces
Visitor	50 spaces
Total	**250 spaces**
Open Space	
	Required Standard[1] / Provided (SF)
Common Open Space	7,500 SF (75 SF per unit) / 52,523 SF (525 SF per unit)
Common Indoor Space	500 SF / 20,855 SF
Private Open Space	1,500 SF / 21,444 SF
Total	**9,500 SF / 94,822 SF**

3. Project Description

Table 1 Original Project Development Summary

Lot Coverage	
Lot Area	86,924 SF
Allowable Floor Area Ratio (FAR)	4.5 FAR
Allowable Lot Coverage	78,232 SF (90%)
Building Footprint—Tower	25,753 SF (30%)
Building Footprint—Garage	60,259 SF (69%)
Height	
	Required Standard[1] / Provided (feet)
Building Height	295 feet/295 feet
Setbacks	
	Required Standard[1] / Provided (feet)
San Clemente Drive	15 feet / 25 feet
Side Yard	5 feet / 10 feet
Rear Yard	5 feet / 10 feet

[1] Required standards are based on development standards detailed in the proposed San Joaquin Plaza (PC-19) Amendment associated with the Original Project.

Development of the Original Project required the following discretionary approvals from the City of Newport Beach:

- **City of Newport Beach General Plan Amendment No. 2015-001.** To redesignate the project site from Private Institutions (PI) to Multiple Residential (RM) and to update Anomaly 49 to allow for 100 residential units.

- **San Joaquin Plaza Planned Community Development Plan Amendment No. 2015-001.** To amend Planned Community 19 (PC-19) to allow for 100 residential units on the approximately 2-acre eastern portion of PC-19. Note that the proposed amendment would not change standards applicable to the western 0.9-acre portion of PC-19 and would not have indirect impacts associated with future development of the remainder of PC-19. The PC amendment includes a full set of development standards (see Table 3-1).

- **Site Development Review No. SD2016-001.** To comply with Section 20.52.080 (Site Development Reviews) of the Newport Beach Municipal Code because the proposed project involves a tentative map and proposes more than five dwelling units. Site development review would allow the construction of 100 dwelling units.

- **Tentative Tract Map No. NT2016-001.** To establish a 100-unit condominium tower on a two-acre site.

- **Development Agreement No. DA2016-001.** To provide the project applicant with assurance that development of the proposed project may proceed subject to the rules and regulations in effect at the time of project approval. The Development Agreement would also provide the City of Newport Beach with assurance that certain obligations of the project applicant will be met, including but not limited to, the specified construction schedule, the required timing of public improvements, the applicant's contribution toward funding improvements, and other conditions.

- **Traffic Study No. TS2015-004:** To comply with Chapter 15.40 (Traffic Phasing Ordinance) of the Newport Beach Municipal Code because the proposed project would generate vehicle trips and may impact the City's circulation network.

3.1.2 Museum House Project Environmental Impact Report

A Draft EIR was prepared for the Original Project and circulated for public review between August 17 and September 30, 2016 and certified on November 29, 2016 (State Clearinghouse No. 2016021023). The DEIR concluded that implementation of the Original Project would potentially result in significant impacts related to air quality, cultural resources, geology and soils, and noise. With recommended mitigation measures, however, only impacts to construction noise remained significant and unavoidable.

3.1.3 Public Hearings and Approvals

The Original Project was considered by the Newport Beach Planning Commission and City Council on October 20, 2016, and November 29, 2016, respectively. The Planning Commission adopted Resolution No. 2033 recommending approval of the Original Project to the City Council. Subsequently, the City Council approved the project, certified the EIR, and approved a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations.

However, project opponents held a successful petition drive and referendum in late 2016/early 2017. The referendum left the City Council with two choices: rescind its vote or leave the fate of the Museum House project to voters. At a public hearing held in February 2017, the City Council rescinded its approval of the Original Project. Council members voted 5-2 to rescind their November approval. The Council did, however, vote unanimously against rescinding the 2016 Certified EIR for the Original Project, thereby preserving the EIR.

3.2 MODIFIED PROJECT

The project applicant (Nexus Development Corporation) is seeking to redevelop the project site with the Vivante Senior Housing Project (Modified Project), a multistory senior housing project and memory care facility that would provide a range of independent/assisted living dwelling units, memory care facility, and various resident amenities and services. The Modified Project's discretionary approvals include a General Plan Amendment, Planned Community Development Plan Amendment, Conditional Use Permit; Development Agreement, Major Site Development Review, and Lot Merger. Following is a detailed description of the overall site plan, character, and various development components and improvements that would be implemented under the Modified Project.

3.2.1 Site Plan, Land Use, and Character

Similar to the Original Project, development of the Modified Project requires demolishing the 23,632-square-foot, single-story OCMA building, removing the surface parking lot, grubbing onsite vegetation, and removing all ornamental trees onsite. This building and its associated improvements sit on an approximately two-acre

3. Project Description

parcel (1.99 acres, or 86,962 square feet) of the project site, with an address of 850 San Clemente Drive (see Figure 3, *Aerial Photograph*).

The Original Project was limited to the 1.99-acre parcel (see Figure 4, *Site Location Comparison*), but the Modified Project also requires demolition of the 13,935-square-foot single-story office building at 856 San Clemente Drive, which served as the administrative offices of the museum. Site improvements and features to be demolished and removed are shown in Figure 3. The office building sits on a 0.91-acre parcel (39,634 square feet) of the project site (see Figure 3). Combined, the two parcels make up the approximately 2.9-acre project site. Other demolition activities on the 0.91-acre parcel include removing the surface parking lot, grubbing onsite vegetation, and removing all ornamental trees.

The project site would be redeveloped with the Modified Project, which includes a senior housing project within a six-story plus basement, 183,983-square-foot, L-shaped, building. The building would be constructed up to 68 feet 8 inches in to top of ceiling with roof and appurtenances up to 77 feet 10 inches and would house independent/assisted living, apartment style dwelling units and a memory care facility for senior citizens. Congregate care services via a state-licensed residential care facility for the elderly would be provided to residents in both the independent/assisted living dwelling units and memory care facility. Specifically, 54 one-bed dwelling units (studios) and 36 two-bed dwelling units are proposed in the independent/assisted living portion, and 27 beds are proposed in the memory care facility. Together, there would be a total of 126 beds within 90 apartment style units plus 27 memory care beds for a total of 153 beds. Unit sizes in the independent/assisted living portion would range from 530 square feet for one-bed units and up to 2,500 square feet for two-bed units. All of the units, with the exception of a couple of units on the ground level, would be provided on the second to sixth floors of the building.

The Modified Project's development specifications are detailed in Table 2; the table also provides a comparison of the development specifications of the Original Project and Modified Project.

Table 2 Original Project and Modified Project Development Summary Comparison

Development Standard	Original Project	Modified Project
Project Site Area		
2.91 acres	2.00 acres	2.91 acres
Lot Coverage		
Lot Area	86,924 SF	126,586 SF
Allowable Floor Area Ratio (FAR)	4.5 FAR	1.5 FAR
Allowable Lot Coverage	78,232 SF (90%)	31,647 SF (25%)
Building Footprint – Tower	25,753 SF (30%)	—
Building Footprint – Garage	60,259 SF (69%)	—
Building Footprint – Senior Housing	—	31,647 SF (25%)

Table 2 Original Project and Modified Project Development Summary Comparison

Dwelling Units		
2 Bedroom/3 Baths	54 units	—
3 Bedrooms/4 Baths	46 units	—
1 Bed (Assisted Living Unit)	—	54 units
2 Beds (Assisted Living Unit)	—	36 units
Memory Care Facility	—	27 beds
Total	**100 units**	**90 units and 27 beds**
Setbacks		
	Required Standard[1] / Provided (feet)	**Required Standard[2] / Provided (feet)**
San Clemente Drive	15 feet / 25 feet	15 feet/ 60 feet 6 inches
Side Yard	5 feet / 10 feet	5 feet/ 63 feet or more
Rear Yard	5 feet / 10 feet	5 feet/ 36 feet 2 inches
Open Space		
	Required Standard[1] / Provided (SF)	**Required Standard[2] / Provided (SF)**
Common Open Space	7,500 SF / 52,523 SF	5% of lot area (6,330 SF) /21,233 10% of common open space landscaped (633 SF)/ 21,233 30-foot minimum dimension
Common Indoor Space	500 SF / 20,855 SF	500 SF / 26,155
Private Open Space	1,500 SF / 21,444 SF	40% of units must provide 30 SF (1,080 SF) / 4,352
Total	**9,500 SF / 94,822 SF**	**8,180 SF / 25,585**
Parking		
	Required Standard[1] / Provided	**Required Standard[2] / Provided**
Residential	200 spaces / 200 spaces	—
Visitor	50 spaces / 50 spaces	—
Independent/Assisted Living	—	108 spaces (1.2 spaces per dwelling unit)/ 108 spaces
Memory Care	—	9 spaces (one space per 3 beds)/ 9 spaces
Total	**250 spaces**	**117 spaces/118 spaces**
Gross Building Area (SF)		
Residential Building	391,158 SF	183,983 SF
Two Level Underground Parking	115,828 SF (Level P1 – 60,259 SF, Level P2 – 55,569 SF)	—
Total	**506,986 SF**	**183,983 SF**
Height		
	Permitted Standard[1] / Provided	**Permitted Standard[2] / Provided**
Building Height	295 feet / 295 feet	69 feet/ 68 feet 8 inches 79 feet (appurtenances)/ 77 feet 10 inches (appurtenances)
Total	**295 feet**	**79 feet / 77 feet 10 inches**

[1] Required standards are based on development standards detailed in the proposed San Joaquin Plaza (PC-19) Amendment associated with the Original Project.
[2] Required standards are based on development standards detailed in the proposed San Joaquin Plaza (PC-19) Amendment associated with the Modified Project.

Figure 5, *Conceptual Site and Landscape Plan*, illustrates how the proposed building and site improvements fit into the overall layout of the project site. As shown in this figure, the proposed building would be L-shaped and centrally located within the project site. The building is designed as a single structure. The building height would be 68 feet 8 inches at building entry, which is at approximately 181 feet above mean sea level. The main building entry would front San Clemente Drive and align with the proposed driveway.

Approval of the Modified Project requires various discretionary actions and approvals from the City, which are discussed in detail in Section 3.2.9, below.

3.2.2 Architectural Design and Character

Figures 6, *Conceptual Building Elevations*, 7a, *Conceptual South Building Perspective*, and 7b, *Conceptual North Building Perspective*, illustrate the proposed architectural style and building elements/features of the Modified Project. As shown in these figures, the proposed architectural style would be Contemporary, and design elements (e.g., roof style, window fenestration and details, building materials) would be consistent with this architectural style. For example, design elements would include light-finish smooth-coat plaster walls; natural Travertine stone; vinyl windows; and metal railings, window trims, and porte-cochère. Building pop-outs and offsets; variations in building rooflines, materials, colors, and landscaping; and balconies would be added and modulated to offset the building's massing, provide human scale, promote visual interest and articulation, and provide relief to and variation in the building form and style.

3.2.3 Amenities and Services

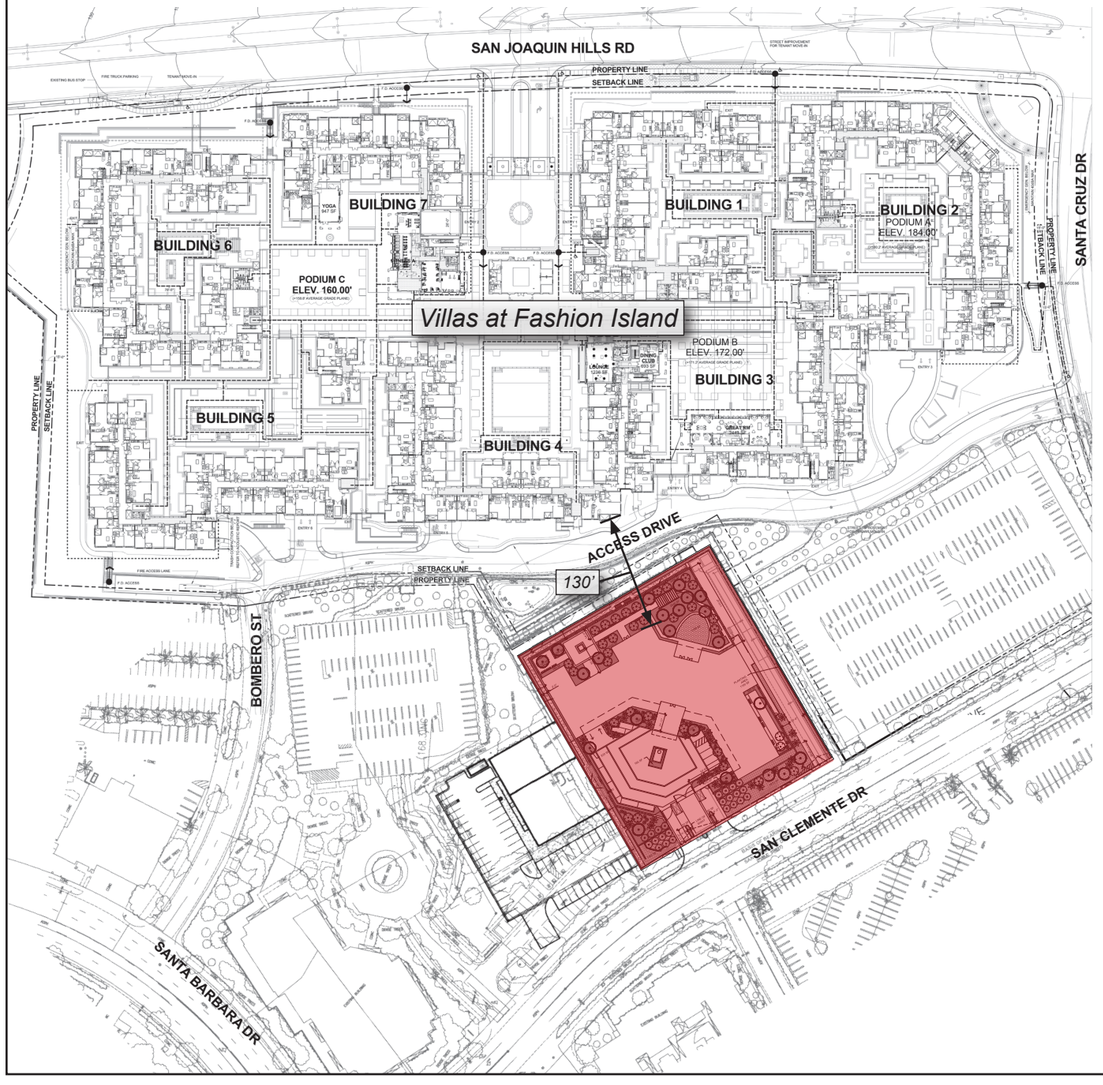
Future project residents would have access to a number of amenities, recreation and entertainment areas, and services, including: indoor pool, dining hall (serving three meals per day), bar/lounge, small retail shop, fitness center, dance/yoga studio, salon, laundry room, movie theatre, bowling alley, card and game rooms, library, art studio, and activity lounge. All of these amenities would be provided on the basement and ground level of the building. However, the second floor would also feature a lounge, activity area, dining area, and wellness office and medical room to serve the memory care facility. Staff would prepare food in two kitchens—one on the ground level and the other on the second floor.

As shown in Figure 5, *Conceptual Site and Landscape Plan*, project residents would also have access to a large outdoor courtyard, which would feature a lounge with firepit, outdoor dining area, barbecue with bar seating, gardens and farm grove, fire pits with seating, event and game space, self-serve snack and drink stand with seating, five-hole putting course, and dog run with artificial pet turf.

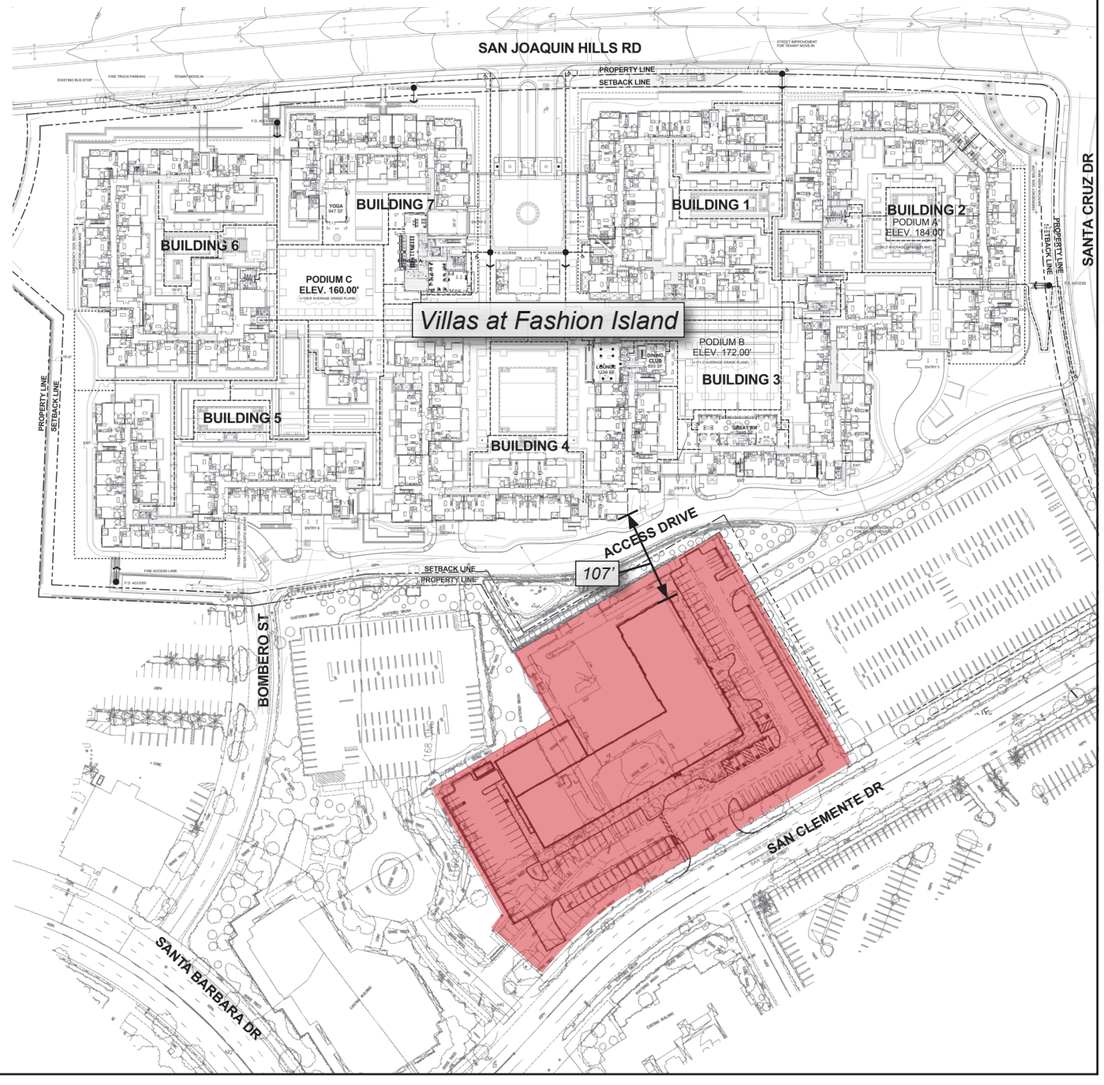
As noted above, congregate care services would be provided for a portion of future project residents. Additionally, transportation services would be provided to residents for daily activities such as shows, shopping, dining, doctor appointments, etc. via numerous community sedans and shuttle vans.

Figure 4 - Site Location Comparison

Museum House



Vivante Senior Housing



Project Locations

0 200
Scale (Feet)

Source: Irvine Villas: MV&E Partners, 2014; Museum House: RAMSA, 2016; Vivante:HKS, 2018

3. Project Description

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Figure 5 - Conceptual Site and Landscape Plan

SITE SUMMARY

1. Vivante Parking
2. Acessible Parking Area
3. Gated Vehicular Exit
4. Emergency Vehicle Turn-a-round
5. Perimter Landscape @ Parking
6. Service Area
7. Vivante Main Entry
   - Stone Entry Columns
   - Decorative Landscape
8. Porte Cochere & Main Drop off Area
   - Decorative Paving
   - Water Feature Elements
   - Resident Seating Area
   - Intimate Landscaping
   - Truncated Domes
   - Decorative Bollards
9. Olive Tree Grove - Frontage Parking Screen
10. Resident Gardens & Vegetable Planters
    - Garden Shed
11. Garden Trellis
12. Outdoor BBQ w/ Shade Trellis & Seating Niche
13. Putting Green
14. Bocce Court
15. Gas Firepit & Seating Area
16. Formal Seating Plaza (Gas Firepit & Water feature)
17. Accessible Route to San Clemente Blvd.
18. Seating Niche With Gas Firepit
19. Residence Ground Level Patio
20. Dog Park
21. New Plant Material & Trees Consistant With The City of Newport Beach Council Guidelines
22. Low Shrub Screening
23. Decorative Planters
24. Outdoor Dining & Entertaiment Area
25. Shuttle Drop-Off
26. Planting Screen

0 40
Scale (Feet)

Source: HKS Architects, 2019

3. Project Description

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Figure 6 - Conceptual Building Elevations

North Elevation

West Elevation

South Elevation

East Elevation

MATERIAL LEGEND

01	**IVORY WHITE**	SMOOTH COAT PLASTER
02	**NATURAL**	TRAVERTINE STONE
03	**GUNMETAL**	MULLIONS, BALUSTRADE, PORTE COCHERE
04	**NATURAL GREEN**	GREEN WALL/PLANTED TRELLIS

0 45
Scale (Feet)

Source: HKS Architects, 2019

3. Project Description

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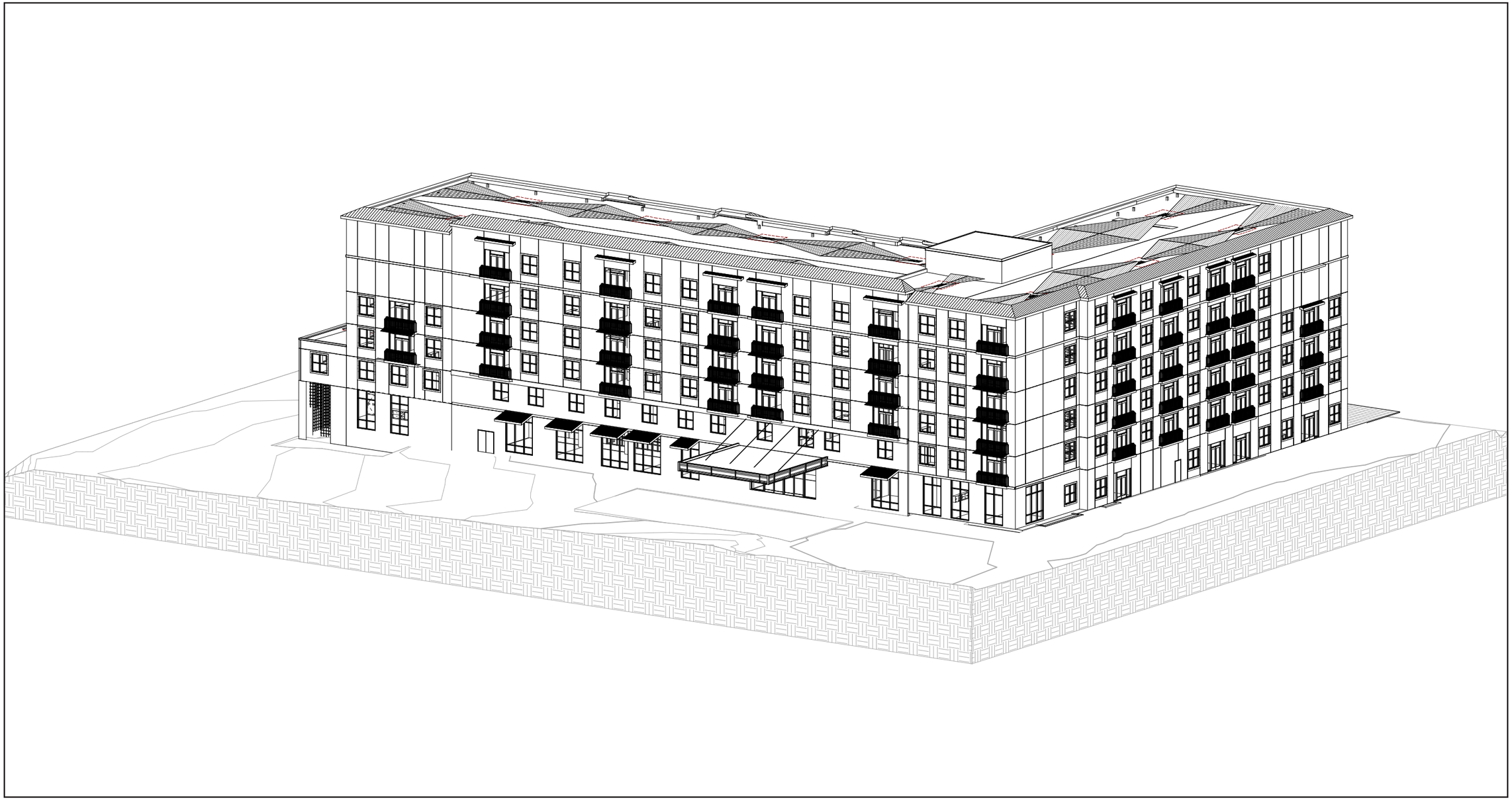
Figure 7a - Conceptual South Building Perspective



Source: HKS Architects, 2019

3. Project Description

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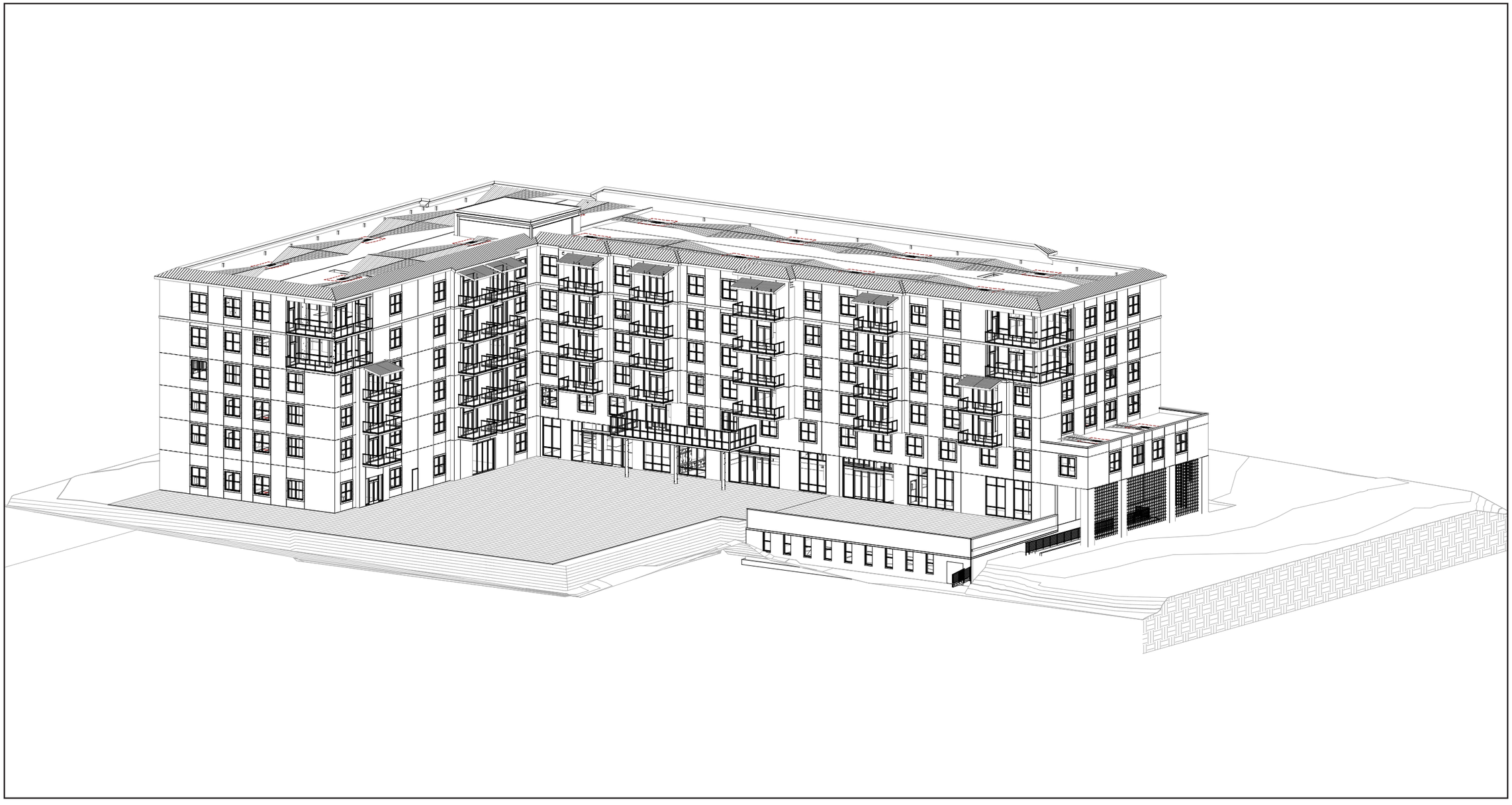
Figure 7b - Conceptual North Building Perspective



Source: HKS Architects, 2019

3. Project Description

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3.2.4 Staffing and Operations

The Modified Project would be staffed twenty-four hours per day with varying staff shifts, which could range from 15 to 30 employees with a maximum of 45 employees at the busiest time of a peak shift change. A staff lounge would be provided in the basement level for employee use.

Various service deliveries would be provided to the Modified Project, such as trash pick-up (estimated to be three times per week), food deliveries (estimated to be two to four times per week), and linen service (estimated to be two to three times per week). Most deliveries would occur in the morning hours (estimated between 8:00 AM to 11:00 AM).

Full service transportation services would be provided to residents for daily activities such as shows, shopping, dining, doctor appointments and others via numerous community sedans, sprinter shuttle vans, and a larger thirty-plus-person shuttle.

3.2.5 Access, Circulation, and Parking

3.2.5.1 VEHICULAR ACCESS AND CIRCULATION

Primary vehicular access to the project site would be via a new, full-access driveway (all turning movements permitted) off San Clemente Drive (see Figure 5) opposite Santa Maria Road. The driveway would feature a small landscaped median finger to direct vehicles entering and exiting the project site. The driveway connects to internal private drive aisles, which would direct vehicles to the onsite surface parking areas in the western, southern, and eastern portions of the project site.

Secondary vehicular access to the project site would be provided via the existing asphalt-paved private street Access Drive) located at the rear of the property that connects to the adjacent apartment development, the Villas at Fashion Island. Use of this secondary access would be provided via an access easement entered into by and between The Irvine Company and the project applicant. As shown in Figure 3, this private street connects to the northeastern end of the project site. It also serves as access for emergency response vehicles.

3.2.5.2 PEDESTRIAN ACCESS AND CIRCULATION

Pedestrian access to the project site would be via the existing public sidewalk along San Clemente Drive. A portion of the sidewalk would be removed to construct the new driveway proposed off San Clemente Drive. A short walkway would be provided along the western portion of the driveway, which would connect to the public sidewalk on San Clemente Drive. The walkway would lead to a striped, accessible path of travel that would provide pedestrian access to the main building entry.

Internally, sidewalks would be provided along the western, southern, and eastern edges of the building. These sidewalks would provide access to the main and other building entries, outdoor courtyard, and surface parking areas. Once in the building, project residents, guests, and staff would be able to access the upper floors via stairs or an elevator.

3.2.5.3 PARKING

As shown in Figure 5, onsite surface parking areas would be provided in the western, southern, and eastern portions of the project site. A total of 118 parking spaces would be provided for future resident, guest, and staff use. All parking needs would be provided onsite in accordance with the City's parking requirements.

3.2.6 Landscaping

As shown in Figure 5, *Conceptual Site and Landscape Plan*, ornamental trees, shrubs, and groundcover would be planted along the site perimeter and within the parking areas and outdoor courtyard. Street trees and tall shrubs would be planted along San Clemente Drive. A total of approximately 15,487 square feet of landscaped area would be provided. The perimeter and street landscape areas would complement the street tree pattern and character of San Clemente Drive, enhance the pedestrian experience, help screen onsite parking areas, and soften views of the building façades.

The proposed plant palette would include noninvasive and drought-tolerant plants that are native or adapted to the Newport Beach climate zone. The proposed plants would be water conserving and have deep root systems that enable soil stabilization and minimize erosion. The irrigation system and planting palette would meet or exceed the requirements of Newport Beach Municipal Code Chapter 14.17 (Water Efficient Landscaping), which implements the State of California Model Water Efficient Landscape Ordinance requirements.

Project development requires removal of all of the approximately 43 existing ornamental trees onsite, as well as other landscape improvements throughout the project site. Although existing trees would be removed, the Modified Project would provide more trees (approximately 92 new trees) than currently exist. The mix of 24-, 36-, and 48-inch box trees would include but not be limited to oak, olive, magnolia, and maple trees. Approximately seven street trees would also be provided along San Clemente Drive; this is in addition to the six existing City-owned street trees to remain.

3.2.7 Infrastructure Improvements

3.2.7.1 WATER

The City's Water Services Department currently provides potable water to the existing uses on the project site and would continue to do so for the Modified Project. Potable water is provided via an internal 8-inch water line that connects to the existing offsite 12-inch water line in San Clemente Drive.

As a part of the Modified Project, the onsite potable water line would be removed and replaced with a series of new potable water lines that would connect to the existing offsite water line. Proposed potable water infrastructure improvements would include trenching and exposing existing lines onsite for connections, trenching and installing new lines, and break-in connections to offsite water lines. No offsite water line construction or upsizing would be required to accommodate the Modified Project; however, some construction would occur within the public right-of-way of San Clemente Drive adjacent to the project site in order to make

the necessary connections. Proposed work activities within the City's right-of-way would require City issuance of an encroachment permit.

Fire flows for emergency fire suppression would be provided to the project site via the proposed onsite fire-water line, which is separate from the potable water line and would connect to the existing water line in San Clemente Drive. Fire hydrants (total of two) would be installed onsite at key locations (southwestern and northeastern ends of the project site) to meet hose-pull requirements and provide adequate fire access, as required by the City of Newport Beach Fire Department. The fire hydrants would connect to the proposed fire-water lines.

3.2.7.2 WASTEWATER

The City's Water Services Department currently provides wastewater collection service to the existing uses on the project site and would continue to do so for the Modified Project. The project site is currently serviced by an onsite, City-owned, 8-inch sewer line within a 15-foot-wide easement. The sewer line drains westerly to an 8-inch sewer line in San Clemente Drive, then to an 8-inch sewer line in Santa Barbara Drive, and finally to the Orange County Sanitation District trunk sewer line at the intersection of Santa Barbara Drive and Jamboree Road. Wastewater flows through the regional trunk lines to Reclamation Plants No. 1 (in Fountain Valley) and No. 2 (in Huntington Beach) for treatment; the reclamation plants are owned and operated by the Orange County Sanitation District.

Under the Modified Project, the existing 8-inch sewer line onsite would not need to be improved in order to accommodate flows generated by the project, unlike the Original Project which required upgrading the sewer pipe at Jamboree Road and Santa Barbara Drive from 8 inches to 12 inches. The existing 8-inch sewer line has sufficient remaining capacity to accommodate the proposed Vivante Senior Housing project. New sewer lines would be installed to connect to the existing 8-inch sewer line. Proposed improvements would entail trenching and exposing existing lines onsite for connections, trenching and installing new lines, and break-in connections to the existing onsite sewer line. No offsite sewer line construction or upsizing, or construction within the public right-of-way of San Clemente Drive would be required to accommodate the Modified Project. A portion of the existing sewer easements on-site would be abandoned up to the point of the new project connection.

3.2.7.3 DRAINAGE

Under existing conditions, approximately 74 percent of the project site consists of impervious areas (e.g., buildings, paving), and the remainder is pervious (e.g., landscaping). The topography of the project site varies, with slopes ranging from approximately 1 percent to 4 percent. The ground surface elevation onsite varies from approximately 175 to 180 feet above mean sea level. Currently, the site runoff sheet flows to the southwest along v-gutters in the parking lot and discharges to an existing storm drain catch basin onsite, which connects to the local 30-inch storm drain in Bombero Street and finally to a 36-inch public storm drain in Santa Barbara Drive.

Under proposed conditions, the impervious area of the project site would increase to approximately 81 percent, and the remainder would be pervious. Runoff from the project site would continue to flow similar to existing conditions. In general, the onsite surface water runoff would sheet flow from the parking lots into parking

medians. The medians would be used as biofiltration planters/basins that provide water quality treatment. Each biofiltration planter/basin has an overflow device that would connect to the storm drain system. The onsite storm drain system would consist of new storm drain pipes that range from 6 to 15 inches and would connect to the existing onsite catch basin. Other drainage improvements would include reconstruction of the curb and gutter along the San Clemente Drive frontage due to the new driveway proposed.

3.2.8 Utilities and Service Systems

Public infrastructure and utility facilities—including but not limited to electrical, telephone, cable television, and natural gas—would be upgraded and/or extended to the project site. Dry utility providers for the project would be the same as for the existing uses onsite—Southern California Edison for electricity, Southern California Gas Company for natural gas, AT&T for telephone service, and Cox Communications for cable television and data transmission. All new utility infrastructure would be installed underground or in enclosed spaces (e.g., utility closets) in the proposed building.

Solid waste services would be provided by CR&R Environmental Services. A covered trash collection area sized to meet the needs of the development will be provided near the northwestern end of the project site, abutting the parking lot. The area would include bins for solid waste and recyclables. CR&R Environmental Services' trash trucks would pick up the bins from the collection area on scheduled pick-up days.

3.2.9 Discretionary Actions and Approvals (PA2018-185)

This Addendum and the 2016 Certified DEIR are intended to serve as the primary environmental documents for all future actions associated with the Modified Project, including all discretionary approvals requested or required to implement the project. The City of Newport Beach is the lead agency under CEQA and has the principal approval authority over the Modified Project. As part of the Modified Project, the following discretionary actions and approvals are required by the City:

- **General Plan Amendment (GP2018-003).** To redesignate the project site from Private Institutional (PI) to Mixed-Use Horizontal (MU-H3). The GPA would establish the following development limits:
  - Amend Anomaly No. 49 of Table LU2 to add 90 Residential Units and retain 16,000 square feet of nonresidential intensity.

- **Planned Community Development Plan Amendment (PC2018-001).** To modify the San Joaquin Plaza Planned Community Development Plan (PC-19) to include development and design standards to allow for senior housing, independent/assisted living, congregate care, memory care, and convalescent care. The project applicant also requests an increase in the height limit from 65 feet to 68 feet 8 inches plus 10 feet for appurtenances.

- **Development Agreement (DA2018-005).** Review of a proposed development agreement that would provide public benefits should the Modified Project be approved pursuant to Section 15.45.020 of the Newport Beach Municipal Code because the requested General Plan Amendment includes 50 or more dwelling units.

- **Conditional Use Permit (UP2018-019).** To allow the operation of the proposed senior housing development and memory care facility and ensure site compatibility.

- **Major Site Development Review (SD2018-003).** To allow the construction of 90 senior dwelling units and a 27-bed memory care facility and to ensure the site is developed in accordance with the applicable Planned Community and Zoning Code development standards and regulations pursuant to Newport Beach Municipal Code (NBMC) Section 20.52.080 (Site Development Reviews).

- **Lot Merger (LM2018-004).** To merge the two existing lots (Assessor's Parcel Numbers 442-261-05 and 442-261-17) that make up the project site and create a single lot for development.

- **Addendum No. 1 to Environmental Impact Report No. ER2015-002 (SCH#2016021023).** To address reasonably foreseeable environmental impacts resulting from the legislative and project specific discretionary approvals, the City has determined that an addendum to a previously certified EIR is warranted pursuant to the California Environmental Quality Act (CEQA).

3.2.10 Project Phasing and Construction

It is anticipated that the Modified Project would be built in a single phase spanning approximately 18 months, commencing in September 2019 and with an anticipated completion of February 2021. In contrast, the Original Project would have required approximately 26 months to build. A construction management plan is required as part of the project development and would be implemented throughout the duration of the project's construction activities. The plan is provided to identify important construction details, including construction contractor contact information and responsibilities; demolition, grading and construction hours; parking areas for construction workers; construction material staging areas; truck routes, access, and circulation; all necessary traffic control measures and signs; and delineators to be implemented by the construction contractor. The City would impose the construction management plan as a condition of approval, and project compliance would be ensured through the City's development review and building plan check process.

3.2.10.1 DEMOLITION

Development of the Modified Project would require demolition of the 23,623-sqare-foot Orange County Museum of Art building and 13,935-square-foot single-story office building, removing surface parking lot asphalt and other hardscape improvements (e.g., concrete walkways, planters, and pads), grubbing onsite vegetation, and removing all approximately 43 ornamental trees onsite. Demolition activities are projected to occur over a period of approximately three months, from September 2019 to November 2019, and generate approximately 3,600 tons of building debris and 1,000 tons of asphalt. Demolition debris and asphalt would be crushed and sorted onsite and hauled offsite to nearby OC Waste & Recycling landfill(s) serving the City, such as the Frank R. Bowerman landfill in Irvine, the Prima Deshecha landfill in San Juan Capistrano, or the Olinda Alpha Sanitary landfill in Brea.

3.2.10.2 CONSTRUCTION

Following demolition activities, the Modified Project would involve construction activities onsite spanning approximately 14 months, from December 2019 to February 2021. Project construction activities would include

site preparation, mass excavation and fine grading, and building construction. Construction of the proposed structures would also include application of exterior and interior finishes; installation of mechanical, electrical, and plumbing equipment; installation of landscape and irrigation; and installation of furniture and equipment. Overall, construction activities would require the import of approximately 3,442 cubic yards of soil under the Modified Project. Under the Original Project, construction activities would have required the export of approximately 45,000 cubic yards of soil.

Construction Trucks and Routes

As with the Original Project, the Modified Project's construction trucks would be staged at an offsite location acceptable to the City and would be dispatched to the site five to ten trucks at a time to prevent truck queuing at inappropriate locations. All construction vehicles would use regional and local truck routes to access the project site. It is expected that all heavy vehicles would most likely access the site via SR-73 north of Bison Avenue and head south via Jamboree Road or MacArthur Boulevard. Once in the vicinity of the project site, heavy vehicles can use non-designated truck routes to access the project site (e.g., Santa Barbara Drive, San Joaquin Hills Road, Santa Cruz Drive, and San Clement). All proposed truck routes would need to be approved by the City prior to beginning any construction. As noted above, a construction management plan is required as part of the project development and would address proposed truck routes and any short-term queueing at the project site.

Construction Worker Trips

As discussed above, the construction period is anticipated to last approximately 18 months. The number of construction workers at the project site during the construction period, would be variable. depending on the construction phase. Under the Original Project, the construction workers were slated to park in an offsite lot in the Newport Center area and be shuttled to the site, if necessary. Under the Modified Project, construction workers would park onsite in designated parking areas based on the Modified Project's preliminary construction management plan. There would be no need for offsite parking or for shuttling construction workers. The specific onsite parking locations would be identified in the final construction management plan.

Construction Hours

Newport Beach Municipal Code Section 10.28.040 limits construction activities to weekdays from 7:00 AM to 6:30 PM and Saturdays from 8:00 AM to 6:00 PM. Additionally, construction hauling activities would be limited to weekday hours between 7:00 AM to 4:00 PM. No construction is permitted on Sundays or holidays. As with the Original Project, the Modified Project would comply with this regulation.

Construction Equipment

As with the Original Project, it is expected that large construction equipment for the Modified Project, such as excavators, loaders, dozers, crushers, bobcats, rollers, dump trucks, cranes, fork lifts, and tractors, would be used during project construction (all phases, including demolition, site preparation, excavation and grading, utility trenching, building construction, paving, and finish/landscaping) and would be staged on the project site.

4. Environmental Checklist

4.1 BACKGROUND

1. **Project Title:** Vivante Senior Housing Project

2. **Lead Agency Name and Address:**
City of Newport Beach
Community Development Department
100 Civic Center Drive
Newport Beach, CA 92660

3. **Contact Person and Phone Number:**
Makana Nova, Associate Planner, AICP
949.644.3249

4. **Project Location:**
The 2.9-acre site has an address of 850 and 856 San Clemente Drive (Assessor's Parcel Numbers 442-261-05 and 442-261-17, respectively). The site is generally bounded by Santa Cruz Drive to the east, Santa Barbara Drive to the west, San Joaquin Hills Road to the north, and San Clemente Drive to the south.

5. **Project Sponsor's Name and Address:**
Nexus Development Corporation
Robert Eres
MacArthur Place, Suite 300
Santa Ana, CA 92707

6. **General Plan Designation:**
Private Institutional (PI)

7. **Zoning:**
PC 19 San Joaquin Plaza Planned Community Development Plan (PCDP; PC-19)

8. **Description of Project:**
The Modified Project includes redevelopment of the project site with a senior housing project that has six stories (up to 68 feet 8 in height) with 10 feet for appurtenances plus a basement within a 183,983-square-foot, L-shaped building. The building would consist of 90 independent/assisted living, apartment style dwelling units and a 27-bed memory care facility. A more detailed description of the Modified Project is provided in Section 3, *Project Description*.

4. Environmental Checklist

9. Surrounding Land Uses and Setting:
The predominant uses include multistory parking garages to the east and northwest and the Villas at Fashion Island apartment homes to the north. Other surrounding land uses include a multistory office building to the west and The Colony apartment homes and additional multistory office buildings across San Clemente Drive to the south. The Newport Beach Police Department Station and Newport Beach Fire Station—Fashion Island Station No. 3—are approximately 275 feet northwest of the project site. Fashion Island, a major retail and restaurant shopping mall, is approximately one-quarter mile south of the site.

10. Other Public Agencies Whose Approval Is Required:
Santa Ana Regional Water Quality Control Board

4.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

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

4.3 DETERMINATION (TO BE COMPLETED BY THE LEAD AGENCY)

On the basis of this initial evaluation:

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

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

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

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

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

Signature Makana Nova	July 8, 2019 *Date*
Makana Nova, Associate Planner *Printed Name*	City of Newport Beach *For*

4.4 EVALUATION OF ENVIRONMENTAL IMPACTS

In Chapter 5, *Environmental Analysis*, the environmental checklist identifies the environmental effects of the Modified Project in comparison with the Original Project. This comparative analysis has been undertaken pursuant to the provisions of CEQA to provide the factual basis for determining whether any changes in the project or its circumstances or any new information requires additional environmental review or preparation of a subsequent or supplemental EIR. The textual changes to the EIR and related Findings and Statement of Overriding Considerations will not involve new significant environmental impacts, a substantial increase in severity of significant impacts previously identified, substantial changes in the circumstances under which the project is undertaken involving such new impacts or such a substantial increase in the severity of significant impacts, or new information of substantial importance as meant by CEQA Guidelines Section 15162. Therefore, this Addendum is the appropriate means to document these textual changes. The basis for the findings listed in the Environmental Checklist is explained in Section 5.

4.4.1 Terminology Used in the Checklist

For each question listed in the Environmental Checklist, a determination of the level of significance of the impact is provided. Impacts are categorized in the following categories:

- **No Impact**. A designation of *No Impact* is given when the Modified Project would cause no changes to the environment as compared to the original project analyzed in the EIR.

- **Minor Technical Changes or Additions.** An Addendum to the EIR is required if only minor technical changes or additions are necessary and none of the criteria for a subsequent EIR are met (CEQA Guidelines § 15164).

- **New Mitigation or Alternative to Reduce Significant Effect is Declined.** A Subsequent EIR is required if new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified shows that mitigation measures or alternatives previously found not to be feasible would in fact be feasible (or new mitigation measures or alternatives are considerably different) and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative (CEQA Guidelines § 15162). A Supplement to an EIR can be prepared if the criterion for a Subsequent EIR is met, but only minor additions or changes would be necessary to make the EIR adequately apply to the Modified Project (CEQA Guidelines § 15163).

- **New Information Showing Greater Significant Effects than Previous EIR.** A Subsequent EIR is required if new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified shows 1) the project would have one or more significant effects not discussed in the EIR; 2) significant effects previously examined would be substantially more severe than shown in the EIR; or 3) mitigation measures or alternatives previously found not to be feasible would in fact be feasible (or new mitigation measures or alternatives are

considerably different) and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative (CEQA Guidelines § 15162).

- **Substantial Change in Project or Circumstances Resulting in New Significant Effects.** A Subsequent EIR is required when 1) substantial project changes are proposed or substantial changes to the circumstances under which the project would be undertaken, 2) those changes would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and 3) project changes require major revisions to the EIR (CEQA Guidelines § 15162).

4. Environmental Checklist

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5. Environmental Analysis

This section is provided to substantiate the conclusions set forth in the Environmental Checklist of each topical section. For each topic, conclusions of the 2016 Certified EIR are summarized. This summary is followed by an impact analysis of the Modified Project in comparison to the Original Project. Mitigation measures from the 2016 Certified EIR are listed, updated, and refined, as necessary, to reflect the Modified Project and any new circumstances.

Additionally, the checklist questions listed under each topical section reflect the recent amendments and updates to the state guidelines for implementing CEQA, which included changes to the CEQA checklist questions. Changes to CEQA Guidelines were approved by the Office of Administrative Law on December 28, 2018 and became effective January 1, 2019.

5.1 AESTHETICS

5.1.1 Summary of Impacts Identified in the 2016 Certified EIR

Scenic Vistas and Resources

According to the 2016 Certified EIR, the project site is in a highly urbanized area of the City that does not exhibit any significant visual resources or scenic vistas. The 2016 Certified EIR did not identify any scenic resources or highways onsite or within the project area. The 2016 Certified EIR also noted that viewsheds along City-designated coastal view roads, as well as views of Saddleback Mountain and the Back Bay, would not be significantly impacted. Further, the project area is not characterized by unique visual resources (e.g., rock outcroppings), and no historic structures exist on the project site. Therefore, the 2016 Certified EIR concluded that no adverse impact on scenic vistas or resources would result from the Original Project.

Existing Visual Character and Quality of the Site and Its Surroundings

The Original Project was determined to result in a change of the visual appearance of the project area; however, the existing visual character of the area was determined not to be significantly impacted. The project site and surrounding area are in Newport Center, which is a predominantly built-out and dense area of the City with a mix of residential, hospitality, and high- and mid-rise office buildings surrounding the Fashion Island regional mall. The 2016 Certified EIR noted that the proposed tower of the Original Project would blend well into the existing visual character of the overall Newport Center/Fashion Island area and would not stand out among other existing high-rise buildings in the area. Existing structures and tree lines would also partially or completely obstruct the proposed tower from various viewsheds. Therefore, the 2016 Certified EIR concluded that the visual character and quality of the project site and its surroundings would not be significantly impacted.

Shade/Shadow Analysis

The 2016 Certified EIR acknowledged that the Original Project would cast shadows on the adjacent Villas at Fashion Island residential community; specifically, shadows would be cast by the proposed residential tower. A shade and shadow analysis was prepared to determine whether the proposed residential tower would cause shade and shadow impacts on surrounding sensitive land uses. As substantiated in the 2016 Certified EIR, no significant shade and shadow impacts would occur.

Light and Glare

The Original Project would generate new sources of light and glare onsite and in the surrounding area. As substantiated in the 2016 Certified EIR, the Original Project would not create a source of substantial light or glare that would adversely affect day or nighttime views in the area. Light and glare impacts were determined to be less than significant.

5.1.2 Impacts Associated with the Modified Project

Would the project:

Issues	Substantial Change in Project or Circumstances Resulting in New Significant Effects	New Information Showing Greater Significant Effects than Previous EIR	New Mitigation or Alternative to Reduce Significant Effect is Declined	Minor Technical Changes or Additions	No Impact
a) Have a substantial adverse effect on a scenic vista?					X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?					X
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?				X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X	

Comments:

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

No Impact. The conditions of the project site, as identified in the 2016 Certified EIR, remain unchanged. The project site is developed and in a highly urbanized area of the City—it does not exhibit any significant visual resources (e.g., rock outcroppings) or scenic vistas, and no historic structures exist on the site. There are also no scenic highways onsite or within the project area. Furthermore, the 2016 Certified EIR noted that viewsheds

along City-designated coastal view roads (none of which are within proximity of the project site), as well as view of Saddleback Mountain and the Back Bay, would not be significantly impacted. This fact remains unchanged and is applicable to the Modified Project. In addition, the Modified Project proposes a 6-story building with a height of 68 feet 8 inches (77 feet 10 inches with rooftop appurtenances), reducing the potential to restrict views compared to the Original Project's 25-story building with a height up to 295 feet. Like the Original Project, the Modified Project would not obstruct views of scenic vistas and impacts would remain less than significant.

Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. There are no changes or new significant information that would require preparation of an EIR.

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

No Impact. The 2016 Certified EIR did not identify any scenic resources or scenic highways on or in proximity of the project site; this condition remains unchanged under the Modified Project. As noted above, the project site is not characterized by unique visual resources such as trees, rock outcroppings, or historic buildings. As with the Original Project, no impact to scenic resources within a state scenic highway would occur due to implementation of the Modified Project.

Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. There are no changes or new significant information that would require preparation of an EIR.

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Minor Technical Changes or Additions. As with the Original Project, development of the Modified Project would include redevelopment of the project site, which would involve demolition of the existing single-story buildings and hardscape improvements and removal of all existing landscape features. Upon clearing, the project site would be redeveloped with a senior housing project in a six-story plus basement, 183,983-square-foot, L-shaped building. The building would be up to 68 feet 8 inches high (77 feet 10 inches with rooftop appurtenances) and would house independent/assisted living dwelling units and a memory care facility.

Figure 5, *Conceptual Site and Landscape Plan*, illustrates how the proposed building and site improvements fit into the overall layout of the project site. As shown in this figure, the proposed building would be centrally located within the project site and is designed as a single structure. Figures 6, *Conceptual Building Elevations*, 7a, *Conceptual South Building Perspective*, and 7b, *Conceptual North Building Perspective*, illustrate the proposed architectural style and building elements/features of the Modified Project.

Following is a discussion of the potential impact to the visual appearance of the project site and surrounding area as a result of the Modified Project, as well as the potential shade and shadow impacts.

5. Environmental Analysis

Visual Appearance

Overall, development of the Modified Project would enhance and strengthen the character of the project site and its surroundings through new architecture, landscaping, hardscape, and other improvements onsite and along the street edges. The proposed architectural and landscape elements and design would ensure that project development is not detrimental to the surrounding area or uses. The building masses, landscaping, and various hardscape and landscape improvements proposed throughout the project site would not only be designed to create a sense of uniqueness, but also of unity with the surrounding area and uses. The proposed architecture and landscaping, although newer than that of the surrounding area and uses, would complement and not detract from the visual character of the site or surrounding area.

Also, the Modified Project is designed to comply with General Plan Policy LU 5.6.2, which requires that new buildings be designed to "avoid the use of styles, colors, and materials that unusually impact the design character and quality of their location such as abrupt changes in scale, building form, architectural style, and the use of surface materials that raise local temperatures, result in glare and excessive illumination of adjoining properties and open space, or adversely modify wind patterns."

Additionally, as with the Original Project, development of the Modified Project would provide similar and compatible uses to those surrounding the project site. The Modified Project's building would also be compatible with the surrounding commercial, office, and residential uses, which include a mix of low-, mid- and high-rise buildings similar in height and massing to the Modified Project's building. Also, like the high-rise residential tower proposed under the Original Project, the midrise building under the Modified Project would provide a more urban-scaled building than the existing single-story buildings onsite. Like the Original Project, the Modified Project would be in scale with the high- and midrise development in its immediate surroundings.

Furthermore, the residential tower under the Original Project was proposed at a height of 295 feet (25 stories), while the building of the Modified Project is proposed at a height of 68 feet 8 inches (six stories) with appurtenant features up to 77 feet 10 inches. Although the building footprint of the Modified Project would increase slightly over the building footprint of the Original Project's residential tower (see Figure 4, *Site Location Comparison*), the building height and massing would be reduced under the Modified Project due to the decrease in stories/height. Also, the residential tower under the Original Project was visible from offsite viewpoints at greater distances due to its height, and the much smaller building under the Modified Project would not be visible from those same viewpoints.

Finally, as shown in Figure 5, as with the Original Project, the Modified Project would include a comprehensive landscape plan that would enhance the visual character of the project site and surrounding area. Similar to the Original Project, the landscape plan of the Modified Project includes a variety of new trees, shrubs, and groundcover around the proposed building; along the street frontage and project perimeter; and in the surface parking areas and common areas. A total of seven street trees are proposed along San Clemente Drive to enhance the pedestrian environment and experience along the street frontage. Overall, the Modified Project's landscape elements would help to visually soften the height and massing of the proposed building when viewed from public areas, as well as help provide visual interest and relief, similar to the Original Project.

Based on the preceding and as with the Original Project, the Modified Project would also not result in a significant impact to the visual character or quality of the site and its surroundings. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

Shade and Shadow

As with the Original Project, a shade and shadow analysis was prepared for the Modified Project to determine whether the proposed building would cause shade and shadow impacts on surrounding sensitive land uses. Sensitive uses near the project site include the Villas at Fashion Island apartment complex just north of the project site and the Colony Apartments approximately 600 feet to the southwest across San Clemente Drive (see Figure 3, *Aerial Photograph*). Other adjacent uses are not considered sensitive—office buildings to the west, a parking garage to the east, and surface parking lots to the south—and therefore are not analyzed for potentially adverse shade and shadow impacts.

Given the orientation of the proposed six-story building, it would block sunlight and cast shadows on portions of the Villas at Fashion Island apartments to the north at certain times of the day as the shadows move across the site but would not cast any shadows on The Colony apartments to the south. The shade and shadow analysis was conducted to determine the amount and duration of shade and shadow that would be cast on the Villas at Fashion Island.

As stated in the 2016 Certified EIR, the City does not have established City-wide criteria for shade or shadow impacts. However, the North Newport Center Planned Community (PC-56), which includes the Villas at Fashion Island site, has specific shade standards:

> Prior to issuance of a building permit for a structure over 200 feet in height that has the potential to shade residential areas north of San Joaquin Hills Road, a shade study shall be prepared by the applicant and submitted to the City. The shade study shall demonstrate that the new development will not add shade to the designated residential areas beyond existing conditions for more than three hours between the hours of 9:00 A.M. and 3:00 P.M. Pacific Standard Time, or for more than four hours between the hours of 9:00 A.M. and 5:00 P.M. Pacific Daylight Time.

Although the project site is not in PC-56, would not be over 200 feet in height, and would not cast shade or shadows on residential areas north of San Joaquin Hills Road, these standards were applied to the Modified Project for evaluating project-related impacts. Figures 8a and 8b, *Shade and Shadow Studies*, illustrate the approximate shadows that the proposed six-story building would cast during the fall and spring equinoxes and winter solstice from 10:00 AM to 3:00 PM. As shown in these figures, shadows from the proposed building would mostly be cast onsite. The only notable shadow would be cast at 3:00 PM in the winter solstice, as shown in Figure 8b. Specifically, the proposed building would cast a shadow on several dwelling units of one of the apartment buildings and onto a common outdoor area. However, the shadow would not be cast for more than three hours between 9:00 AM and 3:00 PM Pacific Standard Time. Therefore, as with the Original Project, no significant shade and shadow impacts would occur as a result of development of the Modified Project. In fact, the amount of shade and shadow cast would be reduced under the Modified Project due to the decrease in the number of stories—25 stories for

the Original Project versus 6 stories for the Modified Project. There are no changes or new significant information that would require preparation of an EIR.

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

Minor Technical Changes or Additions. As with the Original Project, the Modified Project would result in new sources of light and glare. Following is a discussion of the potential day and nighttime light and glare impacts in the project area as a result of development that would be accommodated under the Modified Project.

Daytime Light and Glare

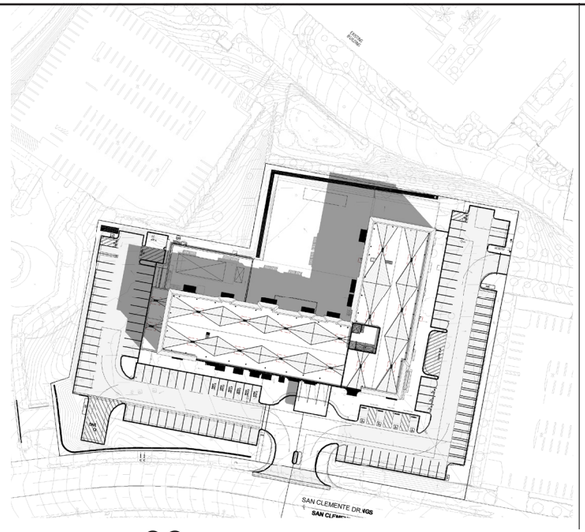
As with the Original Project, the Modified Project includes building materials and architectural treatments that could cause daytime glare, but not to such an extent that they would result in a significant impact. For example, the architectural treatments of the proposed building would include style-appropriate architectural building materials, such as light-finish smooth-coat plaster walls; natural Travertine stone; vinyl windows; and metal railings, window trims, and porte-cochère (see building elevations and perspectives in Figures 6, *Conceptual Building Elevations*, 7a, *Conceptual South Building Perspective*, 7b, *Conceptual North Building Perspective*). Except for the windows, the proposed building materials and architectural treatments are not reflective and would therefore not create substantial daytime glare. They are similar to building materials used on other buildings in the surrounding area.

As shown in Figures 6, 7a, and 7b, the proposed building would not include large expanses of glazing (i.e., glass windows). The buildings windows could potentially increase sources of glare in the project area because they would reflect sunlight during certain times of the day. In addition, vehicles parked onsite would increase the potential for reflected sunlight during certain times of the day. However, glare from these sources is typical of the surrounding area and would not increase beyond what is expected for an urban area such as Newport Center.

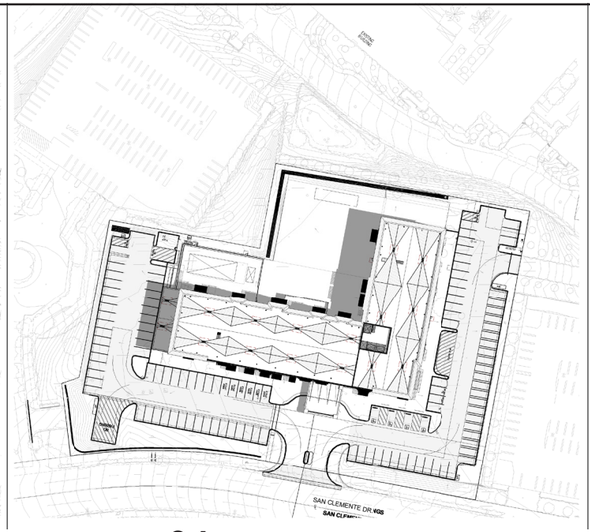
Furthermore, as noted above, the residential tower under the Original Project was proposed at a height of 295 feet (25 stories), while the building of the proposed senior housing project is proposed at a height of 68 feet 8 inches with appurtenances up to 77 feet 10 inches (six stories). In comparison to the Original Project, the amount of glare that would be reflected from windows would be drastically reduced under the Modified Project due to the decrease in stories and windows.

Therefore, as with the Original Project, daytime glare impacts of the Modified Project would not be significant. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

Figure 8a - Shade and Shadow Studies



06 March 21, at 10 am



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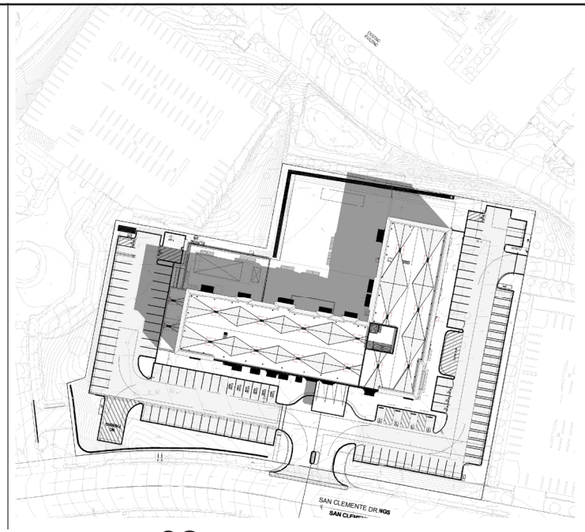

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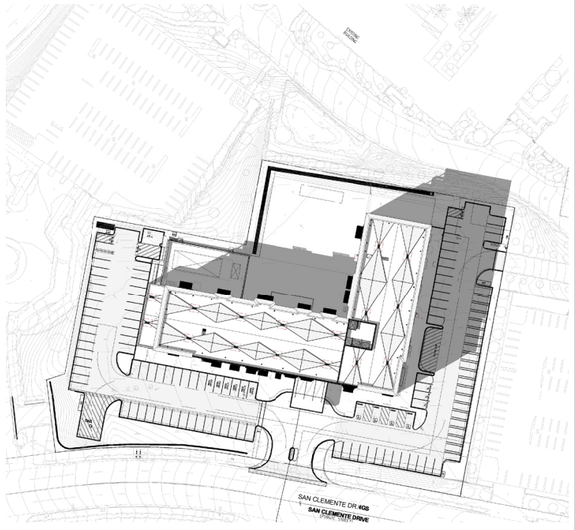

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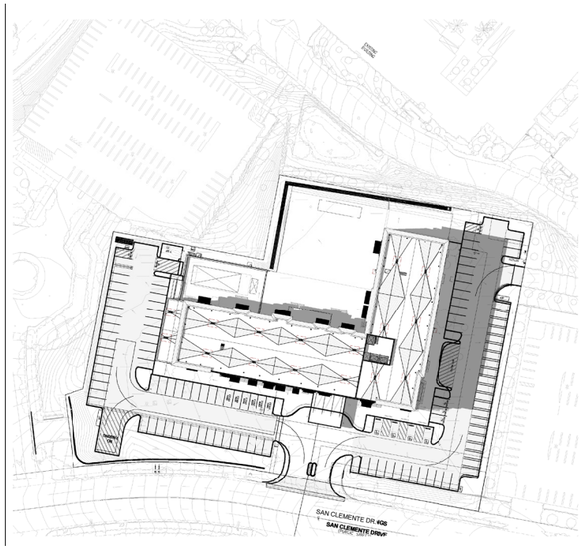

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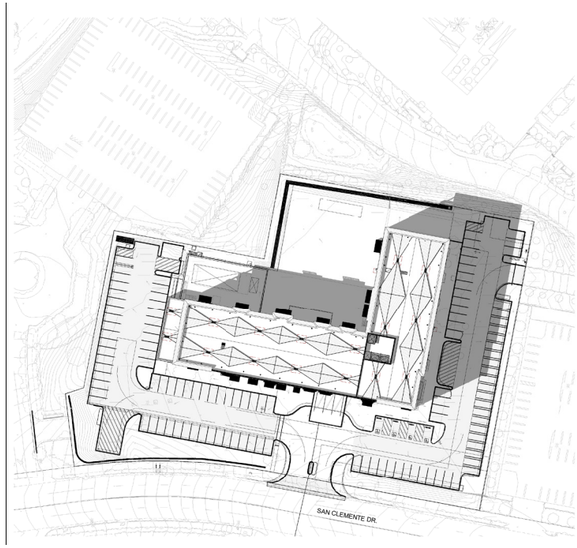

01 September 21, at 3 pm

0 150
Scale (Feet)

Source: HKS Architects, 2019

5. Environmental Analysis

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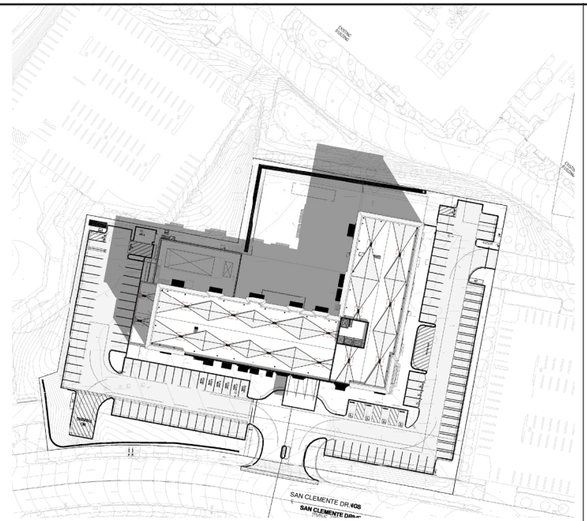
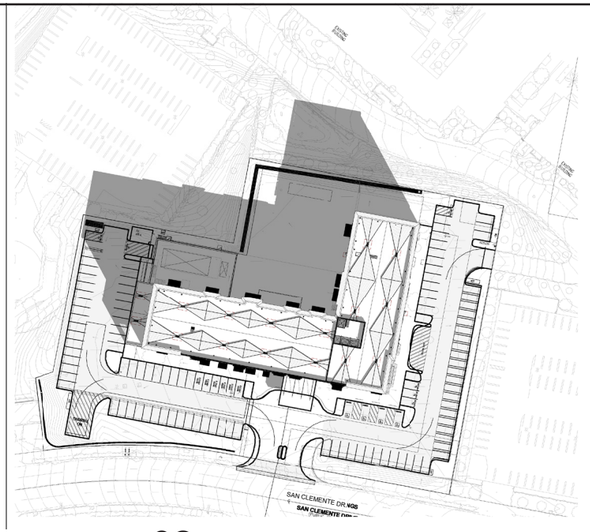
Figure 8b - Shade and Shadow Studies



04 October 21, at 10 am



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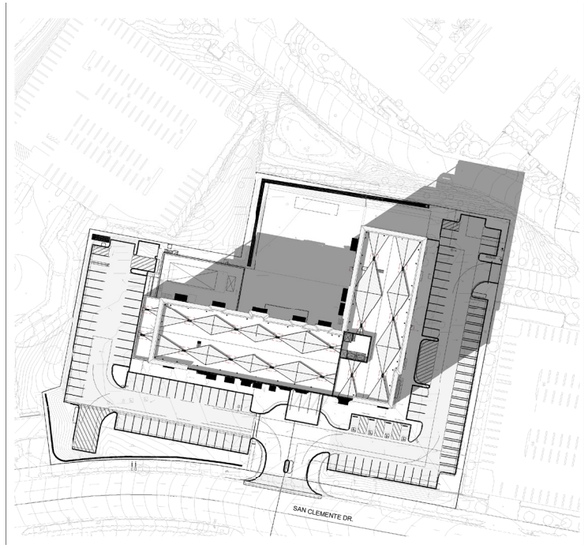

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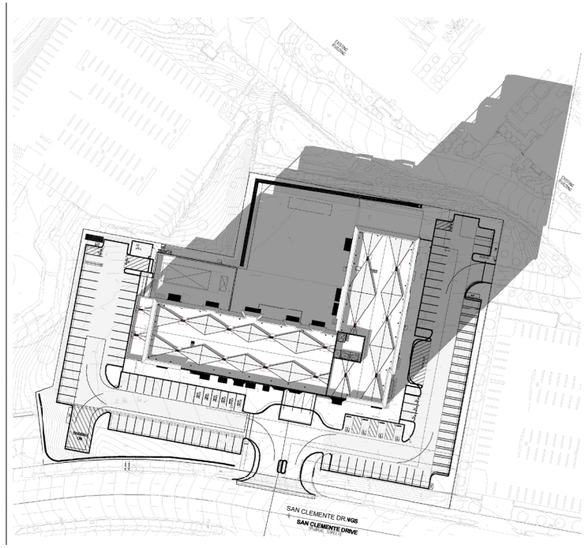

01 December 21, at 3 pm

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Scale (Feet)

Source: HKS Architects, 2019

5. Environmental Analysis

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Nighttime Light and Glare

As with the Original Project, lighting for the Modified Project would consist of building-mounted light fixtures; lighting for pedestrian walkways; interior building lighting; lighting for common and recreation areas; parking area lighting; and signage and security lighting. Nighttime lighting and glare from the project site would be visible to the surrounding office, commercial, and residential uses from various vantage points and from surrounding roadways.

Although development of the project site would introduce new light sources to the area, the proposed light sources would be similar to the light sources of the surrounding office, commercial, and residential land uses. The existing museum use on the project site also has sources of light onsite. Considering the existing sources of lighting in surrounding areas, including street and parking lot lights and lighting from the surrounding land uses, the amount and intensity of nighttime lighting proposed onsite would not be substantially greater or different than existing lighting in the surrounding area.

Additionally, as with the Original Project, all outdoor lighting associated with the Modified Project would comply with Section 20.30.070 of the Newport Beach Municipal Code, which requires all outdoor lighting fixtures to be designed, shielded, aimed, located, and maintained to shield adjacent properties and to not produce glare on adjacent properties or roadways. Also, the project must comply with General Plan Policy LU 5.6.2, which requires that outdoor lighting be located and designed to prevent spillover onto adjoining properties or significantly increasing the overall ambient illumination of their location. Light fixtures on buildings and in parking lots must also be full cut-off fixtures.

Furthermore, as with the Original Project, development of the Modified Project would comply with California's Building Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations Title 24, Part 6), which outlines mandatory provisions for lighting control devices and luminaires.

Finally, as noted above, the residential tower under the Original Project was proposed at a height of 295 feet (25 stories), while the building of the proposed senior housing project is proposed at a height of 69 feet (6 stories). In comparison to the Original Project, the amount of interior building lighting would be drastically reduced under the Modified Project due to the decrease in stories. Also, the prior concerns of the Original Project that were raised by NOP comments regarding the residential tower's interior lighting illuminating the night sky at a greater intensity than the neighboring office buildings would be not be an issue of concern under the Modified Project due to the drastic decrease in the number of stories.

Therefore, as with the Original Project, nighttime light and glare impacts of the Modified Project would not be significant. In fact, the amount of nighttime light and glare would be reduced under the Modified Project. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

5.1.3 Adopted Mitigation Measures Applicable to the Modified Project

The 2016 Certified EIR determined that no significant impacts related to aesthetics would result from the Original Project. Accordingly, no mitigation measures were identified.

5.1.4 Level of Significance After Mitigation

No mitigation measures were identified because all impacts would be less than significant.

5.2 AGRICULTURE AND FORESTRY RESOURCES

5.2.1 Summary of Impacts Identified in the 2016 Certified EIR

Agricultural and forestry resources were not addressed in the 2016 Certified EIR, as the City concluded during the scoping process—specifically, in the 2016 Initial Study prepared for the Original Project and dated February 2016 (2016 Initial Study; provided as Appendix A to the 2016 Certified EIR)—that the Original Project would have no impact on agricultural and forestry resources. However, since the 2016 Initial Study is a part of the 2016 Certified EIR, the environmental determinations (No Impact or Less Than Significant Impact) identified in the 2016 Initial Study are referenced as determinations made in the 2016 Certified EIR.

Agricultural Resources

As indicated in the 2016 Initial study, there are no areas designated as prime farmland, farmland of statewide importance, unique farmland, or farmland of local importance on the project site. Additionally, the project site is not zoned for agricultural use and no active Williamson Act contract applied to the site. The 2016 Initial Study concluded that the Original Project would have no impact on agricultural resources.

Forestry Resources

As indicated in the 2016 Initial study, the project is zoned PC-19 and does not permit forest land, timberland, or timberland production. Additionally, the project site is in a highly urbanized area of the City, and there is no forest land on or in the vicinity of the project site. The 2016 Initial Study concluded that the Original Project would have no impact on forestry resources.

5.2.2 Impacts Associated with the Modified Project

Would the project:

Issues	Substantial Change in Project or Circumstances Resulting in New Significant Effects	New Information Showing Greater Significant Effects than Previous EIR	New Mitigation or Alternative to Reduce Significant Effect is Declined	Minor Technical Changes or Additions	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?					X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?					X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?					X
d) Result in the loss of forest land or conversion of forest land to non-forest use?					X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?					X

Comments:

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

No Impact. The 2016 Initial Study (Appendix A of the 2016 Certified EIR) indicated that there were no areas designated as farmland on the project site or surrounding area; this fact remains unchanged under the Modified Project. The project site is an urbanized, heavily disturbed site that does not contain farmland or other agricultural uses and is not surrounded or in proximity of any such uses. Like the Original Project, the Modified Project would not convert farmland to nonagricultural use and would therefore not result in any impacts. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

b) Conflict with existing zoning for agricultural use, with a designated Agricultural Opportunity Area, or with a Williamson Act contract?

No Impact. As indicated in the 2016 Initial Study, the project site was not zoned for agricultural use and no active Williamson Act contract applies to the project site; these conditions have not changed. As with the Original Project, implementation of the Modified Project would not conflict with zoning for agricultural uses or a Williamson Act contract. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

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

No Impact. The project site does not support timberland or forest land as defined by PRC § 4526 12220, or 51104, and it is not zoned for these uses. As shown in Figure 3, *Aerial Photograph*, the project site is in a highly urbanized area of the City and is fully developed. All trees onsite are ornamental trees and are not cultivated for forest resources. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

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

No Impact. See response to Section 5.2.c, above.

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

No Impact. See responses to Sections 5.2.2.a through d, above.

5.2.3 Adopted Mitigation Measures Applicable to the Modified Project

The 2016 Certified EIR determined that no impacts related to agricultural and forest resources would result from the Original Project. Accordingly, no mitigation measures were identified.

5.2.4 Level of Significance After Mitigation

No mitigation measures were identified because all impacts would be less than significant.

5.3 AIR QUALITY

5.3.1 Summary of Impacts Identified in the 2016 Certified EIR

Air Quality Management Plan Consistency

The Original Project was determined to be consistent with the Air Quality Management Plan (AQMP) because it is not considered a regionally significant project by the Southern California Association of Governments (SCAG) and the project would not have the potential to substantially affect SCAG's demographic projections. In addition, the Original Project would not result in an increase in the frequency or severity of existing air quality violations; cause or contribute to new violations; or delay timely attainment of the ambient air-quality standards (AAQS). The 2016 Certified EIR concluded that impacts would be less than significant.

Regional Construction Impacts

The 2016 Certified EIR identified that mass criteria air pollutant emissions of VOC generated during construction of the Original Project would be greater than the applicable South Coast Air Quality Management District's (SCAQMD) mass daily thresholds and would cumulatively contribute to the nonattainment designations of the South Coast Air Basin (SoCAB). However, after implementation of identified mitigation measures (Mitigation Measures 2-1 and 2-2), the 2016 Certified EIR determined that the Original Project would result in a less than significant impact.

Regional Operational Impacts

For long-term operations, the 2016 Certified EIR concluded that regional operational emissions would not exceed SCAQMD's regional significance thresholds and would not cumulatively contribute to the nonattainment designations of the SoCAB. As substantiated in the 2016 Certified EIR, impacts were determined to be less than significant.

Localized Construction Impacts

The 2016 Certified EIR concluded that individual offsite sensitive receptor locations would be exposed to substantial concentrations of PM_{10} emissions during construction. It was determined that the Original Project would result in significant localized impacts on air quality during construction activities. However, after implementation of mitigation measures (Mitigation Measures 2-1 and 2-2), the 2016 Certified EIR determined that the Original Project would result in a less than significant impact.

Localized Operational Impacts

The 2016 Certified EIR demonstrated that there would be no CO exceedances caused by vehicular emissions when idling at intersections; therefore, the 2016 Certified EIR concluded that localized CO "hotspot" impacts of the Original Project would be less than significant.

5.3.2 Impacts Associated with the Modified Project

Modeling Methodology

SCAQMD's most recent air quality analysis model, CalEEMod Version 2016.3.2, was utilized to quantify emissions associated with the Modified Project. Resulting construction and operational phase emissions are compared to the significance thresholds adopted by SCAQMD.

Would the project:

Issues	Substantial Change in Project or Circumstances Resulting in New Significant Effects	New Information Showing Greater Significant Effects than Previous EIR	New Mitigation or Alternative to Reduce Significant Effect is Declined	Minor Technical Changes or Additions	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?				X	
c) Expose sensitive receptors to substantial pollutant concentrations?				X	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?				X	

Comments:

The analysis in this section is based partly on the following technical study, which is included as Appendix A to this Addendum:

- *Air Quality and Greenhouse Gas Emissions Modeling Data,* PlaceWorks, February 2019

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

Minor Technical Changes or Additions. The current air quality plan for the SoCAB region is SCAQMD's 2016 AQMP, which was adopted March 2017 (SCAQMD 2017). Regional growth projections are used by SCAQMD to forecast future emission levels in the SoCAB. For southern California, these regional growth projections are provided by SCAG and are partially based on land use designations included in city/county general plans. Typically, only large, regionally significant projects have the potential to affect the regional growth projections. SCAG determines whether a project is regionally significant per CEQA Guidelines Section 15206(b), which states that the lead agency shall determine that a proposed project is of statewide, regional, or area-wide significance if the project is a residential development of more than 500 dwelling units.

As with the Original Project, the Modified Project (90 independent/assisted living dwelling units and a 27-bed memory care facility) is not considered regionally significant by SCAG, and the project would not have the potential to substantially affect SCAG's demographic projections. Furthermore, operation of the Modified Project would not exceed SCAQMD's regional operation-phase significance thresholds (see 5.3.2.b, below). Consequently, the Modified Project would be consistent with the Newport Beach General Plan and AQMP.

Like the Original Project, impacts of the Modified Project would be less than significant. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Minor Technical Changes or Additions. The SoCAB is designated nonattainment for O and $PM_{2.5}$ under the California and National AAQS, nonattainment for lead (Los Angeles County only) under the National AAQS, and nonattainment for PM_{10} under the California AAQS (CARB 2017c). According to SCAQMD methodology, any project that does not exceed or can be mitigated to less than the daily threshold values would not add significantly to a cumulative impact (SCAQMD 1993). The following describes changes in regional impacts from short-term construction activities and long-term operation of the Modified Project. The emissions shown below would represent a cumulative net change in emissions between the Original Project and the Modified Project.

Regional Construction Impacts

Construction activities associated with the Original Project would result in emissions of volatile organic compounds (VOCs), oxides of nitrogen (NO_x), CO, oxides of sulfur (SO_x), PM_{10}, and $PM_{2.5}$. The 2016 Certified EIR identified that criteria air pollutant emissions generated during construction activities of the Original Project would exceed the SCAQMD regional construction thresholds. Mitigation measures were incorporated into the 2016 Certified EIR to reduce impacts, to the extent feasible.

The Modified Project, which involves the construction and operation of 90 independent/assisted living dwelling units and a 27-bed memory care facility, would be constructed over an approximately 18-month period. Construction air pollutant emissions are based on the preliminary phasing schedule provided by the project applicant and would include building and asphalt demolition and hauling, site preparation, excavation, utility trenching, building construction, grading, architectural coatings, landscaping, and paving. An estimate of maximum daily construction emissions for the Modified Project, including mitigation measures from the 2016 Certified EIR, is provided in Table 3.

5. Environmental Analysis

Table 3 Modified Project Maximum Daily Regional Construction Emissions

Construction Phase	Criteria Air Pollutant Emissions (lbs/day)[1,2,3]					
	VOC	NO_X	CO	SO_2	PM_{10}	$PM_{2.5}$
Building Demolition + Asphalt Demolition + Debris Haul + Site Preparation + Grading Soil Haul + Excavation/Utility Trenching	3	62	45	<1	20	5
Building Construction 2019 + Architectural Coating 2019	1	2	11	<1	1	<1
Building Construction 2020 + Architectural Coating 2020 + Fine Grading + Fine Grading Soil Haul + Paving + Finishing/Landscaping	1	5	24	<1	4	2
Building Construction 2021 + Architectural Coating 2021[4]	1	2	10	<1	1	<1
Maximum Daily Emissions	3	62	45	<1	20	5
SCAQMD Regional Significance Threshold	75	100	550	150	150	55
Exceeds Threshold?	No	No	No	No	No	No

Source: CalEEMod Version 2016.3.2
Notes: Totals may not total to 100 percent due to rounding.
Bold = Exceeds SCAQMD Threshold
1 Construction phasing is based on the preliminary information provided by the Client. 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.
2 Includes implementation of fugitive dust control measures required by SCAQMD under Rule 403, reducing speed limit to 15 miles per hour on unpaved surfaces, replacing ground cover quickly, and street sweeping with Rule 1186-compliant sweepers. Modeling also assumes a VOC of 100 g/L pursuant to SCAQMD Rule 1113.
3 Emissions based on a construction schedule from June 2019 to December 2020, which would result in similar to slightly more conservative peak daily emissions compared to a construction schedule of September 2019 to February 2021.
4 Includes implementation of Mitigation Measure AQ-1, which requires the use of interior paint with a VOC content of 0 grams per liter (g/L).

As shown in the table, the Modified Project would not generate construction emissions that exceed or cumulatively contribute to the SCAQMD's regional construction significance thresholds. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

Regional Operational Impacts

Operational activities associated with the Modified Project would result in emissions of VOCs, NOx, CO, SOx, PM_{10}, and $PM_{2.5}$. The 2016 Certified EIR identified that criteria air pollutant emissions generated by transportation, energy, and area sources associated with Original Project would not exceed the SCAQMD regional operational thresholds for VOC, NOx, CO, and $PM_{2.5}$. Because the number of housing units was reduced (100 residential housing units for the Original Project versus 90 independent/assisted living dwelling units and a 27-bed memory care facility for the Modified Project) and there would be no new sources of emissions from those identified in the 2016 Certified EIR, operation phase emissions associated with the Modified Project were not modeled. As with the Original Project, operation phase emissions associated with the Modified Project would not cumulatively contribute to the nonattainment designations of the SoCAB. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

Conclusion

As demonstrated above, the Modified Project would not exceed SCAQMD's significance thresholds for construction and operation; and would therefore, not cumulatively contribute to the nonattainment designations of the SoCAB. Like the Original Project, impacts of the Modified Project would be less than significant. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from that cited in the 2016 Certified EIR. There are no changes or new significant information that would require preparation of a subsequent EIR.

c) Expose sensitive receptors to substantial pollutant concentrations?

Minor Technical Changes or Additions. The following describes changes in localized impacts from short-term construction activities and long-term operation of the Modified Project.

Localized Construction Impacts

Localized significance thresholds (LSTs) are based on the California AAQS, which are the most stringent AAQS that have been established to provide a margin of safety in the protection of public health and welfare. They are designated to protect those 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 people engaged in strenuous work or exercise. The screening-level construction LSTs are the amount of project-related construction emissions at which localized concentrations could exceed the ambient air quality standards for criteria air pollutants for which the SoCAB is designated nonattainment. Screening-level LSTs are based on the project site size and distance to the nearest sensitive receptor. Receptors proximate to the project site include residential development within 25 meters surrounding the site.

The 2016 Certified EIR identified that with mitigation, localized criteria air pollutant emissions generated during construction activities associated with buildout of the Original Project would not exceed the SCAQMD localized thresholds. The highest localized construction emissions of particulate matter (PM_{10} and $PM_{2.5}$) occur during site preparation and grading activities.

Table 4 shows the maximum daily construction emissions (pounds per day) generated during construction activities of the Modified Project compared with the SCAQMD's screening level LSTs, with some customization of Mitigation Measure AQ-2 of the 2016 Certified EIR for the Modified Project. As shown and described below in Section 5.3.3, Mitigation Measure AQ-2 was renumbered (originally numbered as Mitigation Measure 2-2 in the 2016 Certified EIR) and customized to assure that criteria pollutant significance thresholds are not exceeded. Based on the modeling, daily thresholds could be exceeded if both buildings are demolished simultaneously or the number of specified haul trips is exceeded. As restricted, as shown in the table, localized construction emissions associated with the Modified Project would not exceed SCAQMD's screening-level LSTs. Therefore, the Modified Project would not result in any new impacts or increase the severity of localized construction impacts compared to the Original Project. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact

remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

Table 4 Construction Emissions Compared to SCAQMD's Screening-Level LSTs

Source	Pollutants (lb/day)[1,2,3]			
	NO_x	CO	PM_{10}	$PM_{2.5}$
Building Demolition + OCMA Debris Hall[4]	4	21	5	1
1.50-Acre LST	112	804	5	4
Exceeds 1.50-Acre LST?	No	No	No	No
Building Demolition + Admin Office Debris Hall + Asphalt Debris Haul + Site Preparation + Rough Grading Soil Haul + Excavation/Utility Trenching	9	31	6	2
2.91-Acre LST	151	1,189	9	6
Exceeds 2.91-Acre LST?	No	No	No	No
2019 Building Construction + 2019 Architectural Coating	1	13	<1	<1
1.00-Acre LST	92	647	4	3
Exceeds 1.00-Acre LST?	No	No	No	No
2020 Building Construction + 2020 Architectural Coating + Fine Grading + Fine Grading Soil Haul + Paving + Finishing/Landscaping	3	20	3	1
1.00-Acre LST	92	647	4	3
Exceeds 1.3-Acre LST?	No	No	No	No
2021 Building Construction + 2021 Architectural Coating	<1	7	<1	<1
1.00-Acre LST	92	647	4	3
Exceeds 1.3-Acre LST?	No	No	No	No

Source: CalEEMod Version 2016.3.12, SCAQMD 2011, and SCAQMD 2008.

Notes: LSTs are based on potential future sensitive receptors within 82 feet (25 meters). In accordance with SCAQMD methodology, only on-site stationary sources and mobile equipment occurring on the Project Site are included in the analysis.

1 Construction phasing is based on the preliminary information provided by the District. 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.

2 Includes implementation of fugitive dust control measures required by SCAQMD under Rule 403, reducing speed limit to 15 miles per hour on unpaved surfaces, replacing ground cover quickly, and street sweeping with Rule 1186-compliant sweepers. Modeling also assumes a VOC of 100 g/L per SCAQMD Rule 1113.

3 Emissions based on a construction schedule from June 2019 to December 2020, which would result in similar to slightly more conservative peak daily emissions compared to a construction schedule of September 2019 to February 2021.

4 Includes implementation of Mitigation Measure AQ-2, which requires a reduction in demolition debris truck haul trips by increasing the number of hauling days to 4 days and limiting the daily number of truckloads to 64 trucks (256 truck haul trips).

Localized Operational Impacts

Operation LSTs

Land uses that have the potential to generate substantial stationary sources of emissions that would require a permit from SCAQMD include industrial land uses, such as chemical processing, and warehousing operations where substantial truck idling could occur onsite. As with the Original Project, the Modified Project does not fall within these categories of uses. While operation of the Modified Project would result in the use of standard onsite mechanical equipment such as heating, ventilation, and air conditioning units in addition to occasional use of landscaping equipment for project site maintenance, air pollutant emissions generated from these activities would be nominal. Thus, localized air quality impacts related to stationary-source emissions would not be significant.

Therefore, the Modified Project would not result in any new impacts or increase the severity of localized operation-phase impacts. Like the Original Project, impacts of the Modified Project would be less than significant. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

CO Hotspot

The 2016 Certified EIR identified less than significant impacts to CO hotspots. At the time of the 1993 SCAQMD Handbook, the SoCAB was designated nonattainment under the California AAQS and National AAQS for CO. With the turnover of older vehicles, introduction of cleaner fuels, and implementation of control technology on industrial facilities, CO concentrations in the SoCAB and in the state have steadily declined. In 2007, SCAQMD was designated in attainment for CO under both the California AAQS and National AAQS.[1] Under existing and future vehicle emission rates, a project would have to increase traffic volumes at a single intersection by more than 44,000 vehicles per hour—or 24,000 vehicles per hour where vertical and/or horizontal air does not mix—in order to generate a significant CO impact (BAAQMD 2017). The Modified Project would result in a total of 203 daily peak hour trips, which is 107 less trips than the Original Project. As with the Original Project, the peak hour trips associated with the Modified Project would be substantially below the volume of trips necessary to generate a CO hotspot.

Therefore, localized air quality impacts related to the Modified Project's mobile-source emissions would be less than significant. Like the Original Project, impacts of the Modified Project would be less than significant. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Minor Technical Changes or Additions. The 2016 Certified EIR identified that the construction and operational activities of the Original Project would not create objectionable odors that would affect a substantial number of people. The Modified Project of a senior housing center would result in residential use. The type of facilities that are considered to have objectionable odors include wastewater treatment plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities. Odors generated by a senior housing and memory care (e.g., solid and medical waste) are not expected to be significant or highly objectionable and would be required to be in compliance with SCAQMD Rule 402. Likewise, existing facilities are required to be in compliance with SCAQMD Rule 402 to prevent nuisances on sensitive land uses. The proposed trash area would be located adjacent to an existing commercial parking structure at the northwest portion of the project site.

[1] As identified in SCAQMD's 2003 AQMP and the 1992 Federal Attainment Plan for Carbon Monoxide, peak carbon monoxide concentrations in the SoCAB were the result of unusual meteorological and topographical conditions and not of congestion at a particular intersection.

As with the Original Project, impacts related to objectionable odors of the Modified Project would be less than significant. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

5.3.3 Adopted Mitigation Measures Applicable to the Modified Project

The following mitigation measures have been carried through from the 2016 Certified EIR and apply to and will be implemented for the Modified Project. Where necessary, mitigation measures have been renumbered, modified, refined, and/or supplemented to ensure mitigation is implemented as intended for the Modified Project. Modifications to the mitigation measures are identified in ~~strikeout~~ text to indicate deletions and **underline bold** text to signify additions.

~~2-1~~**AQ-1** During construction, the construction contractor(s) shall require the use of interior paint with 0 grams per liter (g/L) of volatile organic compounds (VOC) (i.e., zero VOC paint). Paints that emit less than the low-VOC limits of South Coast Air Quality Management District (SCAQMD) Rule 1113 are known as "super-compliant paints." A list of super-compliant VOC coating manufacturers is available at SCAQMD's website (http://www.aqmd.gov/prdas/brochures/paintguide.html). Use of super-compliant interior paints shall be noted on building plans.

~~2-2~~**AQ-2** The construction contractor(s) shall limit the daily amount of debris haul trips associated with the project's **Orange County Museum of Art (OCMA)** building demolition phase~~s~~ to a maximum of **32**~~17~~ truckloads per day (**64**~~34~~ truck trips per day) **Additionally, except for the building demolition activity, no other construction activities (onsite building debris reprocessing, administrative office building demolition, grading, building construction, etc.) shall commence until completion of the OCMA building debris hauling.** These requirements shall be noted on all construction management plans and truck trips and mileage shall be documented.

5.3.4 Level of Significance After Mitigation

As with the Original Project, impacts of the Modified Project would be less than significant with implementation of the mitigation measures identified above.

5.4 BIOLOGICAL RESOURCES

5.4.1 Summary of Impacts Identified in the 2016 Certified EIR

Biological resources were not addressed in the 2016 Certified EIR because the City concluded during the scoping process—specifically, in the 2016 Initial Study prepared for the Original Project and dated February 2016 (2016 Initial Study in Appendix A to the 2016 Certified EIR)—that the Original Project would have no impact on biological resources. However, since the 2016 Initial Study is a part of the 2016 Certified EIR, the

environmental determinations in the 2016 Initial Study are referenced as determinations made in the 2016 Certified EIR.

Sensitive Species and Habitats

The 2016 Initial Study discussed the lack of natural and biological resources on and in the vicinity of the project site. It stated that the project site is fully developed and in a highly urbanized area of the City. The 2016 Initial Study concluded that the Original Project would not result in any impacts to candidate, sensitive, or special status species; to riparian habitat or other sensitive natural communities; protected wetlands; or wildlife migration corridors and nursery sites.

Local Regulations

The 2016 Initial Study concluded that the Original Project would have no impact related to local policies or ordinances protecting biological resources.

Adopted Conservation Plans

The 2016 Initial Study found that the Original Project would have no impact on adopted conservation plans.

5.4.2 Impacts Associated with the Modified Project

Would the project:

Issues	Substantial Change in Project or Circumstances Resulting in New Significant Effects	New Information Showing Greater Significant Effects than Previous EIR	New Mitigation or Alternative to Reduce Significant Effect is Declined	Minor Technical Changes or Additions	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?					X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?					X
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?					X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?					X

5. Environmental Analysis

Issues	Substantial Change in Project or Circumstances Resulting in New Significant Effects	New Information Showing Greater Significant Effects than Previous EIR	New Mitigation or Alternative to Reduce Significant Effect is Declined	Minor Technical Changes or Additions	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?					X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?					X

Comments:

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

No Impact. The conditions of the project site and its surroundings, as identified in the 2016 Initial Study (Appendix A of the 2016 Certified EIR) remain unchanged. The project site is developed and in a highly urbanized area of the City, and there are no sensitive habitats or species on the site or in its vicinity. The Modified Project would not involve habitat modifications to any candidate, sensitive, or special-status species, and like the Original Project, no impacts would occur. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

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

No Impact. As identified in the 2016 Initial Study, no riparian habitat or other sensitive natural communities occur on or in the vicinity of the project site. As with the Original Project, the Modified Project would not result in a substantial adverse effect on any riparian habitat or other sensitive natural community. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

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

No Impact. As identified in the 2016 Initial Study, no wetlands occur on or in the vicinity of the project site. As with the Original Project, the Modified Project would not result in a substantial adverse effect on state or federally protected wetlands. Accordingly, no new significant impacts or impacts of greater severity than those

previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

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

No Impact. As identified in the 2016 Initial Study, the project site and surrounding vicinity do not include any undeveloped areas that may currently be used as wildlife corridors or nursery sites for native and migratory wildlife. No habitat fragmentation would occur because there would be no disturbances of undeveloped areas under the Modified Project. As with the Original Project, the Modified Project would not result in any impacts to wildlife corridors or native wildlife nursery sites. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from in the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

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

No Impact. The 2016 Initial Study concluded that the Original Project would have no impact related to local policies or ordinances protecting biological resources. Implementation of the Modified Project would also not conflict with these types of policies or ordinances, and no impact would occur. For example, Council Policy G-1 (Retention or Removal of City Trees) and Chapter 7.26 (Protection of Natural Habitat for Migratory and Other Waterfowl) of the City's municipal code protect trees on City-owned property and ensure local biological resources are preserved. As with the Original Project, the Modified Project includes removal of all ornamental trees onsite (approximately 43 trees). Although all existing trees would be removed, the Modified Project would provide a greater number of trees (approximately 92 new trees) than currently exist. The mix of 24-, 36-, and 48-inch box trees would include but not be limited to oak, olive, magnolia, and maple trees. Also, approximately seven street trees would also be provided along San Clemente Drive. Only one City-owned street tree along San Clemente Drive may be removed during project development, which would require City approval and compliance with the Council Policy G-1.

Like the Original Project, no impacts would occur under the Modified Project. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

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

No Impact. As stated in the 2016 Initial Study, the project site is not in the plan area of an adopted habitat conservation plan or natural community conservation plan. As with the Original Project, no impact to any such plans would occur from implementation of the Modified Project. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level

of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

5.4.3 Adopted Mitigation Measures Applicable to the Modified Project

The 2016 Certified EIR determined that no significant impacts related to biological resources would result from the Original Project. Accordingly, no mitigation measures were identified.

5.4.4 Level of Significance After Mitigation

No mitigation measures were identified because all impacts would be less than significant.

5.5 CULTURAL RESOURCES

5.5.1 Summary of Impacts Identified in the 2016 Certified EIR

Note that potential impacts to paleontological resources addressed in the cultural resources section under the original project are now included under Geology and Soils (see Section 5.7).

Historic Resources

Impacts of the Original Project on historical resources were not addressed in the 2016 Certified EIR because the City concluded during the scoping process—specifically, in the 2016 Initial Study dated February 2016 (2016 Initial Study in Appendix A to the 2016 Certified EIR)—that impacts to historical resources as a result of development of the Original Project would be less than significant. However, since the 2016 Initial Study is a part of the 2016 Certified EIR, the environmental determinations identified in the 2016 Initial Study are referenced as determinations made in the 2016 Certified EIR.

Archeological Resources

As stated in the 2016 Certified EIR, due to the highly developed nature of the project site and its surroundings, it is unlikely that archeological resources would be discovered onsite or impacted. However, while unlikely, the presence of subsurface archaeological and/or resources onsite remains possible and could be affected by ground-disturbing activities associated with Original Project's grading and construction activities, which include excavation of at least 20 to 25 feet for the proposed subgrade parking garage. However, with implementation of Mitigation Measures 3-1 and 3-3, the 2016 Certified EIR found that impacts to archeological resources would be reduced to less than significant.

Human Remains

As concluded in the 2016 Initial Study, compliance with existing law regarding the discovery of human remains—specifically, California Health and Safety Code Section 7050.5 and Section 5097.98 of the California Public Resources Code—development of the Original Project would have less than significant impacts on human remains.

5.5.2 Impacts Associated with the Modified Project

Would the project:

Issues	Substantial Change in Project or Circumstances Resulting in New Significant Effects	New Information Showing Greater Significant Effects than Previous EIR	New Mitigation or Alternative to Reduce Significant Effect is Declined	Minor Technical Changes or Additions	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?				X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?				X	
c) Disturb any human remains, including those interred outside of dedicated cemeteries?					X

Comments:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

Minor Technical Changes or Additions. The 2016 Initial Study discussed the lack of historic resources on the project site. It stated that the City's General Plan Historical Resources Element identifies 16 properties in Newport Beach as historic resources, none of which include the project site. Additionally, the 2006 General Plan EIR lists 11 properties in the City that have been listed or designated eligible for listing on the National Register of Historic Places or California Register for Historic Places or are otherwise listed as historic or potentially historic in the California Historic Resources Information System. These sites are mapped on Figure 4-4-1, Historic Resources, of the 2006 General Plan Update EIR, and do not include the project site. The project buildings are also not listed in the City's Historic Resource Inventory. The existing buildings, which were constructed in 1976 and 1977, do not satisfy any of the criteria for consideration as historically significant. These facts remain unchanged, and no impacts would occur under the Modified Project. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

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

Minor Technical Changes or Additions. As was the case with the Original Project, due to the highly developed nature of the project site and its surroundings, it is unlikely that archeological resources would be discovered onsite or impacted as a result of development of the Modified Project. Additionally, the project site is developed and in a highly urbanized area of the City (see Figure 3, *Aerial Photograph*). The project site and

immediate surroundings are not recognized as an area having the potential for subsurface archeological resources.

However, the presence of subsurface archaeological resources onsite remains possible and could be affected by ground-disturbing activities associated with Modified Project's grading and construction activities, which include excavation of at least 12 to 15 feet for the proposed basement. Therefore, potential impacts to archeological resources could occur as a result of project-related construction activities.

However, as with the Original Project, development of the Modified Project would be required to adhere to the requirements of the Mitigation Measures CUL-1 and CUL-2 of the 2016 Certified EIR, which is reproduced below in Section 5.7.3. As shown in this section, the mitigation measures were renumbered (originally numbered as Mitigation Measures 3-1 and 3-3 in the 2016 Certified EIR) to ensure the mitigation is implemented as intended for the Modified Project. Mitigation Measure CUL-2 was revised based on AB-52 consultation with the Gabrieleno Band of Mission Indians-Kizh Nation. Based on the consultation, the City agreed to specify that a Native American monitor will be retained to observe ground disturbance activities. Evidence to substantiate that the monitor has been retained shall be provided prior to the issuance of any grading permit. With implementation of the mitigation measures, impacts to archeological resource would remain less than significant.

Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

c) Disturb any human remains, including those interred outside of dedicated cemeteries?

No Impact. As with the Original Project, the likelihood that human remains may be discovered during site clearing and grading of the Modified Project is considered extremely low. As shown in Figure 3, *Aerial Photograph*, the project site is developed and in a highly urbanized area of the City. Additionally, no cemeteries are on or in proximity of the project site.

In the unlikely event that human remains are uncovered during ground-disturbing activities of the Modified Project, project development would be required to comply with California Health and Safety Code Section 7050.5, which requires that disturbance of the site shall remain halted until the Orange County Coroner has conducted an investigation into the circumstances, manner, and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation or to his or her authorized representative, in the manner provided in Section 5097.98 of the California Public Resources Code.

As with the Original Project, impacts on human remains as a result of development of the Modified Project would be less than significant. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

5.5.3 Adopted Mitigation Measures Applicable to the Modified Project

The following mitigation measures have been carried through from the 2016 Certified EIR and apply to and will be implemented for the Modified Project. Where necessary, mitigation measures have been renumbered, modified, refined, and/or supplemented to ensure mitigation is implemented as intended for the Modified Project. Modifications to the mitigation measures are identified in ~~strikeout~~ text to indicate deletions and **underline bold** text to signify additions.

Note that Mitigation Measure GEO-5 was formerly Mitigation Measure 3-2 in the EIR for the Original Project. The updated CEQA Guidelines have moved Paleontological impacts to the Geology and Soils section. This measure has not been modified.

~~3-1~~**CUL-1** Prior to the issuance of grading permits, the project applicant shall demonstrate to the Community Development Department that an Orange County–certified professional archaeologist has been retained to monitor any potential impacts to archaeological resources throughout the duration of any ground-disturbing activities at the project site. The qualified archeologist shall be present at the pregrade meeting to discuss the monitoring, collection, and safety procedures of cultural resources, if any are found.

If subsurface cultural resources are discovered during ground-disturbing activities, the construction contractor shall ensure that all work stops within 25 feet of the find until the qualified archeologist can assess the significance of the find and, if necessary, develop appropriate treatment or disposition of the resources in consultation with the City of Newport Beach and a representative of the affected Native American tribe (Gabrieleño or Juaneño). The archeological monitor shall have the authority to halt any project-related activities that may adversely impact potentially significant archaeological resources. Suspension of ground disturbances in the vicinity of the discoveries shall not be lifted until an archeological monitor has evaluated the discoveries to assess whether they are classified as significant cultural resources, pursuant to the California Environmental Quality Act and, if determined to be significant, to develop an appropriate treatment or disposition plan. As required by General Plan Policy HR 2.4, any scientifically valuable materials will be donated to a responsible public or private institution with a suitable repository, located within Newport Beach or Orange County, whenever possible.

~~3-3~~**CUL-2** **Prior to issuance of any grading permit, the Applicant shall provide satisfactory evidence that a Native American monitor (i.e., Gabrieleño Band of Mission Indians-Kizh Nation), has been retained to observe ground disturbance activities during grading and excavation. In the event that tribal cultural resources are discovered, the Native American monitor shall be included in the consultation on the recommended next steps**. ~~During construction activities, the project applicant shall allow representatives of cultural organizations, including Native American tribes (i.e. Gabrieleño Band of Mission Indians), to access the project site on a volunteer basis to monitor grading and excavation activities.~~

5.5.4 Level of Significance After Mitigation

As with the Original Project, impacts of the Modified Project would be less than significant with implementation of the mitigation measures identified above.

5.6 ENERGY

5.6.1 Summary of Impacts Identified in the 2016 Certified EIR

Impacts related to energy were not analyzed in the 2016 Certified EIR as the requirement to analyze energy in environmental documents did not become effective until the recent amendments and updates to the state guidelines for implementing CEQA, which were approved by the Office of Administrative Law on December 28, 2018, and became effective January 1, 2019. The updated CEQA Guidelines, which include changes to the CEQA checklist questions, became effective after the certification date (February 2017) of the 2016 Certified EIR by the Newport Beach City Council. Therefore, the analysis of energy impacts is new in this Addendum.

However, the 2016 Certified EIR did include an analysis of the Original Project's impacts on other public services or utilities, which included electricity and natural gas. Specifically, the analysis was in Section 5.14, *Utilities and Service Systems*, of the 2016 Certified EIR. As concluded in the 2016 Certified EIR, impacts to electricity and natural gas services as a result of development of the Original Project were found to be less than significant. The electricity and natural gas analysis in Section 5.14 did not specifically respond to the updated CEQA guidelines questions in the new energy section, which are provided below; however, the analysis (as applicable) is carried through to this new energy section for context, discussion, and comparison purposes.

5.6.2 Impacts Associated with the Modified Project

Would the project:

Issues	Substantial Change in Project or Circumstances Resulting in New Significant Effects	New Information Showing Greater Significant Effects than Previous EIR	New Mitigation or Alternative to Reduce Significant Effect is Declined	Minor Technical Changes or Additions	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?				X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				X	

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Minor Technical Changes or Additions. Following is a comparison of energy-related impacts associated with the Modified Project and Original Project.

Construction

As with the Original Project, construction of the Modified Project would consume energy, in the short-term, through electricity use, construction vehicles and equipment fuel consumption, and bound energy in construction materials (e.g., asphalt, steel, concrete, pipes, lumber, glass).

Electricity

Construction would require the use of equipment for grading, hauling, and building activities. Electricity use during construction would vary during different phases of construction—most of the construction equipment during grading would be gas powered or diesel powered, and the later construction phases would require electricity-powered equipment for interior construction and architectural coatings. The use of electricity would be temporary and would fluctuate according to the phase of construction. Neither the Original Project nor Modified Project would result in wasteful or unnecessary electricity demands. Therefore, the Modified Project would not result in a significant impact related to electricity use during the construction phase.

Transportation

Transportation energy use depends on the type and number of trips, vehicle miles traveled, fuel efficiency of vehicles, and travel mode. Transportation energy use during construction would come from the transport and use of construction equipment (off-road), delivery and haul trucks (on-road), and construction employee passenger vehicles (on-road). The majority of construction equipment during grading would be diesel-powered.

Construction contractors are required to minimize idling of construction equipment during construction, per California Code of Regulations Section 2485. This code requires that nonessential idling for all diesel-fueled commercial motor vehicles must not exceed five consecutive minutes at any location. Such practices would limit wasteful and unnecessary energy consumption. Furthermore, the use of fuel by on-road and off-road vehicles would be temporary and would fluctuate according to the phase of construction. Construction fuel use for the Modified Project would cease upon completion of project construction. No unusual project characteristics would necessitate the use of construction equipment that would be less energy efficient than for the Original Project. Therefore, it is expected that construction fuel consumption associated with the Modified Project would not be any more inefficient, wasteful, or unnecessary than the Original Project.

Construction Materials

Construction building materials may include recycled materials and products originating from nearby sources in order to reduce the costs of transportation. With increasing transportation costs and fuel prices, contractors and owners have a strong financial incentive to avoid wasteful, inefficient, and unnecessary consumption of energy during construction. The type of construction for the Modified Project is conventional and would be similar to the Original Project. Substantial reductions in energy inputs for construction materials can be achieved by building with recycled materials, which require much less energy to produce.

The Newport Beach Municipal Code, Chapter 15.11 adopts the 2016 California Green Building Standards Code (CALGreen) standards by reference. Section 5.408, Construction Waste Reduction, Disposal, and Recycling, of CALGreen (Title 24, California Code of Regulations, Part 11) requires that at least 50 percent of the

nonhazardous construction and demolition waste from nonresidential construction operations be recycled and/or salvaged for reuse. The incremental increase in the use of energy bound in construction materials such as asphalt, steel, concrete, pipes, and manufactured or processed materials (e.g., lumber and gas) would not substantially increase demand for energy compared to overall local and regional demand for construction materials. It is reasonable to assume that production of building materials such as concrete, steel, etc., would employ reasonable energy conservation practices in the interest of minimizing the cost of doing business.

Therefore, it is expected that energy consumption associated with construction materials for the Modified Project would not be any more inefficient, wasteful, or unnecessary than the Original Project.

Operation

Building Energy Use

Operation of the Modified Project would create a decrease in the demand for building electricity and natural gas since the Modified Project includes the development of 90 independent/assisted living dwelling units and a 27-bed memory care facility, while the Original Project consisted of 100 residential dwelling units. As indicated in the 2016 Certified EIR, both the Southern California Edison (SCE) and Southern California Gas Company (SoCal Gas) have sufficient capacity to service the Original Project and, therefore, have enough capacity to service the Modified Project as well.

Furthermore, the 2019 Building Energy Efficiency Standards, adopted on May 9, 2018, go into effect for new construction starting January 1, 2020. The 2019 standards focus on four key areas: 1) smart residential photovoltaic systems; 2) updated thermal envelope standards (preventing heat transfer from the interior to exterior and vice versa); 3) residential and nonresidential ventilation requirements; 4) and nonresidential lighting requirements (CEC 2018). Under the 2019 standards, nonresidential buildings will be 30 percent more energy efficient compared to the 2016 standards (CEC 2018). The Modified Project would be in compliance with 2019 Energy Efficiency Standards as well as the 2019 CALGreen standards (California Code of Regulations, Title 24, Part 11). All appliances would comply with the 2012 Appliance Efficiency Regulations. The Modified Project would be consistent with the requirements of these energy-related regulations and would not result in wasteful or unnecessary electricity demands.

Therefore, the Modified Project, similar to the Original Project, would not result in a significant impact related to electricity during the operational phase.

Transportation

Fuel consumption in passenger vehicles and trucks is regulated by federal and state laws regarding average corporate fuel economy of vehicles. As vehicles turn over, the overall fuel economy of California's vehicle fleets is improved. Additionally, one of the primary goals of the California Air Resources Board's (CARB) 2017 Scoping Plan is to provide clean transportation options for California residents. California is home to nearly half of the country's zero-emission vehicles. Alternative fuel producers and oil companies are bringing more low carbon fuels to market than required by the Low Carbon Fuel Standard. And the state has invested in zero-emission vehicles and infrastructure, land use planning, and active transportation options such as walking and biking (CARB 2017a). In January 2012, CARB approved the Advanced Clean Cars program for model years

2017 through 2025. The program combines the control of smog, soot, and global warming gases with requirements for greater numbers of zero-emission vehicles into a single package of standards. Under California's Advanced Clean Car program, by 2025 new automobiles will emit 34 percent less global warming gases and 75 percent less smog-forming emissions (CARB 2011).

The Modified Project would be consistent with the requirements of these energy-related regulations and would not result in wasteful or unnecessary fuel demands. The Modified Project would also generate less operational trips than the Original Project. Therefore, the Modified Project would not result in a significant impact related to transportation energy during the operational phase.

Conclusion

As substantiated above, the Modified Project, as with the original Project, would not result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation. Impacts would be less than significant, and no mitigation measures are necessary. Therefore, there are no changes or new significant information that would require preparation of an EIR.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Minor Technical Changes or Additions. The California Renewables Portfolio Standard (RPS) was established in 2002 under SB 1078 and was amended in 2006 and 2011. The RPS program requires investor-owned utilities, electric service providers, and community choice aggregators to increase the use of eligible renewable energy resources to 33 percent of total procurement by 2020. Renewable energy sources include wind, small hydropower, solar, geothermal, biomass, and biogas. Executive Order S-14-08, signed in November 2008, expanded the state's RPS to 33 percent renewable power by 2020. This standard was adopted by the legislature in 2011 (SB X1-2). Senate Bill 350 (de Leon) was signed into law September 2015 and established tiered increases to renewable energy resources of 40 percent by 2024, 45 percent by 2027, and 50 percent by 2030. Senate Bill 350 also set a new goal to double the energy-efficiency savings in electricity and natural gas through energy efficiency and conservation measures. On September 10, 2018, Governor Brown signed Senate Bill 100, which raises California's RPS requirements to 60 percent by 2030, with interim targets, and 100 percent by 2045. The bill also establishes a state policy that eligible renewable energy resources and zero-carbon resources supply 100 percent of all retail sales of electricity to California end-use customers and 100 percent of electricity procured to serve all state agencies by December 31, 2045. Under SB 100 the state cannot increase carbon emissions elsewhere in the western grid or allow resource shuffling to achieve the 100 percent carbon-free electricity target.

The project site is currently being serviced by SCE, which obtains electricity from conventional and renewable sources. In 2017, 34 percent of SCE's electricity was generated from natural gas; 4 percent from coal; 9 percent from nuclear power; 29 percent from renewable energy sources; 15 percent from large hydroelectric generators; and 9 percent from unspecified sources (SCE 2018). SCE is scheduled to reach California's 2020 renewable energy as mandated. The net increase in power demand associated with the Modified Project, similar to the Original Project, is anticipated to be within the service capabilities of SCE and would not impede SCE's ability to implement California's renewable energy goals. Therefore, the Modified Project would not obstruct a state

or local plan for renewable energy. Additionally, and with reference to Section 5.6.2.a, above, the Modified Project would not obstruct a state or local plan for energy efficiency.

Therefore, impacts would be less than significant and no mitigation measures are necessary. There are no changes or new significant information that would require preparation of an EIR.

5.6.3 Adopted Mitigation Measures Applicable to the Modified Project

The energy section is new in this Addendum; therefore, no mitigation measures would have been identified in the 2016 Certified EIR.

5.6.4 Level of Significance After Mitigation

No mitigation measures were identified because all impacts would be less than significant.

5.7 GEOLOGY AND SOILS

5.7.1 Summary of Impacts Identified in the 2016 Certified EIR

Known Earthquake Fault

Impacts of the Original Project related to a rupture of a known earthquake fault were not addressed in the 2016 Certified EIR. In the Initial Study for the Original Project (Appendix A of the 2016 Certified EIR), impacts related known earthquake faults were deemed less than significant. Since the 2016 Initial Study is a part of the 2016 Certified EIR, the environmental determinations in the 2016 Initial Study are referenced as determinations made in the 2016 Certified EIR.

Ground Shaking and Seismic Ground Failure

As stated in the 2016 Certified EIR, the Original Project would not exacerbate ground shaking onsite, and the design and construction of the building would comply with seismic design parameters in the geotechnical report and 2013 CBC, which would minimize potential for building collapse and general building damage. Therefore, the 2016 Certified EIR found that development of the Original Project would not expose people or structures to potential substantial adverse effects from ground shaking or seismic ground failure. Impacts would be less than significant.

Soil Erosion

As stated in the 2016 Certified EIR, site grading and project construction activities would disturb and expose large amounts of soil and could thus accelerate erosion if effective soil erosion measures were not used. However, the Original Project would include preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) that would specify best management practices (BMPs) for reducing or eliminating soil erosion from the site during project construction. The Original Project also included preparation of a preliminary Water Quality Management Plan (WQMP) that specified BMPs to minimize runoff impacts, including soil erosion and loss of topsoil during operation. The 2016 Certified EIR found that implementation

of the BMPs specified in the SWPPP and WQMP would reduce construction impacts on erosion to less than significant.

Landslide, Lateral Spreading, Subsidence, Liquefaction, or Collapse

As stated in the 2016 Certified EIR, the project site is not identified in an area of the City that is subject to landslides or liquefaction. The project site and surrounding areas are generally flat or gently sloping and would not cause on- or offsite landslide hazards. The site is not above a groundwater basin, and the site soils are considered dense to very dense, so potential for liquefaction and lateral spreading is less than significant. Since the project site is not over a groundwater basin, and significant groundwater pumping would not occur, ground subsidence is not considered a significant hazard. The site is not susceptible to collapse because of low density soils and/or organic materials. The 2016 Certified EIR found that development of the Original Project would not exacerbate any existing geologic hazards associated with landslides, liquefaction, lateral spreading, subsidence, or collapse, and the impacts would be less than significant.

Expansive Soils

As stated in the 2016 Certified EIR, although the Monterey Formation claystone under the site is expansive, the Original Project tower would be supported on mat foundations and a core extending several feet into bedrock. The weight of mat foundation and high-rise structure would provide sufficient pressure on the expansive soil to prevent soil expansion. Mitigation measures were included to ensure the mat foundations were properly installed. The 2016 Certified EIR found that, upon compliance with the CBC and applicable mitigation measures, project development would not exacerbate existing hazards from expansive soils, and impacts would be less than significant.

Septic Tanks

Impacts of the Original Project to soils related to use of septic tanks or alternative wastewater disposal systems were addressed in the 2016 Initial Study. Since the Original Project would not involve the installation or use of septic tanks or other alternative wastewater disposal systems, no impact would occur.

Paleontological Resources

As stated in the 2016 Certified EIR (in the cultural resources section), due to the highly developed nature of the project site and its surroundings, it is unlikely that paleontological resources would be discovered onsite or impacted. However, while unlikely, the presence of subsurface paleontological resources onsite remains possible and could be affected by ground-disturbing activities associated with Original Project's grading and construction activities, which include excavation of at least 20 to 25 feet for the proposed subgrade parking garage. However, with implementation of mitigation measures, the 2016 Certified EIR found that impacts to paleontological resources would be reduced to less than significant.

5.7.2 Impacts Associated with the Modified Project

Would the project:

5. Environmental Analysis

Issues	Substantial Change in Project or Circumstances Resulting in New Significant Effects	New Information Showing Greater Significant Effects than Previous EIR	New Mitigation or Alternative to Reduce Significant Effect is Declined	Minor Technical Changes or Additions	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X	
ii) Strong seismic ground shaking?				X	
iii) Seismic-related ground failure, including liquefaction?				X	
iv) Landslides?				X	
b) Result in substantial soil erosion or the loss of topsoil?				X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?				X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?					X
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X	

Comments:

The analysis of the Modified Project in this section is based partly on the following technical studies, which are included as Appendices B and D, respectively, to this Addendum:

- *Geotechnical Investigation,* GPI Geotechnical Professionals, Inc., November 13, 2018
- *Preliminary Water Quality Management Plan,* Tait and Associates, May 8, 2019

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other

substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

Minor Technical Changes or Additions. As analyzed in the 2016 Initial Study (Appendix A of the 2016 Certified EIR) and confirmed by the Geotechnical Investigation report prepared for the Modified Project (see Appendix B), the project site is not in an Alquist Priolo Earthquake Fault Zone, and no known faults traverse the project site. Therefore, fault rupture at the project site is not expected and no impact would occur. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

ii) Strong seismic ground shaking?

Minor Technical Changes or Additions. Per the Geotechnical Investigation report prepared for the Modified Project (see Appendix B) and consistent with the analysis provided for the Original Project in the 2016 Certified EIR, the site is in a seismically active area of Southern California and will likely be subject to strong ground motions due to earthquakes on nearby faults during the life of the project. However, no active or potentially active faults traverse the project site. The most significant fault in the proximity of the site is the Newport-Inglewood Fault, about 2.9 miles southwest from the site.

The state regulates development in California through a variety of tools that reduce hazards from earthquakes and other geologic hazards. The California Building Code (CBC) contains specific design standards to ensure earthquake safety based on factors including occupancy type, nature of underlying soil, and potential for ground shaking (California Code of Regulations, Title 24, Part 2). As with the Original Project, development of the Modified Project would be required to adhere to the provisions of the CBC, which are imposed by the City during the building plan check and development review process. Compliance with the requirements of the CBC for structural safety during a seismic event would reduce hazards from strong seismic ground shaking.

Furthermore, incorporation of the recommendations in the Geotechnical Investigation report for the Modified Project (see Appendix B) would also reduce hazards from strong seismic ground shaking.

Therefore, implementation of the design parameters in the Geotechnical Investigation report and compliance with the provisions of the CBC would reduce impacts resulting from strong seismic ground shaking to less than significant levels. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

iii) Seismic-related ground failure, including liquefaction?

Minor Technical Changes or Additions. Per the Geotechnical Investigation report prepared for the Modified Project (see Appendix B) and consistent with the analysis in the 2016 Certified EIR, the project site is not in an area with potential for soil liquefaction as defined by the Seismic Hazards Mapping Act and

shown in the Newport Beach Quadrangle (CGS 1998) and on Figure S2, Seismic Hazards, of the City's General Plan. Typically, liquefaction occurs in areas with loose to medium dense sands and silts. The project site does not have shallow groundwater and has near-surface bedrock materials that are considered nonliquefiable. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

iv) Landslides?

Minor Technical Changes or Additions. Per the Geotechnical Investigation report in Appendix B, and consistent with the analysis provided in the 2016 Certified EIR, the project site is predominantly flat, and no slopes near the site could cause earthquake-induced landslides. The site is generally level and no postconstruction slopes are planned. Therefore, slope stability is not considered a hazard at the site. This is also consistent with the California Seismic Hazard Zone Map for Newport Beach and Figure S2, Seismic Hazards, from the City's General Plan, which shows that the site is not in an area of seismic-induced landslide hazards. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

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

Minor Technical Changes or Additions.

Project Construction

Site grading and construction activities for the Modified Project would disturb and expose large amounts of soil and could accelerate erosion if effective soil erosion measures are not used. Construction projects of one acre or more are regulated under the Statewide General Construction Permit, Order No. 2012-0006-DWQ, issued by the State Water Resources Control Board. Projects obtain coverage by developing and implementing a SWPPP estimating sediment risk from construction activities to receiving waters, and specifying BMPs that would be used by the project to minimize pollution of stormwater.

The 2016 Certified EIR found that implementation of BMPs would reduce the Original Project's construction impacts on stormwater quality to less than significant. The Modified Project would also develop and implement a SWPPP, reducing any impacts on stormwater to less than significant levels. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

Project Operation

The project site is in an urbanized area of the City and is relatively flat. No major slopes or bluffs are on or adjacent to the site. After project completion, the project site would be developed with senior residential units, a memory care facility, surface parking, pedestrian paths, new residential streets, and landscape improvements

that would not contain exposed or bare soil. As with the Original Project, upon completion of the Modified Project, the potential for soil erosion or the loss of topsoil would be expected to be extremely low.

Additionally, a WQMP was prepared for the Modified Project (see Appendix D) in compliance with the NPDES small municipal separate storm sewer system (MS4) permit and Orange County Drainage Area Management Plan. As specified in the WQMP and described below in detail in Section 5.10, *Hydrology and Water Quality*, implementation of BMPs would help ensure that soil erosion would not occur under the Modified Project's operation phase.

Additionally, as with the Original Project, development of the Modified Project would be required to adhere to the requirements of Mitigation Measures GEO-1 through GEO-3 of the 2016 Certified EIR, which are reproduced below in Section 5.7.3. As shown in this section, the mitigation measures were renumbered (originally numbered as Mitigation Measures 4-1 through 4-3 in the 2016 Certified EIR) and customized to ensure the mitigation is implemented as intended for the Modified Project. With implementation of the mitigation measures, impacts would remain less than significant.

Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

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

Minor Technical Changes or Additions.

Landslide

As analyzed in the 2016 Certified EIR, the project site is predominantly flat, there are no slopes near the site that could cause landslides, and the project site is not identified as being in an area of the City that is subject to landslides. Therefore, the 2016 Certified EIR concluded that impacts from potential landslides are less than significant. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

Liquefaction and Lateral Spreading

As stated in the 2016 Certified EIR, liquefaction typically occurs in areas where loose to medium dense sands and silts are present, and where groundwater depths are less than 50 feet below ground surface. Lateral spreading is the downslope movement of surface sediment due to liquefaction in a subsurface layer. The project site's marine terrace deposits are not subject to liquefaction because they are considered medium dense to dense. The site's soils are considered dense to very dense, and although groundwater was encountered in one of the borings at 49 feet, the project site is not above a groundwater basin that could cause significant liquefaction hazards. Additionally, the site is not in a state-designated Liquefaction Hazard Zone or identified by the City as being subject to liquefaction (Newport Beach 2016).

Therefore, the 2016 Certified EIR concluded that impacts from potential liquefaction and lateral spreading are less than significant. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

Subsidence

As stated in the 2016 Certified EIR, the project site is not over a groundwater basin, and significant groundwater pumping would not occur. The 2016 Certified EIR concluded that ground subsidence is not considered a significant hazard. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

Collapse

As stated in the 2016 Certified EIR, the project site is not in a lowland area or canyon bottom; therefore, it is unlikely that the site is susceptible to collapsible or compressible soils. Additionally, the soils at the site are marine terrace deposits (dense to medium dense) that overlie bedrock of the Monterey Formation (stiff to hard claystone). Thus, the 2016 Certified EIR concluded that the site is not susceptible to collapse because of low density soils and/or organic materials. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

Other Geologic Hazards

As stated in the 2016 Certified EIR, excavation activities related to project construction may cause instability in the site's geologic units. Thus, recommendations in the geotechnical study prepared for the Original Project for excavation and backfill were reproduced in the 2016 Certified EIR as mitigation to ensure impacts remained less than significant.

The 2016 Certified EIR concluded that overall, development of the Original Project would not exacerbate any existing geologic hazards associated with landslides, liquefaction, lateral spreading, subsidence, or collapse. This also applies to the Modified Project. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. Mitigation measures, as shown below, however, have been customized and refined for the Modified Project. No changes or new information would require preparation of a subsequent EIR.

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

Minor Technical Changes or Additions. As stated in the 2016 Certified EIR for the Original Project, although the Monterey Formation claystone under the site is expansive, the geological report provided recommendations ensuring proper installation of foundation that would prevent soil expansion. Similarly, the Geological Study for the Modified Project includes recommendations for foundation installation that will be incorporated into the project. As with the Original Project, upon compliance with the CBC and

recommendations of the Geological Study, project development would not exacerbate existing hazards from expansive soils.

Additionally, as with the Original Project, development of the Modified Project would be required to adhere to the requirements of Mitigation Measure GEO-4 of the 2016 Certified EIR, which is reproduced below in Section 5.7.3. As shown in this section, the mitigation measure was renumbered (originally numbered as Mitigation Measure 4-4 in the 2016 Certified EIR) and customized to ensure the mitigation is implemented as intended for the Modified Project. With implementation of the mitigation measure, impacts would remain less than significant.

Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

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

No Impact. Consistent with the Original Project analyzed in the 2016 Certified EIR, the Modified Project would not use alternative wastewater disposal systems such as septic tanks. Sewer service would be provided by Orange County Sanitation District and sewer connections maintained by the City of Newport Beach Municipal Operations Department. Since the Modified Project would not use alternative wastewater disposal systems such as septic tanks, no impact would occur. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

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

Minor Technical Changes or Additions. As was the case with the Original Project, due to the highly developed nature of the project site and its surroundings, it is unlikely that paleontological resources would be discovered onsite or impacted as a result of development of the Modified Project. Additionally, the project site is developed and in a highly urbanized area of the City (see Figure 3, *Aerial Photograph*) and has been disturbed; there are not unique geologic features on or in proximity of the site.

However, as stated in the 2016 Certified EIR, given the location of other paleontological resources discovered in the vicinity of the project site, project-related subsurface excavation has a sensitivity to encounter paleontological resources. While unlikely, the presence of subsurface paleontological resources onsite remains possible and could be affected by ground-disturbing activities associated with Modified Project's grading and construction activities, which include excavation of at least 12 to 15 feet for the proposed basement. Therefore, potential impacts to paleontological resources could occur as a result of project-related construction activities.

However, as with the Original Project, development of the Modified Project would be required to adhere to the requirements of the Mitigation Measure GEO-5 of the 2016 Certified EIR. which is reproduced below in Section 5.7.3. As shown in this section, the mitigation measure was renumbered (originally numbered as

Mitigation Measure 3-2 in the 2016 Certified EIR) to ensure the mitigation is implemented as intended for the Modified Project. With implementation of the mitigation measure, impacts to paleontological resource would remain less than significant.

Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. There are no changes or new significant information that would require preparation of an EIR.

5.7.3 Adopted Mitigation Measures Applicable to the Modified Project

The following mitigation measures are taken directly from the 2016 Certified EIR and apply to and will be implemented for the Modified Project. Where necessary, mitigation measures have been renumbered, modified, refined, and/or supplemented to ensure the measures are implemented as intended for the Modified Project. Modifications to the measures are identified here in ~~strikeout~~ text to indicate deletions and **underline bold** text to signify additions.

Note that Mitigation Measure GEO-5 was formerly Mitigation Measure 3-2 in the EIR for the Original Project. The updated CEQA Guidelines have moved Paleontological impacts to the Geology and Soils section. This measure has not been modified.

~~4-1~~**GEO-1** **Based on the provided plans, sufficient space should be available for deep excavations to be accomplished using open cuts. If site access is limited, temporary shoring may be required for supporting the vertical sides of the required excavations. If shoring is required, it will conform to the Geotechnical Report and following requirements:**

~~Given that the project would require excavation extending to the property line, shoring is required to support subterranean excavation.~~ Prior to issuance of grading permits, the City of Newport Beach Building Division shall confirm that the grading plans include the shoring requirements detailed in the project's geotechnical study. Cantilever, tied-back, or internally braced shoring systems can be used for the subterranean excavation. Cantilever shoring systems are typically limited to a maximum retained height of 15 feet. Tied-back shoring walls will require a temporary or permanent easement from the adjacent property owners and the City of Newport Beach. The shoring system shall be designed to resist a ~~uniform pressure equal to 25 pounds per square foot (psf)~~**lateral earth pressure equivalent to a fluid weighing 35 pounds per cubic foot**. An allowable passive earth pressure of ~~200~~ **275** pounds per square foot (psf) per foot of depth below the bottom of the excavation shall be used for design of the shoring system. **An allowable passive earth pressure of 550 psf per foot can be used for isolated soldier piles.**

~~The residential tower would be approximately 26 feet from the property line. Therefore,~~ **If sufficient distance from the property line is available,** it may be possible to excavate to the subgrade elevation without the use of shoring. Temporary slope in the marine terrace deposit may be excavated at slopes where the proportion of the height of the rise is less than or equal to the length of the slope (1H:1V) in conformance with all provisions of the

Geotechnical Report. Alternatively, sloped excavations may be used to reduce the height of the shored excavation. In that case, the earth pressures above may be increased and will be handled on a case by case basis when the height of the sloped excavation is known.

All shoring and excavation shall comply with current Occupational Safety and Health Administration regulations and be observed by the designated competent person on site.

~~4-2~~**GEO-2** The bedding zone is defined as the area containing the material specified that is supporting, surrounding, and extending to one foot above the top of any proposed utility pipes. During grading and construction plan reviews, the City of Newport Beach Building Divisions shall confirm that the project's proposed bedding satisfies the requirements of the Standard Specifications for Public Works Construction Section 306-1.2.1. There shall be a 4-inch minimum of bedding below the pipe and 1-inch minimum clearance below a projecting bell. There shall be a minimum side clearance of 6 inches on each side of the pipe. Bedding material shall be sand, gravel, crushed aggregate, or native free-draining material having a sand equivalent of not less than 30, or other material approved by the engineer. Materials used for the bedding zone shall be placed and compacted with light mechanical means to reduce the potential of damaging the pipe; jetting shall not be allowed.

~~4-3~~**GEO-3** Backfill shall be considered as starting 12 inches above the pipe. Onsite excavated materials are suitable as backfill. During construction activities, any boulders or cobbles larger than three inches in any dimension shall be removed before backfilling. All backfill shall be placed in loose lifts not exceeding ~~6 to 8 inches in~~ **the** thickness **specified in the Geotechnical Report** and be compacted to at least 90 percent relative compaction. The upper 12 inches below pavement shall be compacted to at least 95 percent relative compaction. Mechanical compaction will be required to accomplish compaction above the bedding along the entire pipeline alignments.

In backfill areas, where mechanical compaction of soil backfill is impractical due to space constraints, sand-cement slurry may be substituted for compacted backfill. The slurry shall contain one **and one-half** sack**s** of cement per cubic yard and have a maximum slump of 5 inches. When set, such a mix typically has the consistency of hard compacted soil and allows for future excavation.

A lean non-shrink concrete plug with a minimum width length of 3 feet shall be placed in the utility trenches at the location where offsite utilities enter the project boundaries to minimize the potential for offsite water flow onsite.

~~4-4~~**GEO-4** All foundation excavations shall be observed and/or tested by the project applicant's geotechnical consultant before placement of concrete to verify that the foundations will be supported in competent soils. If soft or loose soils are encountered at the subgrade level, the soils shall be removed or brought to a near-optimum moisture content (±2 percent), recompacted, and tested to a minimum of 95 percent relative compaction prior to placement

of fill or footing or floor slab construction. Only granular soils shall be used for compacted fill.

Mat foundations**, if used in the project,** may also derive lateral load resistance from passive resistance along the vertical sides of the foundations. Therefore, an ultimate passive fluid pressure of ~~350~~ **275** pounds per cubic foot shall be used. It is recommended that an ultimate sliding friction coefficient of ~~0.45~~ **0.35** be used for design. Passive and sliding resistance may be used in combination without reduction. The required factor of safety is 1.5 for static loads and 1.1 for wind or seismic loads.

~~3-2~~**GEO-5** Prior to the issuance of grading permits, the project applicant shall demonstrate to the Community Development Department that an Orange County–certified professional paleontologist has been retained to monitor any potential impacts to paleontological resources throughout the duration of any ground-disturbing activities at the project site. The paleontologist shall develop and implement a Paleontological Mitigation Plan, which shall include the following minimum elements:

- All earthmoving activities eight feet or more below the current surface shall be monitored full-time by a qualified paleontological monitor.
- If fossils are discovered, the paleontological monitor has the authority to temporarily divert work within 25 feet of the find to allow recovery of the fossils and evaluation of the fossil locality.
- Fossil localities shall require documentation, including stratigraphic columns and samples for micropaleontological analyses and for dating.
- Fossils shall be prepared to the point of identification and evaluated for significance.
- Significant fossils shall be cataloged and identified prior to being donated to an appropriate repository.
- The final report shall interpret any paleontological resources discovered in the regional context and provide the catalog and all specialists' reports as appendices.

An executed curation agreement shall be part of the plan, and the project proponent shall bear all expenses of the mitigation program, including curation of materials meeting significance criteria.

5.7.4 Level of Significance After Mitigation

As with the Original Project, impacts of the Modified Project would be less than significant with implementation of the mitigation measures identified above.

5.8 GREENHOUSE GAS EMISSIONS

5.8.1 Summary of Impacts Identified in the 2016 Certified EIR

The 2016 Certified EIR stated that the Original Project's greenhouse gas (GHG) emissions inventory would be below SCAQMD's efficiency metric, resulting in less-than-significant impacts on GHG emissions; and that the Original Project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. Therefore, the 2016 Certified EIR concluded that the Original Project would result in less-than-significant GHG emissions impacts.

5.8.2 Impacts Associated with the Modified Project

Modeling Methodology

SCAQMD's most recent air quality analysis model, CalEEMod Version 2016.3.2., was utilized to quantify the impacts of the Modified Project. Resulting GHG emissions are compared to the significance thresholds adopted by SCAQMD.

Would the project:

Issues	Substantial Change in Project or Circumstances Resulting in New Significant Effects	New Information Showing Greater Significant Effects than Previous EIR	New Mitigation or Alternative to Reduce Significant Effect is Declined	Minor Technical Changes or Additions	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X	

Comments:

The analysis in this section is based partly on the following technical study, which is included as Appendix A to this Addendum:

- *Air Quality and Greenhouse Gas Emissions Modeling Data,* PlaceWorks, February 2019

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

Minor Technical Changes or Additions. As with the Original Project, operational activities associated with the Modified Project would result in GHG emission from transportation, energy use, water use, wastewater generation, solid waste disposal, and area sources. Because the number of dwelling units was reduced by 10 (100 residential dwelling units for the Original Project versus 90 independent/assisted living dwelling units and

a 27-bed memory care facility for the Modified Project) and there are no new sources of GHG emissions from the Modified Project, emissions associated with the Modified Project would not exceed SCAQMD's bright-line threshold of 3,000 metric tons of carbon dioxide equivalent emissions per year (MTCO2e/yr). Per SCAQMD methodology, projects that do not exceed the bright-line threshold would have a nominal and less than cumulatively considerable impact on GHG emissions.[2] Therefore, the Modified Project would not result in new or substantially greater impacts related to GHG emissions. Like the Original Project, impacts of the Modified Project would be less than significant. There are no changes or new significant information that would require preparation of an EIR.

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

Minor Technical Changes or Additions. Applicable plans adopted for the purpose of reducing GHG emissions include CARB's Scoping Plan and SCAG's 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). A consistency analysis with these plans is presented below.

CARB Scoping Plan

CARB's 2017 Scoping Plan is California's GHG reduction strategy to achieve the state's GHG emissions reduction target established by AB 32, which is 1990 levels by year 2020, and SB 32, which is 40 percent below 1990 levels by 2030. The CARB Scoping Plan is applicable to state agencies and is not directly applicable to cities/counties and individual projects. Nonetheless, the Scoping Plan has been the primary tool that is used to develop performance- and efficiency-based CEQA criteria and GHG reduction targets for climate action planning efforts.

Since adoption of the 2008 Scoping Plan, state agencies have adopted programs identified in the plan, and the legislature has passed additional legislation to achieve the GHG reduction targets. Statewide strategies to reduce GHG emissions include the Low Carbon Fuel Standard, California Appliance Energy Efficiency regulations, California Renewable Energy Portfolio standard, changes in the Corporate Average Fuel Economy standards, and other early action measures as necessary to ensure the state is on target to achieve the GHG emissions reduction goals of AB 32. Also, new buildings are required to comply with the current California Building Energy Efficiency Standards and CALGreen. As with the Original Project, the Modified Project's GHG emissions would be reduced through compliance with statewide measures that have been adopted since AB 32 and SB 32 were adopted. The Modified Project would not conflict with the above statewide strategies identified to implement the CARB Scoping Plan. Like the Original Project, impacts of the Modified Project would be less than significant. Therefore, there are no changes or new significant information that would require preparation of an EIR.

[2] The SCAQMD identified a screening-level threshold of 3,000 $MTCO_2e$ annually for all land use types or the following land-use-specific thresholds: 1,400 $MTCO_2e$/yr for commercial projects, 3,500 $MTCO_2e$/yr for residential projects, and 3,000 $MTCO_2e$/yr for mixed-use projects. These interim bright-line screening-level criteria are based on a review of the Governor's Office of Planning and Research database of CEQA projects. Based on their review of 711 CEQA projects, 90 percent of CEQA projects would exceed the bright-line thresholds (SCAQMD 2010a). The SCAQMD recommends use of the 3,000 $MTCO_2e$/yr interim bright-line screening-level criterion for all project types (SCAQMD 2010b).

SCAG's RTP/SCS

In addition to AB 32, the California legislature passed Senate Bill 375 (SB 375) to connect regional transportation planning to land use decisions made at a local level. SCAG's 2016-2041 RTP/SCS does not require that local general plans, specific plans, or zoning be consistent with the SCS, but provides incentives for consistency for governments and developers. As with the Original Project, the Modified Project would not conflict with the RTP/SCS because it would increase residential land use density near existing services and transportation networks. Therefore, the Modified Project would not interfere with SCAG's ability to implement the regional strategies outlined in RTP/SCS. Like the Original Project, impacts of the Modified Project would be less than significant. There are no changes or new significant information that would require preparation of an EIR.

5.8.3 Adopted Mitigation Measures Applicable to the Modified Project

The 2016 Certified EIR determined that no significant impacts related to GHG emissions would result from the Original Project. Accordingly, no mitigation measures were identified.

5.8.4 Level of Significance After Mitigation

No mitigation measures were identified because all impacts would be less than significant.

5.9 HAZARDS AND HAZARDOUS MATERIALS

5.9.1 Summary of Impacts Identified in the 2016 Certified EIR

Transport, Use, and Disposal of Hazardous Materials

Impacts of the Original Project related to the transport, use, and disposal of hazardous materials were not addressed in the 2016 Certified EIR, because the Initial Study for the Original Project (Appendix A of the 2016 Certified EIR) found that hazards impacts to the public or the environment arising from the routine use, transport, or storage of hazardous materials during project construction and operation would be less than significant. Since the 2016 Initial Study is a part of the 2016 Certified EIR, the environmental determinations identified in the 2016 Initial Study are referenced as determinations made in the 2016 Certified EIR.

Release of Hazardous Materials

As stated in the 2016 Initial Study, demolition activities could expose the public and, in particular, construction personnel, to hazardous substances such as asbestos or lead-based paints and/or expose workers to health or safety risks (e.g., mold and lead). However, the 2016 Initial Study concluded that compliance with existing federal, state, and county regulations would ensure that exposure of workers and the general public to hazardous materials during construction activities would be less than significant.

Impact on Schools

Impacts of the Original Project related to the release of hazardous emissions or materials in proximity to a school were addressed in the 2016 Initial Study, which found no schools within one-quarter mile of the project

site. Corona Del Mar High School is the closest school, approximately 0.8 miles from the site. Therefore, the 2016 Initial Study concluded that no impact would occur.

Hazardous Materials Site

Impacts of the Original Project related to hazardous materials site listing were addressed in the 2016 Initial Study, which found that the project site is not on a site listed on the Cortese list per Government Code Section 65962.5. Therefore, the 2016 Initial Study concluded that no impact would occur.

Airport Hazards

As stated in the 2016 Certified EIR, the project site is in the notification area of John Wayne Airport (JWA) and the FAR Part 77 obstruction imaginary surfaces area. Since the Original Project exceeded the height of 200 feet, it would be required to notify the Federal Aviation Administration (FAA) and Airport Land Use Commission (ALUC). FAA would conduct an aeronautical study to determine whether the structure would pose a hazard to air navigation; however, since the Original Project does not exceed the transitional imaginary surface elevations for the project site, the project would comply with building height limits regulated by the Airport Environs Land Use Plan (AELUP). ALUC found the Original Project to be consistent with the AELUP for JWA. Therefore, the 2016 Certified EIR concluded that impacts related to airport safety hazards would be less than significant.

Private Airstrip Hazards

Impacts of the Original Project related to private airstrip hazards were addressed in the 2016 Initial Study, which found no private airstrips in the vicinity of the project site. Therefore, the Initial Study concluded that no impact would occur.

Consistency with Adopted Emergency Plans

Impacts of the Original Project related consistency with adopted emergency plans were addressed in the 2016 Initial Study. The Initial Study found that the Original Project would not impair implementation or physically interfere with the City of Newport Beach Fire Department's (NBFD) ability to implement the City's Emergency Operations Plan. Also, the Original Project would not interfere with emergency access to or evacuation from surrounding properties. Therefore, the Initial Study concluded that impacts would be less than significant.

Wildland Fire Hazards

Wildland fire hazard impacts were addressed in the 2016 Initial Study, which found that the project site is in an urbanized area and is outside of the Very High Fire Hazard Severity Zone. There is also no native habitat susceptible to burning in wildland fires on the site, or within the immediate vicinity. Therefore, the Initial Study concluded that the project development would not expose people or structures to substantial risk from wildland fires, and no impacts would occur.

5.9.2 Impacts Associated with the Modified Project

Would the project:

Issues	Substantial Change in Project or Circumstances Resulting in New Significant Effects	New Information Showing Greater Significant Effects than Previous EIR	New Mitigation or Alternative to Reduce Significant Effect is Declined	Minor Technical Changes or Additions	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?					X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?					X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				X	
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?					X
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?					X

Comments:

The analysis in this section is based partly on the following technical study, which is included as Appendix C to this Addendum:

- *Environmental Site Assessment: Phase I and Groundwater Sampling,* California Environmental, April 2018

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

Minor Technical Changes or Additions. The Modified Project consists of the construction and operation of 90 independent/assisted living dwelling units and a 27-bed memory care facility. As with the Original Project,

construction of the Modified Project would involve small quantities of hazardous materials such as fuels, greases, paints, and cleaning materials. The use, storage, transport, and disposal of hazardous materials by the project would be required to comply with existing regulations of several agencies, including the Department of Toxic Substances Control, the EPA, the Occupational Safety and Health Administration, and the NBFD. Compliance with applicable laws and regulations governing the use, storage, transportation, and disposal of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize potential hazards.

Long-term operations of the Modified Project would not involve routine transport, storage, use, or disposal of substantial amounts of hazardous materials. Project operation would require use of small amounts of materials such as cleansers, paints, and pesticides for cleaning and maintenance purposes. The use of these materials would be in accordance with the manufacturer's instructions for use, storage, transport, and disposal.

Therefore, like the Original Project, impacts of the Modified Project would be less than significant. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

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

Minor Technical Changes or Additions. As with the Original Project, no hazardous materials would be used under the Modified Project other than household and vehicle maintenance materials (i.e., cleaning supplies, paints, fertilizers, oil, and grease) typical for the residential uses and landscaping and maintenance of landscaping. The use of hazardous materials by the Modified Project would not result in substantial hazards to people or to the environment arising from accidental release of hazardous materials. Therefore, like the Original Project, impacts of the Modified Project would be less than significant. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

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

No Impact. As with the Original Project, there are no schools within one-quarter mile of the project site of the Modified Project. Additionally, the Modified Project consists of the construction and operation of a senior housing facility. No hazardous materials would be used other than typical household and vehicle maintenance materials (i.e., cleaning supplies, paints, fertilizers, oil, and grease). Therefore, like the Original Project, no impacts would result from the Modified Project. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

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

No Impact. A Phase I Environmental Site Assessment (ESA) was prepared for the Modified Project (see Appendix C). The site reconnaissance and records review conducted as a part of the Phase I ESA, which included sites compiled pursuant to Government Code § 65962.5, did not find documentation or physical evidence of soil or groundwater impairments associated with the use or past use of the project site. A review of regulatory databases maintained by county, state, tribal, and federal agencies did find that the 850 San Clemente Drive portion of the project site is listed on the HAZNET database. However, in 1996, OCMA properly disposed of 8.85 tons of asbestos-containing waste. Based on the findings of the Phase I ESA, no current, historical, or controlled recognized environmental conditions were identified for the project site. Therefore, no risk related to listed hazardous materials sites would occur as a result of the Modified Project.

Like the Original Project, no impacts would result from the Modified Project. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

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

Minor Technical Changes or Additions. The project site is approximately 2.9 miles south of the most southern point of John Wayne Airport (JWA) and is within the airport environs land use plan (AELUP) for JWA. The Federal Aviation Administration (FAA) regulates airspace surrounding public-use airports to prevent obstructions to air navigation. The site is within the notification area for JWA, where proponents of projects that would develop structures exceeding 200 feet in height must notify the FAA and ALUC. The Original Project exceeded this height limit, but the Modified Project does not.

Additionally, the AELUP includes numerous standards and criteria, including noise and land use compatibility standards to ensure orderly growth of JWA and the area surrounding the airport. The AELUP establishes a 60 dBA Community Noise Equivalent Level (CNEL) contour line to be used in determining if projects are incompatible with airport noise. The project site lies outside of the 60 dBA CNEL contour line and would, therefore, not conflict with any land use compatibility issues related to noise. The AELUP also identifies safety and compatibility zones that depict which land uses are acceptable and unacceptable in various portions of the airport environs, identified as Safety Zones 1 through 6. The project site does not fall within any of these zones, and therefore, would not conflict with any of the limitations or restrictions for any safety zones.

However, as with the Original Project, the Modified Project requires ALUC submittal and review for consistency with the AELUP based on the need for a General Plan Amendment (GP2018-003) and Planned Community Development Plan Amendment (PC2018-001). The City would bring the Modified Project to ALUC for review of consistency with the AELUP, as required by Section 21676 of the California Public Utilities Code and consistent with Goal LU 3.8 (Project Entitlement Review with Airport Land Use

Commission) of the Newport Beach General Plan Lan Use Element. Similar to the Original Project, a consistency determination by ALUC is required prior to the Newport Beach City Council taking action on the Modified Project. The Modified Project has not yet been before ALUC for a consistency determination. However, it is anticipated that ALUC will find the Modified Project consistent with the AELUP.

Overall, impacts related to airport safety hazards for the Modified Project, similar to the Original Project, would be less than significant. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

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

No Impact. The NBFD is the lead department for coordinating all emergency management activity in the City and implements the City's emergency operations plan. Storage of construction materials and construction equipment—such as construction office trailers, cranes, storage containers, and trailers detached from vehicles—is prohibited on City property, including City streets, without a permit from the City's Public Works Department. As with the Original Project, construction and operation of the Modified Project would comply with City requirements regarding storage on City property, including City streets. Construction material and equipment would not be staged or stored on City roadways; all such activities would occur onsite. The Modified Project would not interfere with emergency access to or evacuation from surrounding properties.

As with the Original Project, the Modified Project would not impair implementation or physically interfere with the NBFD's ability to implement the emergency operations plan, and no impacts would result from the Modified Project. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

No Impact. According to the California Department of Forestry and Fire Protection's Very High Fire Hazard Severity Zones map for the City of Newport Beach, all of Newport Center, including the project site, is outside of the Very High Fire Hazard Severity Zone (CAL FIRE 2011). There is also no native habitat susceptible to burning in wildland fires on the site or within the immediate vicinity, since both are completely built out with buildings and related hardscape improvements. Development of the Modified Project, similar to the Original Project, would not expose people or structures to substantial risk from wildland fires, and no impacts would occur. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

5.9.3 Adopted Mitigation Measures Applicable to the Modified Project

The 2016 Certified EIR determined that no significant impacts related to hazards and hazardous materials would result from the Original Project.

5.9.4 Level of Significance After Mitigation

No mitigation measures were identified because all impacts would be less than significant.

5.10 HYDROLOGY AND WATER QUALITY

5.10.1 Summary of Impacts Identified in the 2016 Certified EIR

Water Quality

The 2016 Certified EIR concluded that implementation of the Original Project would not result in significant impacts related to water quality with implementation of project design features and the best management practices outlined in the Stormwater Pollution Prevention Plan (SWPPP) during the construction phase and Water Quality Management Plan (WQMP) during the operation phase. Therefore, individual and cumulative impacts related to water quality were concluded to be less than significant, and no mitigation measures were necessary.

Drainage Patterns and Runoff

As concluded in the 2016 Certified EIR, development of the Original Project would not substantially alter the existing drainage pattern of the site or area in a manner that would result in substantial erosion, siltation, or flooding on- or offsite. Stormwater would continue to flow in the same general direction and similar rates compared to existing conditions. Additionally, implementation of the Original Project would not result in the alteration of a stream course or significantly alter general drainage patterns. Furthermore, implementation of the project design features would ensure that erosion and siltation impacts would not occur. In summary, individual and cumulative drainage and runoff impacts were determined to be less than significant, and no mitigation measures were necessary.

Groundwater Recharge

Impacts of the Original Project related to groundwater recharge were not addressed in the 2016 Certified EIR because the Initial Study for the Original Project (Appendix A of the 2016 Certified EIR) found that impacts would be less than significant. However, since the 2016 Initial Study is a part of the 2016 Certified EIR, the environmental determinations identified in the 2016 Initial Study are referenced as determinations made in the 2016 Certified EIR.

The 2016 Initial Study found that redevelopment of the site would decrease the amount of impervious surfaces onsite and that, given its impervious conditions, the site does not serve as a primary source of groundwater recharge. Therefore, the 2016 Initial Study determined that impacts to groundwater recharge would be less than significant.

Flooding Hazards

Impacts of the Original Project related to flood hazards were addressed in the 2016 Initial Study. As stated in the 2016 Initial Study, the project site is in Flood Zone X, which means that it is outside the 100-year and 500-year flood zones according to the Federal Emergency Management Agency (FEMA 2019). The project site is also not in the inundation areas of any dams and is not in an area designated on a flood insurance rate map as being protected from 100-year floods by levees. Therefore, the flooding impacts were considered less than significant in the 2016 Initial Study and no mitigation measures were necessary.

Additionally, because the project site was approximately two miles from the Pacific Ocean at a relatively high elevation, featured flat topography, and did not contain or was not within proximity of water bodies that could produce a seiche during a seismic event, impacts of the Original Project related to tsunamis, mudflows, and seiche were considered less than significant in the 2016 Initial Study, and no mitigation measures were necessary.

5.10.2 Impacts Associated with the Modified Project

Would the project:

Issues	Substantial Change in Project or Circumstances Resulting in New Significant Effects	New Information Showing Greater Significant Effects than Previous EIR	New Mitigation or Alternative to Reduce Significant Effect is Declined	Minor Technical Changes or Additions	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?				X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?				X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				X	
i) Result in a substantial erosion or siltation on- or off-site.				X	
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite.				X	
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.				X	
iv) Impede or redirect flood flows.					X

Issues	Substantial Change in Project or Circumstances Resulting in New Significant Effects	New Information Showing Greater Significant Effects than Previous EIR	New Mitigation or Alternative to Reduce Significant Effect is Declined	Minor Technical Changes or Additions	No Impact
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				X	

Comments:

The analysis in this section is based partly on the following technical studies, which are included as Appendices D and E, respectively, to this Addendum:

- *Preliminary Water Quality Management Plan,* Tait and Associates, May 8, 2019
- *Preliminary Hydrology Report*, Tait and Associates, May 24, 2019

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Minor Technical Changes or Additions. Following is a discussion of the potential water quality impacts resulting from urban runoff that would be generated during the construction and operational phases of the Modified Project.

Construction

As with the Original Project, grading and construction activities under the Modified Project would result in the removal of existing vegetation due to development. Removal of vegetation would expose much of the topsoil at the grading areas, which would be susceptible to erosion from construction irrigation (i.e., dust-control measures) and precipitation. Additionally, due to the extent of soils that would be graded, reengineered, and reused, stockpiling of soils would occur within the overall project site and would be subject to erosion from construction irrigation and/or precipitation.

In addition to grading, construction activities would involve large construction vehicles, wash areas, temporary facilities, and construction materials and supplies. Maintenance and refueling of construction vehicles have the potential to result in spills of petroleum-related engine fluids and coolants. Washing of vehicles and equipment can discharge waters polluted with sediment, oils and grease, trace metals, and detergent-based organics (e.g., adhesives, cleaners, sealants, and solvents). Equipment and facilities that may be required during construction include concrete mixers, portable sanitary and septic systems, and temporary trailers. All of these sources could come in contact with precipitation or irrigation waters and result in polluted runoff from the project site.

During construction, water quality effects would be controlled through the development and implementation of a SWPPP in accordance with the State Water Resource Control Board's Construction General Permit (Order

2009-0009-DWQ, as amended by Order 2010-0014-DWQ and Order 2012-006-DWQ), which is required prior to receiving site demolition and/or grading permits. The SWPPP would be prepared by the Modified Project's construction contractor and submitted to the Regional Water Quality Control Board for review and approval. The SWPPP would meet all applicable regulations by requiring controls of pollutant discharges that use best available technology economically achievable and best conventional pollutant control technology to reduce pollutants. Non-stormwater BMPs would be implemented that include controls and objectives for vehicle and equipment maintenance, cleaning and fueling, and potable water/irrigation practices.

As with the Original Project, construction of the Modified Project would comply with BMPs of the SWPPP designed to reduce or eliminate soil erosion from construction sites. Therefore, construction-related water quality impacts of the Modified Project would be similar to those of the Original Project, which were found to be less than significant. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. There are no changes or new significant information that would require preparation of an EIR.

Operation

As with the Original Project, development of the project site under the Modified Project would result in an increase of urban pollutants that can be carried offsite by nuisance and stormwater runoff into downstream receiving waters. Urban pollutants may include roofing materials, atmospheric deposition, grease, oil, suspended solids, metals, solvents, and phosphates. Lawn maintenance and use of fertilizers and pesticides are also potential sources of pollutants that, if untreated, would result in impacts to natural drainage channels and the Upper Newport Bay. Development of the project site would also result in dry-weather flows primarily due to irrigation of landscaped and park areas. Dry-weather flows are relatively slow and as a result cause sediment to settle out or to be filtered out by algae and other plants growing in the receiving waters.

In terms of post-construction stormwater management, the Modified Project would have the same impacts as the Original Project, because the overall pollutants of concern and proposed land uses have not significantly changed.

Additionally, and pursuant to existing regulations and similar to the Original Project, a preliminary Water Quality Management Plan (WQMP) was prepared for the Modified Project. The WQMP outlines the use of BMPs for nonpoint-source pollution control measures to address pollutants from such sources as roofing materials, atmospheric deposition, grease, oil, suspended solids, metals, solvents, phosphates, fertilizers, and pesticides. The entire design control volume (runoff) from the project site would be treated through modular wetland system linear units. Sheet flow from the proposed driveways would be piped to planter areas. The proposed BMPs would remove stormwater pollutants through physical and biological processes and reduce water quality impacts to a less than significant level.

Like the Original Project, impacts of the Modified Project would be less than significant. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. There are no changes or new significant information that would require preparation of an EIR.

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

Minor Technical Changes or Additions. The existing site conditions for the Modified Project, which encompasses 2.91 acres, consist of approximately 2.14 acres (74 percent) of impervious area, and 0.77 acres (26 percent) of pervious area. With implementation of the Modified Project, the impervious area of the project site would increase to approximately 81 percent, or 2.36 acres. In comparison, the impervious area of the project site under the Original Project was proposed at approximately 1.48 acres, 74 percent, of the site. However, given that the existing site does not serve as a primary source of groundwater recharge, impacts to groundwater recharge would be less than significant. Additionally, both the Original Project and Modified Project do not include onsite wells and would not decrease groundwater supplies.

Therefore, like the Original Project, no impacts would occur under the Modified Project. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. There are no changes or new significant information that would require preparation of an EIR.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i) Result in a substantial erosion or siltation on- or offsite?

Minor Technical Changes or Additions. In general, the proposed onsite surface water runoff for the Modified Project mimics existing conditions. Stormwater runoff would sheet flow from the parking lots into curb and gutters and v-gutters that flow to onsite catch basins. The runoff would then be piped to modular wetland systems that provide water quality treatment before releasing the now clean stormwater to the onsite storm drain system. The onsite storm drain system would consist of new storm drain pipes that range in diameter from 6 to 18 inches and would connect to the existing onsite catch basin. The project site discharges directly to the local storm drain adjacent to the southwest corner of the property, eventually flowing into Upper Newport Bay (the Back Bay) and ultimately to the Pacific Ocean. The City has reported that there have been no issues with the downstream storm drain system.

As with the Original Project, the Modified Project would reduce the amount of runoff from the site resulting from a 2-, 25-, and 100-year storm. As shown in Table 5, under the Modified Project, the post-project downstream flow rates are less than the pre-development condition flow rate for all three storm events. Additionally, because the proposed storm drain system mimics the existing site's storm drain system, no detrimental conditions are expected in the existing downstream storm drain system. According to the Hydrology report, development of the Modified Project would not increase the amount of storm water runoff over the current existing site's water runoff.

Table 5 Pre- and Post-Development Flowrate Comparison

	2 Year Storm (cfs)	25 Year Storm (cfs)	100 Year Storm (cfs)
Pre-developed Condition Flowrate	5.19	11.65	15.04
Post-developed Condition Flowrate (Unmitigated)	4.50	9.81	12.63

Source: Tait and Associates, 2019b (Appendix E).
Note: cfs = cubic feet per second

Furthermore, as discussed in Section 5.10.2.a, compliance with the requirements of the NPDES General Construction Activity Storm Water Permit, General MS4 Permit, and implementation of BMPs would reduce impacts from erosion and sedimentation to a less than significant level. Adherence to these standards would ensure that operation and construction of the Modified Project, like the Original Project, would result in less than significant impacts related to erosion and siltation during the construction and operational phases.

Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. There are no changes or new significant information that would require preparation of an EIR.

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

Minor Technical Changes or Additions. See discussion in Section 5.10.2.c, above. The rate and volume of runoff from proposed storm drains would not exceed the capacity of the existing storm drains or the proposed future storm drains and would not result in flooding on- or offsite. Therefore, impacts of the Modified Project, like the Original Project, would be less than significant. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. There are no changes or new significant information that would require preparation of an EIR.

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

Minor Technical Changes or Additions. See discussions in Section 5.10.2.a and c, above. Even though the Modified Project would result in an increase of impervious areas compared to the Original Project, it would reduce the amount of runoff to the stormwater drainage system because of the proposed onsite drainage system design and BMPs. Furthermore, compliance with regulatory standards and guidelines would ensure that no impact on water quality would occur during the construction and operational phases. Therefore, impacts of the Modified Project, like the Original Project, would be less than significant. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. There are no changes or new significant information that would require preparation of an EIR.

iv) Impede or redirect flood flows?

No Impact. The project site of Modified Project and Original Project is in Flood Zone X, which means that it is outside of 100-year and 500-year flood zones (FEMA 2019). The project site is also not in the inundation areas of any dams and is not in an area designated on a flood insurance rate map as being protected from 100-year floods by levees. Therefore, the Modified Project would not impede or redirect flood flows and there would be no impact. Like the Original Project, no impacts would occur under the Modified Project. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. There are no changes or new significant information that would require preparation of an EIR.

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

No Impact. As discussed in Section 5.10.2.f, the project site is not in a flood zone. There are no inland bodies of water near the project site that could pose a seiche hazard to the site. Newport Back Bay is approximately 0.8 miles east and approximately 173 feet lower than the project site; thus, a seiche in Newport Back Bay would not pose a flood hazard to the site. The topographic elevation of the project site ranges from 173 to 185 feet above mean sea level, and the site is approximately two miles inland from the Pacific Ocean (across the Balboa Peninsula) and not at risk of flooding due to tsunami. The site is also outside of the tsunami inundation area mapped by the California Geological Survey (CGS 2009).

Therefore, like the Original Project, no impacts would occur under the Modified Project. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. There are no changes or new significant information that would require preparation of an EIR.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Minor Technical Changes or Additions. The City of Newport Beach is in the Santa Ana River Basin, Region 8, in the Newport Bay Watershed. The water quality control plan (basin plan) for the Santa Ana River Basin was updated in 2016. This basin plan gives direction on the beneficial uses of the state waters in Region 8; describes the water quality that must be maintained to support such uses; and provides programs, projects, and other actions necessary to achieve the standards in the basin plan.

Development of the Modified Project's SWPPP and WQMP and implementation of the requirements of the NPDES Construction General Permit and the General MS4 Permit would ensure compliance with the objectives and standards of the basin plan. Therefore, the Modified Project, like the Original Project, would not conflict or obstruct implementation of the basin plan and impacts would be less than significant.

Furthermore, the project site is within the jurisdiction of the Orange County Water District Groundwater Management Plan (DWR 2016). The Modified Project, like the Original Project, would not interfere with

groundwater recharge or extract water from groundwater sources. Therefore, the Modified project would not conflict or obstruct a groundwater management plan and no impact would occur.

Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. There are no changes or new significant information that would require preparation of an EIR.

5.10.3 Adopted Mitigation Measures Applicable to the Modified Project

The 2016 Certified EIR determined that no significant impacts related to hydrology and water quality would result from the Original Project. Accordingly, no mitigation measures were identified.

5.10.4 Level of Significance After Mitigation

No mitigation measures were identified because all impacts would be less than significant.

5.11 LAND USE AND PLANNING

5.11.1 Summary of Impacts Identified in the 2016 Certified EIR

Division of an Established Community

Impacts related to the division of an existing community were not addressed in the 2016 Certified EIR because the City concluded during the scoping process—in the Initial Study for the Original Project (Appendix A of the 2016 Certified EIR)—that the Original Project would have no land use impact. However, since the 2016 Initial Study is a part of the 2016 Certified EIR, the environmental determinations in the 2016 Initial Study are referenced as determinations of the 2016 Certified EIR.

Consistency with Applicable Land Use Plans, Policies, and Regulations

The 2016 Certified EIR provided an evaluation of the Original Project's consistency with applicable land use plans, policies, and regulations. These included the project area's existing Zoning district, Newport Beach General Plan, San Joaquin Plaza Planned Community Development Plan, SCAG's 2016-240 Regional Transportation Plan/Sustainable Communities Strategies, and Airport Environ Land Use Plan for John Wayne Airport. As neither the land use designation nor zoning allowed the Original Project's residential use, a General Plan amendment and PCDP text amendment were proposed as part of the project. The 2016 Certified EIR concluded that upon approval of the proposed amendments to the General Plan and San Joaquin Plaza PCDP, the Original Project would be consistent with land use plans, policies, and regulations and, therefore, impacts would be less than significant.

5.11.2 Impacts Associated with the Modified Project

Would the project:

Issues	Substantial Change in Project or Circumstances Resulting in New Significant Effects	New Information Showing Greater Significant Effects than Previous EIR	New Mitigation or Alternative to Reduce Significant Effect is Declined	Minor Technical Changes or Additions	No Impact
a) Physically divide an established community?					X
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				X	

Comments:

a) Physically divide an established community?

No Impact. The site of Modified Project is in the same geographical location as the site of the Original Project. The site is in Newport Center, which consists of a number of office, residential, and retail uses and would not result in the division of any established communities. Like the Original Project, the Modified Project would not introduce a physical barrier that would separate land uses that are not already separated. Vehicular and pedestrian connections and access for residential uses (including Villas at Fashion Island complex and Colony Apartments) in the surrounding area would remain. Except for a new driveway accessing the southern portion of the project site, the Modified Project would not physically change the neighborhood's street pattern or otherwise impede movement through the neighborhood.

Additionally, while there are established residential uses to the north, development of the Modified Project would not physically divide this community in any way because the project would be developed within the confines of the project site and would not introduce roadways or other infrastructure improvements that would bisect or transect the residential communities. Furthermore, the Modified Project would not introduce a new land use that would disrupt existing land use patterns.

Therefore, the Modified Project, similar to the Original Project, would have no impact. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. There are no changes or new significant information that would require preparation of an EIR.

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

Minor Technical Changes or Additions. Adopted land use regulations applicable to the project site include the Newport Beach General Plan and Zoning Code (Title 20, Planning and Zoning, of the Newport Beach Municipal Code). Following is an analysis of the Modified Project's consistency with these land use regulations.

5. Environmental Analysis

General Plan Consistency

The Newport Beach General Plan land use designation for the project site is Private Institutional (PI), which is intended for privately owned facilities that serve the public, including places for religious assembly, private schools, health care, cultural institutions, museums, yacht clubs, congregate homes, and comparable facilities. A General Plan Amendment (GP2018-003) is requested as part of the Modified Project. Specifically, the General Plan Amendment would redesignate the project site from Private Institutional (PI) to Mixed-Use Horizontal (MU-H3). The GPA would establish the following development limits:

- Amend Anomaly No. 49 of Table LU2 to add 90 Residential Units and retain 16,000 square feet of nonresidential intensity.

Upon approval of the General Plan Amendment and as demonstrated in Table 6, *General Plan Consistency Analysis*, the Modified Project, similar to the Original Project, would be consistent with the Newport Beach General Plan and impacts would be less than significant. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. There are no changes or new significant information that would require preparation of an EIR.

Table 6 General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Original Project Consistency	Modified Project Consistency
Land Use Element		
Goal LU 1: A unique residential community with diverse coastal and upland neighborhoods, which values its colorful past, high quality of life, and community bonds, and balances the needs of residents, businesses, and visitors through the recognition that Newport Beach is primarily a residential community.		
LU 1.1. Maintain and enhance the beneficial and unique character of the different neighborhoods, business districts, and harbor that together identify Newport Beach. Locate and design development to reflect Newport Beach's topography, architectural diversity, and view sheds.	***Consistent:*** The proposed tower would be in Newport Center and would integrate with other high-rise buildings in the project area. The project site is in the northwesterly portion of Newport Center where the elevation is higher so views looking toward the ocean at lower elevations would not be impacted. As shown in the visual simulations prepared for the project (Figures 5.1-1 through 5.1-6), the proposed tower would be near existing high rise office buildings in Newport Center and would maintain the character of Newport Center as a regional hub for commercial, office, and residential uses. Additionally, the tower itself would be designed as a Leadership in Energy and Environmental Design (LEED) Silver-certified building and would include architectural details consistent with the residential architecture traditions of Newport Beach. It would be built with a textured stone base, masonry frames and pilasters, delicate metalwork details, and a predominantly stone and masonry exterior with large window openings. Larger scale elements such as multistory bay windows with French balconies and inset terraces help further define the massing in a residential manner, and multistory window groupings and large terraces at the uppermost floors create a finished cap to the building. Overall, development of the Museum House tower would be consistent with the development and architectural character of Newport Center.	***Consistent:*** As with the Original Project, the proposed senior housing facility would introduce residential uses to the project site, which is currently designated Private Institution. However, it would blend in with the surrounding Villas at Fashion Island to the north and The Colony apartments across San Clemente Drive. Compared to the original luxury condominium project, the building height would be substantially reduced—from 295 feet to 77 feet 10 inches (including appurtenances)—and the footprint would be increased. The building would be designed as a Leadership in Energy and Environmental Design (LEED) certified building. The Modified Project would enhance and strengthen the character of the project site and surroundings. The building would include architectural details consistent with surrounding office buildings in the Newport Center area such as light-finish smooth-coast plaster, Travertine stone, vinyl windows, and metal railings. As with the Original Project, it would not adversely impact scenic viewsheds.
LU 1.6. Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points.	***Consistent:*** As detailed in Section 5.1, *Aesthetics*, the proposed tower would not adversely impact scenic viewsheds in the City. Visual simulations prepared to illustrate the tower's potential impact on views along City-designated coastal view roads showed that the tower would not cause a significant obstruction from various public vantage points (see Figures 5.1-1 through 5.1-6). Most of the existing skyline near northern Newport Center is already partially obstructed by high rise office buildings, the Fashion Island commercial building rooflines, and palm tree canopies lining Newport Center roadways. Additionally, given the location of the tower in north Newport Center, views looking south toward the Pacific Ocean and Newport Bay would not be significantly impacted.	***Consistent:*** As detailed in Section 5.1, *Aesthetics*, Given the significantly lower height of the Modified Project compared to the Original Project (6 stories vs. 25 stories), the Modified Project would reduce potential impacts to scenic viewsheds.

5. Environmental Analysis

Table 6 General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Original Project Consistency	Modified Project Consistency
Goal LU 2: A living, active, and diverse environment that complements all lifestyles and enhances neighborhoods, without compromising the valued resources that make Newport Beach unique. It contains a diversity of uses that support the needs of residents, sustain and enhance the economy, provide job opportunities, serve visitors that enjoy the City's diverse recreational amenities, and protect its important environmental setting, resources, and quality of life.		
LU 2.1. Accommodate uses that support the needs of Newport Beach's residents including housing, retail, services, employment, recreation, education, culture, entertainment, civic engagement, and social and spiritual activity that are in balance with community natural resources and open spaces.	***Consistent:*** The project would provide 100 condominium units in a mixed-use area of Newport Beach. Nearby retail, employment, recreation, and civic areas would provide future residents with a vibrant and social community. The project is an infill, redevelopment project and would not adversely impact the community's natural resources and open spaces, particularly because Newport Center is a very urbanized area of the City.	***Consistent:*** Similar to the Original Project, the Modified project is an infill, redevelopment project and would not adversely impact the community's natural resources and open spaces. The proposed assisted senior housing and memory care housing would accommodate a focused residential need for City residents.
LU 2.8. Accommodate the types, densities, and mix of land uses that can be adequately supported by transportation and utility infrastructure (water, sewer, storm drainage, energy, and so on) and public services (schools, parks, libraries, seniors, youth, police, fire, and so on).	***Consistent:*** As detailed in Sections 5.11, *Public Services*; 5.13, *Transportation and Traffic*; and 5.14, *Utilities and Service Systems*, the residential tower would be adequately supported by transportation and utility infrastructure and public services.	***Consistent:*** As detailed in Sections 5.15, *Public Services*; 5.17, *Transportation and Traffic*; and 5.19, *Utilities and Service Systems*, the Modified Project would be adequately supported by transportation and utility infrastructure and public services.
Goal LU 3: A development pattern that retains and complements the City's residential neighborhoods, commercial and industrial districts, open spaces, and natural environment.		
LU 3.2. Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach's share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.	***Consistent:*** The Original Project is an infill residential development replacing the Orange County Museum of Art facility. The 100 condominiums would be in Newport Center/Fashion Island, which already includes a mix of commercial, office, and residential uses. Therefore, the project would be compatible with existing uses. As concluded in Section 5.1, *Aesthetics*, the proposed tower would be similar in height, scale, and character to other existing towers in Newport Center. Locating the condominiums close to Newport Beach's job center also reduces commute distances between home and jobs. Additionally, as concluded in Sections 5.11, *Public Services*; 5.13, *Transportation and Traffic*; and 5.14, *Utilities and Service Systems*, the project would not adversely impact public services, traffic, or utilities. Specifically, the project would have no impacts and no required mitigation to ensure acceptable traffic levels of service along surrounding roadways.	***Consistent:*** As with the Original Project, the Modified Project is an infill residential development in Newport Center/Fashion Island, which already includes a mix of commercial, office, and residential uses. The Modified Project would be similar in height, scale, and character to other midrise buildings in Newport Center (see Section 5.1, *Aesthetics*). Therefore, the project would be compatible with existing uses. The addition of 90 senior housing units in Newport Center/Fashion Island would accommodate Newport Beach's share of projected regional population growth. Sections 5.15, *Public Services*; 5.17, *Transportation and Traffic*; and 5.19, *Utilities and Service Systems*, conclude that the project would not adversely impact public services, traffic, or utilities.

Table 6 General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Original Project Consistency	Modified Project Consistency
LU 3.3. Provide opportunities for improved development and enhanced environments for residents in the following districts and corridors, as specified in Polices 6.3.1 through 6.22.7: **Newport Center/Fashion Island:** expanded retail uses and hotel rooms and development of residential in proximity to jobs and services, while limiting increases in office development	***Consistent:*** See response to Policy LU 2.1 of Goal LU 2.	***Consistent:*** See response to Policy LU 2.1.
LU 3.8. Refer the adoption or amendment of the General Plan, Zoning Code, specific plans, and Planned Community development plans for land within the John Wayne Airport planning area, as established in the JWA Airport Environs Land Use Plan (AELUP), to the Airport Land Use Commission (ALUC) for Orange County for review, as required by Section 21676 of the California Public Utilities Code. In addition, refer all development projects that include buildings with a height greater than 200 feet above ground level to the ALUC for review.	***Consistent:*** The City will bring the project to ALUC for review of consistency with the AELUP for JWA, as required by Section 21676 of the California Public Utilities Code.	***Consistent:*** The City will bring the project to ALUC for review of consistency with the AELUP for JWA, as required by Section 21676 of the California Public Utilities Code.
Goal LU 4: Management of growth and change to protect and enhance the livability of neighborhoods and achieve distinct and economically vital business and employment districts, which are correlated with supporting infrastructure and public services and sustain Newport Beach's natural setting.		
LU 4.1. Accommodate land use development consistent with the Land Use Plan. Figure LU1 depicts the general distribution of uses throughout the City and Figure LU2 through Figure LU15 depict specific use categories for each parcel within defined Statistical Areas. Table LU1 (Land Use Plan Categories) specifies the primary land use categories, types of uses, and, for certain categories, the densities/intensities to be permitted. See page 3-11 of the City's General Plan for the full policy.	***Consistent:*** The project would require a general plan amendment (GPA) to redesignate the site from Private Institution to Multiple Residential (RM) and amend Anomaly 49. Upon approval of the GPA, the project would be consistent with the permitted densities detailed in Table LU1 of the City's General Plan.	***Consistent:*** The Modified Project would also require a general plan amendment (GPA) to redesignate the site from Private Institution to Mixed-Use Horizontal (MU-H3). Upon approval of the GPA, the project would be consistent with the permitted densities in Table LU1 of the City's General Plan.

5. Environmental Analysis

Table 6 General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Original Project Consistency	Modified Project Consistency
LU 4.2. Prohibit new residential subdivisions that would result in additional dwelling units unless authorized by an amendment of the General Plan (GPA). Lots that have been legally merged through the Subdivision Map Act and City Subdivision Code approvals are exempt from the GPA requirements and may be re-subdivided to the original underlying legal lots. This policy is applicable to all Single Unit, Two Unit, and Multiple Unit Residential land use categories.	***Consistent:*** The project would require a GPA to redesignate the site from Private Institution to Multiple Residential.	***Consistent:*** The project would require a GPA to redesignate the site from Private Institution to Mixed-Use Horizontal (MU-H3).
Goal LU 5.1: Residential neighborhoods that are well-planned and designed contribute to the livability and quality of life of residents, respect the natural environmental setting, and sustain the qualities of place that differentiate Newport Beach as a special place in the Southern California region.		
LU 5.1.1. Establish property development regulations for residential projects to create compatible and high-quality development that contributes to neighborhood character.	***Consistent:*** In addition to a GPA, the project would amend the San Joaquin Plaza Planned Community Development Plan, which would set development standards for the proposed residential tower, including maximum building height, building setbacks, parking requirements, landscaping, lighting, loading areas, and infrastructure standards. The project would be developed in compliance with the proposed development standards, which would ensure that the project integrates well with existing adjacent uses and the overall character of Newport Center. As detailed in Section 5.1, *Aesthetics*, the proposed tower would be designed as a LEED Silver-certified building and would include architectural details consistent with the residential architecture traditions of Newport Beach. It would have a predominantly stone and masonry exterior with large window openings, and multistory bay windows with French balconies and inset terraces to help define the massing in a residential manner. Overall, the tower would be a high-quality development compatible with the luxury character of Newport Center/Fashion Island.	***Consistent:*** In addition to a GPA, the Modified Project would amend the San Joaquin Plaza Planned Community Development Plan, which would set development standards and would ensure that the project integrates with existing adjacent uses and the overall character of Newport Center. As detailed in Section 5.1, *Aesthetics*, the Modified Project would include architectural details consistent with the residential architecture traditions of Newport Beach and would be a high-quality development compatible with the luxury character of Newport Center/Fashion Island.

Table 6 General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Original Project Consistency	Modified Project Consistency
LU 5.1.2. Require that the height of development in nonresidential and higher-density residential areas transition as it nears lower-density residential areas to minimize conflicts at the interface between the different types of development.	***Consistent:*** Lower density residential areas near the project site include the Harbor Cove and Big Canyon single-family residential communities to the northwest and northeast, respectively. However, these low density residences are across Jamboree Road and San Joaquin Hills Road, respectively, and are physically divided from the project site. Closer residential areas to the Museum House project include The Colony and Villas at Fashion Island, which are or are planned to be approximately 65 feet in height. The Colony is approximately 38 dwelling units per acre (du/ac), and the Villas at Fashion Island is designed at approximately 32.6 du/ac. The Original Project would have a density of 50 du/ac; therefore, the transition between the adjacent residential communities would be gradual and would not create a conflict between the developments. Figure H-1, High Rise and Shoreline Height Limit Areas, of the City's municipal code, also designates the project site and additional blocks in northwest Newport Center to be in the high-rise height area with an allowed height of 300 feet. For example, the Pacific Life Insurance building (700 Newport Center) and multiple office buildings in the 800 Newport Center block south of the project site (across San Clemente Drive) are also within the 300-foot high-rise height area per Figure H-1. Thus, the proposed tower height would be compatible with the City's municipal code. Overall, the height transition between higher-density residential to lower-density residential areas would not cause a conflict at the interface between the developments.	***Consistent:*** Lower density residential areas near the project site include the Harbor Cove and Big Canyon single-family residential communities, but these low density residences are physically divided from the project site by Jamboree Road and San Joaquin Hills Road, respectively. Closer residential areas include The Colony and Villas at Fashion Island, which are approximately 65 feet high and 32 to 38 dwelling units per acre. The Modified Project would be 77 feet 10 inches high (including appurtenances) with a density of 31 du/ac; therefore, the transition between the adjacent residential communities would be gradual and would not create a conflict between the developments.
Goal LU 5.6: Neighborhoods, districts, and corridors containing a diversity of uses and buildings that are mutually compatible and enhance the quality of the City's environment.		
LU 5.6.1. Require that buildings and properties be designed to ensure compatibility within and as interfaces between neighborhoods, districts, and corridors.	***Consistent:*** The Original Project would be appropriately located in northern Newport Center where there are existing clusters of high-rise buildings. Nearby multistory office buildings are located along Newport Center Drive and include the Island Hotel (690 Newport Center Drive), PIMCO office building (650 Newport Center Drive), and another multistory office building at 660 Newport Center Drive. Therefore, the proposed tower would be compatible with uses in the project area. Additionally, the tower is oriented diagonally on the site to open southerly towards the rest of Newport Center and the Fashion Island	***Consistent:*** As analyzed under Impact 5.1(c), the Modified Project would be in northern Newport Center with existing clusters of mid- and high-rise buildings. The building would include architectural details consistent with surrounding office buildings in the Newport Center area such as light-finish smooth-coast plaster, Travertine stone, vinyl windows, and metal railings. Therefore, the Modified Project would be compatible with uses in the project area and consistent with the residential architecture traditions of Newport Beach.

5. Environmental Analysis

Table 6 General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Original Project Consistency	Modified Project Consistency
	shopping center, and further towards the Pacific Ocean. This creates a more welcoming and inclusive entrance into the site from San Clemente Drive. Overall, the tower's architectural details and building materials would also be consistent with the residential architecture traditions of Newport Beach.	
LU 5.6.2. Require that new and renovated buildings be designed to avoid the use of styles, colors, and materials that unusually impact the design character and quality of their location such as abrupt changes in scale, building form, architectural style, and the use of surface materials that raise local temperatures, result in glare and excessive illumination of adjoining properties and open spaces, or adversely modify wind patterns.	***Consistent:*** The tower would be designed as a LEED Silver-certified building and would include architectural details consistent with the residential architecture traditions of Newport Beach. It would be built with a textured stone base, masonry frames and pilasters, delicate metalwork details, and a predominantly stone and masonry exterior with large window openings. The building material, style, and colors would not raise local temperatures through glare or excessive illumination. Larger scale elements such as multistory bay windows with French balconies and inset terraces help further define the massing in a residential manner, and multistory window groupings and large terraces at the uppermost floors create a finished cap to the building. Overall, development of the Museum House tower would maintain and enhance the character of Newport Center.	***Consistent:*** As analyzed under Impact 5.1(c), the Modified Building Modified Project would be designed to implement this policy and would maintain and enhance the character of Newport Center. The building would be designed as a Leadership in Energy and Environmental Design (LEED) certified building. The Modified Project would enhance and strengthen the character of the project site and surroundings. The building would include architectural details consistent with surrounding office buildings in the Newport Center area such as light-finish smooth-coast plaster, Travertine stone, vinyl windows, and metal railings. Except for the windows, the proposed building materials and architectural treatments are not reflective. Like the high-rise residential tower proposed under the Original Project, the mid-rise building under the Modified Project would provide a more urban-scaled building than the existing single-story buildings onsite. The Modified Project would be in scale with the high- and midrise development in its immediate surroundings.
LU 5.6.3. Require that outdoor lighting be located and designed to prevent spillover onto adjoining properties or significantly increase the overall ambient illumination of their location.	***Consistent:*** All outdoor lighting associated with the project would be required to comply with Section 20.30.070 of the City's municipal code, which requires all outdoor lighting fixtures to be designed, shielded, aimed, located, and maintained to shield adjacent properties and to not produce glare onto adjacent properties or roadways. Light fixtures on the tower and in the motor court area must also be full cut-off fixtures. Lighting associated with the proposed guest parking spaces at the ground level would be the minimum height required to effectively illuminate the parking area and eliminate spillover of light and glare onto adjoining properties and roadways. Additionally, spotlighting or floodlighting used to illuminate the building, architectural features,	***Consistent:*** As analyzed under Impact 5.1(d), nighttime light and glare from the Modified Project would be reduced compared to the Original Project. All outdoor lighting associated with the Modified Project would be required to comply with Section 20.30.070 of the City's municipal code and with California's Building Energy Efficiency Standards, which regulate spill-over light and glare as well as lighting control devices and luminaires.

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Applicable City of Newport Beach General Plan Goals and Policies	Original Project Consistency	Modified Project Consistency
	entryway, or any other objects mounted on a pole, pedestal, or platform or used to accentuate landscaping would consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light would be substantially confined to the object intended to be illuminated to minimize glare, sky glow, and light trespass.	
Goal LU 6.2: Residential neighborhoods that contain a diversity of housing types and supporting uses to meet the needs of Newport Beach's residents and are designed to sustain livability and a high quality of life.		
LU 6.2.1. Accommodate a diversity of residential units that meets the needs of Newport Beach's population and fair share of regional needs in accordance with the Land Use Plan's designations, applicable density standards, design and development policies, and the adopted Housing Element.	***Consistent:*** Based on SCAG's regional housing needs assessment (RHNA), the City is required to provide 5 homes at varying income levels—1 very low, 1 low, 1 moderate, and 2 above moderate. Table H32, *Sites Analysis and Inventory Summary*, of the City's housing element provides a list of areas within the City that could provide homes to satisfy the RHNA requirements. In total, the City has capacity to realistically provide about 4,612 additional dwelling units. Therefore, the Original Project would help the City achieve its regional housing needs as established by SCAG's RHNA.	***Consistent:*** The City's share of SCAG's regional housing needs assessment (RHNA) is 1 very low, 1 low, 1 moderate, and 2 above moderate income homes. Table H32, *Sites Analysis and Inventory Summary*, of the City's housing element lists areas that could provide homes. The City could realistically provide about 4,612 additional dwelling units. The addition of 90 senior housing units in Newport Center/Fashion Island would accommodate Newport Beach's share of projected regional population growth and would help the City achieve its share of the RHNA, similar to the Original Project.
LU 6.2.3. Encourage the development of residential units that are affordable for those employed in the City.	***Consistent:*** The project would provide 100 for-sale condominium units in Newport Center. The costs of these condominiums are not set at this time. However, project objectives stated in Chapter 3, *Project Description*, include developing a residential community within walking distance of employment opportunities and improving the job-housing balance in Newport Beach by providing new housing within a major employment center. Thus, a main purpose of the Original Project is to provide housing for people employed within the City.	***Does Not Apply:*** The Modified Project proposes only senior assisted living and memory care housing.
LU 6.2.9. Require the open space and recreational facilities that are integrated into and owned by private residential development are permanently preserved as part of the development approval process and are prohibited from converting to residential or other types of land uses.	***Consistent:*** The proposed common areas and recreational amenities include a podium garden, lawn, garden trellis, fountain plaza, and sculpture garden on the ground level. A dog run area is also provided on the ground level along the eastern site boundary. Additional amenities on the second floor include a pool, cabana and dining area trellis, and outdoor living spaces. These would not be converted to residential or other types of land uses onsite.	***Consistent:*** Similar to the Original Project, the Modified Project includes common open space areas and recreational amenities. These would not be converted to senior residential or other types of land uses onsite. The proposed common areas and recreational amenities include gardens, fitness room, yoga room, indoor pool, lounge with bowling alley, salon, art room, theater, library, and golf simulator.

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Applicable City of Newport Beach General Plan Goals and Policies	Original Project Consistency	Modified Project Consistency
Goal LU 6.14: A successful mixed-use district that integrates economic and commercial centers serving the needs of Newport Beach residents and the subregion, with expanded opportunities for residents to live close to jobs, commerce, entertainment, and recreation, and is supported by a pedestrian-friendly environment.		
LU 6.14.2. Provide the opportunity for limited residential, hotel, and office development in accordance with the limits specified by Tables LU1 and LU2.	***Consistent:*** The project would require a GPA to re-designate the project site from Private Institutions (PI) to Multiple Residential (RM) and to update Anomaly 49 to allow for 100 residential units. The project would redevelop the site with limited residential to accommodate the additional development intensity. Upon approval of the GPA, the project would be consistent with development limits specified in Tables LU1 and LU2 of the City's General Plan.	***Consistent:*** The project would require a GPA to redesignate the project site from Private Institutions (PI) to Mixed-Use Horizontal (MU-H3) and to update Anomaly 49 to allow for 90 senior housing units. The project would redevelop the site with limited residential to accommodate the additional development intensity. Upon approval of the GPA, the project would be consistent with development limits specified in Tables LU1 and LU2 of the City's General Plan.
LU 6.14.4. Reinforce the original design concept for Newport Center by concentrating the greatest building mass and height in the northeasterly section along San Joaquin Hills Road, where the natural topography is highest and progressively scaling down building mass and height to follow the lower elevations toward the southwesterly edge along East Coast Highway.	***Consistent:*** Per the original design concept for Newport Center, most multistory office towers in the area are concentrated in the northeasterly section along San Joaquin Hills Road (see Figure 5.1-2, *High-Rise Buildings in the Project Area*). However, this policy encourages the concentration of buildings with the greatest mass and height in the northeast, but does not restrict or limit development of these types of buildings to the northeast areas. As shown in Figure H-1, *High Rise and Shoreline Height Limit Areas*, of the City's municipal code, northwestern areas of Newport Center in addition to the northwesterly portions are also included in the high-rise height area with an allowed height of 300 feet. The project site itself and adjacent parcel currently occupied by the OCMA administrative building are both within the 300-foot high-rise height area. Additionally, the 700, 800 and 900 Newport Center blocks, currently occupied by the Pacific Life Insurance building (700 Newport Center), multistory office buildings (800 Newport Center), and the Newport Beach Marriot Hotel & Spa (900 Newport Center) are also all located in the northwestern and western portions of Newport Center and are still within the 300-foot high-rise height area per Figure H-1 of the City's municipal code. Therefore, while the Original Project would not add to the concentration of high-rise buildings in the northeast portion of Newport Center, it would not be inconsistent with the City's municipal code that allows 300-foot buildings in the west and northwest portions of Newport Center as well. Additionally, similar to northeast Newport Center, northwest Newport Center is also higher in natural topography and would contribute towards the original design concept of scaling building mass and height downwards to follow the lower elevations in southwest Newport Center.	***Consistent:*** The Modified Project proposes midrise development in the northwest section of the Newport Center, which is consistent with existing mid- and high-rise development in the area and with the original design concept of Newport Center.

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Applicable City of Newport Beach General Plan Goals and Policies	Original Project Consistency	Modified Project Consistency
LU 6.14.5. Encourage that some new development be located and designed to orient to the inner side of Newport Center Drive, establishing physical and visual continuity that diminishes the dominance of surface parking lots and encourages pedestrian activity.	***Consistent:*** The site plan shows the proposed tower would be oriented diagonally toward Newport Center Drive and San Clemente Drive. The applicant strategically considered the orientation of the building to create a more cohesive and visually connected appearance with existing development to the south in Newport Center. The ground level would be developed with hardscape and landscape. Only several guest parking spaces would be available on the ground level; the remaining parking spaces would be provided in a two-level subterranean parking garage. Therefore, the site would not be dominated by surface parking lots.	***Does Not Apply:*** The project is not on Newport Center Drive.
Historical Resources Element		
Goal HR 2: Identification and protection of important archeological and paleontological resources within the City		
HR 2.1. Require that, in accordance with CEQA, new development protect and preserve paleontological and archaeological resources from destruction, and avoid and mitigate impacts to such resources. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.	***Consistent:*** As detailed in Section 5.3, *Cultural Resources*, the Original Project would not have any significant impact on archaeological or paleontological resources. Any potential to unearth archeological or paleontological resources onsite during ground-disturbing activities would be required to comply with Policies HR 2.1 through HR 2.4 and NR 18.1 through NR 18.3 of the 2006 General Plan. Furthermore, the City's "Archaeological Guidelines (K-5)" and "Paleontological Guidelines (K-4)" would ensure that if cultural resources are found, the developer would be required to preserve the significant resources. Mitigation measures are also provided to ensure impacts are less than significant.	***Consistent:*** As detailed in Sections 5.5, *Cultural Resources*, and 5.7, *Geology and Soils*, the Modified Project, same as the Original Project, would not have any significant impact on archaeological or paleontological resources. It would comply with the same City policies and guidelines as the Original Project and the same mitigation measures to ensure impacts are less than significant. Mitigation Measure CUL-2 of the Modified Project has been revised based on AB-52 consultation to require the applicant to provide satisfactory evidence that a Native American monitor has been retained to observe ground disturbance activities, prior to the issuance of any grading permit.
HR 2.2. Require a qualified paleontologist/archeologist to monitor all grading and/or excavation where there is a potential to affect cultural, archeological or paleontological resources. If these resources are found, the applicant shall implement the recommendations of the paleontologist/archeologist, subject to the approval of the City Planning Department.	***Consistent:*** See response to Policy HR 2.1 of Goal HR 2.	***Consistent:*** See response to Policy HR 2.1.

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Applicable City of Newport Beach General Plan Goals and Policies	Original Project Consistency	Modified Project Consistency
HR 2.3. Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow representatives of such groups to monitor grading and/or excavation of development sites.	***Consistent:*** In accordance with SB 18 and AB 52, the City sent letters to 15 Native American tribes notifying them of the project and opportunity for tribal consultation. Two of the 15 tribes responded—the Gabrieleno Band of Mission Indians Kizh Nation and United Coalition to Protect Panhe. The City consulted with Andrew Salas, Chairman of the Gabrieleno Band of Mission Indians, who requested Native American tribal monitoring onsite during all construction activities. Consultation between the City and the Gabrieleno Band of Mission Indians ended with the conclusion that mitigation measures would be provided to ensure appropriate tribes would be notified if any resources are discovered during ground disturbing activities and that tribal cultural monitoring by the Gabrieleno Band of Mission Indians would be allowed onsite during construction activities on a voluntary basis, consistent with the City's General Plan Policy HR 2.3. The United Coalition to Protect Panhe noted receipt of City's letter and did not request further consultation.	***Consistent:***).In accordance with SB 18 and AB 52, the City sent updated letters to 15 Native American tribes notifying them of the Modified Project and opportunity for tribal consultation. One of the 15 tribes responded-the Gabrieleño Band of Mission Indians Kizh Nation. The City consulted with Andrew Salas, Chairman of the Gabrieleño Band of Mission Indians, who requested Native American tribal monitoring onsite during all construction activities. Mitigation measures were updated to required tribal cultural monitoring by the Gabrieleno Band of Mission Indians and substantiation that the monitor has been retained prior to the issuance of grading permits consistent with the City's General Plan Policy HR 2.3.
HR 2.4. Require new development to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach, or Orange County, whenever possible.	***Consistent:*** See response to Policy HR 2.1 of Goal HR 2. Additionally, Mitigation Measures 3-1 through 3-3 in Section 5.3, *Cultural Resources*, requires documentation and curation of any discovered archaeological or paleontological resources during ground-disturbing activities.	***Consistent:*** See response to Policy HR 2.1. Additionally, Mitigation Measures from the Original Project (MMs CUL-1 and CUL-2 in Section 5.5.3, *Cultural Resources)* would require documentation and curation of any discovered archaeological or paleontological resources during ground-disturbing activities.
Circulation Element		
Goal CE 2.2: A safe and efficient roadway system.		
CE 2.2.6. Provide all residential, commercial, and industrial areas with efficient and safe access for emergency vehicles.	***Consistent:*** Section 5.13, *Transportation and Traffic*, concludes that the Original Project would not adversely impact emergency vehicle access. As part of the Original Project, the site would provide emergency access along the eastern boundary from San Clemente Drive with fire lanes on each side of the roadway. The Newport Beach Fire Department requires truck ladder access to be provided on at least two sides of the proposed tower, and the access roadway must be no closer than 20 feet to the structure and no farther than 40 feet. Vegetation in the area would not impede emergency operations, and all roadway surfaces would be capable of supporting 68,000 pounds and a minimum of 20 feet in unobstructed width for adequate turn radius.	***Consistent:*** Section 5.16.2(d), *Transportation*, concludes that the Modified Project would provide adequate emergency vehicle access, the same as the Original Project, with primary access off of San Clemente Drive and secondary access through the access drive to the north by Villas Fashion Island. The project will follow the design standards for streets and through review and approval by the City.

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Applicable City of Newport Beach General Plan Goals and Policies	Original Project Consistency	Modified Project Consistency
Goal CE 5.1: Convenient trail systems that satisfy recreational desires and transportation needs.		
CE 5.1.2. Link residential areas, schools, parks, and commercial centers so that residents can travel within the community without driving.	***Consistent:*** The Original Project would introduce a residential tower within Newport Center, which includes other residential developments, schools, parks, and commercial centers. The existing pedestrian sidewalk and bicycle lanes along the frontage of the project site on San Clemente Drive would be maintained and connect future residents to the Fashion Island shopping centers, restaurants, and office, giving residents the opportunity to live, shop and work without reliance on a car. In addition, residents of the Museum House project are approximately 0.5 mile from the Upper Newport Bay Nature Preserve and Ecological Reserve, which provides over 1,000 acres of open space and a large network of trails. The Original Project would also include storage space for two bicycles per unit to take advantage of the cycling infrastructure already existing within the City and County. Bike parking would also be provided for employees of the project to encourage them to commute via bike or in conjunction with public transportation. The Newport Transportation Center is about 0.8 mile away from the project site, making public transportation very accessible. Overall, pedestrians would have access from the project site to sidewalks, commercial centers, and nearby park uses in the Project vicinity.	***Consistent:*** Similar to the Original Project, under the Modified Project, pedestrians would have access from the project site to sidewalks, commercial centers, and nearby park uses in the vicinity. The existing pedestrian sidewalk and bicycle lanes along the frontage of the project site on San Clemente Drive would be maintained and connect future residents to the Fashion Island shopping centers, restaurants, and office, giving residents the opportunity to live, shop and work without reliance on a car.
CE 5.1.3. Require new development projects to include safe and attractive sidewalks, walkways, and bike lanes in accordance with the Master Plan, and, if feasible, trails.	***Consistent:*** As shown in Figure 3-4, *Proposed Site Plan*, the entryway and motor court would be designed with attractive landscape and hardscape improvements, including gardens along the site perimeter designed with mature trees, drought-tolerant planting, and landscaped areas; a glass canopy forming a porte-cochere that leads to the tower lobby; and integrally colored decorative concrete for the motor court and informal outdoor space. The existing sidewalk along San Clemente Drive would be maintained and provide pedestrian connectivity across the site to the Fashion Island shopping center and other uses in the Newport Center area. Therefore, the project would be consistent with Policy CE 5.1.3.	***Consistent:*** As shown in Figure 3-5, *Conceptual Site and Landscape Plan*, the entryway and project boundary along San Clemente Drive would be designed with attractive landscape and hardscape improvements. The existing sidewalk along San Clemente Drive would be maintained and provide pedestrian connectivity to Fashion Island and other uses in the Newport Center area.

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Applicable City of Newport Beach General Plan Goals and Policies	Original Project Consistency	Modified Project Consistency
Goal CE 7.1: An adequate supply of convenient parking throughout the City.		
CE 7.1.1. Require that new development provide adequate, convenient parking for residents, guests, business patrons, and visitors.	***Consistent:*** The project would provide 250 parking spaces on two small surface lot and two levels of underground parking for residents and guests.	***Consistent:*** The project would provide 118 parking spaces within surface lots for residents, employees, and guests. All code required parking is provided on-site.
Goal CE 8.1: Adequate funding for needed transportation infrastructure and operations.		
CE 8.1.10. Require development to provide the needed roadway improvements adjacent to a site, commensurate with project impact and in accordance with the Master Plan of Streets and Highways.	***Consistent:*** The project's traffic study concluded that the project would not negatively impact any surrounding roadways within the project area. No mitigation in the form of roadway improvements would be required.	***Consistent:*** Same as with the Original Project, the Modified Project's traffic study concluded that the project would not negatively impact any surrounding roadways within the project area. No roadway improvements would be required.
Recreation Element		
Goal R 1: Provision of Facilities – Provision of adequate park and recreation facilities that meet the recreational needs of existing and new residents of the community.		
R1.1. Require developers of new residential subdivisions to provide parklands at five acres per 1,000 persons, as stated in the City's Park Dedication Fee Ordinance, or to contribute in-lieu fees for the development of public recreation facilities meeting demands generated by the development's resident population, as required in the City's Park Dedications Fees Ordinance.	***Consistent:*** Based on the City's parkland standard of 5 acres per 1,000 residents, the Original Project would require 1.1 acres of parkland. The project would provide a number of small park and open space amenities within the two-acre site, including a podium garden, lawn, garden trellis, olive alley, fountain plaza, and sculpture garden on the ground level. A dog run is also provided on the ground level along the western site boundary. Additional amenities on the upper floors include a pool, cabana and dining area trellis, and outdoor living spaces. In total, the project would provide 52,523 square feet (1.2 acres) of common open space and would meet the required 1.1 acres of parkland. Additionally, it should be noted that the Newport Center Park Service Area, where the project site is located, currently has 1.4 acres of surplus parkland (Newport Beach 2014). Therefore, impacts to parks and recreational facilities would be less than significant.	***Does Not Apply:*** The Modified Project is not a new subdivision and would not be subject to the City's Park Dedication Fee Ordinance (Newport Beach Municipal Code section 19.52). Nevertheless, similar to the Original Project, the Modified Project would include common open space areas and recreational amenities to meet the recreational needs of the residents. The development would include resident dining areas, fitness room, yoga room, indoor pool, lounge with bowling alley, salon, art room, theater, library, golf simulator, and support uses such as offices, mechanical and storage rooms, mail room, laundry, and housekeeping. In total, the project would provide 21,233 square feet of outdoor common open space and would meet the required 75 square feet per dwelling unit (6,750) associated with a typical multi-family residential use.

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Applicable City of Newport Beach General Plan Goals and Policies	Original Project Consistency	Modified Project Consistency
Natural Resources Element		
Goal NR 1: Minimized water consumption through conservation methods and other techniques.		
NR 1.1. Enforce water conservation measures that limit water usage, prohibit activities that waste water or cause runoff, and require the use of water–efficient landscaping and irrigation in conjunction with new construction projects.	***Consistent:*** Section 5.14, *Utilities and Service Systems*, addresses water supply impacts that would occur as a result of implementation of the Original Project, and applies regulatory requirements to reduce any impacts, as applicable and feasible. Additionally, the Original Project would be required to comply with water conservation and supply level regulation and water-efficient landscape requirements outlined in Chapters 14.16 (Water Conservation and Supply Level Regulations) and 14.17 (Water Efficient Landscape Requirements) of the City's Municipal Code. The project would also be required to comply with the provisions of the Green Building Standards Code (Part 11, Title 24, known as CALGreen) that was adopted as part of the California Building Standards Code (Title 24, California Code of Regulations), which contains requirements for indoor water use reduction and site irrigation conservation. The project would also use a high-efficiency drip irrigation system with a "smart" weather-based controller that meets the latest State of California Model Water Efficient Landscape Ordinance requirements.	***Consistent:*** Section 5.18, *Utilities and Service Systems*, addresses water supply impacts that would occur as a result of implementation of the Modified Project. Same as with the Original Project, the Modified Project would comply with water conservation and supply level regulation and water-efficient landscape requirements of the City's municipal code and Green Building Standards Code. The project would use a high-efficiency drip irrigation system with a "smart" weather-based controller that meets the latest State of California Model Water Efficient Landscape Ordinance requirements. The Modified Project would be required to comply with water conservation and supply level regulation and water-efficient landscape requirements outlined in Chapters 14.16 (Water Conservation and Supply Level Regulations) and 14.17 (Water Efficient Landscape Requirements) of the City's Municipal Code.
NR 1.2. Establish and actively promote use of water conserving devices and practices in both new construction and major alterations and additions to existing buildings. This can include the use of rainwater capture, storage, and reuse facilities.	***Consistent:*** See response to Policy NR 1.1 of Goal NR1.	***Consistent:*** See response to Policy NR 1.1. As discussed in Section 5.10, *Hydrology and Water Quality*, and similar to the Original Project, a WQMP identifies site design BMPs that would minimize the introduction of pollutants into natural water bodies.
Goal NR 3: Enhancement and protection of water quality of all natural water bodies, including coastal waters, creeks, bays, harbors, and wetlands.		
NR 3.1. Support regulations limiting or banning the use of insecticides, fertilizers, and other chemicals which are shown to be detrimental to water quality.	***Consistent:*** As discussed in Section 5.7, *Hydrology and Water Quality*, the Original Project would be required to comply with the City's National Pollutant Discharge Elimination System (NPDES) permit requirements, including the submittal and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and associated best management practices (BMPs) that would ensure minimal impacts to the City's existing water quality and stormwater system.	***Consistent:*** As discussed in Section 5.10, *Hydrology and Water Quality*, the Modified Project, the same as the Original Project, would comply with the City's NPDES permit requirements, including the submittal and implementation of a SWPPP and BMPs that would ensure minimal impacts to the City's existing water quality and stormwater system.

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Applicable City of Newport Beach General Plan Goals and Policies	Original Project Consistency	Modified Project Consistency
NR 3.2. Promote pollution prevention and elimination methods that minimize the introduction of pollutants into natural water bodies.	***Consistent:*** Expected pollutants associated with attached residential developments include suspended solids/sediments, nutrients, pathogens/bacteria, pesticides, oil and grease, and trash and debris. The water quality management plan (WQMP) prepared for the project identifies site design BMPs that would minimize the introduction of these pollutants into natural water bodies. The project applicant is also required to prepare a SWPPP, which helps identify potential sources of pollutions and BMPs to reduce such pollutants, and ensures compliance with the NPDES program. Implementation of the BMPs under the WQMP and SWPPP would minimize pollution potential.	***Consistent:*** As discussed in Section 5.10, *Hydrology and Water Quality*, and similar to the Original Project, a WQMP identifies site design BMPs that would minimize the introduction of pollutants into natural water bodies. The project applicant is also required to prepare a SWPPP, which ensures compliance with the NPDES program. Implementation of the BMPs under the WQMP and SWPPP would minimize pollution potential.
NR 3.4. Require all development to comply with the regulations under the City's municipal separate storm drain system permit under the National Pollutant Discharge Elimination System.	***Consistent:*** See response to Policy NR 3.1 of Goal NR 3.	***Consistent:*** See response to Policy NR 3.1.
NR 3.9. Require new development applications to include a Water Quality Management Plan (WQMP) to minimize runoff from rainfall events during construction and post-construction.	***Consistent:*** A preliminary WQMP was prepared for the project and includes a number of site design BMPs that would reduce surface water runoff. Pervious surfaces would be increased by landscaped areas around the perimeter of the building and within common areas. Low-flows and first-flush flows would drain to biotreatment systems for water quality treatment via bio-filtration, and runoff amounts would be similar to existing conditions. Non-structural source control BMPs include education for employees, tenants, and occupants; activity restrictions; and common area landscape management. Implementation of the BMPs outlined in the WQMP would minimize runoff from rainfall events.	***Consistent:*** A preliminary WQMP was prepared for the Modified Project and includes site design BMPs that would reduce surface water runoff. Low-flows and first-flush flows would drain to biotreatment systems, and runoff amounts would be similar to amounts analyzed for the Original Project and reduced from the existing conditions. Implementation of the BMPs outlined in the WQMP would minimize runoff from rainfall events.
NR 3.10. Implement and improve upon Best Management Practices (BMPs) for residences, businesses, development projects, and City operations.	***Consistent:*** See response to Policies NR 3.1 and NR 3.9 of Goal NR 3.	***Consistent:*** See response to Policies NR 3.1 and NR 3.9.

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Applicable City of Newport Beach General Plan Goals and Policies	Original Project Consistency	Modified Project Consistency
NR 3.11. Include site design and source control BMPs in all developments. When the combination of site design and source control BMPs are not sufficient to protect water quality as required by the National Pollutant Discharge Elimination System (NPDES), structural treatment BMPs will be implemented along with site design and source control measures.	***Consistent:*** See response to Policies NR 3.1 and NR 3.9 of Goal NR 3.	***Consistent:*** See response to Policies NR 3.1 and NR 3.9.
NR 3.14. Retain runoff on private property to prevent the transport of pollutants into natural water bodies, to the maximum extent practicable.	***Consistent:*** See responses to Policies NR 3.1 and NR 3.9 of Goal NR 3. Runoff from the site after implementation of the Original Project would continue to flow similar to existing conditions. Low-flows and first-flush runoff would drain to proprietary biotreatment systems for water quality treatment via bio-filtration.	***Consistent:*** See responses to Policies NR 3.1 and NR 3.9. Similar to Original Project, runoff from the site after implementation of the Modified Project would continue to flow similar to existing conditions. Low-flows and first-flush runoff would drain to proprietary biotreatment systems for water quality treatment.
NR 3.15. Require all street drainage systems and other physical improvements created by the City, or developers of new subdivisions, to be designed, constructed, and maintained to minimize adverse impacts on water quality. Investigate the possibility of treating or diverting street drainage to minimize impacts to water bodies.	***Consistent:*** See responses to Policies NR 3.1 and NR 3.9 of Goal NR 3.	***Consistent:*** See responses to Policies NR 3.1 and NR 3.9.
NR 3.19. Require incorporation of natural drainage systems and stormwater detention facilities into new developments, where appropriate and feasible, to retain stormwater in order to increase groundwater recharge.	***Consistent:*** See response to Policies NR 3.1 and 3.9 of Goal NR 3.	***Consistent:*** See response to Policies NR 3.1 and 3.9.
NR 3.20. Require new development and public improvements to minimize the creation of and increases in impervious surfaces, especially directly connected impervious areas, to the maximum extent practicable. Require redevelopment to increase area of pervious surfaces, where feasible.	***Consistent:*** See response to Policies NR 3.1 and 3.9 of Goal NR 3. According to the WQMP, the Original Project would reduce impervious areas onsite by 0.22 acres from 1.70 acres to 1.48 acres; that is, 26 percent of the site would be pervious compared to 15 percent under existing conditions.	***Generally Consistent:*** According to the WQMP, the Modified Project would reduce pervious areas from 33,390 square feet (26.4% of site) under existing conditions to 14,141 square feet (12.5% of site). Although the Modified Project would result in an increase in impervious surfaces and therefore not meet the intent of this policy, project design features (i.e., BMPs outlined in the WQMP) would result in overall reduction of the runoff from the site.

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Goal NR 4: Maintenance of water quality standards through compliance with the total maximum daily loads (TMDLs) standards.		
NR 4.4. Require grading/erosion control plans with structural BMPs that prevent or minimize erosion during and after construction for development on steep slopes, graded, or disturbed areas.	***Consistent:*** See response to Policies NR 3.1 and 3.9 of Goal NR 3. Implementation of the BMPs in the SWPPP and WQMP would address anticipated erosion impacts during the construction and operational phases of the project.	***Consistent:*** See response to Policies NR 3.1 and 3.9. As with the Original Project, implementation of the BMPs in the SWPPP and WQMP would address anticipated erosion impacts during the construction and operational phases of the project.
Goal NR 6: Reduced mobile source emissions.		
NR 6.1. Provide for walkable neighborhoods to reduce vehicle trips by siting amenities such as services, parks, and schools in close proximity to residential areas.	***Consistent:*** The Original Project would site a higher density residential use within Newport Center/Fashion Island, which includes a number of commercial, office, and service uses. The following parks are also within a one-mile radius of the project site: Civic Center Park, Harbor View Nature Park, Irvine Terrace Park, Big Canyon Park, and Back Bay View Park. Nearby schools that would serve future residents of the site include Lincoln Elementary School and Corona Del Mar High School, which are 1.3 and 0.8 miles from the project site, respectively. Thus, the project would contribute towards creating walkable neighborhoods in Newport Beach.	***Consistent:*** The Modified Project would site a higher density residential use in Newport Center/Fashion Island, which also includes commercial, office, and service uses. The following parks are also within a one-mile radius of the project site: Civic Center Park, Harbor View Nature Park, Irvine Terrace Park, Big Canyon Park, and Back Bay View Park. Thus, the project would contribute to creating walkable neighborhoods in Newport Beach. The proximity of senior housing to schools is not relevant since children are not served by the proposed housing type.
Goal NR 7: Reduced air pollutant emissions from stationary sources.		
NR 7.2. Require the use of Best Management Practices (BMP) to minimize pollution and to reduce source emissions.	***Consistent:*** Emission sources include landscape fuel use, aerosols, and architectural coatings; energy use (natural gas) associated with the proposed condominium tower; and project-related vehicle trips. The air quality analysis in Section 5.2, *Air Quality*, concluded that upon compliance with regulatory requirements, long-term emissions associated with area sources (operations) would not exceed the South Coast Air Quality Management District (SCAQMD)'s regional operational significance threshold.	***Consistent:*** Emission sources include landscape fuel use, aerosols, and architectural coatings; energy use (natural gas) associated with the proposed Modified Project. The air quality analysis in Section 5.2 concluded that upon compliance with regulatory requirements, long-term emissions associated with area sources (operations) would not exceed SCAQMD's regional operational significance threshold.
Goal NR 8: Reduced air pollutant emissions from construction activities.		
NR 8.1. Require developers to use and operate construction equipment, use building materials and paints, and control dust created by construction activities to minimize air pollutants.	***Consistent:*** The air quality analysis in Section 5.2, *Air Quality*, concluded that sensitive receptors could be adversely impacted by construction emissions. Therefore, mitigation measures are required to ensure construction activities do not introduce short-term emissions in exceedance of the established SCAQMD thresholds. Specifically, Mitigation Measure 2-1 requires the use of interior paint with 0 grams per liter of volatile organic compounds, and Mitigation Measure 2-2 limits the number of daily truck hauls of debris to and from the site to	***Consistent:*** The air quality analysis in Section 5.3 concluded that, as with the Original Project, sensitive receptors could be adversely impacted by construction emissions. Therefore, mitigation measures from the Original Project would apply to the Modified Project to ensure construction activities do not introduce short-term emissions in exceedance of the established SCAQMD thresholds.

Table 6 General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Original Project Consistency	Modified Project Consistency
	ensure construction emissions remain below the significance thresholds.	
Goal NR 18: Protection and preservation of important paleontological and archaeological resources.		
NR 18.1. Require new development to protect and preserve paleontological and archaeological resources from destruction and avoid and minimize impacts to such resources in accordance with the requirements of CEQA. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.	***Consistent:*** See response to Policy HR 2.1 of Goal HR2.	***Consistent:*** See response to Policy HR 2.1.
NR 18.3. Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow qualified representatives of such groups to monitor grading and/or excavation of development sites.	***Consistent:*** See response to Policies HR 2.1 and 2.3 of Goal HR2.	***Consistent:*** See response to Policies HR 2.1 and 2.3.
NR 18.4. Require new development, where on site preservation and avoidance are not feasible, to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach or Orange County, whenever possible.	***Consistent:*** See response to Policy HR 2.1 of Goal HR2.	***Consistent:*** See response to Policy HR 2.1.
Goal NR 20: Preservation of significant visual resources.		
NR 20.1. Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points, as shown in Figure NR3.	***Consistent:*** See response to Policy LU 1.6 of Goal LU 1.	***Consistent:*** See response to Policy LU 1.6.

5. Environmental Analysis

Table 6 General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Original Project Consistency	Modified Project Consistency
NR 20.3. Protect and enhance public view corridors from the (following) roadway segments (shown in Figure NR3), and other locations may be identified in the future . . .	***Consistent:*** As detailed under Impact 5.1-1 of Section 5.1, *Aesthetics*, views of the project site can be seen from the following four coastal view roads: – Avocado Avenue from San Joaquin Hills Road to Coast Highway; – Jamboree Road in the vicinity of the Big Canyon Park; – MacArthur Boulevard from San Joaquin Hills Road to Coast Highway; – Newport Center Drive from Newport Center Drive E/W to Civic Center Drive/Granville Drive. These coastal view roads are designated based on their ability to provide views of the ocean and bay; however, people driving in the opposite direction (away from the ocean and bay) could have views of the proposed tower's highest portion along the Newport Center skyline. Visual simulations were prepared for each coastal view road looking towards the project site to determine whether the proposed tower would significantly impact the existing viewsheds. Figures 5.1-1 through 5.1-4 show that the tower would not introduce a new significant obstruction in the existing skyline and would instead integrate well with the existing cluster of high rise buildings in northern Newport Center. Overall, impacts to City-designated public view corridors would be less than significant.	***Consistent:*** The potential viewshed impact of the Modified Project would be greatly reduced in comparison to the Original Project because of the reduction in building height (six stories and 69 feet compared to 25 stories and 295 feet) and would not be visible from the specific roadway segments. The Modified Project would be consistent with this policy.

Table 6 General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Original Project Consistency	Modified Project Consistency
Safety Element		
Goal S 4: Adverse effects caused by seismic and geologic hazards are minimized by reducing the known level of risk to loss of life, personal injury, public and private property damage, economic and social dislocation, and disruption of essential services.		
S 4.7. Conduct further seismic studies for new development in areas where potentially active faults may occur.	***Consistent:*** A geotechnical report was prepared for the Original Project to identify geotechnical hazards associated with the project site, including active faults, liquefaction, subsidence, landslide, lateral spreading, collapse, expansive soils, and other ground failure hazards (see Appendix G of this DEIR). According to the study, the site is in a seismically active area; however, no active faults are known to cross the project site. Additionally, the project itself would not exacerbate ground shaking onsite. The proposed foundation for the tower core would extend several feet into bedrock, and the design and construction of the building would comply with seismic design parameters in the geotechnical report, including the seismic design requirements under the 2013 California Building Code.	***Consistent:*** A geotechnical report for the Modified Project to identified geotechnical hazards (see Appendix G of this EIR addendum). According to the study, the site is in a seismically active area, but no active faults are known to cross the project site, and the project itself would not exacerbate ground shaking onsite. The design and construction of the building would comply with seismic design parameters in the geotechnical report and the 2013 California Building Code.
Goal S 7: Exposure of people and the environment to hazardous materials associated with methane gas extraction, oil operations, leaking underground storage tanks, and hazardous waste generators is minimized.		
S 7.1. Require proponents of projects in known areas of contamination from oil operations or other uses to perform comprehensive soil and groundwater contamination assessments in accordance with American Society for Testing and Materials standards, and if contamination exceeds regulatory action levels, require the proponent to undertake remediation procedures prior to grading and development under the supervision of the County Environmental Health Division, County Department of Toxic Substances Control, or Regional Water Quality Control Board (depending upon the nature of any identified contamination).	***Consistent:*** Based on Section 5.6, *Hazards and Hazardous Materials*, the project site is listed on a database of hazardous materials due to the shipment of about 8.8 tons of asbestos-containing waste offsite in 1996 during renovation of the museum building. Additionally, unspecified organic liquid mixtures and waste laboratory chemicals were transferred offsite in 2000. These listings are related to one-time cleanup operations and are not considered to represent an environmental concern. Therefore, the site is not located on contaminated soils and does not require remediation efforts.	***Consistent:*** Based on Section 5.6, *Hazards and Hazardous Materials*, of the 2016 Certified EIR, the project site is listed on a database of hazardous materials due to the shipment of about 8.8 tons of asbestos-containing waste offsite in 1996 during renovation of the museum building. Additionally, unspecified organic liquid mixtures and waste laboratory chemicals were transferred offsite in 2000. These listings relate to one-time cleanup operations and do not represent an environmental concern. Based on the Phase I ESA, no current, historical, or controlled recognized environmental conditions were identified for the project site. Therefore, the site is not on contaminated soils and does not require remediation.

5. Environmental Analysis

Table 6 General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Original Project Consistency	Modified Project Consistency
Noise Element		
Goal N 1: Noise Compatibility – Minimized land use conflicts between various noise sources and other human activities.		
N 1.1. Require that all proposed projects are compatible with the noise environment through use of Table N2, and enforce the interior and exterior noise standards shown in Table N3.	***Consistent:*** As discussed in detail in Section 5.9, *Noise*, the noise analysis demonstrates that the Original Project would comply with the interior and exterior noise requirements as outlined in the City of Newport Beach's noise standards, which are adopted from the State's Community Noise and Land Use Compatibility Standards and Sections 10.26.025 (Exterior Noise Standards) and 10.26.030 (Interior Noise Standards) of the City's municipal code.	***Consistent:*** As discussed in detail in Section 5.13, *Noise*, the Modified Project would comply with the City's interior and exterior noise standards in Sections 10.26.025 (Exterior Noise Standards) and 10.26.030 (Interior Noise Standards) of the municipal code.
N 1.4. Require that applicants of residential portions of mixed-use projects and high-density residential developments in urban areas (such as the Airport Area and Newport Center) demonstrate that the design of the structure will adequately isolate noise between adjacent uses and units (common floor/ceilings) in accordance with the California Building Code.	***Consistent:*** See response to Policy N 1.1 of Goal N1.	***Consistent:*** See response to Policy N 1.1. Further, the project will be designed to comply with Section 20.48.130, Subsection E (Sound Mitigation) of the NBMC prior to the issuance of building permits.
N 1.8. Require the employment of noise mitigation measures for existing sensitive uses when a significant noise impact is identified. A significant noise impact occurs when there is an increase in the ambient CNEL produced by new development impacting existing sensitive uses. The CNEL increase is shown in the table below. **CNEL dBA** / **dBA increase** 55 / 3 60 / 2 65 / 1 75 / 1 Over 75 / Any increase considered significant	***Consistent:*** See response to Policy N 1.1 of Goal N1. As concluded in Section 5.9, *Noise*, the Original Project would not generate significant noise sources that would exceed the stated requirements under this policy for existing sensitive uses.	***Consistent:*** See response to Policy N 1.1. As concluded in Section 5.13, *Noise*, the Modified Project would not generate significant noise sources that would exceed the stated requirements under this policy for existing sensitive uses.

Table 6 General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Original Project Consistency	Modified Project Consistency
Goal N 4: Minimize nontransportation-related noise impacts on sensitive noise receptors.		
N 4.1. Enforce interior and exterior noise standards outlined in Table N3, and in the City's Municipal Code to ensure that sensitive noise receptors are not exposed to excessive noise levels from stationary noise sources, such as heating, ventilation, and air conditioning equipment.	***Consistent:*** See response to Policy N 1.1 of Goal N1. Section 5.9, *Noise*, also concludes that sensitive noise receptors near the project site would not be exposed to excessive noise levels from stationary noise sources associated with the project.	***Consistent:*** See response to Policy N 1.1. Section 5.13, *Noise*, concludes that sensitive noise receptors near the project site would not be exposed to excessive noise levels from stationary noise sources associated with the project.
N 4.6. Enforce the Noise Ordinance noise limits and limits on hours of maintenance or construction activity in or adjacent to residential areas, including noise that results from in-home hobby or work related activities.	***Consistent:*** Section 10.28.040 (Construction Activity – Noise Regulations) of the City's municipal code details limits on hours of construction activity to reduce construction noise impacts on neighboring uses. The project would be required to comply with the following regulations: – Weekdays and Saturdays. No person shall, while engaged in construction, remodeling, digging, grading, demolition, painting, plastering or any other related building activity, operate any tool, equipment or machine in a manner which produces loud noise that disturbs, or could disturb, a person of normal sensitivity who works or resides in the vicinity, on any weekday except between the hours of 7:00 A.M. and 6:30 P.M., nor on any Saturday except between the hours of 8:00 A.M. and 6:00 P.M. Sundays and Holidays. No person shall, while engaged in construction, remodeling, digging, grading, demolition, painting, plastering or any other related building activity, operate any tool, equipment or machine in a manner which produces loud noise that disturbs, or could disturb, a person of normal sensitivity who works or resides in the vicinity, on any Sunday or any federal holiday.	***Consistent:*** As with the Original Project, the Modified Project would be required to comply with Section 10.28.040 of the City's municipal code, which limits hours of construction activity.
Goal N 5: Minimized excessive construction-related noise.		
N 5.1 Limiting Hours of Activity (page 12-30). Enforce the limits on hours of construction activity.	***Consistent:*** See response to Policy N 4.6 of Goal N4.	***Consistent:*** See response to Policy N 4.6.

5. Environmental Analysis

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Zoning Code Consistency

According to the City's Zoning map, the project site is zoned Planned Community District 19 (PC-19), San Joaquin Plaza Planned Community Development Plan. The San Joaquin Plaza PCDP encompasses 2.92 acres and is intended for a combination of civic, cultural, business, and professional office uses. The PCDP also details permitted uses, which include retail sales and services; administrative/professional offices; restaurants, bars, and theater/nightclubs; institutional, financial, and governmental facilities; and civic, cultural, commercial-recreational, and recreational facilities. The 90 independent/assisted living dwelling units and 27-bed memory car facility proposed under the Modified Project are not a specifically allowable use under the PC-19 district; therefore, a PCDP amendment is required as part of the project. Specifically, the PCDP amendment would change the land use designation for the project site from Civic/Cultural/Professional/Office to Senior Housing/Memory Care/Convalescent/Congregate Care. The amendment also includes the establishment of new development standards (refer to Table 2, *Original Project and Modified Project Development Summary Comparison*).

Upon approval of the proposed amendment to the San Joaquin Plaza PCDP, the Modified Project, similar to the Original Project, would be consistent with the Newport Beach Zoning Code and impacts would be less than significant. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. There are no changes or new significant information that would require preparation of an EIR.

5.11.3 Adopted Mitigation Measures Applicable to the Modified Project

The 2016 Certified EIR determined that no significant impacts related to land use and planning would result from the Original Project. Accordingly, no mitigation measures were identified.

5.11.4 Level of Significance After Mitigation

No mitigation measures were identified because all impacts would be less than significant.

5.12 MINERAL RESOURCES

5.12.1 Summary of Impacts Identified in the 2016 Certified EIR

Impacts related to mineral resources were not addressed in the 2016 Certified EIR because the City concluded in the Initial Study for the Original Project (Appendix A of the 2016 Certified EIR) that the Original Project would have no impact on mineral resources. However, since the 2016 Initial Study is a part of the 2016 Certified EIR, the environmental determinations in the 2016 Initial Study are referenced as determinations of the 2016 Certified EIR.

5.12.2 Impacts Associated with the Modified Project

Would the project:

Issues	Substantial Change in Project or Circumstances Resulting in New Significant Effects	New Information Showing Greater Significant Effects than Previous EIR	New Mitigation or Alternative to Reduce Significant Effect is Declined	Minor Technical Changes or Additions	No Impact
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?					X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?					X

Comments:

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

No Impact. As indicated in the 2016 Initial Study (Appendix A of the 2016 Certified EIR), the project site is mapped as Mineral Resource Zone 3 by the California Geological Survey, indicating that there are mineral deposits of undetermined significance onsite, which cannot be determined from available data. However, the project site is developed with a private institutional use and was not available as a mining site. The project site is also not in or near a mining or oil or gas field site identified in the City of Newport Beach General Plan Natural Resources Element. Furthermore, there are no active mines in the City. Therefore, as with the Original Project, the Modified Project would have no impact on mineral resources. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. There are no changes or new significant information that would require preparation of an EIR.

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

No Impact. See response to Section 5.12.2.a, above. As substantiated in this section, no impact would occur and no mitigation measures are necessary. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. There are no changes or new significant information that would require preparation of an EIR.

5.12.3 Adopted Mitigation Measures Applicable to the Modified Project

The 2016 Certified EIR determined that no significant impacts related to mineral resources would result from the Original Project. Accordingly, no mitigation measures were identified.

5.12.4 Level of Significance After Mitigation

No mitigation measures were identified because all impacts would be less than significant.

5.13 NOISE

5.13.1 Summary of Impacts Identified in the 2016 Certified EIR

The 2016 Certified EIR concluded that, after the implementation of existing regulations, standard conditions, and mitigation measures, the Original Project would result in potentially significant and less than significant impacts.

For operational mobile-source noise, the 2016 Certified EIR concluded that the Original Project would contribute much less than 10 percent to existing traffic volumes. This incremental contribution would result in less than a 0.5 dB increase in traffic-generated noise, which complies with Newport Beach Noise Element Policy 1.8.

Furthermore, the 2016 Certified EIR identified operational stationary noise to be less than significant. HVAC mechanical noise would attenuate to levels equal to or below the City standards for residential day and nighttime hours and commercial day and nighttime hours.

However, construction noise was identified as being a potentially significant impact at nearby sensitive receptors. Vibration-related impacts due to the construction or operational phases were identified to be less than significant at the nearest structures.

5.13.2 Impacts Associated with the Modified Project

Would the project result in:

Issues	Substantial Change in Project or Circumstances Resulting in New Significant Effects	New Information Showing Greater Significant Effects than Previous EIR	New Mitigation or Alternative to Reduce Significant Effect is Declined	Minor Technical Changes or Additions	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X	
b) Generation of excessive groundborne vibration or groundborne noise levels?				X	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X	

5. Environmental Analysis

Comments:

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Minor Technical Changes or Additions.

Construction Noise

Construction Vehicles

The Original Project identified that a worst-case scenario during the soil haul period would be an average of 153 truckload trips per day over a 30-day period. This was estimated to yield a less than 0.5 dB increase, resulting in a less than significant impact. The Modified Project would result in an average of 1 soil haul trip per day over a 60-day period and a worst-case scenario of 112 demolition haul trips per day. The number of haul trips would be significantly less under the Modified Project than the Original Project's anticipated 153 truckload haul trips per day. Therefore, impacts under the Modified Project would be less than significant and reduced significantly from the Original Project. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. There are no changes or new significant information that would require preparation of an EIR.

Construction Equipment

The Original Project identified construction noise to be potentially significant due to the magnitude, duration of construction (28 months), and proximity (230 feet) to the Villas at Fashion Island complex (sensitive receptor). The nearest sensitive receptors under the Original Project varied from 230 feet to 1,100 feet, as measured form the center of the construction site. The Modified Project construction activities would take place over an approximate 18-month period and the nearest sensitive receptors would be 230 feet (The Colony) and 260 feet (Villas at Fashion Island), as measured from the center of the new Modified Project's project site. As with the Original Project, development of the Modified Project would be required to adhere to the requirements of the mitigation measures of the 2016 Certified EIR, which are reproduced below.

Average construction noise levels under the Modified Project were computed using the FHWA Roadway Construction Noise Model and the anticipated construction equipment mix and phasing information provided by the project applicant. As with the Original Project, it is estimated that construction noise levels would be loudest during demolition (specifically asphalt demolition). The computed average noise levels for the Modified Project construction activities were up to 71 dBA L_{eq} at both The Colony and the Villas at Fashion Island. This is 1 dBA less than predicted for average construction noise levels (72 dBA L_{eq}) under the Original Project Though the footprint of the building for the Modified Project is closer to the sensitive receptors, construction equipment is mobile throughout the project site and therefore construction noise levels are a result of analyzing from the acoustical center. Assuming a typical interior noise reduction of 25 dB with windows closed, average noise levels due to project-related construction activities at the interior of the closest receptors (The Colony and Villas at Fashion Island) would be up to 46 dBA L_{eq}.

Maximum (L_{max}) construction noise levels under the Original Project were estimated to reach up to 79 dBA L_{max} at a distance of 100 feet from the Villas at Fashion Island and up to 76 dBA L_{max} at a distance of 150 feet from The Colony Apartments. These worst case L_{max} noise levels of 76 and 79 dBA L_{max} would occur during demolition throughout at 2-month period. Under the Modified Project, the demolition activities would also result in the use of similar equipment and therefore similar noise L_{max} levels. Though the Modified Project would include the demolition of a second building, the nearest demolition activities to sensitive receptors would remain to be 100 feet to the north and 150 to the south.

Building construction distances would change, however. Under the Original Project the Villas at Fashion Island were 130 feet from the edge of building construction (which is where the footprint of the buildings would be constructed) and under the Modified Project the Villas at Fashion Island would be approximately 100 feet from the edge of the building construction footprint. Though the distance to sensitive receptors to the north would be reduced by approximately 23 feet, the duration of building construction, which is the time it would take to construct only the buildings and does not include other construction activities (demolition, site preparation, excavation, etc.), would go from 22 months under the Original Project (25-story building) to 14 months for the six-story building under the Modified Project. The duration of building construction, therefore, would be reduced by approximately 8 months under the Modified Project, resulting in a significant decrease in building construction noise relative to the Original Project. With implementation of Mitigation Measures NOI-1 through NOI-9 of the 2016 Certified EIR, which are reproduced below in Section 5.7.3, impacts due to construction equipment would be reduced but could still potentially be disruptive to occupants at the Villas at Fashion Island and The Colony. As shown in this section, the mitigation measures were renumbered (originally numbered as Mitigation Measures 9-1 and 9-9 in the 2016 Certified EIR) to ensure the mitigation is implemented as intended for the Modified Project. Though the duration of the entire construction period of the Modified Project is anticipated to take 18 months to construct compared with 28 months for the Original Project, construction noise levels would be similar to those identified under the Original Project and would remain significant and unavoidable.

Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. There are no changes or new significant information that would require preparation of an EIR.

Operational Noise

Offsite Traffic Noise

The City of Newport Beach incremental noise impact criteria is up to plus-3 dB for existing noise exposure from 55 to 60 dBA CNEL, up to plus-2 dB for existing noise exposure from 60 to 65 dBA CNEL, up to plus-1 dB for existing noise exposure from 65 to 75 dBA CNEL, and a 0.0 dB increase for existing exposures greater than 75 dBA CNEL.

The Original Project identified a traffic noise impact of less than a 0.5 dB increase due to the estimated 30 new peak hour trips. The Modified Project would result in an increase of less than 30 peak hour trips (8 peak hour trips, see Table 10 in Section 5.17, below). Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains

unchanged from the 2016 Certified EIR. There are no changes or new significant information that would require preparation of an EIR.

Stationary Noise

The City of Newport Beach Municipal Code Section 10.26.45 provides the following standards for stationary noise:

- For HVAC equipment: no more than 50 dBA (generally) or no more than 55 dBA if the equipment has a timing device that deactivates the equipment between 10:00 PM and 7:00 AM. (§ 10.26.045)

- For general stationary items:
  - No more than 55 dBA L_{eq} at (single-, two- or multi-family) residential receptors during the daytime[3] or 50 dBA L_{eq} during the nighttime.[4]

  - No more than 65 dBA L_{eq} at commercial receptors during the daytime or 60 dBA L_{eq} during the nighttime.

The Modified Project's HVAC equipment is expected to be on the roof of the proposed six-story building based on the Modified Project's proposed roof plan. The nearest sensitive residential receptor would be approximately 230 feet to the north (Villas at Fashion Island). Typical HVAC equipment generates levels of 67 dBA L_{eq} at 25 feet vertical distance. At 230 feet vertical distance, noise levels would attenuate to 48 dBA L_{eq} or less, which would adhere to the daytime and nighttime thresholds of 55 dBA L_{eq} and 50 dBA L_{eq}, respectively. Installation of the proposed parapet wall would reduce rooftop HVAC noise further but is conservatively not factored into this assessment of potential operational impacts. Therefore, the Modified Project, similar to the Original Project, would have a less than significant impact.

Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. There are no changes or new significant information that would require preparation of an EIR.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Minor Technical Changes or Additions.

Construction Vibration Impacts

Vibration-Induced Architectural Damage

The nearest residential buildings from the project site boundary are the Villas at Fashion Island to the north at 100 feet and The Colony to the south at 150 feet. The potential for typical construction activity (i.e., no pile driving) to exceed the architectural damage threshold of 0.20 inches per second (in/sec) peak particle velocity (PPV) is within approximately 25 feet (FTA 2018). No pile driving is proposed for the Modified Project, and

[3] Daytime = 7 AM to 10 PM.
[4] Nighttime = 10 PM to the following 7 AM.

both closest residential buildings are beyond the 25-foot buffer distance for potential impacts. Commercial/office uses have a threshold of 0.30 in/sec PPV (FTA 2018). The nearest nonresidential structures are parking structures to the north and east at approximately 25 feet. At that distance, the parking structures would experience vibration levels of up to 0.21 in/sec PPV, which would not exceed the 0.30 in/sec PPV threshold. Therefore, the Modified Project, similar to the Original Project, would have a less than significant impacts. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. There are no changes or new significant information that would require preparation of an EIR.

Vibration Annoyance

For projects within the City of Newport Beach, the level where vibration becomes potentially annoying is 72 VdB for residential uses and 84 VdB for commercial/office uses. The Original Project identified the nearest sensitive residential receptor to be 230 feet from the center of the proposed construction site and the nearest commercial use/building to be 150 feet. The distance to the nearest residential receptor would remain at 230 feet from the center of construction activities, and the distance to the nearest commercial building to the west would increase to approximately 350 feet. At these distances, average construction-generated vibration levels would be 68 VdB or less, as computed for the Original Project, therefore not exceeding the vibration annoyance threshold. The Modified Project would not bring the average construction proximity closer to sensitive receptors. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. There are no changes or new significant information that would require preparation of an EIR.

Operational Vibration Impacts

The operation of the Modified Project, similar to the Original Project, would not include any long-term vibration sources. Thus, no significant vibration effects or impacts from operations sources would occur, and no mitigation measures are required. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. There are no changes or new significant information that would require preparation of an EIR.

Emergency Vehicle Noise

Compared to the Original Project, which included residential condominiums, emergency vehicle trips may be more common for the Modified Project, a senior housing facility. However, the nearest emergency service likely to respond first to the project site is the Newport Beach Fire Department located 250 feet northwest. At this distance, the NBFD first responders would roll silent to the project site. That is, they would not turn on their sirens, and there would be no emergency vehicle noise impact. In addition, it should be noted that noise from emergency vehicles is exempted from the noise provisions of the Municipal Code per Section 10.26.035. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. There are no changes or new significant information that would require preparation of an EIR.

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

No Impact. Impacts due to airport noise associated with the Original Project were not addressed in the 2016 Certified EIR, as the City concluded during the scoping process—specifically, in the 2016 Initial Study for the Original Project dated February 2016 (Appendix A to the 2016 Certified EIR)—that no impact would arise. Geographically, the Modified Project has not significantly changed. Therefore, the Modified Project, similar to the Original Project, would not expose people residing in the project area to excessive airport noise, and no impact would arise. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. There are no changes or new significant information that would require preparation of an EIR.

5.13.3 Adopted Mitigation Measures Applicable to the Modified Project

The following mitigation measures have been carried through from the 2016 Certified EIR and apply to and will be implemented for the Modified Project. Where necessary, mitigation measures have been renumbered, modified, refined, and/or supplemented to ensure mitigation is implemented as intended for the Modified Project. Modifications to the mitigation measures are identified in ~~strikeout~~ text to indicate deletions and **underline bold** text to signify additions.

~~9-1~~**NOI-1** At least 30 days prior to commencement of demolition or any other construction activities, notification shall be given to all residents or businesses within 500 feet of the project site regarding the planned construction activities. The notification shall include a brief description of the project, the activities that would occur, the duration and hours when construction would occur. The notification shall also include the telephone number of the construction contractor's authorized representative to respond in the event of a vibration or noise complaint.

~~9-2~~ **NOI-2** Prior to the beginning of construction activities, a sign shall be posted at the entrance to the job site, clearly visible to the public, that contains a contact name and telephone number of the construction contractor's authorized representative to respond in the event of a vibration or noise complaint. If the authorized representative receives a complaint, he/she shall investigate, take appropriate corrective action, and report the action to the City of Newport Beach's Community Development Director.

~~9-3~~ **NOI-3** Route all construction-related trips (including worker commuting, material deliveries, and debris/soil hauling) so as to minimize pass-bys or residential areas around the project site.

~~9-4~~ **NOI-4** All heavy construction equipment used on the proposed project shall be maintained in good operating condition, with all internal combustion, engine-driven equipment fitted with intake and exhaust muffles, air intake silencers, and engine shrouds no less effective than as originally equipped by the manufacturer.

~~9-5~~ **NOI-5** Electrically powered equipment instead of pneumatic or internal combustion powered equipment shall be used to the extent possible.

~~9-6~~ **NOI-6** All stationary noise-generating equipment shall be located as far away as possible from neighboring property lines; with particular attention paid to the residential complex (currently under construction) to the north of the project site.

~~9-7~~ **NOI-7** Limit all internal combustion engine idling both on the site and at nearby queuing areas to no more than five (5) minutes for any given vehicle or machine. Signs shall be posted at the job site and along queueing lanes to reinforce the prohibition of unnecessary engine idling.

~~9-8~~ **NOI-8** The use of noise producing signals, including horns, whistles, alarms, and bells will be for safety warning purposes only. Use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters.

~~9-9~~ **NOI-9** A temporary noise barrier/curtain shall be erected between the construction zone and adjacent residential receptors to the north of the project site boundary. The temporary sound barrier shall have a minimum height of 16 feet and be free of gaps and holes and must achieve a Sound Transmission Class (STC) of 35 or greater. The barrier can be (a) a ¾-inch-thick plywood wall OR (b) a hanging blanket/curtain with a surface density of at least 2 pounds per square foot. For either configuration, the construction side of the barrier shall have an exterior lining of sound absorption material with a Noise Reduction Coefficient (NRC) rating of at least 0.7.

5.13.4 Level of Significance After Mitigation

As with the Original Project, construction noise impacts of the Modified Project would remain significant and unavoidable with implementation of the mitigation measures identified above.

5.14 POPULATION AND HOUSING

5.14.1 Summary of Impacts Identified in the 2016 Certified EIR

As stated in the 2016 Certified EIR, the Original Project would introduce 100 condominium units on a site currently designated for nonresidential use. The estimated population growth due to project buildout would be well within the forecast population increase for the City of Newport Beach of 7,514 residents between 2010 and 2040. The projected housing increase would be within SCAG's projected housing growth. The 100 condominiums would represent 3.4 percent of the forecast housing growth of 2,900 units anticipated by 2040 for the City. The new units would slightly decrease the City's jobs-housing ratio, which is jobs heavy. Therefore, the 2016 Certified EIR concluded that overall impacts to population, housing, and jobs-housing balance would be less than significant.

5.14.2 Impacts Associated with the Modified Project

Would the project:

Issues	Substantial Change in Project or Circumstances Resulting in New Significant Effects	New Information Showing Greater Significant Effects than Previous EIR	New Mitigation or Alternative to Reduce Significant Effect is Declined	Minor Technical Changes or Additions	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?					X

Comments:

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

Minor Technical Changes or Additions. The Modified Project would introduce new senior housing into the City, potentially resulting in an increase in senior population in the City. The Modified Project is a senior housing project in a six-story building that would house independent/assisted living dwelling units and a memory care facility. Congregate care services via a state-licensed residential care facility for the elderly would be provided to residents in both the independent/assisted living and memory care facility. Specifically, 54 one-bed units (studios) and 36 two-bed units are proposed in the independent/assisted living portion (90 units), and 27 beds are proposed in the memory care facility.

Population

Based on the number of proposed beds in the independent/assisted living units and memory care facility, the Modified Project would introduce fewer residents than the Original Project—153 residents (one resident per bed) compared to the 224 residents analyzed in the 2016 Certified EIR. Therefore, the impacts to population would be less. The estimated population growth due to buildout of the Original Project was well within the City's forecast population increase of 7,514 residents between 2010 and 2040 (see Table 5.10-2 of the 2016 Certified EIR). The Modified Project would have fewer residents and therefore less impact than the Original Project, and population growth impacts would remain less than significant. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. There are no changes or new significant information that would require preparation of an EIR.

Housing

The Modified Project (90 independent/assisted living dwelling units and a 27-bed memory care facility) would introduce fewer dwelling units than the Original Project (versus 100 residential dwelling units). The 90 independent/assisted living dwelling units of the Modified Project would be within the forecast housing growth of 2,900 units anticipated by 2040 for the City. Thus, as with the Original Project, the Modified Project would remain within SCAG's projected housing growth, and housing impacts would remain less than significant. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. There are no changes or new significant information that would require preparation of an EIR.

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

No Impact. As with the Original Project, there is no existing housing onsite and no existing residents. Therefore, the project would not displace housing or residents. No impact would occur. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur, and the level of impact remains unchanged from the 2016 Certified EIR. There are no changes or new significant information that would require preparation of an EIR.

5.14.3 Adopted Mitigation Measures Applicable to the Modified Project

The 2016 Certified EIR determined that no significant impacts related to population and housing would result from the Original Project. Accordingly, no mitigation measures were identified.

5.14.4 Level of Significance After Mitigation

No mitigation measures were identified because all impacts would be less than significant.

5.15 PUBLIC SERVICES

5.15.1 Summary of Impacts Identified in the 2016 Certified EIR

Fire, Police, Schools, and Libraries

Potential impacts of the Original Project on fire protection and emergency services, police protection, school services, and library services were analyzed in the 2016 Certified EIR, which concluded that, upon implementation of regulatory requirements and standard conditions of approval, impacts to these services would be less than significant. No mitigation was needed.

5.15.2 Impacts Associated with the Modified Project

Would the project result in:

Issues	Substantial Change in Project or Circumstances Resulting in New Significant Effects	New Information Showing Greater Significant Effects than Previous EIR	New Mitigation or Alternative to Reduce Significant Effect is Declined	Minor Technical Changes or Additions	No Impact
Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:					
a) Fire protection?				X	
b) Police protection?				X	
c) Schools?				X	
d) Parks?				X	
e) Other public facilities?				X	

Comments:

The analysis in this section is based partly on the following technical study, which is included as Appendix F to this Addendum:

- *Public Services Questionnaire Responses*, Newport Beach Fire and Police Departments, February 2019

a) Fire protection?

Minor Technical Changes or Additions. As with the Original Project analyzed in the 2016 Certified EIR, the project site is served by the Newport Beach Fire Department (NBFD), which is staffed by 148 full-time employees including 117 full-time firefighters and 13 full-time lifeguards (Bass 2019, Appendix F). The three closest fire stations to the project site are: Station No. 3 (Fashion Island) at 868 Santa Barbara Avenue; Station No. 4 (Balboa Island) at 124 Marine Avenue; and Station 5 (Corona Del Mar) at 410 Marigold Avenue. The closest of the three fire stations is Station No. 3, only 0.1 mile northwest of the project site (see Figure 3, *Aerial Photograph*). Response time (from the time the call is placed to the time of arrival) to the project site would be less than five minutes (Bass 2019, Appendix F).

The Modified Project would introduce fewer dwelling units and residents than the Original Project (90 independent/assisted living dwelling units and 27 memory care beds/153 residents total versus 100 residential

dwelling units/224 residents). NBFD estimated that the Modified Project would generate between 80 and 90 service calls per year based on the senior demographic and assisted care use (Bass 2019, Appendix F).

Per NBFD, there are no existing deficiencies in the level of fire protection service in the Newport Center/Fashion Island area Additionally, the existing equipment and personnel are adequate to maintain a sufficient level of service for the project area (2016 Certified EIR and Bass 2019, Appendix F).

Furthermore, as with the Original Project, the Modified Project would comply with the existing International Fire Code, California Fire and Building Codes, and City of Newport Beach Municipal Code. The Modified Project would also be required to pay a property excise tax (Chapter 3.12 of the City's municipal code), which is used to fund fire stations, libraries, and parks, and would generate property taxes for the City's general fund, which provides NBFD with funding.

Like the Original Project, impacts on fire protection and emergency services under the Modified Project would be less than significant. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur. No changes or new information would require preparation of a subsequent EIR.

b) Police protection?

Minor Technical Changes or Additions. The project site is served by the Newport Beach Police Department (NBPD). The closest police station is at 870 Santa Barbara Drive, approximately 0.1 mile northwest of the site. The Modified Project would introduce fewer dwelling units and residents in the project area than the Original Project (90 independent/assisted living dwelling units and 27 memory care beds/153 residents total versus 100 residential dwelling units/224 residents). Therefore, the Modified Project would result in a slightly smaller increase in the demand for police protection.

Although there are no current law enforcement staffing standards for the City, the Newport Beach General Plan (2006) notes that the ratio of 1.7 officers per 1,000 residents allows the NBPD to meet the needs of the City's permanent and transient population (Newport Beach 2006). Based on this ratio, the Modified Project would generate the need for an additional 0.26 officer compared to 0.37 officer generated by the Original Project. NBFD's estimated response time to the Modified Project would be 3:11 minutes for priority 1 calls and 5:36 minutes for priority 2 calls. NBPD determined that the existing equipment and personnel would be adequate to maintain a sufficient level of service to the Modified Project and the proposed site access would be sufficient to accommodate police personnel (Little 2019, Appendix F). Although cumulative demand for police services would gradually increase as new development projects are constructed, the need for new officers, equipment, and facilities would be funded as development continues (2016 Certified EIR).

Since the Modified Project proposes to add fewer dwelling units and residents to the area than the Original Project, which NBPD determined could be adequately served, impacts of the Modified Project would remain less than significant. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur. No changes or new information would require preparation of a subsequent EIR.

5. Environmental Analysis

c) Schools?

Minor Technical Changes or Additions. The project site is in the Newport-Mesa Unified School District in the attendance area of Lincoln Elementary School (K-6) and Corona Del Mar High School (7-12). Since the project is age restricted to senior residents, it would not generate any school-aged residents. The Modified Project would have no impact on school services, and would reduce impacts as compared to the Original Project which was projected to introduce approximately 20 new students into the Newport-Mesa Unified School District. Accordingly, no new significant impacts of greater severity than those previously identified in the 2016 Certified EIR. No changes or new information would require preparation of a subsequent EIR.

d) Parks?

Minor Technical Changes or Additions. The Modified Project would reduce the number of dwelling units (90 independent/assisted living dwelling units and 27 memory care beds versus 100 residential dwelling) and the number of residents from 224 to 153, compared to the Original Project. Furthermore, the Modified Project's independent/assisted living dwelling units and memory care facility would serve a demographic that would be less likely or unable to frequent neighborhood and regional parks or other offsite recreational facilities. The Modified Project would also include its own outdoor and indoor (both common and private) recreational facilities and areas, as shown in Figure 5, *Conceptual Site and Landscape Plan*, and detailed in Table 2, *Original Project and Modified Project Development Summary Comparison*. There would be no need to expand any offsite recreational facilities. Furthermore, impacts associated with onsite modifications are addresses through this document. As detailed throughout this Addendum, there would be no new significant impacts on the environment as a result of the Modified Project.

Therefore, the Modified Project, similar to the Original Project, would not increase the demand for park facilities or result in construction of new or physically altered park facilities that could cause a significant environmental impact. Impacts on parks as a result of development of the Modified Project would be less than significant. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur There are no changes or new significant information that would require preparation of an EIR.

e) Other public facilities?

Minor Technical Changes or Additions. As with the Original Project, development of the Modified Project would result in an increase in demand for library services and facilities due to the increase in population. Residents of the Modified Project would be served by the Newport Beach Public Library (NBPL); the nearest NBPL facility to the project site is the Central Library at 1000 Avocado Avenue, approximately one mile south of the project site. The Modified Project would introduce slightly fewer dwelling units and residents than the Original Project (90 independent/assisted living dwelling units and 27 memory care beds/153 residents total versus 100 residential dwelling units/224 residents). Therefore, the Modified project would result in a slightly reduced demand for library services than the Original Project and impacts would be slightly less.

Overall, like the Original Project, Modified Project impacts to library services would be less than significant. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the

2016 Certified EIR would occur. No changes or new information would require preparation of a subsequent EIR.

5.15.3 Adopted Mitigation Measures Applicable to the Modified Project

No Mitigation Measures were required in the 2016 Certified EIR. Since there would be no new significant impacts of greater severity than those previously identified in the 2016 Certified EIR, no mitigation measures are required for the Modified Project.

5.15.4 Level of Significance After Mitigation

No mitigation measures were identified because all impacts would be less than significant.

5.16 RECREATION

5.16.1 Summary of Impacts Identified in the 2016 Certified EIR

Existing Recreational Facilities

The 2016 Certified EIR found that the Original Project would introduce 224 additional residents who would increase the use of existing park and recreational facilities. However, the Original Project included on-site recreational amenities and payment of park fees to meet City requirements, and the 2016 Certified EIR found that the existing City park and recreational facilities and proposed common and private open spaces implemented as part of the Original Project would adequately serve future project residents. Therefore, the 2016 Certified EIR concluded that the impacts would be less than significant.

Proposed Recreational Facilities

The Original Project did not propose construction or expansion of facilities that would result in impacts to existing recreational facilities. This impact was found to be less than significant.

5.16.2 Impacts Associated with the Modified Project

Issues	Substantial Change in Project or Circumstances Resulting in New Significant Effects	New Information Showing Greater Significant Effects than Previous EIR	New Mitigation or Alternative to Reduce Significant Effect is Declined	Minor Technical Changes or Additions	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X	

Comments:

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Minor Technical Changes or Additions. The Modified Project would introduce fewer dwelling units and residents than the Original Project (90 independent/assisted living dwelling units and 27 memory care beds/153 residents total versus 100 residential dwelling units/224 residents). Also, the Modified Project is an independent/assisted living and memory care facility and would house senior citizens. Typically, this demographic is less likely to frequent parks and other offsite recreational facilities, particularly when amenities are provided onsite. The Modified Project would include its own outdoor and indoor (both common and private) recreational facilities and areas, as shown in Figure 5, *Conceptual Site and Landscape Plan*, and detailed in Table 2, *Original Project and Modified Project Development Summary Comparison*. The area is also adequately served with existing recreational facilities including the Oasis Senior Center

Therefore, the Modified Project, similar to the Original Project, would not increase the use of existing neighborhood and regional parks or other recreation facilities such that substantial physical deterioration of the facility would occur or be accelerated. Impacts would remain less than significant. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur. No changes or new information would require preparation of a subsequent EIR.

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

The Modified Project would incorporate a large outdoor courtyard in addition to onsite recreational facilities. The provision of these amenities to serve senior residents, and the reduction in the number of units associated with the Modified Project would reduce impacts on park services and the community. There would be no need to expand any offsite recreational facilities, and impacts associated with onsite modifications are addressed through this document. As detailed throughout this Addendum, there would be no new significant impacts on the environment as a result of the Modified Project.

Therefore, the net incremental impact of the Modified Project on recreational facilities would be less than significant, and no new significant and unavoidable impacts would occur as a result of the Modified Project or as a result of changed circumstances. Accordingly, no new significant impacts or impacts of greater severity than those previously identified in the 2016 Certified EIR would occur. No changes or new information would require preparation of a subsequent EIR.

5.16.3 Adopted Mitigation Measures Applicable to the Modified Project

No mitigation measures were required in the 2016 Certified EIR. Since there would be no new significant impacts of greater severity than those previously identified in the 2016 Certified EIR, no mitigation measures are required for the Modified Project.

5.16.4 Level of Significance After Mitigation

No mitigation measures were identified because all impacts would be less than significant.

5.17 TRANSPORTATION

5.17.1 Summary of Impacts Identified in the 2016 Certified EIR

The Original Project was proposed in 2016 to accommodate the development of a 25-story, 100-unit residential condominium tower. The 2016 Certified EIR estimated that the Original Project would generate 310 net new trip-ends per day, with 30 net new trips during the AM peak hour (3 inbound, 27 outbound) and 33 net new trips during the PM peak hour (23 inbound, 10 outbound). This estimate discounted trips from the OCMA that the project would replace (see Section 2.2.1 for a detailed description of existing land uses onsite). Table 7 summarizes the trip generation calculations for the original project.

Table 7 Original Project Trip Generation Summary

Land Use	Land Use Size	Daily	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Condominiums (Original Project)	100 DU	418	6	28	34	24	14	38
Museum (Existing)	24 TSF	(108)	(3)	(1)	(4)	(1)	(4)	(5)
	Net New Trips	**310**	**3**	**27**	**30**	**23**	**10**	**33**

Source: PlaceWorks 2016.
DU= Dwelling Units; TSF = Thousand Square Feet

In addition to performing traditional CEQA-level analyses to evaluate traffic impacts, the City of Newport Beach requires a traffic analysis of the future year of the proposed development per Traffic Phasing Ordinance (TPO). The traffic analysis concluded that the trips generated from the Modified Project would not cause a significant impact on any of the study intersections under traditional CEQA-level and under TPO requirements. No mitigation measures were recommended. The 2016 Certified EIR concluded that the Original Project would result in less-than-significant traffic impacts.

5.17.2 Impacts Associated with the Modified Project

Would the project:

Issues	Substantial Change in Project or Circumstances Resulting in New Significant Effects	New Information Showing Greater Significant Effects than Previous EIR	New Mitigation or Alternative to Reduce Significant Effect is Declined	Minor Technical Changes or Additions	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?				X	
b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?				X	

5. Environmental Analysis

Issues	Substantial Change in Project or Circumstances Resulting in New Significant Effects	New Information Showing Greater Significant Effects than Previous EIR	New Mitigation or Alternative to Reduce Significant Effect is Declined	Minor Technical Changes or Additions	No Impact
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X	
d) Result in inadequate emergency access?				X	

Comments:

a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Minor Technical Changes or Additions. The project site would be redeveloped with the Modified Project, which would consist of 54 one-bed units and 36 two-bed units in the independent/assisted living portion (90 units), and 27 beds in the memory care facility, for a total of 117 occupied units for trip calculation.

Modified Project Trips

Trip generation estimates for the Modified Project were developed using the Institute of Transportation's *Trip Generation* (10th ed.). For the Modified Project, trip rates from ITE's manual listed as "Continuing Care Retirement Community" provide the best match for the proposed land use. The Continuing Care Retirement Community land use (Occupied Unit) is a blended rate that is an aggregate of independent senior dwelling units, assisted living dwelling units and/or beds which matches the development proposed in the Modified Project. Trip rates from Continuing Care Retirement Community land use represent all 90 independent/assisted living dwelling units and 27 beds of the memory care facility (117 occupied units). The trips associated with the OCMA and offices were based on driveway counts conducted in the traffic impact study for the 2016 Certified EIR. Table 8 shows the trip generation rates per unit of living accommodation. For this project, it is assumed that all units (90 independent/assisted living dwelling units +27 beds of the memory care facility) are occupied, and trip generation is based on the number of occupied units.

Table 8 Trip Generation Rates

Land Use	ITE Code	Unit	Trip Generation[1]						
			Daily	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Continuing Care Retirement Community	255	Occupied Units	2.5	0.10	0.05	0.15	0.08	0.12	0.20

[1] Trip generation rates for peak hour of adjacent streets, per the ITE Trip Generation Manual 10th Edition.

A summary of the trip generation rates and resulting net new vehicle trips from the Modified Project and the applied existing use trip credit (described in Section 5.17.1) is in Table 9. As shown in the table, the Modified

Project is projected to generate approximately 129 net new trip-ends per day, with 12 net new trips during the AM peak hour (7 inbound, 5 outbound) and 15 net new trips during the PM peak hour (7 inbound, 8 outbound).

Table 9 Modified Project Trip Generation Summary

Land Use	Land Use Size	Daily	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Modified Project	117 occupied units[1]	293	12	6	18	9	14	23
Museum (Existing)	24 TSF	-108	-3	-1	-4	-1	-4	-5
Administrative Office Building (Existing)	15 TSF	-56	-2	0	-2	-1	-2	-3
Net New Trips		**129**	**7**	**5**	**12**	**7**	**8**	**15**

[1] The 117 occupied units includes 90 independent/assisted living dwelling units +27 beds of the memory care facility.

Modified Project Trips vs Original Project Trips

The Original Project would generate 310 net new trip-ends per day, with 30 net new trips during the AM peak hour and 33 net new trips during the PM peak hour (see Table 7). A comparison of trips in Table 10 shows that the Modified Project would generate fewer trips on a daily basis and during the AM and PM peak hours. Therefore, like the Original Project, traffic impacts under the Modified Project would be less than significant. Accordingly, no new significant impacts result from project modification or changed circumstances and no revisions to the 2016 Certified EIR are necessary. No changes or new information would require preparation of a subsequent EIR.

Table 10 Trip Generation Comparison

2016 Certified Project	Modified Project	Difference
310	129	-181
30	12	-18
33	15	-18

City of Newport Beach Transportation Phasing Ordinance Requirements

The City's TPO requires, as part of standards of approval, that a traffic study is prepared to analyze impacts to the circulation system and to ensure that the effects of new development projects are mitigated by developers as they occur (Newport Beach Municipal Code Chapter 15.40). The TPO requires analysis of the project one year after completion, or of the portion of the project expected to be constructed within five years of project approval. Unlike the CEQA analysis, where cumulative projects must be included in the analysis, the TPO analysis includes only approved projects in the no-project baseline conditions. However, according to Section 15.40.030 C.1, projects that generate less than 300 daily trips are exempt from the TPO. The Modified Project would generate 129 trip-ends per day and not require such an analysis. Accordingly, no new significant impacts

result from project modification or changed circumstances and no revisions to the 2016 Certified EIR are necessary. No changes or new information would require preparation of a subsequent EIR.

b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?

Minor Technical Changes or Additions. The legislature found that with the adoption of the SB 375, the state had signaled its commitment to encourage land use and transportation planning decisions and investments that reduce vehicle miles traveled (VMT) and contribute to the reduction of greenhouse gas emissions, as required by the California Global Warming Solutions Act of 2006 (Assembly Bill [AB 32]). Additionally, AB 1358 (Complete Streets Act) requires local governments to plan for a balanced, multimodal transportation network that meets the needs of all users.

On September 27, 2013, SB 743 was signed into law. SB 743 started a process that could fundamentally change transportation impact analysis as part of CEQA compliance. These changes include the elimination of auto delay, level of service (LOS), and other similar measures of vehicular capacity or traffic congestion as a basis for determining significant impacts in many parts of California (if not statewide). On January 20, 2016, OPR released revisions to its proposed CEQA guidelines for the implementation of SB 743, and final review and rulemaking for the new guidelines were completed in December 2018. OPR allows agencies an opt-in period to adopt the guidelines, and they become mandatory on July 1, 2020.

The City of Newport Beach has not implemented VMT metrics yet and currently uses the established LOS criteria. Therefore, no new significant impacts result from project modification or changed circumstances and no revisions to the 2016 Certified EIR are necessary. No changes or new information would require preparation of a subsequent EIR.

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

Minor Technical Changes or Additions. Primary vehicular access to the site would be at a driveway on San Clemente Drive across from Santa Maria Road, which is the same driveway location for the Original Project. The final plan must be designed in accordance with the City of Newport Beach design standards and approved by the City Public Works Department. The traffic impact study for the Original Project concluded that, for this driveway location, impacts would be less than significant. Therefore, as with the Original Project, the Modified Project would not significantly increase hazardous conditions due to design features or incompatible uses. Impacts would remain less than significant. Accordingly, no new significant impacts result from project modification or changed circumstances and no revisions to the 2016 Certified EIR are necessary. No changes or new information would require preparation of a subsequent EIR.

d) Result in inadequate emergency access?

Minor Technical Changes or Additions. As discussed in response 5.17.2(c), primary vehicular access to the site would be at a driveway on San Clemente Drive across from Santa Maria Road, where major emergency access would be provided. Secondary vehicular access to the project site would be provided via the existing asphalt-paved private street that connects to the adjacent apartment development known as Villas at Fashion

Island. Secondary access would be provided via an access easement entered into by and between The Irvine Company and the project applicant. As shown in Figure 3, *Aerial Photograph*, the private street connects to the northeastern end of the project site; it also serves as access for emergency response vehicles.

The proposed modifications to the project site would not result in inadequate emergency access. The project internal and access driveways would be designed in accordance with the City's design standards and be subject to review by the City's Public Works Department. By following the design standards for streets through the process of review and approval by the City, adequate emergency access would be provided. The Modified Project, similar to the Original Project, would have less than significant emergency access impacts. Accordingly, no new significant impacts result from project modification or changed circumstances and no revisions to the 2016 Certified EIR are necessary. No changes or new information would require preparation of a subsequent EIR.

5.17.3 Adopted Mitigation Measures Applicable to the Modified Project

The 2016 Certified EIR determined that no significant transportation impacts would result from the Original Project. Accordingly, no mitigation measures were identified.

5.17.4 Level of Significance After Mitigation

No mitigation measures were identified because all impacts would be less than significant.

5.18 TRIBAL CULTURAL RESOURCES

5.18.1 Summary of Impacts Identified in the 2016 Certified EIR

The 2016 Certified EIR found that development of the Original Project could impact tribal cultural resources. Although no tribal cultural resources were identified in the project site, Mitigation Measures 3-1 and 3-3 were provided to ensure appropriate tribes would be notified if any were to be found and allow Native American tribal monitoring on a voluntary basis consistent with General Plan Policy HR 2.3. With implementation of Mitigation Measures 3-1 and 3-3, impacts were determined to be less than significant.

5.18.2 Impacts Associated with the Modified Project

Would the project:

Issues	Substantial Change in Project or Circumstances Resulting in New Significant Effects	New Information Showing Greater Significant Effects than Previous EIR	New Mitigation or Alternative to Reduce Significant Effect is Declined	Minor Technical Changes or Additions	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:					
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or					X
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.				X	

Comments:

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

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

No Impact. The 2016 Certified EIR discussed the lack of historic resources on the project site. The City's General Plan Historical Resources Element identifies 16 properties as historic resources, none of which include the project site. Additionally, the 2006 General Plan EIR lists 11 properties that have been listed or designated eligible for listing on the National Register of Historic Places or California Register for Historic Places or are otherwise listed as historic or potentially historic in the California Historic Resources Information System. These sites are mapped on Figure 4-4-1, Historic Resources, of the 2006 General Plan Update EIR, and do not include the project site. The project buildings are also not listed in the City's Historic Resource Inventory. These

facts remain unchanged for the Modified Project. Like the Original Project, no impacts would occur under the Modified Project. Accordingly, no new significant impacts result from project modification or changed circumstances and no revisions to the 2016 Certified EIR are necessary. No changes or new information would require preparation of a subsequent EIR.

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

Minor Technical Changes or Additions. The 2016 Certified EIR found that there are no known tribal cultural resources in the project area, as defined in Public Resources Code Section 21074. As a part of the Original Project, the City contacted 15 tribes about the project and opportunity for tribal consultation under AB 52. Only 2 of the 15 tribes responded—the Gabrieleño Band of Mission Indians-Kizh Nation and the United Coalition to Protect Panhe. Under the Modified Project, the City contacted these two tribes and again regarding the opportunity for tribal consultation under AB52.

The United Coalition to Protect Panhe noted receipt of City's letter and did not request further consultation. Consultation between the City and the Gabrieleño Band of Mission Indians-Kizh Nation concluded that mitigation measures would be provided to ensure appropriate tribes would be notified if any resources are discovered.

Therefore, as with the Original Project, impacts of the Modified Project would be reduced to less than significant with implementation of mitigation measures. Accordingly, no new significant impacts result from project modification or changed circumstances and no revisions to the 2016 Certified EIR are necessary. No changes or new information would require preparation of a subsequent EIR.

5.18.3 Adopted Mitigation Measures Applicable to the Modified Project

The following mitigation measures have been carried through from the 2016 Certified EIR and apply to and will be implemented for the Modified Project. Where necessary, mitigation measures have been renumbered, modified, refined, and/or supplemented to ensure mitigation is implemented as intended for the Modified Project. Modifications to the mitigation measures are identified in ~~strikeout~~ text to indicate deletions and **underline bold** text to signify additions.

~~3-1~~**CUL-1** Prior to the issuance of grading permits, the project applicant shall demonstrate to the Community Development Department that an Orange County–certified professional archaeologist has been retained to monitor any potential impacts to archaeological resources throughout the duration of any ground-disturbing activities at the project site. The qualified archeologist shall be present at the pregrade meeting to discuss the monitoring, collection, and safety procedures of cultural resources, if any are found.

If subsurface cultural resources are discovered during ground-disturbing activities, the construction contractor shall ensure that all work stops within 25 feet of the find until the

qualified archeologist can assess the significance of the find and, if necessary, develop appropriate treatment or disposition of the resources in consultation with the City of Newport Beach and a representative of the affected Native American tribe (Gabrieleño or Juaneño). The archeological monitor shall have the authority to halt any project-related activities that may adversely impact potentially significant archaeological resources. Suspension of ground disturbances in the vicinity of the discoveries shall not be lifted until an archeological monitor has evaluated the discoveries to assess whether they are classified as significant cultural resources, pursuant to the California Environmental Quality Act and, if determined to be significant, to develop an appropriate treatment or disposition plan. As required by General Plan Policy HR 2.4, any scientifically valuable materials will be donated to a responsible public or private institution with a suitable repository, located within Newport Beach or Orange County, whenever possible.

~~3-3~~**CUL-2** **Prior to issuance of any grading permit, the Applicant shall provide satisfactory evidence that a Native American monitor (i.e., Gabrieleño Band of Mission Indians-Kizh Nation), has been retained to observe ground disturbance activities during grading and excavation. In the event that tribal cultural resources are discovered, the Native American monitor shall be included in the consultation on the recommended next steps**. ~~During construction activities, the project applicant shall allow representatives of cultural organizations, including Native American tribes (i.e. Gabrieleño Band of Mission Indians), to access the project site on a volunteer basis to monitor grading and excavation activities.~~

5.18.4 Level of Significance After Mitigation

As with the Original Project, impacts of the Modified Project would be less than significant with implementation of mitigation measures identified above.

5.19 UTILITIES AND SERVICE SYSTEMS

5.19.1 Summary of Impacts Identified in the 2016 Certified EIR

Water Supply and Demand

The 2016 Certified EIR found that the Original Project would generate a net peak hour water supply demand of 409 gallons per minute and that, with the proposed water infrastructure improvements, the project would be adequately served by existing water supply and delivery systems. The environmental impacts of the water facility improvements proposed as part of the project were analyzed throughout the 2016 Certified EIR. No significant individual or cumulative impacts were identified.

Wastewater

The Original Project's impacts related to exceedance of waste water treatment requirements of the applicable Regional Water Quality Control Board were not addressed in the 2016 Certified EIR because the City concluded

in the Initial Study for the Original Project (Appendix A of the 2016 Certified EIR), that the Original Project would not exceed these requirements and that impacts would be less than significant.

The 2016 Certified EIR analyzed wastewater impacts from the Original Project, a 100-unit condominium tower. However, with installation of a 12-inch sewer line replacing the existing 8-inch sewer line in the downstream reach in Santa Barbara Drive, wastewater capacity would adequately accommodate post-development conditions. The environmental impacts of the wastewater facility improvements proposed as part of the Original Project were analyzed throughout the 2016 Certified EIR. In addition, both reclamation plants No. 1 and No. 2 would have sufficient capacity to treat project-generated wastewater. The 2016 Certified EIR found that project-generated wastewater would be adequately collected and treated by the City and Orange County Sanitation District, respectively. No significant individual or cumulative impacts were identified as part of the 2016 Certified EIR and no mitigation measures were required.

Solid Waste

Impacts to landfills and federal, state, and local regulations regarding solid waste were not addressed in the 2016 Certified EIR because the Initial Study for the Original Project (Appendix A of the 2016 Certified EIR) found that the impacts would be less than significant. The Initial Study found that landfills serving the project site have substantial remaining capacity to support the Original Project's construction and operation solid waste disposal needs, and that the Original Project would not appreciably shorten the remaining useful life of the existing landfills. The Original Project would also be required to comply with laws and regulations governing solid waste disposal, and the Initial Study concluded that individual and cumulative solid waste impacts would be less than significant,

Storm Drain

The 2016 Certified EIR analyzed storm drain impacts from the Original Project and found that existing and proposed storm drainage systems are adequate to serve the drainage requirements of the Original Project. Since the Original Project would increase pervious surfaces onsite and implement onsite storm drains and modular wetlands, it would result in decreasing stormwater discharges from the site to drainage systems. Therefore, the 2016 Certified EIR concluded that the City's storm drain systems would not be adversely impacted by the Original Project, and individual and cumulative impacts would be less than significant.

Other Utilities

The 2016 Certified EIR also analyzed impacts to electrical and gas utilities (Impact U-8) and found that the Original Project's projected electrical demand would not significantly impact SCE's level of service and the projected natural gas demand would represent a nominal percentage of overall demand in SoCalGas' service area. Existing SoCalGas facilities currently serving the site could also serve the project, and additional connections could be provided if necessary. Therefore, the 2016 Certified EIR concluded that individual and cumulative impacts to electrical and natural gas services would be less than significant.

5.19.2 Impacts Associated with the Modified Project

Would the project:

Issues	Substantial Change in Project or Circumstances Resulting in New Significant Effects	New Information Showing Greater Significant Effects than Previous EIR	New Mitigation or Alternative to Reduce Significant Effect is Declined	Minor Technical Changes or Additions	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?				X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?				X	
c) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X	
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?				X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?					X

Comments:

The analysis in this section is based partly on the following technical studies, which are included as Appendices E and G, respectively, to this Addendum:

- *Preliminary Hydrology Report*, Tait and Associates, May 24, 2019
- *Water and Sewer Study Requirements*, Tait and Associates, May 28, 2019

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

Minor Technical Changes or Additions. The Modified Project has 10 fewer units than the Original Project—90 independent/assisted living dwelling units (plus a 27-bed memory care facility) instead of 100 residential dwelling units. The water and sewer study in Appendix G determined that the Modified Project's water flow rate would be 45 acre-feet per year (afy), and its sewer flow rate would be 0.16 cubic feet per second (cfs),

compared to 48 afy and 0.16 cfs for the Original Project. Therefore, the water and sewer demands for the Modified Project are comparable to the Original Project. Also, the water and sewer study concluded that the Modified Project would not require the installation of the same off-site sewer improvements as the Original Project, (upgrading the sewer pipe at Jamboree Road and Santa Barbara Drive from 8 inches to 12 inches). The existing 8-inch sewer line crossing Jamboree Road does not require up-sizing under the Modified Project. Therefore, the Modified Project would not result in substantial increase in demand or change in impacts to water and wastewater facilities compared to the Original Project, and impacts would remain less than significant.

Impacts to stormwater facilities are discussed in Section 5.10, *Hydrology and Water Quality*, of this Addendum. In general, the proposed onsite surface water runoff for the Modified Project is similar to existing conditions. The onsite storm drain system would consist of new storm drain pipes that range from 6 to 15 inches, which would connect to the existing onsite catch basin. Same as the Original Project, the Modified Project would reduce the amount of runoff from the site resulting from a 2-, 25-, and 100-year storm compared to the existing situation. Therefore, the impacts from the Modified Project to stormwater drainage, similar to the impacts for the Original Project, would be less than significant.

The topic of energy is discussed in Section 5.6, *Energy*, of this Addendum. Electricity use during construction would be temporary and would fluctuate according to the phase of construction. Energy use during the construction phase would be comparable to the energy use for the Original Project, and impacts would be less than significant.

Furthermore, the 2019 Building Energy Efficiency Standards were adopted on May 9, 2018 and go into effect for new construction starting January 1, 2020. The Modified Project would be in compliance with these standards as well as the standards of the 2019 CALGreen (California Code of Regulations, Title 24, Part 11). All appliances would comply with the 2012 Appliance Efficiency Regulations. Therefore, the Modified Project would not result in a significant impact related to energy use during the operational phase.

Accordingly, no new significant impacts result from project modification or changed circumstances and no revisions to the 2016 Certified EIR are necessary. No changes or new information would require preparation of a subsequent EIR.

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

Minor Technical Changes or Additions. The water and sewer study in Appendix G determined that the Modified Project's water flow rate would be 45 afy, compared to 48 afy for the Original Project. Therefore, the water demand for the Modified Project is comparable to the Original Project. As stated in the 2016 Certified EIR, the City documented that it is 100 percent reliable for a normal year, single dry year, and multiple dry years from 2020 through 2040. Therefore, sufficient water supplies would be available to serve the Modified Project in the reasonably foreseeable future during normal, dry, and multiple dry years. Like the Original Project, impacts under the Modified Project would be less than significant. Accordingly, no new significant impacts result from project modification or changed circumstances and no revisions to the 2016 Certified EIR are necessary. No changes or new information would require preparation of a subsequent EIR.

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

Minor Technical Changes or Additions. The Modified Project would generate a sewer flow rate of 0.107 cfs, which is less than the 0.16 cfs rate of the Original Project. Therefore, Modified Project would not create an additional demand or require construction of additional facilities compared to the Original Project. Like the Original Project, impacts under the Modified Project would be less than significant. Accordingly, no new significant impacts result from project modification or changed circumstances and no revisions to the 2016 Certified EIR are necessary. No changes or new information would require preparation of a subsequent EIR.

d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Minor Technical Changes or Additions. The City is under contract with CR&R Environmental Services and Franchised Haulers for solid waste hauling and disposal. Demolition of the existing structures and hardscape improvements for the Modified Project would result in approximately 3,617 tons of building debris and 1,000 tons of asphalt, which is an additional 2,317 tons of demolition waste than the Original Project.

The demolition waste would be hauled offsite to landfills that accept construction/demolition debris, including the California Street Landfill, Chiquita Canyon Sanitary Landfill, El Sobrante Landfill, Frank R. Bowerman Landfill, Olinda Alpha Sanitary Landfill, and Prima Deshecha Sanitary Landfill, which have a combined maximum permitted throughput and remaining capacity greater than the 3,617 tons of construction and demolition debris associated with the Modified Project.

Solid waste generated from the operational phase of the Modified Project would be comparable to the Original Project, since the difference amounts to 10 dwelling units (100 residential units for the Original Project versus 90 independent/assisted living dwelling units for the Modified Project) plus a 27-bed memory care facility for the Modified Project. Solid waste generated from operation of the Modified Project that is not recycled would be disposed of primarily at the Frank R. Bowerman Sanitary Landfill and Olinda Alpha Sanitary Landfill. Similar to the Original Project, the Modified Project would not generate operational solid waste in excess of the capacity of the landfills.

Furthermore, and as discussed in 5.19.2(e) below, the Modified Project would not generate solid waste in excess of state or local standards or otherwise impair the attainment of solid waste reduction goals.

Like the Original Project, impacts under the Modified Project would be less than significant. Accordingly, no new significant impacts result from project modification or changed circumstances and no revisions to the 2016 Certified EIR are necessary. No changes or new information would require preparation of a subsequent EIR.

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Minor Technical Changes or Additions. The Resource Conservation and Recovery Act of 1976 (United States Code Title 42, Sections 6901 et seq.) governs the creation, storage, transport, and disposal of hazardous wastes and operators of hazardous waste disposal sites.

AB 939, the Integrated Waste Management Act of 1989 (California Public Resources Code Sections 40000 et seq.) requires all local governments to develop source reduction, reuse, recycling, and composting programs to reduce tonnage of solid waste going to landfills. Cities must divert at least 50 percent of their solid waste generation into recycling. AB 939 requirements are integrated into Section 12.63.120 of the City's municipal code, which states that no person providing commercial solid waste handling services or conducting a solid waste enterprise shall deposit 50 percent or more of the solid waste collected by the person in the City at any landfill. Compliance with AB 939 is measured for each jurisdiction, in part, as actual disposal amounts compared to target disposal amounts. Actual disposal amounts at or below target amounts comply with AB 939. Target solid waste disposal amounts for the City of Newport Beach are 9.6 pounds per person per day (ppd) for residences and 11.5 ppd for businesses. Actual disposal rates for Newport Beach in 2017, the latest year for which data are available, are 6.7 ppd for residences and 7.3 ppd for businesses, which are below target rates (CalRecycle 2017).

AB 1327, the California Solid Waste Reuse and Recycling Access Act of 1991 (California Public Resources Code Sections 42900 et seq.) required the California Integrated Waste Management Board to develop a model ordinance requiring adequate areas for the collection and loading of recyclable materials in development projects. Local agencies were then required to adopt and enforce either the model ordinance or an ordinance of their own by September 1, 1993. Space for recyclable material storage is required by Section 20.30.120 of the City of Newport Beach Municipal Code, in conformance with AB 1327.

The Modified Project, similar to the original Project, would be required to comply with laws and regulations governing solid waste disposal. Like the Original Project, no impacts would occur under the Modified Project. Accordingly, no new significant impacts result from project modification or changed circumstances and no revisions to the 2016 Certified EIR are necessary. No changes or new information would require preparation of a subsequent EIR.

5.19.3 Adopted Mitigation Measures Applicable to the Modified Project

The 2016 Certified EIR determined that no significant impacts related to utilities and service systems would result from the Original Project. Accordingly, no mitigation measures were identified.

5.19.4 Level of Significance After Mitigation

No mitigation measures were identified because all impacts would be less than significant.

5.20 WILDFIRE

5.20.1 Summary of Impacts Identified in the 2016 Certified EIR

Impacts related to wildfire were not analyzed in the 2016 Certified EIR because the requirement to analyze wildfire in environmental documents did not become effective until January 1, 2019, after the EIR certification date (February 2017) of the 2016 Certified EIR by the Newport Beach City Council. Therefore, the analysis of wildfire impacts is new in this Addendum.

5.20.2 Impacts Associated with the Modified Project

Would the project:

Issues	Substantial Change in Project or Circumstances Resulting in New Significant Effects	New Information Showing Greater Significant Effects than Previous EIR	New Mitigation or Alternative to Reduce Significant Effect is Declined	Minor Technical Changes or Additions	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?					X
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?					X
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?					X
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?					X

Comments:

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if located in or near state responsibility areas or lands classified as very high fire hazard severity zones.

Wildland fire protection in California is the responsibility of the state, local, and federal governments. In State Responsibility Areas (SRA), the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. SRAs cover over 31 million acres, for which the State Department of Forestry and Fire Protection (CAL FIRE) provides a basic level of wildland fire prevention and protection services.

Fire protection for local responsibility areas (LRA) is typically provided by city fire departments, fire protection districts, counties, and by CAL FIRE under contract to local government (CalFIRE 2012). CAL FIRE is mandated by California Public Resources Code Sections 4201 to 4204 and California Government Code Sections 51175 to 51189 to identify fire hazard severity zones for all communities in California. Local governments accept CAL FIRE's determination or make other, local determinations.

The project site is in an urbanized area and is outside of the Very High Fire Hazard Severity Zone. The project site is also not in or near an SRA or LRA (CAL FIRE 2007).

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact. As demonstrated above, the project site is not in or near an SRA or LRA or lands classified as high fire hazard severity zones; therefore, no impacts would occur and no mitigation measures are necessary.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

No Impact. The project site is not in or near and SRA or LRA or lands classified as high fire hazard severity zones; therefore, no impacts would occur and no mitigation measures are necessary.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

No Impact. The project site is not in or near and SRA or LRA or lands classified as high fire hazard severity zones; therefore, no impacts would occur and no mitigation measures are necessary.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impact. The project site is not in or near and SRA or LRA or lands classified as high fire hazard severity zones; therefore, no impacts would occur and no mitigation measures are necessary. The property is not located in downslope, downstream flooding, or landslide areas that could increase post-fire slope instability or drainage changes.

5.20.3 Adopted Mitigation Measures Applicable to the Modified Project

The wildfire section is new in this Addendum; therefore, no mitigation measures would have been identified in the 2016 Certified EIR.

5.20.4 Level of Significance After Mitigation

No mitigation measures were identified because all impacts would be less than significant.

5.21 MANDATORY FINDINGS OF SIGNIFICANCE

5.21.1 Summary of Impacts Identified in the 2016 Certified EIR

The 2016 Certified EIR did not include mandatory findings of significance.

5.21.2 Impacts Associated with the Modified Project

Issues	Substantial Change in Project or Circumstances Resulting in New Significant Effects	New Information Showing Greater Significant Effects than Previous EIR	New Mitigation or Alternative to Reduce Significant Effect is Declined	Minor Technical Changes or Additions	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)				X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X	

Comments:

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

Minor Technical Changes or Additions. As discussed in Section 5.4, *Biological Resources*, and throughout this Addendum, the Modified Project would not significantly change the environmental impacts identified for the Original Project in the 2016 Certified EIR and would not significantly degrade the quality of the environment.

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

Minor Technical Changes or Additions. As discussed throughout this Addendum, the incremental differences of the proposed modifications under the Modified Project to that of the Original Project would not result in substantial increases in demands or new significant cumulative impacts. The modifications to the project are not cumulatively considerable**.**

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

Minor Technical Changes or Additions. As analyzed throughout this Addendum, the net incremental impacts of the Modified Project compared to the Original Project on the project site and its surroundings, including human beings, would be less than significant. Overall impacts are similar to those analyzed in the 2016 Certified EIR, and no significant impact would occur.

5. Environmental Analysis

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