RESIDENCES AT 1300 BRISTOL STREET

ADDENDUM NO. 5 (ER2022-001) TO THE CITY OF NEWPORT BEACH GENERAL PLAN UPDATE ENVIRONMENTAL IMPACT REPORT (SCH NO. 2006011119) PA2021-161

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Date	February 2022

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1 INTRODUCTION

The project applicant, BCD Newport Beach, LLC (The Picerne Group), is requesting the City of Newport Beach's consideration of the approval of a multi-family residential development at 1300 Bristol Street North. The proposed Project is a 6-story, 193-unit multi-family apartment development on an existing office building site. Of the 193 units, 169 units would be market rate and 24 units would be designated as affordable housing. The six-story podium building with three levels of structured parking: one level on grade and two levels below ground.

1.1 Project Location

The proposed Residences at 1300 Bristol Street Project (proposed Project or Project) would be developed at 1300 North Bristol Street (project site) in the City of Newport Beach, Orange County, California. The approximately 1.97-acre, square-shaped property is relatively flat at an approximate elevation of 49 to 53 feet above mean sea level (msl). The project site is generally bordered by Spruce Street to the northwest and a surface parking lot to the north and southeast. The project site abuts northbound Bristol Street which runs northwest to southeast near the site.

1.2 California Environmental Quality Act

This Addendum has been prepared in accordance with the provisions of the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] §§21000 et seq.); the State CEQA Guidelines (Title 14, California Code of Regulations [CCR] §§15000 et seq.); and the rules, regulations, and procedures for implementing CEQA as set forth by the City of Newport Beach (City). Pursuant to the provisions of CEQA and the State CEQA Guidelines, Newport Beach is the Lead Agency charged with the responsibility of deciding whether to approve the proposed Project.

Section 15164(a) of the State CEQA Guidelines states that "the lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in PRC Section 21166 and CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred." Pursuant to Section 15162(a) of the State CEQA Guidelines, a subsequent Environmental Impact Report (EIR) or Negative Declaration is only required when:

(1) Substantial changes are proposed in the project which 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 occur with respect to the circumstances under which the project is undertaken which 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; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete 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 shown 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 proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

As part of its decision-making process, the City is required to review and consider whether the proposed Project would create new significant impacts or significant impacts that would be substantially more severe than those disclosed in the *City of Newport Beach General Plan 2006 Update Program Environmental Impact Report*, as amended, inclusive of CEQA documentation for subsequent updates to the General Plan Housing Element (herein referred to collectively as the General Plan Program EIR). Additional CEQA review beyond this Addendum would only be triggered if the proposed Project creates new significant impacts or impacts that are more severe than those disclosed in the General Plan Program EIR used to approve the *City of Newport Beach General Plan Update* (General Plan) in 2006 and the subsequent updates to the General Plan Housing Element such that major revisions to the General Plan Program EIR would be required.

The following describes the requirements of an addendum, as defined by State CEQA Guidelines Section 15164:

(a) The lead agency or responsible agency shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a Subsequent EIR have occurred.

(b) An Addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

(c) An Addendum need not be circulated for public review but can be included in or attached to the Final EIR.

(d) The decision-making body shall consider the Addendum with the Final EIR prior to making a decision on the project.

(e) A brief explanation of the decision not to prepare a Subsequent EIR pursuant to Section 15162 should be included in an Addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

If none of these circumstances are present, and only minor technical changes or additions are necessary to update the previously certified EIR, an addendum may be prepared, consistent with State CEQA Guidelines Section 15164.

1.3 Background

On July 25, 2006, the Newport Beach City Council adopted the General Plan and certified the Final Program EIR. At the General Municipal Election held on November 7, 2006, the City electorate approved increased density and intensity of development and associated increased peak hour traffic trips provided in the Land Use Element of the General Plan, pursuant to City Charter Section 423. The City's General Plan contains the following elements: Land Use; Harbor and Bay; Housing; Historical Resources; Circulation; Recreation; Arts and Cultural; Natural Resources; Safety; and Noise. The comprehensive General Plan Program EIR analyzed the potential impacts of a citywide comprehensive update to the land use plan, and goals and policies for General Plan elements.

On September 24, 2013, the City Council adopted the *City of Newport Beach 2014-2021 Housing Element*[1], which was an update and revision to the 2008-2014 Housing Element. The land use opportunity areas identified in the General Plan remained the same. The City is currently updating the General Plan Circulation Element and the Housing Element, the latter for the 6th Cycle planning period of 2021-2029. The City's Regional Housing Needs Assessment (RHNA) allocation for the 6th Cycle planning period is 4,845 units, with 1,456 units for very-low income, 930 units for low income, 1,050 units for moderate income, and 1,409 for above-moderate income households.

The following summarizes the findings of the General Plan Program EIR associated with the adoption and long-term implementation of the General Plan. The General Plan Program EIR does not identify mitigation measures. Rather it relies on General Plan policies adopted in the General Plan to mitigate potential environmental impacts. Existing enforcement and monitoring mechanisms are in place to ensure that all measures will be implemented, including conditions of approval and mitigation monitoring.

Less Than Significant: Compliance with General Plan Policies and Applicable Regulations and Conditions

- Aesthetics: Obstruction of scenic vistas;
- Aesthetics: Changes to visual character;
- Air Quality: Exposure of sensitive receptors to carbon monoxide concentrations;
- Air Quality: Objectionable odors affecting a substantial number of people;
- Biological Resources: Direct or indirect effects to candidate, sensitive, or special status plant and wildlife species through habitat modification;
- Biological Resources: Adverse effects on riparian habitat or other sensitive natural communities;
- Biological Resources: Wildlife movement and wildlife corridors;
- Cultural Resources: Damage to or destruction of archaeological and/or Native American cultural resources;
- Cultural Resources: Damage to or destruction of unique paleontological resources;
- Cultural Resources: Damage to or destruction of human burial grounds;

[1] The City Council approved the 2014-2021 Housing Element Update and noted that all environmental concerns were addressed in the previously adopted Negative Declaration for the 2008-2014 Housing Element Update. The Negative Declaration uses and incorporates by reference the environmental analysis from the General Plan Program EIR.

- Geology and Soils: Exposure of people and structures to adverse effects from strong seismic ground shaking;
- Geology and Soils: Exposure of people and structures to adverse effects from seismic-related ground failure or landslides;
- Geology and Soils: Substantial soil erosion and loss of topsoil;
- Geology and Soils: Hazards associated with lateral spreading, subsidence, collapse, differential settlement, or heaving;
- Geology and Soils: Substantial risk to people and structures caused by construction on expansive soils;
- Hazards and Hazardous Materials: Routine transport, use, storage, or disposal of hazardous materials;
- Hazards and Hazardous Materials: Release of hazardous materials, including lead and asbestos, during construction activities and operational activities;
- Hazards and Hazardous Materials: Existing oil wells (Newport Oil Field and West Newport Oil Field) and the five methane gas mitigation districts;
- Hazards and Hazardous Materials: Hazardous emission at schools within one-quarter mile of a project site;
- Hazards and Hazardous Materials: Listed hazardous materials sites;
- Hazards and Hazardous Materials: Interference with the City of Newport Beach Emergency Management Plan;
- Hazards and Hazardous Materials: Fire risk associated with development near wildlands;
- Hydrology and Water Quality: Violation of water quality standards and discharge requirements during construction activities and operations;
- Hydrology and Water Quality: Interference with groundwater recharge or depletion of groundwater supplies;
- Hydrology and Water Quality: Alteration of drainage patterns resulting in substantial erosion or siltation;
- Hydrology and Water Quality: Alteration of drainage patterns resulting in flooding;
- Hydrology and Water Quality: Exceedance of stormwater drainage infrastructure or require new infrastructure, or cause substantial polluted runoff;
- Hydrology and Water Quality: Degradation of groundwater quality;
- Hydrology and Water Quality: Development in 100-year flood zones and exposure to flood risks;
- Land Use and Planning: Physically divide an established community;
- Land Use and Planning: Consistency with applicable land use plans, policies, and regulations, including habitat conservation plans;
- Noise: Construction activities;
- Public Services: Fire, Police, Schools, Libraries;

- Recreation and Open Space: Deterioration of park and recreational facilities, and park deficiencies;
- Transportation/Traffic: Intersection operation's levels of service;
- Transportation/Traffic: Impacts to Congestion Management Plan (CMP) arterials;
- Transportation/Traffic: Air traffic patterns;
- Transportation/Traffic: Roadway design features causing safety hazards;
- Transportation/Traffic: Emergency access;
- Transportation/Traffic: Inadequate parking accommodation;
- Transportation/Traffic: Applicable policies; and
- Utilities and Service Systems: Water Treatment, Water Supply, Wastewater Treatment and Facilities, Solid Waste Disposal, Energy Use.

Significant Unavoidable Impacts: Compliance with General Plan Policies and Applicable Regulations and Conditions

- Aesthetics – New sources of light and glare. Note: this finding only applies to new development in the Banning Ranch subarea and is therefore not applicable to the proposed Project;
- Air Quality; Land Use and Planning: Conflict or obstruct implementation of the South Coast Air Quality Management Plan (AQMP); population levels exceeding 2003 AQMP (no feasible mitigation measures are available to reduce impacts to a less than significant level);
- Air Quality: Construction emissions (no feasible mitigation measures are available to reduce impacts to a less than significant level);
- Air Quality: Cumulatively considerable net increase in criteria pollutants within the nonattainment area (no feasible mitigation measures are available to reduce impacts to a less than significant level);
- Cultural Resources: Demolition of historic structures (no feasible mitigation measures are identified to reduce impacts to a less than significant level). Note: the project site is a two-story office building with surface parking lot and does not contain any historic structures. Therefore, this finding is not applicable to the proposed Project;
- Hazards and Hazardous Materials; Land Use and Planning: Residential development constructed in the Airport Area within the 65 dBA CNEL noise contour specified by the Airport Land Use Commission's Airport Environs Land Use Plan (AELUP) for John Wayne Airport. Note, the project site is not within the 65 dBA CNEL noise contour;
- Noise: Potential exposure of persons to roadway noise exceeding standards established in the General Plan and Municipal Code;
- Noise: Vibration associated with specific construction activities. The General Plan Program EIR notes that these significant impacts are not citywide and instead take into consideration land uses, activities, and sensitive receptors;
- Population and Housing: Exceedance of the Southern California Association of Governments (SCAG) population projections; and
- Transportation/Traffic: Deficient freeway mainline segments and ramps.

The General Plan Program EIR found that implementation of the General Plan would have no impact to the remaining topical areas evaluated in accordance with CEQA Statutes and the State CEQA Guidelines.

1.4 Conclusion

The Residences at 1300 Bristol Street Addendum finds that potential impacts associated with this proposed Project would either be the same or not substantially greater than those described in the General Plan Program EIR. As discussed in this Addendum, these conclusions are supported by substantial evidence, including project-specific analyses of potential impacts. In addition, there are no substantial changes to the circumstances under which the proposed Project would be undertaken that would result in more severe environmental impacts than previously addressed in the General Plan Program EIR. No new information of substantial importance shows that mitigation measures or alternatives that were previously found not to be feasible or that are considerably different from those analyzed for the General Plan Program EIR would substantially reduce one or more significant effects on the environment. Therefore, no conditions described in Section 15162 of the State CEQA Guidelines has occurred. For these reasons, an Addendum is the appropriate document that will comply with CEQA requirements for the proposed Project.

In taking action on any of the approvals for the proposed Project, the decision-making body must consider the whole of the data presented in the General Plan Program EIR, the Findings of Fact and Statement of Overriding Considerations for the adoption of the General Plan; and the previously adopted Mitigation Monitoring and Reporting Program (MMRP), as applicable to the proposed Project.

2 DESCRIPTION OF PROPOSED PROJECT

2.1 Project Location

The Residences at 1300 Bristol Street Project (proposed Project or Project) would be developed at 1300 North Bristol Street (Assessor Parcel Number [APN] 427-342-01) in the City of Newport Beach, Orange County, California. The approximately 1.97-acre, square-shaped property is relatively flat at an approximate elevation of 49 to 53 feet above msl.

The project site is generally bordered by Spruce Street to the northwest and a surface parking lot to the north and southeast. The project site abuts northbound Bristol Street North which runs northwest to southeast near the site. Regional access to the project site is provided from State Route 73 (SR-73), which runs parallel to Bristol Street near the project site with exits at Birch Street and Jamboree Road north and south of the site, and Interstate 405 (I-405) via Jamboree Road to the northeast. Bristol Street is divided by SR-73, with one-way travel in each direction. The project site is adjacent to northbound Bristol Street.

Vehicular access to the site is provided from Bristol Street North and Spruce Street. There is one driveway into the site on each street. The driveways are currently unsignalized. The Bristol Street North driveway permits right-in, right-out turning movements onto the one-way roadway. The Spruce Street driveway has unrestricted turn movements. **Figure 1, Regional Location Map**, and **Figure 2, Local Vicinity**, depict the project site in a regional and local context, respectively.

The site is approximately 0.5 mile southeast of John Wayne Airport, 0.5 mile northwest of the San Joaquin Freshwater Marsh Reserve, and 1.3 miles northwest of the University of California, Irvine (UCI).

2.2 Existing Land Uses

The project site is developed with a two-story, 33,292-sf office building, surface parking, and ornamental landscaping. There are existing sidewalks, curbs and gutter, and light standards along Bristol Street North and Spruce Street.

Existing land uses adjacent to and near the project site include the following:

Northwest Spruce Street; one-story office building with surface parking at 1401 Quail Street; two-story office buildings at 1400 and 1420 North Bristol Street with surface parking.

Northeast Secured surface parking lot used for automotive dealership storage with a driveway on Spruce Street and Quail Street. The secured parking lot borders the project site to the northeast and east.

East Plaza Newport, a one-story commercial retail center at 1000 North Bristol Street (east of the secured parking lot for the automotive dealership); two-story office building with surface parking at 1111 Quail Street.

South SR-73; multiple building office complex (1 story to 10 stories) with surface parking and parking structures south of SR-73 and southbound Bristol Street.

2.3 City of Newport Beach Land Use Categories

2.3.1 General Plan Designation

The project site is in the Airport Area[2] planning subarea. As depicted on **Figure 3, Airport Area Planning Designations**, the Airport Area is approximately 360 acres bordered by Jamboree Road to the southeast, Campus Drive to the northeast and west, and Bristol Street North to the southwest. The project site is in a Mixed-Use District, and the General Plan land use category for the project site is "Mixed Use Horizontal 2 (MU-H2)" (see Figure 3). The MU-H2 category specifically applies to some properties in the Airport Area. As stated in the General Plan Land Use Element, this land use category "provides for a horizontal intermixing of uses that may include regional commercial office, multi-family residential, vertical mixed-use buildings, industrial, hotel rooms, and ancillary neighborhood commercial uses." No nonresidential uses are proposed as a part of the Project. Project implementation does not require a change to the existing General Plan land use category.

Although the adopted General Plan approved a maximum of 2,200 multi-family residential units in the Airport Area at a maximum density of 50 units per net acre (du/net ac), the General Plan Program EIR evaluated 4,300 multi-family residential units in the Airport Area. As set forth in the General Plan, of the 2,200 multi-family dwelling units in the Airport Area, 1,650 units must replace existing office, retail, and/or industrial uses in order that there is no net gain in vehicular trips. A maximum of the remaining 550 units are "additive" units that "may be developed as infill on existing surface parking lots or areas not used as occupiable buildings on properties within the Conceptual Development Plan Area as depicted on Figure LU22 provided that parking is replaced on-site".[3]

General Plan Land Use Element policies for Mixed-Use Districts are included in the General Plan as Policy LU 6.15.4 through Policy 6.15-23. Policy LU 6.15.7 requires residential units to be developed at a minimum density of 30 du/net acre and a maximum of 50 du/net acre (prior to any affordable housing density bonus) as averaged by the total area of a residential village. The Project proposes 77 "base" units at a density of 40 du/ac on the 1.97-net-acre site. With the inclusion of the density bonus units and requested development transfer from the approved Uptown Newport Project, the Project proposes a density of 98 du/net ac. A waiver from General Plan Policy 6.15.7 has been requested by the Applicant as a part of the proposed Project.

General Plan Land Use Element Policy LU 6.15.11 requires the preparation of one Conceptual Development Plan for the area depicted on Figure LU22 of the General Plan if residential units are proposed on any property within the area. The proposed Project is not within a conceptual development plan area and therefore not subject to the Airport Business Area Integrated Conceptual Development Plan requirements.

[2] "Airport area' means an area of the City that encompasses the properties adjacent to John Wayne Airport and that is in close proximity to the Irvine Business Complex and University of California, Irvine as depicted on General Plan Figure LU22 (Airport Area)." Source: City of Newport Beach Municipal Code Chapter 20.70, Definitions. Accessed September 21, 2020.

[3] Figure LU22 from the General Plan Land Use Element is depicted as Figure 4 in this Addendum.

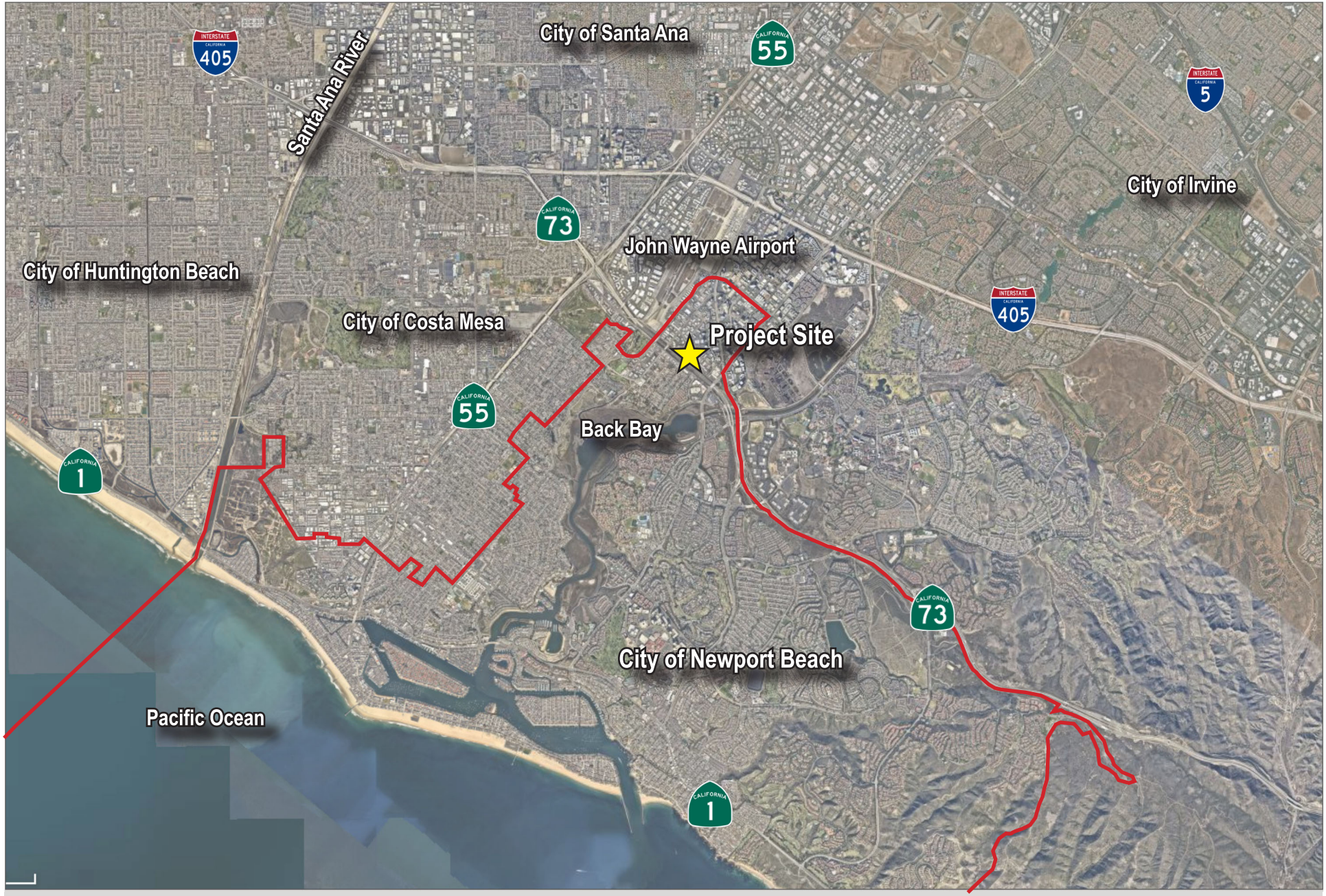

Figure 1: Regional Location Map
Residences at 1300 Bristol Street

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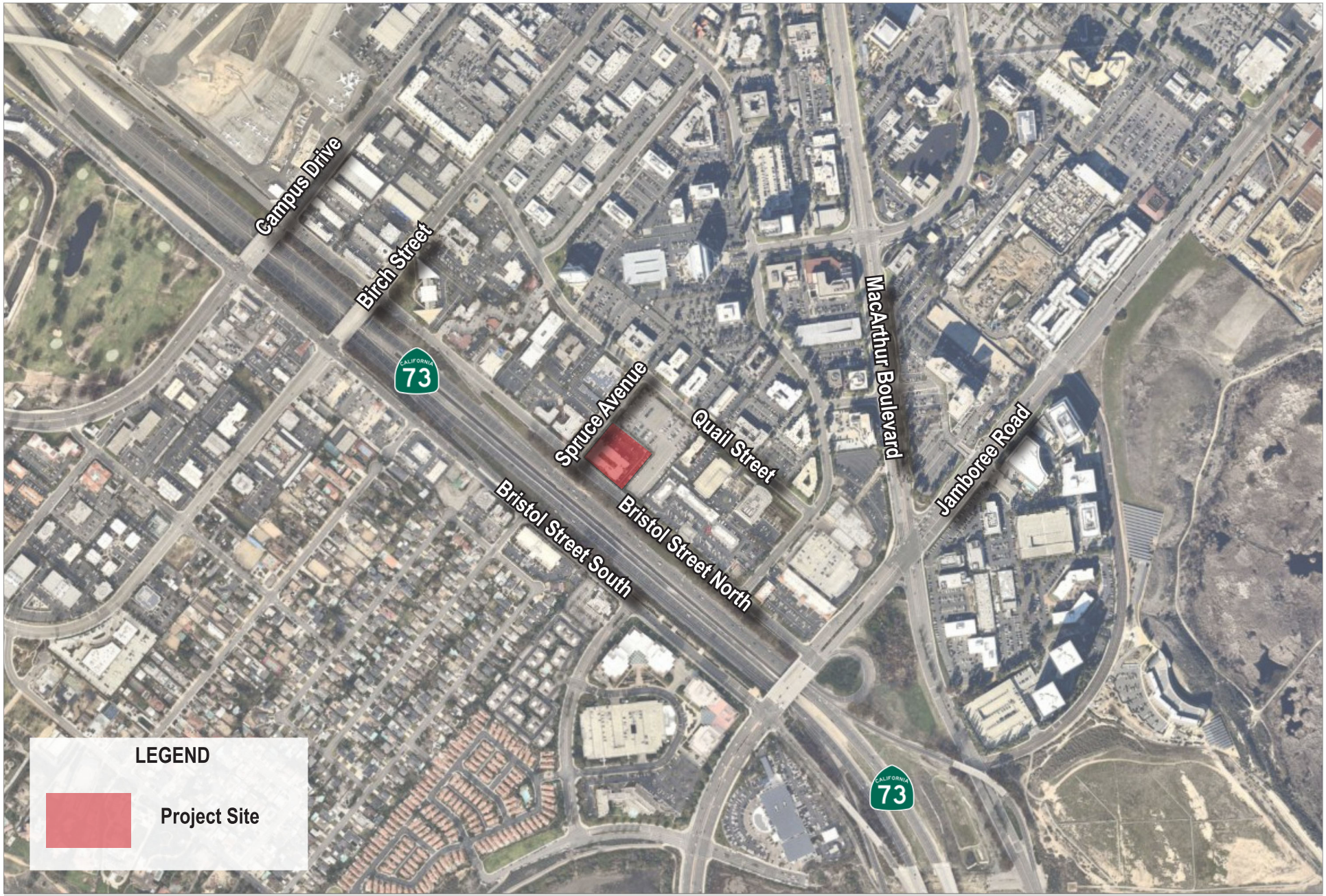

Figure 2: Local Vicinity Map
Residences at 1300 Bristol Street

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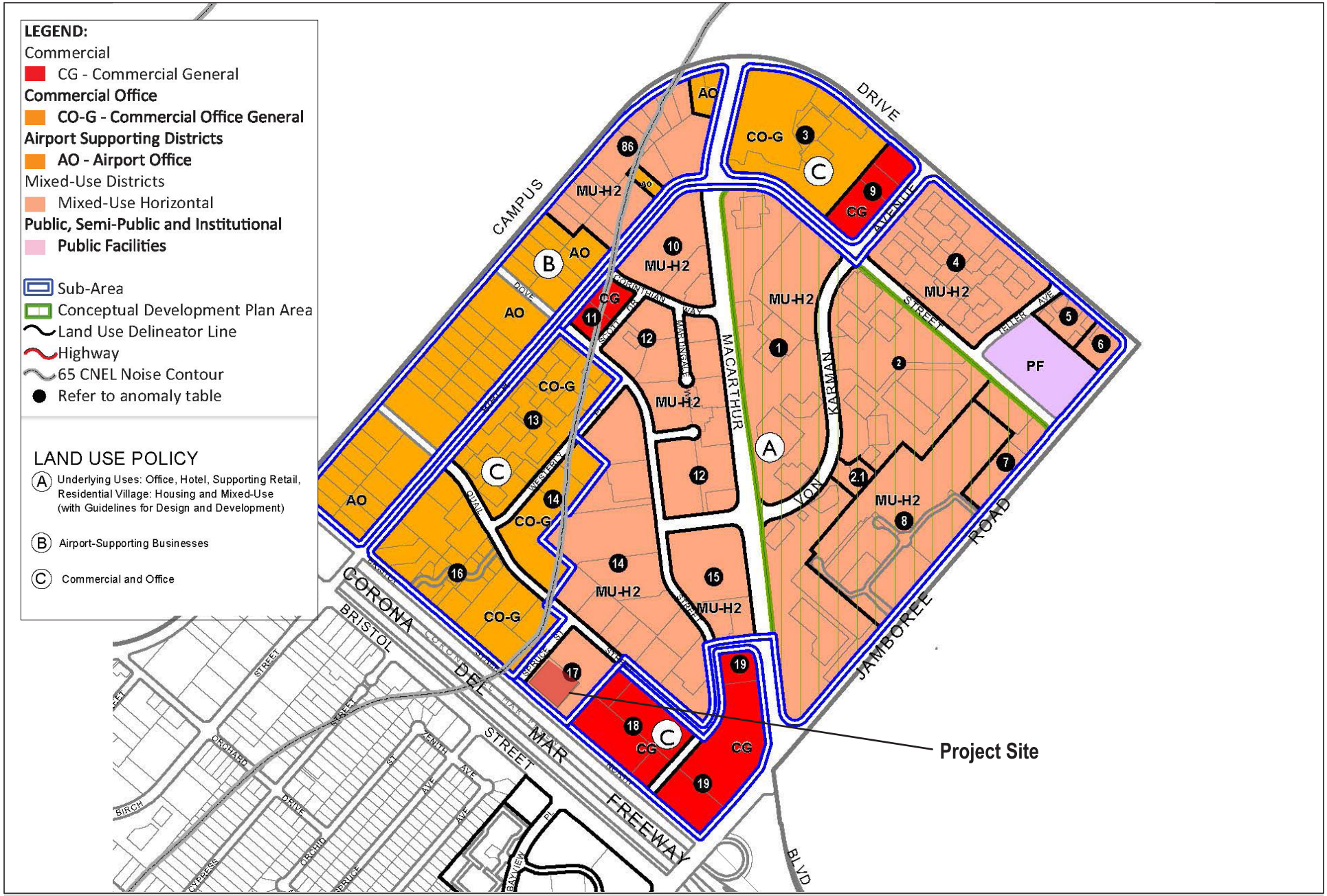

Figure 3: Airport Area Planning Designations
Residences at 1300 Bristol Street

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2.3.2 Zoning Designation

The City of Newport Beach Municipal Code (Municipal Code) Chapter 20.56 allows a "Planned Community District" to address land use designation and regulations in the form of Planned Communities. A Planned Community (PC) District, as stated in Municipal Code Section 20.56.010, is intended to:

A. Provide for the classification and development of parcels of land as coordinated, comprehensive projects in order to take advantage of the superior environment which can result from large-scale community planning.

B. Allow diversification of land uses as they relate to each other in a physical and environmental arrangement while ensuring substantial compliance with the spirit, intent, and provisions of this Zoning Code.

C. Include various types of land uses, consistent with the General Plan through the adoption of a development plan and text materials that identify land use relationships and associated development standards.

As depicted in **Figure 4, Existing Zoning**, the project site is located in "Newport Place Planned Community (PC-11)", which is triangular in shape, totals 134.6 acres, and includes all parcels bordered by Birch Street to the northwest, MacArthur Boulevard to the east, and Bristol Street North to the south. PC-11 permits professional and business offices, hotels and motels, retail, restaurants, and light industrial. Specifically, the site is zoned General Commercial Site 4, which allows professional and business offices. The site is also within the Residential Overlay of PC-11, where multi-family residential development is permitted as a stand-alone use provided minimum affordable housing requirements are met. No zone change is required because the proposed Project includes affordable housing units.

2.4 Project Characteristics

The site plan for each level of the proposed Project is depicted on **Figures 5A through 5I, Site Plan**. As proposed, the Project would allow for the development of a six-story podium building with five levels of residential apartments over one level of an on-grade parking garage and two levels of subterranean parking. Project implementation would require the demolition of the existing two-story office building and associated surface parking and landscaping within the limits of disturbance.

2.4.1 Residential Development

The Project would have 193 multi-family rental units, inclusive of 169 market rate units and 24 affordable units. Of the 24 affordable units, 12 units would be for very-low-income households and 12 units would be for low-income households. The Applicant is requesting a 50 percent density bonus to provide affordable housing as a part of the Project pursuant to Government Code Section 65915 (Density Bonus Law, as amended by Assembly Bill [AB] 2345) and Chapter 20.32 (Density Bonus) of the Newport Beach Municipal Code. The 50 percent density bonus would allow for 39 additional units in exchange for the provision of 24 of the units as low-income affordable housing. Lastly, the proposed Project includes a transfer of 77 residential units from the approved Uptown Newport Project, pursuant to Municipal Code Chapter 20.46 (Transfer of Development Rights). Together, the Project has an overall density of 98 du/net ac. The dwelling unit breakdown is provided in **Table 2-1, *Residential Dwelling Unit Breakdown*.**

Table 2-1: Residential Dwelling Unit Breakdown	
Proposed Base Units	77 DU
50 Percent Density Bonus	39 DU
TDR from Uptown Newport	77 DU
Total	193 DU

du = dwelling unit; TDR = transfer of development rights
Source: TCA Architects, 2021.

The residential building is proposed as a six-story podium building with three levels of structured parking: one level on grade and two levels below ground. The building would be approximately 78 feet high, measured from existing grade to the top of the rooftop parapet. A development standard waiver is required to secure relief from the PC Text height standard, which identifies a maximum height of 55 feet. All residential units would be located on the second through sixth floors. A mailroom, leasing office, and business center are proposed on the ground level of the building. Additionally, PC-11 development standards require street setbacks of 30 feet from the property line. The Applicant has requested a waiver of the 30-foot setbacks as follows: Spruce Avenue – 8 feet to the building and private balconies; and Bristol Street – 18 feet to the building and 17 feet to private balconies.

Table 2-2, *Residential Development Summary*, identifies the type of residential units that would be provided. As proposed, the Project would include 25 studios (10 affordable), 89 one-bedroom units (12 affordable), and 79 two-bedroom units (2 affordable), for a total of 193 units. The studios would come in one size configuration of 515 sf; one-bedroom units would range from 613 to 848 sf; and two-bedroom units would range from 1,000 to 1,300 sf. As the range of provided affordable unit sizes does not proportionally reflect the range of unit sizes provided in the Project, the Applicant is requesting an incentive to the provision of affordable housing, pursuant to Municipal Code Section 20.32.020.

2.4.2 Recreational Amenities and Common and Private Open Space

The proposed Project would provide 9,083 sf of on-site amenities. The on-site amenities are a clubroom, dog wash room and dog park, fitness center, swimming pool and spa, leasing lounge, business center, and roof deck. Project site amenities are depicted on **Figure 6, Open Space and Recreational Amenities**. The dog wash room would be located on the ground floor, at the east side of the building. The outdoor dog park would be immediately adjacent to the dog wash room. The leasing lounge and business center would also be located on the ground floor on the southwest corner of the building.

The second floor of the building (first residential level) would include the clubroom and fitness center facing onto the central courtyard area. The courtyard area would include a swimming pool, spa deck, cabanas, outdoor barbeques, dining tables, lounge chairs, and fire pits. An outdoor fitness area would be located adjacent to the indoor fitness center. A roof deck is proposed on the sixth floor on the southeast corner of the building. The roof deck would include an outdoor lounge area with a fire pit and outdoor dining area with shade structures.

The proposed Project would provide 9,506 sf of common open space. The Applicant is requesting a waiver from Section 20.18.030 of Municipal Code, which requires a minimum of 75 sf per residential unit or a total of 14,475 sf for the entire Project.

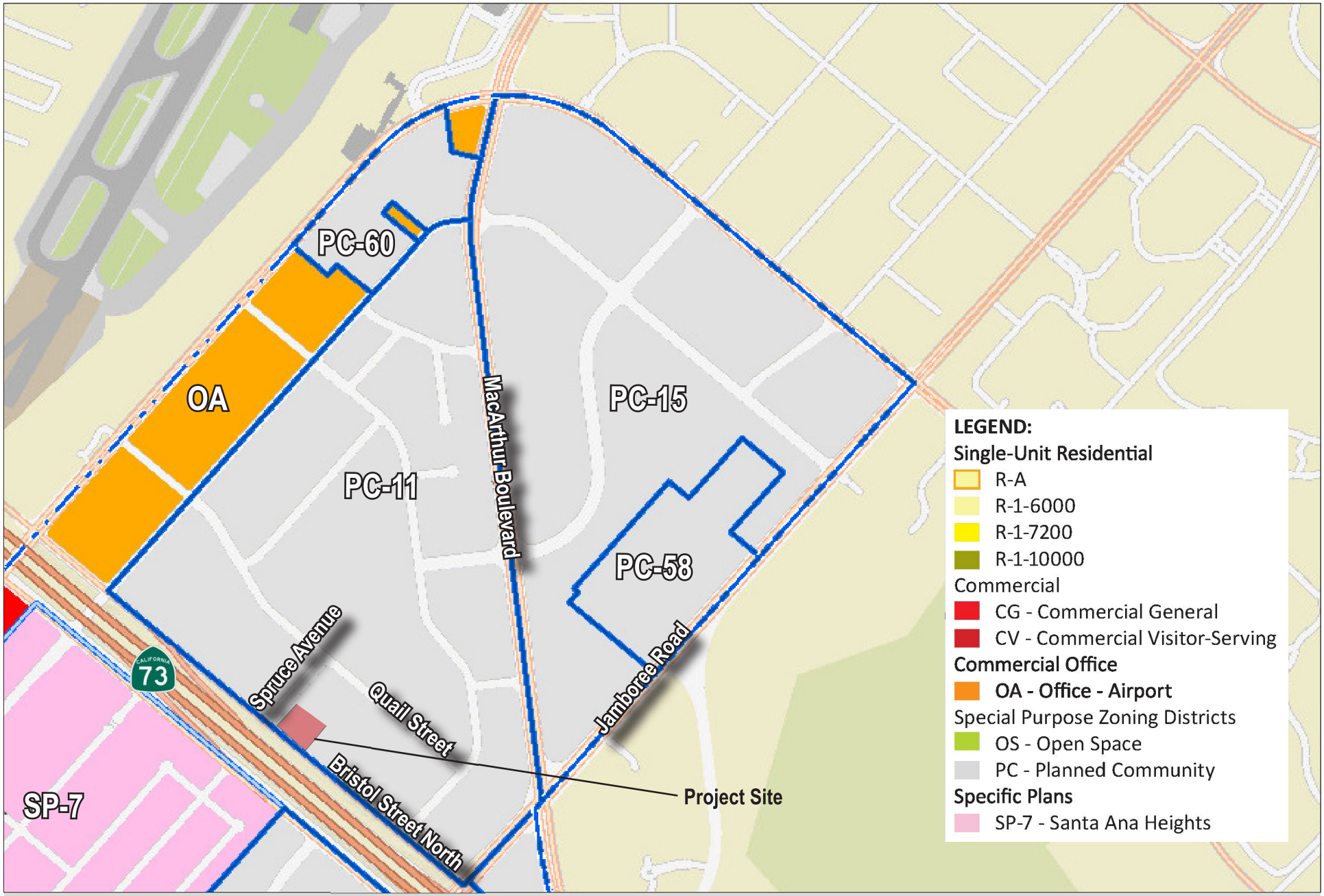

Figure 4: Existing Zoning
Residences at 1300 Bristol Street

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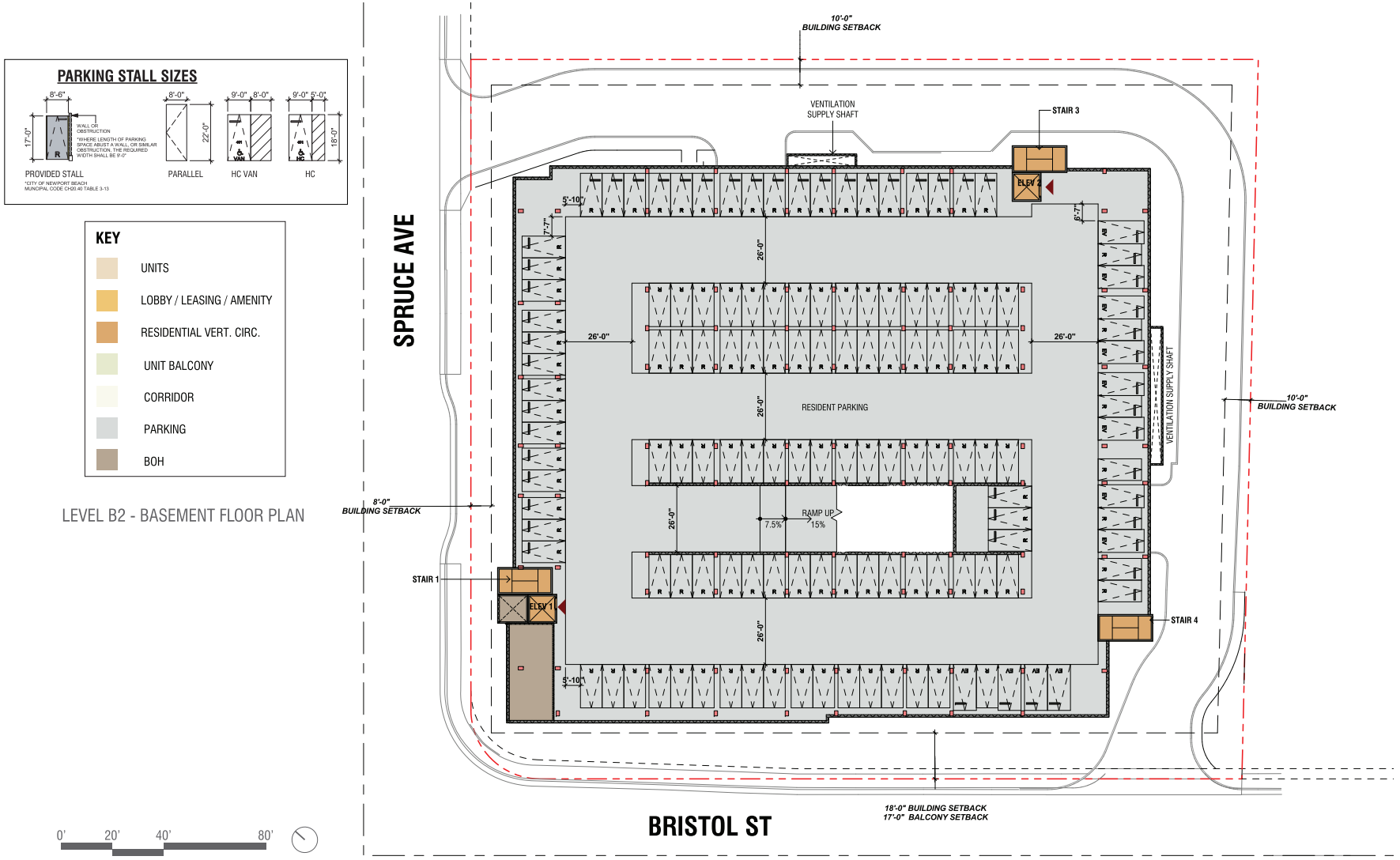

Figure 5A: Site Plan - Basement Floor Plan Level 2
Residences at 1300 Bristol Street

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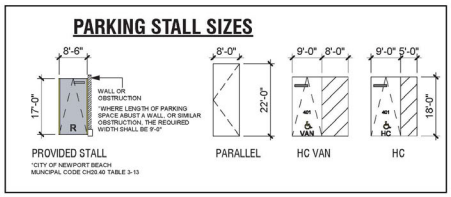

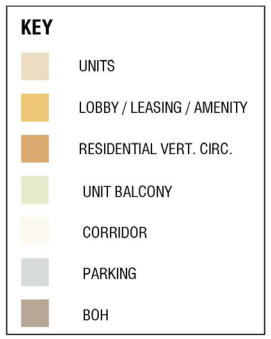

LEVEL B1 - BASEMENT FLOOR PLAN

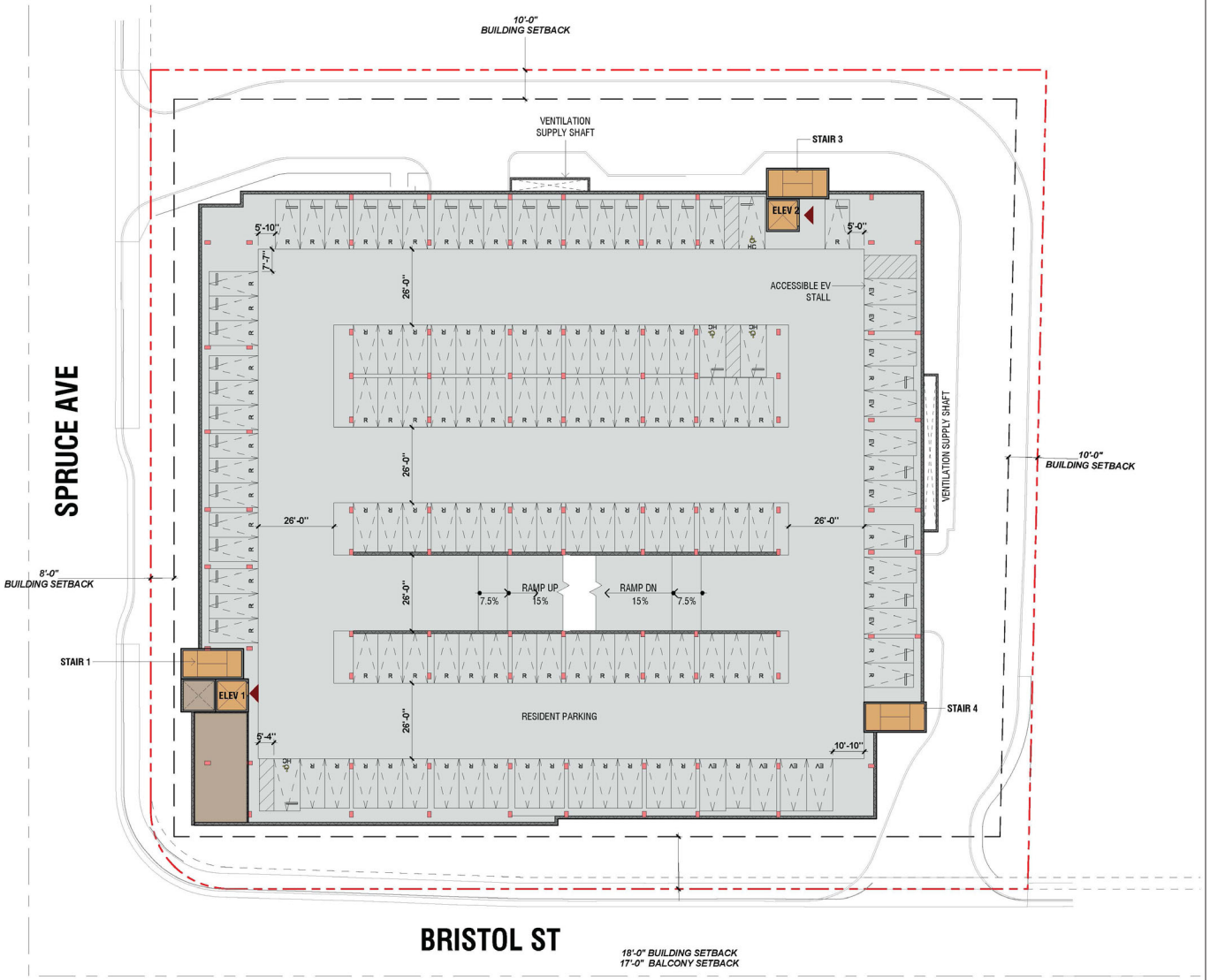

Figure 5B: Site Plan - Basement Floor Plan Level 1
Residences at 1300 Bristol Street

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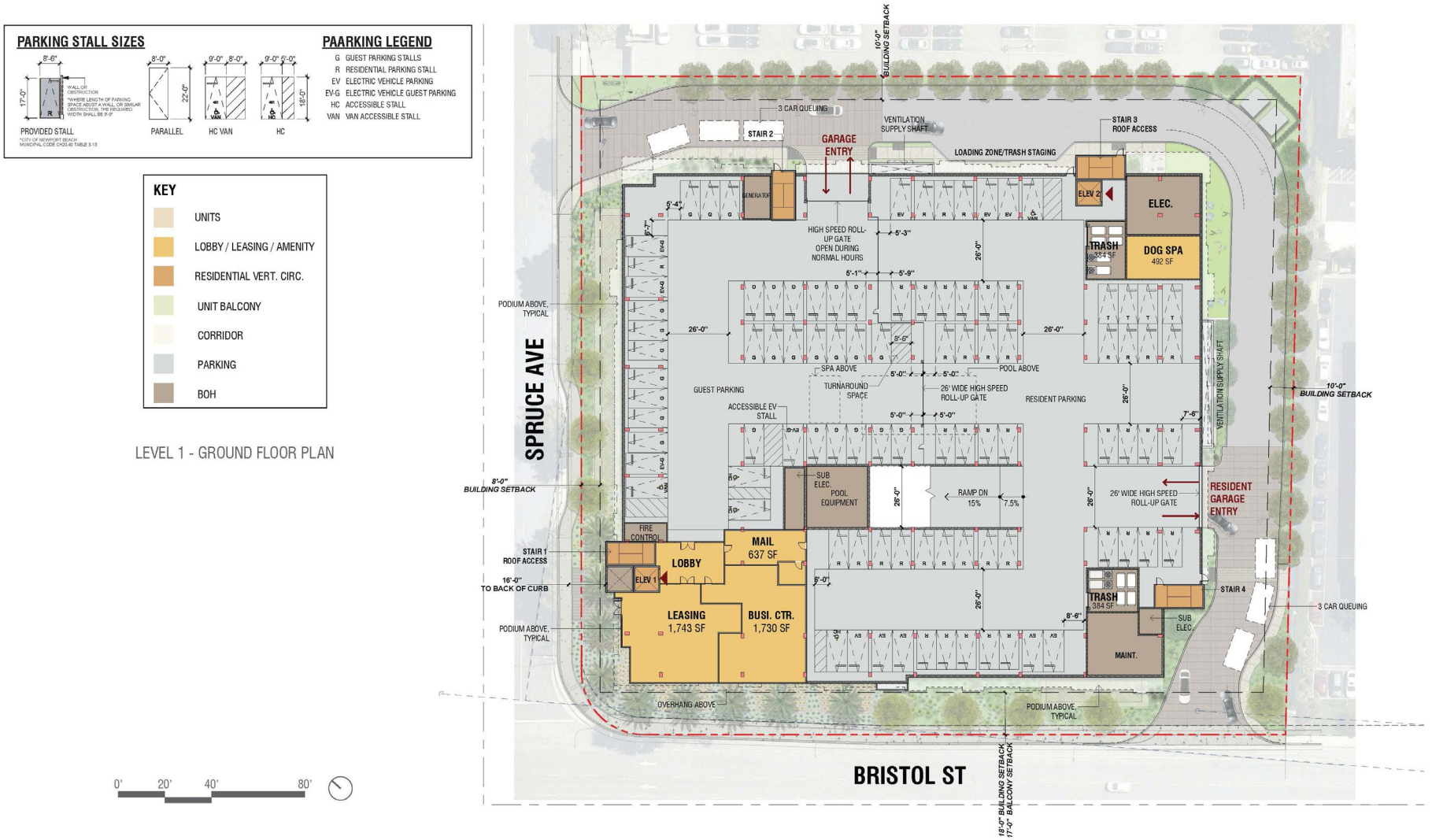

Figure 5C: Site Plan - Ground Floor Plan
Residences at 1300 Bristol Street

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Figure 5D: Site Plan - Level 2 Floor Plan
Residences at 1300 Bristol Street

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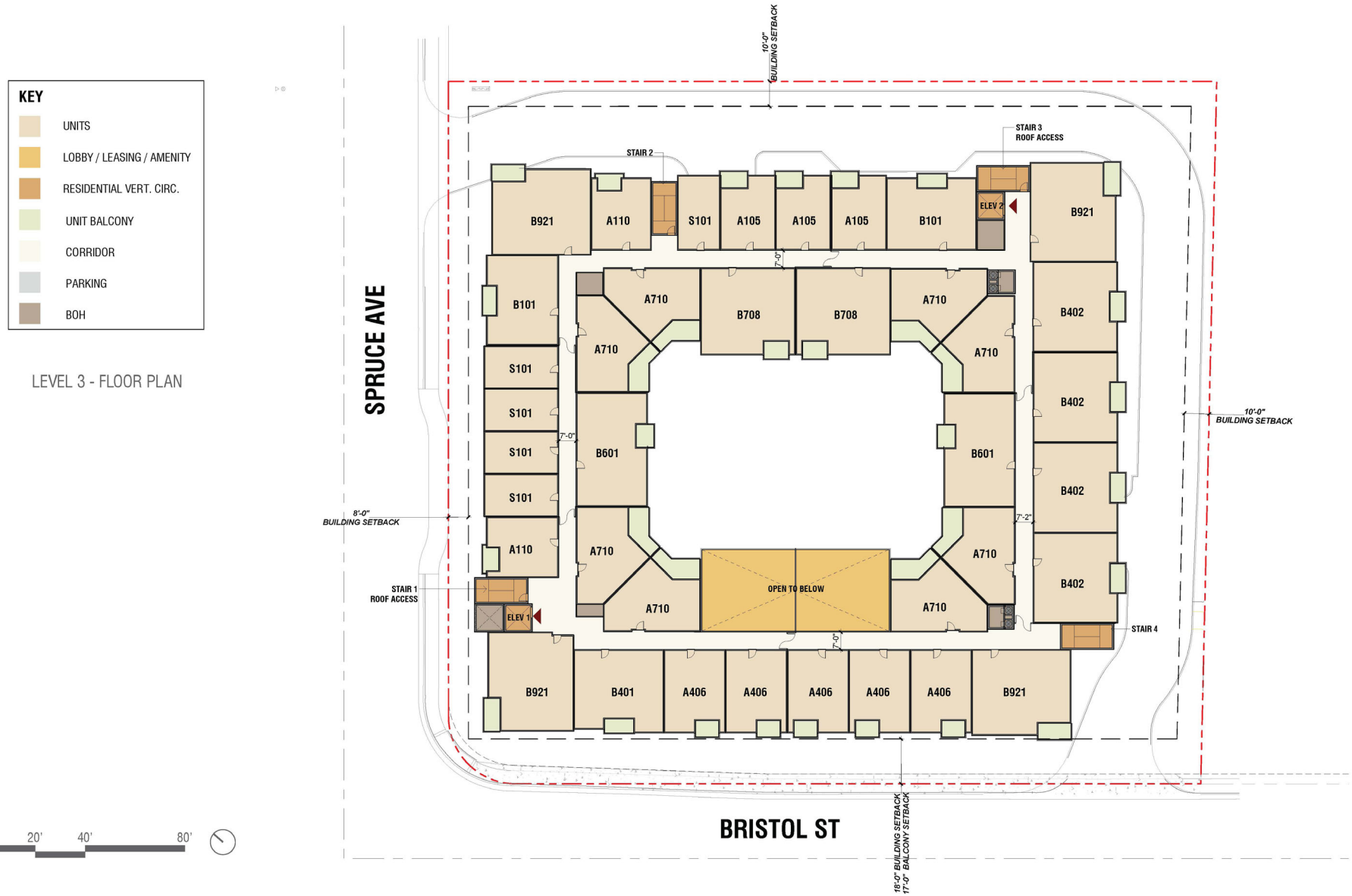

Figure 5E: Site Plan - Level 3 Floor Plan
Residences at 1300 Bristol Street

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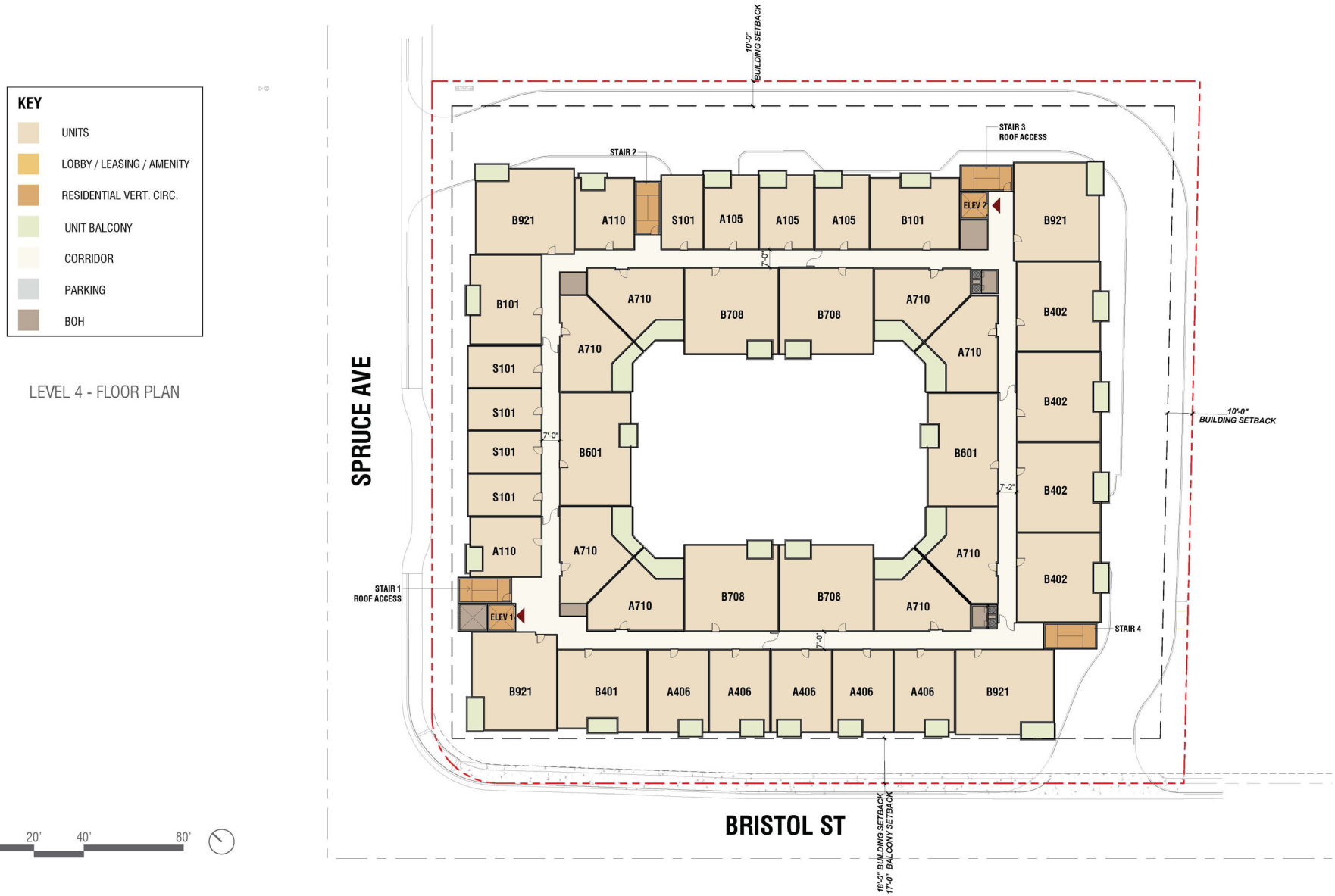

Figure 5F: Site Plan - Level 4 Floor Plan
Residences at 1300 Bristol Street

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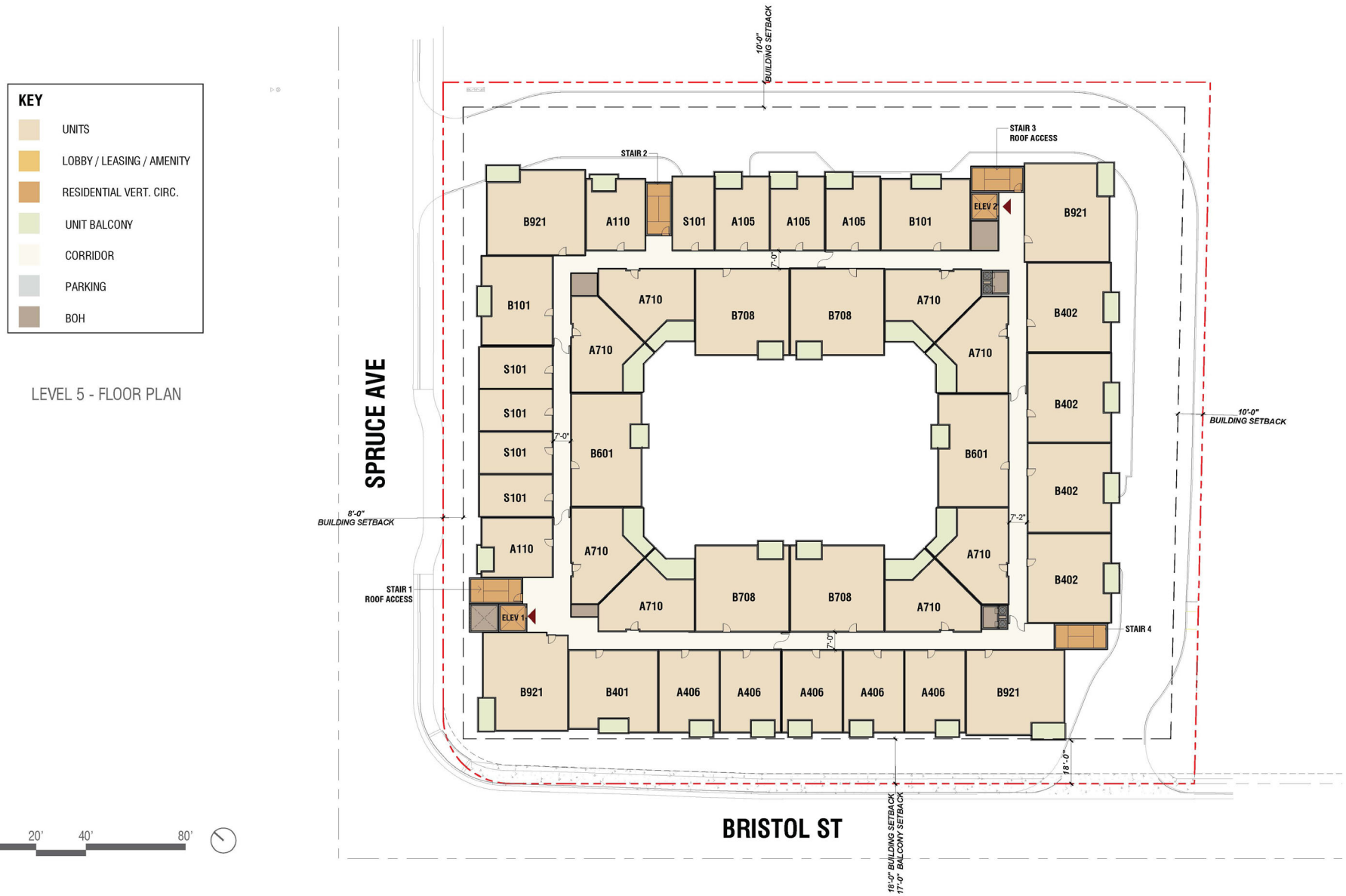

Figure 5G: Site Plan - Level 5 Floor Plan
Residences at 1300 Bristol Street

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Figure 5H: Site Plan - Level 6 Floor Plan
Residences at 1300 Bristol Street

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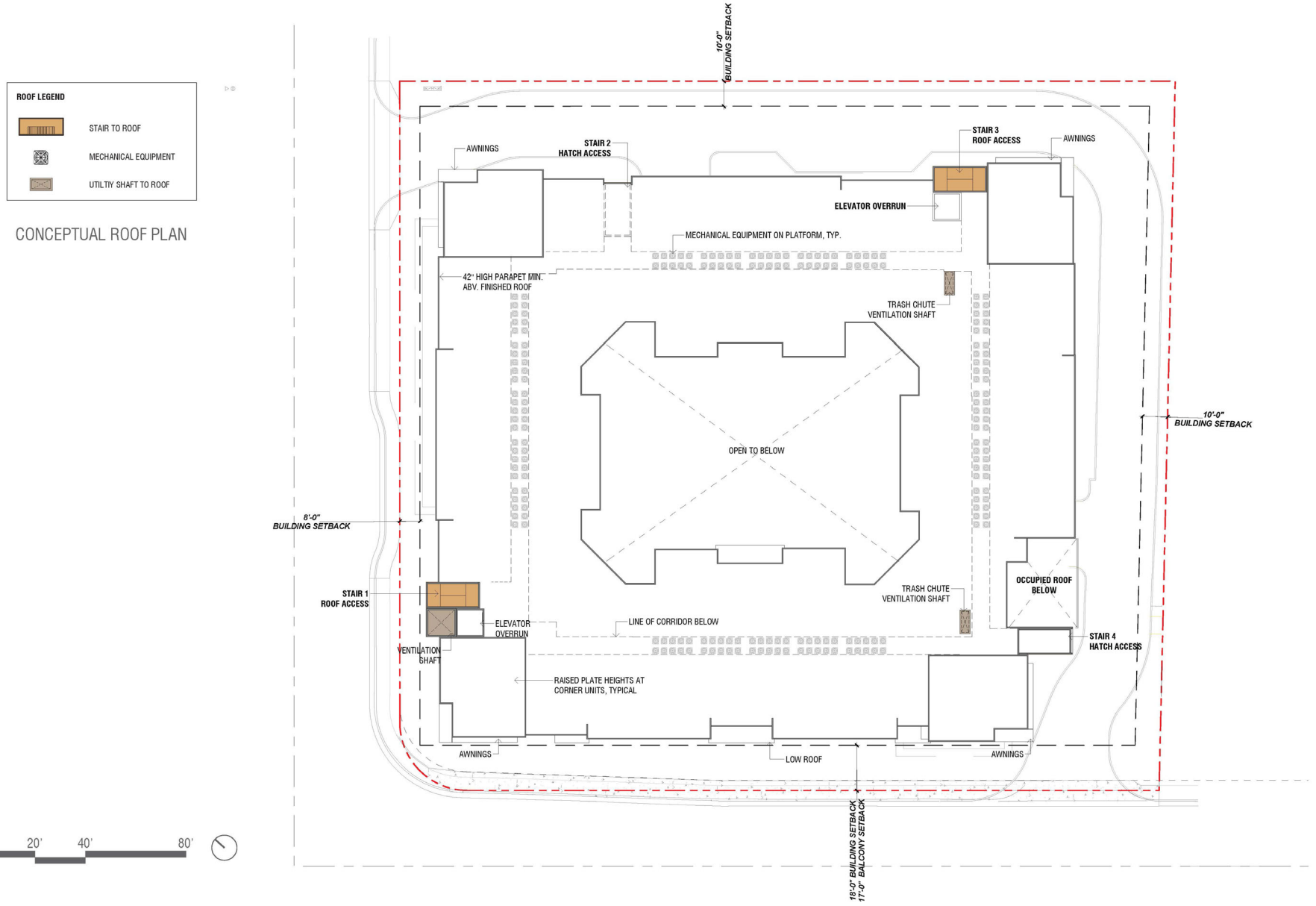

Figure 5I: Site Plan - Roof Floor Plan
Residences at 1300 Bristol Street

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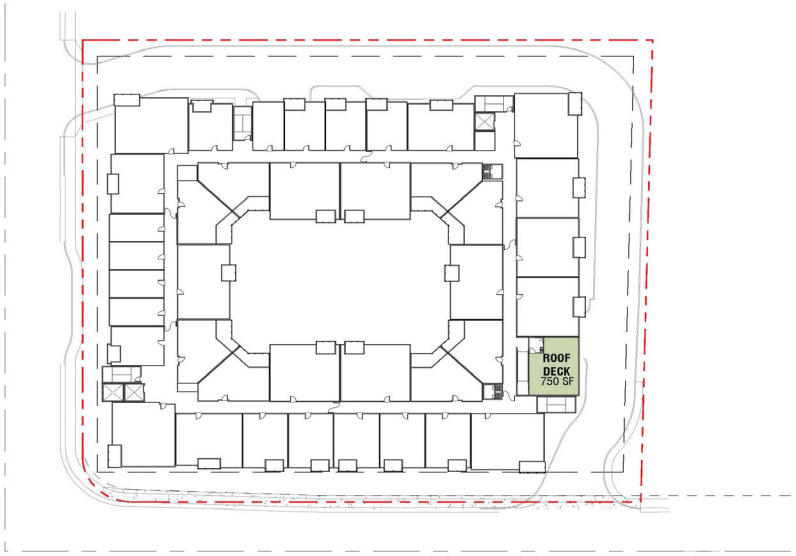
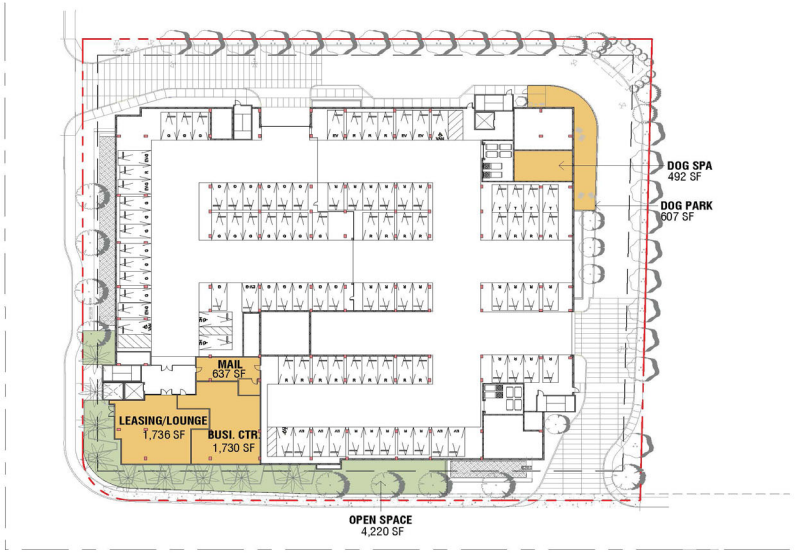


AMENITIES			
REQUIRED			
44 SF/UNIT	x	193 UNITS	**8,492 SF**
PROVIDED			
Leasing Lounge			1,743 SF
Business Center			1,730 SF
Clubroom			1,653 SF
Dog Spa			492 SF
Dog Park			607 SF
Fitness			2,267 SF
		TOTAL	**8,492 SF**

COMMON OPEN SPACE			
REQUIRED			
75 SF/UNIT	x	193 UNITS	**14,475 SF**
PROVIDED			
Ground Level			4,220 SF
Podium Courtyard			9,506 SF
Roof Deck			750 SF
		TOTAL	**14,476 SF**



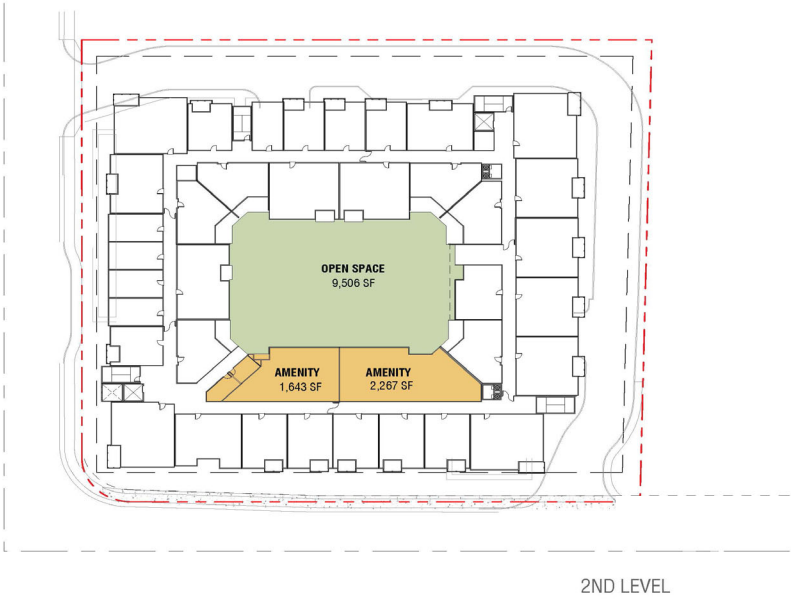


Figure 6: Open Space and Recreational Amenities
Residences at 1300 Bristol Street

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Table 2-2: Residential Development Summary							
Unit Type	Total No. Units	% of Unit Mix	Average Unit (SF)	Required Balcony (SF)	Provided Average Balcony (SF)	Total Balcony (SF)	Total Net Rentable (SF)
Studio							
ES101	10	5.2	515	26	0	0	5,150
S101	15	7.8	515	26	0	0	7,725
Subtotal	**25**	**13.0%**	**515**	**52**	**0**	**0**	**12,875**
1 Bedroom							
EA105	12	6.2	613	31	60	720	7,356
A105	3	1.6	613	31	60	180	1,839
A110	10	5.2	641	32	56	560	6,410
A406	25	13.0	763	38	68	1,700	19,075
A600	1	0.5	822	41	55	55	822
A710	38	19.7	848	42	148	5,624	32,224
Subtotal	**89**	**46.1%**	**761**	**215**	**447**	**8,839**	**67,726**
2 Bedroom							
EB101	2	1.0	1,000	50	60	120	2,000
B101	8	4.1	1,000	50	60	480	8,000
B401	5	2.6	1,122	56	68	340	5,610
B402	19	9.8	1,194	60	68	1,292	22,686
B601	9	4.7	1,270	64	55	495	11,430
B707	16	8.3	1,273	64	68	1,088	20,368
B921	20	10.4	1,300	65	84	1,680	26,000
Subtotal	**79**	**40.9 %**	**1,216**	**409**	**463**	**5,495**	**96,094**
Total	**193**	--	--	**676**	**910**	**14,334**	**176,695**

SF = square feet
Source: TCA Architects, 2021.

Private open space balconies would be provided for all residential units except studio apartments. For the studio units, the Applicant is requesting a waiver from Municipal Code Section 20.18.030, which requires a minimum of five percent of the gross floor area of each unit to be set aside as private open space with a minimum dimension of six feet.

With respect to recreational facilities, General Plan Policy LU 16-15.13 identifies that a public park equal to 8 percent of the gross land area of the total development, or a minimum 0.5-acre, whichever is greater, shall be provided. Therefore, the Project would be required to provide a 0.5-acre park on the approximate 1.97-acre site. The General Plan allows a waiver of its park dedication requirement where it can be demonstrated that the development parcels are too small to feasibly accommodate the park or inappropriately located to serve the needs of local residents. The Applicant is requesting a waiver of the General Plan Policy LU 16-15.13 public park dedication requirement, and an incentive waiver of the payment of park in-lieu fees.

2.4.3 Landscaping and Architecture

Project landscaping is depicted on **Figure 7A-7B**, **Conceptual Landscaping Plan**. Landscaping would be provided around the site perimeter and within the project site. The site's frontage along Spruce Street and Bristol Street North would include holly oak, date palm, and aloe trees as well as groundcover and shrubs. Landscaping along the site's eastern and northern perimeter would predominately be Cajeput trees.

Landscaping would also be provided around the residential building and would include king palm and aloe trees with groundcover and shrubs. The pool courtyard would be landscaped with aloe, date palm, Arbutus Marina, and olive trees. Other shrubs, ground cover, as well as hardscape areas for seating and dining tables would be provided in the courtyard.

Project architecture is depicted in **Figure 8A-8B, Architecture and Design**. The building's architecture would be a modern contemporary style with articulated facades composed of a mix of stucco, fiber cement board siding, and tile veneer façade accents. The color scheme is proposed to be generally white, dark grey, and beige. Metal awnings and metal railings on the private balconies would further façade articulation.

2.4.4 Non-Vehicular and Vehicular Circulation

Pedestrian

There are existing six-foot-wide sidewalks along Spruce Street and Bristol Street North. As a part of the Project, the sidewalk on Spruce Street would be retained and the sidewalk along the Bristol Street North frontage would be widened to eight feet, and ultimately to ten feet when determined by the City Public Works Department.

Bicycle

On-street bicycle facilities are provided in the project area along Bristol Street North. Bristol Street North adjacent to the project site has Class II Bike Lane (on-road striped) and also is classified as a Class I (off-road paved) Bikeway (sidewalk riding is permitted). Roadways that provide on-street bicycle facilities near the project site include portions of Bristol Street South, and intermittent areas of Jamboree Road and Campus Road.

Bus

Orange County Transportation Authority (OCTA) Route 57 serves Bristol Street North adjacent to the project site. A bus stop is located along Bristol Street North adjacent to the project site at the northwest corner of the Spruce Street and Bristol Street North intersection.

Vehicular Access

Vehicular access to the project site is currently and would continue to be provided from driveways on Bristol Street North and Spruce Street. Because Bristol Street North adjacent to the project site is a one-way roadway, the driveway will continue to provide right turn in/out only access. The driveway at Spruce Street will continue to provide full access (unrestricted turn movements). The driveways would lead into a two-way on-site internal drive lane that would border the north and east sides of the project site. The internal roadway would also serve as an emergency vehicle access.

A designated turn out area would be provided on Spruce Street for ride share pick up and drop offs.

Figure 7A: Conceptual Landscaping Plan - Ground Level
Residences at 1300 Bristol Street

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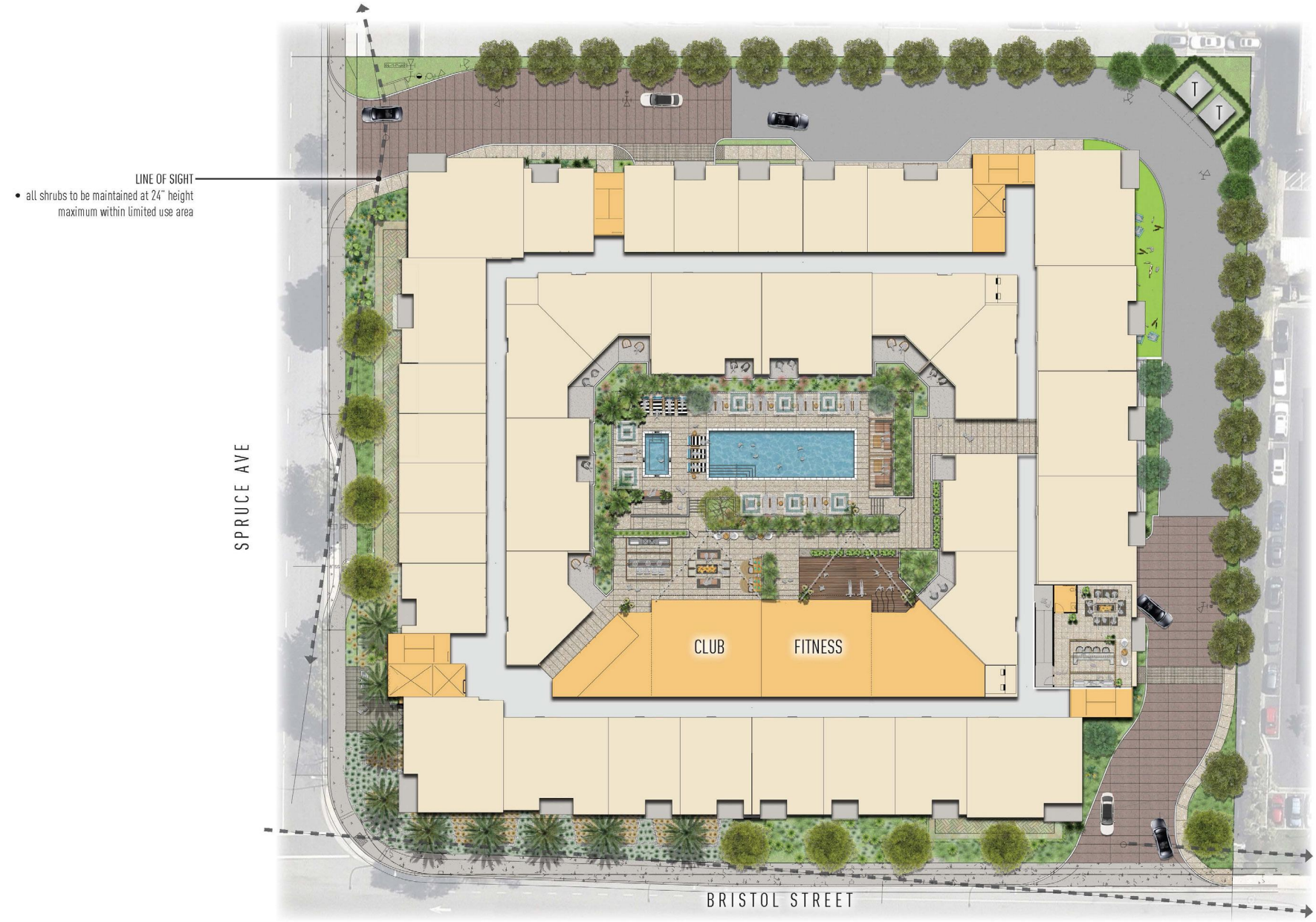

Figure 7B: Conceptual Landscaping Plan - Level 1
Residences at 1300 Bristol Street

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1)WEST ELEVATION

1) NORTH ELEVATION

Figure 8A: Architecture and Design - West and North Elevations
Residences at 1300 Bristol Street

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1) EAST ELEVATION

1) SOUTH ELEVATION

Figure 8B: Architecture and Design - East and South Elevations
Residences at 1300 Bristol Street

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Parking

All residential and guest parking would be provided on the site, within the parking structure (ground floor level and two subterranean levels). The proposed building provides two entrances to the parking structure: on the north side of the building accessed from Spruce Street and from the east side of the building accessed from Bristol Street North. Guest parking would be provided on the ground level from the northern entry and would be separated from resident parking by roll up gates. Guest entry would be open during normal business hours. Resident parking would be provided on the ground level and two subterranean levels. Subterranean parking would be restricted to residents with key-card access.

Municipal Code Section 20.40.040, Off-Street Parking Requirements, identifies that multi-family developments with more than four dwelling units are required to provide two covered parking spaces per unit and 0.5 space per unit for guest parking. Based on the Municipal Code, the proposed Project would be required to provide 386 resident parking spaces and 97 guest parking spaces for a total of 483 parking spaces.

As provided for in Government Code Section 65915(p) and Municipal Code Section 20.32.040, the Applicant is requesting a reduction in the number of required parking spaces for the Project. Municipal Code Section 20.32.040, Parking Requirements in Density Bonus Projects, reflects the language of Government Code Section 65915(p), which identifies the provision of one parking space for studio and one-bedroom units and two parking spaces for units with two or more bedrooms. **Table 2-3, *Parking Summary***, identifies the parking assumptions for the proposed Project based on application of regulatory standards for density bonus projects. Under these regulatory standards, the proposed Project would be required to provide 233 parking spaces and the Project would provide 346 parking spaces. The parking ratio would be 1.79 parking spaces per dwelling unit inclusive of guest parking, which would exceed Government Code Section 65915(p) and Municipal Code Section 20.32.040 requirements.

Table 2-3: Parking Summary

	Resident			Guest			
Level	**Resident**	**ADA**	**EV**	**Guest**	**ADA**	**EV**	**Total**
Ground Level	40	2	8	31	2	4	**87**
Subterranean Level 1	112	4	12	0	0	0	**128**
Subterranean Level 2	119	0	12	0	0	0	**131**
Total	**271**	**6**	**32**	**31**	**2**	**4**	**346**
	Total Resident: 309			**Total Guest: 37**			**--**

ADA=Americans With Disabilities Act; EV=Electric Vehicle
Source: TCA Architects, 2021.

2.5 Utilities and Infrastructure

Project implementation would require the construction of new and/or upgrades to on-site utility infrastructure to serve the residences and related uses. These utilities would be connected to existing utility infrastructure in adjacent roadways, with the final sizing and design of on-site facilities to occur during final building design and plan check. The Project would connect to existing utility systems on Spruce Street and Bristol Street North.

Water Service

The City of Newport Beach provides water service to the project site. The City operates a wellfield with a total capacity of 10,900 gallons per minute (gpm), 15 recycled water connections, 6 inter-agency emergency interconnections and manages an approximate 300-mile water mains system with 26,765 service connections.

There is an existing 16-inch water main in Spruce Street, which has a 6-inch fire flow connection and a 6-inch domestic water service connection. The proposed Project would use the existing 6-inch domestic water lateral and the existing 6-inch fire water lateral in Spruce Street for domestic water use and irrigation, respectively. A new 8-inch fire service connection to the existing 16-inch water main in Spruce Street would be constructed to provide on-site fire hydrants as well as a fire sprinkler connection to the project site.

Wastewater Collection and Disposal

The City would provide sanitary sewer service to the project site. There is an existing 8-inch sewer main in Spruce Street that provides services to the site via an existing 8-inch sewer lateral. The proposed Project would connect to the existing sewer lateral through on-site sanitary sewer lines or laterals. A proposed sewer manhole and 8-inch connection would connect the project site to existing infrastructure on Spruce Street. Discharge from the sewer system would be directed to the Orange County Sanitation District's treatment plants.

Drainage and Water Quality Treatment

The project site currently drains in two directions: approximately 75 percent of flows are directed toward Spruce Street and 25 percent drains toward Bristol Street North. The site is considered relatively flat with one to two percent grade to provide sheet flow within the existing surface parking lot area. The proposed Project would maintain the existing drainage pattern.

Approximately 0.30 acre of the 1.97-acre project site would be landscaped areas and have pervious surfaces. The Project proposes three drainage management areas to treat runoff, primarily through bio-filtration planters or boxes. Each treatment area would have a 24-inch minimum parkway drain to discharge peak flows from the site to the curb and gutter to match existing drainage patterns. A proposed 6-inch storm drain would run through the northwest project site perimeter, connecting the bio-filtration planters to a low flow sump-pump to discharge the post-water quality treatment flows to the existing curb and gutter.

Dry Utilities and Services

Public infrastructure and utility buildings, structures, and facilities including, but not limited to, electrical, gas, telephone, and cable television would be extended to the proposed land use. All new public utilities would be placed underground within the development area**.** Utilities would be principally located in road rights-of-way.

2.6 Construction Phasing

Implementation of the proposed Project occur over an approximately 28-month period with demolition and construction activities anticipated to commence in the first quarter of 2023 and conclude in the second quarter of 2025.

The proposed Project's site grading, excavation, and on-site infrastructure improvements would require off-haul of approximately 46,000 cubic yards (cy) of material from the project site.

2.7 Intended Uses of the Addendum

The City of Newport Beach is the Lead Agency as set forth in CEQA Section 21067 and is responsible for reviewing and approving the Residences at 1300 Bristol Addendum to the 2006 General Plan Program EIR. The City will consider the following discretionary approvals for the Project:

- **Affordable Housing Implementation Plan.** A program specifying how the proposed Project would meet the City's affordable housing requirements, in exchange for a request of 50 percent density bonus and includes requests for development standard waivers related to General Plan park dedication requirements; deviation of development standards for street setbacks from the property line; deviation from building height; waiver of the General Plan's 30-50 du/acre limitation; waiver from the provision of private open space for studio units, and waiver of common open space for the entire Project. In addition, two density bonus concession/incentives are requested to provide an un-proportional range of affordable unit sizes and to waive payment of park in lieu fees.
- **Traffic Phasing Ordinance Study:** A traffic study pursuant to Municipal Code Chapter 15.40 (Traffic Phasing Ordinance).
- **Site Development Review:** Site development must be in accordance with applicable Planned Community, as amended, and Municipal Code development standards and regulations pursuant to Newport Beach Municipal Code Section 20.52.80 (Site Development Reviews) for the construction of the Project.
- **Transfer of Development Rights:** A transfer of 77 residential units from the approved Uptown Newport Planned Community to the project site, pursuant to Chapter 20.46 (Transfer of Development Rights) of the Newport Beach Municipal Code.

In addition to the approvals identified above, the proposed Project would be subject to other approvals and ministerial actions by the City as part of Project implementation. Additional approvals include but are not limited to demolition and grading permits, building permits, and sign permits.

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3 EVALUATION OF ENVIRONMENTAL IMPACTS

The scope of the City's review of the proposed Project is regulated by provisions set forth in CEQA and the State CEQA Guidelines (Title 14, CCR §§15000 et seq.). This review is limited to evaluating the environmental effects associated with the proposed Project to the environmental effects of the City of Newport Beach General Plan Update as set forth in the General Plan Update EIR. This Addendum also reviews new information, if any, of substantial importance that was not known and could not have been known with the exercise of reasonable due diligence at the time the General Plan Program EIR was certified. This evaluation includes a determination as to whether the changes proposed for the Project would result in any new significant impacts or a substantial increase in a previously identified significant impact.

Although State CEQA Guidelines Section 15164 does not stipulate the format or content of an Addendum, the topical areas addressed in the General Plan Program EIR were used as guidance for this Addendum. This comparative analysis provides the City with the factual basis for determining whether any changes in the Project, any changes in circumstances, or any new information since the General Plan Program EIR was certified would require additional environmental review or preparation of a Subsequent EIR or Supplemental EIR.

As previously discussed, pursuant to PRC Section 21166 and State CEQA Guidelines Section 15162, when an EIR has been previously certified for a project, no subsequent or supplemental EIR shall be prepared for a project unless the lead agency determines that one or more of the following three conditions are met: changes in a proposed project result in new or substantially more severe impacts than were disclosed in the previous EIR; changes in the circumstances surrounding the project result in new or substantially more severe impacts than were disclosed in the previous EIR; or new information has come to light showing that new or substantially more severe impacts than were disclosed in the previous EIR.

With respect to cumulative impacts, the General Plan Program EIR states "In many cases, development under the General Plan Update serves as the context for cumulative analysis, as it includes all development within the Planning Area over the next 25 years. For some environmental resource areas, however, the cumulative context extends beyond the borders of the Planning Area and may be the boundaries of a particular service provider or the entire County." This methodology is appropriate for the Addendum analysis. Where a specific cumulative study area is assumed, it is addressed in the respective sections of this Addendum.

The General Plan Program EIR does not identify mitigation measures. Rather it relies on General Plan policies adopted in the General Plan to mitigate potential environmental impacts. As applicable, in addition to General Plan policies, this Addendum documents required regulatory requirements and City conditions of approval that reduce potential environmental impacts. Existing enforcement and monitoring mechanisms are in place to ensure that all measures will be implemented, including but not limited to permit conditions, plan check, and site inspections.

3.1 Aesthetics

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

General Plan Significance Determination: Less Than Significant Impact. The General Plan Program EIR noted that there are no officially designated scenic vistas in the City but that natural features such as the Pacific Ocean and the Back Bay provide coastal views. The General Plan Program EIR also noted that coastal views are provided from identified roadway segments. It also notes that parks and viewing areas throughout the City can provide significant views.

The General Plan Program EIR identifies that development projects would undergo a subsequent environmental review on a project-specific basis to "ensure that scenic vistas and resources are not adversely affected." With respect to scenic vistas, the General Plan Program EIR finds that potential impacts would be less than significant with compliance with applicable General Plan policies, the City's Municipal Code, and the Local Coastal Plan.

Project-Specific Analysis and Significance Determination: No Impact; no substantial change from previous analysis.

The project site is generally flat and is bordered by office buildings, surface parking lots, and roadways. The City of Newport Beach General Plan does not identify any scenic vistas or view points in the Airport Area, including or proximate to the site. The nearest public view point to the project site identified in the General Plan is approximately 0.6 mile southwest of the project site, located at the terminus of Mesa Drive at Bay View Avenue. The nearest coastal view designated portion of Jamboree Road to the project site is south of SR-73; it is approximately 0.6 mile south of the site. Due to the distance, intervening development, and highly urbanized nature of the project area, the park is not visible from the project site and therefore scenic coastal views would not be impacted by the proposed Project. Although the Project would propose a new six-story residential building, adjacent uses currently do not experience views of scenic vistas.

Accordingly, no new impacts relative to adverse effects on a scenic vista or a substantial increase in the severity of a previously identified significant impact evaluated in the General Plan Program EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified is available that would impact the prior finding of less than significant impact.

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

General Plan Significance Determination: No Impact. The General Plan Program EIR noted that there are no officially designated State Scenic Highways in the City. SR-1, also known as Coast Highway, is identified as eligible for State Scenic Highway designation, but the City would need to adopt a scenic corridor protection program and apply for scenic approval from the California Department of Transportation (Caltrans) to officially designate the highway. Because there are no designated State Scenic Highways in the City, the General Plan Program EIR found that implementation of the General Plan would have no impact.

Project-Specific Analysis and Significance Determination: No impact; no substantial change from previous analysis.

There are no State scenic highways in Newport Beach. The site is not proximate to a State scenic highway, nor is it visible from any officially designated or eligible scenic highway. Additionally, there are no rock outcroppings, historic buildings, or any other scenic resources on the project site. There are ornamental trees located in landscaped areas, but the trees are not considered scenic resources.

Accordingly, no new impacts relative to adverse effects on State scenic highways or a substantial increase in the severity of a previously identified significant impact evaluated in the General Plan Program EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified is available that would impact the prior finding of no impact.

Threshold (c) Would the project conflict with applicable zoning and other regulations governing scenic quality?

General Plan Significance Determination: Less Than Significant Impact. The General Plan Program EIR noted that development of new residential and mixed-use developments in the Newport Center/Fashion Island area, the Airport Area, and West Newport Mesa would alter the visual characteristics of the City. Citywide and area-specific policies would reinforce design standards, protect visual character and views, and enhance the City's existing aesthetic qualities while simultaneously accommodating projected growth. The City's planning process includes the review of developments for conformance with General Plan standards, the City's Municipal Code, and as applicable, the Local Coastal Plan. General Plan Policy NR 22.1 regulates the visual and physical mass of structures consistent with the unique character and visual scale of Newport Beach. Therefore, the visual character and scenic quality would change as development intensity increased but the impact would not be considered significantly adverse. Conflicts with regulations governing scenic quality would be less than significant.

Project-Specific Analysis and Significance Determination: Less Than Significant Impact; no substantial change from previous analysis.

The Project is consistent with the General Plan and zoning designations for the project site. Applicable to the topic of aesthetics the Applicant has requested a waiver of the building height development standard under Government Code Section 65915. The Newport Place Planned Community (PC-11 Newport Place) development standards limit building heights to 55 feet. The Applicant is requesting a waiver for this building height limitation in order to create a 193-unit for-rent development inclusive of affordable housing. The building would be approximately 78 feet high, measured from existing grade to the top of the rooftop parapet. Project implementation would change the visual character of the site from a two-story office building and surface parking lot to a multi-family residential development; however, this change is not considered a significant adverse impact. The three office buildings within the project site boundaries that are not a part of the proposed Project are two to four stories (33 to 62 feet). There are taller office buildings east of the project site on Quail Street and along southbound Bristol Street. The overall character of the surrounding environment is urbanized with office buildings and limited commercial retail plazas north and south of the project site.

Consistent with PC-11 Newport Place Residential Overlay zone, the proposed Project would be required to comply with the City of Newport Beach Municipal Code Section 20.52.080, Site Development Review, which requires specific development projects to be reviewed to ensure consistency with the General Plan policies related to the preservation of established community character and expectations of high-quality development, and to ensure that the Project respects the physical and environmental characteristics of the site. The proposed Project would 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." The residential building is proposed to have a contemporary architectural style complementary to both surrounding office developments. The articulated facades would include a mix of stucco with stone or tile veneer façade accents. The color pallet is proposed to be tans, dark greys, beige, and white.

Accordingly, no new impacts relative to applicable zoning and other regulations governing scenic quality or a substantial increase in the severity of a previously identified significant impact evaluated in the General Plan Program EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified is available that would impact the prior finding of less than significant.

Threshold (d) Would the project create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

General Plan Significance Determination: Less Than Significant Impact. As identified in the General Plan Program EIR, impacts related to light and glare, which would adversely affect day or nighttime views in the area, were considered less than significant. New development would introduce new sources of light and glare from these commercial, business park and residential uses. General Plan Policy LU 5.6.2 would 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 the use of reflective surfaces that increase heat gain of adjoining buildings and ambient glare. LU Policy 5.6.3 requires that outdoor lighting be located and designed to prevent spillover onto adjoining properties or significantly increase the overall ambient illumination of their location. General Update Policies LU 5.6.2 and 5.6.3 would ensure that lighting impacts associated with the buildout of the General Plan land uses would be less than significant.

Project-Specific Analysis and Significance Determination: Less than Significant Impact; no substantial change from previous analysis.

The project site is an existing two-story office building and surface parking lot with light standards in an urbanized area with both nonresidential land uses that have various sources of lighting. Project implementation would result in additional lighting at the project site for the residential building and walkways. The landscaped areas throughout the site would have lighting to allow for nighttime use; lighting for security; and landscape accent lighting.

The Project would comply with General Plan Policy LU 5.6.2 by incorporating non-reflective textured surfaces on building exteriors, as well as avoidance of the use of reflective glass. Additionally, the Project would comply with Municipal Code Chapter 20.30.070 "Outdoor Lighting" that requires that light be

shielded and confined within site boundaries to prevent spillage. Since the project site and surrounding area are developed, the lighting associated with the proposed Project would not substantially increase light and glare within the site or surroundings. Compliance with General Plan policies and Municipal Code 20.30.070 would reduce impacts to a less than significant level. Therefore, the proposed Project would not adversely affect day or nighttime views, and there are no changes or new significant information that would require preparation of an EIR.

Accordingly, no new impacts relative to adverse effects related to lighting or a substantial increase in the severity of a previously identified significant impact evaluated in the General Plan Program EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified is available that would impact the prior finding of less than significant.

Cumulative Impacts

While impacts are minimized with implementation of General Plan policies, impacts related to aesthetics were considered less than significant and no mitigation was required under the General Plan Program EIR. As identified in the General Plan Program EIR, the General Plan would change the visual aspect of and views from, to, and across the City, add new development to viewsheds, bring urban development to previously undeveloped areas resulting in a less than significant on scenic vistas, scenic resources within a State scenic highway, and visual character. However, the project site is urbanized with existing development and was already envisioned with residential use as part of the General Plan. As discussed above, the proposed Project would not cause a new significant aesthetic impact to occur. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed. Implementation of the proposed Project would not alter the conclusions of the General Plan Program EIR analysis and would not result in a new or substantially more severe project-specific or cumulative aesthetic impact than those already analyzed.

Mitigation Program

General Plan Policies

The General Plan Program EIR identifies General Plan policies that would "directly or indirectly minimize the visual quality effects of prospective growth within the City." The following policies are applicable to the proposed Project and would be made conditions of approval.

- **LU 5.6.2 Form and Environment:** Require that new and renovated buildings be designed to avoid the use of styles, colors, and materials that unusually impact the design character and quality of their location such as abrupt changes in scale, building form, architectural style, and the use of surface materials that raise local temperatures, result in glare and excessive illumination of adjoining properties and open spaces, or adversely modify wind patterns.
- **LU 5.6.3 Ambient Lighting:** Require that outdoor lighting be located and designed to prevent spillover onto adjoining properties or significantly increase the overall ambient illumination of their location.
- **LU 6.15.1 - Land Use Districts and Neighborhoods:** Provide for the development of distinct business park, commercial, and airport serving districts and residential neighborhoods that are integrated to ensure a quality environment and compatible land uses.

- **LU 6.15.3 - Airport Compatibility:** Require that all development be constructed in conformance with the height restrictions set forth by Federal Aviation Administration (FAA), Federal Aviation Regulations (FAR) Part 77, and Caltrans Division of Aeronautics, and that residential development be located outside of the 65 dBA CNEL noise contour specified by the 1985 JWA Master Plan.
- **LU 6.15.22 - Building Massing:** Require that high-rise structures be surrounded with low- and mid-rise structures fronting public streets and pedestrian ways or other means to promote a more pedestrian scale.
- **NR 22.1 - Regulation of Structure Mass:** Continue to regulate the visual and physical mass of structures consistent with the unique character and visual scale of Newport Beach.

Standard Conditions and Requirements

SC AESTH-1 The following City-adopted standard operating conditions of approval would be made conditions of the Site Development Review and would apply to the Project as follows:

a. Lighting shall be in compliance with applicable standards of the Zoning Code. Exterior on-site lighting shall be shielded and confined within site boundaries. No direct rays or glare are permitted to shine onto public streets or adjacent sites or create a public nuisance. "Walpak" type fixtures are not permitted. Parking area lighting shall have zero-cut-off fixtures and light standards shall be the minimum height required to effectively illuminate the parking area and eliminate spillover of light and glare to the adjacent property.

b. The site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if in the opinion of the Community Development Director, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Community Development Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.

c. Public areas shall be illuminated with a minimum maintained 0.5-foot candle on the driving or walking surface during hours of operation and one hour thereafter.

d. Prior to the issuance of a building permit, the Applicant shall prepare a photometric study in conjunction with a final lighting plan for approval by the Community Development Department.

e. Prior to issuance of the certificate of occupancy or of final building permits, the Applicant shall schedule an evening inspection by the Code and Water Quality Enforcement Division to confirm control of light and glare specified in conditions of approval.

Conclusion

Accordingly, no new impacts relative to adverse aesthetic impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the General Plan Program EIR would occur. With regard to PRC Section 21166 and State CEQA Guidelines Section 15162(a), the Project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to aesthetics.

Additionally, no new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified is available that would impact the prior finding of less than significant. Therefore, preparation of a subsequent environmental analysis is not warranted.

3.2 Air Quality

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

General Plan Significance Determination: Significant and Unavoidable Impact. The General Plan Program EIR concluded that implementation of the General Plan would result in new emissions that may exceed South Coast Air Quality Management District (SCAQMD) thresholds. The 2003 Air Quality Management Plan (AQMP) was prepared to accommodate growth, to reduce the high levels of pollutants within the areas under the jurisdiction of SCAQMD, to return clean air to the region, and to minimize the impact on the economy. Projects considered to be consistent with the AQMP would not interfere with attainment because growth projection were accounted for in the formulation of the AQMP. Therefore, projects, uses, and activities that are consistent with the applicable assumptions used in the development of the AQMP would not jeopardize attainment of the air quality levels identified in the AQMP, even if they exceed the SCAQMD's recommended daily emissions thresholds. The General Plan estimated a net increase of 14,215 residential units and a population increase of approximately 31,131 residents, resulting a total population of 103,753 persons at General Plan buildout. The SCAG-projected population for Newport Beach was 94,167 by 2030. This represents a 43 percent increase in population over prior SCAG assumptions for the City. Therefore, General Plan implementation would result in approximately ten percent higher growth projections than what was accounted for in SCAG's projections or the AQMP. Therefore, implementation of the General Plan would not be consistent with AQMP attainment forecasts and attainment of the standards could be delayed. The General Plan Program EIR identified this inconsistency as a significant and unavoidable impact.

Project-Specific Analysis and Significance Determination: Less than Significant Impact; change from previous analysis.

AQMPs use regional growth projections that are based on the land use designations in the local General Plans. Therefore, the land uses assumed and the growth anticipated in the General Plan Program EIR are incorporated into the current 2016 AQMP, which supersedes the prior AQMP.

Criteria for determining consistency with the AQMP are defined by the following indicators:

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

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

With respect to the first criterion, based on the air quality modeling analysis conducted for the proposed Project summarized later in this Addendum section, the Project would not exceed any SCAQMD thresholds for construction. Operation of the Project would not result in significant impacts based on the SCAQMD thresholds of significance. Therefore, the Project would not increase the frequency or severity of existing air quality violations. The proposed Project would be consistent with the first criterion and would not result in an increase in the frequency or severity of existing air quality violations or delay timely attainment of air quality standards.

Concerning the second criterion, the 2016 AQMP contains air pollutant reduction strategies based on SCAG's latest growth forecasts, and SCAG's growth forecasts are defined in consultation with local governments and with reference to local general plans. Projections for achieving air quality goals are based on assumptions regarding population, housing, and growth trends. Therefore, the SCAQMD's second criterion for determining project consistency focuses on whether the proposed Project exceeds the assumptions used in preparing the forecasts presented in the 2016 AQMP.

With respect to SCAQMD's 2016 AQMP, several sources of data form the basis for the projections of air pollutant emissions including the General Plan, SCAG's Growth Management Chapter of the Regional Comprehensive Plan (RCP), and SCAG's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). SCAG's RTP/SCS also provides socioeconomic forecast projections of regional population growth. The Project is consistent with the City's land use designations and no change would be required.

The Project would construct an infill residential development with 193 multi-family apartment rental units inclusive of 169 market rate units and 24 affordable units. The proposed building would have on-grade parking garage and two levels of subterranean parking.

The Project is consistent with the MU-H2 land use designation for the project site and would implement the City's General Plan goals and policies for this portion of the Airport Area because it would integrate residential uses into an area with office and retail uses. The project site is within Professional and Business Offices Site B of the "Newport Place Planned Community (PC-11 Newport Place)." PC-11 Newport Place permits light industrial, medium industrial and industrial service and support facilities, professional and business offices, commercial uses including automobile centers and hotels, and residential land uses within the Residential Overlay. The project site is located within the PC-11 Newport Place Residential Overlay, where residential land uses are permitted. No change to the existing General Plan land use designation is required as a part of the City's consideration of the proposed Project.

The Project is generally consistent with the types, intensity, and patterns of land use envisioned for the area in the RCP. The population, housing, and employment forecasts, which are adopted by SCAG's Regional Council, are based on the local plans and policies applicable to the cities; these are used by SCAG in all phases of implementation and review. Additionally, as SCAQMD incorporated these same projections into the 2016 AQMP, it can be concluded that the Project would be consistent with the projections. As a result, the Project would not exceed growth assumptions in the City's General Plan. Therefore, the Project would be consistent with the 2016 AQMP and would not conflict with the second criterion.

The proposed residential development would be within the development capacity assumed in the General Plan Program, and therefore implementation would not result in increasing growth and would be within the growth assumptions of the 2016 AQMP. Project implementation is not anticipated to result in new or increase the severity of impacts as it pertains to consistency with the AQMP when compared to the General Plan Program EIR.

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

General Plan Significance Determination: Significant and Unavoidable Impact. The General Plan Program EIR noted that some projects that would be implemented under the General Plan could individually exceed the SCAQMD thresholds and that the total amount of construction assumed in the General Plan could also exceed the SCAQMD's recommended thresholds of significance. Impacts were considered significant. General Plan Policies NR 8.1 through NR 8.5 were identified to reduce air pollutant emissions from construction activities. These policies call for the maintenance of construction equipment, the use of non-polluting and non-toxic building equipment, and minimizing fugitive dust. However, the impact would remain significant and unavoidable.

Project-Specific Analysis and Significance Determination: Less than Significant Impact; change from previous analysis.

Construction associated with the proposed Project would generate criteria air pollutant emissions. Construction-generated emissions are relatively short term and of temporary duration, lasting only as long as construction activities occur. They are considered a significant air quality impact if the volume of pollutants generated exceeds the SCAQMD's thresholds of significance.

Construction results in the temporary generation of emissions resulting from demolition, site grading and excavation, road paving, motor vehicle exhaust associated with construction equipment and worker trips, and the movement of construction equipment, especially on unpaved surfaces. Emissions of airborne particulate matter are largely dependent on the amount of ground disturbance associated with site preparation activities as well as weather conditions and the appropriate application of water.

The duration of construction activities for the Project is estimated to be approximately 28 months with demolition and construction activities anticipated to commence in the first quarter of 2023 and conclude in the second quarter of 2025. The proposed Project would include the demolition of the existing 2-story office building (33,292 sf), surface parking, and landscaping and the construction of the 193-unit podium residential building with parking. The project site would be graded and the earthwork volume would be 46,000 cubic yards (cy) of export.

Construction-generated emissions were calculated using CalEEMod, which is designed to model emissions for land use development projects based on typical construction requirements. Predicted maximum daily construction-generated emissions for the proposed Project are identified in **Table 3.2-1, *Construction-Related Emissions***. As shown, all criteria pollutant emissions would remain below their respective thresholds for all construction years.

While PM_{10} and $PM_{2.5}$ emissions would not exceed thresholds, the proposed Project would be subject to SCAQMD Rules 402, 403, and 1113, as set forth in Standard Condition (SC) AQ-1 and SC AQ-2 to further reduce specific construction-related emissions.

Table 3.2-1: Construction-Related Emissions

Construction Year	Emissions (pounds per day) [a, b]					
	ROG	NO_X	CO	SO_2	PM_{10}	$PM_{2.5}$
2023	1.54	20.98	14.47	0.05	4.65	2.33
2024	2.07	13.19	19.15	0.05	2.97	1.13
2025	21.72	13.70	21.65	0.06	3.41	1.24
SCAQMD Threshold	*75*	*100*	*550*	*150*	*150*	*55*
Exceed SCAQMD Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

ROG: reactive organic gases; NO_X: nitrogen oxides; CO = carbon monoxide; SO_2 = sulfur dioxide; PM_{10} = particulate matter 10 microns in diameter or less; $PM_{2.5}$ = particulate matter 2.5 microns in diameter or less

a. Emissions were calculated using the California Emissions Estimator Model version 2020.4.0 (CalEEMod), as recommended by the SCAQMD. Worst-case seasonal maximum daily emissions are reported.

b. SCAQMD Rule 403 Fugitive Dust applied for construction emissions. The Rule 403 reduction/credits include the following: properly maintain mobile and other construction equipment; replace ground cover in disturbed areas quickly; water exposed surfaces three times daily; replace ground cover of area disturbed; water all haul roads twice daily; and limit speeds on unpaved roads to 15 miles per hour. Reductions percentages from the SCAQMD CEQA Handbook (Tables XI-A through XI-E) were applied. No mitigation was applied to construction equipment. Refer to Appendix A for model outputs.

Source: CalEEMod version 2020.4.0. Refer to Appendix A for model outputs.

Regional Operational Emissions

Project-generated emissions would be associated with mobile source emissions from motor vehicle use, energy emissions from energy consumption, and area sources generated by the use of natural gas-fired appliances, landscape maintenance equipment, consumer products, and architectural coatings. Operational emissions attributable to the Project are summarized in **Table 3.2-2, *Operational Emissions***.

Table 3.2-2: Operational Emissions

Source	Emissions (pounds per day)[a]					
	Reactive Organic Gases (ROG)	Nitrogen Oxide (NO_x)	Carbon Monoxide (CO)	Sulfur Dioxide (SO_2)	Fine Particulate Matter (PM_{10})	Coarse Particulate Matter ($PM_{2.5}$)
Area Source Emissions	6.01	2.90	17.08	0.02	0.31	0.31
Energy Emissions	0.06	0.54	0.23	0.00	0.04	0.04
Mobile Emissions	2.76	2.95	27.86	0.07	7.61	2.06
Total Emissions	**8.83**	**6.39**	**45.17**	**0.09**	**7.96**	**2.41**
SCAQMD Threshold	*55*	*55*	*550*	*150*	*150*	*55*
Exceeds Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

ROG: reactive organic gases; NO_X: nitrogen oxides; CO = carbon monoxide; SO_2 = sulfur dioxide; PM_{10} = particulate matter 10 microns in diameter or less; $PM_{2.5}$ = particulate matter 2.5 microns in diameter or less

a. Emissions were calculated using the California Emissions Estimator Model version 2020.4.0 (CalEEMod), as recommended by the SCAQMD. Worst-case seasonal maximum daily emissions are reported.

Source: CalEEMod version 2020.4.0. Refer to Appendix A for model outputs.

Area Source Emissions. Area source emissions would be generated due to on-site equipment, architectural coating, and landscaping that were previously not present on the site.

Energy Source Emissions. Energy source emissions would be generated due to electricity and natural gas usage associated with the Project. Primary uses of electricity and natural gas by the Project would be for space heating and cooling, water heating, ventilation, lighting, appliances, and electronics.

Mobile Source Emissions. Mobile sources are emissions from motor vehicles, including tailpipe and evaporative emissions. Depending upon the pollutant, the potential air quality impact may be of regional or local concern. For example, ROG, NO_X, SO_X, PM_{10}, and $PM_{2.5}$ are all pollutants of regional concern (NO_X and ROG react with sunlight to form O_3 [photochemical smog], and wind currents readily transport PM_{10}, and $PM_{2.5}$). However, CO tends to be a localized pollutant, dispersing rapidly at the source.

Project-generated vehicle emissions are based on the trip generation within the Project Traffic Impact Analysis and incorporated into CalEEMod as recommended by the SCAQMD. The Project would generate 1,050 daily trips, a net increase of 726 daily trips.

The Project's net emissions would not exceed SCAQMD thresholds for any criteria air pollutants. Therefore, regional operations emissions would result in a less than significant long-term regional air quality impact.

As discussed above, the proposed Project's construction and operational activities would not exceed the SCAQMD regional significance thresholds. Construction activities associated with buildout of the proposed Project would result in a less significant impact compared to the regional air quality impacts as identified in the General Plan Program EIR. Therefore, there are no changes or new significant information that would require preparation of subsequent CEQA documentation.

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

General Plan Significance Determination: Less Than Significant Impact. The General Plan Program EIR found that implementation of the General Plan would not expose existing or future sensitive uses within the City to substantial CO concentrations. Impacts were considered less than significant.

Project-Specific Analysis and Significance Determination: Less Than Significant Impact; no substantial change from previous analysis.

The proposed Project could expose sensitive receptors to elevated pollutant concentrations during construction activities if it would cause or contribute significantly to elevated levels. Unlike the construction emissions shown in the regional emissions analysis, localized concentrations refer to an amount of pollutant in a volume of air (ppm or $\mu g/m^3$) and can be correlated to potential health effects. Exposure to pollutant concentrations in exceedance of the NAAQS or CAAQS are generally considered substantial.

Carbon Monoxide Hotspots. A CO hot spot is an area of localized carbon monoxide pollution that is caused by severe vehicle congestion on major roadways, typically near intersections. The purpose of the analysis is to verify that a project would not cause or contribute to a violation of the CO standard at intersections for which a significant impact would occur. It should be noted that the air basin is designated as an attainment area for State and federal CO standards; and that there has been a decline in CO emissions even though vehicle miles traveled on urban and rural roads have increased. The SCAQMD studied the four most congested intersections within the Air Basin in 2003 in order to support their CO "attainment" demonstration to the U.S. Environmental Protection Agency (U.S. EPA). The modeled intersections

experienced more than 100,000 average daily trips, and SCAQMD found that even these highly-congested intersections would not cause a CO hot spot to result. Therefore, it can be reasonably inferred that CO hot spots would not be experienced at any vicinity intersections as a result of 1,050 additional vehicle trips attributable to the Project. Therefore, impacts would be less than significant.

Localized Construction Emissions. The SCAQMD developed Localized Significance Thresholds (LSTs) for emissions of NO_2, CO, PM_{10}, and $PM_{2.5}$ generated at new development sites (off-site mobile source emissions are not included in the LST analysis). LSTs represent the maximum emissions that can be generated at a project site without expecting to cause or substantially contribute to an exceedance of the most stringent national or State ambient air quality standards. LSTs are based on the ambient concentrations of that pollutant within the Project source receptor area (SRA), as demarcated by the SCAQMD, and the distance to the nearest sensitive receptor. An LST analysis is applicable for all projects that disturb 5.0 acres or less on a single day. The City of Newport Beach is within SCAQMD SRA 18 (North Coastal Orange County).

The nearest sensitive receptors to the project site are a single-family residence located along Bristol Street South, approximately 630 feet southwest of the project site and multiple single-family residences further from the project site and south of Bristol Street South. The SCAQMD LST methodology states that "off-site mobile emissions from the project should not be included in the emissions compared to LSTs." Therefore, for purposes of the construction LST analysis, only emissions included in the CalEEMod "on-site" emissions outputs were considered. LST thresholds are provided for distances to sensitive receptors of 25, 50, 100, 200, and 500 meters. Therefore, LSTs for receptors located at 192 meters were interpolated and used in this analysis. The construction acreage is determined based on daily acreage disturbed and the LSTs increase as acreages increase. **Table 3.2-3, *Equipment-Specific Grading Rates*,** shows that the grading rates used for the LST analysis assumed two acres graded per day.

Table 3.2-3: Equipment-Specific Grading Rates

Construction Phase	Equipment Type	Equipment Quantity	Acres Graded per 8-Hour Day	Operating Hours per Day	Acres Graded per Day
Grading	Rubber Tired Dozers	2	0.5	8	1
	Tractors/Loaders/Backhoes	1	0.5	8	0.5
	Graders	1	0.5	8	0.5
	Scrapers	0	1	8	0
				Total Acres Graded per Day	**2**

Source: CalEEMod version 2020.4.0. Refer to Appendix A for model outputs.

Table 3.2-4, *Localized Significance of Construction Emissions*, presents the results of localized emissions during construction activity. The LSTs reflect a maximum disturbance of two acres daily assumed for the proposed Project. The table shows that the emissions of these pollutants on the peak day of construction would not exceed any thresholds. Therefore, localized impacts would not be significant.

Table 3.2-4: Localized Significance of Construction Emissions

Construction Activity	Emissions (pounds per day) [a, b]			
	NO_X	CO	PM_{10}	$PM_{2.5}$
Demolition (2023)	14.32	13.46	2.06	0.84
Site Preparation (2023)	12.43	6.64	3.19	1.75
Grading (2023)	14.47	8.70	3.63	2.02
Paving (2023)	6.24	8.80	0.31	0.28
Building Construction (2024)	11.06	12.52	0.45	0.43
Building Construction (2025)	10.41	12.44	0.39	0.38
Architectural Coating (2025)	1.15	1.81	0.05	0.05
Maximum Daily Emissions	***14.47***	***13.46***	***3.63***	***2.02***
SCAQMD LST Screening Threshold (adjusted for 2 acres at 192 meters)	163	2,526	60	25
Maximum Daily Emissions Exceed SCAQMD Threshold?	**No**	**No**	**No**	**No**

ROG: reactive organic gases; NO_X: nitrogen oxides; CO = carbon monoxide; SO_2 = sulfur dioxide; PM_{10} = particulate matter 10 microns in diameter or less; $PM_{2.5}$ = particulate matter 2.5 microns in diameter or less

a. Emissions were calculated using the California Emissions Estimator Model version 2020.4.0 (CalEEMod), as recommended by the SCAQMD. Worst-case seasonal maximum daily emissions are reported.

b. SCAQMD Rule 403 Fugitive Dust applied for construction emissions. The Rule 403 reduction/credits include the following: properly maintain mobile and other construction equipment; replace ground cover in disturbed areas quickly; water exposed surfaces three times daily; replace ground cover of area disturbed; water all haul roads twice daily; and limit speeds on unpaved roads to 15 miles per hour. Reductions percentages from the SCAQMD CEQA Handbook (Tables XI-A through XI-E) were applied. No mitigation was applied to construction equipment. Refer to Appendix A for model outputs.

Source: CalEEMod version 2020.4.0. Refer to Appendix A for model outputs.

Localized Operational Emissions. As noted above, the Project is located in SRA 18 (North Coastal Orange County) and the thresholds for 192 meters was interpolated and used. The operational LST acreage is based on the total area of the project site. The project site is less than two acres, and the related thresholds were used to evaluate the Project's localized operational emissions. **Table 3.2-5, *Localized Significance of Operational Emissions***, presents the results of localized emissions during Project operations. The table shows that the emissions of these pollutants during Project operations would not exceed any thresholds. Therefore, localized impacts would not be significant.

Table 3.2-5: Localized Significance of Operational Emissions

Source	Emissions (pounds per day)[a]			
	NO_X	CO	PM_{10}	$PM_{2.5}$
On-Site Emissions (Area and Energy Sources)	3.44	17.31	0.35	0.35
SCAQMD LST Analysis Screening Threshold (2 acres at 192 meters)	163	2,526	15	7
Exceed SCAQMD Threshold?	**No**	**No**	**No**	**No**

a. Emissions were calculated using the California Emissions Estimator Model version 2020.4.0 (CalEEMod), as recommended by the SCAQMD. Worst-case seasonal maximum daily emissions are reported.

Source: CalEEMod version 2020.4.0. Refer to Appendix A for model outputs.

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

The use of diesel-powered construction equipment would be temporary and episodic. The duration of exposure would be short and exhaust from construction equipment dissipates rapidly. Current models and methodologies for conducting health risk assessments are associated with chronic exposure periods of 9, 30, and 70 years, which do not correlate with the temporary and highly variable nature of construction activities. Construction would be subject to and would comply with California regulations (e.g., CCR Title 13, Division 3, Article 1, Chapter 10, Sections 2485 and 2449), which reduce DPM and criteria pollutant emissions from in-use off-road diesel-fueled vehicles and limit the idling of heavy-duty construction equipment to no more than five minutes. These regulations further reduce nearby sensitive receptors' exposure to temporary and variable diesel particulate matter emissions.

Given the temporary and intermittent nature of construction activities likely to occur within specific locations in the project site (i.e., construction is not likely to occur in any one location for an extended time), the amount of DPM any one receptor is exposed to would be limited. Therefore, considering the relatively short duration of DPM-emitting construction activity at any one location and the highly dispersive properties of DPM, sensitive receptors would not be exposed to substantial concentrations of construction-related TAC emissions. Therefore, the Project would not cause nor expose persons to significant levels of toxic air contaminants. Impacts are less than significant. This would not be a new specific impact or an increase in the severity of an impact that was identified in the General Plan Program EIR and would therefore be consistent with the effects of implementation of the General Plan.

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

General Plan Significance Determination: Less Than Significant Impact. The General Plan Program EIR concluded that constructions odors are limited to the number of people living and working nearby the source and due to the temporary nature of such odors, impacts were considered less than significant. Trash receptacles would be stored in areas and in containers as required by City and Health Department regulations, and be emptied on a regular basis, before potentially substantial odors have a chance to develop. General Plan implementation would not create objectionable odors affecting a substantial number of people within the City and potential impacts would be less than significant.

Project-Specific Analysis and Significance Determination: Less Than Significant Impact; no substantial change from previous analysis.

The proposed Project is a residential development, which is not a land use typically associated with the generation of highly objectionable odors. In addition, the Project would be subject to SCAQMD Rule 402, which would contribute to minimizing odor-related nuisances, as set forth in SC AQ-1. In addition to operation-related generation of odors, emissions from construction equipment, such as diesel exhaust, and from volatile organic compounds from architectural coatings and paving activities, may generate

odors. However, these odors would be temporary and intermittent, and are not expected to affect a substantial number of people. Therefore, consistent with the findings of the General Plan Program EIR, implementation of the proposed Project would result in a less than significant odors impact. It is not anticipated that the proposed Project would introduce or require any new construction processes that would generate substantial odors compared with what was previously considered in the General EIR. Overall, there are no changes or new significant information that would require further analysis.

Cumulative Impacts

The Project would not result in significant operational air quality impacts including nonattainment criteria pollutants. The Project would not exceed SCAQMD construction thresholds. The Project would be consistent with the General Plan and not required any land use designation changes, and would therefore comply with the 2016 AQMP, which is intended to bring the air basin into attainment for all criteria pollutants. Therefore, the Project's contribution to regional pollutant concentrations would not be cumulatively considerable. As discussed above, the proposed Project would not cause a new air quality impact to occur. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed. Implementation of the proposed Project would not alter the conclusions of the General Plan Program EIR analysis and would not result in a new or substantially more severe project-specific or cumulative air quality impact than those already analyzed.

Mitigation Program

General Plan Policies

The General Plan Program EIR identifies General Plan policies that would "address issues related to existing and future air quality within the City of Newport Beach." The following policies are applicable to the proposed Project and would be made conditions of approval.

- **NR 6.1 – Walkable Neighborhoods.** Provide for walkable neighborhoods to reduce vehicle trips by siting amenities such as services, parks, and schools in close proximity to residential areas.
- **NR 6.2 – Mixed-Use Development.** Support mixed-use development consisting of commercial or office with residential uses in accordance with the Land Use Element that increases the opportunity for residents to live in proximity to jobs, services, and entertainment.
- **NR 6.4 – Transportation Demand Management Ordinance.** Implement the Transportation Demand Management (TDM) Ordinance, which promotes and encourages the use of alternative transportation modes, and provides those facilities such as bicycle lanes that support such alternate modes.
- **NR 7.1 – Fuel Efficient Equipment:** Support the use of fuel efficient heating equipment and other appliances.
- **NR 7.2 – Source Emission Reduction Best Management Practices:** Require the use of Best Management Practices (BMP) to minimize pollution and to reduce source emissions.
- **NR 8.1 – Management of Construction Activities to Reduce Air Pollution:** Require developers to use and operate construction equipment, use building materials and paints, and control dust created by construction activities to minimize air pollutants.

- **NR 24.1 – Incentives for Energy Conservation:** Develop incentives that encourage the use of energy conservation strategies by private and public developments.
- **NR 24.2 – Energy-Efficient Design Features:** Promote energy-efficient design features.
- **NR 24.3 – Incentives for Green Building Program Implementation:** Promote or provide incentives for "Green Building" programs that go beyond the requirements of Title 24 of the California Administrative Code and encourage energy-efficient design elements as appropriate to achieve "green building" status.

Standard Conditions and Requirements

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

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

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

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

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

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

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

SC AQ-2 **Architectural Coatings.** South Coast Air Quality Management District (SCQMQD) Rule 1113 requires manufacturers, distributors, and end-users of architectural and industrial maintenance coatings to reduce reactive organic gas (ROG) emissions from the use of these coatings, primarily by placing limits on the ROG content of various coating

categories. Architectural coatings shall be selected so that the volatile organic compound (VOC) content of the coatings is compliant with SCAQMD Rule 1113. This requirement shall be included as notes on contractor specifications.

Conclusion

Accordingly, no new impacts relative to adverse air quality impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the General Plan Program EIR would occur. With regard to PRC Section 21166 and State CEQA Guidelines Section 15162(a), the Project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to air quality. Additionally, no new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified is available that would impact the prior finding of less than significant. Therefore, preparation of a subsequent environmental analysis is not warranted.

3.3 Biological Resources

Threshold (a) Would the project 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?

General Plan Significance Determination: Less Than Significant Impact. The General Plan Program EIR identified citywide biological resources, including habitat types; sensitive biological resources, including special status species; marine resources; and sensitive marine sources. Development could also result in the removal of mature trees that may serve as perching or nesting sites for migratory birds and raptors in both developed and undeveloped areas. Federal and State regulations, including the Migratory Bird Treaty Act, Federal Endangered Species Act, and California Endangered Species Act, restrict activities that may result in the "take" (kill, harm, harass, etc.) of certain species, including active nests. Actions, such as pre-construction surveys, may be necessary to ensure General Plan implementation does not result in the "take" of such species as a result of vegetation removal. General Plan Goal NR 10 and Policies NR 10.1 through NR 10.13 identify the actions that may be necessary during project-specific analysis and development. The General Plan Program EIR determined that compliance with these policies and federal and State laws would mitigate potential impacts to a less than significant level.

Project-Specific Analysis and Significance Determination: Less Than Significant Impact; no substantial change from previous analysis.

The project site is an existing two-story office building with surface parking and ornamental landscape areas; there are no native habitat areas on the site nor is the site adjacent to native habitat areas. The site is bordered on all sides by developed urban uses. Project implementation would require the demolition of the office building and surface parking areas including the existing ornamental landscaping adjacent to the building and in the parking areas. The proposed Project includes site landscaping including groundcover, shrubs, succulents, grasses, and trees. The existing landscaping does not provide habitat for any known special-status species or listed plants. Given the site's and surrounding area developed nature, no new impacts to special species are expected.

General Plan policies would further restrict development within wetland areas and environmentally sensitive areas (ESA). The project site is not within a wetland area or ESA, and therefore these policies are not applicable to the Project. While there is no suitable habitat for any special-status wildlife species on the project site, some of the existing ornamental trees could provide nesting habitat for birds. Nesting birds are protected under the federal Migratory Bird Treaty Act (16 USC §703 et seq.) and the California Fish and Game Code (§3503 et. seq.). Federal regulations prohibit any person to "pursue, hunt, take, capture, kill, attempt to take, capture, or kill, possess, offer for sale, sell, offer to barter, barter, offer to purchase, [or] purchase" any migratory bird, including parts of birds, as well as eggs and nests. The California Fish and Game Code Sections 3503, 3503.5 and 3512 also prohibit the take of birds and active nests. The Project would comply with federal and State regulations as set forth in SC BIO-1. No new impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project.

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

General Plan Significance Determination: Less Than Significant Impact. The General Plan Program EIR noted several General Plan goals which would protect wetlands and riparian vegetation. Policies NR 10.9 and NR 10.10 would specifically protect the existing or potential riparian habitats and encourage restoration of the ESAs. Policies NR 13.1 and NR 13.2 would serve to protect wetlands and their riparian habitat and require a survey and analysis of future development within a delineated wetland area under the General Plan. The California Department of Fish and Wildlife, under Section 1600 of the Fish and Game Code of California, regulate impacts to lakes, streams, and associated riparian (streamside or lakeside) vegetation through the issuance of a Lake or Streambed Alteration Agreement. The General Plan policies would serve to regulate indirect impacts future development could have on riparian habitats. Therefore, the impacts associated with riparian habitats would be less than significant.

Project-Specific Analysis and Significance Determination: No impact; no substantial change from previous analysis.

There are no native habitat areas on the site nor is the site adjacent to native habitat areas. The project site is not within a wetland area or ESA. The only potential riparian habitat near the project site is San Diego Creek, which becomes the Upper Newport Bay, approximately 0.5 mile to the south. Because there is no riparian habitat on the project site, the proposed Project would not have an adverse effect on any riparian habitat or other sensitive natural community than what was previously analyzed in the General Plan Program EIR. This finding is consistent with the impact conclusions of the General Plan Program EIR. No project-specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project.

Threshold (c) Would the project 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?

General Plan Significance Determination: No Impact. The General Plan Program EIR identified several wetland habitats include Upper Newport Bay, the developed channels, beaches, and hardscape of Lower Newport Bay (Newport Harbor), and the intertidal and subtidal landforms (sandy beaches, rocky intertidal, sandy subtidal, and subtidal reefs) along the coast of Newport Beach between the Santa Ana River and the boundary between the City and unincorporated Orange County.

The General Plan Program EIR notes that development would be confined to previously developed areas and would not be located near wetland areas. However, should development be proposed within or adjacent to wetland areas, a project would be required to comply with State and federal laws and regulations to protect wetland resources. General Plan Policies NR 13.1 and NR 13.2 were proposed to protect, maintain, and enhance the City's wetlands. Policies NR 14.1 through NR 14. 4 would maintain and enhance deep water channels and ensure they remain navigable by boats through the management of dredging and maintaining the capacity of wetlands and estuaries. Policies NR 15.1 through NR 15.3 would ensure the proper disposal of dredge spoils to avoid disruption to natural habitats through monitoring and management of sediment. Adherence to the identified State and federal laws and regulations would result in mitigate impacts on jurisdictional waters and wetlands.

Project-Specific Analysis and Significance Determination: No impact; no substantial change from previous analysis.

The project site does not include any jurisdictional wetlands. No federal waters under the jurisdiction of the U.S. Army Corps of Engineers are on or proximate to the project site. The proposed Project would redevelop an existing urbanized property in the City. Therefore, the proposed Project would not affect jurisdictional wetlands. This is consistent with the impact conclusions of the General Plan Program EIR. No new impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project.

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

General Plan Significance Determination: Less Than Significant Impact. The General Plan Program EIR found that impacts to wildlife nursery sites and corridors would be less than significant. General Plan Policies NR 10.3 and NR 10.4 would protect and prohibit development in nature preserves, conservation areas, and designated open space areas, and would require a site-specific study be prepared where development would occur within or contiguous to such areas. General Plan Policies NR 10.5, NR 10.7, and NR 10.8 would prevent disruption, and ensure protection of sensitive habitat though siting and design requirements, along with sufficient buffer sizes and shielding from direct exterior lighting. Policies NR 12.1 through NR 12.3 would serve to protect coastal dune habitats, which serve as movement corridor for coastal wildlife species. Policies NR 13.1 and NR 13.2 would protect, maintain, and enhance the City's wetlands, another movement corridor for a variety of aquatic, terrestrial, and avian species. With implementation of the policies, new urban uses within the developed areas of the City would not have a substantial effect on the movement of native resident of migratory wildlife species or corridors.

Project-Specific Analysis and Significance Determination: No impact; no substantial change from previous analysis.

The project site is developed with a two-story office building, a surface parking lot, and ornamental landscaping that does not support State or federally-listed flora or fauna. The site is bordered by existing urban development and does not function as a wildlife movement corridor. Additionally, the SR-73 corridor is west of the project site. No natural corridors exist in the vicinity of the project site. Therefore, the proposed Project would have no impact on the movement of any native resident or migratory fish or wildlife species. This determination is consistent with the impact conclusions of the General Plan Program EIR. No new impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the General Plan.

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

General Plan Significance Determination: No Impact. The General Plan Program EIR concluded that implementation of the General Plan would not impact to local policies or ordinances protecting biological resources. City Council Policy G-1 establishes and maintains appropriate diversity in tree species and age classes to provide a stable and sustainable urban forest with an inventory that the City can reasonably

maintain in a healthy and non-hazardous condition. Newport Beach Municipal Code Chapter 7.26 and strives to maintain the value of natural habitat for migratory waterfowl and other birds such as ducks, gulls, terns, and pelicans. In addition, General Plan Policy NR 10.1 states that future development shall cooperate with State and federal agencies, and private organizations in the protection of the City's biological resources, and Policy NR 10.3 is intended to protect, and prohibit development in, nature preserves, conservation areas, and designated open space areas in order to minimize urban impacts upon resources in identified ESAs. The General Plan policies and City Council Policy G-1 would ensure that future development within the City would not conflict with any local policies or ordinances protecting biological resources, and therefore no impact would occur.

Project-Specific Analysis and Significance Determination: No impact; no substantial change from previous analysis.

The City does not have a tree preservation ordinance applicable to trees on private property. Newport Beach Municipal Code Chapter 13.09 (Parkway Trees) requires new developments to plant trees in the parkway abutting the building site. The trees are to be at least 36-inch-box trees of the type, variety, and/or species determined by the City in accordance with the City Street Tree Designation List. No new impacts relative to adverse effects on local policies protecting biological resources or a substantial increase in the severity of a previously identified significant impact evaluated in the General Plan Program EIR would occur.

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

General Plan Significance Determination: No Impact. The City is a signatory agency of the Orange County Central and Coastal Natural Community Conservation Plan (NCCP) Habitat Conservation Plan. The NCCP is included as part of the General Plan policies. Policy NR 10.2 states that future development must comply with the policies of the Orange County NCCP. In addition, Policy NR 10.1 states that future development shall cooperate with State and federal agencies, and private organizations, in the protection of the City's biological resources. This includes local, regional, or State habitat conservation plans. The General Plan Program EIR concluded no impacts to provisions to an adopted Habitat Conservation Plan or Natural Community Conservation Plan.

Project-Specific Analysis and Significance Determination: No impact; no substantial change from previous analysis.

The project site is an existing two-story office park with surface parking lot. Because the project site contains no sensitive biological resources, Policies NR 10.1 and 10.2 are not applicable to the Project. The proposed Project would not change or contradict any policies within the Orange County Central-Coastal NCCP/HCP. Therefore, no impacts would occur, and there are no changes or new significant information that would require subsequent analysis.

Cumulative Impacts

Projects are required to implement measures, as set forth in their respective CEQA documents, consistent with federal, State, and local regulations to avoid adverse effects to existing biological resources or to mitigate for significant impacts to these resources. The types of measures required for projects impacting

protected habitat, species, and regulated resources can include avoidance, project design features, regulatory approvals, best management practices (BMPs), and mitigation measures. The project site does not contain riparian habitat or any other water resources. Additionally, the site does not contain waters, including wetland waters, that are subject to federal jurisdiction under Section 404 of the Clean Water Act. The project site is not located within a designated ESA, which may support species and habitats that are sensitive and rare within the region or may function as a migration corridor for wildlife. The Project would not contribute to a cumulative effect on biological resources including sensitive species, protected habitat, or wetland resources. The proposed Project would not cause a new biological impact to occur, nor an increase in the severity of a biological impact previously disclosed in the General Plan Program EIR. Implementation of the proposed Project would not alter the conclusions of the General Plan Program EIR analysis and would not result in a new or substantially more severe project-specific or cumulative biological resources impact than those already analyzed.

Mitigation Program

General Plan Policies

General Plan policies related to biological resources identified in the General Plan Program EIR to mitigate potential impacts to biological resources are not applicable to the Project.

Standard Conditions and Requirements

SC BIO-1 Prior to the commencement of any proposed actions (e.g., site clearing, demolition, grading) during the breeding/nesting season (September 1 through February 15), a qualified biologist contracted by the Applicant shall conduct a preconstruction survey(s) to identify any active nests in and adjacent to the project site no more than three days prior to initiation of the action. If the biologist does not find any active nests that would be potentially impacted, the proposed action may proceed. However, if the biologist finds an active nest within or directly adjacent to the action area (within 100 feet) and determines that the nest may be impacted, the biologist shall delineate an appropriate buffer zone around the nest using temporary plastic fencing or other suitable materials, such as barricade tape and traffic cones. The buffer zone shall be determined by the biologist in consultation with applicable resource agencies and in consideration of species sensitivity and existing nest site conditions, and in coordination with the construction contractor. The qualified biologist shall serve as a construction monitor during those periods when construction activities occur near active nest areas to ensure that no inadvertent impacts on these nests occur. Only specified construction activities (if any) approved by the qualified biologist shall take place within the buffer zone until the nest is vacated. At the discretion of the qualified biologist, activities that may be prohibited within the buffer zone include but not be limited to grading and tree clearing. Once the nest is no longer active and upon final determination by the biologist, the proposed action may proceed within the buffer zone.

The qualified biologist shall prepare a survey report/memorandum summarizing his/her findings and recommendations of the preconstruction survey. Any active nests observed during the survey shall be mapped on a current aerial photograph, including documentation of GPS coordinates, and included in the survey report/memorandum. The

completed survey report/memorandum shall be submitted to the City of Newport Beach Community Development Department prior to construction-related activities that have the potential to disturb any active nests during the nesting season.

Conclusion

Accordingly, no new impacts relative to biological resources or a substantial increase in the severity of a previously identified significant impact evaluated in the General Plan Program EIR would occur. With regard to PRC Section 21166 and State CEQA Guidelines Section 15162(a), the Project would not result in any new impacts, or increase the severity of the previously identified impacts. Additionally, no new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified is available that would impact the prior finding of less than significant with mitigation. Therefore, preparation of a subsequent environmental analysis is not warranted.

3.4 Cultural and Tribal Cultural Resources

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

General Plan Significance Determination: Significant and Unavoidable Impact. The General Plan Program EIR noted that the City has 11 properties listed or designated eligible for listing on the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), or otherwise listed as historic or potentially historic in the California Historic Resources Inventory System (CHRIS) maintained by the Office of Historic Preservation. The City Historical Register also recognizes five structures or properties of local historical or architectural significance, most of which are not listed in the NRHP and CRHR. In addition to the formally recognized resources, the City's Historic Resource Inventory includes 61 properties, while not officially adopted, which serves as a guide to potentially historic properties that may have historic or cultural significance to the City. General Plan buildout could result in the demolition of historic or potentially historic structures. General Plan Policies HR 1.1 through HR 1.5 protect historically significant landmarks, sites, and structures through requiring that the Historical Resources Inventory be maintained and updated, encouraging the preservation and adaptive reuse of historic structures, promoting the placement of historical landmarks throughout the City, encouraging adaptive reuse, and mandating the incorporation of historical elements in new redevelopment projects in the City. The Airport Area, Newport Center, West Newport Mesa and Mariners' Mile do not have identified historic resources. Since General Plan policies offer only limited protection to historic structures and would not ultimately prevent the demolition of a historic structure, and that demolition of a historic structure constitutes a physical effect on the environment, the General Plan Program EIR found that impacts to historical resources were significant and unavoidable.

Project-Specific Analysis and Significance Determination: No impact; no substantial change from previous analysis.

There are no historical resources on or near the project site that have been listed or are eligible for listing on the NRHP, the CRHR, California landmarks, or local registers. The existing office building was constructed in the late 1970s (source: Environmental Management Strategies, Inc., Phase I Environmental Site Assessment, 2021). The existing office building does not meet the criteria of a historical resource under CEQA (e.g., it is associated with events that have made a significant contribution to the broad patterns of our history; it is associated with the lives of persons who are significant in our past; it embodies the distinctive characteristics of a type, period, or method of construction; represents the work of a master; possesses high artistic values; or represents a significant and distinguishable entity whose components may lack individual distinction; and/or it has yielded, or may be likely to yield, information important in prehistory or history). Therefore, no impacts would occur. The proposed Project would not result in any new adverse impacts or increase the severity of any previously identified impacts on historical resources. No new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified that would impact the prior finding under this threshold.

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

General Plan Significance Determination: Less than Significant Impact. The General Plan Program EIR concluded that impacts to archaeological resources would be less than significant. General Plan Goal HR 2 and NR 18 would protect archaeological resources by requiring that any new development protect and preserve archaeological resources from destruction, and that potential impacts to such resources be avoided and minimized through planning policies and permit conditions. The Newport Beach City Council also established *Paleontological and Archaeological Resource Protection Guidelines* (K-5, as amended in 2017) requiring the City to prepare and maintain sources of information regarding archaeological sites. Therefore, impacts to archaeological resources would be less than significant.

Project-Specific Analysis and Significance Determination: Less Than Significant Impact; no substantial change from previous analysis.

Although the project site has been graded and disturbed, the area is potentially sensitive for archaeological and tribal cultural resources. The Project would be required to comply with the City Council Policy K-5 which requires preservation of significant archeological and tribal cultural resources, as set forth in SC CULT-1. Compliance with General Plan Policy HR 2.1 and Policy NR 18.1 would require that any new development protect and preserve archaeological and tribal resources from destruction, and that potential impacts to such resources be avoided and minimized through planning policies and permit conditions. Therefore, compliance with these regulations would ensure impacts to archaeological resources remain less than significant. The proposed Project would not result in any new adverse impacts or increase the severity of any previously identified impacts on archaeological resources. No new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified that would impact the prior finding under this threshold.

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

General Plan Significance Determination: Less than Significant Impact. Human burials, in addition to being potential archaeological resources, have specific provisions for treatment in Section 5097 of the California Public Resources Code. Disturbing human remains would destroy the resources and could potentially violate the health code. The California Health and Safety Code (§§7050.5, 7051, and 7054) contain specific provisions for the protection of human burial remains. PRC Section 5097.98 addresses the disposition of Native American burials, protects such remains, and established the Native American Heritage Commission to resolve any related disputes.

General Plan Policies HR 2.1 and NR 18.1 require that any new development under the General Plan protect and preserve archaeological resources from destruction, and that potential impacts to such resources be avoided and minimized through planning policies and permit conditions. Other policies under Goal HR2 and Goal NR 18 ensure that information resources are maintained regarding these resources, such that all grading and excavation activities where there is a potential to affect cultural or archaeological resources be monitored by a qualified archaeologist; that cultural organizations, including Native American organizations, are notified of all developments that have the potential to adversely impact these resources; and that any new development donates scientifically valuable archaeological

resources to a responsible public or private institution. The General Plan Program EIR concluded that impacts to human remains would be less than significant.

Project-Specific Analysis and Significance Determination: Less Than Significant Impact; no substantial change from previous analysis.

The project site has been previously disturbed and currently is developed as a two-story office building with surface parking and landscape areas. There is no indication that there are burials present at the project site and it is unlikely that human remains would be discovered during project development. In the event that human remains are discovered during grading activities, the Project would adhere to all State and local regulations and policies, such as California Health and Safety Code Section 7050.5, CEQA Section 15064.5, and PRC Section 5097.98, to addresses procedures to follow the discovery of suspected human remains (SC CULT-2). Compliance with existing law would ensure that impacts to human resources would not occur. This is consistent with the impact conclusions of the General Plan Program EIR. No new impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the General Plan.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new cultural resources impact to occur, nor an increase in the severity of a cultural resources impact previously disclosed in the General Plan Program EIR, with adherence to State and local regulations and General Plan policies discussed in this Addendum section. Implementation of the proposed Project would not alter the conclusions of the General Plan Program EIR analysis and would not result in a new or substantially more severe project-specific or cumulative cultural resources impact than those already analyzed.

Mitigation Program

General Plan Policies

The General Plan Program EIR identifies General Plan policies that would address potential impacts to cultural resources. The following policies are applicable to the proposed Project and would be made conditions of approval.

- **HR 2.1 - New Development Activities:** Require that, in accordance with CEQA, new development protect and preserve paleontological and archaeological resources from destruction and avoid and mitigate impacts to such resources. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.
- **HR 2.2 - Grading and Excavation Activities:** Maintain sources of information regarding paleontological and archeological sites and the names and addresses of responsible organizations and qualified individuals, who can analyze, classify, record, and preserve paleontological or archeological findings. 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/archaeologist, subject to the approval of the City Planning Department.

- **HR 2.3 - Cultural Organizations:** 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.
- **HR 2.4 - Paleontological or Archaeological Materials:** 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.
- **NR 18.1 - New Development:** 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.
- **NR 18.3 - Potential for New Development to Impact Resources:** 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.
- **NR 18.4 - Donation of Materials:** 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.

Standard Conditions and Requirements

SC CULT-1 In compliance with City Council Policy K-5 *Paleontological and Archaeological Resource Protection Guidelines*, prior to the issuance of a grading permit by the City of Newport Beach, the Applicant shall retain a qualified archaeologist to periodically monitor ground-disturbing activities onsite and provide documentation of such retention to the City of Newport Beach Community Development Director. The archaeologist shall train project construction workers on the types of archaeological resources that could be found in site soils. The archaeologist shall periodically monitor project ground-disturbing activities. During construction activities, if Native American resources (i.e., Tribal Cultural Resources) are encountered, a Cultural Resource Monitoring and Discovery Plan (CRMDP) shall be created and implemented to lay out the proposed personnel, methods, and avoidance/recovery framework for tribal cultural resources monitoring and evaluation activities within the project area. A consulting Native American tribe shall be retained and compensated as a consultant/monitor for the project site from the time of discovery to the completion of ground disturbing activities to monitor grading and excavation activities. If archaeological resources are encountered, all construction work within 50 feet of the find shall cease, and the archaeologist shall assess the find for importance and whether preservation in place without impacts is feasible. Construction activities may continue in other areas. If, in consultation with the City and affected Native American tribe (as deemed necessary), the discovery is determined to not be important, work will

be permitted to continue in the area. Any resource that is not Native American in origin and that cannot be preserved in place shall be curated at a public, nonprofit institution with a research interest in the materials, such as the South Central Coastal Information Center at California State University, Fullerton.

SC CULT-2 California Health and Safety Code Section 7050.5, CEQA Guidelines Section 15064.5, and Public Resources Code Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. California Health and Safety Code Section 7050.5 requires that in the event that human remains are discovered within the project site, disturbance of the site shall be halted until the coroner has conducted an investigation into the circumstances, manner and cause of death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes or has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

Conclusion

Accordingly, no new impacts relative to cultural resources or a substantial increase in the severity of a previously identified significant impact evaluated in the General Plan Program EIR would occur. With regard to PRC Section 21166 and State CEQA Guidelines Section 15162(a), the Project would not result in any new impacts, or increase the severity of the previously identified impacts. Additionally, no new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified is available that would impact the prior finding of less than significant with mitigation. Therefore, preparation of a subsequent environmental analysis is not warranted.

3.5 Energy

Impacts related to energy were not analyzed in the General Plan Program EIR because they were not on the State CEQA Guidelines' Appendix G checklist until January 1, 2019, which was subsequent to the certification of the General Plan Program EIR in 2006. Therefore, the analysis of energy is new in this Addendum. Energy modeling calculations are provided in Appendix A.

However, the General Plan Program EIR did include an analysis of the impacts on other public services and utilities, which included electricity and natural gas. Specifically, the analysis was in Section 4.14, Utilities and Service Systems, of the General Plan Program EIR. As concluded in the General Plan Program EIR, impacts to electricity and natural gas services were found to be less than significant. The electricity and natural gas analysis in the General Plan Program EIR did not address the specific questions now included in Appendix G of the State CEQA Guidelines. However, the analysis, as applicable, is carried through to this new energy section for context, discussion, and comparison purposes.

Building Energy Conservation Standards

The California Energy Resources Conservation and Development Commission (now the California Energy Commission [CEC]) was adopted in June 1977 and are updated every three years (Title 24, Part 6, of the CCR) to help reduce wasteful and unnecessary energy consumption in newly constructed and existing buildings[4]. Title 24, Part 6 requires the design of building shells and building components to conserve energy. The standards are updated periodically to allow for consideration and possible incorporation of new energy efficiency technologies and methods. On June 10, 2015, the CEC adopted the 2016 Building Energy Efficiency Standards, which went into effect on January 1, 2017. On May 9, 2018, the CEC adopted the 2019 Building Energy Efficiency Standards, which took effect on January 1, 2020.

The 2019 Standards will improve upon the 2016 Standards. The 2019 Title 24 standards aim to increase energy efficiency, save consumer money, and improve air quality both indoors and outdoors. Title 24 also includes a requirement for home builders to install solar photovoltaic systems on all new homes, making California the first state in the nation to have a solar mandate. For nonresidential buildings, Title 24, Part 6 revises ventilation and lighting requirements, among them updating prescriptive indoor and outdoor lighting power allowance values to assume the use of LED lighting, plus revisions to HVAC and acceptance test requirements which would ultimately lead to a higher energy efficiency. New efficiency standards outline stricter requirements for insulation in attics, walls, and windows to save additional energy. Finally, the standards encourage measures such as battery storage and heat pump water heaters to shift energy usage to off-peak hours.

Senate Bill 350

SB 350, also known as the Clean Energy and Pollution Reduction Act, established clean energy, clean air, and greenhouse gas (GHG) reduction goals, including reducing GHG to 40 percent below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050.

[4] California Energy Commission. (2021). *Building Energy Efficiency Standards – Title 24.* Available at: https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards.

Senate Bill 100

On September 10, 2018, Governor Brown signed SB 100. Under SB 100 or California Renewables Portfolio Standard Program requires the PUC to establish a renewables portfolio standard requiring all retail sellers, as defined, to procure a minimum quantity of electricity products from eligible renewable energy resources, as defined, so that the total kilowatt-hours of those products sold to their retail end-use customers achieve 25 percent of retail sales by December 31, 2016, 33 percent by December 31, 2020, 40 percent by December 31, 2024, 45 percent by December 31, 2027, and 50 percent by December 31, 2030. The program additionally requires each local publicly owned electric utility, as defined, to procure a minimum quantity of electricity products from eligible renewable energy resources to achieve the procurement requirements established by the program.[5]

State CEQA Guidelines Appendix F

Pursuant to Section 15126.2(b), Section 15126.4 (a)(1)(C), and Appendix F of the State CEQA Guidelines, the environmental setting may include "existing energy supplies and energy use patterns in the region and locality." Energy usage is analyzed in this document due to the potential direct and indirect environmental impacts associated with the Project. Refer to Section 3.2, *Air Quality*, and Section 3.7, *Greenhouse Gas Emissions*, of this Addendum for additional regulatory background and environmental setting regarding the Project's energy use.

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

General Plan Significance Determination: No Impact. Although an Energy section was not included in the General Plan Program EIR, as previously noted, it did analyze impacts related to public services and utilities. The General Plan Program EIR concluded that impacts related to the relocation or construction of new electrical power or natural gas facilities would have no impact. Additional energy demands resulting from General Plan implementation would be adequately met by current and planned infrastructure during most of the year as well as compliance with the energy conservation measures contained in Title 24, which would reduce the amount of energy needed for the operation of any buildings. The projected electrical demand for buildout under the General Plan was expected to be within Southern California Edison's (SCE's) then-current ten-year load forecasts. Southern California Gas Company (SoCalGas) indicated that an adequate supply of natural gas was available to serve additional development, and that the natural gas service provided to the City would not be impaired by buildout under the General Plan. Any expansion of service necessitated by the General Plan implementation would be in accordance with SoCalGas policies and extension rules on file with the California Public Utilities Commission at the time contractual agreements are made. Natural gas demand projected for the General Plan would not exceed available or planned supply and no new infrastructure would be required. Therefore, no impact would result.

Project-Specific Analysis and Significance Determination: Less Than Significant Impact; no substantial change from previous analysis.

[5] State of California. (2018). *Sb-100 California Renewables Portfolio Standard Program: Emissions of Greenhouse Gases.* Accessed November 29, 2021. Available at: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB100.

Fuel

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

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

Due to increasing transportation costs and fuel prices, contractors and owners have a strong financial incentive to avoid wasteful, inefficient, and unnecessary use of energy during construction. There is growing recognition among developers and retailers that sustainable construction is not prohibitively expensive and that there is a significant cost-savings potential in green building practices. The use of battery-powered tools and equipment that do not rely on gas to operate are also becoming more common.[6] Impacts related to transportation energy use during construction would be temporary and would not require expanded energy supplies or the construction of new infrastructure; impacts would not be significant.

Energy consumption during Project operations would be associated with resident and visitor trips; delivery and supply trucks; and trips by maintenance and repair crews. The Project is an infill residential development within the Airport Area and near large employment areas, including Koll Center Newport and Newport Center, thereby potentially reducing the need to travel long distances for some residents.[7] The project site is also near public transportation (bus routes), further reducing the need to drive. The City and surrounding areas are highly urbanized with numerous gasoline fuel facilities and infrastructure. Consequently, the proposed Project would not result in a substantial demand for energy that would require expanded supplies or the construction of other infrastructure or expansion of existing facilities.

The gasoline and diesel fuel associated with on-road vehicular trips is calculated based on total VMT. The total gasoline and diesel fuel associated with on-road trips would be approximately 150,004 gallons per

[6] Jobsite, *Construction's Electric Future*, June 11, 2018, Available at: https://jobsite.procore.com/construction-s-electric-future, accessed November 29, 2021.

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

year and 9,915 gallons per year, respectively. Orange County's annual gasoline fuel use in 2020 was 1,180,213,295 gallons and diesel fuel use was 144,020,787 gallons.[8] Expected Project operational use of gasoline and diesel would represent 0.013 percent of current gasoline use and 0.007 percent of current diesel use in the County. None of the Project energy uses exceed one percent of their corresponding County use. Project operations would not substantially affect existing energy or fuel supplies or resources. The Project would comply with applicable energy standards and new capacity would not be required. Fuel consumption associated with vehicle trips generated by the proposed Project would not be considered inefficient, wasteful, or unnecessary.

Electricity and Natural Gas

Energy capacity, or electrical power, is generally measured in watts (W) while energy use is measured in watt-hours (Wh). On a utility scale, a generator's capacity is typically rated in megawatts (MW), which is one million watts, while energy use is measured in megawatt-hours (MWh) or gigawatt-hours (GWh), which is one billion watt-hours.

SCE would continue to provide electrical service to the project site. Currently, the site does use electricity due to current office uses. The electricity demand is expected to be adequately served by the existing SCE electrical facilities. Annual total electricity demand in California is forecast to increase by approximately 50,000 GWh—or 50 billion kWh—between 2022 and 2030[9]. Total electricity demand in SCE's service area is forecast to increase by approximately 12,000 gigawatt-hours (GWh)—or 12 billion kWh—between 2015 and 2026.[10] The Project would use approximately 1,566,096 kilowatt-hours (kWh) per year; this represents a worst-case assumption because it does not account for existing electrical use associated with the office building. The Project's electricity consumption would represent an insignificant percent compared to overall demand in SCE's service area. Therefore, projected electrical demand would not significantly impact SCE's level of service.

The Project design and materials would comply with the latest Building Energy Efficiency Standards adopted at the time of Project construction. The City of Newport Beach Community Development Department, Building Division would review and verify that the Project plans which includes the Project's Site Photometrics to ensure compliance with the current version of the Building and Energy Efficiency Standards prior to issuance of a building permit. The Project would also adhere to the actions listed in CALGreen, which establishes planning and design standards for sustainable site development, energy efficiency (in excess of the CEC requirements), water conservation, material conservation, and internal air contaminants.

Project development would not interfere with achievement of the 60 percent Renewable Portfolio Standard set forth in SB 100 for 2030 or the 100 percent standard for 2045. These goals apply to SCE and other electricity retailers. As electricity retailers reach these goals, emissions from end-user electricity use would decrease from current emission estimates.

[8] California Air Resources Board, EMFAC 2017.

[9] California Energy Commission, California Energy Demand 2018-2030 Revised Forecast, Figure ES-1: Statewide baseline Annual electricity Consumption, Available at: https://efiling.energy.ca.gov/getdocument.aspx?tn=223244, Accessed November 29. 2021.

[10] California Energy Commission, California Energy Demand 2018-2030 Revised Forecast, Figure 49: Historical and Projected Baseline Consumption SCE Planning Area, Available at: https://efiling.energy.ca.gov/getdocument.aspx?tn=223244, Accessed November 29, 2021.

The electricity demand is expected to be adequately served by the existing SCE electrical facilities on the project site currently serving office uses. SCE forecasts that it would have adequate electricity to meet the expected growth in its service area through 2026. Using SCE's anticipated consumption in 2026 in a high-demand consumption scenario, electricity demand is expected to be approximately 128,000 gigawatt-hours.[11] The increase in electricity demand from the Project would be less than 0.0012 percent of overall demand in SCE's service area. Therefore, projected electrical demand would not significantly impact SCE's level of service. Impacts to electrical service would be less than significant.

Natural Gas

Southern California Gas Company (SoCalGas) provides natural gas service to the area. The Project is expected to use approximately 2,151,880 kilo-British thermal units per year (KBTU/year) of natural gas; this represents a worst-case assumption because it does not account for any existing natural gas use associated with the office building. The increased demand is expected to be adequately served by the existing SoCalGas facilities. From 2020 to 2035, core demand is expected to decline from 934 million cubic feet (mcf) to 806 mcf, while supplies remain constant at 3.775 billion cubic feet per day (bcfd)[12] from 2015 through 2035.[13] Therefore, the natural gas demand from the proposed Project would represent a nominal percentage of overall demand in SoCalGas' service area. The Project would not result in a significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

The increased demand is expected to be adequately served by the existing SoCalGas facilities. SoCalGas facilities that currently provide natural gas to existing office uses can also serve the proposed Project. Therefore, the natural gas demand from the proposed Project would represent a nominal percentage of overall demand in SoCalGas' service area. SoCalGas can provide additional connections if necessary once utility plans are finalized for the Project and are required to do so by the California Public Utilities Commission to meet additional demand. Impacts to natural gas service would be less than significant.

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

Project development would not interfere with achievement of the 60 percent Renewable Portfolio Standard set forth in Senate Bill (SB) 100 for 2030 or the 100 percent standard for 2045. These goals apply to SCE and other electricity retailers. As electricity retailers reach these goals, emissions from end-user electricity use would decrease from current emission estimates.

[11] California Energy Commission, California Energy Demand 2018-2030 Revised Forecast, Figure 49: Historical and Projected Baseline Consumption SCE Planning Area, Available at: https://efiling.energy.ca.gov/getdocument.aspx?tn=223244. Accessed November 29, 2021.

[12] 1 bcfd is equivalent to about 1.03 billion kBTU

[13] California Gas and Electric Utilities, 2020 California Gas Report, Southern California Gas Company Annual Gas Supply 2020-2035 Table 1-SCG, Available at: https://www.socalgas.com/sites/default/files/2020-10/2020_California_Gas_Report_Joint_Utility_Biennial_Comprehensive_Filing.pdf. Accessed November 29, 2021.

This would not be a new impact, nor would it increase the severity of the impact previously identified in the General Plan Program EIR and would therefore be consistent with the effects of implementation of the General Plan.

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

General Plan Significance Determination: The previous General Plan Program EIR did not discuss compliance with State or local renewable energy plans or energy efficiency. This discussion is new as part of this Addendum.

Project-Specific Analysis and Significance Determination: Less than Significant.

Project design and operation would comply with State Building Energy Efficiency Standards, appliance efficiency regulations, and green building standards. Project development would not cause inefficient, wasteful and unnecessary energy consumption, and no adverse impact would occur. The City of Newport Beach adopted an Energy Action Plan in 2013 in order to help reduce energy consumption and greenhouse gas (GHG) emissions to become a more sustainable community and to meet the goals of AB 32. The Energy Action Plan outlines various measures and strategizes numerous methods on how the City's long-term vision to conserve energy at government facilities can be achieved. The Plan does not have project-specific requirements but focuses on demonstrating leadership through the implementation of cost-effective energy efficiency improvements in their own facilities, minimizing costs associated with energy and utilities, and protecting the environment. As such, the proposed Project would not conflict with or obstruct the City's Energy Action Plan.

SCAG's 2020–2045 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS; Connect SoCal) establishes GHG emissions reduction goals for automobiles and light-duty trucks for 2020 and 2035. The Project is consistent with regional strategies to reduce passenger VMT. The project site is proximate to several major employers. Orange County is traditionally jobs-rich. Transit stops along Bristol Street connect the project site to the rest of the City as well as the cities of Irvine and Tustin. Increasing residential land uses near major employment centers is a key strategy to reducing regional VMT, which also reduces transportation fuel consumption. Therefore, in addition to being an efficient infill development, the Project would be consistent with regional goals to reduce trips and VMT by locating the residential development adjacent to business uses, which reduces vehicle trip lengths and transportation fuel use. The Project would not conflict with the stated goals of the RTP/SCS. Therefore, the Project would not interfere with SCAG's RTP/SCS.

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). SB 350 was signed into law in September 2015 and established tiered increases to renewable energy resources of 40 percent by

2024, 45 percent by 2027, and 50 percent by 2030. SB 350 also sets a new goal to double the energy-efficiency savings in electricity and natural gas through energy-efficiency and -conservation measures.

As noted above, SB 100 increased California's RPS requirements to 60 percent by 2030, with interim targets, and 100 percent by 2045. The bill also established 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.

Electrical service is provided to the project site and surrounding area by SCE, which obtains electricity from conventional and renewable sources. In 2019, 35.1 percent of SCE's electricity was generated from eligible renewables; 8.2 percent from nuclear power; 7.9 percent from large hydroelectric generators; and 32.6 percent from unspecified sources.[14] SCE has reached California's 2020 renewable energy as mandated.

The net increase in power demand associated with the proposed Project, similar to the projects pursuant to the General Plan, 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 proposed Project would not obstruct a State or local plan for renewable energy. Thus, impacts would be less than significant and there are no changes or new significant information that would require preparation of an EIR.

Cumulative Impacts

As discussed above, the proposed Project would not cause an energy impact to occur, nor an increase in the severity of any impact previously disclosed in the General Plan Program EIR. Implementation of the proposed Project would not alter the conclusions of the General Plan Program EIR analysis and would not result in a new or substantially more severe project-specific or cumulative energy impact than those already analyzed.

Mitigation Program

General Plan Policies

The General Plan Program EIR identifies General Plan policies that would address potential impacts to energy use. The following policy is applicable to the proposed Project and would be made a condition of approval.

- **NR 24.2 – Energy-Efficient Design Features:** Promote energy-efficient design features.

Standard Conditions and Requirements

No standard conditions are applicable to the proposed Project.

Conclusion

Accordingly, no new impacts relative to energy or a substantial increase in the severity of a previously identified significant impact evaluated in the General Plan Program EIR would occur. With regard to PRC Section 21166 and State CEQA Guidelines Section 15162(a), the Project would not result in any new

[14] Southern California Edison. 2020, October. 2019 Power Content Label. https://www.sce.com/sites/default/files/inline-files/SCE_2019PowerContentLabel.pdf. Accessed November 2021.

impacts, or increase the severity of the previously identified impacts. Additionally, no new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified is available that would impact the prior finding of less than significant. Therefore, preparation of a subsequent environmental analysis is not warranted.

3.6 Geology and Soils

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

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.

General Plan Significance Determination: Less than Significant Impact. The General Plan Program EIR concluded that General Plan implementation would not expose people or structures to adverse effects involving rupture of a fault located in an Alquist-Priolo Fault Zone. The City of Newport Beach is located in the northern part of the Peninsular Ranges Province, an area exposed to risk from multiple earthquake fault zones. The Newport-Inglewood fault zone, the Whittier fault zone, the San Joaquin Hills fault zone, and the Elysian Park fault zone, all have potential to cause moderate to large earthquakes that would cause ground shaking in Newport Beach and nearby communities. However, none of these faults has been zoned under the guidelines of the Alquist-Priolo Earthquake Fault Zoning Act. There are no Alquist-Priolo zones in the City and no impact would result. Impacts were considered less than significant.

Project-Specific Analysis and Significance Determination: Less Than Significant Impact; no substantial change from previous analysis.

According to the Geotechnical Report prepared for the proposed Project (Appendix B, Limited Feasibility Level Geotechnical Investigation for a Proposed Multi-Level Apartment Complex, 1300 Bristol Street N, Newport Beach, CA 92660, Kling Consulting Group, Inc. [KCG], 2021), the project site is not located within an Alquist-Priolo Earthquake Fault Zone and no known active faults cross the site. Several active faults are near the project site, including the San Joaquin Hills Fault approximately 2.2 miles, the Newport Inglewood Fault Zone approximately 4.9 miles, and the Newport Inglewood (offshore segment) located approximately 5.4 miles from the site. No active faults are known to exist at the site, and the risk of surface fault rupture is considered to be low.

Project construction would be required to conform to the seismic design requirements of the 2019 California Building Code (CBC) (or applicable adopted code at the time of plan submittal or grading and building permit issuance for construction) which would reduce anticipated impacts related to the proximity of earthquake faults by requiring structures to be built to withstand seismic ground shaking. Additionally, the Project would be subject to comply with the City of Newport Beach Municipal Code, Chapter 15.10, Excavation and Grading Code, which requires approval of a soil engineering and engineering geology report, as set forth in SC GEO-1. The Excavation and Grading Code also requires that recommendations included in the reports and approved by the building officials be incorporated in grading plans or specifications.

Compliance with SC GEO-1 and applicable CBC requirements would not expose persons or structures to seismic hazards and impacts associated with the proposed Project would be less than significant. The proposed Project would not result in a new specific impact or an increase in the severity of an impact that was identified in the General Plan Program EIR and would therefore be consistent with the effects of implementation of the General Plan and no further analysis is required.

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

ii) Strong seismic ground shaking?

General Plan Significance Determination: Less than Significant Impact. The General Plan policies are set forth in order that adverse effects caused by seismic and geologic hazards such as strong seismic ground shaking are minimized. Policy S 4.1 requires regular update to building and fire codes to provide for seismic safety and design; Policy S 4.2 encourages the seismic retrofitting and strengthening of essential facilities such as hospitals and schools to minimize damage; and Policies S 4.4 and S 4.5 ensure that new development is not located in areas that would be affected by seismic hazards. Additionally, new development would be required to comply with the building design standards of the CBC Chapter 33 for the construction of new buildings and/or structures, specific engineering design and construction measures would be implemented to anticipate and avoid the potential for adverse impacts. Compliance with applicable regulations and the policies contained in the General Plan would ensure that impacts related to strong seismic ground shaking remain at a less than significant level.

Project-Specific Analysis and Significance Determination: No impact; no substantial change from previous analysis.

Project construction would be required to conform to the seismic design requirements of the 2019 CBC (or applicable adopted code at the time of plan submittal or grading and building permit issuance for construction) which would reduce anticipated impacts related to the proximity of earthquake faults and ground shaking by requiring structures to be built to withstand seismic ground shaking. Additionally, the Project would need to comply with the City of Newport Beach Municipal Code, Chapter 15.10, Excavation and Grading Code, which requires approval of soil engineering and engineering geology report (SC GEO-1). The Excavation and Grading Code also requires that recommendations included in the reports and approved by the building officials be incorporated in grading plans or specifications. The Project would also be required to adhere to General Plan policies related to seismic and geologic hazards standards (SC GEO-2). The geotechnical study noted that potential for surface fault rupture is low. The proposed Project would not expose persons or structures to strong ground shaking with implementation of CBC requirements and the General Plan. Therefore, impacts associated with the proposed Project would be less than significant. The proposed Project would not result in a new specific impact or an increase in the severity of an impact that was identified in the General Plan Program EIR and would therefore be consistent with the effects of implementation of the General Plan and no further analysis is required.

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

iii) Seismic-related ground failure, including liquefaction?

General Plan Significance Determination: Less than Significant Impact. Portions of the City are susceptible to liquefaction and related ground failure (i.e., seismically induced settlement) include areas along the coastline that includes Balboa Peninsula, in and around the Newport Bay and Upper Newport Bay, in the lower reaches of major streams in Newport Beach, and in the floodplain of the Santa Ana River. A considerable part of the City mapped liquefiable areas (West Newport, Balboa Peninsula, the harbor islands and vicinity) are already built upon, mostly with residential and commercial development. The City Safety Element Policies S 4.1 through S 4.6 require new development to be in compliance with the most

recent seismic and other geologic hazard safety standards, and the protection of community health and safety through the implementation of effective, state of the art standards for seismic design of structures in the City. Additionally, if any development on steep terrain were to occur upon implementation of the General Plan, site-specific slope stability design would be required to ensure adherence to the standards contained in Appendix Chapter A33, Excavation and Grading, of the City Building Code, as well as by California Division of Occupational Safety and Health (DOSH, CAL/OSHA) requirements for shoring and stabilization. With compliance of applicable regulations as well as policies identified in the General Plan, impacts were determined to be less than significant, and no mitigation was required.

Project-Specific Analysis and Significance Determination: No impact; no substantial change from previous analysis.

The project site is not within a liquefaction zone, though is underlain with isolated sandy layers of Old Paralic Deposits that are susceptible to minor amounts of liquefaction as a result of a potential earthquake along a nearby fault and the historical high groundwater level of 10 feet below existing grades. Overall seismic induced liquefaction settlement would be reduced with removal of materials for the subterranean parking structure excavation. Typical construction methods and protocols for remedial grading would replace unsuitable materials with suitable engineered fill materials prior to re-compaction with paralic deposits and/or other non-expansive materials. The resulting configuration would not be subject to liquefaction. There are no known geologic conditions on the project site that would render development infeasible. Compliance with the City's Municipal Code and General Plan Policies SC 3.6-1 and SC 3.6-2 would reduce the risk associated with seismic-related ground failure and associated liquefaction, lateral spreading, or subsidence to a less than significant level. The proposed Project would not result in a new specific impact or an increase in the severity of an impact that was identified in the General Plan Program EIR and would therefore be consistent with the effects of implementation of the General Plan and no further analysis is required.

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

iv) Landslides?

General Plan Significance Determination: Less than Significant Impact. Many of the areas in central and eastern Newport Beach have been identified as vulnerable to seismically induced slope failure, due to steep terrain. Compliance with the standards set forth in the current CBC would require an assessment of hazards related to landslides and liquefaction and the incorporation of design measures into structures to mitigate this hazard if development were considered feasible. The City has included policies in its Safety Element to achieve the goal of minimizing the risk of injury, loss of life, and property damage caused by earthquake hazards or geologic disturbances (SC 3.6-2). Adherence to the standards contained in Appendix Chapter A33, Excavation and Grading, City Building Code, and California Division of Occupational Safety and Health (DOSH, CAL/OSHA) requirements for shoring and stabilization would reduce impacts would be less than significant and no mitigation is required.

Project-Specific Analysis and Significance Determination: No impact; no substantial change from previous analysis.

The approximately 1.97-acre, square-shaped property is relatively flat at an approximate elevation of 49 to 53 feet above msl. Due to the level topography on the project site and in area surrounding the site, landslides are not anticipated. According to the Seismic Hazard Zones Map for the Tustin and Newport Quadrangle, the site is not located within a Zone of Required Investigation for earthquake-induced landslides. Additionally, no historic landslides have been mapped within or adjacent to the site, nor were there any indications of landslides due to the developed nature of the area. The proposed Project would be required to adhere to all applicable building code regulations and engineering design standards related to shaking hazards and geologic stabilization, as set forth in SC GEO-1 and SC GEO-2. Therefore, the proposed Project would not result in a new impact or an increase in the severity of an impact that was identified in the General Plan Program EIR and would therefore be consistent with the effects of implementation of the General Plan and no further analysis is required.

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

General Plan Significance Determination: Less than Significant Impact. The General Plan Program EIR concluded that General Plan implementation would have a less than significant impact associated with soil erosion or topsoil. All demolition and construction activities within the City would be required to comply with CBC Chapter 70 standards, which ensure implementation of appropriate measures during grading activities to reduce soil erosion. General Plan Policies NR 3.11, NR 3.12, and NR 3.13 would require compliance with applicable local, State, or federal laws. Compliance with the CBC and the National Pollutant Discharge Elimination System (NPDES) permits would minimize effects from erosion and ensure consistency with the Regional Water Quality Control Board (RWQCB) Water Quality Control Plan. Implementation of the General Plan would have a less than significant impact associated with soil erosion or topsoil. No mitigation is required.

Project-Specific Analysis and Significance Determination: Less Than Significant Impact; no substantial change from previous analysis.

The project site is currently developed as a two-story office building with surface parking areas and landscaping. Grading and earthwork activities during construction would expose soils to potential short-term erosion by wind and water. The project site would be graded and the earthwork volume would be 46,000 cy of export.

All demolition and construction activities within the City would be required to comply with CBC Chapter 70 standards, which would ensure implementation of appropriate measures during grading activities to reduce soil erosion. In addition, all new developments would be subject to regional and local regulations pertaining to construction activities. Specifically, development that is greater than one acres would be required to comply with the provisions of the General Construction Activity Stormwater Permit adopted by the State Water Resources Control Board (SWRCB), which would require the employment of best management practices (BMPs) to limit the extent of eroded materials from a construction site. All development that is between one and five acres would be required to comply with the provisions of the NPDES Phase II regulations concerning the discharge of eroded materials and pollutants from construction sites. Compliance with General Plan policies would further ensure that the proposed Project would not result in substantial soil erosion or loss of topsoil. Compliance with the NPDES permit would minimize effects from erosion and ensure consistency with the RWQCB's Water Quality Control Plan. Implementation of the General Plan policies would have a less than significant impact associated with soil

erosion or topsoil. The proposed Project's impact on soil erosion would be less than significant, similar to those impacts previously analyzed in the General Plan Program EIR. This would not be a new specific impact or an increase in the severity of an impact that was identified in the General Plan Program EIR and would therefore be consistent with the effects of implementation of the General Plan and no further analysis is required.

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

General Plan Significance Determination: Less than Significant Impact. The General Plan Program EIR concluded that General Plan implementation would have a less than significant impact related to unstable soils, or compressible and expansive soils, as a result of collapse, subsidence, differential settlement, lateral spreading, or heaving. Adherence to the City's codes and General Plan policies would ensure the maximum practicable protection available for users of buildings and infrastructure and associated trenches, slopes, and foundations. Compliance with General Plan Policies S 4.4 and S 4.6 would ensure that development is not located on unstable soils or geologic units. In view of these requirements, the proposed Project would have a less than significant impact associated with the exposure of people or structures to hazards associated with unstable geologic units or soils. No mitigation is required.

Project-Specific Analysis and Significance Determination: Less Than Significant Impact; no substantial change from previous analysis.

Similar to the General Plan Program EIR, the proposed Project would have the potential to be located on a geologic unit or soil that would become unstable and potentially result in on-site or off-site impacts related to landslide, lateral spreading, subsidence, liquefaction and/or collapse. The geotechnical evaluation concluded that the project site had a medium expansion potential. Liquefaction-induced ground displacements are relatively minor overall and typical reinforced concrete structural mat foundation system for the support of the proposed apartment building and parking structure would further reduce impacts. The proposed Project would be required to comply with General Plan policies and CBC regulations set forth in SC GEO-1 and SC GEO-2. With adherence to these standard conditions, impacts would be less than significant, similar to the previously certified General Plan Program EIR. This would not be a new specific impact or an increase in the severity of an impact that was identified in the General Plan Program EIR and would therefore be consistent with the effects of implementation of the General Plan and no further analysis is required.

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

General Plan Significance Determination: Less than Significant Impact. The General Plan Program EIR concluded that General Plan implementation would have a less than significant impact related to unstable soils, or geologic units. Development under the General Plan would be required to comply with all applicable provisions of the CBC related to soil hazard-related design. The City's Building Code requires a site-specific foundation investigation and report for each construction site that identifies potentially unsuitable soil conditions and contains appropriate recommendations for foundation type and design criteria that conform to the analysis and implementation criteria described in the City's Building Code, Chapters 16, 18, and A33. Further, General Plan Policies S 4.4 and S 4.6 would require that development

not be located on unstable soils or geologic units. This impact is considered less than significant, and no mitigation is required.

Project-Specific Analysis and Significance Determination: Less Than Significant Impact; no substantial change from previous analysis.

As discussed in the General Plan Program EIR, the City contains soils that are highly expansive and compressive, and subject to significant volume changes due to moisture fluctuations. The proposed Project would be required to adhere to the City's Building Code and General Plan Policies S 4.4 and S 4.6 require that development not be located on unstable soils or geologic units, as set forth in SC GEO-1 and SC GEO-2. Compliance with State and local regulations described in the standard conditions would reduce impacts related to expansive soils to less than significant. This would not be a new specific impact or an increase in the severity of an impact that was identified in the General Plan Program EIR and would therefore be consistent with the effects of implementation of the General Plan and no further analysis is required.

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

General Plan Significance Determination: No Impact. The General Plan Program EIR determined that the City of Newport Beach is almost entirely built out with established utility services and new development would not require the use of septic tanks. No impact would occur.

Project-Specific Analysis and Significance Determination: No impact; no substantial change from previous analysis.

The project site is developed as a two-story office building with surface parking and landscaping. The Project would connect to utility infrastructure on Spruce Street and Bristol Street North and would not use septic tanks. As a result, no impacts associated with the use of septic tanks would occur as part of the proposed Project's implementation. Therefore, no further analysis is required.

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

General Plan Significance Determination: Less than Significant Impact. The General Plan Program EIR identified that potential impacts to paleontological resources would be a less than significant with compliance with General Plan policies and Newport Beach City Council Paleontological Guidelines (K-4). The City has known significant paleontological resources, including portions of the Vaqueros formation that underlie the Newport Coast, Newport Banning Ranch, the Topanga and Monterey Formations, and Fossil Canyon in the Bluffs area. Ground-disturbing activities associated with the buildout of the General Plan would have the potential to damage or destroy paleontological resources that may be present below the surface. Damage or destruction to these resources could cause a significant impact. General Plan Policy HR 2.1 and Policy NR 18.1 require any new development to protect and preserve archaeological resources from destruction, and that potential impacts to such resources be avoided and minimized through planning policies and permit conditions. Other policies under Goal HR 2 and Goal NR 18 ensure that information resources are maintained regarding these resources and that grading and excavation activities where there is a potential to affect cultural or archaeological resources be monitored

by a qualified archaeologist. Additionally, the Newport Beach City Council Paleontological Guidelines (K-4) requires the City to prepare and maintain sources of information regarding paleontological sites. Compliance with policies within Goal NR 18 and the policies under Goal HR 2 would reduce this impact to a less than significant level.

Project-Specific Analysis and Significance Determination: Less Than Significant Impact; no substantial change from previous analysis.

There are no known unique paleontological resources of unique geologic features on the project site. The proposed Project would adhere to the General Plan policies under Goals HR 2 and NR 18 should ground-disturbing activities that may impact previously undisturbed grounds. The proposed Project would comply with the City's *Paleontological and Archaeological Resource Protection Guidelines* (K-5, as amended in 2007). Set forth in SC GEO-3. Therefore, impacts would be less than significant, and there are no changes or new significant information that would require preparation of an EIR.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new geologic impact to occur, nor an increase in the severity of a geologic or paleontological resource impact previously disclosed in the General Plan Program EIR, with adherence to the Standard Conditions discussed in this section. Implementation of the proposed Project would not alter the conclusions of the General Plan Program EIR analysis and would not result in a new or substantially more severe project-specific or cumulative impact than those already analyzed.

Mitigation Program

General Plan Policies

The General Plan Program EIR identifies General Plan policies that would address potential impacts to soils and geological resources. The following policies are applicable to the proposed Project and would be made conditions of approval.

- **S 4.7 – New Development:** Conduct further seismic studies for new development in areas where potentially active faults may occur.
- **NR 3.9 - Water Quality Management Plan:** Require new development applications to include a Water Quality Management Plan (WQMP) to minimize runoff from rainfall events during construction and post-construction.
- **NR 3.10 - Best Management Practices:** Implement and improve upon Best Management Practices (BMPs) for residences, businesses, development projects, and City operations.
- **NR 3.11 - Site Design and Source Control:** 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.
- **NR 3.12 - Reduction of Infiltration:** Include equivalent BMPs that do not require infiltration, where infiltration of runoff would exacerbate geologic hazards.

- **NR 3.15 - Street Drainage Systems:** 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.
- **NR 3.20 - Impervious Surfaces:** 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.
- **NR 4.4 - Erosion Minimization:** 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.
- **HR 2.1 - New Development Activities:** Require that, in accordance with CEQA, new development protect and preserve paleontological and archaeological resources from destruction and avoid and mitigate impacts to such resources. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.
- **HR 2.2 - Grading and Excavation Activities:** 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.
- **HR 2.4 - Paleontological or Archaeological Materials:** 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.
- **NR 18.1 - New Development:** 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.
- **NR 18.3 - Potential for New Development to Impact Resources:** 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.
- **NR 18.4 - Donation of Materials:** 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.

Standard Conditions and Requirements

SC GEO-1 The Project is required to comply with City of Newport Beach Municipal Code, Chapter 15.10, Excavation and Grading Code. Prior to the issuance of any grading permits, the City of Newport Beach Deputy Community Development Director/Building Official or his/her designee shall review the grading plan for conformance with the conceptual grading shown on the approved site development plan submittal. The grading plans shall be accompanied by geological and soils engineering reports and shall incorporate all information as required by the City.

SC GEO-2 The Project is required to comply with General Plan Safety Element Policies S 4.1 through S 4.6, which require new development to be in compliance with the most recent seismic and other geologic hazard safety standards and help protect community health and safety through the implementation of effective, state-of-the-art standards for seismic design of structures.

SC GEO-3 In compliance with City Council Policy K-5, *Paleontological and Archaeological Resource Protection Guidelines*, prior to the issuance of a grading permit by the City of Newport Beach, the Applicant shall retain a qualified paleontologist to be available on-call during ground-disturbing activities onsite and provide documentation of such retention to the City of Newport Beach Community Development Director. If fossils are encountered, all construction work within 50 feet of the find shall cease, and the paleontologist shall assess the find for importance. Construction activities may continue in other areas. If, in consultation with the City, the discovery is determined to not be important, work will be permitted to continue in the area. Any resource shall be curated at a public, nonprofit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Cooper Center (a partnership between California State University, Fullerton and the County of Orange).

Conclusion

Accordingly, no new impacts relative to geology and soils or a substantial increase in the severity of a previously identified significant impact evaluated in the General Plan Program EIR would occur. With regard to PRC Section 21166 and State CEQA Guidelines Section 15162(a), the Project would not result in any new impacts, or increase the severity of the previously identified impacts. Additionally, no new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified is available that would impact the prior finding of less than significant with mitigation. Therefore, preparation of a subsequent environmental analysis is not warranted.

3.7 Greenhouse Gas Emissions

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

General Plan Significance Determination: The General Plan Program EIR did not evaluate the effects of greenhouse gas (GHG) emission generation. At the time of approval of the General Plan Program EIR, the contribution of GHG emissions to climate change was a prominent issue of concern. On March 18, 2010, amendments to the State CEQA Guidelines took effect which set forth requirements for the analysis of GHG emissions under CEQA. Since the EIR has already been certified, the determination of whether GHG emissions and climate change needs to be analyzed for this specific development is governed by the law on supplemental or subsequent EIRs (PRC §21166 and CEQA Guidelines §§15162 and 15163). GHG emissions and climate change are not required to be analyzed under those standards unless it constitutes "new information of substantial importance, which was not known and could not have been known at the time" the General Plan Program EIR was approved (State CEQA Guidelines §15162(a)(3)).

The issue of GHG emissions and climate change impacts is not new information that was not known or could not have been known at the time of the certification of the General Plan Program EIR. The United Nations Framework Convention on Climate Change was established in 1992. The regulation of GHG emissions to reduce climate change impacts was extensively debated and analyzed throughout the early 1990s. The studies and analyses of this issue resulted in the adoption of the Kyoto Protocol in 1997. Therefore, the fact that GHG emissions could have a significant adverse environmental impact was known at the time the General Plan was approved and the General Plan Program EIR was certified. When the Housing Element was updated in 2013, the City analyzed GHG emissions and found that the Housing Element would have less than significant impacts with respect to this threshold.

Although the City finds that GHG impacts and climate change is not "new information" under PRC Section 21166, the following analysis for the proposed Project is provided for informational purposes.

Project-Specific Analysis and Significance Determination: Less than significant impact.

The Project would allow for 193 residential apartments and would not include any acreage changes or increase the overall development capacity of the allowable uses in the MU-H2 designated areas as analyzed in the General Plan Program EIR. Therefore, the proposed land uses would be within the development capacity analyzed in the General Plan Program EIR.

Construction GHG Emissions

The proposed Project would result in direct emissions of GHGs from construction activities. The approximate quantity of daily GHG emissions generated by construction equipment associated with the Project is identified in **Table 3.7-1, *Construction-Related Greenhouse Gas Emissions***. As shown in the table, Project construction would result in the generation of approximately 581 metric tons of CO_2e (carbon dioxide equivalent) over the course of construction. Once construction is complete, the generation of these GHG emissions would cease. The SCAQMD recommends that construction emissions be amortized over a 30-year period. Therefore, projected GHGs from construction have been quantified and amortized over 30 years. The amortized construction emissions are added to the annual average operational emissions.

Table 3-7.1: Construction-Related Greenhouse Gas Emissions	
Category	**$MTCO_2e$**
Total Construction	**581**
30-Year Amortized Construction	19
Source: CalEEMod version 2020.4.0. Refer to Appendix A for model outputs.	

Operations GHG Emissions

Table 3.7-2, *Project Greenhouse Gas Emissions* summarizes the GHG emissions associated with Project operations. As shown, the proposed Project would generate approximately 1,633 metric tons of CO_2e annually.

Table 3.7-2: Project Greenhouse Gas Emissions	
Emissions Source	**$MTCO_2e$ per Year**
Construction Amortized Over 30 Years	19
Area Source	43
Energy	395
Mobile	1,079
Waste	45
Water and Wastewater	52
Total	**1,633**
Bright Line Threshold	*3,000*
Source: CalEEMod version 2020.4.0. Refer to Appendix A for model outputs.	

As identified in Table 3.7-2, the SCAQMD's interim screening level numeric bright-line threshold of 3,000 metric tons of CO_2e annually would not be exceeded. The proposed Project's cumulative contribution to GHG emissions is therefore less than significant. Water demand, wastewater generation and solid waste generation, and energy demand would incrementally increase due to the introduction of 193 multi-family rental units at the project site to the extent such demand exceeds demands of the existing office building. However, the units would be within the overall 2,200 maximum multi-family units for the Airport Area identified in the General Plan. As previously addressed in this Addendum, the General Plan evaluated 4,300 multi-family units in the Airport Area. Therefore, implementation of the proposed Project would not result in a substantial increase in GHG emissions had the evaluation been provided in the General Plan Program EIR.

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

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

- Meet and exceed AB 32 energy reduction goals;
- Be an example for energy efficiency and sustainability at City facilities;

- Continue interacting, educating, and informing the community about energy efficiency and GHG emissions;
- Explore the newest "green" technologies and methods to decrease future energy dependency; and
- Explore renewable energy recourses (not limited to solar) and possible financing based on available grants/rebates.

The proposed Project would be required to comply with all building codes in effect at the time of construction which include energy conservation measures mandated by Title 24 of the California Building Standards Code – Energy Efficiency Standards (refer to SC GHG-1) and the California Green Building Standards (refer to SC GHG-2). Because Title 24 standards require energy conservation features in new construction (e.g., high-efficiency lighting, high-efficiency heating, ventilating, and air-conditioning (HVAC) systems, thermal insulation, double-glazed windows, water-conserving plumbing fixtures), these standards indirectly regulate and reduce GHG emissions. California's Building Energy Efficiency Standards are updated on an approximately three-year cycle. The most recent 2019 standards went into effect January 1, 2020. Although the City's Energy Plan is primarily focused on reducing municipal energy consumption, the proposed Project would not conflict with the community-wide energy use goals of the plan. As discussed in Section 3.5, *Energy*, the Project's energy impacts would be less than significant.

Further, the Project would be below the SCAQMD's GHG threshold and would comply with the City's General Plan policies, and State Building Code provisions designed to reduce GHG emissions. In addition, the proposed Project would comply with all SCAQMD applicable rules and regulations during construction and the operational phases and would not interfere with the State's goals of reducing GHG emissions to 40 percent below 1990 levels by 2030 per SB 32 and 80 percent below 1990 levels by 2050 per Executive Order S-3-05. In addition, when the Housing Element was updated in 2013, the City analyzed GHG emissions and found that the Housing Element would have less than significant impacts with respect to this threshold.

In accordance with AB 32 and SB 32, CARB's Scoping Plan outlines the State's strategy to achieve 1990 level emissions by year 2020 and a 40 percent reduction from 1990 emissions by year 2030. The CARB Scoping Plan has been the primary tool to develop performance-based and efficiency-based CEQA criteria and GHG reduction targets for climate action planning efforts.

Statewide strategies to reduce GHG emissions in the latest 2017 Climate Change Scoping Plan include implementing SB 350, which expands the Renewables Portfolio Standard to 50 percent by 2030 and doubles energy efficiency savings; expanding the Low Carbon Fuel Standard to 18 percent by 2030; implementing the Mobile Source Strategy to deploy zero-electric vehicle buses and trucks; implementation of the Sustainable Freight Action Plan; implementation of the Short-Lived Climate Pollutant Reduction Strategy, which reduces methane and hydrofluorocarbons 40 percent below 2013 levels by 2030 and black carbon emissions 50 percent below 2013 levels by 2030; continuing to implement SB 375; creation of a post-2020 Cap-and-Trade Program; and development of an Integrated Natural and Working Lands Action Plan to secure California's land base as a net carbon sink. Statewide GHG emissions reduction measures that are being implemented as a result of the Scoping Plan would reduce the proposed Project's GHG emissions.

Additionally, approximately 90 percent of the Project's emissions are from energy and mobile sources which would be further reduced by the 2017 Scoping Plan measures described above. It should be noted

that the City has no control over vehicle emissions (approximately 66 percent of the Project's total emissions). However, these emissions would decline in the future due to statewide measures including the reduction in the carbon content of fuels, CARB's advanced clean car program, CARB's mobile source strategy, fuel efficiency standards, cleaner technology, and fleet turnover. Additionally, SCAG's RTP/SCS is also expected to help California reach its GHG reduction goals, with reductions in per capita transportation emissions of 8 percent by 2020 and 19 percent by 2035.[15] The Project is an infill residential development and near large employment areas such as Koll Center Newport and Newport Center, which could reduce the need to travel long distances for some residents and reducing associated GHG emissions.[16]

Regarding goals for 2050 under Executive Order S-3-05, at this time it is not possible to quantify the emissions savings from future regulatory measures, as they have not yet been developed. Nevertheless, it can be anticipated that operation of the proposed Project would benefit from the implementation of current and potential future regulations (e.g., improvements in vehicle emissions, SB 100/renewable electricity portfolio improvements, etc.) enacted to meet an 80 percent reduction below 1990 levels by 2050.

Therefore, the proposed Project would have a less than significant impact on GHG emissions. Consistent with Title 24, AB 32, SB 32, and the Energy Action Plan, the proposed Project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing GHG emissions. Impacts would be less than significant.

The GHG emissions associated with the land uses assumed in the General Plan Program EIR would be reduced through compliance with statewide measures that have been adopted since AB 32 and SB 32 were adopted, inclusive of the proposed Project. Therefore, the proposed Project would not conflict with the above statewide strategies identified to implement the CARB Scoping Plan. Therefore, there are no changes or new significant information that would require subsequent environmental documentation.

Cumulative Impacts

Because of the global nature of climate change, most projects will not result in GHG emissions that are individually significant. Therefore, it is accepted as very unlikely that any individual development project or General Plan would have GHG emissions of a magnitude to directly impact global climate change and the impact of the proposed Project is considered on a cumulative basis. The Project's cumulative contribution of GHG emissions would be less than significant and the Project's cumulative GHG impacts would also be less than cumulatively considerable and potential impacts are considered less than significant.

[15] Southern California Association of Governments, *2020-2045 Regional Transportation Plan/Sustainable Communities Strategy*, September 3, 2020, p. 9.

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

Mitigation Program

General Plan Policies

The following policies are applicable to the proposed Project and would be made conditions of approval.

- **NR 6.1 – Walkable Neighborhoods:** Provide for walkable neighborhoods to reduce vehicle trips by siting amenities such as services, parks, and schools in close proximity to residential areas.
- **NR 6.2 – Mixed-Use Development:** Support mixed-use development consisting of commercial or office with residential uses in accordance with the Land Use Element that increases the opportunity for residents to live in proximity to jobs, services, and entertainment.
- **NR 6.4 – Transportation Demand Management Ordinance:** Implement the Transportation Demand Management (TDM) Ordinance, which promotes and encourages the use of alternative transportation modes, and provides those facilities such as bicycle lanes that support such alternate modes.
- **NR 7.1 – Fuel Efficient Equipment:** Support the use of fuel-efficient heating equipment and other appliances.
- **NR 7.2 – Source Emission Reduction Best Management Practices:** Require the use of Best Management Practices (BMP) to minimize pollution and to reduce source emissions.
- **NR 8.1 – Management of Construction Activities to Reduce Air Pollution:** Require developers to use and operate construction equipment, use building materials and paints, and control dust created by construction activities to minimize air pollutants.
- **NR 24.1 – Incentives for Energy Conservation:** Develop incentives that encourage the use of energy conservation strategies by private and public developments.
- **NR 24.2 – Energy-Efficient Design Features:** Promote energy-efficient design features.
- **NR 24.3 – Incentives for Green Building Program Implementation:** Promote or provide incentives for "Green Building" programs that go beyond the requirements of Title 24 of the California Administrative Code and encourage energy-efficient design elements as appropriate to achieve "green building" status.

Standard Conditions and Requirements

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

SC GHG-2 Prior to issuance of building permits, the Applicant shall be required to demonstrate to the Community Development Department, Building Division that building plans meet the applicable California Green Building Standards (CalGreen) Code (24 CCR 11).

Conclusion

As discussed above, the proposed Project would not cause a new GHG impact nor an increase in the severity of GHG impacts. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

3.8 Hazards and Hazardous Materials

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

General Plan Significance Determination: Less than Significant Impact. As identified in the General Plan Program EIR, General Plan implementation would have a less than significant impact related to the public with respect to hazardous materials. General Plan Policy S 7.6 requires that all users, producers, and transporters of hazardous materials and wastes clearly identify the materials that they store, use, or transport, and to notify the appropriate city, county, State and federal agencies in the event of a violation. Oversight by the appropriate federal, State, and local agencies and compliance by new development with applicable regulations related to the handling and storage of hazardous materials would minimize the risk of the public's potential exposure to these substances. Therefore, impacts were considered less than significant.

Project-Specific Analysis and Significance Determination: Less Than Significant Impact; no substantial change from previous analysis.

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

The proposed Project, similar to all development pursuant to the General Plan, would be required to comply with regulations and standards established by applicable regulatory agencies, including the Department of Toxic Substances Control (DTSC), the U.S. EPA, and OSHA. Compliance with applicable laws and regulations governing the use, storage, transportation, and disposal of hazardous materials would ensure that the proposed Project would not create a significant hazard to the public or the environment through the routine transport, storage, production, use, or disposal of hazardous materials.

Upon development of the project site, hazardous materials would be limited to those associated with common household fertilizers, pesticides, paint, solvent, and petroleum products. Because these materials would be used in very limited quantities, they are not considered a significant hazard to the public. The proposed Project's impact on creating significant hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials would be less than significant.

The proposed Project would not result in any new adverse impacts or increase the severity of any previously identified impacts for hazardous materials. No new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified that would impact the prior finding under this threshold. Therefore, the proposed Project would be consistent with the effects of implementation of the General Plan.

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

General Plan Significance Determination: Less Than Significant Impact. The General Plan Program EIR concluded that compliance with existing regulations of the County Environmental Health Division, County Department of Toxic Substances Control, and RWQCB, and General Plan Policies S 7.1 and S 7.4 would reduce impacts related to the release of hazardous materials into the environment. Compliance with Titles 8, 22, 26, and 49 of the CCR, and their enabling legislation in Chapter 6.95 of the California Health and Safety Code, would ensure that this impact is less than significant by requiring compliance with applicable laws and regulations that would reduce the risk of hazardous materials use, transportation, and handling through the implementation of established safety practices, procedures, and reporting requirements.

Project-Specific Analysis and Significance Determination: Less Than Significant Impact; no substantial change from previous analysis.

A Phase I Environmental Site Assessment (Appendix C; EMS, April 2021) was prepared for the proposed Project. No recognized, historical, or controlled recognized environmental conditions at the project site were identified. Review of the DTSC Envirostor Database identified eight facilities within a one-mile radius from the project site. All facilities are more than 0.25 mile from the project site and did not pose an environmental concern to the project site. Similarly, review of the GeoTracker database identified 13 cases within a 0.5-mile radius from the project site. All 13 cases had a "completed-case closed" status. The proposed Project would not exacerbate risk of exposure to hazards associated with any previously identified hazardous cases and facilities.

No new impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the findings of the General Plan Program EIR.

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

General Plan Significance Determination: Less than Significant Impact. The General Plan Program EIR noted that areas of concerns for hazardous materials sites near schools were Hixson Metal Finishing, Big Canyon Reservoir, and San Joaquin Reservoir. Although hazardous materials and waste generated from future development may pose a health risk to nearby schools, all businesses that handle or have on-site transportation of hazardous materials would be required to comply with the provisions of the City's Fire Code and any additional elements as required in the California Health and Safety Code Article 1 Chapter 6.95 for Business Emergency Plan. Additionally, the General Plan Safety Element includes Policy S 7.5, which requires that strict land use controls, performance standards, and structure design standards, including development setbacks from sensitive uses such as schools, hospitals, daycare facilities, elder care facilities, residential uses, and other sensitive uses, be developed and implemented for uses which generate or use hazardous materials. Compliance with the provisions of the City's Fire Code and implementation of General Plan Safety Element S 7.5 would minimize the risks associated with the exposure of sensitive receptors to hazardous materials. Impacts were considered less than significant.

Project-Specific Analysis and Significance Determination: No impact; no substantial change from previous analysis.

There are no schools within 0.25 mile of the project site. Accordingly, no new impacts relative to proximity to schools or a substantial increase in the severity of a previously identified significant impact evaluated in the General Plan Program EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified is available that would impact the prior finding of less than significant impact.

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

General Plan Significance Determination: Less Than Significant Impact. The General Plan Program EIR notes that the City has sites that have been identified as being contaminated from the release of hazardous substances in the soil, including oilfields, landfills, sites containing leaking underground storage tanks, and large and small-quantity generators of hazardous waste. Future development at contaminated sites would be required to undergo remediation and clean up consistent with the requirements of the DTSC and the Santa Ana RWQCB. General Plan Policy S 7.1 requires 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. The General Plan Program EIR found that compliance with all applicable regulatory standards would reduce impacts to a less than significant level.

Project-Specific Analysis and Significance Determination: No impact; no substantial change from previous analysis.

The project site is not identified on the Cortese List, which is the list of hazardous materials sites that is compiled pursuant to Section 65962.5 of the California Government Code. In addition to the Cortese List, federal, state and local governmental agencies maintain other lists of sites where hazardous materials may be present or used. The Phase I ESA determined that the project site was not listed in any of the hazardous materials databases reviewed. As previously addressed, a number of listings were identified that are proximate to the project site but determined to not be considered an environmental concern. Accordingly, no new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the General Plan Program EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified is available that would impact the prior finding of less than significant impact.

Threshold (e) Would the project be 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, result in a safety hazard for people residing or working in the project area?

General Plan Significance Determination: Less Than Significant Impact. The General Plan Program EIR identifies that John Wayne Airport is the nearest airport to Newport Beach. John Wayne Airport generates nearly all aviation traffic directly above the City of Newport Beach due to flight paths and descent patterns. All land uses surrounding the airport are required to comply and be compatible with the land use standards established in the City's Municipal Code and the Airport Land Use Commission's (ALUC) Airport

Environs Land Use Plan (AELUP) for John Wayne Airport. The General Plan identifies a goal to protect residents, property, and the environment from aviation-related hazards, and lists General Plan Policies S 8.1 through S 8.4 to ensure preparation and minimize risk in the case of an aviation accident. The entire Airport Area is within the Height Restriction Zone designated in the AELUP. General Plan LU Policy 6.15.24 requires that all development be constructed within the height limits and residential development be located outside of areas exposed to the 65 dBA CNEL noise contour specified by the AELUP (i.e., where ambient outdoor noise is generally greater than 65 dBA) unless the City Council makes appropriate findings for an override in accordance with applicable law. If the City Council overrides the ALUC's inconsistency finding with the AELUP, then a possibility for residential development within the 65 dBA CNEL noise contour could occur. Therefore, if residential development is constructed within the 65 dBA CNEL noise contour, the potential increase for safety hazards associated with the airport would be considered a significant impact. However, if development occurs outside of the 65 dBA CNEL noise contour and complies with existing regulations and General Plan policies, then impacts would be minimized. Impacts on new uses outside of the 65 dBA CNEL noise contour would be considered less than significant.

Project-Specific Analysis and Significance Determination: Less Than Significant Impact; no substantial change from previous analysis.

The project site is approximately 0.6 mile southeast of John Wayne Airport. As previously noted, the AELUP identifies safety and compatibility zones that depict which land uses are acceptable and unacceptable in various portions of AELUP Safety Zones 1 through 6. The project site is in Safety Zone 6, which allows residential uses and most nonresidential uses other than outdoor stadiums, children's schools, daycare centers, hospitals, and nursing homes. Safety Zone 6 has a "generally low likelihood of accident occurrence at most airports; risk concern primarily is with uses for which potential consequences are severe." Safety Zone 6 includes all other portions of regular traffic patterns and pattern entry routes." With respect to noise, the project site is within the AELUP's 60 dBA CNEL noise contour, which is outside the 65 dBA CNEL noise contour and in an area where residential development meeting the applicable height limit is allowed.

The project site is in the Federal Aviation Regulation (FAR) Part 77 Obstruction Imaginary Surface Zone and the FAR Part 77 Notification Area of John Wayne Airport, as identified in the AELUP for John Wayne Airport. Per FAR Part 77, Section 77.13(a), notice to the Federal Aviation Administration (FAA) is required for any proposed structure more than 200 feet above the ground level of its site. The FAA has issued a "Determination of No Hazard to Air Navigation" for the proposed Project finding that the proposed structure would not exceed obstruction standards and would not be a hazard to air navigation.

The proposed development has a maximum height of 78 to the top of the parapet. The proposed Project is consistent with the allowable uses under the AELUP Safety Zone 6 and is under the 200 feet height limit for the AELUP and for FAA Part 77 notification. Therefore, with the proposed Project's compliance with regulations specified in the AELUP, the proposed Project, similar to development pursuant to the General Plan, would have a less than significant impact. The proposed Project would not result in any new adverse impacts or increase the severity of any previously identified impacts. No new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified that would impact the prior finding under this threshold.

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

General Plan Significance Determination: Less Than Significant Impact. The City of Newport Beach Emergency Management Plan guides responses to emergency situations associated with natural disasters, technological incidents, and nuclear defense operations. In addition, the General Plan Safety Element also contains Policies S 9.1, S 9.2, and S 9.3 to ensure that the City's Emergency Management Plan is regularly updated, provides for efficient and orderly citywide evacuation, and also ensures that emergency services personnel are familiar with the relevant response plans applicable to the City. Implementation of General Plan policies would reduce impacts associated with emergency response and evacuation in the City to a less than significant level.

Project-Specific Analysis and Significance Determination: Less Than Significant Impact; no substantial change from previous analysis.

The proposed Project would not impair or physically interfere with an adopted emergency response or evacuation plan, including the City of Newport Beach Emergency Operations Plan (EOP). The EOP identifies evacuation routes, emergency facilities, and City personnel and describes the overall responsibilities of federal, State, regional, Operational Area, and City entities. No revisions to the adopted EOP would be required as a result of the proposed Project. Primary access to all major roads would be maintained during construction of the Project and no evacuation routes would be impacted during Project implementation. The Project would connect to existing utility infrastructure on Bristol Street North and Spruce Street. Adherence to all applicable regulations and General Plan policies would result in a less than significant impact with respect to interference with an adopted emergency response plan or emergency evacuation plan. No new impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the General Plan.

Threshold (g) Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas?

General Plan Significance Determination: Less than Significant Impact. The General Plan Program EIR notes that implementation of the General Plan could result in the development of residential and commercial uses in areas susceptible to wildland fires. These areas occur primarily in the eastern portion of the City. Compliance with regulatory requirements and General Plan Safety Element Policies 6.1 through 6.9 would result in a less than significant impact. However, the General Plan identified areas with high and moderate fire susceptibility.

Project-Specific Analysis and Significance Determination: No impact; no substantial change from previous analysis.

The project site is in an urban environment and is not contiguous or proximate to open space. According to the CAL FIRE Hazard Severity Zone Map for Orange County, the project site is not within or proximate to Very High Fire Hazard Severity Zone (VHFHSZ) zone for a Local Responsibility Area. Additionally, General Plan Figure S4, Wildfire Hazards, shows that the project site is not within areas designated as High or Moderate fire susceptibility. No new impact would result, nor would the impact previously identified be

any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the General Plan.

Cumulative Impacts

Impacts associated with hazardous materials are often site-specific and localized. While impacts are minimized with implementation of General Plan policies, impacts related to hazards and hazardous materials were considered less than significant and no mitigation was required under the General Plan Program EIR. As identified in the General Plan Program EIR, the General Plan would continue to develop new land uses in the City, possibly exposing persons to hazardous materials through improper handling or use of hazardous materials or hazardous wastes during construction or operation of future developments, or proposed land uses in areas that would create hazards for people working or residing in the area. However, compliance with all applicable federal, State, and local regulations related to hazardous materials on a project-by-project basis would ensure that the routine transport, use, or disposal of hazardous materials would not result in adverse impacts. All demolition activities that would involve asbestos or lead-based paint would also occur in compliance with SCAQMD Rule 1403 and OSHA Construction Safety Orders, which would ensure that hazardous materials impacts would be less than significant. With adherence to applicable federal, state, and local regulations governing hazardous materials and compliance with the General Plan policies, the potential risks associated with hazardous wastes in the area would be less than significant. Implementation of the proposed Project would not alter the conclusions of the General Plan Program EIR analysis and would not result in a new or substantially more severe project-specific or cumulative hazards impact than those already analyzed.

Mitigation Program

Relevant General Plan Policies

The following policies are applicable to the proposed Project and would be made conditions of approval.

- **LU 6.15.24 - Airport Compatibility:** Require that all development be constructed within the height limits and residential be located outside of areas exposed to the 65 dBA CNEL noise contour specified by the Airport Environs Land Use Plan (AELUP), unless the City Council makes appropriate findings for an override in accordance with applicable law.
- **S 7.4 - Implementation of Remediation Efforts:** Minimize the potential risk of contamination to surface water and groundwater resources and implement remediation efforts to any resources adversely impacted by urban activities.

Conclusion

As discussed above, the proposed Project would not cause a new hazardous materials impact to occur, nor an increase in the severity of a hazardous material impact previously disclosed in the General Plan Program EIR, with compliance with all state and local regulations, along with General Plan policies discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

3.9 Hydrology and Water Quality

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

General Plan Significance Determination: Less than Significant Impact. The General Plan Program EIR concluded that construction and operations of future development would result in a less than significant impact related to violations of water quality standards. Areas that disturb one or more acres of land surface are subject to the Construction General Permit adopted by the SWRCB. Preparation of a Stormwater Pollution Prevention Plan (SWPPP) is required for compliance with the NPDES General Construction Stormwater Activity Permit. Certain projects require the preparation of a Water Quality Management Plan (WQMP). Construction would also need to comply with the requirements of City's Municipal Code Chapter 14.36 which regulates water quality. Under the provisions of this chapter, any discharge that would result in or contribute to degradation of water quality via stormwater runoff is prohibited. New development or redevelopment projects are required to comply with provisions in the Orange County Drainage Area Management Plan (DAMP), including the implementation of appropriate BMPs to control stormwater runoff so as to prevent any deterioration of water quality that would impair subsequent or competing beneficial uses of the water. Impacts were considered less than significant.

Project-Specific Analysis and Significance Determination: Less Than Significant Impact; no substantial change from previous analysis.

The proposed Project would create new types of pollutant sources associated with residential development that could alter the types of constituents or levels of pollutants contained in post-developed site runoff. In order to reduce the amount of pollutants in storm water runoff from the proposed Project and to minimize associated hydrologic and water quality impacts, BMPs are required to be implemented in accordance with City, State, and RWQCB standards, set forth in SC WQ-1, SC WQ-2, and SC WQ-3. Construction of the proposed Project, similar to construction associated with development analyzed and assumed under the General Plan, would be subject to the Construction General Permit, City's Municipal Code Chapter 14.36 requirements, the Orange County DAMP, and the General Plan policies. Therefore, implementation of the proposed Project would not violate water quality standards or substantially degrade water quality; this impact would be less than significant. This is consistent with the impact conclusions of the General Plan Program EIR.

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

General Plan Significance Determination: Less than Significant Impact. The City is not located within an identified recharge area, as recharge primarily occurs in the upper portions of the Orange County Groundwater Basin. Groundwater table depths could occur as shallow as 50 feet. Development footprints could encounter groundwater, although support and foundation structures in the groundwater would not displace enough volume to be considered substantial. Construction activities were considered to not substantially deplete groundwater supplies nor interfere substantially with groundwater recharge. The City of Newport Beach Water Master Plan, which assumed the demand associated with General Plan buildout, identifies that projected groundwater supplies would meet projected demand throughout the City. The Natural Resources Element of the General Plan identifies goals and related policies designed to

minimize water consumption and expand the use of alternative water sources to provide adequate water supplies for present use and future growth. According to the City of Newport Beach's 2005 Urban Water Management Plan (2005 UWMP) referenced in the General Plan Program EIR, water supplies would continue to meet the City's imported water needs until 2030. The Orange County Water District (OCWD), which provides the groundwater supply to the City, projects that there would be sufficient groundwater supplies to meet any future demand requirements in Newport Beach. Impacts were considered less than significant.

Project-Specific Analysis and Significance Determination: Less Than Significant Impact; no substantial change from previous analysis.

With implementation of the proposed Project, approximately 0.34 acre (18%) of the 1.97-acre project site would be pervious and 1.59 acres (82%) would have imperious surfaces. This is an increase of two percent compared to existing site conditions. Similar to the development assumed under the General Plan, the Project would occur in an already developed area and would not substantially decrease groundwater recharge. The proposed Project is consistent with the General Plan and zoning designations and therefore site development would have been accounted for in the City's Water Master Plan, which finds there is groundwater available for the growth proposed in the General Plan. Additionally, there are no public water wells located on the project site and groundwater is not drawn from the area. Therefore, implementation of the proposed Project would not deplete groundwater supplies or interfere with groundwater recharge, any greater than already analyzed in the General Plan Program EIR and this impact would be less than significant. This is consistent with the impact conclusions of the General Plan Program EIR.

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

i) Result in a substantial erosion or siltation on- or off-site.

General Plan Significance Determination: Less than Significant Impact. Refer to section threshold (a) above. Impacts would be less than significant and there are no changes or new information requiring preparation of an EIR.

Project-Specific Analysis and Significance Determination: Less Than Significant Impact; no substantial change from previous analysis.

The project site is currently developed as a two-story office building with surface parking and landscaping. The proposed storm drain system would largely maintain the same existing drainage patterns, and connectivity. The construction of the proposed Project would not increase the overall drainage areas in the proposed condition. Clearing, grading, excavation, and construction activities associated with the Project may impact water quality by induced sheet erosion of exposed soils and the subsequent deposition of particulates in local drainages. Grading activities and sediment stockpiles can lead to exposed areas of loose soil that are susceptible to uncontrolled sheet flow and wind erosion. In compliance with NPDES regulations, the State of California requires that any construction activity disturbing one acre or more of soil comply with the General Construction Activity Storm Water Permit (Construction General Permit). The permit requires development and implementation of a SWPPP and monitoring plan, which must include erosion-control and sediment-control BMPs that would meet or

exceed measures required by the Construction General Permit to control potential construction-related pollutants.

Therefore, implementation of the General Plan policies and compliance with NPDES regulations and the City's Municipal Code would reduce the risk of substantial erosion or siltation on or off-site from drainage alterations to less than significant. Therefore, no changes or new information require preparation of an EIR.

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

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

General Plan Significance Determination: Less than Significant Impact. The General Plan Program EIR noted that increased impervious surfaces would increase stormwater runoff in the City. This increased runoff could exceed the capacity of existing and planned infrastructure and cause downstream flooding impacts. Several General Plan policies are intended to reduce stormwater runoff would also apply to runoff-related flooding impacts. These policies include NR 3.10, NR 3.11, NR 4.4, NR 3.20, S 5.3, NR 3.16, and NR 3.21. These policies require preparation of a WQMP, implementation of BMPs, incorporation of stormwater detention facilities, design of drainage facilities to minimize adverse effects on water quality, minimize increases in impervious areas. Implementation of these policies would also reduce the volume of runoff generated, and potential for flooding. Compliance with the methods and provisions contained in Chapter 15.50 of the City's Municipal Code would also minimize flood hazards resulting from drainage alterations. Therefore, implementation of General Plan policies and compliance with NPDES regulations, the City's Municipal Code, and California Fish and Wildlife regulations would reduce the risk of flooding resulting from drainage alterations to a less than significant impact.

Project-Specific Analysis and Significance Determination: No impact; no substantial change from previous analysis.

The project site is currently developed as a two-story office building and associated surface parking and landscaping. Reuse of the site with a residential building and parking structure would not increase the rate or amount of surface runoff so that it would result in a significant increase in flooding on or off of the site or exceedance of the capacity of existing or planned stormwater drainage systems. With implementation of the proposed Project, there would be an increase of two percent compared to existing site conditions.

The Project would require BMPs to treat the drainage associated with the proposed impervious areas of the Project. Implementation of the Project would not cause flooding on or off of site and impacts on storm drainage capacity would be less than significant. Therefore, implementation of the General Plan policies and compliance with NPDES regulations and the City's Municipal Code would reduce the risk of flooding resulting from drainage alterations to less than significant. Therefore, no changes or new information require preparation subsequent environmental documentation.

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

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.

General Plan Significance Determination: Less than Significant Impact. The General Plan Program EIR concluded that existing storm drainage facilities at the time would not be able to serve future development assumed in the General Plan. However, the Public Infrastructure Plan in the General Plan specifies that the City and County would review the Storm Drain Master Plan to assure that adequate facilities are provided to serve permitted land use development. Construction of necessary storm drainage upgrades in and of itself would result in impacts separate from the General Plan. Upgrades, expansion, and construction of necessary utilities to accommodate new development would be subject to project-specific environmental review. Impacts were therefore considered less than significant.

Project-Specific Analysis and Significance Determination: Less Than Significant Impact; no substantial change from previous analysis.

The project site currently drains in two directions: approximately 70 percent of flows are directed toward Spruce Street and 30 percent drains toward Bristol Street North. The site is considered relatively flat with one to two percent grade to provide sheet flow within the existing surface parking lot area. The parking lot drainage is collected by a series of concrete swales that are collected by storm drain lines. Flows are ultimately discharged to Spruce Street. Once the flows enter the existing curb and gutter along Spruce Street, they are conveyed to the north and are discharged into a storm drain system in Quail Street.

The proposed Project would maintain the existing drainage pattern. Drainage areas south of the on-site high point would drain to Bristol Street and drainage areas north of the high point would drain to Spruce Street. The Project proposes three drainage management areas to treat runoff, primarily through biotreatment planters. Each treatment area would have a 24-inch parkway drain. A proposed six-inch storm drain would run through the northwest project site perimeter, connecting all three biotreatment planter areas.

As previously discussed, and as identified in **Table 3.9-1, *Runoff Volume Summary***, the proposed Project would result in the conveyance of slightly more water to the storm drain system because the new development would reduce the pervious surface percentage at the project site by two percent. However, the increase in runoff volume would not exceed the allowable five percent pursuant to Section 5.3 of the County of Orange *Technical Guidance Document for the Preparation of Conceptual/Preliminary and/or Project Water Quality Management Plans* (2013). Therefore, no hydrologic conditions of concern (HCOC) would occur (see Appendix C). Implementation of the proposed Project would not alter the conclusions of the General Plan Program EIR analysis and would not result in a new or substantially more severe infrastructure or water quality impacts than those already analyzed.

Table 3.9-1: Runoff Volume Summary (2-year, 24-hour storm event)				
Drainage Area	Existing Condition		Proposed Condition	
	Area (acre)	Volume (cf)	Area (acre)	Volume (cf)
A	0.40	174	0.45	210
B	1.54	778	0.92	492
C	-	-	0.57	268
Total	1.94	952	1.94	970

cf = cubic feet
Source: Tait & Associates, Inc., 2021.

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

iv) Impede or redirect flood flows.

General Plan Significance Determination: Less than Significant Impact. The General Plan Program EIR noted that intensification of development would increase the area of land covered by structures, leaving less available ground surface area over which flood flows could travel. Several of the nine planning subareas planned for development as set forth in the General Plan are within the 100-year flood zone. Parts of Mariners' Mile, the western portion of Banning Ranch, Balboa Village, Balboa Peninsula, Balboa Island, and West Newport Highway are susceptible to 100-year flood conditions.

General Plan implementation was not anticipated to substantially increase obstructions to flood flows, with the exception of potential development at Banning Ranch. A water displacement analysis would be required to investigate the effect of new structural development or fill on flooding depth, pursuant to FEMA regulation 44 CFR 60.3 (c)(10). Preparation of water displacement analyses where appropriate and compliance with FEMA regulations would ensure that General Plan implementation would not substantially impede or redirect flows. Impacts were considered less than significant.

Project-Specific Analysis and Significance Determination: No impact; no substantial change from previous analysis.

The project site is approximately 2,000 feet north of the nearest flood hazard area and is not in a 100-year flood zone. Implementation of the proposed Project would not alter the conclusions of the General Plan Program EIR analysis and would not result in a new or substantially more severe impacts related to flood hazards.

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

General Plan Significance Determination: Less than Significant Impact. The General Plan Program EIR addresses potential risks from seiches and tsunamis. Compliance with requirements set forth in the Safety Element of the General Plan would minimize the impact of flooding, including flooding as a result of seiche and tsunami inundation. All new development in the City occurring in areas that are subject to flood hazards would be required to comply with the flood damage prevention provisions of the City's

Municipal Code. Therefore, risks associated with inundation by seiche, tsunami, and mudflow are considered to be less than significant.

Project-Specific Analysis and Significance Determination: No impact; no substantial change from previous analysis.

The project site is not proximate to flood hazard, tsunami, seiche, and project inundation hazards. The project site is approximately 2,000 feet north of the nearest flood hazard area and is not within a flood zone. The site is not within a Tsunami Advisory Evacuation Zone or a Tsunami Run Up Area.[17] The site is about five miles from the Pacific Ocean and is at a higher elevation from standing bodies of water. Further, the project site is approximately 2,300 feet north of the nearest dam, the San Joaquin Reservoir, but is not directly in the path of any potential downstream hazards resulting from a dam breach. Therefore, the project site is not subject to flood, tsunami, or seiche hazards. The proposed Project would not result in any new adverse impacts or increase the severity of any previously identified impacts. No new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified that would impact the prior finding under this threshold. Therefore, the proposed Project would be consistent with the effects of implementation of the General Plan.

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

General Plan Significance Determination: Less than Significant Impact. The General Plan Program EIR concluded that impacts to water quality control plans or groundwater management plans were less than significant. The City is under the jurisdiction of the Santa Ana RWQCB, which establishes water quality objectives and standards for both surface and groundwater of the region, and water quality discharge requirements. Under the Santa Ana RWQCB's NPDES permit system, all existing and future municipal and industrial discharges to surface waters within the City would be subject to regulations. NPDES permits are required for operators of MS4s, construction projects, and industrial facilities. Developments within the City would also be subject to the provisions in Chapter 14.36, Water Quality, of the Municipal Code. Under the provisions of this chapter, any discharge that would result in or contribute to degradation of water quality via stormwater runoff is prohibited. Operation of new development or redevelopment projects are required comply with provisions set forth in the DAMP, including the implementation of appropriate BMPs identified in the DAMP, to control stormwater runoff so as to prevent any deterioration of water quality that would impair subsequent or competing beneficial uses of the water.

General Plan Policy NR 3.6 requires that development not result in the degradation of natural water bodies. The OCWD manages the Orange County Groundwater Basin through the Groundwater Management Plan. Consistent with the OCWD Groundwater Management Plan, the Natural Resources Element of the General Plan identifies goals and related policies designed to minimize water consumption and expand the use of alternative water sources to provide adequate water supplies for present use and future growth. Implementation of these policies would ensure water conservation and reduce potential impacts to groundwater supply. Impacts were considered less than significant.

[17] https://www.newportbeachca.gov/home/showpublisheddocument/64418/636989626695570000 and https://www.newportbeachca.gov/Home/ShowDocument?id=1093. 2021.

Project-Specific Analysis and Significance Determination: Less Than Significant Impact; no substantial change from previous analysis.

Newport Beach is under the jurisdiction of the Santa Ana RWQCB. The Santa Ana River Basin Water Quality Control Plan is the basis for the RWQCB's regulatory programs and establishes water quality standards for the ground and surface waters of the region. As indicated under threshold (a), the proposed Project, similar to development pursuant to the General Plan, would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality, and would therefore not conflict with the water quality control plan.

OCWD adopted its most recent groundwater management plan in 2015. This plan sets basin management goals and objectives and describes how the basin is managed. The project site is within the City's water service area. According to the 2020 UWMP, the City's 2020 water supply was approximately 15,005 AF, which was combination of 4,255 AF of imported water, 10,237 AF of groundwater, and 513 AF of recycled water. The City anticipates that its supply capabilities will balance anticipated total water use and supply from 2021 to 2045 under normal year, single dry year, and multiple dry year conditions. The buildout of the proposed Project is estimated to generate a water demand of approximately 67,680 gallons per day (gpd), or 75.8 AFY, which does not account for the water use associated with the existing office building. This worst-case demand represents less than one percent of the City's anticipated water supply through 2045 during a normal year, single dry year, and multiple dry year conditions and would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin. The 2020 UWMP found that the City's supply capabilities are expected to balance anticipated total water use and supply and to accommodate normal years, single dry years, and multiple dry-year events. The UWMP indicated that there is adequate existing and planned water supply to accommodate future development accounted for in the General Plan inclusive of the City's Regional Housing Needs Assessment (RHNA) allocation for the 6th Cycle planning period of 2021-2029 and its associated water demands

The Project would implement environmentally sustainable practices including but not limited to water-efficient landscaping; electric vehicle charging stations; and water quality BMPs to treat surface runoff from the project site. Therefore, the proposed Project, similar to development pursuant to the General Plan, would not degrade groundwater quality, substantially decrease groundwater supplies, or interfere substantially with groundwater recharge. Impacts would be less than significant, and there are no changes or new information on requiring preparation of an EIR. No new impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the General Plan.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new hydrological impact to occur, nor an increase in the severity of a hydrological impact previously disclosed in the General Plan Program EIR, with implementation of the mitigation measures discussed in this section. Implementation of the proposed Project would not alter the conclusions of the General Plan Program EIR analysis and would not result in a new or substantially more severe project-specific or cumulative drainage or water quality impact than those already analyzed.

Mitigation Program

General Plan Policies

The General Plan includes policies that address issues related to hydrology and water quality. The following policies are applicable to the proposed Project and would be made conditions of approval.

- **NR 3.2 - Chemical Use Impacts:** Support regulations limiting or banning the use insecticides, fertilizers, and other chemicals which are shown to be detrimental to water quality.
- **NR 3.3** - **Ground Water Contamination:** Suspend activities and implement appropriate health and safety procedures in the event that previously unknown groundwater contamination is encountered during construction. Where site contamination is identified, implement an appropriate remediation strategy that is approved by the City and the state agency with appropriate jurisdiction.
- **NR 3.4** - **Storm Drain Sewer System Permit:** 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.
- **NR 3.9 - Water Quality Management Plan:** Require new development applications to include a Water Quality Management Plan (WQMP) to minimize runoff from rainfall events during construction and post-construction.
- **NR 3.10 - Best Management Practices:** Implement and improve upon Best Management Practices (BMPs) for residences, businesses, development projects, and City operations.
- **NR 3.11 - Site Design and Source Control:** 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.
- **NR 3.13 - Reduction of Infiltration:** Include equivalent BMPs that do not require infiltration, where infiltration of runoff would exacerbate geologic hazards.
- **NR 3.14 Runoff Reduction on Private Property**. Retain runoff on private property to prevent the transport of pollutants into natural water bodies, to the maximum extent practicable.
- **NR 3.15 - Street Drainage Systems:** 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.
- **NR 3.17 - Parking Lots and Rights-of-Way:** Require that parking lots and public and private rights-of-way be maintained and cleaned frequently to remove debris and contaminated residue.
- **NR 3.19 - Natural Drainage Systems:** 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.
- **NR 3.20 - Impervious Surfaces:** 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.

- **NR 4.4 - Erosion Minimization:** 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.

Standard Conditions and Requirements

SC WQ-1 Prior to the issuance of a grading permit, an SWPPP and Notice of Intent (NOI) to comply with the General Permit for Construction Activities shall be prepared, submitted to the State Water Resources Control Board (SWRCB), and made part of the construction program. This SWPPP shall detail measures and practices that would be in effect during construction to minimize the Project's impact on water quality and stormwater runoff volumes.

SC WQ-2 Prior to issuance of a grading permit, the Applicant shall prepare and submit a Water Quality Management Plan (WQMP) for the Project, subject to the approval of the Community Development Department. The WQMP shall include appropriate BMPs to ensure project runoff is adequately treated.

SC WQ-3 During construction, if groundwater is unexpectedly encountered, the Applicant shall apply for dewatering coverage and adhere to the monitoring and reporting program under the Santa Ana Regional Water Quality Control Board National Pollutant Discharge Elimination System (NPDES).

Conclusion

Accordingly, no new impacts relative to hydrology and water quality or a substantial increase in the severity of a previously identified significant impact evaluated in the General Plan Program EIR would occur. With regard to PRC Section 21166 and State CEQA Guidelines Section 15162(a), the Project would not result in any new impacts, or increase the severity of the previously identified impacts. Additionally, no new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified is available that would impact the prior finding of less than significant with mitigation. Therefore, preparation of a subsequent environmental analysis is not warranted.

3.10 Land Use and Planning

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

General Plan Significance Determination: Less than Significant Impact. The General Plan Program EIR concluded that the General Plan would not include any roadway extensions or other development features through currently developed areas; instead, it would allow limited infill development in select subareas in the City. The General Plan Program EIR did not include any extensions of roadways or other development features through currently developed areas that could physically divide an established community. Therefore, the General Plan Program EIR would not physically divide an established community and impacts were identified as being less than significant.

Project-Specific Analysis and Significance Determination: No impact; no substantial change from previous analysis.

The City of Newport Beach is nearly built out, and the proposed Project is an infill development in an urbanized area. The proposed Project would not include any roadway extensions or other development features through currently developed areas. No off-site improvements such as new roadways or infrastructure are proposed that could physically divide an established community. The proposed Project would demolish the existing two-story office building and construct a residential apartment building on the site. Specifically, the site is zoned General Commercial Site 4 with a Residential Overlay of PC-11, where multi-family residential development is permitted as a stand-alone use provided minimum affordable housing requirements are met. The proposed Project includes affordable housing units.

Therefore, the proposed Project, similar to development pursuant to the General Plan, would not physically divide an established community and there would be no impacts. Therefore, there are no changes or new significant information that would require preparation of an EIR.

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

General Plan Significance Determination: Less than Significant Impact. The General Plan Program EIR analyzed land use incompatibility with regard to introducing new land uses and structures that could result in intensification of development in the City. The General Plan Program EIR concluded that the majority of land use changes proposed would not result in incompatibilities or nuisances that rose to a level of significance and impacts were considered less than significant. The General Plan Program EIR was found to be consistent with all applicable land use plans for the City. The Airport Area is in the boundaries of the John Wayne Airport AELUP. Provided that residential uses remain outside the 65 dBA CNEL contour, the General Plan would be consistent with the AELUP. The City of Newport Beach is subject to policies within the Orange County Central and Coastal Natural Community Conservation Plan (NCCP). Future development was required to comply with policies within the plan, and therefore no impact occurred.

It is important to note that the General Plan Program EIR concluded a significant and unavoidable impact related to General Plan Policy LU 6.15.24. General Plan Policy LU 6.15.24 states that development must be constructed within the height limits and residential uses must be located outside of areas exposed to the 65 dBA CNEL noise contour identified in the John Wayne Airport AELUP, unless the City Council makes

appropriate findings for an override in accordance with applicable law. This policy allows the possibility for residential development to occur within the 65 dBA CNEL noise contour or height limits to be exceeded. Residential development within any area inside the 65 dBA CNEL would result in conflicts with AELUP Policy 3.2.1, which results in a finding of inconsistent land uses if development places people so that they are affected adversely by aircraft noise or concentrates people in areas susceptible to aircraft accidents.

Project-Specific Analysis and Significance Determination: No impact; no substantial change from previous analysis.

General Plan Consistency

The project site has a General Plan land use category of Mixed-Use Horizontal-2 (MU-H2), which provides for a horizontal intermixing of uses that may include regional commercial office, multifamily residential, vertical mixed-use buildings, industrial, hotel rooms, and ancillary neighborhood commercial uses. The MU-H2 designation applies to a majority of properties in the Airport Area, inclusive of the project site and adjacent uses and permits:

- A maximum of 2,200 residential units are permitted as replacement of existing office, retail, and/or industrial uses at a maximum density of 50 units per adjusted gross acre, of which a maximum of 550 units may be developed as infill units.

The General Plan policies for the Airport Area call for the orderly evolution of this area from a single-purpose business park to a mixed-use district with cohesive residential villages integrated within the existing fabric of the office, industrial, retail, and airport-related businesses. The proposed Project is consistent with the MU-H2 land use designation for the project site and would implement the City's General Plan goals and policies for this portion of the Airport Area because it would integrate residential uses into Newport Place.

An analysis of the proposed Project's consistency with the applicable goals and policies of the General Plan is provided in **Table 3.10-1**, ***General Plan Consistency Analysis***. The analysis concludes that the Project would be consistent with the applicable goals and policies of the City's General Plan. The Project would not require a General Plan land use amendment. Therefore, implementation of the proposed Project would not result in significant land use impacts related to relevant Newport Beach General Plan goals and policies, including consistency with the AELUP for John Wayne Airport.

Table 3.10-1: General Plan Consistency Analysis	
Applicable City of Newport Beach General Plan Goals and Policies	**Project Consistency**
Land Use Element	
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 Residential-Serving Land Uses. 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 proposed Project would support the needs of Newport Beach since it would develop a multi-story residential project with 193 residential units, inclusive of 24 (12 very-low and 12 low-income) affordable units, consistent with the General Plan Land Use Plan. The Project is an infill development and would not adversely impact the community's natural resources and open spaces, particularly because the Airport Area is an urbanized area of the City.
LU 2.2 Sustainable and Complete Community. Emphasize the development of uses that enable Newport Beach to continue as a self-sustaining community and minimize the need for residents to travel outside of the community for retail, goods and services, and employment.	**Consistent:** The proposed Project would develop residential uses in Newport Place. By integrating residential uses adjacent and proximate to other commercial and office uses, the Project would provide residents with opportunities for employment in the many businesses in and around Newport Place and other nearby business and employment centers in Newport Beach and surrounding communities.
LU 2.3 Range of Residential Choices. Provide opportunities for the development of residential units that respond to community and regional needs in terms of density, size, location, and cost. Implement goals, policies, programs, and objectives identified within the City's Housing Element.	**Consistent:** The proposed Project would have 193 residential units, including studio, 1-bedroom, and 2-bedroom units. The Project includes 24 affordable units.
LU 2.8 Adequate Infrastructure. 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:** The proposed Project would be adequately served by the necessary public services and utilities and service systems. Refer to Sections 3.14, *Public Services*, and 3.17, *Utilities and Service Systems*, for further information and analysis regarding public services and utility infrastructure, respectively.
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 Policy 3.2 Growth and Change. Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach's share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that	**Consistent:** The project site is currently served by necessary public services and utilities for an office building use. The proposed Project is an infill, residential development that will replace an existing two-story office building. The Airport Area, inclusive of Newport Place, includes a mix of existing and planned office, commercial, hotel, and residential uses. Therefore, the Project would be compatible with existing and future uses. The Project is consistent with the General Plan Land Use Plan. The six-story building would be located adjacent and proximate to

Table 3.10-1: General Plan Consistency Analysis	
Applicable City of Newport Beach General Plan Goals and Policies	**Project Consistency**
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.	existing office buildings ranging in height from one to ten stories. Proximity to one of Newport Beach's job centers can reduce commute distances between home and jobs. Additionally, as concluded in Addendum Section 3.14, *Public Services,* Section 3.16, *Transportation*, and Section 3.17, *Utilities and Service Systems*, the Project would not adversely impact public services, traffic, or utilities.
LU 3.3. ***Opportunities for Change*****.** 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: **John Wayne Airport Area:** reuse of underperforming industrial and office properties and development of cohesive residential neighborhoods in proximity to jobs and services.	**Consistent:** The Project would redevelop and reuse a site featuring an underperforming office use and would develop residential uses in a cohesive design near existing jobs and services.
LU 3.8 Project Entitlement Review with Airport Land Use Commission. Refer the adoption or amendment of the General Plan, Zoning Code, specific plans, and Planned Community development plans for land within the John Wayne Airport planning area, as established in the JWA Airport Environs Land Use Plan (AELUP), to the Airport Land Use Commission (ALUC) for Orange County for review, as required by Section 21676 of the California Public Utilities Code. In addition, refer all development projects that include buildings with a height greater than 200 feet above ground level to the ALUC for review.	**Not Applicable.** The proposed Project does not require a referral to the Airport Land Use Commission (ALUC) for a determination of consistency with the Airport Environs Land Use Plan (AELUP) for John Wayne Airport because the Project does not require the adoption or amendment of the General Plan, Zoning Code, specific plan, or Planned Community development plan for land within the John Wayne Airport planning area. In addition, Newport Place Planned Community Development Plan Amendment No. PD2011-005, which created and incorporated the Residential Overlay into the Newport Place Planned Community Residential Overlay, was reviewed by ALUC on June 21, 2012 and found consistent with the AELUP for John Wayne Airport.
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 Land Use Diagram. 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 is consistent with the land use designations for the project site. The Project proposes 77 "base" units at a density of 40 du/ac based on 1.97 net acres. With the inclusion of the density bonus of 39 units and development transfer of 77 units from the approved Uptown Newport Project, the Project proposes a density of 98 du/net ac and 193 units. As noted, the density range is prior to the application of an affordable housing density bonus and development transfer.

Table 3.10-1: General Plan Consistency Analysis	
Applicable City of Newport Beach General Plan Goals and Policies	**Project Consistency**
Goal LU 5.3 – Districts where residents and businesses are intermixed that are designed and planned to ensure compatibility among the uses, that they are highly livable for residents, and are of high-quality design reflecting the traditions of Newport Beach.	
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 Compatible Development. Require that buildings and properties be designed to ensure compatibility within and as interfaces between neighborhoods, districts, and corridors.	**Consistent:** See the consistency analysis for LU Policy 5.3.3. Additionally, the Project's building mass is compatible to the existing land uses in the area, where these building are variable in height.
LU 5.6.2 Form and Environment. Require that new and renovated buildings be designed to avoid the use of styles, colors, and materials that unusually impact the design character and quality of their location such as abrupt changes in scale, building form, architectural style, and the use of surface materials that raise local temperatures, result in glare and excessive illumination of adjoining properties and open spaces, or adversely modify wind patterns.	**Consistent:** The contemporary architectural style of the Project would be compatible with existing and planned development in Newport Place and surrounding areas with respect to materials and colors. The Project would use building glass and glazing with minimal reflectance. The building material, style, and colors would not raise local temperatures through glare or excessive illumination.
LU 5.6.3 Ambient Lighting. Require that outdoor lighting be located and designed to prevent spillover onto adjoining properties or significantly increase the overall ambient illumination of their location.	**Consistent:** Exterior lighting would be designed, arranged, directed downward, or shielded to contain direct illumination on-site to prevent excess illumination and light spillover onto adjoining land uses and/or roadways. Development of the Project would also be required to adhere to all applicable City lighting as set forth in Section 20.30.070, Outdoor Lighting, of the City's Municipal Code. It is also noted that development of the Project would be required to comply with California's Building Energy Efficiency Standards for Residential Buildings, Title 24, Part 6, of the CCR, which outlines mandatory provisions for lighting control devices and luminaries.
LU 6.1.1 Adequate Community Supporting Uses. Accommodate schools, government administrative and operational facilities, fire stations and police facilities, religious facilities, schools, cultural facilities, museums, interpretative centers, and hospitals to serve the needs of Newport Beach's residents and businesses.	**Consistent**: As addressed in Section 3.14, *Public Services*, of this Addendum, the Project would not adversely impact community services. The Project would comply with applicable conditions and requirements, including the payment of the Property Excise Tax to the City of Newport Beach, as set forth in its Municipal Code (§2.12 et seq.) and used for public improvements and facilities associated with the Fire Department, public libraries, and public parks.
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 Policy 6.2.1 Residential Supply. Accommodate a diversity of residential units that meets the needs of Newport Beach's population and fair share of regional needs in accordance with the Land Use Plan's designations,	**Consistent:** The General Plan Housing Element identifies five locations—Newport Banning Ranch, the Airport Area, Newport Center, Mariners' Mile, and the Balboa Peninsula—as key sites for future housing opportunities. The Project would have 193 multi-family rental units,

Table 3.10-1: General Plan Consistency Analysis	
Applicable City of Newport Beach General Plan Goals and Policies	**Project Consistency**
applicable density standards, design and development policies, and the adopted Housing Element.	inclusive of 169 market rate units and 24 low-income affordable units. This development would support the City's 6th Cycle Regional Housing Needs Assessment (RHNA) allocation.
LU 6.2.3. ***Residential Affordability.*** Encourage the development of residential units that are affordable for those employed in the City.	**Consistent:** The Project would have 24 units (30% of total base units) that are reserved for low and very-low income households. This would be consistent with the City's Housing Element and Residential Overlay of the Newport Place Planned Community. In addition, the Project seeks approval of density bonus consistent with State law and Newport Beach Municipal Code. To illustrate compliance with the Residential Overlay affordable housing requirements and density bonus allowances of the City Zoning Code and State law, the Project includes preparation of an Affordable Housing Implementation Plan.
LU Policy 6.2.9 Private Open Spaces and Recreational Facilities. 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 Project would provide on-site resident recreational amenities including a clubroom, dog wash facility, dog park, fitness room, swimming pool with courtyard amenities, and a roof deck. Recreational amenities would not be converted to residential or other types of land uses on the site.
Goal LU 6.15 – A mixed-use community that provides jobs, residential, and supporting services in close proximity, with pedestrian-oriented amenities that facilitate walking and enhance livability.	
LU 6.15.1 Land Use Districts and Neighborhoods. Provide for the development of distinct business park, commercial, and airport-serving districts and residential neighborhoods that are integrated to ensure a quality environment and compatible land uses.	**Consistent:** See consistency analysis for Policies LU 5.6.1 and 5.6.2 of Goal LU 5.6.
LU 6.15.3 Airport Compatibility. Require that all development be constructed in conformance with the height restrictions set forth by Federal Aviation Administration (FAA), Federal Aviation Regulations (FAR) Part 77, and Caltrans Division of Aeronautics, and that residential development be located outside of the 65 dBA CNEL noise contour specified by the 1985 JWA Master Plan.	**Consistent:** The Project is a six-story podium apartment building with ground level and subterranean parking. The proposed building would not exceed 78 feet above ground level. Therefore, the Project would not exceed obstruction standards and would not be a hazard to air navigation. Further, the project site is outside of the 65 dBA CNEL noise contour specified in the AELUP for John Wayne Airport.
LU 6.15.5 Residential and Support Uses. Accommodate the development of a maximum of 2,200 multi-family residential units, including workforce housing, and mixed-use buildings that integrate residential with ground level office or retail uses, along with supporting retail, grocery stores, and parklands. Residential units may be developed only as the replacement of underlying permitted nonresidential uses. When a development phase includes a mix of residential and nonresidential uses or replaces existing	**Consistent:** The proposed Project would be adjacent and proximate to existing office and commercial land uses that provide jobs and supporting services within the Airport Area. More specifically, the Project proposes 193 residential units, inclusive of 77 additive units, 39 density bonus units of which 24 would be affordable units, and 77 development transfer units. The Project would be within the 2,200 maximum multi-family unit count for the Airport Area.

Table 3.10-1: General Plan Consistency Analysis	
Applicable City of Newport Beach General Plan Goals and Policies	**Project Consistency**
industrial uses, the number of peak hour trips generated by cumulative development of the site shall not exceed the number of trips that would result from development of the underlying permitted nonresidential uses. However, a maximum of 550 units may be developed as infill on surface parking lots or areas not used as occupiable buildings on properties within the Conceptual Development Plan Area depicted on Figure LU22 provided that the parking is replaced on-site.	
LU 6.15.6 Size of Residential Villages. Allow development of mixed-use residential villages, each containing a minimum of 10 acres and centered on a neighborhood park and other amenities (as conceptually illustrated in Figure LU23).	**Consistent:** Newport Place Planned Community Development Plan Amendment No. PD2011-005 was adopted creating the Residential Overlay, which permitted residential developments less than 10 acres in size, subject to Site Development Review, provided they include: (1) a minimum of 30 percent of the units affordable to lower-income households; and (2) include densities between 30 du/acre and 50 du/acre consistent with the General Plan land use designation and policies for the Airport Area. The Project meets the affordability criteria, in lieu of the 10-acre minimum project site development.
LU 6.15.7. Overall Density and Housing Types. Require that residential units be developed at a minimum density of 30 units and maximum of 50 units per net acre averaged over the total area of each residential village. Net acreage shall be exclusive of existing and new rights-of-way, public pedestrian ways, and neighborhood parks. Within these densities, provide for the development of a mix of building types ranging from townhomes to high-rises to accommodate a variety of household types and incomes and to promote diversity of building masses and scales.	**Consistent:** The Project would include 193 units on 1.97 net acres, with an overall density of 98 units per net acre. The Project's base density of 39 units per acre (i.e., 77 units) is consistent with Policy LU 6.15.7. The additional density is a function of an allowed density bonus (50% = 39 units) and a transfer of development rights from the approved Uptown Newport Project (i.e., 77 units). A waiver from this Policy LU 6.15-7 has been requested in order to allow a density of 98 du/ac, associated with the provision of affordable housing. With approval of requested waiver, the Project with be consistent with LU 6.15.7. The Project would include architectural elements and landscaping to promote a pedestrian-scale streetscape to foster a village environment. It accommodates a mix of household types and incomes by including 25 studios, 84 one-bedroom apartments, and 84 two-bedroom apartments.
LU 6.15.8 First Phase Development Density. Require a residential density of 45 to 50 units per net acre, averaged over the first phase for each residential village. This shall be applied to 100 percent of properties in the first phase development area whether developed exclusively for residential or integrating service commercial horizontally on the site or vertically within a mixed-use building. On individual sites, housing development may exceed or be below this density to encourage a mix of housing types, provided that the average density for the area encompassed by the first phase is achieved.	**Consistent:** The Project would be developed in one phase.

Table 3.10-1: General Plan Consistency Analysis	
Applicable City of Newport Beach General Plan Goals and Policies	**Project Consistency**
LU 6.15.13 Standards. To provide a focus and identity for the entire neighborhood and to serve the daily recreational and commercial needs of the community within easy walking distance of homes, require dedication and improvement of at least 8 percent of the gross land area (exclusive of existing rights-of-way) of the first phase development in each neighborhood, or ½ acre, whichever is greater, as a neighborhood park. This requirement may be waived by the City where it can be demonstrated that the development parcels are too small to feasibly accommodate the park or inappropriately located to serve the needs of local residents, and when an in-lieu fee is paid to the City for the acquisition and improvement of other properties as parklands to serve the Airport Area. In every case, the neighborhood park shall be at least 8 percent of the total Residential Village Area or one acre in area, whichever is greater, and shall have a minimum dimension of 150 feet. Park acreage shall be exclusive of existing or new rights-of-way, development sites, or setback areas. A neighborhood park shall satisfy some or all of the requirements of the Park Dedication Ordinance, as prescribed by the Recreation Element of the General Plan.	**Consistent:** The Project requests a waiver of the City's park dedication and in-lieu requirements associated with the provision of affordable housing. Pursuant to General Plan Policy LU 16-15.13, a public park equal to 8 percent of the gross land area of the total development, or a minimum 0.5-acre, whichever is greater, shall be provided. This requirement would mandate a 0.5-acre park on the 1.97 acre project site. The General Plan allows a waiver of its park dedication requirement where it can be demonstrated that the development parcels are too small to feasibly accommodate the park or inappropriately located to serve the needs of local residents. Here, the 1.97-acre project site is too small to feasibly accommodate a 0.5-acre park. The Applicant will be paying a park fee in connection with the proposed transfer of 77 residential units from the approved Uptown Newport Project, pursuant to Municipal Code Chapter 20.46 (Transfer of Development Rights). With approval of the parkland dedication waiver, the Project will be consistent with LU 6.15.13. The Project will include on-site resident recreational amenities including a fitness room and swimming pool.
LU 6.15.17 Street and Pedestrian Grid. Create a pattern of streets and pedestrian ways that breaks up large blocks, improves connections between neighborhoods and community amenities, and is scaled to the predominantly residential character of the neighborhoods.	**Consistent:** The project site is 1.97 net acres bordered on two sides by roadways and adjacent to existing development. The Project would continue to provide sidewalks and pedestrian connections to the public street system and adjacent properties. The proposed pattern of development would provide connectivity to employment, transportation, recreation and open space, and retail uses.
LU 6.15.22 Building Massing. Require that high-rise structures be surrounded with low- and mid-rise structures fronting public streets and pedestrian ways or other means to promote a more pedestrian scale.	**Consistent:** The proposed apartment building will be six stories and will include articulation and landscaping. Other buildings in the vicinity of the site are between one and ten stories in height. Therefore, the proposed building would be compatible with surrounding structures and would provide a variety of scale.
LU 6.15.23 Sustainability Development Practices. Require that development achieves a high level of environmental sustainability that reduces pollution and consumption of energy, water, and natural resources. This may be accomplished through the mix and density of uses, building location and design, transportation modes, and other techniques. Among the strategies that should be considered are the integration of residential with jobs-generating uses, use of alternative transportation modes, maximized	**Consistent:** The Project would be required to comply with the provisions of the Building and Energy Efficiency Standards and the Green Building Standards Code (CALGreen). Additionally, the Project would implement water-efficient landscaping; electric vehicle charging infrastructure in the parking structure; water quality best management practices to treat surface runoff from the project site; and low impact development practices. The project site is also near office buildings and commercial (retail) centers in the Airport Area and would provide housing near employment and shopping opportunities.

Table 3.10-1: General Plan Consistency Analysis	
Applicable City of Newport Beach General Plan Goals and Policies	**Project Consistency**
walkability, use of recycled materials, capture and re-use of storm water on-site, water-conserving fixtures and landscapes, and architectural elements that reduce heat gain and loss.	
LU 6.15.24 Airport Compatibility: Require that all development be constructed within the height limits and residential be located outside of areas exposed to the 65 dBA CNEL noise contour specified by the Airport Environs Land Use Plan (AELUP), unless the City Council makes appropriate findings for an override in accordance with applicable law.	**Consistent:** The FAA has issued a "Determination of No Hazard to Air Navigation" for the proposed Project finding that the proposed structure would not exceed obstruction standards and would not be a hazard to air navigation. The proposed development has a maximum height of 78 to the top of the parapet. The proposed Project is consistent with the allowable uses under the AELUP Safety Zone 6 and is under the 200 feet height limit for the AELUP and for FAA Part 77 notification. Further, the AELUP shows the project site is outside of the 65 dBA CNEL contour.
Housing Element	
Goal H 2 – A balanced residential community comprised of a variety of housing types, designs, and opportunities for all social and economic segments.	
H 2.1 - Encourage preservation of existing and provision of new housing affordable to extremely low-, very low-, low-, and moderate-income households.	**Consistent:** The Project includes 12 very-low and 12-low-income, for a total of 24 affordable units.
H 2.2 - Encourage the housing development industry to respond to existing and future housing needs of the community and to the demand for housing as perceived by the industry.	**Consistent:** The proposed Project includes 193 multi-family rental units, of which 169 are market rate units and 24 are affordable units.
H 2.3. Approve, wherever feasible and appropriate, mixed residential and commercial use developments that improve the balance between housing and jobs.	**Consistent:** The proposed Project is a residential development. The introduction of new residential uses into a primarily office business area of the City would locate new residents close to employment centers and would also help improve the local and regional jobs-housing balance.
Historical Resources Element	
Goal HR 2 – Identification and protection of important archeological and paleontological resources within the City.	
HR 2.1 New Development Activities. Require that, in accordance with CEQA, new development protect and preserve paleontological and archaeological resources from destruction, and avoid and mitigate impacts to such resources. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.	**Consistent:** The Addendum identifies standard conditions to comply with potential impacts to unknown archaeological and paleontological resources found during ground-disturbing activities.

Table 3.10-1: General Plan Consistency Analysis	
Applicable City of Newport Beach General Plan Goals and Policies	**Project Consistency**
HR 2.2 Grading and Excavation Activities. 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 consistency analysis for Policy HR 2.1 of Goal HR 2.
HR 2.3 Cultural Organizations. 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:** See consistency analysis for Policy HR 2.1 of Goal HR 2.
HR 2.4 Paleontological or Archaeological Materials. 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 consistency analysis for Policy HR 2.1 of Goal HR 2.
Circulation Element	
Goal CE 2.2 – A safe and efficient roadway system.	
CE 2.2.3 Traffic Control. Design traffic control measures to ensure City streets and roads function with safety and efficiency.	**Consistent:** As part of the proposed Project, any necessary traffic control measures would be installed to ensure that the City's roadways function as intended while allowing site access from Spruce Street and Bristol Street North. Additionally, the Project's traffic study was prepared in accordance with the City's traffic study guidelines and identifies no significant impact to study intersections.
CE 2.2.4 Driveway and Access Limitations. Limit driveway and local street access on arterial streets to maintain a desired quality of traffic flow. Wherever possible, consolidate driveways and implement access controls during redevelopment of adjacent parcels.	**Consistent:** Access would be provided from one unsignalized driveway on Spruce Street and on Bristol Street North. All driveway improvements would be designed and constructed in accordance with the City's engineering standards to ensure safety and a desired quality of traffic flow.
CE 2.2.6 Emergency Access. Provide all residential, commercial, and industrial areas with efficient and safe access for emergency vehicles.	**Consistent:** To address emergency access needs, the Project's internal circulation has been designed in accordance with City of Newport Beach Fire Department (Fire Department) design standards for emergency access. Additionally, the Project would be required to incorporate all applicable design and safety requirements in the most current adopted fire codes, building codes, and fire and life safety standards. During the building plan check and development review process, the City would continue to coordinate with the Public Works Department,

Table 3.10-1: General Plan Consistency Analysis	
Applicable City of Newport Beach General Plan Goals and Policies	**Project Consistency**
	Fire Department, and Newport Beach Police Department (Police Department) to ensure that adequate circulation and access are provided.
Goal CE 4.1 – A public transportation system that provides mobility for residents and encourages use of public transportation as an alternative to automobile travel.	
CE 4.1.4 Land Use Densities Supporting Public Transit. Accommodate residential densities sufficient to support transit patronage, especially in mixed use areas such as the Airport Area.	***Consistent:*** The proposed Project's introduction of 193 residential units at 98 dwelling units per acre inclusive of the density bonus and development transfer, and its location close to existing OCTA bus routes along Bristol Street North, Jamboree Road, and Birch Street would help support transit patronage.
Goal CE 5.1 – Convenient trail systems that satisfy recreational desires and transportation needs.	
CE 5.1.2 Pedestrian Connectivity. Link residential areas, schools, parks, and commercial centers so that residents can travel within the community without driving.	**Consistent:** There are sidewalks along Bristol Street North and Spruce Street, with connections to the public street system and adjacent properties. The Project would be designed and installed in compliance with all safety and accessibility requirements, including Title 24, and to minimize potential conflicts with vehicles. Additionally, the Bristol Street North sidewalk along the project site frontage would be widened to 8 feet, and ultimately to 10 feet when determined by the City Public Works Department.
CE 5.1.3 Pedestrian Improvements in New Development Projects. 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:** See consistency analysis for Policy CE 5.1.2 of Goal CE 5.1. On-street bicycle facilities are provided in the area along Bristol Street North. Bristol Street North adjacent to the project site has Class II Bike Lane (On-Road Striped) and also is classified as a Class I (Off-Road Paved) Bikeway (sidewalk riding is permitted). Roadways that provide on-street bicycle facilities near the project site include Bristol Street South, Birch Street, and intermittent areas of Jamboree Road and Campus Road.
CE 5.1.7 Bicycle Safety. Provide for safety of bicyclists, equestrians, and pedestrians by adhering to current national standards and uniform practices.	**Consistent:** See consistency analysis for Policy CE 5.1.2 of Goal CE 5.1.
CE 5.1.8 Bicycle Conflicts with Vehicles and Pedestrians. Minimize conflict points among motorized traffic, pedestrians, and bicycle traffic.	**Consistent:** See consistency analysis for Policy CE 5.1.2 of Goal CE 5.1.
CE 5.1.16 Bicycle and Pedestrian Safety. Provide for the safety of bicyclists and pedestrians through provision of adequate facilities, including maintenance of extra sidewalk width where feasible.	**Consistent:** See consistency analysis for Policy CE 5.1.2 of Goal CE 5.1.
Goal CE 6.2 – Reduced automobile travel through the use of travel demand management strategies.	
CE 6.2.2 Support Facilities for Alternative Modes. Require new development projects to provide facilities commensurate with development type and intensity to support alternative modes, such as preferential parking for	**Consistent:** The site's proximity to existing employment centers and OCTA bus routes along Bristol Street North, Jamboree Road, and Birch Street would also provide alternative forms of transportation for the Project residents. Bicycle storage would be located within the

Table 3.10-1: General Plan Consistency Analysis	
Applicable City of Newport Beach General Plan Goals and Policies	**Project Consistency**
carpools, bicycle lockers, showers, commuter information areas, rideshare vehicle loadings areas, water transportation docks, and bus stop improvements.	subterranean parking garage. An on-site loading area and rideshare vehicle loading area on Spruce Street would be provided.
CE 6.2.3 - Project Site Design Supporting Alternative Modes. Encourage increased use of public transportation by requiring project site designs that facilitate the use of public transportation and walking.	**Consistent:** See consistency analysis for Policy CE 6.2.2.
Goal CE 7.1 – An adequate supply of convenient parking throughout the City.	
CE 7.1.1 Required Parking. Require that new development provide adequate, convenient parking for residents, guests, business patrons, and visitors.	**Consistent:** See consistency analysis for Policy LU 6.15.5 of Goal LU 6.15. All project parking would be provided on the site.
Recreation Element	
Goal R 3: Accessibility of Facilities – Accessible parks and recreation facilities to persons with disabilities.	
R3.1 Adequate Access. Ensure that parks and recreation facilities include provisions for adequate access for persons with disabilities and that existing facilities are appropriately retrofitted to include such access as required by the Americans with Disabilities Act.	**Consistent:** All resident recreation facilities would be designed and constructed to include provisions for adequate access for persons with disabilities in accordance with Title 24.
Natural Resources Element	
Goal NR 1 – Minimized water consumption through conservation methods and other techniques.	
NR 1.1 Water Conservation in New Development. Enforce water conservation measures that limit water usage, prohibit activities that waste water or cause runoff, and require the use of water–efficient landscaping and irrigation in conjunction with new construction projects.	**Consistent:** Section 3.17, *Utilities and Service Systems*, identifies that the Project would be required to comply with the water-efficient landscape requirements outlined in Chapter 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, which contains requirements for indoor water use reduction and site irrigation conservation. The Project would implement a number of environmentally sustainable practices, including but not limited to water-efficient landscaping; water quality best management practices to treat surface runoff from the project site; and low impact development practices.
NR 1.2 Use of Water Conserving Devices. Establish and actively promote use of water-conserving devices and practices in both new construction and major alterations and additions to existing buildings. This can include the use of rainwater capture, storage, and reuse facilities.	**Consistent:** See consistency analysis for Policy NR 1.1 of Goal NR1.

Table 3.10-1: General Plan Consistency Analysis	
Applicable City of Newport Beach General Plan Goals and Policies	**Project Consistency**
NR 1.6. ***Services for Lower Income Households*****.** New developments which provide housing for lower income households that help meet regional needs shall have priority for the provision of available and future resources or services, including water and sewer supply and services.	**Consistent:** The proposed Project would provide 24 units affordable to lower-income households. Furthermore, because the project site is located in an existing developed urban area, it is already well served by water, sewer, and other services.
Goal NR 3 – Enhancement and protection of water quality of all natural water bodies, including coastal waters, creeks, bays, harbors, and wetlands.	
NR 3.4 Storm Drain Sewer System Permit. 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:** The proposed Project would be required to comply with the City's NPDES permit requirements, including the submittal and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and best management practices (BMPs). The project site currently drains in two directions: approximately 70 percent of flows are directed toward Spruce Street and 30 percent drains toward Bristol Street North. The site is considered relatively flat with one to two percent grade to provide sheet flow within the existing surface parking lot area. The proposed Project would maintain the existing drainage pattern. Approximately 0.34 acre of the 1.97-acre project site would be landscaped and have pervious surfaces. The Project proposes three drainage management areas to treat runoff, primarily through biotreatment planters. Each treatment area would have a 24-inch parkway drain. A proposed 6-inch storm drain would be adjacent to the northwest project site boundary, connecting all three biotreatment planter areas. More information regarding drainage and water quality is discussed in Section 3.9, *Hydrology and Water Quality*. The proposed Project would use BMPs throughout the site to capture and treat storm water. The Project would result in the conveyance of less water to the storm drain system because the new development would reduce the impervious area at the project site. The reduction of water to the storm drain system and use of best management practices would incrementally improve water quality on the project site.
NR 3.9 Water Quality Management Plan. Require new development applications to include a Water Quality Management Plan (WQMP) to minimize runoff from rainfall events during construction and post-construction.	**Consistent:** As discussed in Section 3.9, *Hydrology and Water Quality*, a preliminary Water Quality Management Plan (WQMP) has been prepared which identifies site-design, and source- and treatment-control BMPs. The low-impact development, source-control, and treatment-control BMP features would include but not be limited to an infiltration basin; Modular Wetlands System (proprietary biotreatment devices) or approved equivalents; vegetated swales; bioretention with underdrains; and a proprietary Drywell System. Implementation of these hydraulic and drainage design features would assist in the retention of storm water and the recharge of groundwater. Collectively, the BMPs outlined in the WQMP

Table 3.10-1: General Plan Consistency Analysis	
Applicable City of Newport Beach General Plan Goals and Policies	**Project Consistency**
	and the required preparation of a SWPPP would address the anticipated and expected pollutants of concern from the operational and construction phases of the proposed Project. Additionally, through the development-review process, the City complies with various statutory requirements necessary to achieve regional water quality objectives and protect groundwater and surface waters from pollution by contaminated storm water runoff. Storm water runoff generated from within the project site would be managed in accordance with all applicable federal, State, and local water quality rules and regulations to effectively minimize the Project's impact on water quality.
NR 3.10 Best Management Practices. Implement and improve upon Best Management Practices (BMPs) for residences, businesses, development projects, and City operations.	**Consistent:** See consistency analysis for Policies NR 3.4 and NR 3.9 of Goal NR 3.
NR 3.11 Site Design and Source Control. 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 consistency analysis for Policies NR 3.4 and NR 3.9 of Goal NR 3.
NR 3.14 Runoff Reduction on Private Property. Retain runoff on private property to prevent the transport of pollutants into natural water bodies, to the maximum extent practicable.	**Consistent:** See consistency analysis for Policies NR 3.4 and NR 3.9 of Goal NR 3.
NR 3.15 Street Drainage Systems. 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 consistency analysis for Policies NR 3.4 and NR 3.9 of Goal NR 3.
NR 3.17 Parking Lots and Rights-of-Way. Require that parking lots and public and private rights-of-way be maintained and cleaned frequently to remove debris and contaminated residue.	**Consistent:** The Project would be required to comply with all applicable City codes and regulations regarding the maintenance and keeping of public and private rights-of-way, including Sections 6.04.210, Persons Required to Clean Sidewalks, and 10.50.020, Nuisance, of the City's Municipal Code.
NR 3.19 Natural Drainage Systems. Require incorporation of natural drainage systems and stormwater detention facilities into new developments, where	**Consistent:** See consistency analysis for Policies NR 3.4 and 3.9 of Goal NR 3. Additionally, the proposed storm drain system would largely maintain the same existing drainage patterns. As addressed, approximately 0.34 acre of the 1.97-net-acre project site would be landscaped

Table 3.10-1: General Plan Consistency Analysis	
Applicable City of Newport Beach General Plan Goals and Policies	**Project Consistency**
appropriate and feasible, to retain stormwater in order to increase groundwater recharge.	areas and have pervious surfaces. The Project proposes three drainage management areas to treat runoff, primarily through biotreatment planters. Each treatment area would have a 24-inch parkway drain. A proposed 6-inch storm drain would connect the three biotreatment planter areas. More information regarding drainage and water quality is discussed under Section 3.9, *Hydrology and Water Quality*.
NR 3.20 Impervious Surfaces. 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 consistency analysis for Policy NR 3.19 of Goal NR 3. The proposed Project would incrementally increase impervious surfaced on the 1.97-net-acre site by two percent.
Goal NR 4 – Maintenance of water quality standards through compliance with the total maximum daily loads (TMDLs) standards.	
NR 4.4 Erosion Minimization. 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 consistency analysis for Policies NR 3.4 and 3.9 of Goal NR 3. Collectively, implementation of the BMPs outlined in the SWPPP and the Project's proposed water quality design features would address the anticipated and expected erosion impacts during the construction and operational phases of the Project.
Goal NR 6 – Reduced mobile source emissions.	
NR 6.1 Walkable Neighborhoods. Provide for walkable neighborhoods to reduce vehicle trips by siting amenities such as services, parks, and schools in close proximity to residential areas.	**Consistent:** See consistency analysis for Policy CE 6.2.2 of Goal CE 6.2.
NR 6.2 Mixed-Use Development. Support mixed-use development consisting of commercial or office with residential uses in accordance with the Land Use Element that increases the opportunity for residents to live in proximity to jobs, services, and entertainment.	**Consistent:** See consistency analysis for Policy LU 2.2 of Goal LU 2 and Policy LU 6.15.5 of Goal 6.15.
Goal NR 7 - Reduced air pollutant emissions from stationary sources.	
NR 7.1 – Fuel Efficient Equipment. Support the use of fuel-efficient heating equipment and other appliances.	**Consistent:** The Project would comply with the energy efficiency requirements of Title 24.
NR 7.2 – Source Emission Reduction Best Management Practices. Require the use of Best Management Practices (BMP) to minimize pollution and to reduce source emissions.	**Consistent:** The Project would comply with the energy efficiency requirements of Title 24. As addressed in Section 3.2, *Air Quality*, the Project would be required to adhere to all applicable SCAQMD regulations that help reduce air pollutants from construction-related activities. Additionally, the Project would be required to comply with the construction-related mitigation measures.

Table 3.10-1: General Plan Consistency Analysis	
Applicable City of Newport Beach General Plan Goals and Policies	**Project Consistency**
Goal NR 8 – Reduced air pollutant emissions from construction activities.	
NR 8.1 Management of Construction Activities to Reduce Air Pollution. Require developers to use and operate construction equipment, use building materials and paints, and control dust created by construction activities to minimize air pollutants.	**Consistent:** See consistency analysis for Policy NR 7.2.
Goal NR 18 – Protection and preservation of important paleontological and archaeological resources.	
NR 18.1 New Development. 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 consistency analysis for Policy HR 2.1 of Goal HR 2.
NR 18.3 Potential for New Development to Impact Resources. 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 consistency analysis for Policy HR 2.1 Goal HR 2.
NR 18.4 Donation of Materials. 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 consistency analysis for Policy HR 2.1 of Goal HR 2.
NR 22.1 - Regulation of Structure Mass. Continue to regulate the visual and physical mass of structures consistent with the unique character and visual scale of Newport Beach.	**Consistent.** See consistency analysis for Policy LU 6.15.22 of Goal LU 6.15.
Goal NR 24 – Increased energy efficiency in City facilities and operations and in private developments	
NR 24.3 – Incentives for Green Building Program Implementation. Promote or provide incentives for "Green Building" programs that go beyond the requirements of Title 24 of the California Administrative Code and encourage energy-efficient design elements as appropriate to achieve "green building" status.	**Consistent:** The current building energy efficiency standards are substantially more stringent than were in effect when the General Plan Program EIR was certified. For example, the 2016 standards for residential buildings are 28 percent more energy-efficient and nonresidential buildings are 5 percent more energy efficient than under the 2013 Standards and buildings that are constructed in accordance with the 2013 Building Energy Efficiency Standards are 25

Table 3.10-1: General Plan Consistency Analysis	
Applicable City of Newport Beach General Plan Goals and Policies	**Project Consistency**
	percent (residential) more energy efficient than the 2008 Standards as a result of better windows, insulation, lighting, ventilation systems, and other features. The 2019 Standards improve upon the 2016 Standards and are applicable to the proposed Project.
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 evaluation was prepared for the proposed Project to identify potential geotechnical hazards associated with the project site, including active faults, liquefaction, subsidence, landslide, lateral spreading, collapse, expansive soils, and other ground failure hazards. According to the study, the site is in a seismically active area; however, no active faults are known to cross the site. Additionally, the Project would not exacerbate ground shaking on the site. The design and construction of all structures would comply with seismic design parameters in the geotechnical evaluation, including the seismic design requirements under the California Building Code and Chapter 15.10 of the City's Municipal Code, Excavation and Grading in effect at the time grading and building permits are issued for construction.
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 Known Areas of Contamination. 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:** A Phase I Environmental Site Assessment was prepared as a part of the proposed Project to determine soil and groundwater contamination. There are no known or suspected recognized environmental conditions (RECs), Historical Recognized Environmental Conditions, Controlled Recognized Environmental Conditions or De Minimis Conditions at the project site. The Project is consistent with General Plan Policy S 7.1.
S 7.5 Siting of Sensitive Uses. Develop and implement strict land use controls, performance standards, and structure design standards including development setbacks from sensitive uses such as schools, hospitals, day care facilities, elder care facilities, residential uses, and other sensitive uses that generate or use hazardous materials.	**Consistent:** Development of the proposed Project would involve demolition of the existing two-story office building and associated surface parking and landscaping to accommodate the residential development. The Phase I indicates that no known or suspected RECs were identified at the project site. Further, no evidence of contamination, distressed vegetation, petroleum hydrocarbon surface staining, waste drums, USTs, ASTs, illegal dumping, or

Table 3.10-1: General Plan Consistency Analysis	
Applicable City of Newport Beach General Plan Goals and Policies	**Project Consistency**
	improper waste storage/handling was noted during site reconnaissance. The Project would be required to comply with state and local health and safety requirements, including the City's Fire Code and Fire Department Guidelines dictating requirements related to emergency access, fire protection, building construction, and storage and handling of hazardous materials. Potential safety hazards related to hazardous materials are addressed in Section 3.8, *Hazards and Hazardous Materials*. Because the Project proposes residential land uses and would not generate or use hazardous materials in such a manner as to present a hazard to sensitive uses, setbacks from such sensitive users are not required.
Noise Element	
Goal N 1 Noise Compatibility – Minimized land use conflicts between various noise sources and other human activities.	
N 1.1 Noise Compatibility of New Development. Require that all proposed Projects are compatible with the noise environment through use of Table N2, and enforce the interior and exterior noise standards shown in Table N3.	**Consistent:** As shown in Section 3.12, *Noise*, the project site is located in the 60 dBA CNEL contour, as shown on General Plan Noise Element Figure N5. The project site is in a Mixed-Use District (the General Plan land use category for the project site is Mixed Use Horizontal 2 (MU-H2)). General Plan Noise Element Table N2 characterizes mixed use development as "clearly compatible" up to 65 dBA. The Addendum noise analysis demonstrates that the Project would comply with the requirements as outlined in the City's Noise Ordinance.
N 1.2 Noise Exposure Verification for New Development. Applicants for proposed Projects that require environmental review and are, located in areas projected to be exposed to a CNEL of 60 dBA and higher, as shown on Figure N4, Figure N5, and Figure N6 may conduct a field survey, noise measurements or other modeling in a manner acceptable to the City to provide evidence that the depicted noise contours do not adequately account for local noise exposure circumstances due to such factors as, topography, variation in traffic speeds, and other applicable conditions. These findings shall be used to determine the level of exterior or interior, noise attenuation needed to attain an acceptable noise exposure level and the feasibility of such mitigation when other planning considerations are taken into account.	**Consistent:** On-site noise impacts are evaluated in Section 3.12*, Noise*. The project site is in a Mixed-Use District and on-site noise levels would not exceed the 65 dBA clearly compatible standard for mixed use residential. According to the U.S. EPA (Protective Noise Levels, November 1978), typical building construction reduces noise levels by 25 dBA with the windows closed. Therefore, the worst-case exterior interior noise levels would be reduced to approximately 39.3 dBA, which is below the City's 45 dBA daytime interior noise standard and the 40 dBA nighttime interior noise standard. Therefore, additional noise attenuation beyond what is required for standard building code requirements would not be required.
N 1.4 New Development in Urban Areas. 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	**Consistent:** See consistency analysis for Policy N 1.2 of Goal N1.1.

Table 3.10-1: General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
between adjacent uses and units (common floor/ceilings) in accordance with the California Building Code.	
N 1.8 Significant Noise Impacts. Require the employment of noise mitigation measures for existing sensitive uses when a significant noise impact is identified. A significant noise impact occurs when there is an increase in the ambient CNEL produced by new development impacting existing sensitive uses. The CNEL increase is shown in the table below.	**Consistent:** Addendum Section 3.12, Noise, discusses these potential long-term noise impacts of the proposed Project. The Project would not generate transportation, or stationary long-term noise sources that would exceed the stated requirements under this policy. With respect to construction noise, refer to Policy N 4.6, Maintenance or Construction Activities. The General Plan Program EIR finds that with compliance with applicable City requirements, construction noise is a less than significant impact.

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

Goal N 2 – Minimized motor vehicle traffic and boat noise impacts on sensitive noise receptors.	
N 2.1 New Development. Require that proposed noise-sensitive uses in areas of 60 dBA and greater, as determined the analyses stipulated by Policy N1.1, demonstrate that they meet interior and exterior noise levels.	**Consistent:** See response above to Policy N1.1 and Policy N1.2.
N 2.2 Design of Sensitive Land uses. Require the use of walls, berms, interior noise insulation, double-paned windows, or other noise mitigation measures, as appropriate, in the design of new residential or other new noise-sensitive land uses that are adjacent to major roads. Application of the Noise Standards in Table N3 shall govern this requirement.	**Consistent:** See response above to Policy N2.1 of Goal N2.
Goal N 3 – Protection of Newport Beach residents from the adverse noise impacts of commercial air carrier operations at John Wayne Airport as provided in the City Council Airport Policy.	
N 3.1 New Development. Ensure new development is compatible with the noise environment by using airport noise contours no larger than those contained in the 1985 JWA Master Plan, as guides to future planning and development decisions.	**Consistent:** The project site is outside the 65 dBA CNEL noise contour.
N 3.2 Residential Development. Require that residential development in the Airport Area be located outside of the 65 dBA CNEL noise contour no larger	**Consistent:** See response to Policy N 3.1.

Table 3.10-1: General Plan Consistency Analysis	
Applicable City of Newport Beach General Plan Goals and Policies	**Project Consistency**
than shown in the 1985 JWA Master Plan and require residential developers to notify prospective purchasers or tenants of aircraft overflight and noise.	
Goal N 4: Minimization of Non-Transportation-Related Noise – Minimized non-transportation-related noise impacts on sensitive noise receptors.	
N 4.1 Stationary Noise Sources. Enforce interior and exterior noise standards outlined in Table N3, and in the City's Municipal Code to ensure that sensitive noise receptors are not exposed to excessive noise levels from stationary noise sources, such as heating, ventilation, and air conditioning equipment.	**Consistent:** As discussed in Section 3.12, *Noise*, potential stationary-related noise impacts associated with residential uses include the operation of air conditioning units and outdoor activities. Mechanical equipment (e.g., HVAC equipment) typically generates noise levels of approximately 50 to 60 dBA at 50 feet. SC N-2 requires that HVAC units be designed and installed in accordance with the Newport Beach Noise Ordinance. Outdoor activities may occur intermittently, and if future residents and their guests engage in activities that exceed the limits set forth in Chapters 10.26 and 10.28 of the City's Municipal Code, the City can take actions to abate that activity. With application of SC N-2, proposed residential uses would not significantly impact existing and planned noise-sensitive uses including office uses in the area, or proposed on-site noise-sensitive uses. Operation of mechanical equipment would not be anticipated to increase ambient noise levels beyond the acceptable compatible land use noise levels.
N 4.6 Maintenance or Construction Activities. 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:** As discussed in Section 3.12, *Noise*, the City understands that control of construction noise is difficult and therefore provides an exemption for this type of noise as identified in Municipal Code Section 10.28.040, Construction Activity – Noise Regulations. Section 10.28.040 identifies that construction is permitted on weekdays between the hours of 7:00 AM and 6:30 PM and Saturdays between the hours of 8:00 AM and 6:00 PM, in any area of the City that is not designated as a high-density area. Construction is not permitted on Sundays or any federal holiday. All construction activities proposed within the project site would be required to adhere to these standards. Additionally, any project-related maintenance would be required to adhere to the standard or permitted exemptions and exceptions as stated in Municipal Code Section 10.28.045.
Goal N 5 – Minimized excessive construction-related noise.	
N 5.1 Limiting Hours of Activity. Enforce the limits on hours of construction activity.	**Consistent:** See response above to Policy N 4.6 of Goal N 4.

Cumulative Impacts

The Project is consistent with applicable land use goals and policies. Although other changes in land use plans and regulations may have occurred with past and present projects in the area and may be necessary for individual future projects, such changes have been, and would be, required to demonstrate consistency with General Plan and other City policies such that no significant adverse cumulative impact has occurred or would occur from such changes. Given that the proposed Project would be consistent with the land use policies of the applicable plans, subject to the approval of development standard and incentive waivers allowed by density bonus law, the Project would not combine with any past, present, or reasonably foreseeable future projects to cause a significant adverse cumulative land use impact based on a conflict with a plan or policy. Any associated physical impacts are covered in the individual topic sections. It is also anticipated that regional growth would be subject to review for consistency with adopted land use plans and policies by the County of Orange, City of Newport Beach, and other cities in Orange County, in accordance with the requirements of CEQA, the State Zoning and Planning Law, and the State Subdivision Map Act, all of which require findings of plan and policy consistency prior to approval of entitlements for development. Therefore, no significant cumulative impacts associated plans and policies are anticipated. In addition, the contribution of the proposed Project to any such cumulative impacts would be less than significant because present and probable future projects are consistent with applicable plans, policies, and regulations. The Project would not contribute to any cumulative impacts associated with plan or policy inconsistency.

Mitigation Program

General Plan Policies

General Plan policies related to land use have been identified in Table 3.10-1.

Standard Conditions and Requirements

No conditions of approval or mitigation measures are required.

Conclusion

Accordingly, no new impacts relative to land use and planning or a substantial increase in the severity of a previously identified significant impact evaluated in the General Plan Program EIR would occur. With regard to PRC Section 21166 and State CEQA Guidelines Section 15162(a), the Project would not result in any new impacts, or increase the severity of the previously identified impacts. Additionally, no new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified is available that would impact the prior finding. Therefore, preparation of a subsequent environmental analysis is not warranted.

3.11 Mineral Resources

Threshold (a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

General Plan Significance Determination: No Impact. The majority of the City is located with Mineral Resource Zone (MRZ)-1 and MRZ-3. MRZ-1 is defined as an area where available geologic information indicates there is little or no likelihood for presence of significant mineral resources and MRZ-3 is defined as an area containing known mineral occurrences of undetermined mineral significance. According to the California Geologic Survey, the City does not have any land classified as MRZ-2 which is an area underlain by significant mineral deposits or with a high likely hood of such. Therefore, the General Plan Program EIR determined that implementation of the General Plan would not impact mineral resources that would be of value to the region and the residents of California.

Project-Specific Analysis and Significance Determination: No impact; no substantial change from previous analysis.

The project site is located with MRZ-3 and does not contain mineral resources of significant value. The proposed Project would not have the potential impact any resources within MRZ-2, which is consistent with the General Plan Program EIR. The Project would not affect active oil wells located in the northwestern area of the City. No impact with regards to mineral resources of value to the region and the residents of California would occur. Therefore, no new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the General Plan Program EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified is available that would impact the prior finding of no impact.

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

General Plan Significance Determination: No Impact. The General Plan Program EIR states that there are no regional, State, or locally important mineral resource recovery sites in the City. Consequently, implementation of the General Plan would not substantially alter the projected production or consumption of mineral resources. No impact would occur.

Project-Specific Analysis and Significance Determination: No impact; no substantial change from previous analysis.

The proposed Project would develop a residential development within an urbanized area of the City. The proposed Project would not remove any locally or regionally important mineral resources from production or preclude access to important mineral resources. No impact to locally-important mineral resource recovery sites would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified is available that would impact the prior finding of no impact.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new mineral impact to occur, nor an increase in the severity of a mineral impact previously disclosed in the General Plan Program EIR. Implementation of the proposed Project would not alter the conclusions of the General Plan Program EIR analysis and would not result in a new or substantially more severe project-specific or cumulative mineral resources impact than those already analyzed.

Mitigation Program

General Plan Policies

General Plan policies related to mineral resources identified in the General Plan Program EIR to mitigate potential impacts to minerals resources are not applicable to the Project.

Standard Conditions and Requirements

No conditions of approval or mitigation measures are required.

Conclusion

Accordingly, no new impacts relative to mineral resources or a substantial increase in the severity of a previously identified significant impact evaluated in the General Plan Program EIR would occur. With regard to PRC Section 21166 and State CEQA Guidelines Section 15162(a), the Project would not result in any new impacts, or increase the severity of the previously identified impacts. Additionally, no new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified is available that would impact the prior finding. Therefore, preparation of a subsequent environmental analysis is not warranted.

3.12 Noise

Threshold (a) Would the project generate 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?

General Plan Significance Determination: Significant and Unavoidable. The General Plan Program EIR identified that regional growth would create noise that would affect new and existing receptors. Most of this noise would be produced by increased traffic on local roads. Many of the General Plan policies would reduce the impact. However, existing receptors would still be exposed to new noise levels in excess of standards, and this impact, even with the proposed General Plan policies, was found to be significant and unavoidable. The areas with the greatest potential for exceeding noise standards are roadway segments where the 65 dBA CNEL noise contours extend beyond the roadway right-of-way. The exposure of existing land uses to noise levels in excess of City standards as a result of the future growth under the General Plan is considered a significant impact. With respect to temporary construction noise, the General Plan Program EIR found that construction noise is not subject to the noise standards in the Municipal Code when activities occur during limited hours of the day and days of the week. Existing and future construction noise levels at individual construction sites may not substantially differ but previously unexposed areas could experience new sources of construction noise. Both existing and future noise would be exempt from the City code and when construction noise occurs, impacts would be considered less than significant.

Project-Specific Analysis and Significance Determination: Less Than Significant Impact; no substantial change from previous analysis.

Traffic Noise

Policy N 1.8 of the General Plan Noise Element requires the implementation of noise mitigation measures for existing sensitive uses when a significant noise impact is identified for new development impacting existing sensitive uses, as presented in **Table 3.12-1, *Incremental Noise Impact Criteria for Noise-Sensitive Uses***.

Table 3.12-1: Incremental Noise Impact Criteria for Noise-Sensitive Uses (dBA CNEL)

Existing Noise Exposure	Allowable Noise Exposure Increment
55	3
60	2
65	1
70	1
75	0

Source: City of Newport Beach General Plan, 2006.

Project-generated traffic noise was modeled as identified in **Table 3.12-2, *Existing and Project Traffic Noise***, **Table 3.12-3, *Opening Year and Project Traffic Noise,*** and **Table 3.12-4, *General Plan Buildout and Project Traffic Noise***. The proposed Project would generate a minimal increase in vehicle trips, resulting in a minimal increase in traffic-generated noise levels. Therefore, buildout of the proposed Project is not anticipated to result in a substantial increase in traffic noise compared to what was previously analyzed in the General Plan Program EIR.

Table 3.12-2: Existing and Project Traffic Noise

Roadway Segment	Existing		Existing Plus Project		Project Change from Existing Conditions	Significant Impact?
	ADT	dBA CNEL [a]	ADT	dBA CNEL [a]		
Irvine Avenue						
South of Mesa Dr	30,600	66.8	30,600	66.8	0.0	No
South of Bristol St South	25,600	66.9	25,600	66.9	0.0	No
Campus Drive						
North of Bristol St North	28,800	66.7	28,800	66.7	0.0	No
East of Von Karman Ave	10,600	61.9	10,600	61.9	0.0	No
MacArthur Boulevard						
South of Birch St	18,200	66.6	18,300	66.6	0.0	No
Jamboree Road						
North of Eastbluff/University Dr	50,200	71.1	50,300	71.1	0.0	No
North of Bison Ave	43,000	70.5	43,100	70.6	0.0	No
University Drive						
East of Jamboree Rd	13,700	64.2	13,700	64.2	0.0	No
Birch Street						
South of Orchard	8,400	61.0	8,400	61.0	0.0	No
Bristol Street						
East of Birch St	13,180	62.8	13,400	62.9	0.1	No

ADT = average daily trips; dBA = A-weighted decibels; CNEL = Community Noise Equivalent Level

a. Traffic noise levels are at 100 feet from the roadway centerline. The actual sound level at any receptor location is dependent upon such factors as the source-to-receptor distance and the presence of intervening structures, barriers, and topography.

Source: Based on traffic data provided by Ganddini Group., November 2021. Refer to Appendix E for traffic noise modeling assumptions and results.

On-Site Noise

Future residents at the project site would be exposed to mobile traffic noise along SR-73 and Bristol Street. Table 3.12-3 shows that the loudest traffic noise levels adjacent to the project site would be 63.1 dBA. General Plan Policy N 1.2 requires developments that are located in areas projected to be exposed to a CNEL of 60 dBA or higher, to determine the level of exterior or interior noise attenuation needed to attain an acceptable noise exposure level and the feasibility of such mitigation when other planning considerations are taken into account.

General Plan Policy N 2.1 requires that proposed noise-sensitive uses in areas of 60 dBA and greater, as determined the analyses stipulated by Policy N 1.1, demonstrate that they meet interior and exterior noise levels. General Plan Policy N 1.1 requires that all proposed Projects are compatible with the noise environment through use of Noise Element Table N2 and enforce the interior and exterior noise standards shown in Noise Element Table N3. Noise Element Table N2 identifies a "Clearly Compatible" exterior noise standard of 65 dBA for residences in mixed use areas. Land uses that are clearly compatible are satisfactory for buildings of normal conventional construction without any special noise insulation requirements. The project site is in a Mixed-Use District, and the General Plan land use category for the project site is "Mixed Use Horizontal 2 (MU-H2)."

Noise Element Table N3 identifies a daytime interior noise standard of 45 dBA and a nighttime interior noise standard of 40 dBA. According to the U.S. EPA (*Protective Noise Levels*, November 1978), typical building construction reduces noise levels by 25 dBA with the windows closed. Therefore, the worst-case exterior interior noise levels would be reduced to 39.3 dBA, which is below the City's 45 dBA daytime interior noise standard and the 40 dBA nighttime interior noise standard. Therefore, impacts would be less than significant.

Table 3.12-3: Opening Year and Project Traffic Noise

Roadway Segment	Opening Year		Opening Year Plus Project		Project Change from Existing Conditions	Significant Impact?
	ADT	dBA CNEL [a]	ADT	dBA CNEL [a]		
Irvine Avenue						
South of Mesa Dr	32,500	67.1	32,500	67.1	0.0	No
South of Bristol St South	27,200	67.2	27,200	67.2	0.0	No
Campus Drive						
North of Bristol St North	29,000	66.7	29,000	66.7	0.0	No
East of Von Karman Ave	10,700	62.0	10,700	62.0	0.0	No
MacArthur Boulevard						
South of Birch St	19,800	67.0	19,900	67.0	0.0	No
Jamboree Road						
North of Eastbluff/University Dr	54,600	71.5	54,700	71.5	0.0	No
North of Bison Ave	47,100	70.9	47,200	70.9	0.0	No
University Drive						
East of Jamboree Rd	13,800	64.3	13,800	64.3	0.0	No
Birch Street						
South of Orchard	8,900	61.2	8,900	61.2	0.0	No
Bristol Street North						
East of Birch St	14,102	63.1	14,258	63.1	0.0	No

ADT = average daily trips; dBA = A-weighted decibels; CNEL = Community Noise Equivalent Level

a. Traffic noise levels are at 100 feet from the roadway centerline. The actual sound level at any receptor location is dependent upon such factors as the source-to-receptor distance and the presence of intervening structures, barriers, and topography.

Source: Based on traffic data provided by Ganddini Group., November 2021. Refer to Appendix E for traffic noise modeling assumptions and results.

Table 3.12-4: General Plan Buildout and Project Traffic Noise

Roadway Segment	General Plan Buildout (No Project) ADT	General Plan Buildout (No Project) dBA CNEL [a]	General Plan Buildout (With Project) ADT	General Plan Buildout (With Project) dBA CNEL [a]	Project Change from Existing Conditions	Significant Impact?
Irvine Avenue						
South of Mesa Dr	48,700	68.9	48,700	68.9	0.0	No
South of Bristol St South	48,700	69.7	48,700	69.7	0.0	No
Campus Drive						
North of Bristol St North	49,600	69.0	49,600	69.0	0.0	No
East of Von Karman Ave	25,600	65.8	25,600	65.8	0.0	No
MacArthur Boulevard						
South of Birch St	27,700	68.4	27,700	68.4	0.0	No
Jamboree Road						
North of Eastbluff/University Dr	46,400	70.8	46,400	70.8	0.0	No
North of Bison Ave	11,100	64.7	11,100	64.7	0.0	No
University Drive						
East of Jamboree Rd	16,800	65.1	16,800	65.1	0.0	No
Birch Street						
South of Orchard	46,200	68.4	46,200	68.4	0.0	No
Bristol Street						
East of Birch St	18,540	64.3	18,636	64.3	0.0	No

ADT = average daily trips; dBA = A-weighted decibels; CNEL = Community Noise Equivalent Level

a. Traffic noise levels are at 100 feet from the roadway centerline. The actual sound level at any receptor location is dependent upon such factors as the source-to-receptor distance and the presence of intervening structures, barriers, and topography.

Source: Based on traffic data provided by Ganddini Group., November 2021. Refer to Appendix E for traffic noise modeling assumptions and results.

Stationary Noise

The proposed Project is consistent with the existing land use designation of MU-H2. The site is currently an office building with a surface parking lot uses. Stationary noise sources associated with these uses include rooftop mechanical equipment such as HVAC equipment and parking lot. The proposed Project would not introduce new types of noise sources that were not already anticipated under the existing land use designation. In general, stationary noise sources associated with the proposed residential uses are similar to or less than the office uses (e.g., HVAC equipment and group conversations). Future development would be subject to the City's exterior noise standards in the Municipal Code, as set forth in SC N-1. Therefore, impacts would be less than significant.

Construction Noise

The proposed Project is consistent with the existing land use designation of MU-H2. Therefore, the proposed Project would accommodate land uses that would require similar construction processes and intensities. Certain land uses are particularly sensitive to noise and vibration. These uses include residential, schools, libraries, churches, nursing homes, hospitals, hotels, and open space/recreation areas where quiet environments are necessary for enjoyment, public health, and safety. Commercial and

industrial uses are generally not considered noise and vibration sensitive unless noise and vibration would interfere with normal operations and business activities. The nearest existing sensitive receptor to the project site is a single-family residences located approximately 630 feet southwest of the project site (south of Bristol Street South). The closest structure to the project site boundary is an office building located approximately 120 feet to the northwest.

Project construction is anticipated to commence in the first quarter of 2023 and conclude in the second quarter of 2025. Construction activities would include demolition, excavation, site preparation, grading, building construction, paving, and architectural coating. Such activities may require dozers, concrete/ industrial saws, and excavators during demolition; dozers and tractors during site preparation; trenching equipment during trenching and utilities; graders, dozers, tractors, scrapers, and excavators during grading; cranes, forklifts, generators, tractors, and welders during building construction; pavers, rollers, and paving equipment during paving; and air compressors during architectural coating.

As a conservative estimate, short-term construction noise (i.e., the construction activity with highest number of equipment used during each sub-phase) was modeled using the FHWA's *Roadway Construction Noise Model (FHWA-HEP-05-054)* (January 2006). The noise levels calculated in **Table 3.12-5, *Project Construction Noise Levels*,** show estimated exterior construction noise at the closest receptors.

Table 3.12-5: Project Construction Noise Levels

Construction Phase	Receptor Location			Worst Case Modeled Exterior Noise Level (dBA L_{eq})	Noise Threshold (dBA L_{eq})[b]	Exceeded?
	Land Use	Direction	Distance (feet)[a]			
Demolition	Residential	Southwest	800	63.3	80	No
Site Preparation	Residential	Southwest	800	60.5	80	No
Grading	Residential	Southwest	800	61.8	80	No
Construction	Residential	Southwest	800	61.5	80	No
Paving	Residential	Southwest	800	62.8	80	No
Architectural Coating	Residential	Southwest	800	49.6	80	No

a. Per FTA Guidance (Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, 2018) the equipment distance is assumed at the center of the project site.
b. Threshold from the Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, 2018.
Source: Federal Highway Administration, Roadway Construction Noise Model, 2006. Refer to Appendix A for noise modeling results.

The City does not have quantitative standards for construction noise levels. Newport Beach Municipal Code Section 10.28.040(A) states that "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, unless authorized to do so in accordance with subsection (B) of this section."

As applicable to the proposed Project, Municipal Code Section 10.28.040(B) states that the provisions of Section 10.28.040(a) do not apply to those activities between the hours of 7:00 AM and 6:30 PM on any weekday that is not a federal holiday, and between the hours of 8:00 AM and 6:00 PM on Saturdays. The permitted hours of construction are in recognition that construction activities undertaken during daytime

hours are a typical part of living in an urban environment and do not cause a significant impact. However, this analysis conservatively uses the Federal Transit Administration (FTA) threshold of 80 dBA (8-hour L_{eq}) for residential uses to evaluate construction noise impacts.[18]

Actual construction-related noise activities are expected to be lower than the conservative levels described above and would cease upon completion of construction. Due to the variability of construction activities and equipment for the Project, overall construction noise levels would be intermittent and would fluctuate over time. These assumptions represent the worst-case noise scenario because construction activities would typically be spread out throughout the project site, and thus some equipment would be farther away from the affected receptors. In addition, the noise modeling assumes that construction noise is constant, when, in fact, construction activities and associated noise levels would fluctuate and generally be brief and sporadic, depending on the type, intensity, and location of construction activities. It is also noted that Project construction equipment would be equipped with functioning mufflers as mandated by the state, and construction would occur throughout the project site and would not be concentrated or confined in the areas closest to sensitive receptors.

Potential construction noise related to this use would be similar to noise as addressed in the General Plan Program EIR and would not represent a new impact. Construction noise would be temporary in nature and cease upon Project completion.

Construction noise would be subject to General Plan Policy N 4.6, which would require enforcement of the noise ordinance limits and hours in the City's Municipal Code. Since the Project's construction noise levels would not substantially differ from the assumptions of the General Plan Program EIR, construction noise impacts with implementation of the proposed Project would be less than significant. The proposed Project would not result in any new adverse impacts or increase the severity of any previously identified noise impacts. No new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified that would impact the prior finding under this threshold.

Threshold (b) Would the project generate excessive groundborne vibration or groundborne noise levels?

General Plan Significance Determination: Significant and Unavoidable. The General Plan Program EIR concluded that vibrations associated with construction activities would impact existing buildings and their occupants if they are located close enough to the construction sites. Vibration levels would be problematic if sensitive uses were located within about 100 feet of potential project construction sites, where sensitive receptors (e.g., residents, school children) would experience vibration levels that exceed the FTA's vibration impact threshold of 72 VdB. The only mitigation that could eliminate the vibration impact is to distance construction and existing sensitive receptors by approximately 150 feet. The General Plan Program EIR noted that there are no mitigation measures available that would ensure that the threshold would not be exceeded in all cases and no General Plan policies that would mitigate the vibration impact. Under these circumstances, impacts would be significant and unavoidable.

Project-Specific Analysis and Significance Determination: Less Than Significant Impact; change from previous analysis.

[18] Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, Table 7-2, Page 179, September 2018.

Increases in groundborne vibration levels attributable to the proposed Project would be primarily associated with construction-related activities. Construction on the project site would have the potential to result in varying degrees of temporary groundborne vibration, depending on the specific construction equipment used and the operations involved. Ground vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance. The effect on buildings located in the vicinity of the construction site often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s). The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight damage at the highest levels. Groundborne vibrations from construction activities rarely reach levels that damage structures.

Construction-related ground vibration is normally associated with impact equipment such as pile drivers, jackhammers, and the operation of some heavy-duty construction equipment, such as dozers and trucks. Vibration decreases rapidly with distance.

The FTA has published standard vibration velocities for construction equipment operations. In general, depending on the building category of the nearest buildings adjacent to the potential pile driving area, the potential construction vibration damage criteria vary. For example, for a building that is constructed with reinforced concrete with no plaster, the FTA guidelines show that a vibration level of up to 0.50 inch per second (in/sec) peak particle velocity (PPV) is considered safe and would not result in any construction vibration damage. The FTA architectural damage criterion for continuous vibrations for non-engineered timber and masonry buildings (i.e., 0.20 inch/second) appears to be conservative. The types of construction vibration impact include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic or structural. Ordinary buildings that are not particularly fragile would not experience any cosmetic damage (e.g., plaster cracks) at distances beyond 30 feet. This distance can vary substantially depending on the soil composition and underground geological layer between vibration source and receiver. In addition, not all buildings respond similarly to vibration generated by construction equipment. The City of Newport Beach does not provide numerical vibration standards for construction activities. Therefore, this impact discussion uses FTA standard of 0.20 inch/second PPV with respect to the prevention of structural damage for normal buildings and human annoyance.

Table 3.12-6*, Typical Construction Equipment Vibration Levels*, identifies vibration levels feet for typical construction equipment. The nearest structure to any of the construction activities is an office building located approximately 120 feet to the northwest, which is more than the 100-foot buffer identified in the General Plan Program EIR. Based on FTA data, vibration velocities from typical heavy construction equipment operations that would be used during Project construction would range from 0.003 to 0.089 inch/second PPV at 25 feet and 0.0003 to 0.0085 inch/second PPV at nearest structure which is located 120 feet northwest of the project site boundary. It is also acknowledged that construction activities would occur throughout the project site and would not be concentrated at the point closest to the nearest structure. Vibration from construction activities experienced at the nearest building would be below the 0.20 inch/second PPV significance threshold. As noted above, the 0.20 inch/second PPV threshold is conservative because the construction vibration damage criteria are for non-engineered timber and masonry buildings. Buildings would be better represented by the 0.50 inch/second PPV significance threshold (construction vibration damage criteria for a reinforced concrete, steel or timber buildings).

Once operational, the Project would not be a source of groundborne vibration. Because construction equipment vibration levels would be below the significance thresholds, impacts would be less than significant. The proposed Project would not result in any new adverse impacts or increase the severity of any previously identified impacts related to vibration. No new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified that would impact the prior finding under this threshold.

Table 3.12-6: Typical Construction Equipment Vibration Levels

Equipment Type	Peak Particle Velocity at 25 Feet (inches per second)	Peak Particle Velocity at 120 Feet (inches per second)[a]
Large Bulldozer	0.089	0.0085
Caisson Drilling	0.089	0.0085
Loaded Trucks	0.076	0.0072
Jackhammer	0.035	0.0033
Small Bulldozer/Tractor	0.003	0.0003

a. Calculated using the following formula: $PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$, where: PPV (equip) = the peak particle velocity in inch per second of the equipment adjusted for the distance; PPV_{ref} = the reference vibration level in inch per second from Table 7-4 of the FTA Transit Noise and Vibration Impact Assessment Manual (2018); D = the distance from the equipment to the receiver.

Source: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, 2018.

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

General Plan Significance Determination: Less than Significant. The General Plan Program EIR concluded that residential development that occurs outside the 65 dBA CNEL noise contour for John Wayne Airport would not exceed allowable exterior noise levels for a residential area. Impacts would be less than significant.

Project-Specific Analysis and Significance Determination: Less Than Significant Impact; no substantial change from previous analysis.

The Airport Land Use Commission (ALUC) of Orange County adopted the Airport Environs Land Use Plan (AELUP), amended April 17, 2008, that included John Wayne Airport. The AELUP is a land use compatibility plan that is intended, in part, to protect the public from adverse effects of aircraft noise. The proposed Project is within the "airport influence area" defined by the AELUP[19]. John Wayne Airport is approximately 0.60-mile northwest of the project site. The AELUP shows the project site is outside of the 65 dBA CNEL contour. Additionally, General Plan Policy N 1.3 and SC N-3 require residential developments within the Airport Area 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 and that interior noise levels would achieve 45 dBA CNEL or less. Therefore, impacts would be less than significant. The proposed Project would not result in any new adverse impacts or increase the severity of any previously identified impacts related to aircraft noise. No new information of substantial importance that was not

[19] Airport Land Use Commission, Airport Environs, Land Use Plan for John Wayne Airport. Available at https://files.ocair.com/media/2021-02/JWA_AELUP-April-17-2008.pdf?VersionId=cB0byJjdad9OuY5im7Oaj5aWaT1FS.vD. Accessed November 18, 2021.

known and could not have been known at the time the General Plan Program EIR was certified that would impact the prior finding under this threshold.

Cumulative Impacts

As discussed above, all construction and operational noise impacts would be less than significant. Construction noise impacts are by nature localized. The distance of separation among the proposed Project and other cumulative projects would be such that the temporary noise and vibration effects of the proposed Project would not be compounded or increased by similar noise or vibration effects from other cumulative projects. There are currently no known projects that would be under construction during the same time period within 0.25 mile of the project site. As discussed above, operational noise caused by the proposed Project would be less than significant. Due to site distance and these intervening land uses, cumulative stationary noise impacts would not occur. No known past, present, or reasonably foreseeable projects would compound or increase the operational noise levels generated by the Project. Therefore, cumulative impacts relative to temporary and permanent noise generation associated with the proposed Project would be less than significant.

As discussed above, the proposed Project would not cause a new noise impact to occur, nor an increase in the severity of a noise impact previously disclosed in the General Plan Program EIR. Implementation of the proposed Project would not alter the conclusions of the General Plan Program EIR analysis and would not result in a new or substantially more severe project-specific or cumulative noise or vibration impact than those already analyzed.

Mitigation Program

General Plan Policies

The following policies are applicable to the proposed Project and would be made conditions of approval.

- **N 1.1 Field Surveys for New Development**. Require that all proposed projects are compatible with the noise environment through use of Table N2, and enforce the interior and exterior noise standards shown in Table N3. Proposed projects located in areas projected to be exposed to a CNEL of 60 dBA and higher, as shown on Figure N5, shall (a) conduct a field survey to determine the existing levels of noise exposure and (b) project the levels that would result from the Plan's projected traffic increases as may be modified from those depicted on Figure N5 by existing building locations, topography, and traffic speed. Based on these findings, require that the project meet interior and exterior noise standards.
- **N 1.4 New Developments in Urban Areas**. Requires 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.
- **N 2.1 New Development.** Require that proposed noise-sensitive uses in areas of 60 dBA and greater, as determined the analyses stipulated by Policy N1.1, demonstrate that they meet interior and exterior noise levels.
- **N 2.2 - Design of Sensitive Land Uses:** Require the use of walls, berms, and interior noise insulation, double-paned windows, or other noise mitigation measures, as appropriate, in the design of new

residential or other new noise-sensitive land uses that are adjacent to major roads. Application of the Noise Standards in Table N3 of the Noise Element shall govern this requirement.

- **N 3.1 - New Development:** Ensure new development is compatible with the noise environment by using airport noise contours no larger than those contained in the 1985 JWA Master Plan, as guides to future planning and development decisions.
- **N 3.2 - Residential Development:** Require that residential development in the Airport Area be located outside of the 65 dBA CNEL noise contour no larger than shown in the 1985 JWA Master Plan and require residential developers to notify prospective purchasers or tenants of aircraft overflight and noise.
- **N 4.1 - Stationary Noise Sources:** Enforce interior and exterior noise standards outlined in Table N3 of the Noise Element 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.
- **N 4.6 - Maintenance or Construction Activities:** Require the enforcement of the Noise Ordinance noise limits and limits hours of maintenance or construction activity in or adjacent to residential areas, including noise that results from in-home hobby or work-related activities.
- **LU 6.15.3 - Airport Compatibility:** Require that all development be constructed in conformance with the height restrictions set forth by Federal Aviation Administration (FAA), Federal Aviation Regulations (FAR) Part 77, and Caltrans Division of Aeronautics, and that residential development be located outside of the 65 dBA CNEL noise contour specified by the 1985 JWA Master Plan.
- **LU 6.15.15 - Aircraft Notification:** Require that all neighborhood parks be posted with a notification to users regarding proximity to John Wayne Airport and aircraft overflight and noise.

Standard Conditions and Requirements

SC N-1 To ensure compliance with Newport Beach Municipal Code Section 10.28.040, grading and construction plans shall include a note indicating that loud noise-generating project construction activities (as defined in Section 10.28.040 of the Newport Beach Municipal Code) shall take place between the hours of 7:00 AM and 6:30 PM on weekdays that are not federal holidays and from 8:00 AM to 6:00 PM on Saturdays in any area of the City that is not designated as a high-density area. Loud, noise-generating construction activities are prohibited outside of these hours and on Sundays and federal holidays.

SC N-2 Heating, ventilation and air conditioning (HVAC) units shall be designed and installed in accordance with Section 10.26.045 of the Newport Beach Municipal Code, which specifies the maximum noise levels for new HVAC installations and associated conditions. All mechanical equipment shall be screened from view of adjacent properties and adjacent public streets, as authorized by a Site Development Review Permit.

SC N-3 Consistent with General Plan Policy N 1.4, all residential units shall be designed to ensure that interior noise levels in habitable rooms from exterior sources (including aircraft and vehicles on adjacent roadways) shall not exceed 45 dBA CNEL. This mitigation measure complies with the applicable sections of the California Building Code (Title 24 of the *California Code of Regulations*). Prior to granting of a building permit, the Applicant shall

submit to the City of Newport Beach Community Development Department for review and approval architectural plans and an accompanying noise study that demonstrates that interior noise levels in the habitable rooms of residential units would be 45 dBA CNEL or less. Where closed windows are required to achieve the 45 dBA CNEL limit, Project plans and specifications shall include ventilation as required by the California Building Code.

Conclusions

Accordingly, no new impacts relative to noise or a substantial increase in the severity of a previously identified significant impact evaluated in the General Plan Program EIR would occur. With regard to PRC Section 21166 and State CEQA Guidelines Section 15162(a), the Project would not result in any new impacts, or increase the severity of the previously identified impacts. Additionally, no new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified is available that would impact the prior finding of less than significant with mitigation. Therefore, preparation of a subsequent environmental analysis is not warranted.

3.13 Population and Housing

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

General Plan Significance Determination: Significant Unavoidable Impact. The General Plan Program EIR assumed that General Plan buildout would result in an increase the number of dwelling units by 14,215 units (approximately 12,515 multi-family units and approximately 1,700 single-family units), for a total of 54,394 units. Using a persons per household rate of 2.19, the General Plan Program EIR assumed that the 14,215 residential units would result in a population increase of approximately 31,131 residents. This increase would result in a total population of 103,753 persons at General Plan buildout.

The increase in residential units and the associated increase in population identified in the General Plan would exceed SCAG projections. The number of households in the City projected by SCAG by 2030 was 43,100 units, while the number of dwelling units under the General Plan was 54,394 units. The SCAG projected population was 94,167 residents by 2030, while the population resulting from the General Plan buildout would be approximately 10 percent higher, or 103,753 residents. The General Plan Program EIR concluded that since residential growth would substantially increase population growth within the City (by approximately 43 percent over 2002 population, and approximately 10 percent higher than existing SCAG projections), impacts on population growth would be considered significant. It was noted that the estimated population increase represented a conservative, worst-case scenario because it assumed that all allowed units would be built. Additionally, this estimate assumed that all residences in the City would be occupied. The City typically has a substantially higher vacancy rate than that of the County due to a higher percentage of vacation properties (seasonal housing).

Project-Specific Analysis and Significance Determination: Less than significant impact; no substantial change from previous analysis.

The proposed Project would allow for the development of multi-family apartment building units with 193 units, inclusive of 39 density bonus units. Assuming 2.19 persons per unit, the proposed Project would have a residential population of 423 persons. This increase in residential units and population represents approximately 1.5 percent of the growth anticipated under the General Plan. It is important to note that the General Plan Program EIR addressed the introduction of 4,300 multi-family residential units into the Airport Area; the adopted General Plan includes 2,200 multi-family units.

Project implementation would make progress on the City's housing goals and be consistent with projected growth in the City based on SCAG's growth forecasts. The City's 6th Cycle (2021-2029) RHNA allocation is 4,845 housing units: 1,050 moderate-income units, 1,409 above moderate-income units, 1,456 very low-income units, and 930 low-income units. Additionally, the Project does not include the extension of roads or other infrastructure to unserved areas, which could induce indirect growth. Therefore, the Project would not induce substantial unplanned population growth in the City. No significant impacts would occur, and no mitigation is required. The proposed Project would cause neither a new impact to occur nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

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

General Plan Significance Determination: No Impact. The General Plan Program EIR concluded that development would occur primarily by intensifying current land uses, and through the conversion of land uses of economically underperforming and obsolete development. No substantial demolition of residential uses was proposed in the General Plan. There was an allowance for the loss of ten single-family residential units in the West Newport Mesa subarea, only if these units are sold voluntarily by the owners. These properties could be converted to commercial uses. However, West Newport Mesa would also gain 1,070 multi-family residential units, which would be consistent with Policy LU 6.6.2, which promotes the development of a mix of residential types and building scales within the subarea. Because the General Plan does not propose uses that would displace substantial numbers of existing housing or people, no impact would occur.

Project-Specific Analysis and Significance Determination: No impact; no substantial change from previous analysis.

The project site is currently developed with a two-story office building with surface parking. No existing residential uses are located on the site; therefore, Project implementation would not displace existing housing, necessitating the construction of replacement housing. No impacts would occur, and no mitigation is required. The proposed Project would cause neither a new impact to occur nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

Cumulative Impacts

As discussed above, the proposed Project would not cause impact to population and housing to occur, nor an increase in the severity of any impacts previously disclosed in the General Plan Program EIR. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

Mitigation Program

General Plan Policies

The City of Newport Beach General Plan Housing Element for the 5th Cycle planning period includes policies applicable to the proposed Project that would be made conditions of approval.

- **H 2.1 -** Encourage preservation of existing and provision of new housing affordable to extremely low-, very low-, low-, and moderate-income households.
- **H 2.2 -** Encourage the housing development industry to respond to existing and future housing needs of the community and to the demand for housing as perceived by the industry.
- **H 2.3 -** Approve, wherever feasible and appropriate, mixed residential and commercial use developments that improve the balance between housing and jobs.

Standard Conditions and Requirements

No standard conditions are applicable to the proposed Project.

Conclusion

Accordingly, no new impacts relative to population and housing or a substantial increase in the severity of a previously identified significant impact evaluated in the General Plan Program EIR would occur. With regard to PRC Section 21166 and State CEQA Guidelines Section 15162(a), the Project would not result in any new impacts, or increase the severity of the previously identified impacts. Additionally, no new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified is available that would impact the prior finding of less than significant with mitigation. Therefore, preparation of a subsequent environmental analysis is not warranted.

3.14 Public Services

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

General Plan Significance Determination: Less than Significant Impact. The General Plan Program EIR found that impacts to fire services from implementation of the General Plan were less than significant assuming compliance with applicable regulations and General Plan policies. The General Plan Program EIR addressed the introduction of residential uses into the Airport Area. As previously addressed in this Addendum, the General Plan evaluated the construction of 4,300 multi-family units in the Airport Area; however, the adopted General Plan includes 2,200 multi-family units. The General Plan Program EIR noted that new Airport Area residential uses would increase demands for 24-hour medical service, and that an increase in density by both infill development and the conversion of low-rise properties to mid-rise and high-rise development would necessitate the addition of a ladder truck company at the Santa Ana Heights Fire Station (Fire Station 7).

New development would be required to comply with all applicable federal, State, and local regulations governing the provision of fire protection services. General Plan Policy LU 3.2 requires that growth and development be coordinated with the provision of adequate infrastructure. The General Plan Program EIR analysis concludes that compliance with applicable regulations and policies identified in the General Plan would ensure impacts would be less than significant.

Project-Specific Analysis and Significance Determination: Less Than Significant Impact; no substantial change from previous analysis.

The proposed Project would demolish an existing office building and develop a 193-unit, multi-family residential building with ground-level and two levels of subterranean parking. As discussed in Section 3.13, *Population and Housing*, the Project has the potential to generate 423 residents. This would incrementally increase the demand for service from the Newport Beach Fire Department (Fire Department), as well as potentially increase the Fire Department's response time to the project site.

Consistent with the findings of the General Plan Program EIR, the proposed Project would incrementally increase the Fire Department's demand for emergency medical services provided by the Fire Department. At the time of preparation of the General Plan Program EIR, it was forecasted that an additional ladder truck company would be needed at Fire Station 7. Because of changes in technology, building codes, and ongoing review of the current needs of the Fire Department, Fire Station 7 now requires a rescue ambulance with patient transport and advanced life support (ALS) capabilities instead of a ladder truck company without the need for new or expanded facilities. Fire Station 7 has the physical capacity to house a paramedic rescue ambulance unit and would be able to address the additional service demand. In addition to the ambulance unit and its appurtenant equipment, the paramedic rescue ambulance unit requires six firefighters that are cross-trained as paramedics to ensure the unit is available 24 hours a day.

General Plan Policy LU 2.8 and Policy LU 6.1.1 require that land uses can be adequately supported by transportation and utility infrastructure and by public services. Implementation of SC PS-2 would ensure appropriate levels of service to the Airport Area.

Given the proximity of the project site to Fire Station 7, Santa Ana Heights Fire Station (1.8 mile), and with implementation of SCs PS-1 and PS-2, the Fire Department would continue to maintain its service response goals and provide adequate staffing. Therefore, increases in service demand generated by the proposed Project would not have a substantial impact on the Fire Department's ability to adequately serve the project site. Therefore, the Project can be adequately served.

All new development would be required to comply with the existing International Fire Code and California Fire and Building Codes in the California Health and Safety Code. In addition, Chapter 10.48 of the City's Municipal Code authorizes the Fire Marshal to regulate weed and rubbish abatement in the City to reduce potential fire hazards from dry grasses, brush, garden refuse, etc. The Project would comply with the Fire Department's Fire Prevention Guidelines and Standards. By complying with these federal, State, and local regulations, adequate fire and emergency safety elements would be integrated into the Project, thereby reducing the risk for fire hazards.

The Fire Department's operating budget is generated through tax revenues. Facilities, personnel, and equipment expansion and acquisition are tied to the City budget process and tax-base expansion. Additionally, the Project would be subject to the City of Newport Beach Property Excise Tax (Municipal Code §3.12 et seq) established for public improvements and facilities associated with the City's Fire Department, public libraries, and public parks; see SC PS-1.

Accordingly, no new impacts relative to fire protection or a substantial increase in the severity of a previously identified significant impact evaluated in the General Plan Program EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified is available that would impact the prior finding of less than significant with mitigation.

Mitigation Program

General Plan Policies

The following policies are applicable to the proposed Project and would be made conditions of approval.

- **LU 2.8 Adequate Infrastructure:** 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).
- **LU 6.1.1 Adequate Community Supporting Uses.** Accommodate schools, government administrative and operational facilities, fire stations and police facilities, religious facilities, schools, cultural facilities, museums, interpretative centers, and hospitals to serve the needs of Newport Beach's residents and businesses.

Standard Conditions and Requirements

SC PS-1 Prior to the issuance of a building permit for the project, the Applicant shall pay the required Property Excise Tax to the City of Newport Beach, as set forth in its Municipal Code (§2.12 et seq.) for public improvements and facilities associated with the City of Newport Beach Fire Department, the City of Newport Beach Public Library, and City of Newport Beach public parks.

SC PS-2 In compliance with General Plan Policy LU 2.8 and Policy 6.1.1, prior to the issuance of a building permit for the residential structure, the Applicant, or any successors in interest, shall provide payment to the City of Newport Beach for the project's pro-rata share of the cost for purchasing and equipping a new rescue ambulance with patient transport and advanced life support (ALS) capabilities to be located at Santa Ana Heights Fire Station No. 7. This Standard Condition will be satisfied through the Applicant's payment of a Public Safety Fee.

Threshold (b) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection?

General Plan Significance Determination: Less than Significant Impact. The General Plan Program EIR determined build out of the General Plan would have a less than significant impact on police services. In order to maintain acceptable levels of service, the General Plan includes policies to ensure adequate law enforcement is provided as the City experiences future development (Policy LU 2.8). It was noted that to maintain the ratio of 1.7 officers per 1,000 residents (148 officers and 85,120 residents), the Newport Beach Police Department (Police Department) would have had to provide 53 additional officers by General Plan buildout. Maintaining the Police Department's ratio of 0.60 nonsworn personnel per sworn officer would result in the addition of 32 nonsworn personnel. The addition of 85 police personnel would require Police Department to expand police facilities. However, since Police Department did not have near-term plans for expansion of police facilities, staff, or equipment inventory, it was speculative to determine whether a new substation would be considered. All new development would be subject to the City's project-specific review. Therefore, the General Plan Program EIR found that impacts would be less than significant.

Project-Specific Analysis and Significance Determination: No impact; no substantial change from previous analysis.

Policy LU 2.8 of the General Plan provides that only land uses that can be adequately supported by the City's public services should be accommodated. Project implementation would introduce new residential uses and increase population in the City. Buildout of the proposed Project has the potential to generate 423 residents (see Section 4.11, *Population and Housing*). Based on the City's current ratio of officers to residents (1.6 officers per 1,000 residents), implementation of the Project would result in the demand for less than one additional police officer. It should be noted that the ratio of 1.6 officers per 1,000 residents is the current ratio but is not a ratio required by any City plan or policy.

The Police Department currently provides police services to the existing two-story office building for the existing office building tenants. The Police Department does not have any immediate or future plans to expand police facilities. Although the Project would incrementally increase demand for the City's police protection services, this demand would not require the construction of new facilities, nor would it require the expansion of existing facilities that would result in physical environmental impacts. Most new development will occur as infill development or redevelopment. Development on the project site has been considered in long-range planning efforts by the Police Department.

The Police Department's operating budget is generated through tax revenues, penalties, and service fees, and allowed government assistance. Facilities, personnel, and equipment expansion and acquisition are tied to the City budget process and tax-base expansion. Tax base expansion from development of the proposed Project would generate funding for the police protection services. Implementation of SC PS-3 related to site security and building and site safety design recommendations would ensure adequate police protection services can be provided to the project site. Therefore, the Project's impact on police protection services would be less than significant.

Mitigation Program

General Plan Policies

General Plan Policies LU 2.8 and 6.1.1 are applicable to the proposed Project.

Standard Conditions and Requirements

SC PS-1 and the following conditions are applicable.

SC PS-3 Prior to issuance of building permits, the City of Newport Beach Police Department shall review development plans for the incorporation of defensible space concepts to reduce demands on police services. Public safety planning recommendations shall be incorporated into the project plans. The Applicant shall prepare a list of project features and design components that demonstrate responsiveness to defensible space design concepts. The Police Department shall review and approve all defensible space design features incorporated into the project prior to initiating the building plan check process.

Threshold (c) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools?

General Plan Significance Determination: Less than Significant Impact. The General Plan Program EIR analyzed school capacity in Newport-Mesa Unified School District, Santa Ana Unified School District, and Laguna Beach Unified School District. At buildout, the student population in the City was estimated to increase by approximately 6,230 students. The Airport Area is served by the Santa Ana Unified School District. The General Plan Program EIR projected that the Airport Area would experience an increase of 4,300 residential units and contribute approximately 1,883 students (of the total 6,230 students generated citywide under General Plan buildout). The General Plan Program EIR also noted that anticipated growth within the Irvine Business Complex (IBC) would have the potential to cumulatively impact Airport Area schools. The General Plan includes goals and policies to address capacity issues for NMUSD and SAUSD. Buildout would likely require construction of new school facilities; however, the Program EIR concluded that compliance with General Plan policies would reduce impacts to less than significant.

Project-Specific Analysis and Significance Determination: Less Than Significant Impact; no substantial change from previous analysis.

Student generation rates are used by school districts to estimate the number of students generated by new development in order to determine whether existing school facilities would be adequate for future

student enrollment. As identified in **Table 3.14-1, *Student Generation*** using these student generation rates, the proposed 193 multi-family rental units would introduce approximately 84 students into the attendance area of Santa Ana Unified School District. The proposed Project would be served by Monroe Elementary, McFadden Intermediate, and Century High Schools. Based on the generation factors for the school district, the proposed Project would generate 37 elementary, 21 intermediate students, and 26 high school students.

Table 3.14-1: Student Generation

School Level	Multi-Family Rate	Number of Proposed Units	Students Potentially Generated by the Project
Elementary School (K-5)	0.1937	193	37
Intermediate School (6-8)	0.1111	193	21
High School (9-12)	0.1427	193	26
Total	--	--	**84**

Source: Santa Ana General Plan Update Draft Program EIR, 2021.

School funding comes predominantly from federal, State, and local contributions, such as business and personal income taxes, sales tax, property tax, etc. In accordance with Government Code Section 65995, the Santa Ana Unified School District requires all new development to pay fees to help offset the impacts to school facilities from new residential, commercial, and industrial development. The fees would be collected by school district at the time of issuance of building permits.

As stated in Government Code Section 65995(h), "The payment or satisfaction of a fee, charge, or other requirement levied or imposed …are hereby deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization …on the provision of adequate school facilities." Payment of these fees would offset impacts from increased demand for school services associated with development of the proposed Project by providing an adequate financial base to construct and equip new and existing schools. Overall, Santa Ana Unified School District would be able to provide adequate school facilities for the projected student residents of the Project, and payment of impact fees would ensure that impacts are offset and remain less than significant.

Parks

Refer to Section 3.15, *Recreation*.

Other Public Facilities?

General Plan Significance Determination: Less than Significant Impact. The General Plan Program EIR concluded a less than significant impact to library facilities from implementation of the General Plan. General Plan Policy LU 2.8 would help ensure that adequate library facilities are provided to the City's residents and that public services can adequately support new development. Compliance with policies contained in the General Plan would satisfy any future demand for library facilities. Impacts associated with library services were less than significant.

Project-Specific Analysis and Significance Determination: No impact; no substantial change from previous analysis.

The Project is anticipated to include 423 residents, thereby incrementally increasing the demand for City library services. Although future Project residents would be expected to primarily use the Central Library and Crean Mariners Library, they would have access to all libraries within the City's library system. The existing library space, collections, and programs provided are considered adequate for the existing residents, and the proposed residential development would have a nominal impact on library services. The City's library system would continue receiving funding for library facilities and resources through the City's General Fund; the property excise tax per Chapter 3.12 of the City's Municipal Code as set forth in SC PS-1; and library activities, such as fines, facility rentals, passport photo/execution fees, and grants and private donations. Overall, Project impacts to library services would be less than significant. Therefore, impacts on library facilities and services would be less than significant.

Cumulative

As discussed above, the proposed Project would not cause a new public services impact to occur, nor an increase in the severity of any public services, recreation, or utilities impacts previously disclosed in the General Plan Program EIR, with implementation of the standard conditions discussed in this section. Implementation of the proposed Project would not alter the conclusions of the General Plan Program EIR analysis and would not result in a new or substantially more severe project-specific or cumulative public services impact than those already analyzed.

Mitigation Program

General Plan Policies

General Plan Policies LU 2.8 and 6.1.1 are applicable to library services.

Standard Conditions

SC PS-1 is applicable.

Conclusion

Accordingly, no new impacts relative to public services or a substantial increase in the severity of a previously identified significant impact evaluated in the General Plan Program EIR would occur. With regard to PRC Section 21166 and State CEQA Guidelines Section 15162(a), the Project would not result in any new impacts, or increase the severity of the previously identified impacts. Additionally, no new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified is available that would impact the prior finding of less than significant with mitigation. Therefore, preparation of a subsequent environmental analysis is not warranted.

3.15 Recreation

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

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

General Plan Significance Determination: Less than Significant Impact. The General Plan Program EIR found that potential impacts on recreational facilities would be less than significant with the implementation of General Plan policies and requirements.

The General Plan Program EIR evaluated parks and recreational facilities on citywide basis and by service area. Twelve service areas were identified. The Airport Area is in Service Area 4—Santa Ana Heights/Airport Commercial. The General Plan Program EIR identified an existing park surplus (2006) for Service Area 4, noting that the two-acre Bayview Park and proximity to the Upper Bay recreation area provides recreational opportunities. A pocket park and joint use community center project with the YMCA were planned for this area. However, the General Plan identified a shortfall in active playfields and that the existing park uses did not account for future demand associated with multi-family residences in the Airport Area.

The General Plan Program EIR found that there would be a greater possibility for physical deterioration of recreational facilities because of the introduction of multi-family residential development into the Airport Area. Prior to the adoption of the 2006 General Plan Update, there were no residential units in or permitted by the General Plan in the Airport Area. The General Plan Program EIR noted that new Airport Area residents would most likely use Bonita Canyon Sports Park stating "However, this park is already being fully utilized, and the increased usage resulting from the increase in population could contribute to this facility's physical deterioration." It was noted that the policies under General Plan Goal R 2 would help ensure that existing parks and recreation facilities are maintained and preserved. Compliance with General Plan Policy R 2.1 would maintain existing park facilities, thereby reducing impacts related to deterioration.

With respect to the maintenance at preservation of existing parks and recreation facilities (General Plan Goal R 2), General Plan Policy R 2.1 states:

> **Policy R 2.1.** Use funding from the City's Park Dedication Fee Ordinance to enhance existing parks and recreational facilities.

For residential development in the Airport Area, the General Plan Program EIR concludes that with implementation of General Plan Policy R 2.1, impacts related to deterioration of parks and recreation facilities in the Airport Area would be less than significant.

It is important to note that both the General Plan Program EIR and the General Plan cross reference the Park Dedication Fee Ordinance to the mandates of the Quimby Act, which only apply to residential subdivisions. The Park Dedication Fee would therefore have been applicable to all of the multi-family units in the Airport Area based on the evaluation of 4,300 units in the General Plan Program EIR or 2,200 units adopted in the General Plan only if the residential developments include a subdivision (most typically for

for-sale residential). However, if any or all of the residential units do not require a subdivision, which is typically the case for for-rent residential developments, the fee would not apply.

In additional to compliance with General Plan Policy R 2.1 to mitigate impacts to existing park facilities, the General Plan places additional park and recreational requirements on residential villages in the Airport Area. Compliance with General Plan Policies LU 6.15.13 and LU 6.15.15 are identified as development requirements. General Plan Policy LU 6.15.13 was modified in the adopted General Plan as shown below. General Plan Policy LU 6.15.13 addresses standards for neighborhood parks in the Airport Area.

> **Policy LU 6.15.13.** To provide a focus and identity for the entire neighborhood and to serve the daily recreational and commercial needs of the community within easy walking distance of homes, require dedication and improvement of ~~dedicate and improve~~ at least 8 percent of the gross land area (exclusive of existing rights-of-way) of the first phase of development, or ½ acre, whichever is greater, ~~in each neighborhood~~ as a neighborhood park. This requirement may be waived by the City where it can be demonstrated that the development parcels are too small to feasibly accommodate the park or inappropriately located to serve the needs of local residents, and when an in-lieu fee is paid to the City for the acquisition and improvement of other properties as parklands to serve the Airport Area.
>
> In every case, the neighborhood park shall be at least 8 percent of the total Residential Village Area or one acre in area, whichever is greater, and shall have a minimum dimension of 150 feet. Park acreage shall be exclusive of existing or new rights-of-way, development sites, or setback areas. A neighborhood park shall satisfy some or all of the requirements of the Parkland Dedication Ordinance, as prescribed by the Recreation Element of the General Plan.
>
> ~~This requirement may be waived for the Quail Street residential neighborhood provided that it can be demonstrated that the development parcels are too small to feasibly accommodate the park. On-site common open space may be used to satisfy a portion of the parkland dedication requirements if the open space is at least 10,000 square feet in area; one side abuts a public right-of-way; and it is open to the public during daylight hours.~~

The General Plan Program EIR included proposed General Plan Policy R 1.3 related to the provision of on-site recreational amenities for high-density residential developments in the Airport Area. This draft policy was replaced with General Plan Policy LU 6.15.16 in the adopted General Plan. Both policies are provided below.

> **General Plan EIR: Policy R 1.3, High-Density Residential Developments.** Require developers of new high-density residential developments on parcels eight acres or larger, to provide on-site recreational amenities. For these developments, 44 square feet of on-site recreational amenities shall be provided for each dwelling unit in addition to the requirements under the City's Park Dedication Ordinance. On-site recreational amenities can consist of public urban plazas or squares where there is the capability for recreation and outdoor activity. These recreational amenities can also include swimming pools, exercise facilities, tennis courts, and basketball courts. Where there is insufficient land to provide on-site recreational amenities, the developer shall be required to pay the City of

Newport Beach cash in-lieu that would be used to develop or upgrade nearby recreation facilities to offset user demand as defined in the City's Park Dedication Fee Ordinance.

The acreage of on-site open space developed with residential projects may be credited against the parkland dedication requirements where it is accessible to the public during daylight hours, visible from public rights-of-way, and is of sufficient size to accommodate recreational use by the public. However, the credit for the provision of on-site open space shall not exceed 30 percent of the parkland dedication requirements.

Adopted General Plan: Policy LU 6.15.16: On-Site Recreation and Open Space Standards. Require developers of multi-family residential developments on parcels 8 acres or larger to provide on-site recreational amenities. For these developments, 44 square feet of on-site recreational amenities shall be provided for each dwelling unit in addition to the requirements under the City's Park Dedication Ordinance and in accordance with the Parks and Recreation Element of the General Plan. On-site recreational amenities can consist of public urban plazas or squares where there is the capability for recreation and outdoor activity. These recreational amenities may also include swimming pools, exercise facilities, tennis courts, and basketball courts. Where there is insufficient land to provide on-site recreational amenities, the developer shall be required to pay cash in-lieu that would be used to develop or upgrade nearby recreation facilities to offset user demand as defined in the City's Park Dedication Fee Ordinance.

The acreage of on-site open space developed with residential projects may be credited against the parkland dedication requirements where it is accessible to the public during daylight hours, visible from public rights-of-way, and is of sufficient size to accommodate recreational use by the public. However, the credit for the provision of on-site open space shall not exceed 30 percent of the parkland dedication requirements.

With respect to the maintenance at preservation of existing parks and recreation facilities (General Plan Goal R 2), General Plan Policy R 2.1 states:

Policy R 2.1. Use funding from the City's Park Dedication Fee Ordinance to enhance existing parks and recreational facilities.

In summary, the General Plan Program EIR concludes that "With implementation of Policy R 2.1, impacts related to deterioration of parks and recreation facilities in the Airport Area would be less than significant".

Project-Specific Analysis and Significance Determination: Less Than Significant Impact; no substantial change from previous analysis.

As discussed, the General Plan Program EIR identified significant impacts to existing recreational facilities caused by the introduction of residential development in the Airport Area. The deterioration of existing parks and recreational facilities caused by new residential development in this area would be mitigated through the use of funding from the City's Park Dedication Fee Ordinance. The Park Dedication Fee Ordinance applies to residential subdivisions. The proposed Project does not include or require a subdivision but does include on-site recreational amenities for residents. Additionally, as an incentive to the provision of affordable housing as a part of the Project, the Applicant is requesting a waiver of park in-lieu fees. The Applicant will pay a park fee in connection with the proposed transfer of 77 residential

units from the approved Uptown Newport Project, pursuant to Municipal Code Chapter 20.46 (Transfer of Development Rights).

With respect to recreational facilities, General Plan Policy LU 16-15.13 identifies that a public park equal to 8 percent of the gross land area of the total development, or a minimum 0.5-acre, whichever is greater, shall be provided. Therefore, the Project would be required to provide a 0.5-acre park on the approximate 1.97-acre site. The General Plan allows a waiver of its park dedication requirement where it can be demonstrated that the development parcels are too small to feasibly accommodate the park or inappropriately located to serve the needs of local residents. The Applicant is requesting a waiver of the General Plan Policy LU 16-15.13 public park dedication requirement.

General Plan Policy LU 6.15.16 requires developers of multi-family residential developments on parcels that are eight acres or larger to provide on-site recreational amenities. This policy is not applicable to project because the project site is less than eight acres.

The Project is consistent with the General Plan mitigation requirements and policies set forth in the General Plan Program EIR, including procedures for obtaining a waiver from provision of on-site park facilities, as well as State and City density bonus law. The Project would provide on-site recreational amenities for its residents including a clubroom, fitness center, swimming pool, and roof deck. As previously noted, the Applicant would pay park fees associated with the proposed transfer of 77 residential units from the approved Uptown Newport Project, pursuant to Municipal Code Chapter 20.46 (Transfer of Development Rights). For these reasons, Project impacts would be less than significant. The proposed Project would not result in any new adverse impacts or increase the severity of any previously identified impacts on recreation. No new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified that would impact the prior finding under this threshold.

Cumulative Impacts

As discussed above, the proposed Project would not cause impacts to recreation to occur, nor an increase in the severity of any impacts previously disclosed in the General Plan Program EIR. Implementation of the proposed Project would not alter the conclusions of the General Plan Program EIR analysis and would not result in a new or substantially more severe project or cumulative recreation impact than those already analyzed.

Mitigation Program

General Plan Policies

General Plan Policy LU 6.15.13 is applicable to the proposed Project. The Applicant is requesting a waiver of the 0.5-acre park dedication requirement and payment of a park in-lieu fee associated with the 0.5-acre park for the Project. If the waiver is granted by the decision-makers, General Plan Policy LU 6.15.13 would not be a condition of approval. The Applicant will pay in-lieu park fees associated with the 77 units transferred from the approved Uptown Newport Project.

Standard Conditions and Requirements

There are no additional standard conditions applicable to the proposed Project.

Conclusion

Accordingly, no new impacts relative to recreation or a substantial increase in the severity of a previously identified significant impact evaluated in the General Plan Program EIR would occur. With regard to PRC Section 21166 and state CEQA Guidelines Section 15162(a), the Project would not result in any new impacts, or increase the severity of the previously identified impacts. Additionally, no new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified is available that would impact the prior finding of less than significant with mitigation. Therefore, preparation of a subsequent environmental analysis is not warranted.

3.16 Transportation

This section summarizes the findings of the *Picerne Residential Traffic Impact Analysis* (Traffic Impact Analysis) prepared by the Ganddini Group, Inc. (Ganddini, 2021) to evaluate the potential traffic impacts associated with the proposed Project. The Traffic Impact Study is included in its entirety as Appendix F of the Addendum.

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

General Plan Significance Determination: Significant and Unavoidable Impact. The General Plan Program EIR Transportation Study evaluated: existing traffic conditions, future traffic conditions without implementation of the General Plan Update, and traffic conditions following implementation of the General Plan Update. The Transportation Study evaluated the following buildout scenarios: Without Project (buildout of the then current General Plan); With Project (buildout of proposed General Plan Update); and General Plan Update without surrounding regional growth.

The General Plan Program EIR concluded that implementation of the General Plan would contribute to a substantial impact at freeway ramps that exceeds thresholds and would result in operational deficiencies. Impacts related to freeway mainlines and ramps were considered significant because needed improvements exceeded the current maximum planned improvements. With improvements noted in the General Plan Circulation Element, growth related to General Plan buildout alone would be reduced to less than significant levels. The improvements included in the City of Newport Beach Circulation Element are detailed in the General Plan Program EIR.

General Plan Circulation Element Policies CE 6.1.1., CE 6.1.2, CE 6.1.3, CE 6.2.1, CE 6.2.2, CE 6.2.3, CE 5.1.14, CE 5.1.15, CE 5.1.16, CE 5.2.1, and CE 5.2.2 encourage alternative modes of transportation, use of intelligent transportation systems, encourage enhancement and maintenance of public water transportation services and expanded public water transportation uses and land support facilities. In addition, improvements at some intersections have been limited to protect bicycle and pedestrian safety. The General Plan Program EIR found that General Plan implementation would not conflict with existing policies regarding alternative transportation, and impacts were considered less than significant.

Project-Specific Analysis and Significance Determination: Less Than Significant Impact; no substantial change from previous analysis.

Methodology

The Traffic Impact Analysis provided an evaluation of morning and evening peak hour conditions at 13 intersections identified in **Table 3.16-1, *Traffic Study Area Intersections***. The study intersections are located in the cities of Newport Beach and Irvine. Of the 13 study intersections, 2 are controlled and maintained by the City of Irvine and 11 are controlled and maintained by the City of Newport Beach. Each intersection was analyzed using the methodology and parameters employed by the city in which the intersection is located. For "shared" intersections on the city boundary, the intersection analysis is based on the methodology used by the city that controls and maintains the signal.

Table 3.16-1: Traffic Study Area Intersections

No.	Intersection	Jurisdiction [1]	Traffic Control
1	Campus Dr (NS) at Bristol St North (EW)	Newport Beach	Signal
2	Irvine Ave/Campus Dr (NS) at Bristol St South (EW)	Newport Beach	Signal
3	Birch St (NS) at Bristol St North	Newport Beach	Signal
4	Birch St (NS) at Bristol St South (EW)	Newport Beach	Signal
5	MacArthur Blvd (NS) at Campus Dr (EW) [1]	Irvine/Newport Beach	Signal
6	MacArthur Blvd (NS) at Birch St (EW)	Newport Beach	Signal
7	MacArthur Blvd (NS) at Newport Place Dr/Von Karman Ave (EW)	Newport Beach	Signal
8	MacArthur Blvd (NS) at Jamboree Rd (EW) [1, 2]	Newport Beach/Irvine	Signal
9	MacArthur Blvd (NS) at Bison Ave (EW)	Newport Beach	Signal
10	Jamboree Rd (NS) at Campus Dr (EW) [1]	Irvine	Signal
11	Jamboree Rd (NS) at Bristol St North (EW)	Newport Beach	Signal
12	Jamboree Rd (NS) at Bristol St South (EW)	Newport Beach	Signal
13	Jamboree Rd (NS) at Eastbluff Dr/University Dr (EW)	Newport Beach	Signal

[1] For "shared" intersections on the boundary between the two cities, the city listed first indicates the city that maintains and controls the signal. Freeway ramp intersections are maintained and operated by Caltrans.
[2] Designated County of Orange Congestion Management Program (CMP) intersection.

Existing peak hour intersection volumes were developed from intersection turning movement counts primarily collected in January/February 2019 during typical weekday morning and evening peak periods of commuter traffic; the intersection of MacArthur Boulevard at Bison Avenue intersection was counted in May 2018. The morning peak period was counted between 7:00 AM and 9:00 AM and the evening peak period was counted between 4:30 PM and 6:30 PM. The actual peak hour within the peak period is the 4 consecutive 15-minute periods with the highest total volume of all approaches. Existing (2021) intersection volumes were developed by applying the City's Regional Traffic Annual Growth Rate of one percent per year to the measured volumes along applicable arterial highways (Irvine Avenue, Jamboree Road, and MacArthur Boulevard). This equates to a growth factor of 1.02 along those arterials with counts conducted in 2019 and a growth factor of 1.03 along those arterials with counts conducted in 2018.

The current COVID-19 pandemic and associated public health orders have generally resulted in a decrease in traffic volumes. Additionally, it is anticipated that the pandemic may have a lasting effect on travel behavior, such as an increase in telecommuting that may sustain lower peak hour volumes compared to pre-pandemic conditions. Therefore, use of the 2018/2019 counts with application the City's Regional Traffic Annual Growth Rate along the applicable arterials is considered to provide a conservative estimate of existing conditions.

Operating conditions for the ICU methodology are expressed in terms of "Level of Service," which is also referred to by its acronym, LOS. The ICU calculation returns a volume-to-capacity (V/C) ratio that translates into a corresponding level of service, ranging from LOS A, representing uncongested, free-flowing conditions; to LOS F, representing congested, over-capacity conditions. **Table 3.16.2, *Level of Service Descriptions,*** includes a summary description of each level of service and the corresponding V/C ratio or delay.

Table 3.16-2: Level of Service Descriptions		
Level of Service	**V/C Ratio**	**Description**
A	≤ 0.60	EXCELLENT – No vehicle waits longer than one red light, and no approach phase is fully used.
B	> 0.61 - ≤ 0.70	VERY GOOD – An occasional approach phase is fully utilized; drivers begin to feel somewhat restricted within groups of vehicles.
C	> 0.71 - ≤ 0.80	GOOD – Occasionally, drivers may have to wait through more than one red light; back-ups may develop behind turning vehicles.
D	> 0.81 - ≤ 0.90	FAIR – Delays may be substantial during portions of the rush hours, but enough lower volume periods occur to permit clearing of developing lines, preventing excessive back-ups.
E	> 0.91 - ≤ 1.00	POOR – Represents the most vehicles that the intersection approaches can accommodate; may be long lines of waiting vehicles through several signal cycles.
F	> 1.00	FAILURE – Back-ups from nearby locations or on cross streets may restrict or prevent movement of vehicles out of the intersection approaches. Tremendous delays with continuously increasing queue lengths.
LOS = Level of Service; ICU = Intersection Capacity Utilization; HCM = Highway Capacity Manual; V/C = volume-to-capacity Source: Ganddini, 2021.		

Performance Criteria

The City of Newport Beach target level of service for peak hour operation of signalized intersections is LOS D or better, except for designated intersections within the Airport Area shared with the City of Irvine, where LOS E is acceptable.

To determine whether the addition of project-generated trips at a signalized study intersection results in a significant impact, the City of Newport Beach has adopted the following thresholds of significance:

- A significant impact would occur when the addition of project-generated trips causes the level of service at a study intersection to deteriorate from an acceptable (LOS D, except for intersections on a CMP facility, or designated intersections in the Airport Area, where LOS E is acceptable) to a deficient level of service.
- A significant impact would occur when the addition of project-generated trips increases the ICU at a study intersection by one percent or more (v/c increases by 0.010 or more), worsening a projected baseline condition of LOS E or F.

Study Scenarios

Each of the study intersections has been analyzed for the following scenarios for this Addendum:

- Existing Conditions
- Year 2026 Without Project
- Year 2026 With Project
- General Plan Comparison: Post-2030 General Plan Buildout Without Project
- General Plan Comparison: Post-2030 General Plan Buildout With Project

The General Plan without regional growth scenario, which was included in the General Plan Program EIR is not addressed for the proposed Project. In the case of the General Plan Program EIR Transportation Study, the analysis evaluated General Plan Buildout conditions. The proposed Project's Traffic Impact Analysis evaluates both General Plan Buildout conditions and Year 2026 conditions. Because the analyses have determined that the proposed Project will have no significant traffic impacts under both scenarios, the evaluation of the hypothetical scenario, which isolates General Plan Buildout from regional growth was not prepared because it does not provide information needed to evaluate the potential effects of the Project.

Existing Conditions

Intersection Levels of Service

Existing AM and PM peak hour intersection operations are summarized on **Table 3.16-3, *Intersection Operations: Existing Conditions***. All study intersections are currently operating at an acceptable level of service (LOS D for all intersections, except LOS E for intersections in the Airport Area).

Table 3.16-3: Intersection Operations: Existing Conditions

No.	Intersection	Traffic Control	AM Peak Hour		PM Peak Hour	
			V/C	LOS	VC	LOS
1	Campus Dr (NS) at Bristol St North (EW)	S	0.54	A	0.68	B
2	Irvine Ave/Campus Dr (NS) at Bristol St South (EW)	S	0.67	B	0.52	A
3	Birch St (NS) at Bristol St North	S	0.64	B	0.55	A
4	Birch St (NS) at Bristol St South (EW)	S	0.48	A	0.48	A
5	MacArthur Blvd (NS) at Campus Dr (EW) [1]	S	0.48	A	0.81	D
6	MacArthur Blvd (NS) at Birch St (EW)	S	0.36	A	0.59	A
7	MacArthur Blvd (NS) at Newport Place Dr/Von Karman Ave (EW)	S	0.55	A	0.52	A
8	MacArthur Blvd (NS) at Jamboree Rd (EW) [1]	S	0.59	A	0.68	B
9	MacArthur Blvd (NS) at Bison Ave (EW)	S	0.68	B	0.59	A
10	Jamboree Rd (NS) at Campus Dr (EW) [1]	S	0.60	A	0.61	B
11	Jamboree Rd (NS) at Bristol St North (EW)	S	0.37	A	0.47	A
12	Jamboree Rd (NS) at Bristol St South (EW)	S	0.67	B	0.62	B
13	Jamboree Rd (NS) at Eastbluff Dr/University Dr (EW)	S	0.62	B	0.53	A

S = Signalized; V/C = volume to capacity; LOS = Level of Service
Bold and shaded values indicate intersections operating at LOS E or F per city standards.
1. Level of Service E is acceptable at this intersection.
Source: Ganddini, 2021.

Project Trip Generation

Trip generation estimates for the proposed Project were developed using the Institute of Transportation Engineers (ITE) *Trip Generation Manual* (10th Edition) publication. The ITE trip generation rates for general office building (Land Use Code 710) and multi-family housing (mid-rise) (Land Use Code 221) were used for the existing and proposed land uses. The project trip generation forecast is determined by multiplying the trip generation rates by the land use quantities.

Daily, morning peak hour, and evening peak hour trip generation estimates for the proposed Project are shown on **Table 3.16-4, *Project Trip Generation***. The existing office use is estimated to generate 324 daily trips with 38 trips during the morning peak hour and 38 trips during the evening peak hour. The Project is forecast to generate 1,050 daily trips with 69 trips during the morning peak hour and 85 trips during the evening peak hour. Therefore, the proposed Project is forecast to result in net increase of 726 new daily trips with 31 net new trips during the morning peak hour and 47 net new trips during the evening peak hour.

The project site is located in traffic analysis zone (TAZ) 1389 of the Newport Beach Traffic Model (NBTM). For TAZ 1389, the General Plan Program EIR assumed 132 multi-family dwelling units, 16,191 sf of general commercial, and 105,807 sf of general office. The Project proposes 193 multi-family housing units, an increase of 61 units when compared to the General Plan Program EIR (Table 3.16-4). The general office and general commercial assumptions are unchanged in this analysis.

Table 3.16-4: Project Trip Generation

Land Use	ITE Code	Unit	Trip Generation Rates						
				AM Peak Hour			PM Peak Hour		
			Daily	% In	% Out	Rate	% In	% Out	Rate
General Office Building	710	TSF	9.74	86%	14%	1.16	16%	84%	1.15
Multifamily Housing (Mid-Rise)	221	DU	5.44	26%	74%	0.36	61%	39%	5.44
Land Use	**Quantity**	**Unit**	**Year 2025 Trip Generation Estimates**						
				AM Peak Hour			PM Peak Hour		
			Daily	In	Out	Total	In	Out	Total
Existing General Office Building	33.292	TSF	324	33	5	38	6	32	38
Proposed Multifamily Housing (Mid-Rise)	193	DU	1,050	17	52	69	52	33	84
Net Project Trips			**+726**	**-16**	**+47**	**+31**	**+46**	**+1**	**+47**
Land Use	**Quantity**	**Unit**	**General Plan Buildout Trip Generation Estimates[1]**						
				AM Peak Hour			PM Peak Hour		
			Daily	In	Out	Total	In	Out	Total
Multifamily Housing (Mid-Rise)	61	DU	332	5	16	21	16	10	26

ITE = Institute of Transportation Engineers; TSF = thousand square feet; DU = dwelling unit
1. The General Plan comparison analysis evaluates the addition of 61 DUs to NBTM TAZ 1389. Project (193 DU) - TAZ 1389 (132 DU) = 61 DU.
Source: Ganddini, 2021.

Future Conditions

Future Year Cumulative Conditions includes traffic from pending projects in the cities of Newport Beach and Irvine, in addition to the approved projects. Pending projects are those in various stages of the application and approval process but are not yet approved. These projects are considered to be reasonably foreseeable projects in the vicinity of the project site. The cities of Newport Beach and Irvine were consulted and provided the list of cumulative projects to be included in this analysis. To account for

ambient growth on roadways, existing volumes were increased by a growth rate of one percent per year through 2026 along applicable arterial highways (Irvine Avenue, Jamboree Road, and MacArthur Boulevard) in accordance with the City of Newport Beach Regional Traffic Annual Growth Rate. This equates to a growth factor of 1.07 along arterials with counts conducted in 2019 and a growth factor of 1.08 along arterials with counts conducted in 2018. The cumulative projects list, provided as **Table 3.16-5, *Traffic Analysis Cumulative Projects***, includes the projects identified by the cities of Newport Beach and Irvine.

Year 2026 Without Project

Intersection Levels of Service

Year 2026 Without Project intersection operations are summarized in **Table 3.16-6, *Intersection Operations: Year 2026***. All study intersections are forecasted to operate at an acceptable level of service in both peak hours without the proposed Project.

Year 2026 With Project

Intersection Levels of Service

In this scenario, project-related peak hour traffic volumes were added to the Year 2026 Without Project traffic volumes (Table 3.16-6). The table includes the net change in ICU at the applicable study intersections. The addition of project-generated trips is not forecast to cause any study intersection to operate deficiently (LOS E or F) or worsen a deficient intersection operation by more than one percent of capacity. Therefore, the proposed Project is forecast to result in no significant impacts and no new mitigation measures are required.

Table 3.16-5: Traffic Analysis Cumulative Projects

No.	Description	Land Use	Qty	Units	Trip Generation Estimates						
					Daily			PM Peak Hour			
					In	Out	Total	In	Out	Total	Daily
City of Newport Beach											
NB1	1400 Bristol St Medical Offices	General Office Building (Existing)	37.515	TSF	43	17	60	29	57	86	941
		Medical-Dental OfficeBuilding (Proposed)	37.515	TSF							
NB2	Newport Beach Porsche	Auto Dealership	143.494	TSF	195	72	267	139	208	347	3,995
NB3	The Garden Restaurant	Quality Restaurant	10.240	TSF	6	2	8	55	29	84	971
		Commercial Retail	0.747	TSF							
NB4	Newport Village	Existing Uses			108	55	163	77	105	182	2,238
		John Siple/Johnson Yacht Sales	0.500	TSF							
		Sun Country Marine	1.000	TSF							
		Powerhouse Vehicle Sales	17.000	TSF							
		WCH-Duffield Marine	2.000	TSF							
		General Office Building	7.185	TSF							
		WCH-A'Maree's	8.100	TSF							
		Marina	68	Berths							
		Proposed Uses									
		Multi-family Housing (Mid-Rise)	108	DU							
		General Office	55.280	TSF							
		Car Show Room	7.900	TSF							
		Single-Family Detached Residential	14	DU							
		General Office	36.620	TSF							
		Duffield Marine Sales/Office	2.000	TSF							
		Boat Show Room	10	EMP							
		High-Turnover Sit-Down Restaurant	3.815	SF							
		Quality Restaurant	9.100	TSF							
		Marina	63	Berths							
NB5	Residences at Newport Center	Condominiums	28	DU	Nominal						
NB6	Starbucks-Birch	Fast-Food Restaurant w/ Drive-Thru (Existing)	2.565	TSF	63	62	125	12	16	28	896

Table 3.16-5: Traffic Analysis Cumulative Projects

No.	Description	Land Use	Qty	Units	Trip Generation Estimates						
					Daily			PM Peak Hour			
					In	Out	Total	In	Out	Total	Daily
		Coffee Shop w/ Drive Thru (Proposed)	2.565	TSF							
NB7	Newport Coast	Multi-family Housing	564	DU	413	932	1,345	926	557	1,483	14,778
		Single-Family Detached Residential	954	DU							
University of California, Irvine											
UCI	UCI North CampusHospital Project	Hospital	144	BEDS	526	163	689	202	520	722	8,550
		Ambulatory Care	225.000	TSF							
	UCI North Campus Child Health/Medical Office	Medical Office Building	168.000	TSF	331	79	410	162	414	576	5,531
City of Irvine											
IPA36-2	00850007-PPA	Warehouse Facility	138.230	TSF	66	13	79	14	51	65	573
	00821827-PCPM	Automotive Repair	10.309	TSF	15	8	23	15	17	32	245
IPA36-13	00832529-PMPC	Quality Restaurant	2.500	TSF	1	1	2	13	7	20	210
IPA36-15	00830587-PCPM	Private School (Office for Trip Gen Purposes)	5.621	TSF	6	1	7	1	6	7	55
Total					**1,773**	**1,405**	**3,178**	**1,645**	**1,987**	**3,632**	**38,983**

DU = Dwelling Unit, TSF = 1,000 square feet
Source: Ganddini, 2021.

Table 3.16-6. Intersection Operations: Year 2026

No.	Intersection	Traffic Control	Without Project				With Project				V/C Change		Significant Impact
			AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour				
			V/C	LOS	V/C	LOS	V/C	LOS	V/C	LOS	AM	PM	
1	Campus Dr (NS) at Bristol St North (EW)	S	0.562	A	0.700	B	0.564	A	0.700	B	+0.002	0.000	No
2	Irvine Ave/Campus Dr (NS) at Bristol St South (EW)	S	0.710	C	0.551	A	0.707	C	0.554	A	- 0.003	+0.003	No
3	Birch St (NS) at Bristol St North (EW)	S	0.688	B	0.590	A	0.692	B	0.589	A	+0.004	- 0.001	No
4	Birch St (NS) at Bristol St South (EW)	S	0.515	A	0.502	A	0.522	A	0.504	A	+0.007	+0.002	No
5	MacArthur Blvd (NS) at Campus Dr (EW) [1]	S	0.524	A	0.836	D	0.525	A	0.836	D	+0.001	0.000	No
6	MacArthur Blvd (NS) at Birch St (EW)	S	0.460	A	0.680	B	0.461	A	0.680	B	+0.001	0.000	No
7	MacArthur Blvd (NS) at Newport Pl Dr/Von Karman Ave (EW)	S	0.587	A	0.569	A	0.587	A	0.571	A	0.000	+0.002	No
8	MacArthur Blvd (NS) at Jamboree Rd (EW) [1]	S	0.742	C	0.806	D	0.741	C	0.811	D	- 0.001	+0.005	No
9	MacArthur Blvd (NS) at Bison Ave (EW)	S	0.727	C	0.660	B	0.728	C	0.659	B	+0.001	- 0.001	No
10	Jamboree Rd (NS) at Campus Dr (EW) [1]	S	0.677	B	0.670	B	0.677	B	0.673	B	0.000	+0.003	No
11	Jamboree Rd (NS) at Bristol St North (EW)	S	0.437	A	0.531	A	0.433	A	0.545	A	- 0.004	+0.014	No
12	Jamboree Rd (NS) at Bristol St South (EW)	S	0.732	C	0.695	B	0.733	C	0.698	B	+0.001	+0.003	No
13	Jamboree Rd (NS) at Eastbluff Dr/University Dr (EW)	S	0.690	B	0.625	B	0.691	B	0.626	B	+0.001	+0.001	No

S = Signalized; V/C = volume to capacity; LOS = Level of Service

Bold and shaded values indicate intersections operating at LOS E or F per city standards.

1. Level of Service E is acceptable at this intersection.

Source: Ganddini, 2021.

General Plan Comparative Analysis

A comparative analysis has been conducted to determine whether the proposed Project would result in any new or substantially more severe significant environmental impacts when compared to the conclusions of the City of Newport Beach General Plan Transportation Study (March 2006).

The project site is located in TAZ 1389 of the NBTM, used in the General Plan Program EIR traffic analysis. The NBTM TAZ 1389 includes 132 multi-family units, 16,191 sf of general commercial uses, and 105,807 sf of office uses. The Project proposes 193 multi-family rental units, a net increase of 61 units. Therefore, Post-2030 General Plan Buildout with Project conditions were determined by adding the net increase in dwelling units proposed within TAZ 1389 to the Post-2030 General Plan Buildout forecasts in the General Plan Program EIR. The general office and general commercial square footages stayed unchanged in this analysis.

Table 3.16-6, *Intersection Operation: Post-2030 General Plan Buildout Intersection Operations* compares the Post-2030 General Plan Buildout Plus Project ICU to the Post-2030 General Plan Buildout ICU shown in the General Plan Transportation Study. The proposed increase in General Plan buildout units is estimated to generate approximately 332 additional daily trips, including 21 additional trips during the morning peak hour and 26 additional trips during the evening peak hour (Table 3.16-4).

As shown in the table, without the proposed Project, the study intersections are forecast to operate at LOS D or better during the peak hours, except for the following intersections:

1. Campus Drive (NS) at Bristol Street North (EW) (Both AM/PM Peak Hours)
3. Birch Street (NS) at Bristol Street North (EW) (AM Peak Hour)
5. MacArthur Boulevard (NS) at Campus Drive (EW) (PM Peak Hour)
6. MacArthur Boulevard (NS) at Birch Street (EW) (PM Peak Hour)
10. Jamboree Road (NS) at Campus Drive (EW) (Both AM/PM Peak Hours)
12. Jamboree Road (NS) at Bristol Street South (EW) (AM Peak Hour)

The table also calculates the net change in ICU at the study intersections for Post- 2030 General Plan Buildout with Project conditions. The addition of project-generated trips is not forecast to cause any study intersection to operate deficiently (LOS E or F) or worsen a deficient intersection operation by more than one percent of capacity. Based on the significance criteria, the proposed Project is forecast to result in no significant level of service impacts at the study intersections and no mitigation is required. Based on this comparison, the proposed Project would not result in any new traffic impacts compared to those identified in the General Plan Program EIR Transportation Study.

Potential impacts associated with the proposed Project would either be the same or not substantially greater than those described in the General Plan Program EIR. In addition, there are no substantial changes to the circumstances under which the proposed Project would be undertaken that would result in more severe environmental traffic impacts than previously addressed in the General Plan Program EIR, nor has any new information regarding the potential for more severe significant environmental impacts been identified that would result in the previous analysis being inadequate. As such, no further analysis is required.

Table 3.16-7: Post-2030 General Plan Buildout Intersection Operations

No.	Intersection	Traffic Control	Without Project				With Project				V/C Change		Significant Impact
			AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour				
			V/C	LOS	V/C	LOS	V/C	LOS	V/C	LOS	AM	PM	
1	Campus Dr (NS) at Bristol St North (EW)	S	1.024	**F**	0.948	**E**	1.024	**F**	0.940	**E**	0.000	+0.001	No
2	Irvine Ave/Campus Dr (NS) at Bristol St South (EW)	S	0.893	D	0.774	C	0.893	D	0.775	C	0.000	+0.001	No
3	Birch St (NS) at Bristol St North (EW)	S	0.916	**E**	0.811	D	0.917	**E**	0.812	D	+0.001	+0.001	No
4	Birch St (NS) at Bristol St South (EW)	S	0.547	A	0.625	B	0.550	A	0.626	B	+0.003	+0.001	No
5	MacArthur Blvd (NS) at Campus Dr (EW) [1]	S	0.809	D	1.241	**F**	0.809	D	1.241	**F**	0.000	0.000	No
6	MacArthur Blvd (NS) at Birch St (EW)	S	0.796	C	1.016	**F**	0.796	C	1.017	**F**	0.000	+0.001	No
7	MacArthur Blvd (NS) at Newport Pl Dr/Von Karman Ave (EW)	S	0.562	A	0.682	B	0.562	A	0.683	B	0.000	+0.001	No
8	MacArthur Blvd (NS) at Jamboree Rd (EW) [1]	S	0.877	D	0.858	D	0.877	D	0.859	D	0.000	+0.001	No
9	MacArthur Blvd (NS) at Bison Ave (EW)	S	0.775	C	0.792	C	0.775	C	0.792	C	0.000	0.000	No
10	Jamboree Rd (NS) at Campus Dr (EW) [1]	S	0.930	**E**	1.180	**F**	0.930	**E**	1.181	**F**	0.000	+0.001	No
11	Jamboree Rd (NS) at Bristol St North (EW)	S	0.681	B	0.606	B	0.683	B	0.611	B	+0.002	+0.005	No
12	Jamboree Rd (NS) at Bristol St South (EW)	S	0.942	**E**	0.867	D	0.944	**E**	0.869	D	+0.002	+0.002	No
13	Jamboree Rd (NS) at Eastbluff Dr/University Dr (EW)	S	0.681	B	0.667	B	0.681	B	0.667	B	0.000	0.000	No

S = Signalized; V/C = volume to capacity; LOS = Level of Service
Bold and shaded values indicate intersections operating at LOS E or F per city standards.
2. Level of Service E is acceptable at this intersection.
Source: Ganddini, 2021.

Construction Traffic

Construction of the proposed Project would add construction-related trips to and from the site during construction activities. These trips are associated with construction activities, including construction workers, grading, and construction of structures and site features.

Throughout construction, the size of the work crew reporting to the site each day would vary depending on the construction phase and the different activities taking place at the time. Until the parking structure is completed, the work crew (up to 50 to 60 persons) would park off of the site at a location to be determined. Workers would be prohibited from parking on the City streets. Construction parking would be on the site once the parking structure is completed.

Large construction equipment such as bulldozers, loaders, scrapers, and pavers would be required during various construction phases. Large equipment is generally brought to the site at the start of the construction phase and kept on site until its term of use ends. A staging area would be designated on-site to store construction equipment and supplies during construction.

The Applicant will be required to provide a Construction Management Plan and identify planned travel patterns for haul vehicles. The haul route to and from the project site for all dirt haul-off operations would be from SR-73. Trucks would enter the site from Bristol Street North; trucks would exit the site from Spruce Street and continue to Bristol Street North. The contractor would be required to obtain a Haul Route Permit from the City of Newport Beach.

Impacts from construction traffic would be limited to occasional and temporary delays to traffic during the movement of heavy equipment or transport of heavy loads to and from the site. The arrivals and departures of dirt-hauling trucks and other heavy trucks will be scheduled to minimize traffic during the peak hours. The Applicant would be required to identify planned travel patterns for haul vehicles (SC TRAN-1). Construction management requirements, such as complying with peak hour restrictions, using flag men for short-term obstructions, and a formal traffic control plan for extended lane and street closures would be required. Impacts would be less than significant. Therefore, no new significant impacts result from Project modification or changed circumstances, and no revisions to the General Plan Program EIR are necessary.

Threshold (b) Would the project conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b)?

This State CEQA Guidelines Appendix G checklist question and the referenced CEQA Guidelines section were added to the CEQA Guidelines updates in 2018, and therefore were not addressed in the certified General Plan Program EIR in 2006.

When the City's General Plan Program EIR was approved in 2006, the applicable traffic threshold was Level of Service (LOS), not Vehicle Miles Traveled (VMT). On September 27, 2013, SB 743 was signed into law and started a process that would change transportation impact analysis as part of CEQA compliance. These changes include the elimination of auto delay, LOS, and similar measures of vehicular capacity or traffic congestion as a basis for determining significant environmental impacts. On January 20, 2016, the Office of Planning and Research 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 allowed lead agencies an opt-in period to adopt the guidelines before the mandatory date adoption of July 1, 2020. However, since LOS was the applicable threshold when the General Plan Program EIR was

approved, settled CEQA case law dictates that LOS, not VMT, is the applicable CEQA standard for the proposed Project.

A CEQA Addendum is appropriate when some changes to a prior EIR are necessary but (1) there are no substantial changes to a project which require major revisions to the previous EIR due to new or increased environmental impacts; (2) there are no substantial changes to the circumstances under which a project is undertaken which require major revisions to the EIR due to new or increased environmental impacts; and (3) there is no new information showing that the project would have significant effects not discussed in the prior EIR or showing that new mitigation measures or alternatives are feasible or required. (14 Cal Code Regs §15164(b).) Preparation of an addendum is based on whether there have been any substantial changes to the project's physical environmental impacts or whether there are any new physical environmental impacts. The purpose of a CEQA Addendum is to compare physical project impacts with what was evaluated in the prior EIR to determine whether major revisions to the EIR are required. (See *Fund for Environmental Defense v. County of Orange* (1988) 204 Cal.App.3d 1538.)

Level of Service was the applicable threshold when the City certified the General Plan Program EIR in 2006. The mandate requiring lead agencies to use VMT as a threshold for evaluating traffic impacts was adopted in 2018 and effective in 2020. It does not constitute "new information" requiring additional environmental review nor does it affect the assessment of project environmental impacts or mitigation measures compared to those analyzed in the General Plan Program EIR. The potential environmental impacts regarding the amount of travel associated with the General Plan was known at the time that General Plan Program EIR was certified. Settled CEQA case law supports reliance on level of service as the appropriate threshold by which to measure traffic impacts of proposed Project.

For informational purposes, the Traffic Impact Analysis addressed VMT. The proposed Project was assessed in accordance with guidance provided by the City of Newport Beach *SB743 Implementation* (April 6, 2020) (VMT Guidelines). The transportation guidelines provide a framework for "screening thresholds" for certain projects that are expected to cause a less than significant impact without conducting a detailed VMT study. The proposed Project is a residential land use.

The City's VMT Guidelines contain a map of VMT per capita for existing Newport Beach residential areas. VMT per capita in each area is compared to the regional average VMT per capita for Orange County. This map shows areas where residential developments have a VMT per capita lower than the Orange County regional average and may therefore be presumed to result in a less than significant VMT impact based on guidance provided in the OPR Technical Advisory.

The proposed Project is located in the Orange County Transportation Analysis Model (OCTAM) 5 TAZ 1366 and is in an area with low residential VMT per capita (lower than 85 percent of Countywide average VMT per capita). Therefore, the proposed Project would have a less than significant impact on VMT because it satisfies the City-established screening criteria. No mitigation is required.

Therefore, no new significant impacts result from Project modification or changed circumstances, and no revisions to the General Plan Program EIR are necessary. No changes or new information would require preparation of an EIR.

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

General Plan Significance Determination: Less than Significant Impact. The General Plan Program EIR concluded that impacts related to geometric design features would be less than significant. General Plan policies in the Circulation Element and the Land Use Element (CE 1.3.2, 2.2.1, 2.2.5) provide for maintaining and enhancing existing roadways, increasing safety of roadways, and balancing safety, quality of life and efficiency in the design of circulation and access. Compliance with General Plan policies would help reduce hazards due to design features. This impact would be less than significant.

Project-Specific Analysis and Significance Determination: No impact; no substantial change from previous analysis.

The project site is already developed, and the proposed development would be accessed by roadways and driveways into the project site. Vehicular access to the project site is currently provided by one driveway on Spruce Street (unrestricted turn movements), and one driveway on Bristol Street North (right-in, right-out movements). Project implementation would retain the same vehicular access.

Driveway 1: The driveway on Spruce Street would remain and would provide unrestricted turn movements. The driveway would lead into an on-site internal drive lane that would wrap around the north and east residential building perimeter. The internal roadway would also serve as emergency vehicle access. Entrance to the parking structure would be provided from the driveway on Spruce Street.

Driveway 2: The Bristol Street North driveway would be retained as part of the Project and have right-in, right-out access. Similarly, the driveway would lead to the internal drive lane around the residential building, eventually connecting with the Driveway 1 at Spruce Street. An entrance to the parking structure is also provided from Driveway 2.

All entrances to the parking structure would have a high-speed roll-up gate. The roll-up gates for ground level parking would be open during normal business hours. The entrance to subterranean parking garage would be restricted to residents with key-card access.

The proposed Project would not introduce incompatible uses to area roadways. The Project would be designed in compliance with all applicable State and City building codes and would meet City of Newport Beach standards for design, including sight distance at all intersections (SC TRAN-2). The Project would not introduce roadway hazards or incompatible uses. It would not increase transportation hazards in comparison to the General Plan. Impacts would be less than significant. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

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

General Plan Significance Determination: Less than Significant Impact. The General Plan Program EIR found that impacts related to emergency access were less than significant. Projects would be required to meet all applicable local and state regulatory standards for adequate emergency access. General Plan policies related to disaster planning include measures for effective emergency response to natural or human-induced disasters that minimizes the loss of life and damage to property and reducing disruptions in the delivery of vital public and private services during and following a disaster. Therefore, the General

Plan Program EIR concluded that with compliance with applicable regulatory standards and Municipal Code and Fire Code requirements regarding emergency access, impacts would be less than significant.

Project-Specific Analysis and Significance Determination: No impact; no substantial change from previous analysis.

As addressed under Threshold c, the proposed Project would retain the existing vehicular access and would not introduce incompatible uses to area roadways. The Project would not adversely impact public roads or introduce features that would adversely affect vehicular, pedestrian, or bicycle circulation in the vicinity of the site. In addition, Project traffic would not result in substantial delays and congestion that would affect the circulation of emergency vehicles in the study area compared to the General Plan Program EIR. The proposed Project would not result in new impacts in comparison to the General Plan Program EIR.

Project traffic would not result in substantial delays and congestions that would affect the circulation of emergency vehicles in the study area. The on-site access road would meet requirements for fire access roads in the California Fire Code (CCR Title 24 Part 9), Section 503. The proposed Project would not require new mitigation and emergency access impacts are considered less than significant. This determination of less than significant impact is supported by the previously certified EIR prepared for the General Plan. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

Cumulative

As discussed above, the proposed Project would not cause a transportation impact to occur, nor an increase in the severity of any transportation impacts previously disclosed in the General Plan Program EIR, with implementation of the mitigation measures discussed in this section. Implementation of the proposed Project would not alter the conclusions of the General Plan Program EIR analysis and would not result in a new or substantially more severe project-specific or cumulative transportation impact than those already analyzed.

Mitigation Program

Relevant General Plan Policies

The following policies are applicable to the proposed Project and would be made conditions of approval.

- **CE 2.1.1 Level of Service Standards:** Plan the arterial roadway system to accommodate projected traffic at the following level of service standards:
  - Level of Service (LOS) "D" throughout the City, unless otherwise noted.
  - LOS "E" at the following Airport Area intersection: Campus Drive (NS) at Bristol Street North (EW) and any intersection shared with Irvine.
  - LOS "E" at the following intersections in the pedestrian oriented area of Coast Highway in Mariners' Mile: Riverside Avenue (NS) at Coast Highway (EW) and Dover Drive (NS) at Coast Highway (EW).
  - LOS "E" at Marguerite Avenue (NS) at Coast Highway (EW) in the pedestrian oriented area of Coast Highway in Corona del Mar.

  - Accept LOS "E" at Goldenrod Avenue (NS) at Coast Highway (EW) in the pedestrian oriented area of Coast Highway in Corona del Mar.

- **CE 2.1.2 - Street and Highway Network:** Construct the circulation system described on the map entitled Newport Beach Circulation Element-Master Plan of Streets and Highways shown in Figure CE1 and Figure CE2 (cross-section).
- **CE 2.2.3 Traffic Control**. Design traffic control measures to ensure City streets and roads function with safety and efficiency.
- **CE 2.2.4 Driveway and Access Limitations**. Limit driveway and local street access on arterial streets to maintain a desired quality of traffic flow. Wherever possible, consolidate driveways and implement access controls during redevelopment of adjacent parcels.
- **CE 2.2.6 Emergency Access**. Provide all residential, commercial, and industrial areas with efficient and safe access for emergency vehicles.
- **CE 5.1.1 – Trail System.** Promote construction of a comprehensive trail system as shown on Figure CE4.
- **CE 5.1.2 - Pedestrian Connectivity:** Link residential areas, schools, parks, and commercial centers so that residents can travel within the community without driving.
- **CE 5.1.3 - Pedestrian Improvements in New Development Projects:** Require new development projects to include safe and attractive sidewalks, walkways, and bike lanes in accordance with the Master Plan, and, if feasible, trails.
- **CE 5.1.4 - Linkages to Citywide Trail System and Neighborhoods:** Require developers to construct links to the planned trail system, adjacent areas, and communities where appropriate.
- **CE 5.1.5 - Bikeway System:** Cooperate with state, federal, county, and local agencies to coordinate bikeways and trails throughout the region.
- **CE 5.1.6 - Bicycle Supporting Facilities:** Incorporate bicycle and pedestrian facilities in the design plans for new streets and highways and, where feasible, in the plans for improving existing roads.
- **CE 5.1.7 - Bicycle Safety:** Provide for safety of bicyclists, equestrians, and pedestrians by adhering to current national standards and uniform practices.
- **CE 5.1.8 - Bicycle Conflicts with Vehicles and Pedestrians:** Minimize conflict points among motorized traffic, pedestrians, and bicycle traffic.
- **CE 5.1.17 - Pedestrian Connectivity:** Link residential areas, schools, parks, and commercial centers so that residents can travel within the community without driving.
- **CE 6.2.2 Support Facilities for Alternative Modes:** Require new development projects to provide facilities commensurate with development type and intensity to support alternative modes, such as preferential parking for carpools, bicycle lockers, showers, commuter information areas, rideshare vehicle loading areas, water transportation docks, and bus stop improvements.
- **CE 6.2.3 - Project Site Design Supporting Alternative Modes:** Encourage increased use of public transportation by requiring project site designs that facilitate the use of public transportation and walking.

Standard Conditions and Requirements

SC TRAN-1 **Construction Management Plan.** Prior to issuance of any building permit, the Applicant shall submit for City of Newport Beach Community Development Director and Traffic Engineer review and approval a Construction Management Plan for the Project. The Plan shall identify construction phasing and address traffic control for any temporary street closures, detours, or other disruptions to traffic circulation and public transit routes. The Plan shall identify the routes that construction vehicles shall use to access the site, the hours of construction traffic, traffic controls and detours, construction materials and vehicle staging areas, and temporary parking arrangements for the construction workers.

SC TRAN-2 Sight distance at all intersections shall comply with City of Newport Beach standards.

Conclusion

Accordingly, no new impacts relative to transportation or a substantial increase in the severity of a previously identified significant impact evaluated in the General Plan Program EIR would occur. With regard to PRC Section 21166 and State CEQA Guidelines Section 15162(a), the Project would not result in any new impacts, or increase the severity of the previously identified impacts. Additionally, no new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified is available that would impact the prior finding of less than significant with mitigation. Therefore, preparation of a subsequent environmental analysis is not warranted.

3.17 Utilities and Service Systems

Threshold (a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm drainage, electrical power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?

Water

General Plan Significance Determination: Less than Significant Impact. The City's water suppliers are the City, the Mesa Consolidated Water District (MCWD), and the Irvine Ranch Water District (IRWD), which source their imported water from the Municipal Water District of Orange County (MWDOC). The General Plan Program EIR concluded that the City's three water suppliers would have enough capacity to serve General Plan development and that no relocation or expansion of water facilities was required. Impacts would be less than significant. All of service providers use groundwater and recycled water to supplement their supply. Development consistent with the General Plan would increase water demand within the City; MWDOC indicated that its 2030 projected availability of imported water supply would exceed the 2030 projected regionwide demand for imported water supply by at least 155,000 acre-feet. Therefore, MWDOC would be able to meet 100 percent of the City's imported water needs through 2030, as shown in **Table 3.17-1, *Projected Potable Water Supply and Demand (2005 UWMP).***

Table 3.17-1: Projected Potable Water Supply and Demand (2005 UWMP)

Water Source	2005	2010	2015	2020	2025	2030
MWDOC	6,404	5,758	6,157	6,392	6,226	6,256
OCWD	11,927	13,590	14,921	14,778	14,990	14,960
Recycled Water	317	444	478	500	500	500
Total Water Demand	**18,648**	**19,792**	**21,556**	**21,640**	**21,716**	**21,716**
Projected Demand	**18,648**	**19,792**	**21,556**	**21,640**	**21,716**	**21,716**

MWDOC= Municipal Water District of Orange County; OCWD = Orange County Water District.
Source: City of Newport Beach, 2015 Urban Water Management Plan Table 3-5, Table 4-8.

According to the General Plan Program EIR, the City provided approximately 1,200 AFY of the irrigation demand using recycled water. Policy NR 2.1 of the General Plan encourages the use of recycled water in the City by continuing to provide financial incentives, staff assistance, and training opportunities for customers, and expanding recycled water infrastructure and programs, when feasible. Future recycled water infrastructure developments, if necessary, would require further environmental review when project-level details are known. Therefore, impacts associated with the construction of new recycled water conveyance systems within the City were considered less than significant.

The General Plan Program EIR identified that new development would be subject to site-specific evaluation of existing water system's capacity to serve the development. If improvements are required, developers are required to pay its share of costs of all or portions of the needed improvements. General Plan Policy LU 2.8 directs the City to accommodate land uses that can be adequately supported by infrastructure, including water treatment and conveyance facilities. Therefore, overall impacts to the three water suppliers were found to be less than significant.

Project-Specific Analysis and Significance Determination: No impact; no substantial change from previous analysis.

The project site is within the service area of the City of Newport Beach. As it applies to the proposed Project, the *Newport Beach 2020 Urban Water Management Plan* (2020 UWMP) is the applicable planning document for evaluating water supply and demand. According to the 2020 UWMP, Newport Beach's 2020 water supply was approximately 15,005 AF, which was combination of 10,237 acre-feet (AF) of groundwater, 4,255 AF of imported water, and 513 AF of recycled water. **Table 3.17-2, *Newport Beach Projected Water Supplies*** shows the forecasted water supply for the City through year 2045.

Table 3.17-2: Newport Beach Projected Water Supplies (AF)

Water Supply	Additional Detail	2020	2025	2030	2035	2040	2045
Groundwater (not desalinated)	Orange County Groundwater Basin	10,237	12,175	12,605	12,729	12,869	12,838
Purchased or Imported Water	MWDOC	4,255	2,149	2,224	2,246	2,271	2,265
Recycled Water	OCWD	513	542	542	542	542	542
	Total	**15,005**	**14,866**	**15,371**	**15,517**	**15,682**	**15,645**

AFY = acre-feet; MWDOC=Municipal Water District of Orange County; OCWD=Orange County Water District

Source - *Newport Beach 2020 Urban Water Management Plan, Arcadis U.S., Inc. (2021)*

Due to OCWD's plans to increase regional groundwater recharge, the basin production percentage (BPP) is expected to be 85% starting in 2025 (Refer to Section 6.3.4). The BPP is only applied to the City's potable water supply. Volumes of groundwater and imported water may vary depending on OCWD's actual BPP projections, which are established annually.

This table only considers direct use of recycled water - this does not include indirect potable recharge.

The Project includes 193 multi-family dwelling units. The 2020 UWMP noted that the daily per capita water usage was 160 gallons per capita per day. The number of persons expected to reside in each residential unit is 2.19 persons, which is the average cited by the Department of Finance for Newport Beach for 2020 (DOF, 2020). Therefore, approximately 423 residents are associated with the proposed Project. The projected water demand for the Project is shown in **Table 3.17-3, *Potable Water Demand***.

Table 3.17-3: Potable Water Demand

Land Use	Unit Count	Expected Population	Demand Factor	Gallons per Day (gpd)	Acre-Feet per Year (AFY)
High Density Residential	193 DU	423	160 gpcd	67,680	75.8

Gpd = gallons per day; gpcd = gallons per capita per day; DU = dwelling unit; AFY = acre-feet per year

Source for per capita generation rate: Newport Beach 2020 Urban Water Management Plan.

Buildout of the proposed Project is estimated to generate a water demand of approximately 67,680 gpd, or 75.8 AFY (Table 3.17-3), which does not account for the water use associated with the existing office building. This worst-case demand represents less than one percent of Newport Beach's anticipated water demand for through 2045 under normal year, single dry year, and multiple dry year conditions. The 2020 UWMP found that the City's supply capabilities are expected to balance anticipated total water use

and supply and to accommodate normal years, single dry years, and multiple dry-year events. The UWMP indicated that there is adequate existing and planned water supply to accommodate future development accounted for in the General Plan inclusive of the City's Regional Housing Needs Assessment (RHNA) allocation for the 6th Cycle planning period of 2021-2029 and its associated water demands. The 2020 UWMP provides updated water demand and supply projections, shown in **Table 3.17-4**, ***Newport Beach Current and Projected Water Demand.***

Table 3.17-4: Newport Beach Current and Projected Water Demand (AFY)

Water Source	2020	2025	2030	2035	2040	2045
Potable Water, Raw, Other Non-potable	14,492	14,324	14,829	14,975	15,140	15,103
Recycled Water Demand	513	542	542	542	542	542
Total Water Demand	**15,005**	**14,866**	**15,371**	**15,517**	**15,682**	**15,645**

AF = acre-feet
Source: Newport Beach, 2021.

Therefore, no relocation or construction of new water facilities would be required. No new impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the General Plan.

Wastewater

General Plan Significance Determination: Less than Significant Impact. The General Plan Program EIR concluded that implementation of the General Plan would produce an additional 4.12 million gallons per day (mgd) of wastewater. The additional 4.12 mgd of wastewater would be treated at Orange County Sanitation District (OCSD) Reclamation Plants Nos. 1 and 2. Reclamation Plant No. 1 had a capacity of 174 mgd and treated an average flow of 90 mgd, approximately 52 percent of its design capacity. Reclamation Plant No. 2 had a capacity of 276 mgd and treated an average of 153 mgd, approximately 55 percent of its design capacity. The additional 4.12 mgd from buildout of the General Plan was determined to be nominal compared to the capacities of the two plants. In addition, policies within the General Plan require adequate wastewater facilities and conveyance systems to be available to the City residents through renovations, installations, and improvements when needed. Impacts were determined to be less than significant.

Project-Specific Analysis and Significance Determination: Less than Significant Impact; no substantial change from previous analysis.

The proposed Project would include up to 193 multi-family rental units with structured parking, and various amenities, including a club room, fitness center, swimming pool, and roof deck. The General Plan Program EIR evaluated up to 4,300 residential units in the Airport Area; the General Plan was adopted for up to 2,200 residential units. As such, the proposed residential development is consistent with the assumptions in the General Plan for the Airport Area.

The total area of the project site is 1.97 acres. Using the typical unit flow factor of 2,500 gpd/ac, the existing flow at the project location is calculated as 4,925 gpd. According to the Sewer Capacity Study, the residential unit flow factors range from 110 gpd/du to 240 gpd/du. Based on a review of similar parcels

within the City, a generation rate of 160 gpd/du has been selected for the subject parcel. Given the proposed 193 dwelling units, the calculated daily flow for the proposed condition is 30,880 gpd. As a result, the total increase in daily flow is calculated as the difference between the proposed flow and existing flow at the project site, being 25,955 gpd, as identified in **Table 3.17-5, *Total Daily Flow Increase at the Project Site***.

Table 3.17-5: Total Daily Flow Increase at the Project Site

Existing Flow at Project Site (gpd)	Proposed Flow at Project Site (gpd)	Net Increase in Flow (gpd)
4,925	30,880	25,955

gpd = gallons per day
Source: Sewer Capacity Study, Tait, 2021.

Wastewater collected by the City would be treated at OCSD's treatment plants in Fountain Valley (Plant No. 1) and Huntington Beach (Plant No. 2). Plant No. 1 has a total rated primary capacity of 108 mgd and a secondary treatment capacity of 80 mgd. Plant No. 2 has a rated primary capacity of 168 mgd and secondary treatment capacity of 90 mgd. Collectively, the two plants have an average daily wastewater flow of 185 mgd[20]. Given that the proposed Project would generate an additional 25,955 gpd or 0.02 mgd of wastewater, this increase is nominal compared to the combined residual capacity of both treatment plants. Therefore, existing wastewater treatment facilities would accommodate the project-generated wastewater and continue maintaining a substantial amount of remaining capacity for future wastewater treatment. If the proposed Project requires new sewer flow connections through OCSD, all connections are required to comply with current OCSD design guidelines and pay a sewer connection fee. The proposed Project would not result in any new adverse impacts or increase the severity of any previously identified impacts related to wastewater. No new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified that would impact the prior finding under this threshold. Therefore, the proposed Project would be consistent with the effects of implementation of the General Plan.

Storm Drainage

General Plan Significance Determination: Less than Significant Impact. The General Plan Program EIR noted that impacts to the City's storm drainage system would be less than significant. Since the City of Newport Beach is almost entirely built out, development would occur only in areas with existing storm drainage infrastructure. The Orange County Drainage Area Management Plan requires new developments to create and implement a Water Quality Management Plan (WQMP), which would ensure pollutant discharges are reduced to the maximum extent practicable and do not exceed existing storm drainage capacities. Therefore, any additional stormwater runoff expected at buildout of the General Plan would not exceed existing storm drainage capacities, and impacts were found to be less than significant.

Project-Specific Analysis and Significance Determination: Less than Significant Impact; no substantial change from previous analysis.

As discussed under Section 3.9, *Hydrology and Water Quality*, the site currently drains in two directions: approximately 70 percent of flows are directed toward Spruce Street and 30 percent drains toward Bristol

[20] Orange County Sanitation District. 2019. *What We Do.* https://www.ocsan.gov/Home/ShowDocument?id=29045. Accessed September 29, 2021.

Street North. The site is considered relatively flat with one to two percent grade to provide sheet flow within the existing surface parking lot area. With buildout of the project site, the Project would maintain the existing drainage pattern. Approximately 0.34 acre of the 1.97-acre project site would be landscaped areas and have pervious surfaces. The Project proposes three drainage management areas to treat runoff, primarily through biotreatment planters. Each treatment area would have a 24-inch parkway drain. A proposed 6-inch storm drain along the northern site boundary, connecting all three biotreatment planter areas.

The proposed Project, similar to other projects developed pursuant to the General Plan, would be required to implement a WQMP. The WQMP would reduce discharge of stormwater into urban runoff from the operational phase by managing site runoff volumes and flow rates through application of appropriate best management practices. BMPs would be designed in accordance with the NPDES requirements. Any drainage facilities would also be designed in accordance with Section 19.28.080 of the City's Municipal Code, set forth in SC UTIL-2. Therefore, stormwater runoff expected at buildout of the proposed Project would not exceed existing storm drainage capacities. The proposed Project would not result in any new adverse impacts or increase the severity of any previously identified impacts related to storm water drainage. No new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified that would impact the prior finding under this threshold. Therefore, the proposed Project would be consistent with the effects of implementation of the General Plan.

Telecommunications

General Plan Significance Determination: No Impact. Telecommunications are provided by Spectrum, Cox, and Google Fiber. Local telecommunications companies operate and maintain transmission and distribution infrastructure in the area, which currently serves the project site. The previous General Plan Program EIR did not analyze impacts associated with the construction or relocation of telecommunication infrastructure.

Project-Specific Analysis and Significance Determination: No impact; no substantial change from previous analysis.

The proposed Project would not require relocation or construction of new telecommunication facilities. The Project would connect to existing connections for services. No impact would occur.

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

General Plan Significance Determination: Less than Significant Impact. According to the City of Newport Beach's 2005 Urban Water Management Plan referenced in the General Plan Program EIR, water supplies would continue to meet the City's imported water needs until year 2030. OCWD, which provides the groundwater supply to the City, projects that there would be sufficient groundwater supplies to meet any future demand requirements in Newport Beach. The water supply impact associated with the City's water service boundaries within the General Plan Planning Area is less than significant.

Project-Specific Analysis and Significance Determination: Less than Significant Impact; no substantial change from previous analysis.

Water service is provided to the project site and surrounding area by the City of Newport Beach. The 2020 UWMP found that the City's supply capabilities are expected to balance anticipated total water use and supply and to accommodate normal years, single dry years, and multiple dry-year events. The UWMP indicated that there is adequate existing and planned water supply to accommodate future development as set forth in the General Plan inclusive of the City's Regional Housing Needs Assessment (RHNA) allocation for the 6th Cycle planning period of 2021-2029 and its associated water demands**. Table 3.17-6**, ***Drought Risk Assessment*** identifies supply and demand forecasts between 2021 and 2025.

Table 3.17-6: Drought Risk Assessment (AF)

	2021	2022	2023	2024	2025
Supply Totals	15,876	15,846	15,817	15,787	15,758
Demand Totals	15,876	15,846	15,817	15,787	15,758
Difference	0	0	0	0	0

AF = acre-feet
Source: Newport Beach UWMP Table 7-5, 2021

As previously identified in Table 3.17-3, the proposed Project would generate an increase in water demand of 75.8 AFY for the project site, which does not account for the water use associated with the existing office building. The City's 2020 UWMP found that water supplies are sufficient to meet the 2045 projected water demand for its service residents during normal years, single dry years, and multiple dry-year events. The Project is consistent with the growth projected in the General Plan and therefore demand from the Project is accounted for in the 2020 UWMP. Therefore, the City's existing and future water supply is able to accommodate the increased water demand associated with the proposed Project. Impacts are less than significant. The proposed Project would not result in any new adverse impacts or increase the severity of any previously identified impacts for the provision of water. No new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified that would impact the prior finding under this threshold. Therefore, the proposed Project would be consistent with the effects of implementation of the General Plan.

Threshold (c) Would the project result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

General Plan Significance Determination: Less than Significant Impact. The General Plan Program EIR concluded a less than significant impact related to wastewater treatment capacity. The additional 4.12 mgd from buildout of the General Plan was nominal compared to the capacities of the two plants. In addition, policies within the General Plan require adequate wastewater facilities and conveyance systems to be available to the City residents through renovations, installations, and improvements when needed. Therefore, impacts were determined less than significant.

Project-Specific Analysis and Significance Determination: Less than Significant Impact; no substantial change from previous analysis.

As mentioned above, the incremental increase in wastewater generated by the proposed Project could be accommodated by OCSD's treatment plants (Table 3.17-5). The City requires NPDES permits, which set limits on allowable concentrations in any wastewater discharge. The City's Municipal Code also requires dwelling units and commercial uses to connect to the City's public sewer network and prohibits certain

polluting substances from being discharged into a public sewer. The proposed Project, similar to development in accordance with the General Plan, would be required to comply with all provisions of the NPDES program and the Municipal Code and would not exceed wastewater treatment requirements. Therefore, impacts would be less than significant. No new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified that would impact the prior finding under this threshold. Therefore, the proposed Project would be consistent with the effects of implementation of the General Plan.

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

General Plan Significance Determination: Less than Significant Impact. The General Plan Program EIR found that impacts on existing solid waste facilities from project-generated solid waste were less than significant. Development of the General Plan would result in an additional 21,659 tons per year of solid waste to be disposed of at the Frank R. Bowerman Sanitary Landfill, which represented approximately 0.68 percent of the solid waste accepted annually at the landfill. Based on the landfill's 16-year lifespan and remaining capacity of approximately 44.6 million tons at the time the previous EIR was prepared, the increase in solid waste generated from buildout of the General Plan was considered less than significant.

Project-Specific Analysis and Significance Determination: Less than Significant Impact; no substantial change from previous analysis.

The Bowerman Landfill has a maximum permitted disposal of 11,500 tons per day. The landfill has a remaining capacity of 205,000,000 cubic yards with a closure date of December 31, 2053.[21] As identified in **Table 3.17-7, *Estimated Solid Waste Generation***, the proposed Project would generate approximately 1,200 pounds of solid waste per day (0.6 ton per day or 226 tons/year). The estimated refuse generation for the Project is less than 0.01 percent of the landfill's annual tons per day average. The proposed Project's development intensity is consistent with the City's development assumptions, which are used by the County of Orange in their long-term planning for landfill capacity. The County's landfill system has capacity in excess of the required 15-year threshold established by the California Department of Resources Recycling and Recovery. Based on the remaining capacity of the Bowerman Landfill and the County's long-term planning programs required to meet CalRecycle requirements, there would be adequate waste disposal capacity within the permitted County's landfill system to meet the needs of the proposed Project. No significant impacts are anticipated.

Table 3.17-7: Estimated Solid Waste Generation

Units/square feet (sf)	Solid Waste Generation Rate	Solid Waste Generation
193 units: multi-family residential	6.41 lbs/unit/day	1,237.13 lbs/day
Total		**1,237.13 lbs/day (226 tons/yr)**

Source: City of Newport Beach General Plan Program EIR, 2006.

[21] CalRecycle, SWIS Facility/Site Activity Details, Available at: https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2767?siteID=2103, Accessed September 29, 2021.

The proposed Project, similar to other projects developed pursuant to the General Plan, would comply with the California Green Building Standards and AB 341. The 2019 California Green Building Standards Code requires that at least 65 percent of the nonhazardous construction and demolition waste from residential construction operations be recycled and/or salvaged for reuse. AB 341 mandates a statewide solid waste diversion rate of 75 percent by 2020. No new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified that would impact the prior finding under this threshold. Therefore, the proposed Project would be consistent with the effects of implementation of the General Plan.

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

General Plan Significance Determination: No Impact. The General Plan Program EIR concluded that no impacts would occur related to compliance with federal, state, and local regulations. AB 939, the Integrated Waste Management Act of 1989 (PRC §40000 et seq.) required all local governments to develop source reduction, reuse, recycling, and composting programs to reduce tonnage of solid waste going to landfills. Cities were required to divert at least 50 percent of all solid waste generated by January 1, 2000.

AB 1327, the California Solid Waste Reuse and Recycling Access Act of 1991 (PRC §§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. Chapter 6.06 of the City's Municipal Code includes waste recycling requirements in conformance with AB 1327. The City consistently diverts 50 percent or more of solid waste and, therefore, complies with this legislation. Therefore, no impacts were identified.

Project-Specific Analysis and Significance Determination: No impact; no substantial change from previous analysis.

Compliance with AB 939 is measured for each jurisdiction, in part, as actual disposal amounts compared to target disposal amounts. Target disposal rates for the City are 9.6 pounds per day (ppd) per resident. Actual disposal rates in 2018 were 6.9 ppd per resident. Therefore, solid waste diversion in Newport Beach is consistent with AB 939 and the Project's solid waste generation would be consistent with AB 939 and AB 1327. The proposed Project, similar to all projects, is required to recycle construction waste in compliance with the 2019 California Green Building Code, store and collect recyclable materials in compliance with AB 341 and handle green waste in accordance with AB 1826 (2014). AB 1826 requires businesses, including multi-family developments, to recycle organic waste and for local jurisdictions across to implement organic waste recycling programs to divert organic waste generated by businesses. California's definition of "organic waste" is food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.

SB 1383 (2016) establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The law grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025. CalRecycle's regulations to meet the organic waste reduction targets for 2020 and 2025 took effect and are enforceable as of January 1, 2022.

No new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified that would impact the prior finding under this threshold. Therefore, the proposed Project would be consistent with the effects of implementation of the General Plan.

Cumulative Impacts

As discussed above, the proposed Project would not cause a utilities impact to occur, nor an increase in the severity of any utilities impacts previously disclosed in the General Plan Program EIR, with implementation of the mitigation measures discussed in this section. Implementation of the proposed Project would not alter the conclusions of the General Plan Program EIR analysis and would not result in a new or substantially more severe project-specific or cumulative utility impact than those already analyzed.

Mitigation Program

Relevant General Plan Policies

Consistent with the General Plan Program EIR, the following policies are applicable to the proposed Project and would be made conditions of approval.

The policies below are applicable to this Project.

- **LU 2.8 Adequate Infrastructure:** 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).
- **LU 3.2 Growth and Change:** Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach's share of projected regional population growth, improve the relationship, and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.
- **NR 3.4 Storm Sewer System Permit -** Require all development to comply with the regulations under the City's municipal separate storm sewer system permit under the National Pollutant Discharge Elimination System. (Policy HB8.5)
- **NR 3.11 Site Design and Source Control -** 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. (Policy HB8.12)
- **NR 3.15 Street Drainage Systems -** 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. (Policy HB8.16)

Standard Conditions and Requirements

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

SC UTIL-2 The project shall be required to comply with Section 19.28.080 (Storm Drains) of the City's Municipal Code which requires developers to design and construct all drainage facilities necessary for the removal of surface water from the site (e.g., open/closed channels, catch basins, manholes, junction structures), and to protect off-site properties from a project's water runoff. The storm drain system must be designed in accordance with the standards of the Orange County Flood Division. A drainage fee is also charged to fund improvements to the City's drainage facilities.

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

Conclusion

Accordingly, no new impacts relative to Utilities and Services or a substantial increase in the severity of a previously identified significant impact evaluated in the General Plan Program EIR would occur. With regard to PRC Section 21166 and State CEQA Guidelines Section 15162(a), the Project would not result in any new impacts, or increase the severity of the previously identified impacts. Additionally, no new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified is available that would impact the prior finding of less than significant with mitigation. Therefore, preparation of a subsequent environmental analysis is not warranted.

3.18 Wildfire

The topic of Wildfire was not addressed in the General Plan Program EIR because the requirement to analyze in CEQA documents the potential impacts associated with proximity to very high fire hazard severity zones did not become effective until January 1, 2019, which was subsequent to the certification of General Plan Program EIR by the Newport Beach City Council in 2006. However, the General Plan identified areas with high and moderate fire susceptibility.

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

No Impact. According to the CAL FIRE Hazard Severity Zone Map for Orange County, the project site is not within or proximate to Very High Fire Hazard Severity Zone (VHFHSZ) zone for a Local Responsibility Area. Additionally, General Plan Figure S4, Wildfire Hazards, shows that the project site is not within areas designated as High or Moderate fire susceptibility. Therefore, this threshold is not applicable to the proposed Project. No impact would occur and no mitigation is required.

Threshold (b) If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project, 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. As noted, the site is not within or proximate to a VHFHSZ. Therefore, this threshold is not applicable to the proposed Project. No impact would occur and no mitigation is required.

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

No Impact. As noted, the site is not within or proximate to a VHFHSZ. Therefore, this threshold is not applicable to the proposed Project. No impact would occur and no mitigation is required.

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

No Impact. As noted, the site is not within or proximate to a VHFHSZ. Therefore, this threshold is not applicable to the proposed Project. No impact would occur and no mitigation is required.

Cumulative Impacts

As discussed above, the project site is not within a VHFHSZ. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor cumulatively contribute to wildfire impacts.

Mitigation Program

General Plan Policies

General Plan policies related to wildfires identified in the General Plan Program EIR to mitigate potential impacts to wildfires are not applicable to the Project.

Standard Conditions and Requirements

No standard conditions are applicable to the proposed Project.

Conclusion

Accordingly, no new impacts relative to wildfires or a substantial increase in the severity of a previously identified significant impact evaluated in the General Plan Program EIR would occur. With regard to PRC Section 21166 and State CEQA Guidelines Section 15162(a), the Project would not result in any new impacts, or increase the severity of the previously identified impacts. Additionally, no new information of substantial importance that was not known and could not have been known at the time the General Plan Program EIR was certified is available that would impact the prior findings. Therefore, preparation of a subsequent environmental analysis is not warranted.

4 DETERMINATION OF APPROPRIATE CEQA DOCUMENTATION

The following discussion lists the appropriate subsections of Sections 15162 and 15164 of the State CEQA Guidelines and provides justification for the City of Newport Beach to make a determination of the appropriate CEQA document for the proposed Project, based on the environmental analysis provided above.

Section 15162 – Subsequent EIRs and Negative Declarations

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which 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.

The City of Newport Beach proposes to implement the Project within the context of the General Plan, as described in this Addendum. As discussed in the Environmental Impact Analysis section of this Addendum, no new or substantially more severe significant environmental effects beyond what was evaluated in the General Plan Program EIR would occur that would require substantive revisions to the General Plan Program EIR. The proposed Project would not result in substantially increased impacts above what was evaluated in the General Plan Program EIR with regard to density and other environmental factors such as air quality, noise, public services, and utilities.

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which 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.

As documented herein, there have been no changes in circumstances under which the General Plan is being implemented since certification of the General Plan Program EIR; and none of the proposed Project elements would result in new or substantially more severe significant environmental effects than previously identified.

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant environmental effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

No new information that was not known at the time the General Plan Program EIR was prepared is now available that demonstrates that the proposed Project will result in a new or increased significant impact. Based on the analysis prepared for the proposed Project, the project-related effects would not be substantially more severe than were disclosed in the General Plan Program EIR as a result of the proposed Project. Implementation of the proposed Project within the context of the General Plan would not substantially increase the severity of previously identified impacts.

(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 proponents decline to adopt the mitigation measure or alternative; or

No mitigation measures or alternatives found infeasible in the General Plan Program EIR are now feasible.

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

No feasible alternatives have been identified that would substantially reduce significant impacts.

Additional technical analyses were performed for the proposed Project and are the subject of this Addendum. Based on the analysis in this document, the proposed Project would not result in any new significant environmental effects that are substantially different from those identified in the General Plan Program EIR nor would it substantially increase the severity of significant effects previously identified in the General Plan Program EIR. None of the conditions listed under subsection (a) would occur that would require preparation of a subsequent environmental analysis.

(b) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subsection (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other Responsible Agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

None of the conditions listed in subsection (a) would occur as a result of the proposed Project. Therefore, no subsequent environmental analysis is required.

Section 15164 – Addendum to an EIR or Negative Declaration

(a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

As described above, none of the conditions described in the State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or Negative Declaration have occurred.

(b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

None of the conditions described in Section 15162 calling for preparation of subsequent EIR or Negative Declaration would occur as a result of the proposed Project. Therefore, an Addendum to the certified General Plan Program EIR is the appropriate CEQA document for the proposed Project.

(c) An addendum need not be circulated for public review but can be included in or attached to the EIR or adopted negative declaration.

This Addendum will be attached to the General Plan Program EIR and maintained in the administrative record files at the City of Newport Beach.

(d) The decision-making body shall consider the Addendum with the EIR prior to making a decision on the project.

The City of Newport Beach would consider this Addendum with the General Plan Program EIR prior to making a decision on the proposed Project.

(e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

This document provides substantial evidence for City of Newport Beach records to support the preparation of this Addendum for the proposed Project.

Therefore, preparation of subsequent environmental analysis is not required and the appropriate CEQA document for the proposed Project is this Addendum to the General Plan Program EIR. No additional environmental analysis or review is required for the proposed Project. This document will be maintained in the administrative record files at City of Newport Beach offices.

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