

MITIGATED NEGATIVE DECLARATION
for the
Newport Center Villas Residential Development

General Plan Amendment No. GP2014-003
Zoning Code Amendment No. CA2014-008
Planned Community Development Plan No. PC2014-004
Site Development Review No. SD2014-006
Tract Map No. NT2015-003
(PA2014-213)



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The reports identified below are included within the Technical Appendices to this MND, and are herein incorporated by reference pursuant to CEQA Guidelines Section 15150.

<u>Appendix</u>	<u>Appendix Description</u>
A.	Newport Center Villas Planned Community Development Plan
B.	Air Quality Impact Analysis
C.	Geotechnical Feasibility Report
D.	Greenhouse Gas Analysis
E1.	Phase I Environmental Site Evaluation
E2.	Phase II Subsurface Investigations
F1.	Traffic and Parking Evaluation
F2.	Site Circulation Plan
G.	Preliminary Water Quality Management Plan
H.	Assessment of Sewer Capacity Availability
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LIST OF ACRONYMS

<u>Acronym</u>	<u>Definition</u>
AB	Assembly Bill
ACCMs	Asbestos-Containing Construction Materials
ACM	Asbestos-Containing Material
AELUP	Airport Environs Land Use Plan
ALUC	Airport Land Use Commission
amsl	above mean sea level
AQMP	Air Quality Management Plan
APN	Assessor's Parcel Number
BMPs	Best Management Practices
BTEX	Benzene, Toluene, Ethyl Benzene and Xylenes
CAAQS	California Ambient Air Quality Standards
CalEEMod	California Emissions Estimator Model
CBSC	California Building Standards Code
CDC	California Department of Conservation
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CGS	California Geological Survey
CHRIS-SCCIC	California Historical Resources Information System, South Central Coastal Information Center
CMP	Congestion Management Program
CNEL	Community Noise Equivalent Level
CO	Carbon Monoxide
CO-R	Regional Commercial Office
DAMP	Drainage Area Management Plan
DOF	Department of Finance
EIR	Environmental Impact Report
EOP	Emergency Operations Plan
EPA	Environmental Protection Agency
ESA	Environmental Study Area or Phase I Environmental Site Assessment
FAR	Federal Aviation Regulations or Floor Area Ratio
FEMA	Federal Emergency Management Agency
FID	Facility Inventory Database
FMMP	Farmland Mapping and Monitoring Program
GHG	Greenhouse Gas(es)
GPA	General Plan Amendment
gpd	gallons per day
HAPLR	Hennen's American Public Library Rankings
HHRA	Health hazardous risk assessment
HOA	Homeowners Association



LIST OF ACRONYMS

<u>Acronym</u>	<u>Definition</u>
JWA	John Wayne Airport
LOS	Level of Service
LST	Localized Significance Thresholds
MMRP	Mitigation Monitoring and Reporting Program
MND	Mitigated Negative Declaration
MRZs	Mineral Resources Zones
MS4	Municipal Separate Storm Sewer System
MTCO _{2e}	Metric Ton of Carbon Dioxide Equivalent
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NBMC	Newport Beach Municipal Code
NMUSD	Newport-Mesa Unified School District
NO _x	Oxides of Nitrogen
NOD	Notice of Determination
NOI	Notice of Intent
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System
OCALUC	Orange County Airport Land Use Commission
OCHCA	Orange County Health Care Agency
OCSO	Orange County Sanitation District
OCTA	Orange County Transportation Authority
OHP	California State Parks Office of Historic Preservation
OR	Office Regional Commercial
PC	Planned Community Zoning District
PC-56	Planned Community 56
PCBs	Polychlorinated biphenyl
PC	Planned Community
PM _{2.5}	Fine Particulate Matter
PM ₁₀	Inhalable Particulate Matter
pph	person(s) per household
RECs	Recognized Environmental Conditions
RHNA	Regional Housing Needs Assessment
RM	Multiple Unit Residential
RWQCB	Santa Ana Regional Water Quality Control Board
SB	Senate Bill
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SO _x	Sulfur Oxides
SR-1	State Route 1/Pacific Coast Highway



LIST OF ACRONYMS

<u>Acronym</u>	<u>Definition</u>
SR-73	State Route 73
SWPPP	Stormwater Pollution Prevention Plan
TPHg	Residual Total Petroleum Hydrocarbons- gasoline
USFWS	United States Fish and Wildlife Service
UST	Underground Storage Tank
VOCs	Volatile Organic Compounds
WQMP	Water Quality Management Plan



1.0 Introduction

The City of Newport Beach (hereafter “City”) received applications from Newport Center Anacapa Associates, LLC (hereafter “Project Applicant”) for the development of 49 condominium dwelling units in one seven-story building on a 1.26 acre site. The subject property (hereafter, “Project site”) is bounded by Newport Center Drive to the north and Anacapa Drive to the east. Civic Center Drive and adjacent commercial development occur south of the Project site.

Specifically, the Project Applicant submitted applications for General Plan Amendment No. GP2014-003, Zoning Code Amendment No. CA2014-008, Planned Community Development Plan No. PC2014-004 (referred to as the Newport Center Villas Planned Community Development Plan), Site Development Review No. SD2014-006, and Tentative Tract Map No. NT2015-003, collectively referred to by the City as file number PA2014-213 and which are described in more detail below. These applications (hereafter “Project”) would involve the demolition and removal of an existing car wash, ancillary gas station, their associated site improvements, and redevelopment of the site with 49 condominium dwelling units in a seven-story building. Refer to Section 3.0, Project Description, of this document for a detailed description of the Project. The Project is the subject of analysis in this document pursuant to the California Environmental Quality Act (CEQA). In accordance to CEQA Guidelines Section 15367, the City is the Lead Agency with principal responsibility for considering the Project for approval.

1.1 Document Purpose

The City has reviewed the Project and determined that a Mitigated Negative Declaration (MND) is the appropriate environmental assessment document in accordance with CEQA. This Initial Study/MND has been prepared to comply with the provisions of CEQA, including all criteria, standards, and procedures of CEQA (California Public Resource Code Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000 et seq.). This MND is an informational document intended for use by the City of Newport Beach, Trustee and Responsible agencies, and members of the general public in evaluating the physical environmental effects of the Project.

This MND was compiled by the City of Newport Beach, serving as the Lead Agency for the Project pursuant to CEQA Section 21067 and CEQA Guidelines Article 4 and Section 15367. “Lead Agency” refers to the public agency that has the principal responsibility for carrying out or approving a project.

This introduction is included to provide general information regarding: 1) the location of the Project site and a summary of the Project’s proposed discretionary actions; 2) standards of adequacy for a MND under CEQA; 3) a summary of Initial Study findings supporting the Lead Agency’s decision to prepare a MND for the Project; 4) a description of the format and content of this MND; and 5) the governmental processing requirements to consider the Project for approval.

1.2 Project Location

The Project site comprises 1.26 acres, located in the City of Newport Beach, Orange County, California. The Pacific Ocean is located approximately 1.4 miles to the south of the property and Fashion Island, a regional shopping center, is located approximately 140 feet to the north, across Newport Center Drive (Google Earth, 2015). Specifically, the subject property is immediately bounded by Newport Center Drive on the north, Anacapa Drive on the east, the existing Gateway Plaza office complex on the south, and a parking lot that services the existing Corporate Plaza office park on the west (Project Application Materials, 2015). The current address of the site is 150 Newport Center Drive, Newport Beach, California 92660-6906. The assessor’s parcel number (APN) is 442-231-12.



1.3 Project Summary

The Project evaluated in this MND is located within Statistical Area LI as designated by the City of Newport Beach General Plan. The Project consists of applications for a General Plan Amendment (GP2014-003), Zoning Code Amendment (CA2014-008), Planned Community Development Plan (PC2014-004 called the Newport Center Villas Planned Community Development Plan), Site Development Permit (SD2014-006), and Tentative Tract Map (NT2015-003) to allow for the demolition and removal of an existing car-wash, ancillary gas station, associated site improvements and redevelopment of the property by the construction of a seven-story building containing 49 new condominiums dwelling units and subsurface parking. Landscaping, drive aisles, and associated parking would also occur on the property. Provided below is a brief description of the Project's proposed discretionary applications under consideration by the City of Newport Beach. Refer to Section 3.0, Project Description of this document for a detailed description of the Project.

The following applications require consideration by the Newport Beach Planning Commission and City Council:

General Plan Amendment No. GP2014-003 proposes to change the existing land use designation for the Project site from "Regional Commercial Office (CO-R)" to "Multiple Unit Residential (RM)." This application also designates an anomaly for the site, adding 49 units to Statistical Area LI.

Zoning Code Amendment No. CA2014-008 proposes to change the zoning designations for the Project site from Office Regional Commercial (OR) to establish a planned community development plan (PC) over the entire Project site.

Planned Community Development Plan No. PC2014-004 proposes to establish a planned community development plan (PC) over the entire Project site (called the Newport Center Villas Planned Community Development Plan), with development standards for 49 condominium units. To establish a PC, a waiver of the minimum site area of 10 acres of developed land is necessary and is requested as part of the Project's application. The applicant also is requesting an increase in the building height limit allowable at the site by the Zoning Code from 32 feet (with a flat roof) and 37 feet (with a sloped roof) to 83 feet 6 inches (including mechanical equipment on the roof).

Site Development Review No. SD2014-006 is requested pursuant to Section 20.52.080 (Site Development Reviews) of the Newport Beach Municipal Code because the Project involves a tentative map and proposes more than five dwelling units. Site development review would allow the construction of 49 multi-family dwelling units.

Tentative Tract Map No. NT2015-003 proposes to establish a 49-unit residential condominium tract on a 1.26 acre site.

1.4 California Environmental Quality Act (CEQA)

1.4.1 CEQA Objectives

CEQA is a statewide environmental statute contained in Public Resources Code Sections 21000-21177 that applies to most public agency decisions to carry out, authorize, or approve actions that have the potential to adversely affect the environment. The overarching goal of CEQA is to protect the physical environment. To achieve that goal, CEQA requires that public agencies inform themselves of the environmental consequences of their discretionary actions and consider alternatives and mitigation measures that could avoid or reduce significant adverse impacts when avoidance or reduction is feasible. CEQA also gives other public agencies and the general public an opportunity to comment on the



information that is provided. If significant adverse impacts cannot be avoided, reduced, or mitigated to below a level of significance, the public agency is required to prepare an Environmental Impact Report (EIR) and balance the project's environmental concerns with other goals and benefits in a statement of overriding considerations.

The principal objectives of CEQA are to: 1) inform governmental decision makers and the public about the potential, significant environmental impacts of proposed activities; 2) identify the ways that environmental impacts can be avoided or significantly reduced; 3) prevent significant, avoidable impacts to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible; and 4) disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

1.4.2 CEQA Requirements for Mitigated Negative Declarations (MNDs)

A MND is a written statement by the Lead Agency briefly describing the reasons a proposed project, which is not exempt from the requirements of CEQA, will not have a significant effect on the environment, and therefore does not require preparation of an EIR (CEQA Guidelines Section 15371). The CEQA Guidelines require the preparation of a MND if the Initial Study prepared for a project identifies potentially significant effects, but: 1) revisions in the project plans or proposals made by, or agreed to by the applicant before a MND and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and 2) there is no substantial evidence, in light of the whole record before the Lead Agency, that the project as revised may have a significant effect on the environment. (CEQA Guidelines Section 15070[b])

1.4.3 Initial Study Findings

Section 4.0, Environmental Checklist and Environmental Analysis, contains the Initial Study that was prepared for the Project pursuant to CEQA and City of Newport Beach requirements. The Initial Study determined that implementation of the Project would result in no impacts or less than significant environmental effects under the issue areas of aesthetics, agriculture and forestry resources, air quality, greenhouse gas emissions, hydrology/water quality, land use/planning, mineral resources, population/housing, public services, recreation, transportation/traffic, and utilities/service systems. The Initial Study determined that the Project would result in potentially significant effects to the following issue areas, but the applicant has agreed to incorporate mitigation measures that would avoid or mitigate the effects to a point where no significant effects would occur: biological resources, cultural resources, geology/soils, hazards and hazardous materials, noise, and mandatory findings of significance. The Initial Study also determined that, with the incorporation of mitigation measures, there is no substantial evidence, in light of the whole record before the Lead Agency (City of Newport Beach), that the Project, with the incorporation of the identified mitigation measures, may have a significant effect on the environment.

1.4.4 CEQA Requirements for Environmental Setting & Baseline Conditions

CEQA Guidelines Section 15125 establishes requirements for defining the environmental setting to which the environmental effects of a proposed project must be compared. The environmental setting is defined as "...the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time the environmental analysis is commenced..." (CEQA Guidelines Section 15125[a]). In the case of the Project, the Initial Study determined that a MND is the appropriate form of CEQA compliance document, which does not require a Notice of Preparation (NOP). Thus, the environmental setting for the Project is the approximate date that the Project's environmental analysis commenced.



The City commenced environmental review of the Project in May 2015. Accordingly, the environmental setting for the Project is defined as the physical environmental conditions on the Project site and in the vicinity of the Project as they existed in May 2015. Section 2.0, Environmental Setting provides a summary of the existing physical environmental conditions of the Project site and surrounding areas as they existed in May 2015.

1.4.5 Format and Content of this Mitigated Negative Declaration

The following components comprise the MND in its entirety:

- 1) This MND document, including all Sections. Section 3.0, Project Description contains a detailed description of the Project scope of work and discretionary applications requested by the applicant.
- 2) Section 4.0, Project Information contains the completed Environmental Checklist/Initial Study and its associated analyses which document the reasons to support the findings and conclusions of the Initial Study.
- 3) The Mitigation Monitoring and Reporting Program (MMRP) (Section 5.0), summarizes all mitigation measures imposed on the Project to ensure that effects to the environment are reduced to less-than-significant levels. The basis for the MMRP is found in the Environmental Checklist/Initial Study (Section 4.0). The MMRP also indicates the required timing for the implementation of each mitigation measure, identifies the parties responsible for implementing and/or monitoring each mitigation measure, and identifies the level of significance following the incorporation of each mitigation measure; and
- 4) Seven technical reports that evaluate the environmental effects of the Project, which are attached as Technical Appendices B through F. The analysis herein also relies on correspondence from the City of Newport Beach Planning Department in the form of a list of cumulative projects in the City of Newport Beach; this list is provided in *Technical Appendix I*. These technical reports are on file and available for public review at the City of Newport Beach Community Development Department, Planning Division (100 Civic Center Drive; Newport Beach, California 92660) and are hereby incorporated by reference pursuant to CEQA Guidelines Section 15150.
 - A. *Newport Center Villas Planned Community Development Plan*, dated August 11, 2015.
 - B. *Air Quality Impact Analysis*, prepared by Urban Crossroads, dated June 26, 2015, revised August 13, 2015.
 - C. *Geotechnical Feasibility Report*, prepared by NMG Geotechnical Inc., dated February 3, 2015.
 - D. *Greenhouse Gas Analysis*, prepared by Urban Crossroads, dated June 26, 2015, revised August 13, 2015.
 - E1. *Phase I Environmental Site Evaluation*, prepared by Fero Environmental Engineering, Inc. (Fero), dated November 25, 2013.
 - E2. *Phase II Subsurface Investigations*, prepared by Fero, dated January 15, 2014.



- FI. *Traffic and Parking Evaluation*, prepared by TWJ Engineering, Inc., dated June 10, 2015, revised August 19, 2015.
- F2. *Site Circulation Plan*, prepared by MVE+ Partners, September 1, 2015.
- G. *Preliminary Water Quality Management Plan*, prepared by Fuscoe Engineering, Inc., dated February 25, 2015, revised April 10, 2015.
- H. *Assessment of Sewer Capacity Availability*, prepared by C&V Consulting, Inc., dated September 2, 2015.
- I. *Assessment of Water Availability*, prepared by C&V Consulting, Inc., dated August 31, 2015.
- II.
- J. *Cumulative Project List*, prepared by City of Newport Beach, dated July 8, 2015.
- K. *Conceptual Design Exhibits*, prepared by MVE+ Partners, dated August 11, 2015.

1.4.6 Preparation and Processing of this Mitigated Negative Declaration

The City of Newport Beach Planning Division directed and supervised the preparation of this MND. Although prepared with assistance of the consulting firm T&B Planning, Inc., the content contained within and the conclusions drawn by this MND reflect the sole independent judgment of the City. Following completion of this MND, A Notice of Intent (NOI) to adopt the MND will be distributed to the following entities: 1) organizations and individuals who have previously requested such notice in writing; 2) direct mailing to the owners of property contiguous to the Project and property owners within a 300-foot radius as shown on the latest equalized assessment roll; 3) the Orange County Clerk; and. The NOI will identify the location(s) where the MND, Initial Study, MMRP, and associated technical reports are available for public review. In addition, notice of the public review period also will occur via posting of a notice on- and off-site (at City Hall, 100 Civic Center Drive) in the area where the Project is to be located and publication in a newspaper of general circulation in the Project area. The NOI also establishes a minimum 20-day public review period during which comments on the adequacy of the MND document may be provided to the City of Newport Beach Planning Division.

Following the public review period, the City of Newport Beach will review any comment letters received and will determine whether any substantive comments were provided that may warrant revisions to the MND document. If substantial revisions are not necessary (as defined by CEQA Guidelines Section 15073.5[b]), then the MND and Initial Study would be finalized and forwarded to the Newport Beach Planning Commission and City Council for review as part of their deliberations concerning the Project.

The City of Newport Beach Planning Commission has the authority to recommend, conditionally recommend, or not recommend the Project for approval by the City Council. The Newport Beach City Council has the authority to approve, conditionally approve, or not approve the Project. Accordingly, public hearings will be held before the Newport Beach Planning Commission and City Council to consider the Project and the adequacy of this MND. Public comments will be heard and considered at the hearings. At the conclusion of the public hearing process, the City Council will take action to approve, conditionally approve, or not approve the Project. If approved, the City Council will adopt findings relative to the Project's environmental effects as disclosed in the MND and a Notice of Determination (NOD) will be filed with the Orange County Clerk.



2.0 Environmental Setting

2.1 Project Location

As shown on Figure 2-1, *Regional Location Map*, and Figure 2-2, *Vicinity Map* the Project site is located near the center of the City of Newport Beach, adjacent to the Fashion Island shopping area. The site is rectangular in shape and is fronted on the north by Newport Center Drive, on the east by Anacapa Drive, on the south by an existing approximately 35,000 square foot office building with subterranean parking, and on the west by an existing 2-story office park and associated parking areas (Project Application Materials, 2015). Newport Harbor is located 0.71-mile to the southwest. The subject property encompasses Assessor's Parcel Number 442-231-12, and is located in Section 36 of Township 6 south, Range 10 West, San Bernardino Baseline and Meridian.

2.2 Existing Site and Area Characteristics

2.2.1 Site Access

Primary roadway access to the Project site is provided by a driveway on Anacapa Drive, located along the eastern Project boundary and at driveways on Civic Center Drive, which provide access to the adjoining office parking areas to the south and direct access to the Project site via an ingress/egress easement to the Project site. Local access to the Project vicinity is provided by Newport Center Drive, located north and west of the Project site, Civic Center Drive, located south of the Project site, and Avocado Avenue, located east of the Project site. These local streets provide access to State Route 1 (SR-1) also known as Pacific Coast Highway, located approximately 0.31 mile south of the Project site, which provides access to MacArthur Boulevard, located approximately 0.3 mile east of the Project site. MacArthur Boulevard provides access to California State Route 73 (SR-73), located approximately 2.0 miles northeast of the Project site.

2.2.2 Existing Site Conditions

Under existing conditions, the Project site contains an approximately 8,500 square foot single-story building that is operating as a car wash with an ancillary gas station. All portions of the Project site are fully developed with this use, and no undeveloped open space or undisturbed areas occur on the site. There are currently 28 trees on the property. A paved parking area containing 12 parking stalls is located along the western edge of the Project site, and ornamental landscaping areas occur primarily along the perimeter of the site. Street trees, shrubs, groundcover, and curb-adjacent sidewalks are located along the Project site's frontage with Newport Center Drive and Anacapa Drive. There are six street trees located along the Project site's side of Anacapa Drive and three street trees are located on the opposite side of Anacapa Drive from the Project site that would be affected by the proposed Project. Streetlights are located near the intersection of Anacapa Drive and Newport Center Drive. Figure 2-3, *Aerial Photograph* depicts the site's existing conditions as seen from above. There is an existing private catch basin in the southwest corner of the Project site.

2.2.3 Site Topography

Under existing conditions, the Project site is fully developed and exhibits very little topographic variation. Elevations on the site range from a low of 158.5 feet above mean sea level (amsl) in the south-southwest corner to a high elevation of 170.3 feet above amsl in the northeast corner of the site (Fusco, 2015, p. 11). The topography has an average elevation of approximately 164 feet amsl.



2.2.4 Surrounding Land Uses and Development

The Project site is located within a highly urbanized portion of the City of Newport Beach that is fully developed with a variety of office, retail, and service commercial land uses. As shown on Figure 2-4, *Existing and Surrounding Land Uses*, the Project site is bordered by Anacapa Drive on the east. Abutting the Project site on the east, at the southeastern corner of Newport Center Drive and Anacapa Drive, is Muldoon's Irish Pub and an office building occupied by a fitness studio, a rehabilitation and sports therapy office as well as other commercial/office-related businesses. The Project site is bordered by Newport Center Drive on the north, beyond which is Fashion Island, a regional shopping center. Two restaurants occur at the southern edge of the Fashion Island parking lot and are directly across Newport Center Drive from the Project site at the intersection with Anacapa Drive. To south and west of the Project site is a parking lot that serves the adjacent Gateway Plaza office complex, which is comprised of seven two-story low rise office buildings, and associated surface parking.

The nearest sensitive receptor (location where people reside or where the presence of unwanted sound could adversely affect the land use) to the Project site is the Newport Center Women's Health Center, located approximately 100 meters south of the Project site at 180 Newport Center Drive (Urban Crossroads, 2015a, p. 28)

2.3 Planning Context

2.3.1 On-Site General Plan and Zoning Designations

Under existing conditions, the Project site is designated by the Newport Beach General Plan (hereafter, "General Plan") for "CO-R (Regional Commercial Office)" land uses. The CO-R land use designation "...is intended to provide for administrative and professional offices that serve local and regional markets, with limited accessory retail, financial, service, and entertainment uses" (Newport Beach, 2006a, p. 3-13).



Source: ESRI, OC Landbase

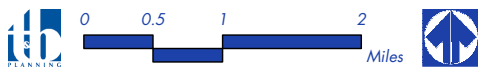


FIGURE 2-1
REGIONAL LOCATION MAP

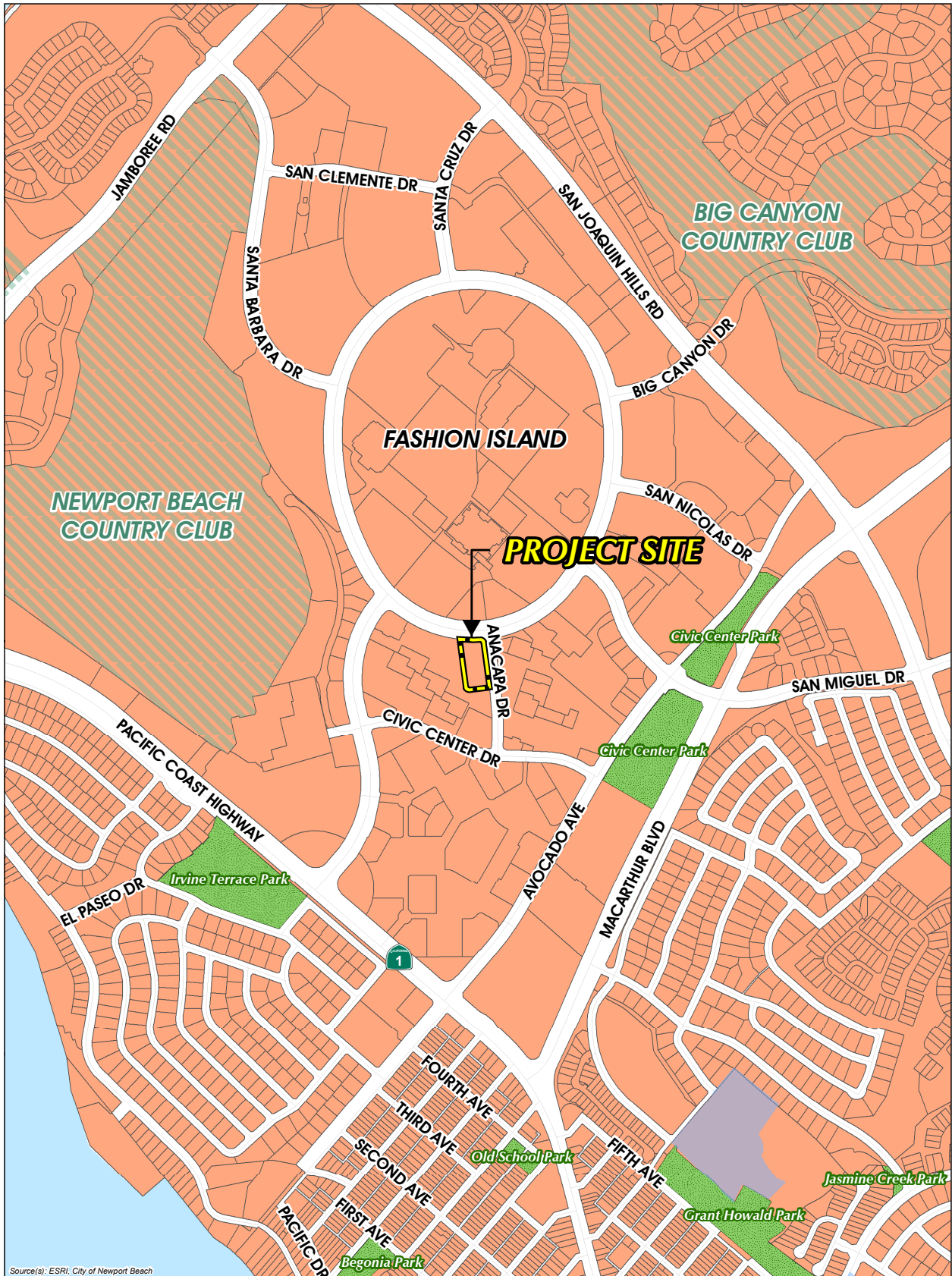
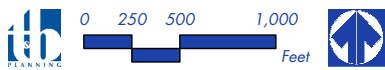
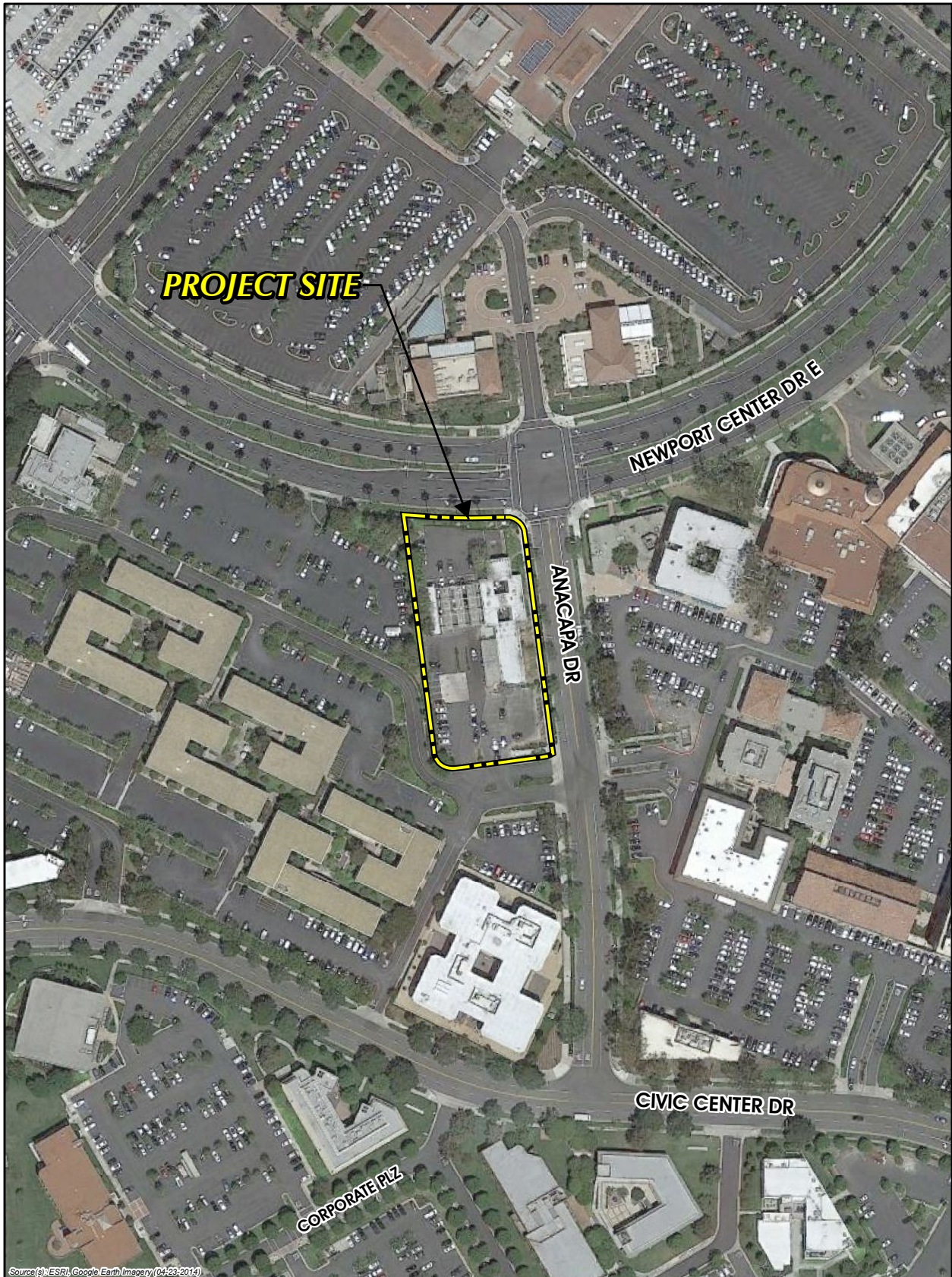


FIGURE 2-2
VICINITY MAP





Source(s): ESRI, Google Earth Imagery (04/23/2014)

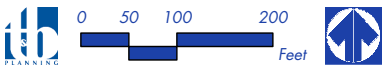
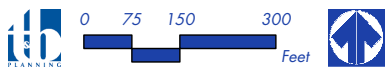


FIGURE 2-3
AERIAL PHOTOGRAPH



FIGURE 2-4
EXISTING AND SURROUNDING LAND USES





2.3.2 Surrounding General Plan and Zoning Designations

General Plan designations surrounding the Project site include Regional Commercial (CR) to the north and Regional Commercial Office (CO-R) to the south, east, and west (Newport Beach, 2006a, Figure LU21). Zoning designations surrounding the Project site include PC-56 (North Newport Center Planned Community) to the north, and PC-56 and OR (Office Regional Commercial) to the west and south. Land to the east is zoned OR (Office Regional Commercial) (Newport Beach GIS, 2015).

2.3.3 Airport Environs Land Use Plan for John Wayne Airport

John Wayne Airport (JWA) is located approximately 3.6 miles north/northeast of the Project site and is the nearest public airport to the Project site. As detailed in the Airport Environs Land Use Plan (AELUP) for JWA, the northerly one third of the Project site is located within the AELUP Part 77 Notification Area for JWA. The AELUP establishes requirements for notifying the Airport Land Use Commission (ALUC) for Orange County and the Federal Aviation Administration (FAA) of certain construction activities and alterations to existing structures within the AELUP Part 77 Notification Area, in order to ensure there are no obstructions to navigable airspace. Within the Notification Area boundary, ALUC must be notified of any proposed construction or structural alterations involving a land use or legislative amendment in the AELUP Planning Area, development that exceeds 200 feet above ground level, and all heliports or helistops. In addition, projects that surpass 200 feet above ground level must also file Form 7460-1 with the Federal Aviation Administration (FAA). (OCALUC, 2008, p. 4)

The Project site is located approximately 19,200 feet from the nearest point of the JWA runway. By applying the imaginary surface slope of 100:1, at this distance from the runway, the project does not penetrate the imaginary surface extending 100 feet outward and one foot upward (slope of 100:1) from the JWA runway at a height of 191 feet. Therefore, the project does not fall within the AELUP Airport Planning Area and does not require ALUC review. Additionally, the seven-story building proposed by the Project would be 83 feet 6 inches in height, so FAA notification is not required because the structure does not exceed 200 feet in height. (OCALUC, 2008)

2.4 Existing Environmental Characteristics

2.4.1 Air Quality and Greenhouse Gases

The Project site is located in the South Coast Air Basin (SCAB) within the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The SCAB is a 6,745-square mile subregion of the SCAQMD, which includes portions of Los Angeles, Riverside, and San Bernardino Counties, and all of Orange County. The SCAB is bound by the Pacific Ocean to the west and the San Gabriel, San Bernardino, and San Jacinto Mountains to the north and east. (Urban Crossroads, 2015a, p. 6)

Existing air quality is measured at established SCAQMD air quality monitoring stations. Monitored air quality is evaluated in the context of ambient air quality standards. These standards are the levels of air quality that are considered safe, with an adequate margin of safety, to protect the public health and welfare. (Urban Crossroads, 2015a, p. 8) The SCAQMD monitors levels of various criteria pollutants at 30 monitoring stations throughout the air district. In 2013, the most recent year for which SCAQMD monitoring data is available, the federal and state ambient air quality standards (NAAQS and CAAQS) were exceeded on one or more days for ozone, PM10, and PM2.5 at most monitoring locations. No areas of the SCAB exceeded federal or state standards for NO2, SO2, CO, sulfates or lead. (Urban Crossroads, 2015a, p. 10)

The United States, as a single country, was the number two producer of greenhouse gas (GHG) emissions in 2011. The primary greenhouse gas emitted by human activities in the United States was CO2,



representing approximately 83 percent of total greenhouse gas emissions. Carbon dioxide from fossil fuel combustion, the largest source of US greenhouse gas emissions, accounted for approximately 78 percent of the GHG emissions. The California Air Resources Board (CARB) compiles GHG inventories for the State of California. Based upon the 2008 GHG inventory data (i.e., the latest year for which data are available) for the 2000-2008 greenhouse gas emissions inventory, California emitted 474 MMTCO₂e including emissions resulting from imported electrical power in 2008. (Urban Crossroads, 2015b, p. 7)

Refer to *Technical Appendices B and D*, which are the Air Quality and Greenhouse Gas reports for additional details regarding existing air quality and greenhouse gas levels.

2.4.2 Geology

The Project site is located on the Newport Mesa, approximately 0.7 mile inland from Newport Harbor. The mesa highland is covered with coastal terrace deposits and is located at the southwestern end of the San Joaquin Hills. Mapping by the State indicates the site is underlain by Quaternary-age marine terrace deposits which overlie Miocene-age sedimentary bedrock of the Monterey Formation. (NMG, 2015, p. 4) As with much of the Southern California region, the Project site is located in an area subject to seismic hazards, with the nearest fault, the Newport-Inglewood Fault Zone, located approximately 2.5 miles south of the Project site. The San Joaquin Hills Thrust Fault is located approximately 3.4 miles north of the site. (NMG, 2015, p. 6) The Project site is not located in an Earthquake Fault Zone per the Alquist-Priolo Special Studies Zone Map. Groundwater at the site is estimated to occur at least 45 feet below the ground surface, as previous investigations for the adjacent office buildings did not encounter groundwater at a depth of 45 feet (NMG, 2015, p. 6). However, moist soils were found at 41 feet in depth on the Project site. Evaluation of on-site data by NMG Geotechnical, Inc. indicates that the Project site is underlain by artificial fill ranging between 9 to 14 feet in thickness, beneath which are marine terrace deposits and bedrock of the Monterey Formation (NMG, 2015, p. 4). Refer to the geotechnical Feasibility Report in *Technical Appendix C* for more detailed information.

2.4.3 Hydrology

Under existing conditions, water runoff generally sheet flows towards the south-southwest portion of the Project site and ties into an existing 10-inch storm drain and catch basin that intercepts the drainage water. The collected water then discharges into the City of Newport Beach municipal stormwater system located along Civic Center Drive, towards Pacific Coast Highway, where the water is discharged into Lower Newport Bay, and ultimately the Pacific Ocean. (Fuscoe, 2015, p. 6) According to mapping by the Federal Emergency Management Agency (FEMA), the Project site is designated within FEMA Flood Zone "X" (Other Areas)" unshaded, which indicates that the Project site is located outside of the 0.2 percent annual chance flood area (FEMA, 2015).

2.4.4 Vegetation & Wildlife

The Project site is fully developed with an existing car wash and ancillary gas station, a surface parking lot, ornamental landscaping, and hardscape. As indicated in the City of Newport Beach General Plan EIR, the Project site is not identified as containing any sensitive biological resources and is not located within any Environmental Study Areas that have the potential to support sensitive biological resources. (Newport Beach, 2006b, pp. 4.3-10 and Figures 4.3-1 and 4.3-2) However, because trees occur on the Project site in the existing condition, there is a potential that nesting birds may occur within the trees. The Project site therefore has no potential to contain sensitive vegetation habitats or sensitive plant or animal species.



2.4.5 Historical, Archaeological, and Paleontological Resources

As depicted in General Plan EIR Figure 4.4-1, the Project site is not identified as containing any historical resources (Newport Beach, 2006b, Figure 4.4-1). The car wash and ancillary gas station was constructed in 1970 (Fero, 2013, p. 9). The existing building is not included on the National Register of Historic Places or on the California Register of Historical Resources, nor is it eligible for listing because it is less than 50 years of age and does not meet any of the eligibility criteria. Due to the developed nature of the Project site, the Project site is very unlikely to contain subsurface archaeological resources because the property's subsurface has already been disturbed. The Project site is underlain by rock associated with the Monterey Formation, which has the potential to contain fossils. However, the Project site is not located within a portion of the City that is identified by the City's General Plan EIR as having the potential to contain significant fossil-bearing soils or rock formations. (Newport Beach, 2006b, p. 4.4-17)

2.4.6 Mineral Resources

According to the City's General Plan EIR, which relies on mapping conducted by the California Geological Survey (CGS) for areas known as Mineral Resources Zones (MRZs), the Project site is mapped as being on the boundary between MRZ-1 and MRZ-3. Areas mapped MRZ-1 are defined as "areas where available geologic information indicates that there is little or no likelihood for presence of significant mineral resources." Areas mapped MRZ-3 are defined as "areas containing mineral deposits of undetermined significance." (Newport Beach, 2006b, Figure 4.5-4). No mineral resource extraction activities occur at or near the Project site in the existing condition.

2.4.7 Agricultural and Forestry Resources

The Project site is developed with urban uses and does not contain agricultural uses. According to mapping conducted by the California Department of Conservation (CDC) as part of the Farmland Mapping & Monitoring Program (FMMP), the Project site is identified as containing "Urban and Built-Up Land." The Project site and surrounding areas do not contain any soils mapped by the CDC as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance. (CDC, 2010) Additionally, due to the developed/urban nature of the Project site, there is no timberland and no forestry resources are located on the Project site.

2.4.8 Rare and Unique Resources

As required by CEQA Guidelines Section 15125(c), the environmental setting should identify any inconsistencies between a proposed project and applicable general, specific, or regional plans, and place special emphasis on resources that are rare or unique to that region and would be affected by the project. The Project Applicant proposes to develop a seven-story building containing 49 condominium units, which would require the approval of a General Plan Amendment to increase the number of housing units for Statistical Area LI by 49 units. Based on the developed nature of both the Project site and surrounding area, the Project site does not contain any resources that are rare or unique to the region.



3.0 Project Description

The Project site consists of 1.26 acres of developed land bounded by Newport Center Drive to the north and Anacapa Drive to the west. The Project involves the demolition and removal of the existing 8,500 square foot single-story building that is operating as a car wash with an ancillary gas station and asphalt/concrete parking area, preparation of the site for redevelopment, and the construction of one seven-story building (with a proposed gross floor area of 163,260 square feet and a floor area limit of 164,193 square feet) containing 49 condominium units. The units would be comprised of 10 residential townhomes, 35 residential flats (on levels 3 through 6), and 4 penthouses on level 7 (Project Application Materials, 2015). Construction would occur over an approximate 18-month duration. Excavation to construct the Project would require the export of approximately 51,600 cubic yards of soil, which is anticipated to occur over approximately 30 working days. (Nova, 2015b) Soils would be disposed of at the Frank R. Bowerman Landfill in the City of Irvine.

Planned Community Development Plan

The Project applicant proposes a Planned Community (PC) Development Plan. The establishment of a PC is regulated by Chapter 20.56 (Planned Community Development District Procedures) of the City of Newport Beach Zoning Code. The ordinance allows for the diversification of uses as they relate to each other in a physical and environmental arrangement while ensuring substantial compliance with the spirit, intent, and provisions of the Zoning Code.

Section 20.56.020 (Area Requirements) of the Zoning Code identifies a minimum acreage requirement of 10 acres of improved land area for the establishment of a PC District. The Project Applicant is requesting a waiver of the minimum acreage requirement to establish the proposed PC. The PC District is a designation given to land for which a PC has been prepared and the PC is the document that identifies land use relationships and associated development standards for that particular PC District (Newport Beach, 2015a, Section 20.56.010). The applicant proposes a PC for the Project in an effort to ensure broader coordination and consistency with the surrounding neighborhood, and to include a higher level of architectural quality supporting the Newport Center environment with pedestrian connectivity.

The proposed Newport Center Villas PC Development Plan includes a specific set of standards and procedures for implementation and continuation of dwelling units within Newport Center while ensuring substantial compliance with the spirit, intent, and provisions of the Zoning Code. The proposed Newport Center Villas PC Development Plan is included in its entirety in *Technical Appendix A* to this document.

Unit Mix

The unit mix in the seven-story building would include 10 residential townhomes on levels 1 and 2, 35 residential flats on levels 3 through 6, and 4 penthouse units on level 7. Level 7 is designed with a club room with an appointed kitchen for tenant catering, a fitness room, and a swimming pool. The townhomes on levels 1 and 2 would range from 3,581 square feet to 5,371 square feet. The residential flats on levels 3 through 6 would range from 1,645 square feet to 3,608 square feet. The penthouse units on level 7 would range from 2,285 square feet to 3,583 square feet. The density of the Project is 39.2 units per acre.

Project Access/Parking

A guest entrance driveway is proposed with direct access from Anacapa Drive along the eastern boundary of the Project site. This entry includes a porte-cochere and is approximately 26 feet wide at the property line and approximately 26 feet in front of the lobby entrance. This entry would support drop-off/pick-up for an optional valet parking service for the residents, with mandatory valet service for guests. The entrance and exit driveways along Anacapa are designed as full access driveways, with the entrance



driveway allowing left and right turns into the site from Anacapa Drive, and the exit driveway allowing both left and right turns onto Anacapa Drive. The guest parking spaces would be accessed by the valet via a one way internal ramp at the south end of the driveway and the valet parking spaces would be located on level B-1. Valet service would exit the garage via the south driveway and return the vehicles to the front entry via the porte cochaire off of Anacapa Drive. A site circulation plan has been submitted by the Project Applicant (Appendix E2). The lobby is proposed to have a concierge to provide services to residents such as U.S. mail delivery, package delivery, mailing, moving van access, receiving food delivery, and meeting guests.

The primary access for the resident parking area would be located at the southern portion of the building, with entrance/exit driveways accessing the building from a shared driveway south of the Project site along Anacapa Drive. The Project is designed for three levels of parking below-grade. Level B-1 would be partially at grade on the southern edge to allow tenant access. Each residential unit would have a designated private 2-car subterranean garage.

The Project site's Preliminary Title Report states that the Project site is comprised of Parcels A and B and that Parcel B, located to the south of the Project site, contains a non-exclusive easement for ingress and egress over Parcel A in the City of Newport Beach. The underlying property owner's authorization will be required for any site improvements to this area.

Building Footprint/Height

Refer to Section 3.2.2.1 which lists the proposed building setbacks. Above grade setbacks are greater than the setbacks proposed for the parking podium, which would occur below grade and closer to the property lines than the above grade structure. The proposed PC Development Plan provides for a 75 foot 6 inch height limit to accommodate the proposed 49 units in a seven-story building. The PC Development Plan provides height exceptions for the elevator override and mechanical equipment 8 feet above the height limit and architectural projections (such as the parapet) up to 2 feet above the height limit. Thus, the maximum height of the building, including rooftop appurtenances would be 83 feet 6 inches.

Building Mass and Architectural Features

The proposed building's architectural design breaks the building mass into two building enclaves linked together by a structure of glass and metal. The roof profile design is modulated, to reduce the scale of the structure and to provide visual interest and variety. The central building link would step down in height and include a series of terraced residential amenities to further break the building mass and reinforce the concept of a crystalline bridge visually linking the two residential enclaves.

The building façade is designed to be compatible with surrounding development in Newport Center. The design would complement, enhance, and be compatible with the adjacent retail and office properties. The exterior would be comprised predominately of a pre-cast concrete façade, stainless steel finishes and glass. Massing offsets, variations of roof line, varied textures, recesses, articulation, and design accents on the elevation would be integrated in order to enhance the building's architectural style. (Newport Beach, 2015c, p. 4)

Along the Project site's western edge, the grade would fall from the north to the south by exposing a portion of the parking podium garage wall. Along the exposed portion of the above-grade parking garage, the design includes a 3-foot landscape area to soften the scale at this edge. Above the garage, the podium deck would have a planter and walkway that extends over the landscape pocket of the western edge. Guard rails will be designed with an open design to minimize the bulk and scale of structures at this edge.



A dog run would be provided for the residents on the ground level at the northwest corner of the Project site.

3.1 Project Technical Characteristics

3.1.1 Demolition

To construct the Project, existing buildings and associated site improvements located on the property would be demolished and cleared from the site. The existing 8,500-square-foot car wash with an ancillary gas station and asphalt/concrete parking area would be demolished to prepare the site for redevelopment. Demolition activities on-site are projected to result in the creation of approximately 80 tons of construction debris, 240 cubic yards of concrete, and 620 cubic yards of asphalt (Nova, 2015b). Demolition activities would occur over a period of approximately one month.

Demolition debris and excavated soils would be disposed of at the Frank R. Bowerman Sanitary Landfill, located at 11002 Bee Canyon Access Road in Irvine (approximately 15 roadway miles from the Project site) (Newport Beach, 2006b, p. 4.14-39). Some demolition materials would also be transported to Dan Copp Crushing, located at 1120 N. Richfield Road in Anaheim (approximately 21 roadway miles from the Project site). Existing steel fuel tanks would be conveyed to a metal scrapping facility and any remnant liquids, including fuel, would be pumped out and disposed of in compliance with all applicable State of California hazardous materials procedures. (Nova, 2015b) The Project would be subject to the City's Recycling Service Fee pursuant to Municipal Code Chapter 2.30 (Recycle Service Fee), which assists the City in meeting its 50 percent solid waste diversion objective. Refer to Section 4.5.17, Utilities and Service Systems, of this document for additional details about solid waste disposal.

3.1.2 Anticipated Construction Schedule

The Project Applicant estimates that construction activities associated with the Project would occur over an approximately 18-month duration. Construction would include the following phases: grading, evacuation, and shoring; foundation; construction of basement; construction of super structure; waterproofing; installation of exterior finishes; installation of mechanical, electrical, plumbing; installation of interiors; installation of landscape and irrigation; and installation of furniture and equipment.

3.1.3 Construction Equipment

Table 3-1, *Construction Equipment Usage*, indicates the construction equipment assumptions for the Project. To provide a conservative (i.e. worst-case and likely overstated) analysis of potential Project impacts during the construction period, the default equipment mix from the California Emissions Estimator Model (CalEEMod)TM model was used. Based on the small size the Project site, the list of equipment is overstated, but is appropriate to assume for CEQA analysis purposes.

**Table 3-1 Construction Equipment Usage**

Activity	Equipment	Number	Hours Per Day
Demolition	Concrete/Industrial Saws	1	8
	Rubber Tired Dozers	1	8
	Tractors/Loaders/Backhoes	3	8
Site Preparation	Graders	1	8
	Rubber Tired Dozers	1	7
	Tractors/Loaders/Backhoes	1	8
Grading	Graders	1	6
	Rubber Tired Dozers	1	6
	Tractors/Loaders/Backhoes	1	7
Building Construction	Cranes	1	6
	Forklifts	2	6
	Generator Sets	1	8
	Tractors/Loaders/Backhoes	1	6
	Welders	3	8
Paving	Cement and Mortar mixers	1	6
	Pavers	1	6
	Paving Equipment	1	8
	Rollers	1	7
	Tractors/Loaders/Backhoes	1	8
Architectural Coatings	Air Compressors	1	6

Source: Table 3-3, (Urban Crossroads, 2015a)

3.1.4 Construction Employees

Approximately five construction employees would be working on-site during Project demolition. The Project Applicant anticipates that over the course of the Project's construction, a maximum of 250 construction workers would be employed by the construction activity; however, certain phases of construction would require substantially fewer workers. The maximum number of construction workers on-site would occur approximately 12 months after commencement of Project construction. (Nova, 2015b)

3.1.5 Off-Site Improvements

Existing ornamental street trees would be removed along both sides of Anacapa Drive and new trees and landscaping would be planted on both sides of Anacapa Drive to provide enhanced landscaping as part of the Project. The existing median located immediately south of the Project site would be filled in and landscaped to direct traffic flow in and out of the proposed southern garage entry/exit. (Project



Application Materials, 2015) Property owner authorization for the median south of the Project site would be required as a condition of approval for the Project.

Temporary lane closures may be required on surrounding streets during short periods of the Project's construction period to connect the proposed Project to the existing utility facilities within the roadways. However, the construction of the proposed Project would not require the complete closure of any public or private streets or roadways during construction.

3.1.6 Future Population

According to the Department of Finance, the City of Newport Beach averages approximately 2.24 persons per household (pph) (DOF, 2015). Accordingly, the Project's proposal to develop 49 condominium units would result in an increase to the City's population of approximately 110 persons ($49 \times 2.24 = 109.76$ persons).

3.2 Proposed Discretionary Approvals

The proposed discretionary approvals for the Project are described below.

3.2.1 General Plan Amendment No. GP2014-003

The City of Newport Beach General Plan assigns land uses to all areas of the City. Under existing conditions, the General Plan designates the Project site for "Regional Commercial Office (CO-R)" land uses. As stated in the General Plan, the CO-R land use designation "...is intended to provide for administrative and professional offices that serve local and regional markets, with limited accessory retail, financial, service, and entertainment uses." (Newport Beach, 2006a, p 3-13)

Proposed General Plan Amendment No. GP2014-003 would change the land use designation of the Project site from "Regional Commercial Office (CO-R)" to "Multiple Unit Residential (RM)." As stated in the General Plan, the RM land use designation "...is intended to provide primarily for multi-family residential development containing attached or detached dwelling units" (Newport Beach, 2006a, p. 3-12; Newport Beach, 2006b). An anomaly would need to be established with Table LU2 (Anomaly Locations) authorizing an additional development density of 49 units in Statistical Area LI for the Project site.

3.2.2 Zoning Code Amendment No. CA2014-008

The City of Newport Beach Zoning Code is contained as Title 20 "Planning and Zoning" of the City's Municipal Code. Under existing conditions, the Project site is zoned "OR (Office Regional Commercial) Zoning District." The gas station on-site is an ancillary use to the car wash, which is permitted via a use permit in the OR zone (Use Permit No. UPI461). Proposed Zoning Code Amendment No. CA2014-008 seeks to apply the "PC (Planned Community District)" zoning designation to the entire 1.26 acre site. According to City Municipal Code Section 20.26.010(B) (Planned Community Zoning District), the PC Zoning District is "...intended to provide for areas appropriate for the development of coordinated, comprehensive projects that result in a superior environment..." The PC Zoning District requirements have been met by the Project Applicant's preparation of development standards and plans for the development of the Project site with the proposed 49 unit condominium units in one building, as discussed below.

The base height limits established in Part 2 of the Municipal Code (Zoning Districts, Allowable Land Uses, and Zoning District Standards) may be increased within specified areas with the adoption of a Planned



Community District, adoption of a specific plan, or approval of a planned development permit, or site development review. (Newport Beach, 2015a, Section 20.20.060).

3.2.2.1 Planned Community (PC) Development Plan Text

The Project's proposed PC-Text identifies general conditions and regulations and provides for land use and development regulations for the Project site. Refer to *Technical Appendix A*, which contains a copy of the proposed PC-Text. The PC-Text is also available for public review at the City of Newport Beach Planning Division, 100 Civic Center Drive, Newport Beach, CA. The components of the PC-Text are discussed below.

Introduction and Purpose. This section describes the Project, its location, and the overall intent of the Planned Community development standards.

Land Use and Development Regulations. The Land Use and Development Regulations of the PC identify a Site Plan and Project Summary that includes Project statistics for the general location and placement of the 49 condominiums. The Land Use and Development Regulations state that the maximum allowable number of condominium residential units shall be 49, at a density of 39.2 units per acre. The regulations also state the permitted uses on-site as condominiums (Multi-Family Residential), on-site recreation facilities, valet stations, conference rooms, wine storage, separate dedicated storage areas, and other uses ancillary to residential uses. Telecommunications facilities are permitted in accordance with Chapter 20.49 (Wireless Telecommunications Facilities) of the Newport Beach Municipal Code (NBMC). Land uses that are not listed in the PC-Text are not allowed, except as provided by Chapter 20.12 (Interpretation of Zoning Code Provisions) of the NBMC or as required by State Law. In addition, the Land Use and Development Regulations provide Development Standards for the following:

The proposed gross floor area for the Project is 163,260 square feet and the floor area limit for the building is 164,193 square feet.

The gross floor areas per unit type are: Townhomes on levels 1-2: 3,581 square-foot minimum, 5,371 square-foot maximum. Units on levels 3 through 6: 1,645 square-foot minimum, 3,608 square-foot maximum; and Penthouses on level 7: 2,285 square-foot minimum, 3,583 square-foot maximum).

The maximum allowable building height is 75 feet 6 inches and rooftop appurtenances are permitted and may exceed the maximum building height up to 8 feet.

Parking: 2 enclosed private parking spaces per dwelling unit plus 0.5 guest space per dwelling unit, for a total of 25 guest parking spaces.

Common outdoor space: a minimum of 75 square feet per dwelling unit (i.e. 3,675 square feet of common open space for 49 dwelling units) shall be provided at the minimum dimension of 10 feet and a minimum of 10 percent of the common outdoor open space must be landscaped.

Common indoor space: at least one community room of at least 500 square feet for use by all residents of the Project.

Private open space: at least 50 percent of all dwelling units shall provide private open space, on a balcony, patio, or roof terrace, with an area of 30 square feet per dwelling unit.

Requirements for: landscaping and irrigation; lighting; mechanical equipment; trash service and container storage; temporary uses; construction development provisions; and sign allowances and standards.



Setback requirements from adjacent roadways and property lines as specified by the PC include the following (Newport Beach, 2015c, pages 7-8):

- Anacapa Frontage:
above grade: 22.5 feet (including a 3-foot pedestrian walkway easement)
below grade: 15 feet
3 feet at entry/valet canopy
- Newport Center Drive:
above grade: 24 feet
below grade: 15 feet
- Western property line:
above grade: 14 feet
below grade: 3 feet for basement walls
Podium at Level 1: 0 feet
- Southern property line:
above grade: 22 feet (including a 9-foot pedestrian walkway easement)
below grade: 7 feet

Decorative architectural features such as roof overhangs, brackets, cornices, and eaves are permitted to encroach up to 30 inches into a required setback area, provided that no architectural features project closer than twenty-four inches from a side property line and a minimum vertical clearance of at least eight feet above finished grade is maintained. (Newport Beach, 2015c, p. 5)

Site Development Review. Prior to the issuance of building permits for the Project, a site development review shall be required for the Newport Center Villas PC Development Plan in accordance with the applicability, application materials, application fees, review authority, public notice and hearing procedures, findings and decision, minor changes by director, and expiration and post-decision procedures set forth in Section 20.52.080 (Site Development Reviews) of the NBMC. (Newport Beach, 2015c, p. 14)

Where the standards of the PC-Text conflict with the regulations of the NBMC, the regulations contained in the PC-Text would take precedence. The NBMC would continue to regulate all development within the PC when such regulations are not provided within the PC-Text.

3.2.3 Site Development Review No. SD2014-006

Site Development Review No. SD2014-006 is required to fulfill the requirements of NBMC Section 20.52.080 (Site Development Reviews) because the Project would consist of a residential development with five or more dwelling units with a tentative map. The purpose of the site development review is to review the Project plans for compliance with the proposed PC-Text. As part of Site Development Review No. SD2014-006, the City will review the PC-Text and plans, as well as the Project's Tentative Map, to ensure the following objectives are met:

1. Ensure consistency with General Plan policies related to the preservation of established community character, and expectations for high quality development;
2. Respect the physical and environmental characteristics of the site;
3. Ensure safe and convenient access and circulation for pedestrians and vehicles;



4. Allow for and encourage individual identity for specific uses and structures;
5. Encourage the maintenance of a distinct neighborhood and/or community identity;
6. Minimize or eliminate negative or undesirable visual impacts;
7. Ensure protection of significant views from public right(s)-of-way in compliance with Section 20.30.100 (Public View Protection); and
8. Allow for different levels of review depending on the significance of the development project (Newport Beach, 2015a).

3.2.3.1 Site Plan

The proposed Site Plan is depicted on Figure 3-1. The Site Plan identifies the location and orientation of the building, required property line setbacks, and the basement footprint. As shown, the Project includes one multi-story residential building that consists of seven above ground levels and three levels of underground parking. The Site Plan identifies that the building would have a gross floor area of 163,260 square feet. The Project would include 100 residential garage parking stalls (98 stalls required) and 26 visitor parking stalls (25 stalls required). Thus, the Project would meet the City's parking requirement.

3.2.3.2 Conceptual Grading Plan

The Conceptual Grading Plan is depicted on Figure 3-2. The Conceptual Grading Plan identifies proposed elevations for the lower level garage, the proposed building outline at grade level, as well as the boundary for the proposed basement levels. The plan indicates that the Project's grading operation would excavate 51,600 cubic yards of raw cut, all of which would be exported from the Project site to the Frank R. Bowerman Landfill in the City of Irvine. The Conceptual Grading Plan also identifies that the Project's access driveways off of Anacapa Drive would be 26 feet in width and the Project's driveway for residential underground parking would be 26 feet wide.

3.2.3.3 Building Elevations

Building elevations are shown on Figure 3-3 *North and South Building Elevations* and Figure 3-4, *East and West Building Elevations*. The building elevations shown in these figures depict the conceptual architectural characteristics of the building as it would appear from all sides of the Project site. As shown, the building height for each of the perspectives is 75 feet, 6 inches from grade. Figure 3-5, *Newport Center Villas Conceptual Architectural Rendering*, shows a conceptual drawing of how the proposed building would look from a bird's eye view, at the southwest corner of the Project site, looking in a northeasterly direct towards Fashion Island. Figure 3-5 is representative of the building elevation and design of the Project. *Technical Appendix J* to this document provides a complete set of conceptual architectural/design renderings for the Project.

3.2.4 Tentative Tract Map No. 17555 (NT2015-003)

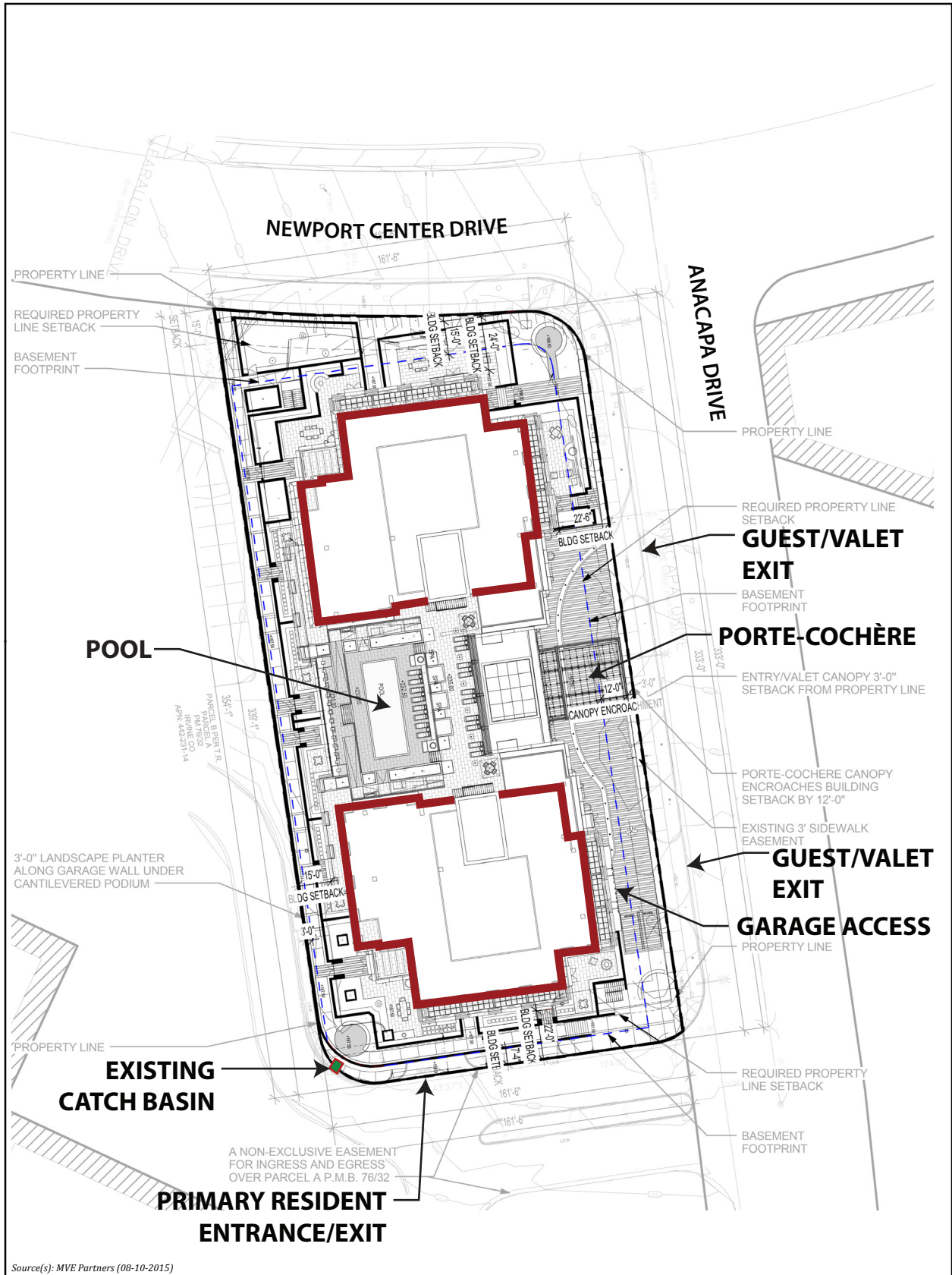
The applicant proposes a condominium subdivision map to establish a 49-unit residential condominium tract on the 1.26 acre Project site. Tentative Tract Map No. 17555 provides a legal description for the Project site and shows the location of the following: proposed and existing sewer lines, sewer lateral, existing driveway easements, fire hydrants, domestic and irrigation water lines, fire water lines, electric vaults, and the location of the existing building on-site to be demolished.

3.2.5 Approvals Required from Other Agencies

The Project would require a National Pollutant Discharge Elimination System (NPDES) Permit from the Santa Ana Regional Water Quality Control Board (RWQCB) because NPDES permits apply to construction sites of one acre or more (CA RWQCB, n.d., p. 9) and Project construction would disturb



more than one acre of land. The Project would require approval from the Orange County Health Care Agency (OCHCA), as this agency oversees the underground storage tank inspection program throughout Orange County, including the City of Newport Beach, and underground tanks are proposed to be removed from the Project site during the construction process (OCHCA, 2015). Although a portion of the Project site falls within the AELUP Notification Area for JWA, AELUC review is not required because the Project would not exceed the FAR Part 77 height restriction of 200 feet, and the Project would not penetrate the 100:1 imaginary surface for notification.



Source(s): MVE Partners (08-10-2015)

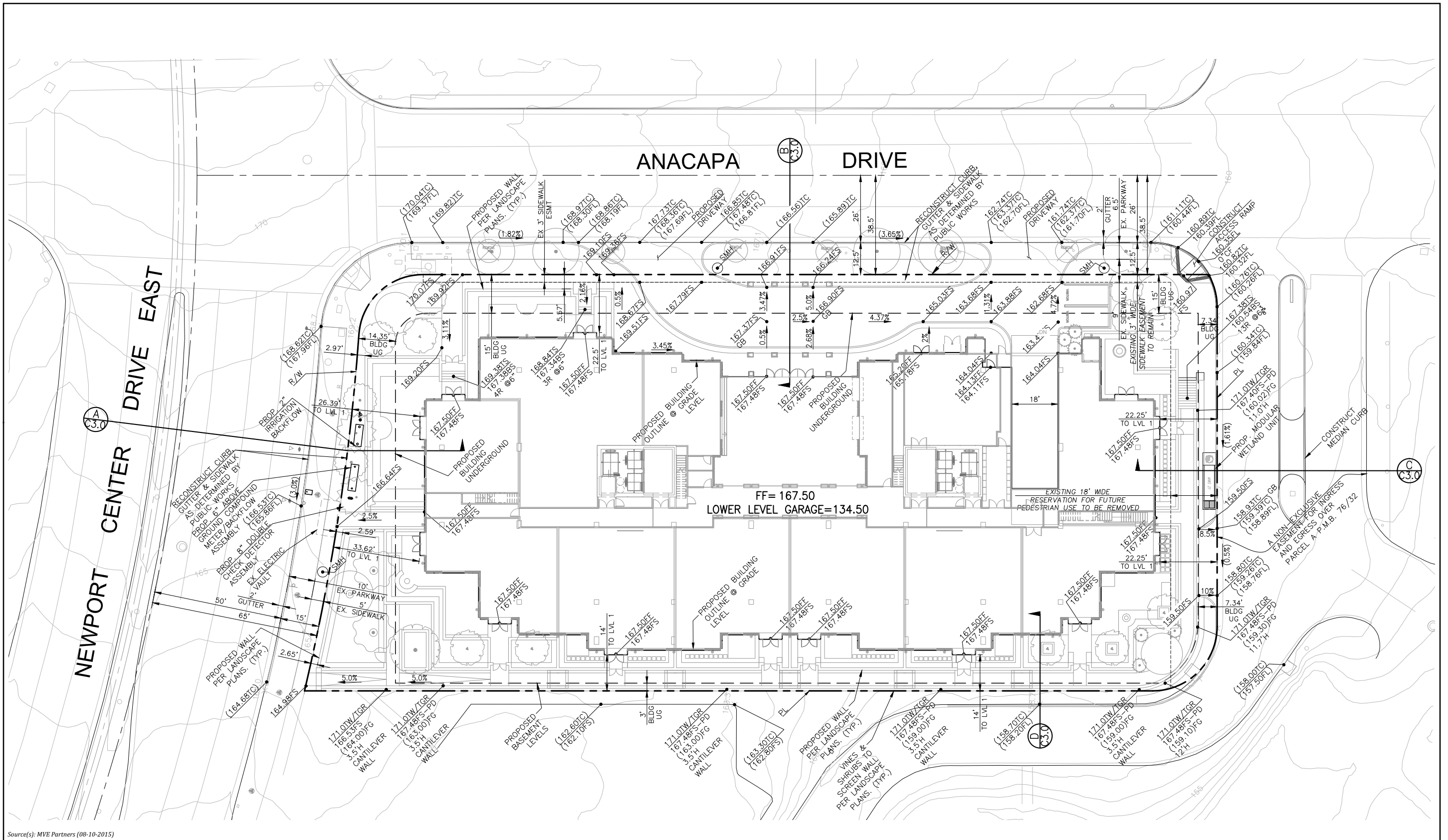


NOT TO SCALE



FIGURE 3-1

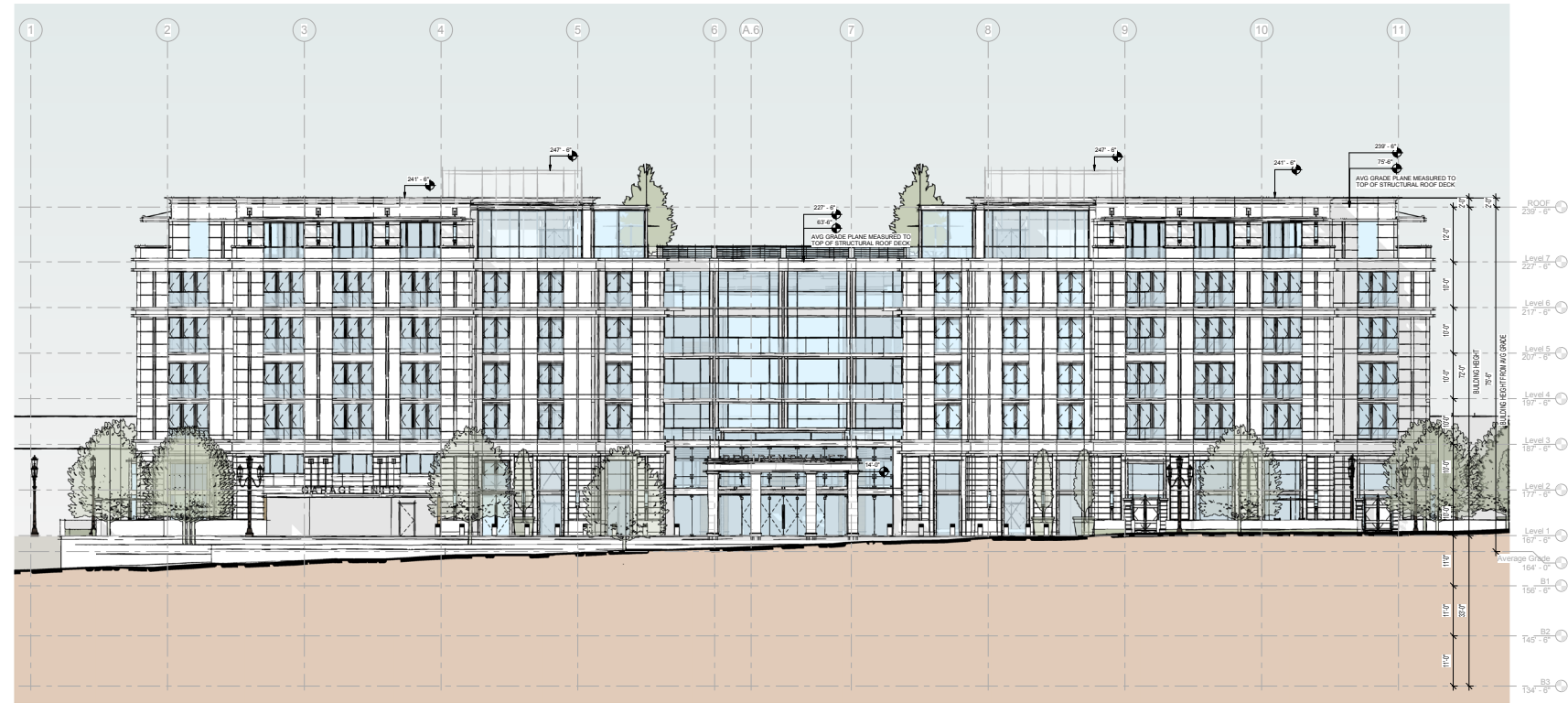
PROPOSED SITE PLAN



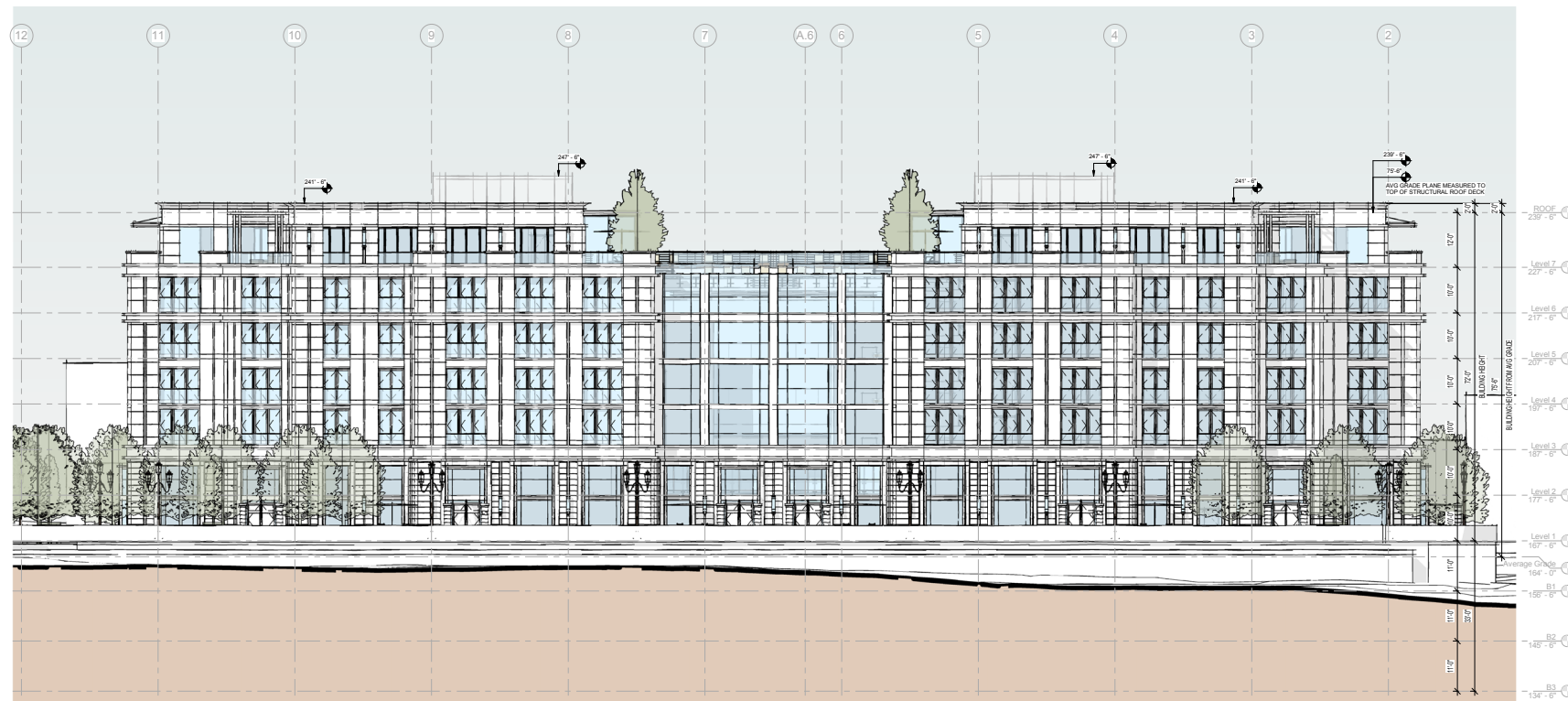
Source(s): MVE Partners (08-10-2015)



FIGURE 3-2
CONCEPTUAL GRADING PLAN



NORTH BUILDING ELEVATION



SOUTH BUILDING ELEVATION

Source(s): MVE Partners (08-10-2015)





EAST BUILDING ELEVATION



WEST BUILDING ELEVATION

Source(s): MVE Partners (08-10-2015)





Source(s): MVE Partners (08-10-2015)



FIGURE 3-5
NEWPORT CENTER VILLAS CONCEPTUAL ARCHITECTURAL RENDERING



3.2.5.2 Floor Plans

The Project's floor plans depict the layout of each of the below grade parking levels (B1-B3) and layout for levels 1-7. Level B1 would contain 17 private garages, 2 resident ADA parking stalls, resident storage areas, stairwells, elevator, 24 visitor parking spaces, service lobby, trash area, main electrical meter room, switch gear room, generator room, and mechanical room. Level B2 would contain a gas meter room, mechanical room, electrical rooms, staircases, resident storage area, elevator access, and 23 private garages. Level B3 would contain stairwells, mechanical room, elevator access, resident storage, trash storage, and nine private garages.

3.2.5.3 Landscape Site Plan

Figure 3-6, Landscape Planting Plan depicts the proposed landscape plan for the Project. As shown, Pink Trumpet Trees and shrubs would be planted along the site's street frontage with Anacapa Drive. Shrubs and various trees (fern pine, African Tulip Tree, Tipu Tree, and fruitless olive trees) would be planted along the Project's street frontage with Newport Center Drive. Along the western border of the Project site, landscaping would be comprised of vine and shrubs. Trees and shrubs would also be planted near the southern edge of the Project site. Seat walls would be placed at the northeast, southeast, and southwest corner and a 1,038 square foot dog run would be located along the Project's frontage with Newport Center Drive, at the northwest corner of the Project site. Pursuant to the Project's Water Quality Management Plan (WQMP) (*Technical Appendix G*), impervious surfaces have been minimized by incorporating landscaped areas throughout the site including around the perimeter of the proposed structures. (Fusco, 2015, p. 15)

3.2.5.4 Open Space Calculations

The Project's common open space requirements per the proposed PC are as follows: 75 square feet per dwelling unit for outdoor common open space plus 500 square feet of indoor common open space, which equates to an overall common open space requirement of 3,675 square feet. Private open space requirements are 30 square feet for at least 50 percent of all dwelling units, which equates to an overall minimum private open space requirement of 750 square feet. The applicant proposes a total of 26,243 square feet of open space, 13,392 square feet of which is common open space and 12,851 square feet of which is private open space. (Project Application Materials, 2015, p. A0.1) Thus, the Project exceeds the City's total open space requirements by over 500 percent.

3.2.5.5 Conceptual Utility Plan

The Project plans include a conceptual utility plan (located in *Technical Appendix K*) that depicts the location of existing and proposed electric vaults, sanitary sewer lines, fire hydrants, sewer laterals, water lines, sewer lines, and utility easements. Existing storm drains and private catch basins are also indicated on the plan. The existing sanitary sewer system at the Project site is served by an 8-inch lateral which connects to a 15-inch main within Newport Center Drive flowing at 3.28 percent and a 6-inch lateral which connects to an 8-inch main within Anacapa Drive flowing at 3.80 percent. The Project would include the installation of one new 6-inch sanitary sewer lateral connection to the 8-inch main within Anacapa Drive. The two existing 8-inch and 6-inch laterals will remain and serve the proposed residential building. (C&V, 2015a, p. 1)

In April 2015, a waiver of individual water and sewer connections was requested by the Project Applicant. This waiver was requested to minimize the number of street cuts required for connecting to the existing sewer and water lines in Newport Center Drive and Anacapa Drive and to minimize the number of water meters, backflow preventers and sewer lateral lines and cleanouts requiring maintenance. The waiver was



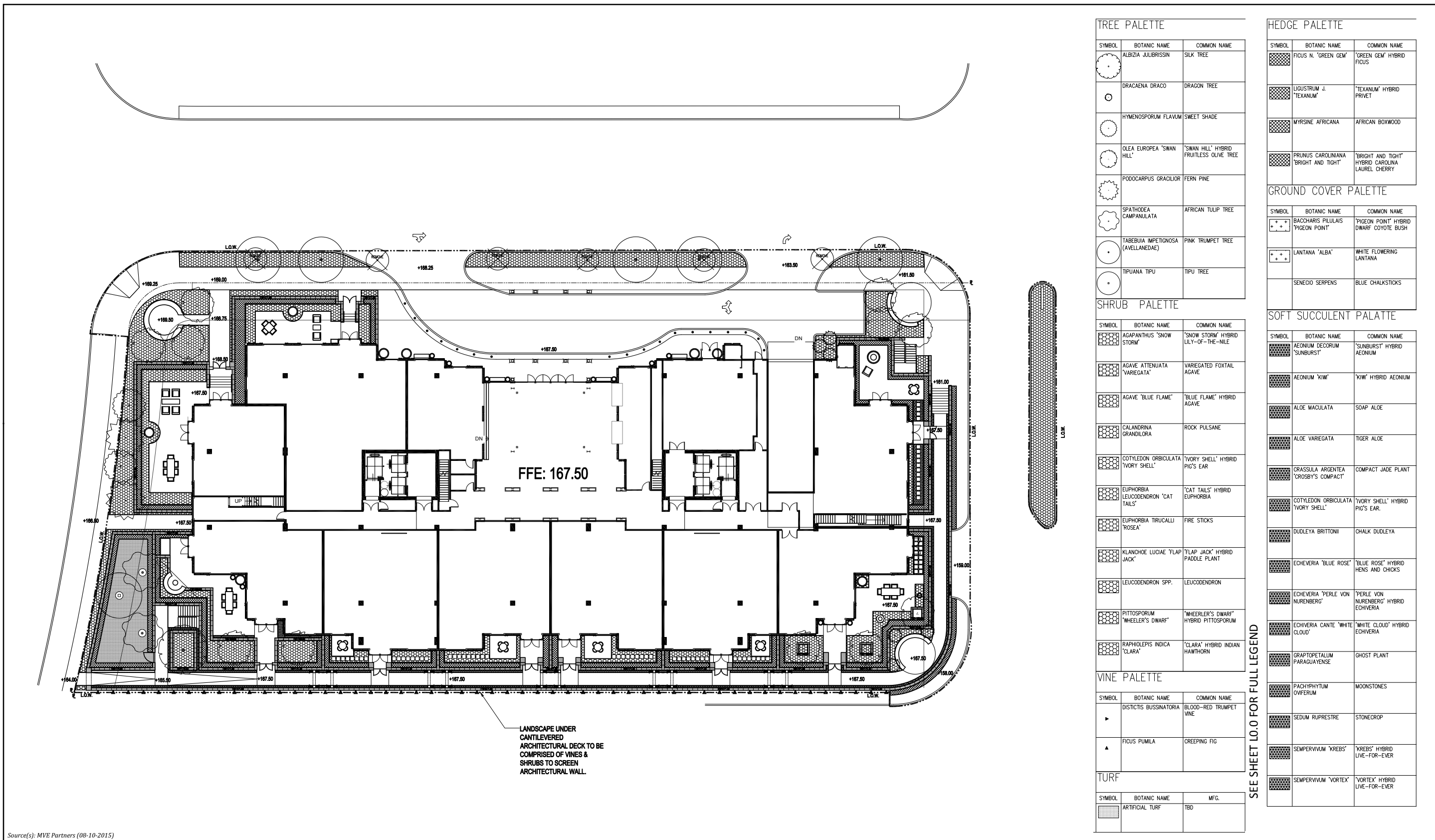
also requested to reduce the impact of the utility services on the landscaping between the street curb and the proposed building.

The existing car wash is served by a 6-inch domestic water service line, which connects to a 12-inch water main located within Newport Center Drive. The Project would utilize the existing 12-inch water main on Newport Center Drive for service. (C&V, 2015b, p. 1) Water service to each of the residential units and the building amenities would be provided by a single 6-inch service line and meter with a backflow preventer, which would connect with existing facilities (12-inch main) within Newport Center Drive. This line would connect to the building where water lines would be distributed to each of the condominium units and building amenities. A separate service and meter would be provided for landscape irrigation. There would be five separate sewer lateral lines running from the building to sewer mains located within Anacapa Drive and Newport Center Drive, each serving an average of approximately 10 dwelling units.

The City would maintain the water line within the Newport Center Drive right-of-way and the meter would be located behind the curb. The City would maintain the sewer from the main line in the street to the cleanout located adjacent to the property line within the right-of-way. Maintenance of the private sewer and water lines running from the termination of the City's maintenance to and within the building would be the responsibility of the Project's Homeowners Association (HOA). The HOA would be responsible for the payment of the sewer and water service fees. The contractor is responsible for the proposed work and the payment of encroachment fees.

3.2.5.6 Fire Hydrant Plan (Fire Protection)

The Project is designed to comply with the City's fire protection requirements. The Project would utilize the three existing public fire hydrants (two of which are located along Newport Center Drive, one immediately north of the Project site and one north of the building located at 200 Newport Center Drive and one that is located along Anacapa Drive, across the street from the Project site). The Fire Department has reviewed the Project's plans and determined that the three existing fire hydrant locations would be sufficient to serve the Project, as the distance from each hydrant to all areas of the site would not exceed a distance of 400 feet. (Nova, 2015a)



Source(s): MVE Partners (08-10-2015)



FIGURE 3-6
LANDSCAPE PLANTING PLAN



4.0 Environmental Checklist and Environmental Analysis

4.1 Project Information

1. Project Title

Newport Center Villas

2. Lead Agency Name and Address

City of Newport Beach
Community Development Department
Planning Division
100 Civic Center Drive
Newport Beach, CA 92660

3. Contact Person and Phone Number

Ms. Makana Nova, AICP, Associate Planner
City of Newport Beach Planning Division, (949) 644-3249

4. Project Location

The Project site consists of a 1.26 acre site bounded by Newport Center Drive to the north and Anacapa Drive to the east, within the City of Newport Beach's Newport Center/Fashion Island Sub-Area (Statistical Area LI). The site's existing address is 150 Newport Center Drive, Newport Beach, CA 92663. Figure 2-2 and Figure 2-3 (previously presented) depict the Project site's location.

5. Project Sponsor's Name and Address

Tod Ridgeway representing
Newport Center Anacapa Associates, LLC
901 Dove Street, Suite 270
Newport Beach, CA 92660

6. General Plan Designation

The Project site is designated by the General Plan for "Regional Commercial Office (CO-R)."

7. Zoning

The Project site is zoned as "OR (Office Regional Commercial) Zoning District."

8. Description of Project

Please refer to Section 3.0 for a detailed description of the Project.



9. Surrounding Land Uses and Setting

As previously discussed and presented on Figure 2-4, the Project site is located within a portion of the City of Newport Beach that is fully developed with a variety of office, and commercial land uses. The Project is bordered by Anacapa Drive on the west, Newport Center Drive on the north, a parking lot on the west and low rise office buildings on the south. Refer to Section 2.2.4, Surrounding Land Uses and Development for details.

10. Other Public Agencies Whose Approval is Required (e.g., permits, financing approval, or participation agreement)

The City of Newport Beach would be responsible for issuing ministerial approvals for future implementing projects, including (but not necessarily limited to) the following: final map(s), grading permit(s), building permit(s), and encroachment permit(s) (due to street improvements to Anacapa Drive). An encroachment agreement may be needed for approval by the City Council for the proposed improvements along Anacapa Drive and Newport Center Drive because tie-backs are proposed that would encroach into these streets to connect water and sewer lines from the Project site (Nova, 2015a). The Project also would require issuance of a NPDES Permit from the RWQCB. The Orange County Health Care Agency would be responsible for reviewing plans for the removal of the existing underground storage tanks associated with the gas station. Although a portion of the Project site falls within the John Wayne Airport notification area, the building height does not penetrate the 100:1 imaginary surface for notification and thus, the Project does not fall within the Planning Area requiring Airport Land Use Commission review. The Project would not require discretionary review or approval by any other public agencies. However, as a condition of approval for the Project, the adjacent property owner's authorization would be required to allow improvements to the shared driveway located in the 100 Block of Newport Center Drive immediately south of the Project site and for street tree improvements across Anacapa Drive.



4.2 Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this Project, involving at least one impact that is "Less than Significant with Mitigation Incorporated," as indicated by the checklist on the following pages. There were no issues identified as a "Potentially Significant Impact."

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

4.3 Determination (To Be Completed By the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	<input type="checkbox"/>
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	<input checked="" type="checkbox"/>
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	<input type="checkbox"/>
I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	<input type="checkbox"/>
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	<input type="checkbox"/>



Submitted by: Makana Nova, Associate Planner, Planning Division (Signature)

09/09/2015
Date



4.4 City of Newport Beach Environmental Checklist Summary

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
I. AESTHETICS				
Would the Project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
II. AGRICULTURE AND FOREST RESOURCES				
Would the Project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
III. AIR QUALITY				
Would the Project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
b) <i>Violate any air quality standard or contribute to an existing or projected air quality violation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Expose sensitive receptors to substantial pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Create objectionable odors affecting a substantial number of people?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
IV. BIOLOGICAL RESOURCES				
Would the Project:				
a) <i>Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>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 impeded the use of native wildlife nursery sites?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
V. CULTURAL RESOURCES				
Would the Project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VI. GEOLOGY AND SOILS				
Would the Project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
VII. GREENHOUSE GAS EMISSIONS				
Would the Project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VIII. HAZARDS AND HAZARDOUS MATERIALS				
Would the Project:				
a) Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites which complied pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY				
Would the Project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of a course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
X. LAND USE AND PLANNING				
Would the Project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XI. MINERAL RESOURCES				
Would the Project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XII. NOISE				
Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XIII. POPULATION AND HOUSING				
Would the Project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XIV. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
XV. RECREATION				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction of or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
XVI. TRANSPORTATION/TRAFFIC				
Would the Project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<i>intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?</i>				
b) <i>Conflict with an applicable congestion management program, including, but not limited to level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XVII. UTILITIES & SERVICE SYSTEMS				
Would the Project:				
a) <i>Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>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?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
g) <i>Comply with federal, state, and local statutes and regulation related to solid waste?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE				
a) <i>Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major period of California history or prehistory?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



4.5 Evaluation of Environmental Impacts

4.5.1 Aesthetics

a) *Would the Project have a substantial adverse effect on a scenic vista?*

Finding: Less-than-Significant Impact. The Project would not result in a substantial adverse effect to a scenic vista. Impacts would be less than significant and mitigation is not required.

The City of Newport Beach General Plan does not officially designate any scenic vistas. (Newport Beach, 2006b, page 4.1-16); however, many natural features such as the Pacific Ocean and Newport Bay provide open coastal views. The Project site is developed with a car wash, ancillary gas station building, and a surface parking lot that is surrounded by urban development. Figures 4.1-1 through 4.1-3 in the City's General Plan EIR show prominent coastal viewing locations throughout the City as identified through public view points and coastal view roads (Newport Beach, 2006b, page 4.1-2). Additionally, Figure NR3, Coastal Views, of the Natural Resources Element of the City's General Plan shows that the closest Coastal View Road to the Project site is a portion of Newport Center Drive that runs parallel to Anacapa Drive, about 800 feet west of the Project site. As depicted in Figure 4.1-3, *Coastal Views Map 3 of 3 (Harbor Area)*, the Project site is not a public view point, nor are any roads that border the Project site designated as Coastal View Roads in the General Plan. Additionally, neither Newport Bay nor the Pacific Ocean are visible from the Project site at the ground-level. The General Plan EIR establishes that if new development blocks or obscures any of the significant public viewpoints, a potentially significant impact would occur (Newport Beach, 2006b, page 4.1-16). As shown on Figures 4.1-1 through 4.1-3 of the General Plan EIR, such viewpoints do not occur in the immediate Project vicinity, and therefore, the Project would not block or obscure views from any of the significant public viewpoints identified in the General Plan. Thus, less than significant impacts would occur related to this issue.

Public views of the Pacific Ocean available near the Project site are limited to views along Newport Center Drive looking toward the west and south (a portion of which is designated as a Coastal View Road), to the west of the Project site. Due to the topography and existing development within the immediate Project vicinity, views of the Pacific Ocean from Newport Center Drive do not occur along the Project frontage with Newport Center Drive. The portion of Newport Center Drive that provides views of the Pacific Ocean occurs west of the Project site, with views toward the ocean available to the west, away from the Project site. From the east, the Project's proposed seven-story building would be partially visible from the view road that occurs along MacArthur Boulevard approximately 0.30 mile to the east of the Project site, looking west. The higher floors of the proposed building would be visible in the distance from near the intersection of San Miguel Drive and MacArthur Boulevard, where the topography is higher than that of the Project site. For motorists traveling southwest on MacArthur Boulevard (toward the Pacific Ocean), the upper floors of the proposed building would be partially visible in the distance, although screened from view to motorists on MacArthur Boulevard by intervening landscaping and structures, such as the 2 to 5-story buildings located in Design Plaza and San Miguel Plaza located along San Miguel Drive, Avocado Avenue, Newport Center Drive, and Civic Center Drive. From this vantage point, because of the intervening trees and development, only the uppermost floors of the building would be visible in the distance. Additionally, motorists along MacArthur Boulevard would only be able to view the proposed building's upper floors by looking due west (looking toward the right from southwest-bound vehicles). From this location, the Pacific Ocean is visible looking due south and slightly southwest, and not due west in the direction of the Project site. Because views of the proposed building's upper floors would be obscured by intervening landscaping and existing development, and because the coastal view available to motorists traveling southwest on MacArthur Boulevard is due south and southwest, distant views of the proposed building due west would not substantially affect views of the Pacific Ocean along this view corridor. The impact to scenic views would be less than significant.



Figures 3-3 through 3-5 depict the Project's proposed building elevations and provide visual representations of the expected appearance of the proposed building from various perspectives. Additionally, view simulation exhibits have been prepared, which represent simulated views that would be experienced by a pedestrian at 6 feet above the ground surface from various viewpoints along Newport Center Drive and MacArthur Boulevard. These simulated views are described as follows:

View 1 from Newport Center Drive looking southeast toward the Project site (Figure 4-1, View Simulation – View 1): The proposed building is partially obscured from view by intervening street trees that exist along Newport Center Drive. The uppermost floors of the proposed building are visible in the distance and the scale and height of the building appears in proportion to a commercial building partially visible within the adjacent area of Fashion Island.

View 2 from the Newport Center Drive/Anacapa Drive intersection looking south toward the Project site (Figure 4-2, View Simulation – View 2): The proposed building is prominently visible adjacent to Newport Center Drive and Anacapa Drive. Street trees partially obstruct the lower floors and the northern façade of the structure. The architectural articulation of the proposed building is designed with light colored building materials and glazed windows. The variation in the setback configuration at the northeastern portion of the building reduces the perceived building mass of the structure from this viewpoint. Similarly, the setback variation in the central portion of the building provides a perceived visual separation of the northern and southern portions of the building, appearing as though there are two separate buildings from this vantage point. The seven-story structure is the only visible building in this view, with no other large or prominent buildings featured in the foreground or background. The Pacific Ocean is not visible from this location

View 3 from Newport Center Drive looking southwest toward the Project site (Figure 4-3, View Simulation – View 3): The proposed building is partially visible in the distant background. Intervening trees, landscaping on privately owned parcels, and existing buildings screen most of the Project's proposed building from view, with only the uppermost floors visible. The height and scale of the proposed building appears in proportion to existing commercial buildings located along Newport Center Drive.

View 4 from MacArthur Boulevard looking northwest toward the Project site (Figure 4-4, View Simulation – View 4): Existing vegetation and structures mostly obscure views of the proposed building, which appears in the distant background. The uppermost floors of the building are visible, with trees and other buildings appearing taller than the proposed building based on the perspective of the viewer. The ocean is visible from this location due south (or to the left of this perspective).

The City of Newport Beach adopted a Sight Plane Ordinance in 1971 (Ordinance 1371), which provided height limitations for buildings within the Civic Center site, establishing a "Civic Center Sight Plane." In 1975, the Corporate Plaza Planned Community was adopted by Ordinance 1596 for the Civic Center site, and the sight plane was expanded to cover the entire Corporate Plaza Planned Community area, within the area bounded by Pacific Coast Highway, Avocado Avenue, Farallon Drive and Newport Center Drive. The purpose of the ordinance is to ensure that buildings remain low in stature to preserve ocean views. Buildings and structures within this area are limited to 32 feet in height and must not exceed the sight plane established by Ordinance 1596. (Newport Beach, 2008, p. 1) The Project site is not subject to the Sight Plane Ordinance. The properties that are subject to the Sight Plan Ordinance are generally located



south of Civic Center Drive, west of MacArthur Boulevard, north of Pacific Coast Highway and northwest of the intersection of Newport Center Drive and Pacific Coast Highway, which are located to the south and west of the Project site (closer to the Pacific Ocean than the Project site). Because the Project site is located north and east of the geographic area covered by the Sight Plane Ordinance, the Project has no potential to conflict with the ordinance. In addition, the development of the proposed Project would have no potential to obstruct ocean views available from structures that fall within the geographic area covered by the Sight Plane Ordinance because the Project site is located inland of this area.

Development of the Project could potentially block some views of the Pacific Ocean for those persons employed at or visiting the Fashion Island shopping center located north of the Project site. However, views of the Pacific Ocean from the Fashion Island parking lot, located north of the Project site are partially or fully obscured by existing buildings and trees. Additionally, the Fashion Island shopping center provides several locations within the retail areas from which views of the Pacific Ocean are prominent and would not be affected by the proposed Project. Accordingly, the proposed Project would not substantially affect scenic views within the Project area, and impacts associated with this issue would be less than significant.

During construction activities, construction equipment, including cranes, would be used that may temporarily be visible on the skyline when looking across the Project site from any direction. However, the use of such construction equipment would be temporary in duration and the equipment would be removed at the end of the construction period. Equipment such as cranes would not be of any substantive mass to block or substantially obscure a scenic view. Accordingly, there would be no substantial change to scenic views available to the public during the Project's construction, and impacts would be less than significant.

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

Finding: No Impact. The Project has no potential to substantially damage scenic resources in a State scenic highway. No impact would occur and mitigation is not required.

Although there are no State scenic highways in the City of Newport Beach, State Route 1 (Pacific Coast Highway), is identified as Eligible for State Scenic Highway designation (Newport Beach, 2006b, pp 4.1-13 and Caltrans, 2011). Due to intervening development and topography, no portion of Pacific Coast Highway is visible from the Project site in the existing conditions; however, given that the Project's building would be seven stories tall, the upper floors of the proposed structure would be visible from portions of Pacific Coast Highway, in the viewshed looking north toward Fashion Island. As the



View 1 - Existing Conditions

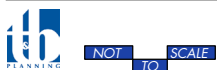


View 1 - Proposed Conditions



Key Map

Source(s): MVE Partners (08-10-2015)





View 2 - Existing Conditions

View 2 - Proposed Conditions



Key Map

Source(s): MVE Partners (08-10-2015)

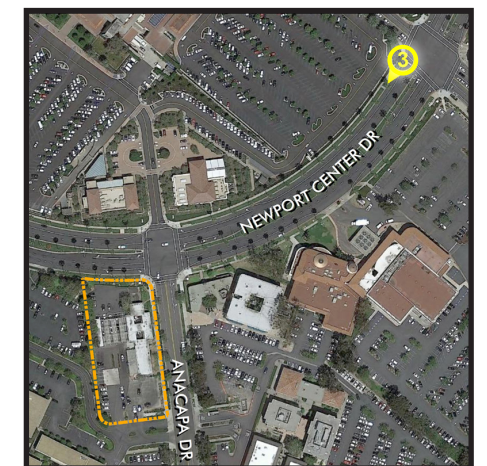




View 3 - Existing Conditions

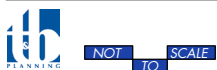


View 3 - Proposed Conditions



Key Map

Source(s): MVE Partners (08-10-2015)

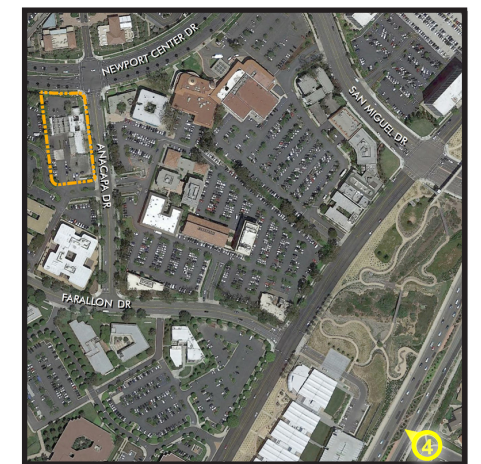




View 4 - Existing Conditions



View 4 - Proposed Conditions



Key Map

Source(s): MVE Partners (08-10-2015)





proposed Project would occur north of Pacific Coast Highway and would be located in a highly urbanized area near other similarly sized buildings in and around Fashion Island, the Project would not result in adverse impacts to views experienced from Pacific Coast Highway.

The Project site is fully developed under existing conditions and does not contain any scenic resources including rock outcroppings or historic buildings listed on or eligible for the National Register of Historic Places. Existing trees located on the site are limited to street trees along the site's public roadway frontages (Newport Center Drive and Anacapa Drive), as well as some on-site hedges/plants that are typical for commercial developments in the Project vicinity. As described in Section 3.0, Project Description, the Project Applicant proposes to replace the street trees provided along the site's frontage with Anacapa Drive. The Project would not substantially damage any scenic resources within a State scenic highway, because there are no State scenic highways in the City of Newport Beach, and there are no existing scenic resources located on the Project site.

c) *Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?*

Finding: Less-than-Significant Impact. The Project would not substantially degrade the existing visual character or quality of the site. A less-than-significant impact would occur and mitigation is not required.

The Project proposes to redevelop a property that currently contains a car wash and ancillary gas station. The Project would remove the existing improvements and in their place construct a seven-story residential structure in a contemporary architectural style. The proposed building would be seven stories in height and is designed to feature highly articulated vertical elements on the façade that would reveal clean roof lines and two enclaves to give the appearance of two separate towers. Portions of the building would be set back at varying distances from the abutting roadways and parking areas to reduce the mass of the building as perceived by pedestrians and motorists in the Project site's vicinity. Mechanical equipment and elevator overrides have been further setback to decrease the visual bulk and scale of these structures at the roof area. Incorporation of the proposed articulated architectural design elements would ensure that the proposed building mass would not appear to be a single monolithic structure, but rather appear as two smaller structures.

The proposed Planned Community (PC) Development Plan for Newport Villas includes architectural design standards as follows (Newport Beach, 2015c, p. 4):

All development shall be designed with the highest quality architectural standards and shall be compatible with the surrounding uses in Newport Center. The development will be well designed with coordinated, cohesive architecture and exhibit a high level of architectural and landscape quality in keeping with the PCDP's prominent location in Newport Center. Massing offsets, variations of roof line, varied textures, recesses, articulation, and design accents on the elevation shall be integrated to enhance the expression of a unique and sophisticated architectural style. In keeping with this philosophy, the exterior will be comprised predominately of a pre-cast concrete façade, stainless steel finishes, and glass.

Compliance with these design standards would be ensured through the City's review of the Site Development Review application and future review of building permits. Refer to Figure 4-5 through Figure 4-7, which provide a photo key map and five photographs showing the existing conditions of the Project site. Compliance with the requirements of the PC-text would ensure that the development of the site would occur in a manner that would not substantially degrade the existing visual character or quality of the Project site and its surroundings. The existing car wash building that is located on the Project site is



approximately 12.5 feet high. The Project proposes a new seven-story building that would be 75 feet 6 inches tall at the top of the roof. As detailed in the PC-text for the Project, the proposed seven-story building is limited to a maximum height of 83 feet 6 inches (which includes the height of building in addition to the elevator override and rooftop mechanical equipment). In comparison, the height of existing structures in the vicinity of the Project site are as follows:

- Office buildings to the southwest: approximately 24 feet to 27 feet in height
- Movie theatre to the northeast: approximately 40 feet in height
- Buildings across Anacapa Drive: range from approximately 22 feet to 75 feet in height
- Buildings to the north across Newport Center Drive: approximately 23 to 25 feet in height

Although the Project would result in the construction of a building that is higher than immediately surrounding existing buildings, height limits range from 32 feet (for properties to the east across Anacapa Drive), to 50 feet (for Block 100), to 75 feet (Height limit for mall buildings in Fashion Island). The proposed building would be compatible with height limits within the Newport Center area, including buildings up to 21 stories in height (300 feet). Because tall buildings already occur within the Project site's vicinity, the construction of a new seven-story residential building on the Project site would not conflict with or substantially alter the visual character of the Newport Center area.

As part of the Project's application materials, a shade and shadow rendering (refer to *Technical Appendix K*) was prepared to depict the location of shadows cast by the existing car wash (existing conditions) and shadows that would be cast by the proposed Project. As shown in the shade and shadow rendering, the winter solstice would represent the worst case scenario in regards to the potential for shade and shadow impacts because it is the day of the year when the sun angle is lowest and cause the longest shadow casting effect. Shadows from the proposed seven-story building would fall across Anacapa Drive and Newport Center Drive but would not fall on any adjacent buildings.

Due to the Project's location in a highly urbanized area, development of the proposed Project would be visible from Fashion Island and from nearby high-rise structures (such as the Island Hotel and nearby office buildings) located north of the Project site. However, given the limited height of the proposed structure (seven stories) compared to other nearby high-rise developments (up to 21 stories), the proposed Project would not represent a substantial change in the overall scenic character of the Project area when viewed from nearby high-rise structures. In addition, views from private properties are not protected as an environmental resource. Accordingly, the impacts associated with views from other buildings would be less than significant.

As discussed above, the Project would not substantially degrade the existing visual character of the site or its surroundings. The Project is proposed with a contemporary building design with highly articulated architectural elements that would complement adjacent and nearby commercial development. Moreover, the proposed residential building would not affect nearby buildings in regards to shade and shadow. Therefore, the Project would result in less-than-significant impacts associated with this topic.

d) *Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views?*

Finding: Less-than-Significant Impact. The Project would introduce a new source light or glare. A less-than-significant impact would occur and mitigation is not required.

The Project site is located within a portion of the City of Newport Beach that is developed with urban uses and experiences a substantial amount of ambient light from artificial lighting associated with these



urban uses (e.g., neon signs, glass building facades, streetlights, parking lot lighting, automotive headlights, etc.) (Newport Beach, 2006b, p. 4.1-13). Moreover, under existing conditions, the Project site contains artificial exterior lighting elements associated with the property's existing gas station and car wash, and street lights installed along the site's public street frontages at the intersection of Newport Center Drive and Anacapa Drive and along Anacapa Drive. Exterior lighting fixtures associated with the proposed Project that would provide nighttime illumination would primarily include lights installed on the building face to illuminate the exterior of the building and lights installed along sidewalks and along Anacapa Drive and Newport Center Drive. The lighting intensity would be expected to increase from what occurs on the site under existing conditions. As the proposed Project would replace a single-story car wash and gas station with a new seven-story residential building, there would be a corresponding increase in lighting levels due to new light sources from within the 49 residential units that could be seen from the exterior through windows, as well as light from fixtures mounted on the building's façade. These new sources of light would not represent a substantial increase of lighting levels in the surrounding areas because the Project's lighting would be of similar illumination levels compared to existing lighting conditions associated with retail and restaurant buildings, hotels and theater buildings, and office buildings located throughout Newport Center. Accordingly, Project-related lighting would not result in a new source of substantial light or glare that could affect surrounding land uses, and impacts associated with light would be less than significant.

To further ensure that light and glare impacts are less than significant, the Project's PC-Text incorporates standards related to outdoor lighting, as follows (Newport Beach, 2015c, p. 11):

All new outdoor lighting shall be designed, shielded, aimed, located and maintained to shield adjacent uses/properties and to not produce glare onto adjacent uses/properties. Lighting plans shall be prepared in compliance with Chapter 20.30.070 (Outdoor Lighting) of the Newport Beach Municipal Code and shall be prepared by a licensed electrical engineer. All lighting and lighting fixtures that are provided shall be maintained in accordance with the approved lighting plans.

Furthermore, all development within the City is required to comply with Section 20.30.070 (Outdoor Lighting) of the City's Zoning Code, including the following requirements:

All outdoor lighting fixtures shall be designed, shielded, aimed, located, and maintained to shield adjacent properties and to not produce glare onto adjacent properties or roadways. Parking lot light fixtures and light fixtures on buildings shall be full cut-off fixtures (Newport Beach, 2015a, Section 20.30.070.A.1).

Spotlighting or floodlighting used to illuminate buildings, statues, signs, or any other objects mounted on a pole, pedestal, or platform or used to accentuate landscaping shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the object intended to be illuminated to minimize glare, sky glow, and light trespass. The beam width shall not be wider than that needed to light the feature with minimum spillover. The lighting shall not shine directly into the window of a residence or directly into a roadway. Light fixtures attached to a building shall be directed downward (Newport Beach, 2015a, Section 20.30.070.C).

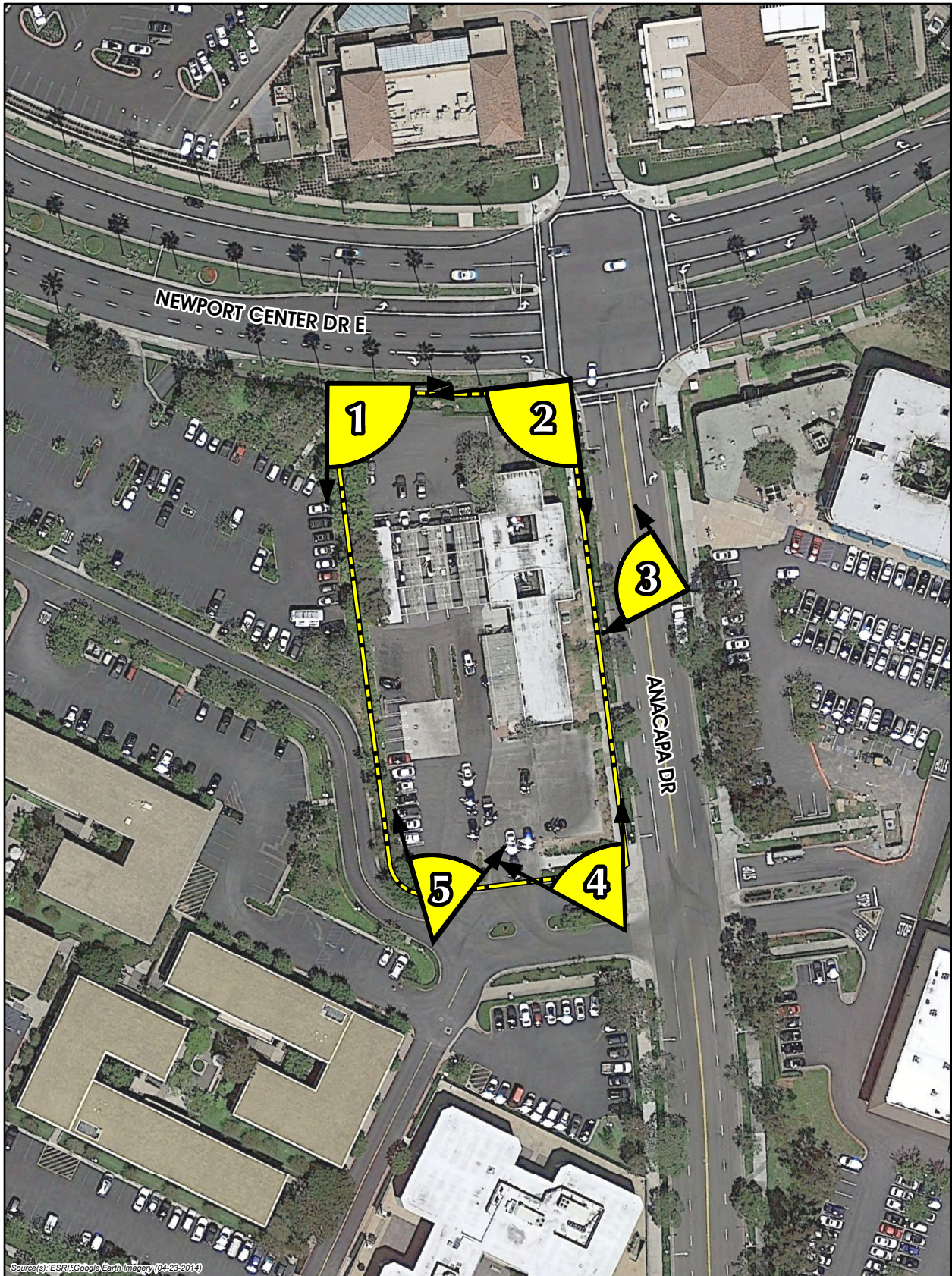
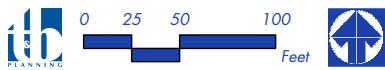


FIGURE 4-5

SITE PHOTOS KEY MAP





Site Photograph 1: From Northwest Corner of Project Site looking Northeast to Southwest.



Site Photograph 2: From Northeast Corner of Project Site looking Southeast to Northwest.



Site Photograph 3: East of Project Site, along Anacapa Drive, looking Southwest to Northwest.



Site Photograph 4: From Southeast Corner of Project Site looking Northwest to North.



Site Photograph 5: From Southwest Corner of Project Site looking Northwest to North.



NOT TO SCALE

FIGURE 4-7

SITE PHOTOS 4 THROUGH 5



The PC-Text also states the following regarding light fixtures on buildings (Newport Beach, 2015c, p. 11):

Light fixtures on buildings shall be full cut-off fixtures. Light spillover may not exceed one foot-candle at the subject property line. Lighting of building interior common areas, exteriors and parking entrances shall be developed in accordance with City Standards and shall be designed and maintained in a manner which minimizes impacts on adjacent land uses. Nighttime lighting shall be limited to that necessary for security. The plans for lighting shall be prepared and signed by a licensed electrical engineer and shall be subject to review and approval of the Community Development Director or their designee.

The outdoor lighting standards identified in the City's Zoning Code and the PC-Text above would limit the amount of light that would spill over from the proposed Project during operation. Additionally, the Project site is located in a primarily commercial area with no dwelling units or residences in the immediate vicinity of the Project that would be exposed to lighting from the Project. The nearest existing residential land use to the Project site is Granville, which is a private gated residential community located approximately 0.15-mile west of the Project site (Google Earth, 2015). None of the Project's proposed building materials would consist of reflective materials, except for the proposed windows, which would have similar glare characteristics as the existing multi-story developments in the surrounding Fashion Island area (such as the 20-story office building located at 650 Newport Center Drive, the 21-story office building located at 520 Newport Center Drive, and the 20-story Island Hotel, located at 690 Newport Center Drive). As the potential for glare at the proposed Project site would be similar to existing buildings within the Project vicinity, and because the proposed building would not introduce substantial amounts of reflective surfaces to the Project vicinity, impacts associated with glare would be less than significant.

Mandatory compliance with the PC-Text and the City's Zoning Code would be assured by the City of Newport Beach through the Site Development Review application and review of building permit applications, to ensure that all lighting elements proposed as part of the proposed development are designed to prevent the creation of substantial light or glare that could affect day or nighttime views in the area. Moreover, as part of the conditions of approval in accordance with Chapter 20.30.070 (Outdoor Lighting) of the City's Municipal Code, a photometric study will be required. Accordingly, implementation of the Project would result in a less-than-significant impact due to new sources of light or glare.

Aesthetics: Mitigation Measures

Implementation of the Project would result in less-than-significant impacts to aesthetics; accordingly, mitigation measures are not required.

4.5.2 Agriculture and Forestry Resources

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

Finding: No Impact. The Project would not impact Farmland and mitigation is not required.

The Project site and surrounding areas do not contain any lands that are mapped by the California Resources Agency as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance ("Important Farmland"). The Project site is designated as "Urban and Built-Up Land." Accordingly, implementation of the Project would result in no impact to Important Farmlands and has no potential to convert farmlands to non-agricultural use.



b) *Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?*

Finding: No Impact. The Project has no potential to conflict with agricultural zoning designations or to impact agricultural lands subject to a Williamson Act Contract. No impact would occur and mitigation is not required.

The Project site is currently zoned “OR (Office Regional Commercial) Zoning District.” As part of the Project, this existing zoning designation would be changed to “PC (Planned Community District).” Zoning designations surrounding the Project site include PC-56 (North Newport Center Planned Community) to the north, PC-56 and OR to the south and east, and OR to the west (Newport Beach, 2010b). There are no existing or proposed agricultural zoning designations affecting the Project site or surrounding areas. As such, the Project has no potential to conflict with agricultural zoning designations, and no impact would occur.

According to information available from the California Department of Conservation (CDC), there are no agricultural lands subject to a Williamson Act Contract within the City of Newport Beach. Accordingly, the Project would have no potential to conflict with lands subject to Williamson Act contracts. (CDC, 2012)

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

Finding: No Impact. The Project has no potential to conflict with existing forest land, timberland, or timberland zoned Timberland Production acres. No impact would occur and mitigation is not required.

There are no lands within the City of Newport Beach, including the Project site and properties surrounding the Project site, that are zoned for forest land, timberland, or timberland zoned Timberland Production (Newport Beach, 2010b). Accordingly, the Project has no potential to impact properties zoned for forest land or timberland.

d) *Would the Project result in the loss of forest land or conversion of forest land to non-forest use*

Finding: No Impact. The Project would not result in the loss of forest land or conversion of forest land to non-forest use. No impact would occur and mitigation is not required.

The City of Newport Beach, including the Project site and properties surrounding the Project site, does not contain any forest lands (Newport Beach, 2006b, Table 3-2). The Project site occurs within a highly urbanized portion of the City of Newport Beach surrounded by developed properties. Accordingly, the Project has no potential to result in the loss of forest land or convert forest land to non-forest use.

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

Finding: No Impact. The Project would not involve any changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or the conversion of forest land to non-forest use. No impact would occur and mitigation is not required.



As indicated in the analysis presented above under the discussion and analysis of Thresholds a) through d) of this section, the Project site and surrounding areas do not contain any lands that are used for farmland or forest land. Accordingly, the Project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or the conversion of forest land to non-forest use. No impact would occur.

Agriculture and Forestry Resources: Mitigation Measures

Implementation of the Project would not impact agriculture and forest lands; accordingly, mitigation measures are not required.

4.5.3 Air Quality

The analysis provided in this section summarizes the information provided in the Air Quality Impact Analysis report prepared by Urban Crossroads, Inc. and is included as *Appendix B* of this MND.

a) Would the Project conflict with or obstruct implementation of the applicable air quality plan?

Finding: Less-than-Significant Impact. The Project would not conflict or obstruct implementation of the 2012 AQMP. Impacts would be less than significant and mitigation is not required.

The applicable air quality management plan (AQMP) for the Project site is the South Coast Air Quality Management District (SCAQMD) 2012 AQMP. Criteria for determining consistency with the AQMP are defined in Chapter 12, Section 12.2 and Section 12.3 of the SCAQMD's CEQA Air Quality Handbook (1993). The Project's consistency with the 2012 AQMP based on these criteria is discussed below.

Consistency Criterion No. 1: The proposed Project would not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP.

Construction Impacts

The violations that Consistency Criterion No. 1 refers to are the California Ambient Air Quality Standards (CAAQS) and National Ambient Air Quality Standards (NAAQS). CAAQS and NAAQS violations would occur if localized significance thresholds (LSTs) were exceeded. As evaluated as part of the Project LST analysis (refer to Table 4-4 and Table 4-5 under the discussion of Air Quality Threshold "d"), the Project's localized construction-source emissions would not exceed applicable LSTs, and would be consistent with the first criterion. Therefore, a less-than-significant impact would occur associated with this issue. (Urban Crossroads, 2015a, pages 31-32)

Operational Impacts

An analysis of the Project's regional air emissions demonstrates that the proposed Project's operational-source emissions would not exceed applicable thresholds (refer to Table 4-3), and would therefore not result in or cause violations of the CAAQS and NAAQS. Accordingly, the proposed Project would be consistent with the first criterion and impacts associated with this issue would be less than significant. (Urban Crossroads, 2015a, p. 32)

Consistency Criterion No. 2: The Project would not exceed the assumptions in the AQMP based on the years of Project build-out phase.



The proposed Project would not result in or cause NAAQS or CAAQS violations. The proposed Project would not exceed regional thresholds for operational emissions, and would therefore be considered to have a less than significant impact. (Urban Crossroads, 2015a, p. 32) Based on the foregoing analysis, the Project would be consistent with Criterion No. 2.

b) Would the Project violate any air quality standard or contribute to an existing or projected air quality violation?

Finding: Less-than-Significant Impact. Construction and operation of the Project would not violate any air quality standard or contribute to an existing or projected air quality violation. Impacts would be less than significant and mitigation is not required.

Applicable air quality standards published by the SCAQMD are presented in Table 4-1, *Maximum Daily Emissions Thresholds*. The Project's potential for resulting in impacts under both construction and long-term operational conditions is discussed below.

Table 4-1 Maximum Daily Emissions Thresholds

Pollutant	Construction	Operations
Regional Thresholds		
NOx	100 lbs/day	55 lbs/day
VOC	75 lbs/day	55 lbs/day
PM10	150 lbs/day	150 lbs/day
PM2.5	55 lbs/day	55 lbs/day
Sox	150 lbs/day	150 lbs/day
CO	550 lbs/day	550 lbs/day
Lead	3 lbs/day	3 lbs/day
Localized Thresholds		
NOx	160.33 lbs/day	n/a
PM10	10.67 lbs/day	n/a
PM2.5	6.00 lbs/day	n/a
CO	1,073.67 lbs/day	n/a

Source: Table 3-1, (Urban Crossroads, 2015a)

Construction Impacts

Construction activities associated with the Project would result in emissions of carbon monoxide (CO), volatile organic compounds (VOCs), oxides of nitrogen (NOx), sulfur oxides (SOx), particulate matter 2.5 microns in diameter or less (PM_{2.5}), and particulate matter 10 microns in diameter or less (PM₁₀). Construction related emissions are expected from the following construction activities (Urban Crossroads, 2015a, pages 21-22):

- Demolition
- Site Preparation
- Grading



Building Construction
Paving
Painting (Architectural Coatings)
Construction Workers Commuting

Construction is expected to commence in June 2016 and would last through January 2018. Table 3-1 (previously presented), summarizes construction equipment assumptions that were modeled for analysis purposes. To provide a conservative (i.e. worst-case) analysis of potential Project impacts/air quality emissions, the CalEEMod default equipment mix was used. In reality and due to the Project's small size, fewer pieces of construction equipment would be used than the model assumes; therefore, emissions are over-stated. The Project includes demolition of the existing car wash, ancillary gas station, and parking lot. Demolition activities on-site are projected to result in the creation of approximately 80 tons of construction debris, 240 cubic yards of concrete, and 620 cubic yards of asphalt (Nova, 2015b). Demolition debris and excavated soils are anticipated to be disposed of at the Frank R. Bowerman Sanitary Landfill, located at 11002 Bee Canyon Access Road in the City of Irvine (approximately 15 roadway miles from the Project site) (Newport Beach, 2006b, p. 4.14-39), as well as Dan Copp Crushing, located at 1120 N. Richfield Road in the City of Anaheim (approximately 21 roadway miles from the Project site).

Table 4-2 Emissions Summary of Proposed Overall Construction

Year	Emissions (pounds per day)					
	VOC	NOx	CO	SOx	PM10	PM2.5
2016	5.95	80.32	57.11	0.17	10.68	5.44
2017	39.15	20.36	18.37	0.03	1.95	1.39
2018	39.11	2.05	2.36	4.4e-6	0.27	0.18
Maximum Daily Emissions	39.15	80.32	57.11	0.17	10.68	5.44
SCAQMD Regional Threshold	75	100	550	150	150	55
Threshold Exceeded?	NO	NO	NO	NO	NO	NO

Source: Table 3-4 (Urban Crossroads, 2015a)

As shown in the table above, the Project would not exceed the SCAQMD Regional Emissions Thresholds for any criteria pollutants during construction. Accordingly, the Project's construction activities would not violate any air quality standard or contribute to an existing or projected air quality violation. Therefore, a less-than-significant impact would occur from the construction emissions associated with the proposed Project and no mitigation is required (Urban Crossroads, 2015a, p. 23).

Operational Impacts

Operational activities associated with the proposed Project would result in emissions of ROG, NO_x, CO, SO_x, PM₁₀, and PM_{2.5} (Urban Crossroads, 2015a, p. 24). Operational emissions would be expected from the following primary sources:

Area Source Emissions
Energy Source Emissions
Mobile Source Emissions

Operational-source emissions for the proposed Project for the summer and winter scenarios are summarized in Table 4-3 below.

**Table 4-3 Summary of Project Operational Emissions**

Operational Activities – Summer Scenario	Emissions (pounds per day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Area Source	15.36	0.37	28.7	3.94e-2	3.77	3.76
Energy Source	0.02	0.20	0.08	1.25e-3	0.02	0.02
Mobile	0.61	1.49	7.14	0.02	1.55	0.43
Maximum Daily Emissions	16	2.06	35.94	0.06	5.33	4.21
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	NO	NO	NO	NO	NO	NO

Operational Activities – Winter Scenario	Emissions (pounds per day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Area Source	15.36	0.37	28.71	0.04	3.77	3.76
Energy Source	0.02	0.20	0.08	1.25e-3	0.02	0.02
Mobile	0.64	1.57	7.05	0.02	1.55	0.43
Maximum Daily Emissions	16.03	2.14	35.84	0.06	5.33	4.21
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	NO	NO	NO	NO	NO	NO

Source: Table 3-6 (Urban Crossroads, 2015a)

As shown above, the proposed Project's operational-source emissions would not exceed applicable SCAQMD regional thresholds of significance during the operation of the proposed Project. Therefore, impacts associated with this issue would be less than significant. (Urban Crossroads, 2015a, p. 25)

c) *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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?*

Finding: Less-than-Significant Impact. Construction and operation of the Project would not 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. Accordingly, impacts would be less than significant and mitigation is not required.

The South Coast Air Basin (SCAB) has a non-attainment status under both state and federal designations for ozone and PM_{2.5}, and is considered non-attainment under State of California criteria for PM₁₀.

As previously demonstrated in Table 4-2 and Table 4-3, construction-related emissions and operational-related emissions of VOCs, NO_x, and CO (all of which are ozone precursors), SO_x, PM₁₀ and PM_{2.5} all would be below the SCAQMD regional significance thresholds. Therefore, near-term construction emissions and long-term operational emissions would not substantially contribute to a net increase of any criteria pollutant for which the Project's region is in non-attainment and impacts associated with this issue would be less than significant.

Air emissions that occur in daily quantities that exceed SCAQMD thresholds are considered cumulatively considerable (Urban Crossroads, 2015a, p. 34). However, because the proposed Project would not exceed the applicable SCAQMD thresholds for construction and operational-source emissions, the



Project would not result in a cumulatively considerable significant impact (Urban Crossroads, 2015a, p. 35).

d) *Would the Project expose sensitive receptors to substantial pollutant concentrations?*

Finding: Less than Significant. During construction, the Project would not expose sensitive receptors to substantial construction-related pollutant concentrations. Under long-term conditions, the Project would also not expose sensitive receptors to substantial pollutant concentrations. Thus, the Project would have less-than-significant impacts.

Construction Impacts

Sensitive receptors can include land uses such as long-term health care facilities, rehabilitation centers, and retirement homes. In addition, residences, schools, playgrounds, child care centers, and athletic facilities can also be considered as sensitive receptors. Results of the LST analysis (refer to Table 4-4 and Table 4-5, below) indicate that the Project would not exceed the SCAQMD localized significance thresholds during construction. Therefore, sensitive receptors in the Project area would not be exposed to substantial pollution concentrations during Project construction, and impacts associated with this issue would be less than significant.

Table 4-4 Localized Significance Summary Construction Site Preparation

On-Site Site Preparation Emissions	Emissions (pounds per day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
Maximum Daily Emissions	25.77	16.51	7.19	4.24
SCAQMD Localized Threshold	108	1,090	27	9
Threshold Exceeded?	NO	NO	NO	NO

Source: Table 3-7, (Urban Crossroads, 2015a)

Table 4-5 Localized Significance Summary for Construction Grading

On-Site Grading Emissions	Emissions (pounds per day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
Maximum Daily Emissions	21.04	13.67	5.96	3.57
SCAQMD Localized Threshold	108	1,090	27	9
Threshold Exceeded?	NO	NO	NO	NO

Source: Table 3-8, (Urban Crossroads, 2015a)

Operational Impacts

The Project involves the construction and operation of 49 condominium high rise dwelling units in one building. According to SCAQMD LST methodology, LSTs would apply to the operational phase of a project, if the project includes stationary sources, or attracts mobile sources that may spend long periods queuing and idling at the site (e.g., warehouse or transfer facilities). The Project does not include such uses, and thus, due to the lack of stationary source emissions, no long-term localized significance threshold analysis is needed. (Urban Crossroads, 2015a, p. 29)



CO Hotspots

A CO “hotspot” would occur if an exceedance of the State one-hour standard of 20 ppm or the eight-hour standard of 9 ppm were to occur. The Project would have the potential to create or contribute to a CO hotspot if it were to contribute vehicular traffic to any area intersections that are experiencing high volumes of traffic and that already experience or have the potential to experience substantial CO concentrations. As indicated in Table 4-7, *Net New Trip Generation of Proposed Project*, (refer to Section 4.5.16, Transportation/Traffic), implementation of the proposed Project would result in a net reduction in vehicle trips from the site by an estimated 614 daily trips when compared to the existing car wash use at the Project site. Since the Project would result in a net reduction of vehicle trips, the Project has no potential to contribute to or create a CO hot spot. Accordingly, no impact would occur associated with this issue.

e) *Would the Project create objectionable odors affecting a substantial number of people?*

Finding: Less-than-Significant Impact. Impacts associated with odors generated during the Project’s construction and long-term operation would be less than significant, and mitigation is not required.

The Project would include the redevelopment of an existing developed property with 49 condominium units in one building. The Project does not propose any land uses typically associated with emitting objectionable odors. Land uses generally associated with odor complaints include agricultural uses (livestock and farming), wastewater treatment plants, food processing plants, chemical plants, composting operations, refineries, landfills, dairies, and fiberglass molding facilities, none of which would occur on the property. (Urban Crossroads, 2015a, p. 33)

The potential for odor sources associated with the Project are limited to construction equipment exhaust and the application of asphalt and architectural coatings during construction activities, and the temporary storage of typical municipal solid waste (refuse) during the Project’s lifetime (Urban Crossroads, 2015a, p. 33).

Construction-related odors would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phases of construction activity. These odors are common in urban and suburban areas and are generally not objectionable to a large majority of the population. For these reasons, temporary and intermittent construction-related odors would be less than significant. (Urban Crossroads, 2015a, p. 33).

During long-term Project operation, the only potential for odor generation is from temporary refuse storage. However, solid waste collection requirements in the City of Newport Beach require all refuse containers to be covered with a watertight lid, which minimizes odor. It is expected that Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with the City’s solid waste regulations. The Project would also be required to comply with SCAQMD Rule 402 to prevent occurrences of public nuisances. (Urban Crossroads, 2015a, p. 33). The Project would be required to comply with Municipal Code Section 20.30.120 (Solid Waste and Recyclable Materials Storage), which mandates that all multi-unit projects with five or more dwelling units “...provide enclosed refuse and recyclable material storage areas with solid roofs.” (Newport Beach, 2015a) The applicant proposes a trash room on level B1. Levels B-1 through B-3 each have separate trash areas. Trash rooms within the basement areas will minimize impacts to residents within their living units. The potential for objectionable odors to emanate from the Project’s refuse containers would be very slight and no different than the potential for refuse-related odors from other residential land uses in the City of



Newport Beach. Therefore, impacts associated with odors from Project operation would be less than significant.

Air Quality: Mitigation Measures

Implementation of the Project would result in less-than-significant impacts to air quality; accordingly, mitigation measures are not required.

4.5.4 Biological Resources

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 Game or U.S. Fish and Wildlife Service?*

Finding: No Impact. The Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species.

Improvements proposed as part of the Project would occur wholly within the 1.26 acre Project site, along the site's frontage with surrounding streets, and in the adjacent property to the south. Ornamental street tree removal would occur along Anacapa Drive and Newport Center Drive. No native habitat or undeveloped areas occur on the Project site or within the immediate Project vicinity; all vegetation located on or near the Project site was previously planted as ornamental landscaping. Due to the developed nature of the Project site and the highly urbanized vicinity, none of the areas planned for physical impact or development by the proposed Project contain species, or habitat for species, identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS). Accordingly, no impact to sensitive species would occur.

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 Game or U.S. Fish and Wildlife Service?*

Finding: No Impact. The Project would have no potential to impact riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW and USFWS. No impact would occur and mitigation is not required.

The Project site is fully developed with a car wash with an ancillary gas station and does not contain any riparian habitat. The Project site does not contain riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by the CDFW or USFWS. The Project site is located in an area that the City's General Plan EIR identified as not containing sensitive biological resources, including riparian habitat. Accordingly, no impact to riparian habitat would occur.

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

Finding: No Impact. The Project would have no impact on federally protected wetlands as defined by Section 404 of the Clean Water Act. Mitigation is not required.



The Project site is fully developed with a car wash with ancillary gas station and does not contain any wetlands. Accordingly, the proposed Project would have no impact on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

d) *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 impeded the use of native wildlife nursery sites?*

Finding: Less than Significant with Mitigation Incorporated. Due to the Project's proposal to remove existing trees on the Project site, and along both sides of Anacapa Drive, the Project has the potential to have an adverse effect on bird species that could be nesting in trees. Mitigation Measure BIO-I, requiring nesting bird surveys prior to the commencement of demolition and construction Project phases, is recommended to reduce potential impacts to nesting birds. With mitigation, impacts would be reduced to below a level of significance.

Under existing conditions, the Project site is developed with a car wash, ancillary gas station, and a parking lot and is surrounded by improved roadways (Newport Center Drive and Anacapa Drive) and urban development. Thus, under existing conditions, the Project site and adjacent properties do not provide habitat for native species, are not part of a terrestrial wildlife movement corridor, and do not serve as a native wildlife nursery site. However, ornamental trees are located on and near the site that could provide nesting areas for birds. Due to the proposed median improvements (filling in and landscaping of the existing median), removal of 28 existing trees on the site, and removal of nine street trees along Anacapa Drive (six on the Project side and three on the opposite side of the street), the Project would have the potential to impact migratory bird species that could be nesting in trees at the time of the tree removal. Therefore, Mitigation Measure BIO-I is recommended, requiring nesting bird surveys prior to the removal of trees, should such removal occur during the nesting bird season. However, tree removal may occur outside of nesting season without the need for a nesting bird survey because removal of trees outside of nesting season would not impact nesting birds. The implementation of Mitigation Measure BIO-I would ensure that the Project would not interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or with the use of native wildlife nursery sites, and would reduce impacts associated with this issue to less than significant.

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

Finding: Less than Significant. The Project would not have a significant conflict with any local policies or ordinances protecting biological resources. A less than significant impact would occur and mitigation is not required.

Implementation of the Project would require the removal and replacement of existing trees located along Anacapa Drive, within the Project site, and vegetation in the existing median to the south of the Project site. These plant materials are ornamental in nature. Due to the Project's location within a highly urbanized portion of the City of Newport Beach, the Project would not conflict with Chapter 7.26 of the City's Municipal Code (Protection of Natural Habitat for Migratory and Other Waterfowl), nor would the Project conflict with General Plan Policy NR 10.1, which requires future development to cooperate with State and federal agencies, and private organizations in the protection of the Planning Area's biological resources. Due to the lack of natural habitat on the Project site, the Project would not conflict with other regulations/ordinances regarding natural habitats.



The City Council has adopted a Policy Manual that includes Council Policy G-1, the purpose of which is to “establish and maintain 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, 2009a) Pursuant to Council Policy G-1 provisions for “All Other City Trees,” (i.e. those not designated as Special or Problem Trees) the City Council would review the Project’s conceptual landscaping plan (including the removal of existing trees along both sides of Anacapa Drive) during public hearings for the Project. Trees are permitted to be removed as part of a new project with City Council Review under Council Policy G-1, as part of a City-Council approved City, commercial, neighborhood, or community association beautification program. However, because the Project Applicant proposes to replace the removed trees, and because the City Council would have authority to review the landscaping plan for the proposed Project to ensure overall consistency with City Council Policy G-1, impacts associated with this issue would be less than significant. Additionally, as a condition of approval for the Project, the adjacent property owner’s authorization is required to allow improvements in the 100 Block of Newport Center Drive and for street tree improvements across Anacapa Drive.

The Project site is not located within or contiguous to any of the Environmental Study Areas (ESAs) identified by the Newport Beach General Plan EIR Figure 4.3-2; therefore, the Project does not require any site-specific biological surveys and analysis (Newport Beach, 2006a, Figure NR2). The Project site also does not contain any terrestrial or marine resources that require protection, as the Project site is fully developed under existing conditions. Accordingly, the Project would not involve nor require any consultation with state and federal resource protection agencies or private organizations concerned with the protection of sensitive biological resources. Therefore, the Project would not conflict with General Plan Policies NR 10.1 or NR 10.3.

The Project would be required to comply with Chapter 14.16 (Water Conservation and Supply Level Regulations) and Chapter 14.17 (Water-Efficient Landscaping) of the City’s Municipal Code, which outlines water conservation and landscaping requirements applicable to all developments. Compliance with Chapter 14.16 and Chapter 14.17 would ensure that the Project meets the General Plan Natural Resources Element’s Water Supply goals (Goal NR 1). The Project also would be required to comply with the Project’s Preliminary Water Quality Management Plan (WQMP), and also would be required to implement a Storm Water Pollution Prevention Plan (SWPPP) and Final WQMP to preclude water quality impacts during both construction and long-term operation, thereby ensuring compliance with Natural Resources Element Goals NR 3 and NR 4. The Project would be required to comply with City sewer requirements such as providing the Project with adequate sewer outflows and as such the Project would comply with Natural Resources Element Goal NR5. The Project would result in less than significant air quality emissions during both the construction and operational phases (as indicated under the discussion and analysis of Air Quality in Section 4.5.3), and would therefore comply with Natural Resources Element Goals NR 6 through NR 8. Mitigation also has been incorporated to ensure that the Project would not result in impacts to archaeological or paleontological resources (refer to Section 4.5.5, Cultural Resources), and the Project would therefore comply with Natural Resources Element Goal NR 18 and City Council Policies K-4 and K-5. The Project would not have an adverse impact on the City’s visual resources (as indicated under Section 4.5.1, Aesthetics), and would comply with Natural Resources Element Goals NR 20 and NR 21. Furthermore, the Project would be required to comply with the State of California Building Standards Code, Title 24, which incorporate measures that ensure the incorporation of energy conservation measures in new developments; accordingly, the Project would be consistent with the Natural Resources Element Goal NR 24. The remaining goals and policies of the Natural Resources Element are not applicable to the Project. Accordingly, the Project would be consistent with, or otherwise would not conflict with, all applicable policies of the General Plan Natural Resources Element.



Based on the foregoing analysis, the Project would be consistent with or otherwise would not conflict with all applicable provisions of the City's General Plan, Zoning Code/Municipal Code, and the Orange County Central and Coastal Orange County NCCP/HCP. Accordingly, implementation of the Project would not result in a conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect and impacts would be less than significant.

There are no other local policies or ordinances protecting biological resources that are applicable to the Project; accordingly, no impact due to a conflict with any local policies or ordinances protecting biological resources would occur.

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?*

Finding: No Impact. The Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, including the Orange County Central and Coastal Orange County NCCP/HCP. No impact would occur and mitigation is not required.

The Project site is located within the Orange County Central and Coastal Orange County NCCP/HCP, which does not identify the Project site and surrounding areas for conservation (Orange County, 1996, Figure 11). Due to the developed nature of the Project site, the site also does not contain any habitat for any of the plant or animal species addressed by the NCCP/HCP. Accordingly, the Project has no potential to conflict with the NCCP/HCP. There are no additional Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans applicable to the Project site or vicinity. Accordingly, no impact would occur.

Biological Resources: Mitigation Measures

MM BIO-1 Prior to the issuance of a demolition permit, the Director of Community Development shall ensure that any tree removal activities occur outside of the nesting season (February 1st to August 31st). If it is determined necessary for tree removal activities to occur between February 1st and August 31st, the Director of Community Development shall require a preconstruction nesting bird survey to be conducted by a qualified biologist within seven (7) days prior to any tree removal activities. Any active nests identified shall have a buffer area established within a 100-foot radius (200 foot for birds of prey) of the active nest. Disturbance shall not occur within the buffer area until the qualified biologist determines that the young have fledged. Demolition and construction activity may only occur within the buffer area at the discretion of the qualified biologist.

4.5.5 Cultural Resources

a) *Would the Project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?*

Finding: No Impact. Although the Project would demolish the existing building and remove it from the property, the structure is not a historical resource pursuant to Section 15064.5 of the CEQA Guidelines. No impact to historic resources would occur and mitigation is not required.



The Project site contains one existing building (car wash with an ancillary gas station) that would be demolished and removed from the property as part of the Project.

CEQA Guidelines Section 15064.5(a) clarifies that historical resources include the following:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources.
2. A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements [of] section 5024.1(g) of the Public Resources Code.
3. Any object, building, structure, site, area, place, record, or manuscript which a Lead Agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

The City of Newport Beach has listed seven properties in the City of Newport Beach Register of Historical Property (City Register), as shown in Figure 4.4-1 of the General Plan EIR, in recognition of their local historical or architectural significance. The existing car wash and ancillary gas station located on the Project site is not listed in the City Register (Newport Beach, 2006b, Figure 4.4-1). In addition, pursuant to the criteria used by the California State Parks Office of Historic Preservation (OHP), the existing structure on-site is not eligible for inclusion on the California Register of Historical Resources because: 1) it is not associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage; 2) it is not associated with the lives of persons important to local, California or national history; 3) it does not embody the distinctive characteristics of a type, period, region or method of construction or represent the work of a master or possess high artistic values; and 4) it has not yielded, nor does it have the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

The existing structure also is not included in any local register of historical resources, nor is it identified as significant in the City's Historic Resource Inventory (Newport Beach, 2006a, page 6-11). Moreover, the existing structure is not historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California; rather, the structure consists of relatively modern architectural styles and exhibits no unique architectural characteristics.

There are no other structures on-site that could be considered a historical resource pursuant to CEQA Guidelines Section 15064.5(a). Based on the foregoing analysis, the existing structures and features on the site are not historical resources. Thus, the Project would have no impact to historic resources as defined by CEQA Guidelines Section 15064.5(a) and mitigation is not required.

The goals and policies of the General Plan Historical Resources Element are not applicable to the Project because the Project site does not contain any historical resources (as indicated herein). Accordingly, the Project would not conflict with any goals or policies of the Historical Resources Element.

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

Finding: Less than Significant with Mitigation Incorporated. Although unlikely, there is a remote possibility that archaeological resources could be encountered during site grading activities. Mitigation Measure CR-1 would ensure that potential impacts to archaeological



resources, if unearthed during construction activities, are reduced to a level below significance.

The Project site has been fully disturbed and developed with a car wash, ancillary gas station, and a parking lot. The excavation for the proposed subterranean parking structure is estimated to range from approximately 30-40 feet below the proposed final ground surface. Due to the depth of the excavation required for the proposed subterranean parking structure, there is a potential that previously unearthed archeological resources may be encountered where excavation depths exceed the depth of previous construction activities. If archeological resources are unearthed during Project excavation that meet the CEQA Guidelines § 15064.5 definition of a significant resource, potentially significant impacts to archeological resources could occur if the resource is not properly treated. Therefore, Mitigation Measure CR-1 has been identified to reduce the impacts associated with this issue to below a level of significance.

c) *Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

Finding: Less than Significant with Mitigation Incorporated. Although unlikely, there is a remote possibility that paleontological resources could be encountered during site grading activities. Mitigation Measure CR-2 would ensure that impacts to paleontological resources, if unearthed during construction activities, are reduced to a level below significance.

The Project site has been fully disturbed and developed with a car wash, ancillary gas station, and a parking lot. The excavation for the proposed subterranean parking structure is estimated to range from approximately 30-40 feet below the proposed final ground surface. The Project site is not located in a portion of the City of Newport Beach that is known to contain fossil-bearing soils or rock formations (Newport Beach, 2006b, p. 4.4-17). However, due to the depth of the excavation required for the proposed subterranean parking structure, there is a potential that previously unearthed paleontological resources may be encountered where excavation depths exceed the depth of previous construction activities. Although unlikely, the potential for uncovering and impacting paleontological resources during site development activities represents a potentially significant impact. Mitigation Measure CR-2 has been identified to reduce the potential impacts associated with this issue to less than significant.

d) *Would the Project disturb any human remains, including those interred outside of formal cemeteries?*

Finding: Less-than-Significant Impact. In the remote event that Project construction activities unearth human remains, mandatory compliance with California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.98(b) would ensure that impacts would be less than significant.

The Project site is fully developed with a car wash, ancillary gas station, and a parking lot. The Project site is not known to have ever been used as a cemetery and the possibility of uncovering human remains during site grading activities is remote due to the previous development at the site. However, in the unlikely event that human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. Pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made by the Coroner. If the Coroner determines the remains to be Native American, the California Native American Heritage Commission (NAHC) must be contacted and the NAHC must then immediately notify



the “most likely descendant(s)” of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code Section 5097.98. Mandatory compliance with these policies would ensure that potential impacts associated with the discovery of human remains would be less than significant.

Cultural Resources: Mitigation Measures

Mitigation for Potential Impacts to Archaeological Resources

MM CR-1 Prior to the issuance of grading permits, the Director of Community Development shall ensure that following provision is included on the grading plan(s), and the construction contractor(s) shall be required to comply with the provision.

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

Implementation of Mitigation Measure MM CR-1 would reduce the Project's potential impacts to archaeological resources to below a level of significance.

Mitigation for Potential Impacts to Paleontological Resources

MM CR-2 Prior to the issuance of grading permits, the Director of Community Development shall ensure that following provision is included on the grading plan(s), and the construction contractor(s) shall be required to comply with the provision.

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

Implementation of Mitigation Measure MM CR-2 would reduce the Project's potential impacts to paleontological resources to below a level of significance.

4.5.6 Geology and Soils



- a) *Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*
- i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*
 - ii) *Strong seismic ground shaking?*
 - iii) *Seismic-related ground failure, including liquefaction?*
 - iv) *Landslides?*

Finding: Less-than-Significant Impact with Mitigation Incorporated. With mandatory compliance to the California Building Standards Code and with implementation of Mitigation Measures MM GEO-1 and MM-GEO-2, which would ensure that strong seismic ground shaking effects are attenuated, the Project would not significantly expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure (including liquefaction), and landslides. Impacts would be less than significant with mitigation.

Earthquake Fault Rupture

The Project site is not located within any Alquist-Priolo Earthquake Fault Zones and no known faults underlie the site. The nearest fault to the Project site is the Newport-Inglewood Fault Zone, located approximately 2.5 miles south of the Project site. The San Joaquin Hills Thrust Fault is located approximately 3.4 miles north of the site. (NMG, 2015, p. 6) Accordingly, the property would not be exposed to fault rupture during a seismic event. As such, the Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, and no impact would occur.

Seismic Ground Shaking

As with much of the Southern California region, the Project site is located in a seismically active area. The proposed building would be subject to ground shaking during seismic events that will occur during the lifetime operation of the proposed Project. Therefore, the Project has the potential to expose people or structures to adverse effects associated with seismic events. The building that would be constructed on the property would be required to comply with the California Building Standards Code (CBSC), which requires compliance with special structural design standards to attenuate hazards associated with credible seismic ground shaking events that are anticipated in the Project area. An evaluation of faulting and seismicity in accordance with the 2013 CBSC was conducted as part of the Project's Geotechnical Feasibility Report (*Technical Appendix C*). The primary seismic hazard for this site is ground shaking due to a future earthquake on one of the major regional active faults, which would result in potentially significant impacts associated with seismic ground shaking at the Project site. The Geotechnical Feasibility Report identifies site-specific recommendations to attenuate seismic hazards at the site in accordance with the CBSC requirements and standards (NMG, 2015, p. 11). Compliance with applicable requirements of the CBSC and the specifications listed in the site-specific Geotechnical Feasibility Report would be assured through City review of grading and building permits and implementation of Mitigation Measures MM GEO-1 and MM GEO-2, which would ensure that strong seismic ground shaking effects are attenuated. As such, with mitigation, impacts would be less than significant.



Seismic-Related Ground Failure (Liquefaction)

The Project site is not located in an area classified by the State as having soils that are potentially liquefiable or in an area mapped as susceptible to seismically induced landslides, based on the Seismic Hazard Maps (NMG, 2015, p. 6). As detailed in the Project site's Geotechnical Feasibility Report, the site is not located in an area that is subject to potential liquefaction hazards. Accordingly, impacts due to seismic-related ground failure (including liquefaction) represent a less-than-significant impact and mitigation is not required.

Landslides

The Project site has no potential to be affected by landslides due to the generally flat nature of the site and surrounding areas. Additionally, the Project site is not identified as being in an area of the City that is subject to landslides (Newport Beach GIS, 2015). Accordingly, there would be no impact due to the potential for landslide hazards.

The Project would result in less-than-significant impacts with mitigation associated with geologic hazards; as such, the Project would be consistent with General Plan Safety Element Goal S-4 with the implementation of mitigation measures MM GEO-1 and MM GEO-2.

b) Would the Project result in substantial soil erosion or the loss of topsoil?

Finding: Less-than-Significant Impact. The Project would not result in substantial soil erosion or the loss of topsoil during construction or long-term operation. Accordingly, impacts would be less than significant and mitigation is not required.

Construction-Related Activities

The proposed demolition and grading activities associated with the Project would temporarily expose underlying soils to water and air, which would increase erosion susceptibility while the soils are exposed. The property is generally flat, so erosion potential would not be substantial compared to sites with exposed soils on slopes. Regardless, exposed soils would be subject to erosion during rainfall events or high winds due to the removal of structures, pavement, and/or stabilizing vegetation and exposure of these erodible materials to wind and water. Erosion by water would be greatest during the first rainy season after grading and before the Project's structure foundations are established and paving and landscaping occur. Erosion by wind would be highest during periods of high wind speeds when soils are exposed.

Pursuant to the requirements of the State Water Resources Control Board, the Project Applicant is required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for construction activities. The NPDES permit is required for all projects that include construction activities, such as clearing, grading, and/or excavation that disturb at least one acre of total land area. Additionally, during grading and other construction activities involving soil exposure or the transport of earth materials, Chapter 15.10 (Excavation and Grading Code) of the City of Newport Beach, which establishes requirements for the control of dust and erosion during construction, would apply to the Project (Newport Beach, 2015a, Section 15.10). As part of the requirements of Chapter 15.10, the Project Applicant would be required to prepare an erosion control plan that would address construction fencing, sand bags, and other erosion-control features that would be implemented during the construction phase to reduce the site's potential for soil erosion or the loss of topsoil. Requirements for the reduction of particulate matter in the air also would apply, pursuant to SCAQMD Rule 403. Mandatory compliance to the Project's NPDES permit and these regulatory requirements of the City and SCAQMD Rule 403 would ensure that water and wind erosion impacts would be less than significant.



Long-Term Operational Activities

Following construction, wind and water erosion on the Project site would be minimized, as the areas disturbed during construction would be landscaped or covered with impervious surfaces. Only nominal areas of exposed soil, if any, would occur in the Project's landscaped areas. The only potential for erosion effects to occur during Project operation would be indirect effects from storm water discharged from the property. The Project's storm water is proposed to drain towards the southwest portion of the site into an existing catch basin. The storm drain system would then discharge into the City's municipal separate storm sewer system (MS4) along Civic Center Drive towards Pacific Coast Highway, where it is then conveyed west to the Lower Newport Bay where it is ultimately discharged (Fusco, 2015, p. 9). All development within the City of Newport Beach, including the Project would be subject to the provisions of the City's NPDES MS4 Permit and the Orange County Drainage Area Master Plan (DAMP). DAMP provisions including the implementation of appropriate best management practices (BMPs) including a range of methods that could minimize off-site erosion, including but not limited to hydrodynamic devices, swales/biofilters, basins, and various filters. (Newport Beach, 2006b, page 4.7-34)

A Project-specific Preliminary Water Quality Management Plan (WQMP) is included in *Technical Appendix G*. As concluded in the WQMP, the Project would increase impervious area on the site from 80 percent under pre-Project conditions to 85 percent under post-Project conditions (impervious area would be increased from 1.0 acre to 1.07 acres). As a result, the Project would result in a nominal increase in the runoff rate and/or runoff volume as compared to the existing condition, which would not result in any significant siltation or erosional effects associated with water discharge.

In addition, the Project Applicant is required to prepare and submit to the City for approval a Project-specific Storm Water Pollution Prevention Plan (SWPPP) and Final WQMP. The SWPPP and WQMP together must identify and implement an effective combination of erosion control and sediment control measures (i.e., Best Management Practices) to reduce or eliminate discharge to surface water from storm water and non-storm water discharges. The Project will be designed to retain up to 80 percent of average annual capture efficiency on-site via infiltration, harvest and use, or evapotranspiration. Adherence to the requirements noted in the Project's required WQMP (refer to *Technical Appendix G*) and site-specific SWPPP would further ensure that potential erosion and sedimentation effects would be less than significant.

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?*

Finding: Less-than-Significant Impact with Mitigation Incorporated. Recommendations identified in the *Geotechnical Feasibility Report* have been included as mitigation for the Project to ensure proper handling of slopes during Project construction (refer to Mitigation Measures MM GEO-1 and MM GEO-2). The implementation of mandatory components of the CBSC and the recommendations of the *Geotechnical Feasibility Report*, the Project would not be subjected to unstable soil conditions that could result in on- or off-site landslides, lateral spreading, subsidence, liquefaction, and collapse. Impacts would be less than significant with mitigation.

Potential geologic conditions of concern identified for the Project site include: the existing presence of varying earth units across the site; fill of varying composition; sandy marine terrace deposits; potentially diatomaceous siltstone and sandstone bedrock; the potential for presence of perched groundwater and saturated soils; and the potential for presence of weather/low density bedrock. (NMG, 2015, pgs i-ii) The



Project site is not identified as being located in an area with landslides or liquefaction. Thus, there would be no potential; impacts due to landslides and liquefaction (Newport Beach GIS, 2015).

The Geotechnical Feasibility Report indicates that during Project construction, the excavation for the subterranean parking garage will expose up to 20 feet of bedrock, with an estimated 2 to 8 feet of terrace deposits and up to 14 feet of artificial fill. There may be local seepage and wet sands within the fill/terrace and terrace/bedrock contacts. Locally, these slopes could slough or potentially slump along the contact, and would be subject to instability during Project excavation. Therefore, a potentially significant impact associated with unstable soils would occur during Project construction, and Mitigation Measure GEO-2 has been identified, which would ensure that proper shoring is implemented.

Following the Project construction, the implementation of the mandatory requirements of the CBSC and the recommendations identified in the Geotechnical Feasibility Report (required through the implementation of Mitigation Measure GEO-1) would ensure that impacts associated with this issue during Project operation would be less than significant.

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

Finding: Less-than-Significant Impact with Mitigation Incorporated. The expansion potential of on-site soils is anticipated to range from "Very Low" to "Medium." With implementation of mitigation measure MM GEO-1 and MM GEO-2, a less than significant impact would occur.

On-site soil testing conducted by the Project geotechnical engineer (NMG) (*Technical Appendix C*) concludes that the expansion potential of onsite soils is anticipated to generally range from "Very Low" to "Medium" within the terrace and existing fill materials. Soils with "High" expansion are likely to be encountered in the siltstone/claystone of the Monterey Bedrock. The potential for the identification of expansive soils at the Project site represents a potentially significant impact.

Mitigation Measure GEO-1 has been identified that would require additional laboratory testing prior to Project excavation to accurately determine the expansion potential of the bedrock. Additionally, Mitigation Measure GEO-2 has been identified that would require laboratory testing following grading and prior to building construction to accurately determine the expansion potential of the near-surface soils. With the incorporation of these mitigation measures, as well as the mandatory compliance with CBC requirements, the impacts associated with expansive soils would be reduced to less than significant.

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

Finding: No Impact. No septic tanks or alternative waste water disposal systems are located on the site or proposed as part of the Project; accordingly, no impact due to soils incapable of supporting such systems have the potential to occur. Mitigation is not required.

Currently, the Project site is being served by the City's existing municipal sewer system. The proposed Project would include facilities that would also connect to the City's municipal sewer system. No septic tanks or alternative waste water disposal systems are proposed as part of the Project; accordingly, no impact would occur.

Geology and Soils: Mitigation Measures



MM GEO-1 Prior to the issuance of a grading permit, the Building Official for the City of Newport Beach (or his/her designee) shall review and approve a subsurface soils report that specifies the expansion potential of the bedrock. The Project shall be designed to follow the specific recommendations of this report.

MM GEO-2 Prior to the issuance of a building permit, the Building Official for the City of Newport Beach (or his/her designee) shall review and approve a subsurface soils report that specifies the expansion potential of the soils underlying the building to determine the expansion potential of the near-surface soils. The Project shall be designed to follow the specific recommendations of this report.

With implementation of Mitigation Measures MM GEO-1 and MM GEO-2, assuming mandatory compliance with the CBC, Project design to follow the specific recommendations of the subsurface soils report for the Project, and City of Newport Beach requirements, impacts would be less than significant.

4.5.7 Greenhouse Gas Emissions

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

Finding: Less-than-Significant Impact. The Project would result in greenhouse gas (GHG) emissions that are below the City of Newport Beach's screening threshold of 3,000 metric tons of CO₂e per year. Thus, the Project's emissions of GHGs would be less-than-significant and mitigation is not required.

Construction Emissions

Construction activities associated with the proposed Project would result in emissions of CO₂ and CH₄ from construction activities. In estimating the potential for GHG emissions, construction emissions were amortized over a 30-year period and added to the annual operational phase GHG emissions, discussed below. (Urban Crossroads, 2015b, p. 28)

Operational Emissions

Operational activities associated with the proposed Project would result in emissions of CO₂, CH₄, and N₂O from the following primary sources:

- Area Source Emissions
- Energy Source Emissions
- Mobile Source Emissions
- Solid Waste
- Water Supply, Treatment and Distribution

The City of Newport Beach relies upon the SCAQMD draft screening level threshold of 3,000 MTCO₂e per year to determine the significance of GHG emissions on both direct and cumulatively considerable bases; therefore, for purposes of analysis, the proposed Project would have a significant adverse impact on GHG emissions if it would result in excess of 3,000 MTCO₂e per year (Urban Crossroads, 2015b, p. 27).

The annual GHG emissions associated with the operation of the proposed Project are calculated to be 539.83 MTCO₂e per year as summarized in Table 4-6 below, and additional information and analysis



methodologies are included in Appendix B2. As shown, the proposed Project would result in a less than significant impact with respect to GHG emissions because the Project's GHG emissions would be well below the 3,000 MTCO₂e per year threshold. (Urban Crossroads, 2015b, p. 30) Thus, Project-related emissions would have less than significant direct and indirect impact and less than cumulatively considerable effect on GHG and climate change (Urban Crossroads, 2015b, p. 2).

Table 4-6 Total Project Greenhouse Gas Emissions (Annual)

Emission Source	Emissions (metric tons per year)			
	CO ₂	CH ₄	N ₂ O	Total CO ₂ E
Annual construction-related emissions amortized over 30 years	27.97	3.67e-3	--	28.04
Area ^a	16.04	0.02	3.50e-4	16.49
Energy ^b	199.23	8.05e-3	2.26e-3	200.10
Mobile Sources ^c	262.41	9.87e-3	--	262.62
Waste	4.58	0.27	--	10.25
Water Usage	19.31	0.10	2.63e-3	22.33
Total CO₂E (All Sources)	539.83			

Source: Table 3-1, (Urban Crossroads, 2015b)

Note: Totals obtained from CalEEMod™ and may not total 100% due to rounding.

Table results include scientific notation. e is used to represent *times ten raised to the power of* (which would be written as x 10^b) and is followed by the value of the exponent

a Includes emissions of landscape maintenance equipment and architectural coatings emissions

b Includes emissions of natural gas consumption

c Includes emissions of vehicle emissions and fugitive dust related to vehicular travel

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

Finding: No Impact. The Project would comply with all applicable plans, policies, and regulations adopted for the purpose of reducing GHG emissions; accordingly, no impact due to a conflict with any plans, policies, or regulations adopted for the purpose of reducing GHG emissions would occur. Mitigation is not required.

As indicated in the discussion and analysis above, the Project would generate GHG emissions below the SCAQMD draft screening level threshold of 3,000 MTCO₂e that is utilized by the City of Newport Beach for evaluating the significance of a residential development project's GHG emissions. Additionally, activities associated with the Project would be subject to all applicable federal, state, and regional requirements adopted for the purpose of reducing GHG emissions, including, but not limited to: CBSC Title 24 Energy Standards (also known as CalGreen); California Assembly Bill (AB) 1493; Executive Order S-3-05; AB 32; SB 1368; SB 97; and the applicable policies of the City's General Plan that reduce GHG emissions. There are no other plans, policies, or regulations adopted for the purpose of reducing GHG emissions that are applicable to the Project area; therefore, the Project would have no potential to conflict with such plans, policies, or regulations. Accordingly, no impact would occur.



Greenhouse Gas Emissions: Mitigation Measures

Implementation of the Project would result in less-than-significant impacts due to GHG emissions; therefore, mitigation measures are not required.

4.5.8 Hazards and Hazardous Materials

-
- a) *Would the Project create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?*
- b) *Would the Project Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*
-

Finding: Less-than-Significant Impact with Mitigation Incorporated. Based on the findings of a Phase I ESA and the Phase II ESA conducted for the Project site, the property does not contain any environmental hazards that could pose a threat to future Project residents or the environment. The existing building that would be demolished and removed from the site as part of the Project could potentially contain asbestos containing materials which have the potential to expose construction workers and/or nearby sensitive receptors to health risks during demolition activities. Asbestos-containing materials have the potential to create a significant hazard to the public or the environment. Implementation of Mitigation Measures MM HM-1, MM HM-2, and MM HM-3 would reduce potential impacts to less-than-significant levels.

Impacts Due to Existing Site Conditions

A Phase I Environmental Site Assessment (ESA) for the Project site was prepared on November 25, 2013 by Fero Environmental Engineering, Inc. (Fero) (*Technical Appendix E1*) which included a records search and an evaluation of the existing car wash and ancillary gas station on the Project site. The most recent California Water Resources Control Board (CWRCB) Underground Storage Tank Data Base list, the most recent CWRCB Facility Inventory Database (FID) UST list, the most recent Indian UST list, the Proprietary Historical UST Database list, and Statewide Environmental Evaluation and Planning System (SWEEPS) UST list were reviewed. The Project site is listed as an underground storage tank (UST) site due to the gas station component of the car wash. Additionally, the Project site is on the FID, Historic, UST, and SWEEPS lists. (Fero, 2013, p. 16) Because the site was only listed on UST-related environmental databases, this assessment has revealed no evidence of current recognized environmental conditions (REC) in connection with the site (Fero, 2013, p. 24).

The Phase I ESA determined that the only existing hazardous materials on the site were contained in a fueling system, which consisted of three 12,000 gallon gasoline USTs, piping, and dispensers (Fero, 2013, p. 4). When the original USTs associated with the gas station component of the car wash were removed in 1989, the soils were identified as “clean” (i.e. no indication of leak or spill evident). When the fuel dispensers and piping were replaced and upgraded in 2003, some Residual Total Petroleum Hydrocarbons-gasoline (TPHg) and Benzene, Toluene, Ethyl Benzene, and Xylenes (BTEX) compounds were detected below two of the dispensers.

A Phase II ESA (*Technical Appendix D2*) was prepared on January 15, 2014 by Fero for the Project site to evaluate the potential for residual soil contamination associated with the discovery of fuel organics during the replacement of the fuel system components in 2003. Based on a literature review provided in the Phase II ESA, the local oversight agency (LO”), Orange County Health Care Agency (OCHCA), evaluated the presence of fuel organics in the soil and determined the organics concentrations to be acceptable and that a cleanup case was not required.



A limited soil vapor survey in the area of the USTs and the fuel dispensers was conducted on January 7, 2014, to confirm that the fueling system has not leaked and caused an environmental concern to the Project site. The survey was conducted by Fero by installing sampling probes into the soil at eight locations to a depth of 18 inches. As detailed in the Phase II ESA, only two samples collected proximate to the USTs contained volatile organic compounds (VOCs) above the gas chromatography/mass spectrophotometer detection limits. (Fero, 2014, p. 2)

A health hazardous risk assessment (HHRA) screening was conducted in order to determine whether there is a potential for the remaining organics concentrations to pose an adverse risk to Project site residential occupants. Risk assessments are conducted to determine the increased life time carcinogenic risk and/or the potential hazard from non-carcinogenic compounds to occupants of buildings overlying impacted soils. Because none of the VOCs that have been detected on the Project site are considered to be carcinogenic and because neither 4-Isopropyltoluene nor TPHg are considered as human hazards, only the potentially hazardous effects from 1,3,5-Trimethylbenzene and Naphthalene were considered in the HHRA. The maximum allowable hazard quotient (a metric used to evaluate the potential for hazards to human health) is 1.0. The analysis in the Phase II ESA found that the combined hazard quotient for the Project site using a worst-case scenario for residential uses is well below 1.0. Thus, the Phase II ESA concludes that the residual organics in soils at the Project site are not a threat to Project site occupants (Fero, 2014, pages 3-4). The existing gas station fueling system (which was upgraded and/or replaced in 2003) has a continuous leak detection system and appears to be in compliance with the OCHCA (Fero, 2013, p. 23). The car wash has a reclaimed water system with a three-stage "clarifier" that is permitted through the City of Newport Beach. The solids that settle out in the clarifier are pumped and disposed of as non-hazardous materials (Fero, 2014, p. 1). Therefore, impacts associated with soil contamination at the Project site are considered less than significant, and no mitigation measures are required.

Impacts During Construction and Demolition Activities

Based on the apparent age of the existing structure, it is possible that asbestos containing materials (ACM) are present in some of the building materials, such as flooring or roofing materials. During demolition of the building, there is a potential that construction workers could be exposed to asbestos materials, which are known to cause human health problems, including cancer. ACMs also have the potential to become airborne during demolition activities, potentially affecting nearby sensitive receptors. The demolition of structures containing ACMs is regulated by AQMD Rule 1403, which identifies requirements that must be adhered to during demolition of buildings containing ACMs. Mandatory compliance with the provisions of Rule 1403 would ensure that Project demolition activities do not expose construction workers or nearby sensitive receptors to significant health risks associated with ACMs. Although the Project would be required to comply with AQMD Rule 1403 during demolition activities, which would reduce potential impacts associated with asbestos removal to below a level of significance, Mitigation Measure HM-1 is provided below to ensure Project compliance with all applicable provisions of Rule 1403. The implementation of Mitigation Measure HM-1 would reduce the potential for impacts associated with this issue to less than significant.

The proposed Project includes the removal of the three existing 12,000 gallon gasoline USTs on the Project site. The federal regulations concerning closure of USTs are contained in the following Code of Federal Regulations (CFR) section: 40 CFR Part 280.70 (Cal EPA, 2014). The City requires written approval of plans and evidence from the OCHCA indicating that the underground storage tanks on-site will be closed and removed in compliance with CFR Section 40 Part 280.70. The plans are then submitted to the City for review and approval. The City's Fire Department will then oversee the removal of the USTs. The removal of the fuel tanks could result in the accidental release of the fuel tank contents, which would result in a potentially significant impact. Accordingly, Mitigation Measure HM-2 and Mitigation



Measure HM-3 are identified below to require compliance with 40 CFR Part 280.70 pertaining to the removal of USTs. The implementation of these mitigation measures will reduce the potential for impacts associated with this issue to less than significant.

Heavy equipment would be used during construction of the Project, which would be fueled and maintained by substances such as oil, diesel fuel, gasoline, hydraulic fluid, and other liquid materials that would be considered hazardous if improperly stored or handled. In addition, materials such as paints, roofing materials, solvents, and other substances typically used in building construction would be located on the Project site during construction. Improper use, storage, or transportation of hazardous materials could result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. This is a standard risk on all construction sites, and there would be no greater risk for improper handling, transportation, or spills associated with the Project than would occur on any other similar construction site, and such impacts would be less than significant.

There are no other components of the Project's proposed construction or demolition characteristics that have the potential to create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials.

Impacts During Long-Term Operation

In the underground parking levels for the proposed Project, storage areas would be provided for use by Project residents. Due to the residential nature of the proposed land use, it is not anticipated that residents would store any acutely hazardous materials within these storage areas. Household goods would be used within the proposed residences and throughout the common areas of the Project site that contain toxic substances, such as cleaning supplies, construction materials, and pesticides. These household goods are typically low in concentration and limited in amount; therefore, there is no significant risk to humans or the environment from the use of such household goods. Residents are required to dispose of household hazardous waste including pesticides, batteries, old paint, solvents, used oil, antifreeze, and other chemicals at a Household Hazardous Waste Collection Facility (Newport Beach, 2009b). Accordingly, there would be no impact during long-term operation of the Project.

With the incorporation of Mitigation Measures HM-1, HM-2, and HM-3 to address asbestos containing materials and underground storage tank removal during demolition of the existing car wash and ancillary gas station, the Project would fully comply with General Plan Safety Element Goal S 7.

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?*

Finding: No Impact. The Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. No impact would occur and mitigation is not required.

The nearest school facility to the Project site is the Harbor View Elementary School, which is located approximately 0.61 mile southeast of the Project site. There are no existing or proposed schools within one-quarter mile of the site. Moreover, the Project Applicant proposes to develop the site with residential land uses, which are not associated with hazardous emissions or the storage or use of acutely hazardous materials, substances, or waste. Therefore, the Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school, and no impact would occur.



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 it create a significant hazard to the public or the environment?*

Finding: No Impact. The Project site is not identified on a list compiled pursuant to Government Code Section 65962.5; therefore, the Project has no potential to create a significant hazard to the public or environment as the result of listed properties. No impact would occur and mitigation is not required.

According to the results of the Phase I ESA, and a review of the California Environmental Protection Agency's (EPA's) Cortese List Data Resources (which lists the facilities/sites identified as meeting the "Cortese List" requirements) the Project site was not identified, thereby indicating that the site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (CalEPA, 2012). Therefore, the Project has no potential to create a significant hazard to the public or the environment due to presence of an existing hazardous materials site identified on a list compiled pursuant to Government Code Section 65962.5, and no impact would occur.

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

Finding: Less-than-Significant Impact. The Project would result in a less-than-significant impact due to the exposure of people residing or working in the area to safety hazards associated with operations at John Wayne Airport.

John Wayne Airport (JWA) is located approximately 3.6 miles north/northeast of the Project site and is the nearest public airport to the Project site. As detailed in the Airport Environs Land Use Plan (AELUP) for JWA, the northerly one third of the Project site is located within the AELUP Part 77 Notification Area for JWA.

Within the Notification Area boundary, ALUC must be notified of any proposed construction or structural alterations involving a land use or legislative amendment in the AELUP Planning Area, development that exceeds 200 feet above ground level, and all heliports or helistops. In addition, projects that surpass 200 feet above ground level must also file Form 7460-1 with the Federal Aviation Administration (FAA). (OCALUC, 2008, p. 4)

Accordingly, and based on the AELUP, the Project would not result in a safety hazard for people residing or working in the area. The JWA Planning Area is established by four boundaries:

- 1) Area within the 60 dB CNEL contour
- 2) Within Runway Protection Zones
- 3) Within Safety Zones
- 4) Area that lies above or penetrates the 100:1 imaginary surface for notification.

The Project site does not fall within any of the above boundaries and as such, the Project site is not located within the Planning area of JWA. By applying the imaginary surface slope of 100:1, at this distance from the runway, the project does not penetrate the imaginary surface extending 100 feet outward and one foot upward (slope of 100:1) from the JWA runway at a height of 191 feet. Therefore, the project does not fall within the AELUP Airport Planning Area and does not require ALUC review.



The AELUP establishes requirements for notifying the Federal Aviation Administration (FAA) of certain construction activities and alterations to existing structures within the AELUP Part 77 Notification Area, in order to ensure there are no obstructions to navigable airspace. Within the Notification Area boundary, Part 77 requires that the FAA be notified of any proposed construction or structural alterations having a height greater than an imaginary surface extending 100 feet outward and one foot upward (slope of 100:1) from the JWA runway. Outside the boundary, projects that include construction or structural alterations exceeding 200 feet in height above ground level are required to notify the FAA. (OCALUC, 2008, p. 4) The seven-story building proposed by the Project would be 83 feet 6 inches in height, so FAA notification is not required because the structure does not exceed 200 feet in height.

As the Project site also is not subject to substantial risks from aviation hazards, the proposed Project would also comply with General Plan Safety Element Goal S 8. Thus, based on the preceding information, the Project would have a less-than-significant impact.

f) *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?*

Finding: No Impact. No private airstrips are located in the vicinity of the Project site; therefore, the Project has no potential to result in a safety hazard for people residing or working in the area caused by private airstrips. No impact would occur and mitigation is not required.

There are no private airstrips within the Project site's vicinity. Accordingly, the Project would not result in a safety hazard for people residing or working in the area caused by private airstrips, and no impact would occur.

g) *Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

Finding: No Impact. The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No impact would occur and mitigation is not required.

The City of Newport Beach Emergency Operations Plan (EOP) is the only emergency response plan applicable to the Project site. The EOP does not identify any specific requirements for the Project site, nor is the site identified by the EOP as being part of an emergency evacuation route (Newport Beach, 2011, p. 102). McArthur Boulevard is the nearest designated Tsunami evacuation route identified in the City's Emergency Operations Plan, and this road is located southwest of the Project site and does not abut the Project site (Newport Beach, 2011, p. 101).

Although temporary lane closures on surrounding streets may be required during short periods of the Project's construction period to connect the proposed Project to the existing utility facilities within the roadways, the construction of the proposed Project would not require the complete closure of any public or private streets or roadways during construction. Accordingly, the Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, and no impact would occur.



h) *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 or where residences are intermixed with wildlands?*

Finding: No Impact. The Project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. No impact would occur and mitigation is not required.

The City of Newport Beach General Plan Safety Element indicates that the Project site and surrounding areas are considered to have a low or no susceptibility to wildland fire hazards (Newport Beach, 2006a, Figure S4). The Project site is surrounded by highly urbanized uses and is not located adjacent to wildland areas. Accordingly, the Project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, and no impact would occur.

Hazards and Hazardous Materials: Mitigation Measures

MM HM-1 Prior to the issuance of a demolition permit, a Certified Environmental Professional shall be retained by the City of Newport Beach to confirm the presence or absence of asbestos containing materials (ACMs). Abatement of asbestos shall be completed before any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the South Coast Air Quality Management District (SCAQMD) Rule 1403.

Implementation of Mitigation measure MM HM-1 would reduce potential impacts associated with ACMs to a level below significance.

MM HM-2 Prior to the issuance of a demolition permit, the Director of Community Development shall require written evidence from the Orange County Health Care Agency indicating that the Project plans for the removal of the Underground Storage Tanks will be closed and removed in compliance with CFR Section 40 Part 280.70. These regulations pertain to permanent closure and removal of the gallon gasoline underground storage tanks on the Project site. The demolition contractor shall be required to comply with these provisions.

MM HM-3 Prior to issuance of a grading permit for the Project, the Director of Community Development shall require written evidence from the Orange County Health Care Agency indicating that the Underground Storage Tanks on the Project site have been closed and removed in compliance with CFR Section 40 Part 280.70.

Implementation of mitigation measures MM HM-2 and MM HM-3 would reduce potential impacts associated with closure and removal of the on-site USTs to a level below significance.

4.5.9 Hydrology and Water Quality

a) *Would the Project violate any water quality standards or waste discharge requirements?*

Finding: Less-than-Significant Impact. The Project would not violate any water quality standard or waste discharge requirement. Impacts would be less than significant and mitigation is not required.



Information associated with the Project's estimated water demand and waste generation is provided in Section 4.5.17, Utilities and Service Systems.

Construction-Related Water Quality Impacts

Construction of the proposed Project would involve the demolition of the existing car wash structure with ancillary gas station and parking lot on the site. The demolition activity, as well as excavation activities associated with construction of the proposed Project's subterranean parking levels would cause substantial ground disturbance, resulting in the generation of potential water quality pollutants such as silt, debris, chemicals, paints, and other solvents with the potential to adversely affect water quality. As such, short-term water quality impacts have the potential to occur during construction of the Project in the absence of any protective or avoidance measures.

Pursuant to the requirements of the Santa Ana Regional Water Quality Control Board (RWQCB) and the City of Newport Beach, the Project would be required to obtain a National Pollutant Discharge Elimination System NPDES Municipal Stormwater Permit for construction activities. The NPDES permit is required for all projects that include construction activities, such as clearing, grading, and/or excavation that disturb at least one acre of total land area. In addition, the Project would be required to comply with the Santa Ana RWQCB's Santa Ana River Basin Water Quality Control Program. Compliance with the NPDES permit and the Santa Ana River Basin Water Quality Control Program involves the preparation and implementation of a Storm Water Pollution Protection Plan (SWPPP) for construction-related activities. The SWPPP would specify the Best Management Practices (BMPs) that the Project would be required to implement during construction activities to ensure that all potential pollutants of concern (including sediment) are prevented, minimized, and/or otherwise appropriately treated on-site prior to being discharged from the subject property. Mandatory compliance with the SWPPP would ensure that the Project does not violate any water quality standards or waste discharge requirements during construction activities. Therefore, water quality impacts associated with construction activities would be less than significant and no mitigation measures would be required.

Post Development Water Quality Impacts

The Project would not substantially alter the chemical composition of storm water runoff discharged from the subject property as compared to existing conditions. Storm water pollutants commonly associated with residential land uses include suspended solids/sediments, nutrients, pathogens (bacteria/viruses), pesticides, and trash/debris (Fusco, 2015, p. 7). These urban types of storm water pollutants are also characteristic of the land uses that occupy the Project site under existing conditions (i.e., car wash, ancillary gas station, and surface parking lot).

The proposed Project would nominally increase the amount of impervious surface area, thus the Project would increase the amount of storm water runoff discharged from the subject property as compared to existing conditions. Under existing conditions, the Project site is covered by impervious surfaces (80% coverage); with implementation of the Project, the amount of impervious surfaces on the subject property would be increased to 85%. The additional impermeable surface area proposed by the Project would decrease the amount of storm water runoff infiltration on-site as compared to existing conditions thereby increasing the volume of storm water runoff carrying water pollutants that is discharged into downstream receiving waters. However, this nominal increase in storm water discharge volume would not represent a substantial increase in storm water quantity and would not result in a substantial increase in the potential for polluted storm water runoff to occur compared to the existing condition.

The Project's Water Quality Management Plan (WQMP) (*Technical Appendix G*) identifies the inclusion of the following site design best management practices (BMPs): minimize impervious areas, maximize natural



infiltration capacity, preserve existing drainage patterns/time of concentration, disconnect impervious areas, protect existing vegetation and sensitive areas/revegetate disturbed areas, and use of xeriscaping (Fusco, 2015, pps 15-16). The following non-structural source control BMPs would be implemented: education for property owners, tenants, and occupants; activity restrictions; common area landscape; BMP maintenance; common area litter control; employee training; common area catch basin inspection; and street sweeping of private streets and parking lots (Fusco, 2015, pps 25-26). The following structural source control BMPs would be implemented as part of the Project: provide storm drain system stenciling and signage; use of efficient irrigation systems and landscape design, water conservation, and use of smart controllers (Fusco, 2015, p. 27). The above listed site design BMPs, non-structural source control BMPs, and structural source control BMPs would minimize, prevent, and/or otherwise appropriately treat storm water runoff flows before they are discharged from the site. Mandatory compliance with the WQMP would ensure that the Project does not violate any water quality standards or waste discharge requirements during long-term operation. Additionally, the Project would be required to comply with provisions set forth in the Orange County Drainage Area Management Plan (DAMP), including the implementation of appropriate BMPs identified in the DAMP, to control stormwater runoff on-site so as to prevent any deterioration of water quality that would impair subsequent or competing beneficial uses of the water. (Newport Beach, 2006b, page 4.7-31) Therefore, water quality impacts associated with post-development activities would be less than significant and no mitigation measures would be required.

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

Finding: Less-than-Significant Impact. The Project site is not located within a groundwater recharge basin, and implementation of the Project would not result in a significant net deficit in aquifer volume or lowering of the local groundwater table. A less than significant impact would occur and mitigation is not required.

No groundwater wells are located on the Project site or proposed as part of the Project. Therefore, implementation of the Project would not deplete groundwater supplies associated with water well withdraw. Additionally, as discussed under Utilities and Service Systems (refer to Section 4.5.17, the Project would use less domestic water in comparison to the demand created by the existing car wash use at the Project site. For these reasons, no impact associated with groundwater supply depletion would occur.

The Project site is not located within a groundwater basin and therefore cannot contribute to the recharge of any regional aquifer or local water table with beneficial potable water uses (Newport Beach, 2006b, Figure 4.7-1 and pp. 4.7-32 to 4.7-33). Implementation of the Project would nominally increase the amount of impervious surfaces on-site from 80 percent under existing conditions to 85 percent under proposed conditions. However, given that the Project site is already developed with impervious surfaces and has been in this condition since 1970 (Fero, 2013, p. 9), implementation of the Project would not interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. A less than significant impact would occur.



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- 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, in a manner which would result in substantial erosion or siltation on- or off-site?*
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Finding: Less-than-Significant Impact. The Project would not substantially alter the existing drainage pattern of the subject property or surrounding area in a manner that would result in substantial erosion or siltation on- or off-site. Impacts would be less than significant and mitigation is not required.

The Project site is generally flat and currently drains towards an existing low point at the southwest portion of the site. Elevations vary from a low of 158.5 feet above mean sea level (amsl) in the south-southwest corner to a high elevation of 170.3 feet amsl in the northeast corner. Under existing conditions, storm water runoff generally sheet flows towards the south-southwest, where an existing 10-inch storm drain line and catch basin intercepts the drainage. With implementation of the Project, the site's existing hydrological characteristics would not be substantially altered; under the proposed conditions, runoff would continue to drain towards the southwest portion of the site where a new area storm drain section would be constructed on the south, east, and northern sections of the site. The new storm drain lines would tie into the existing 10-inch storm drain and catch basin at the southwest end of the site. The storm drain system then discharges into the City Municipal Separate Storm Sewer System (MS4) facility along Civic Center Drive towards Pacific Coast Highway, where it would be conveyed west to the Lower Newport Bay for discharge (Fusco, 2015, p. 9). Additionally, as described above under Hydrology and Water Quality Threshold a), the Project would maximize natural infiltration capacity, thereby reducing the total volume and sediment load within on-site surface runoff. Therefore, with buildout of the Project, there would be no significant alteration of the site's existing drainage pattern and there would not be any significant increases in the rates of erosion or siltation on- or off-site. Impacts would be less than significant and no mitigation would be required.

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- d) *Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of a course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site?*
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Finding: Less-than-Significant Impact. The Project would neither substantially alter the existing drainage pattern of the subject property or surrounding area nor substantially increase the rate or amount of surface runoff discharged from the Project site in a manner that would alter the course of a stream or river or result in flooding on- or off-site. Impacts would be less than significant and mitigation is not required.

As described above under Threshold c) of this section, the Project would not substantially alter the drainage pattern of the subject property or the surrounding area. There are no streams or rivers on-site. As detailed in the WQMP prepared for the Project (*Technical Appendix G*), the amount of impermeable surfaces on-site would increase from the existing 80 percent to 85 percent, with the Project (Fusco, 2015, p. 5). However the Project has been designed to reduce runoff from the Project site, including the use of detention facilities to prevent surface runoff from the site in a manner that would create flooding on or off-site. Impervious surfaces have been minimized by incorporating landscaped areas throughout the site including around the perimeter of the proposed structures. Proposed drainage patterns would largely mimic existing drainage patterns with storm water runoff flowing in a south/southwest direction and connect to existing storm drain facilities. Low-flows and first flush runoff would drain through a proposed biotreatment system prior to discharge. (Fusco, 2015, p. 15) Refer to *Technical Appendix G, Preliminary Water Quality Management Plan*, for more detailed information. Because the Project would not substantially alter the drainage patterns of the subject property or surrounding area and would not



substantially increase the rate or amount of storm water runoff discharged from the site, implementation of the Project would not result in or increase flood hazard risks on- or off-site. Impacts would be less than significant.

e) *Would the Project 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?*

Finding: Less-than-Significant Impact. The Project would not create runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. Impacts would be less than significant and mitigation is not required.

As discussed above under Thresholds c) and d) of this section, the Project is designed to ensure that post-development runoff rates and volumes closely resemble those that occur under existing conditions. Under existing conditions, storm water runoff generally sheets flows towards the south-southwest portion of the site and ties into an existing 10-inch storm drain (Fusco, 2015, p. 6). Because the existing 10-inch storm drain has sufficient capacity to convey runoff from the Project site under existing conditions, and because the rate and volume of runoff would not substantially increase with buildout of the Project, the Project would not create or contribute runoff which would exceed the capacity of any existing or planned storm water drainage system. Impacts would be less than significant and no mitigation would be required.

As discussed under the analysis of Threshold a) of this section, the Project would be required to comply with a future SWPPP and the Project's WQMP (*Technical Appendix G*), which would identify BMPs to be incorporated into the Project to ensure that near-term construction activities and long-term post-development activities of the Project would not result in substantial amounts of polluted runoff. Therefore, with mandatory compliance with the Project's SWPPP and WQMP, the Project would not create or contribute substantial additional sources of polluted runoff, and impacts would be less than significant. No mitigation would be required.

f) *Would the Project otherwise substantially degrade water quality?*

Finding: Less-than-Significant Impact. The Project would not substantially degrade water quality. Impacts would be less than significant and mitigation is not required.

As discussed above under Threshold a) of this section, mandatory compliance with the Project's SWPPP during near-term construction activities and WQMP during long-term post-development activities would reduce the Project's potential to generate substantial amounts of polluted runoff, including runoff containing pollutants of concern for downstream impaired waters to a level below significant. Other than surface storm water runoff from the site, there are no other known sources of pollutants that could adversely affect or degrade water quality. Accordingly, impacts would be less than significant and mitigation is not required.

g) *Would the Project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?*

Finding: No Impact. The Project site is not located within a designated 100-year flood hazard area and the Project would not place any housing within a designated 100-year flood hazard zone. No impact would occur and mitigation is not required.



The entire Project site is located within FEMA Flood Zone “X (Unshaded)”, indicating that the subject property is located outside of the 100-year floodplain and outside the 500-year floodplain (greater than 0.2% annual chance of flooding). No portion of the Project site is located within a designated 100-year flood hazard area (Newport Beach, 2006a, Figure S3). Therefore, the Project would have no potential to place housing within a 100-year flood hazard area. No impact would occur.

h) Would the Project place within a 100-year flood hazard area structures which would impede or redirect flood flows?

Finding: No Impact. The Project would not place any structure within a designated 100-year flood hazard area which would impede or redirect flood flows. No impact would occur and mitigation is not required.

As discussed under Threshold g) of this section, above, no portion of the Project site is located within a designated 100-year flood hazard area. Accordingly, the Project would not place any structure within a 100-year flood hazard area that could impede or redirect flood flows. No impact would occur.

i) Would the Project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

Finding: No Impact. The Project site is not located within an area subject to significant flood hazard risks, and would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

As discussed under Thresholds g) and h) of this section, the Project is not located within a designated 100-year flood hazard zone; therefore, flood flows would not pose a substantial safety risk to people or structures on the Project site. The entire Project site is located within FEMA Flood Zone “X (Unshaded)”. Flood Zone X (Unshaded) is an area that is determined to be outside the 0.2 percent annual chance flood plain (FEMA, 2015); thus, the Project would not subject future residents from either 100-year or 500-year flood hazards. For this reason, future residents, visitors, and employees of the Project would not be exposed to a significant risk of loss, injury, or death as a result of flooding. This flooding risk is the same risk posed to the site and surrounding land uses under existing conditions. Figure S3, *Flood Hazards*, in the City’s General Plan does not identify the Project site as being located within a dam inundation flood hazard area (Newport Beach, 2006a, Figure S-3).

Portions of Newport Beach are designated as occurring within the flood inundation areas for Prado Dam, Santiago Creek Reservoir, Villa Park Reservoir, San Joaquin Reservoir, Big Canyon Reservoir, and Harbor View Reservoir (Newport Beach, 2011, p. 62). The Big Canyon Reservoir is the nearest dam to the Project site. As identified in the Dam Failure Inundation Map in the City of Newport Beach Emergency Operations Plan, the Project site is not identified as being within any of the dam failure areas. Additionally, the City’s General Plan EIR does not identify the Project location as being within an area subject to potential flooding due to dam or levee failure (Newport Beach, 2006b, p. 4.7-40). Accordingly, the Project would not expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding including flooding from the failure of a levee or dam, and a less-than-significant impact would occur.



j) *Would the Project expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?*

Finding: No Impact. The Project would not expose people or structures to a significant risk of loss, injury, or death involving inundation by seiche, tsunami, or mudflow. There would be no impact and no mitigation is required.

The potential for secondary seismic hazards, such as tsunami and seiche are considered very low, as the site is located away from the ocean at an elevation of over 140 feet amsl and outside of mapped tsunami inundation zones. Tsunami run-up areas are identified by the City of Newport Beach as area of elevation that are 32-feet or less (Newport Beach, 2007a). The site is not located adjacent to a confined body of water; therefore, the potential for seismic hazard of a seiche (an oscillation of a body of water in an enclosed basin) is considered very low to nil. (NMG, 2015, p. 6) As detailed in Figure S1, *Coastal Hazards*, of the City's General Plan Safety Element, the Project site is not located in either a 100-year or 500-year zone for inundation from a tsunami at extreme high tide. Thus, there would be no potential impacts regarding tsunamis. Lands surrounding the Project site are generally characterized as flat and are developed with urban land uses. There are no prominent topographic landforms within the Project vicinity. Accordingly, the Project site is not subject to any mudflow hazards.

Additionally, as impacts associated with tsunami hazards and seiches would be less than significant; thus, the Project would be consistent with General Plan Safety Element Goals S 1 and S 2.

Hydrology and Water Quality: Mitigation Measures

Implementation of the Project would result in less-than-significant impacts to hydrology and water quality; accordingly, mitigation measures are not required.

4.5.10 Land Use and Planning

a) *Would the Project physically divide an established community?*

Finding: No Impact. The Project would not physically divide an established community. No impact would occur and mitigation is not required.

The Project site is bounded on two sides by existing roadways (Newport Center Drive and Anacapa Drive), on one side by a parking lot, and on another side by a complex of low-rise office buildings. Other land uses within the Project vicinity consist of commercial/office land uses, with Fashion Island shopping mall located north of the Project site, across Newport Center Drive. No residential uses are located adjacent to the Project site under existing conditions. The nearest existing residential land use to the Project site is the Granville Private Residential Community, which is a gated community located approximately 0.15 mile to the west. The Project would establish a new residential building on a site that is currently used for a car wash and ancillary gas station. As such, the Project has no potential to physically divide an established community and no impact would occur.

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?*

Finding: Less-Than-Significant Impact. Assuming approval of the Project's proposed General Plan Amendment and Zoning Code Amendment, the Project would not conflict with any



applicable plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental impact, thereby resulting in less-than-significant impacts.

The land use plans, policies, and regulations applicable to the Project include the City's General Plan, the Zoning Code/Municipal Code, City Council Policies A-18 and G-1, and the Orange County Central and Coastal Orange County NCCP/HCP. Each of these plans, policies, and regulations is discussed below.

Analysis of Consistency with the City of Newport Beach General Plan

The Project Applicant proposes an amendment to the City's General Plan (General Plan Amendment No. GP2014-003) to change the designation of the Project site from "Regional Commercial Office (CO-R)" to "Multiple Unit Residential (RM)." The General Plan Amendment would establish an anomaly designation and add 49 dwelling units to Statistical Area LI. Although the Project Applicant proposes to change the existing land use designation for the Project site, there would be no conflict with the General Plan assuming approval of GP2014-003 by the City Council, and there would be no conflict with any of the General Plan policies adopted for purposes of avoiding or minimizing an environmental effect.

During the City's review of the Project's applications, the Planning Division reviewed the proposed development plans for consistency with all applicable policies of the General Plan, and found that there would be no conflict with any applicable General Plan policies resulting from the construction of residential uses at the site.

General Plan Land Use Element

Land Use Element policies identified by the City of Newport Beach as being applicable to the Project's proposed General Plan Amendment are listed below, followed by an analysis as to the Project's consistency with each respective policy:

Policy LU 1.4 **Growth Management.** Implement a conservative growth strategy that enhances the quality of life of residents and balances the needs of all constituencies with the preservation of open space and natural resources.

Consistency Analysis. The Project Applicant proposes residential land uses on a site in Newport Center, which is a highly urbanized portion of the City of Newport Beach. Adding housing within walking distance to shopping, entertainment, and employment opportunities is known to reduce the need to drive a motor vehicle, and reduce impacts associated with traffic and vehicular-related air emissions and noise. Accordingly, the Project would be consistent with Policy LU 1.4.

Policy LU 1.6 **Public Views.** Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points.

Consistency Analysis. The Project would introduce one seven-story residential building to the Newport Center area, which contains existing high-rise office buildings and hotels and abuts the Fashion Island shopping center to the north. The Project's architectural design is complementary in type, form, scale, and character with existing and proposed surrounding land uses. Numerous high-rise buildings up to 21 stories in height are located in the surrounding area to the north. Additional analysis regarding the potential impacts to scenic and visual resources is provided in Section



4.1 (Aesthetics) of this document. Accordingly, the Project would be consistent with Policy LU 1.6.

Policy LU 3.2

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

Consistency Analysis. The Project would introduce residential land uses to a site that is near residential-serving land uses to the north (Fashion Island) and southeast (Corona Del Mar Plaza). All buildings proposed by the Project are complementary in type, form, scale, and character with existing and proposed surrounding land uses. The Project would develop residential land uses in proximity to jobs and services in the Fashion Island/Newport Center area and would not result in an increase in office development in this portion of the City. As indicated throughout the analysis in this MND, the Project would be served by adequate infrastructure and public services, and would not result in adverse impacts to traffic level of service. Accordingly, the Project would be consistent with Policy LU 3.2.

Policy 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 Policies 6.3.1 through 6.22.7: Fashion Island/Newport Center: expanded retail uses and hotel rooms and development of residential in proximity to jobs and services, while limiting increases in office development

Consistency Analysis. The Project would provide for 49 condominium units in proximity to jobs and services in the Fashion Island/Newport Center area and would not result in an increase in office development in this portion of the City. Accordingly, the Project would be consistent with Policy LU 3.3.

Policy LU 5.1.1

Compatible but Diverse Development. Establish property development regulations for residential projects to create compatible and high-quality development that contributes to neighborhood character.

Consistency Analysis. The applicant proposes a PC that sets forth the development regulations for the Project such as architectural design, development standards, and site development review procedures. Therefore, the Project would result in a high-quality development that contributes to neighborhood character. Accordingly, the Project would be consistent with Policy LU 5.1.1.

Policy LU 6.14.2

Newport Center ["MU-H3," "CO-R," "CO-M," and "RM" designations]. Provide the opportunity for limited residential, hotel, and office development in accordance with the limits specified by Tables LUI and LU2.



Consistency Analysis. The Project would develop one residential building containing 49 condominium units within Newport Center. As the Project would include the development of residential uses within Newport Center, and the Project would be consistent with Policy LU 6.14.2.

Policy LU 6.14.4

Development Scale. Reinforce the original design concept for Newport Center by concentrating the greatest building mass and height in the northeasterly section along San Joaquin Hills Road, where the natural topography is highest and progressively scaling down building mass and height to follow the lower elevations toward the southwesterly edge along Pacific Coast Highway.

Consistency Analysis. The Project would be in compliance with this land use policy because it proposes a seven-story tall building, which has a lesser building height and mass than the existing office towers reaching heights of 21 stories located along San Joaquin Hills Road north of the Project site. Nearby buildings such as 260 Newport Center Drive are built up to 75 feet in height. Taller buildings concentrated in the northeasterly section of Newport Center, along San Joaquin Hills Road include (Irvine Company, 2015):

The Island Hotel at 690 Newport Center Drive (over 17 stories);
Office Building at 520 Newport Center Drive (21 stories, 300 feet);
Office Building at 610 Newport Center Drive (18 stories);
Office Building at 620 Newport Center Drive (16 stories).
Office Building at 660 Newport Center Drive (16 stories)

In comparison, the heights of existing structures closer to the Project site are as follows:

Office buildings to the southwest: approximately 24 feet to 27 feet in height
Movie theatre to the northeast: approximately 40 feet in height
Buildings across Anacapa Drive: range from approximately 22 feet to 75 feet in height (including 260 Newport Center Drive)
Buildings to the north across Newport Center Drive: approximately 23 to 25 feet in height

Height limits in the vicinity of the project site range from 32 feet for office buildings to the east across Anacapa Drive, 50 feet for Block 100 of North Newport Center, and 75 feet for mall buildings within Fashion Island. Although the Project would result in the construction of a building that is higher than immediately surrounding buildings, the proposed building would be much lower in scale than other developments within the northeasterly area of Newport Center area, including buildings up to 21 stories in height. As part of the Project's application materials, a shade and shadow rendering (refer to *Technical Appendix K*) shows that shadows from the proposed seven-story building would fall across Anacapa Drive and Newport Center Drive but would not fall on any adjacent buildings. In addition, the proposed building would not block scenic views from any designated scenic view corridor. Refer to the more detailed analysis under the topic of Aesthetics in Section 4.1, above. Accordingly, the Project would be consistent with Policy LU 6.14.4.



Policy LU 6.14.6 Pedestrian Connectivity and Amenity. Encourage that pedestrian access and connections among uses within the district be improved with additional walkways and streetscape amenities concurrent with the development of expanded and new uses.

Consistency Analysis. The Project includes a pedestrian walkway and pedestrians would be able to travel to and from the Project site via a crosswalk at the intersection of Anacapa Drive and Newport Center Drive. Additionally, streetscape amenities such as new street trees are proposed along Anacapa Drive. Accordingly, the Project would be consistent with Policy LU 6.14.6.

Analysis of Consistency with the City of Newport Beach Zoning Code/Municipal Code

Under existing conditions, the Project site is zoned “OR (Office Regional Commercial) Zoning District.” Proposed Zoning Code Amendment No. CA2014-008 would apply the “Planned Community District (PC)” Zoning district to the entire 1.26 acre site and establish development standards for building heights and setbacks that vary from the height and setback standards of the City’s Zoning Code. Assuming approval of the Zoning Code Amendment, Site Development Review No. SD2014-006 would ensure that the Project is fully compatible with the site’s zoning designations, surrounding land uses, and requirements.

Analysis of Consistency with City Council Policy A-18

Pursuant to City Charter Section 423 and Council Policy A-18, an analysis must be prepared to establish whether a proposed General Plan amendment (if approved) requires a vote by the electorate. The amendment would be combined with 80 percent of the increases in traffic, dwelling units, and non-residential floor area allowed by previous General Plan amendments (approved within the preceding 10 years) within the same statistical area. The following thresholds are applicable: 100 dwelling units, 100 a.m. peak hour trips, 100 p.m. peak hour trips, or 40,000 square feet of non-residential floor area. If any of the thresholds are exceeded and the City Council approves the requested General Plan Amendment, the Amendment would be classified as a “major amendment” and be subject to voter consideration. Approved amendments, other than those approved by the electorate, are tracked for 10 years and factored into the analysis of future amendments within the same statistical area as indicated.

The project site is located within Statistical Area LI of the General Plan Land Use Element, and would result in an increase of 49 dwelling units. Based on the trip generation rates contained in the Council Policy A-18 (residential/condominium townhouse rate), the proposed amendment is forecast to result in an overall reduction of peak hour trips. There would be no addition of nonresidential floor area with the amendment. If the proposed General Plan amendment is approved by City Council, this would be the first amendment applicable to Statistical Area LI. The four thresholds for a vote of the electorate are not triggered and the project will become a prior amendment where 80 percent of the increases will be tracked for 10 years.

Analysis of Consistency with City Council Policy G-1

As discussed in Section 4.5.4, Biological Resources, pursuant to Council Policy G-1 provisions for “All Other City Trees,” (i.e. those not designated as Special or Problem Trees) the City Council would review the Project’s conceptual landscaping plan (including the removal of existing trees along both sides of Anacapa Drive) during public hearings for the Project. Trees can be removed as part of a new project with City Council Review under Council Policy G-1, Pg. 5 as part of a City-Council approved City, commercial, neighborhood, or community association beautification program. However, because the Project Applicant proposes to replace the removed trees and because the City Council would have



authority to review the landscaping plan for the proposed Project to ensure overall consistency with City Council Policy G-1, impacts associated with this issue would be less than significant. Additionally, as a condition of approval for the Project, the adjacent property owner's authorization is required to allow improvements in the 100 Block of Newport Center Drive and for street tree improvements across Anacapa Drive.

In addition, the Project would be required to comply with a variety of other provisions of the City's Municipal Code, all of which would be enforced either as a condition of Project approval or through future City review of implementing development applications (grading permits, building permits, etc.).

Based on the foregoing analysis, the Project would be consistent with or otherwise would not conflict with all applicable provisions of the City's General Plan, Zoning Code/Municipal Code, nor the Orange County Central and Coastal Orange County NCCP/HCP. Accordingly, implementation of the Project would not result in a conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

c) *Would the Project conflict with any applicable habitat conservation plan or natural community conservation plan?*

Finding: No Impact. There are no policies of the Orange County Central and Coastal Orange County NCCP/HCP that are applicable to the Project. Accordingly, no impact would occur.

The Project site is located within the Orange County Central and Coastal Orange County NCCP/HCP, which does not identify the Project site and surrounding areas for conservation (Orange County, 1996, Figure 11). The Project site has been developed with its existing uses since the 1970s. Due to the developed nature of the Project site under existing conditions, the site also does not contain any habitat for any of the plant or animal species addressed by the NCCP/HCP. Accordingly, the Project has no potential to conflict with the NCCP/HCP. Accordingly, no impact would occur.

Accordingly, the Project has no potential to conflict with the NCCP/HCP. There are no additional Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans applicable to the Project site or vicinity. Accordingly, no impact would occur.

Land Use and Planning: Mitigation Measures

Implementation of the Project would result in no impacts due to land use and planning considerations; accordingly, mitigation measures are not required.

4.5.11 Mineral Resources

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?*

Finding: No Impact. The Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. No impact would occur and mitigation is not required.

The Project site is developed with urban uses. No mines, wells, or other resource extraction activity occurs on the property or is known to have ever occurred on the property. According to the City's General Plan EIR, which relies on mapping conducted by the California Geological Survey for areas known



as Mineral Resources Zones (MRZs), the Project site is mapped as being on the boundary between MRZ-1 and MRZ-3. Areas mapped MRZ-1 are defined as “areas where available geologic information indicates that there is little or no likelihood for presence of significant mineral resources.” Areas mapped MRZ-3 are defined as “areas containing mineral deposits of undetermined significance.” (Newport Beach, 2006b, Figure 4.5-4) Accordingly, implementation of the Project would not 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, and no impact would occur.

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?*

Finding: No Impact. The Project would not 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, and no impact would occur.

The Project site is not identified as a locally-important mineral resource recovery site delineated on a City’s general plan, specific plan, or other land use plan. Accordingly, no impact would occur.

Mineral Resources: Mitigation Measures

Implementation of the Project would result in no impacts to mineral resources; accordingly, mitigation measures are not required.

4.5.12 Noise

a) *Would the Project result in the exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

Finding: Less-than-Significant Impact with Mitigation Incorporated. With mandatory adherence to the time of day provisions of Municipal Code Section 10.28 (Loud and Unreasonable Noise) during construction activities, and with implementation of Mitigation Measure MM NOI-I, which would ensure that development of the Project would meet City of Newport Beach interior and exterior noise standards, impacts associated with the exposure of persons to or generation of noise levels in excess of the City’s Municipal Code standards would be less than significant. Due to the decrease in average daily trips that would occur with the Project, traffic-related noise during Project operation would be less than significant.

The Project site generates noise under existing conditions in relation to the existing vehicle traffic (discussed below), as well as noise from the car wash such as the dryer for the vehicles and compressed air that is used to detail the vehicles. The proposed Project would remove the existing car wash use and would construct a residential building. The potential for impacts associated with noise during construction and operation of the proposed Project is described below.

Construction Noise

During demolition of the existing building on the site and construction of the proposed improvements, construction equipment would generate substantial amounts of noise. There is a potential for exposing nearby sensitive receptors, i.e. the Newport Center Women’s Health Center, located approximately 100 meters south of the Project site at 180 Newport Center Drive (Urban Crossroads, 2015a, p. 28), to loud



noise levels. However, construction noise is explicitly exempted from the noise standards specified in Municipal Code Section 10.26 (Community Noise Control), provided such activities adhere to the timing restrictions specified in Section 10.28. Section 10.28.040 (Construction Activity-Noise Regulations), limits construction activities to between the hours of 7:00 a.m. and 6:30 p.m. Monday through Friday and between the hours of 8:00 a.m. and 6:00 p.m. Saturdays, and prohibits construction activities on Sundays and federal holidays. Because the Project would be required to adhere to the timing restrictions established by Section 10.28 of the City's Municipal Code, the proposed construction activities would not result in the exposure of persons to or generation of noise levels in excess of standards established in the City's Municipal Code.

Operational-Related Noise

The Project Applicant proposes to develop the site as a condominium building featuring 49 residences. Residential land uses are not typically associated with the generation of substantial stationary noise. However, given the Project's location in an urban/developed portion of the City and due to the Project's vicinity to Fashion Island, which generates vehicular traffic noise, the proposed residences may be exposed to vehicular noise that would exceed the City's noise interior and exterior noise standard. Figures N1 and N4 of the General Plan Noise Element identifies Newport Center Drive within the 60 to 65 dBA CNEL existing and future noise contours. This noise contour falls within, "normally compatible" designation for residential development, which suggests that new construction or development should be undertaken only after detailed analysis of the noise reduction requirements are made and needed noise insulation features in the design are determined. Conventional construction, with closed windows and fresh air supply systems or air conditioning, will normally suffice. Mitigation Measure MM NOI-1 has been identified to ensure that development of the proposed Project would meet City of Newport Beach interior and exterior noise standards, as set forth in Chapter 10.26, Community Noise Control, (Sections 10.26.1025 and 10.26.030) of the NBMC.

Any unusual noise generated by individual residents would be regulated by Chapter 10.28 (Loud and Unreasonable Noise) of the NBMC, and any future residents that violate the provisions of Chapter 10.28 would be subject to penalties as set forth in the ordinance. Accordingly, under long-term operating conditions, the Project would not result in the generation of substantial amounts of stationary noise that would violate the noise standards established in NBMC Chapter 10.26 (Community Noise Control).

The Project also has the potential to contribute to off-site noise levels resulting from vehicular traffic that would be generated by the residents. However, as discussed in more detail under the analysis of Transportation/Traffic (refer to Section 4.5.16), the proposed Project would result in a reduction in the total number of average daily vehicular trips by 614 trips. As such, implementation of the Project would result in a corresponding reduction in the amount of vehicular-related noise affecting off-site areas, and impacts associated with noise resulting from Project-generated vehicular trips would be less than significant.

As discussed above, with the implementation of mitigation, the Project would not be subject to noise levels that exceed the City's noise standards, nor would the uses proposed by the Project expose any sensitive receptors to substantial noise increases. The Project also would be required to comply with NBMC restrictions on construction-related noise. Accordingly, the Project would be consistent with, or otherwise would not conflict with, all applicable policies of the General Plan Noise Element.

Based on the foregoing analysis, and assuming approval of the Project's proposed General Plan Amendment to change the site's existing land use designation, the Project would not conflict with applicable City of Newport Beach General Plan goals and policies, and impacts would be less than significant with mitigation incorporated.



b) *Would the Project result in the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?*

Finding: Less-than-Significant Impact. Impacts associated with excessive groundborne vibration or groundborne noise levels during Project construction and long-term operation would be less than significant. Mitigation is not required.

The only potential source of ground-borne vibration associated with the Project would occur as a result of construction activities, during which large machinery would be utilized in support of Project excavation and grading activities. However, construction activities associated with the Project would not require the use of pile drivers, rock crushers, or blasting, which are the primary sources of vibration-related impacts during construction. As such, groundborne vibration and noise impacts during construction would be less than significant.

Additionally, there are no sources of groundborne vibration or groundborne noise in the Project area, such as railroad lines. Accordingly, future Project residents also would not be subject to excessive groundborne vibration or groundborne noise levels and impacts associated with this issue would be less than significant.

c) *Would the Project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*

Finding: Less-than-Significant Impact. The Project would not result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project. A less than significant impact would occur and mitigation is not required.

As indicated above under the discussion of Threshold a) of this section, residential uses typically do not generate substantial amounts of ambient noise. Any unusual noise generated by individual residents would be regulated by Chapter 10.28 (Loud and Unreasonable Noise) of the Municipal Code, and any future residents that violate the provisions of Chapter 10.28 would be subject to penalties as set forth in the ordinance. Residential uses can result in an increase in ambient noise levels due to an increase in vehicular trips in the Project area. However, and as discussed in more detail under the analysis of Transportation/Traffic (refer to Section 4.5.16), the Project would generate less traffic when compared to the existing car wash use, thereby reducing the amount of vehicular-related noise affecting off-site areas. Therefore, the Project would not result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project, and impacts would be less than significant.

d) *Would the Project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

Finding: Less-than-Significant Impact. With mandatory adherence to the timing provisions of Municipal Code Section 10.28 during construction activities, Project impacts due to a temporary or periodic noise increase would be reduced to below a level of significance.

As indicated above under the discussion of Thresholds a) and b) of this section, demolition of the existing buildings on-site and construction of the Project would involve the use of heavy construction equipment that has the potential to result in a substantial temporary increase in ambient noise levels. However, construction noise is explicitly exempted from the noise standards specified in NBMC Section 10.26.035(D), provided such activities adhere to the timing restrictions specified in NBMC Chapter



10.28.040, Construction Activity-Noise Regulations (Newport Beach, 2015a). There are no potential sources of temporary or periodic noise increases associated with long-term operation of the Project, as the Project would involve only the operation of 49 condominium homes, which are not associated with the generation of substantial amounts of temporary or periodic noise increases. Accordingly, impacts would be less than significant.

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

Finding: No Impact. The Project would not expose people residing or working in the Project area to excessive airport-related noise levels. No impact would occur and mitigation is not required.

The only airport in the vicinity of the Project site is John Wayne Airport, which is located approximately 3.6 miles north/northeast of the Project site. As shown on Figure N4 of the Newport Beach General Plan, and as similarly presented on the Airport Impact Zones exhibit of the AELUP, the Project site is not subject to airport-related noise levels exceeding 60 dBA CNEL (Newport Beach, 2006a, Figure N4; OCALUC, 2008, Appendix D). Accordingly, the Project would not expose people residing or working in the Project area to excessive airport-related noise levels, and thus there would be no impacts in this regard.

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

Finding: No Impact. There would be no impact due to the exposure of people residing or working in the area to excessive noise levels associated with private airstrips. No impact would occur and mitigation is not required.

There are no private airstrips within the vicinity of the Project site. Accordingly, there would be no impact due to the exposure of people residing or working in the area to excessive noise levels associated with private airstrips.

Noise: Mitigation Measures

MM NOI-1 Prior to the issuance of a building permit, the City of Newport Beach Building Official shall verify that an acoustical analysis of the architectural construction plans for the proposed residential building has been prepared by a qualified acoustical engineer to ensure that the building construction materials and design (i.e. exterior wall, window, and doors) will provide adequate sound insulations to meet the City's interior daytime noise level requirement in a windows-closed condition of 45 dBA CNEL.

4.5.13 Population and Housing

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 roads or other infrastructure)?*

Finding: Less-than-Significant Impact. The Project would provide for an additional 49 condominium units in one building in Newport Center, but the population accommodated by the Project would not be substantial such that the additional population growth would



adversely affect the physical environment. Impacts would be less than significant and mitigation is not required.

Southern California Association of Governments (SCAG) prepared a Regional Housing Needs Assessment (RHNA) for 2014-2021 to identify the housing need for each jurisdiction within the SCAG region in the 2014-2021 period. To accommodate projected growth in the region, SCAG estimates that the City of Newport Beach needs to target its housing unit production to accommodate a total of five new housing units, as follows: one (1) "Very Low" income unit, one (1) "Low" income unit, one (1) "Moderate" income unit, and two (2) "Above Moderate" income units. (Newport Beach, 2006b, Table H31, page 5-44) As demonstrated in Table H32, the City has sufficient sites to accommodate the City's 2014-2021 RHNA allocation. The Housing Element of the City's General Plan has not previously identified the Project site as a housing opportunity site. The proposed Project would provide for 49 housing units in one building; accordingly, the Project would be consistent with the General Plan Housing Element by assisting the City in meeting its housing needs, as encouraged by Housing Element Goal H3. The Project would be consistent with, or otherwise would not conflict with, all applicable goals and policies of the General Plan Housing Element.

According to the Department of Finance, the City of Newport Beach has an average household size of 2.24 persons (DOF, 2015). The Project Applicant proposes to redevelop the site with 49 new condominium units in one building, which would result in a population increase of approximately 110 persons. Although the Project would result in an increase in the City's population by approximately 110 persons, this increase represents only a 0.123% increase over the City's estimated Department of Finance (DOF) 2015 population (DOF, 2015). Additionally, none of the improvements proposed as part of the Project would foster an indirect increase in the City's population. The vicinity of the Project site is an urbanized area that already includes a variety of land uses, including office, retail (Fashion Island), restaurant, entertainment, and commercial land uses. The population that the Project would accommodate is not substantial and would not adversely affect the surrounding physical environment. As such, population growth impacts would be less than significant.

b) *Would the Project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*

Finding: No Impact. Implementation of the Project would not displace any existing housing, necessitating the construction of replacement housing elsewhere. No impact would occur and mitigation is not required.

There are no residences on-site under existing conditions. Accordingly, implementation of the Project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere, and no impact would occur.

c) *Would the Project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

Finding: No Impact. Implementation of the Project would not displace any existing housing, necessitating the construction of replacement housing elsewhere, and no impact would occur.

There are no persons living on-site under existing conditions. Accordingly, implementation of the Project would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere, and no impact would occur.



Population and Housing: Mitigation Measures

Implementation of the Project would result in less-than-significant impacts or no impacts to population and housing; accordingly, mitigation measures are not required.

4.5.14 Public Services

a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, need for new or physically altered fire protection 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?*

Finding: Less-than-Significant Impact. The Project would be adequately served by the City's existing fire protection facilities, and the Project would not result in nor require the expansion or construction of any new fire protection facilities. A less-than-significant impact would occur and mitigation is not required.

Under existing conditions, the Project site's existing car wash and ancillary gas station generates a negligible demand for fire protection services. Implementation of the Project is anticipated to result in an increase in the site's existing demand for fire protection services (due to medical emergencies and fire protection needs associated with residential uses). Due to the limited scale of the Project being only 49 condominium units in one building, the addition of approximately 110 persons on the Project site would not significantly impact response times because the Project site would be adequately served by existing Fire Department services. Additionally, the Project would replace an existing commercial use which generates an existing demand for fire protection services in the existing condition.

The proposed building would be constructed in accordance with current fire codes, and would replace the older on-site building that was constructed in 1970 (NMG, 2015, p. 9). Older buildings prior to the enactment of current fire codes have fewer fire protection features than do buildings of a more modern construction. The nearest fire station to the Project site is Fire Station No. 3, located at 868 Santa Barbara Drive, approximately one roadway mile northwest of the Project site. Due to the Project's location approximately one mile from an existing fire station in Newport Center, the Project would be adequately served by existing fire services and no new or expanded facilities are warranted. The Project would be required to comply with City of Newport Beach Fire Department Project conditions of approval, including but not limited to the requirement to provide an exclusive off street staging area for emergency vehicles, the height and width of which would need to be sufficient to accommodate a fire engine and medic unit. The Project would provide a minimum width of emergency access area (20 feet) to accommodate ladder truck stabilizers (Nova, 2015b). Thus, the Project would comply with all required conditions of approval from the City's Fire Department. Accordingly, implementation of the Project would be adequately served by the City's existing fire protection facilities, and the Project would not result in nor require the expansion or construction of any new fire protection facilities. Therefore, a less-than-significant impact would occur.

b) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, need for new or physically altered police protection 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?

Finding: Less-than-Significant Impact. Implementation of the Project would not result in nor require the expansion or construction of any new police protection facilities. Therefore, a less-than-significant impact would occur.

Under existing conditions, the Project site's existing car wash and ancillary gas station generates a negligible demand for police protection services. Upon implementation of the Project, the existing car wash would be demolished and replaced with one condominium building. The applicant proposes to develop the site with 49 new condominium units, which would result in a population increase of approximately 110 persons (Newport Beach, 2006b, p. 4.10-3).

Implementation of the Project is anticipated to result in a slight increase in the site's existing demand for police protection services. Due to the limited scale of the Project being only 49 condominium units on one building, the addition of approximately 110 persons on the Project site would not significantly impact response times because the Project site would be adequately served by existing police protection facilities. Additionally, the proposed residential building would replace a commercial land use at the Project site that generates an existing demand for police protection services in the existing condition. Considering the small increase to the City's resident population, the Project would not measurably alter the City's ratio of officers to residents. As noted in the General Plan EIR, the General Plan "...contains policies to ensure that adequate law enforcement is provided as the City experiences future development. For example, Policy LU 2.8 ensures that only land uses that can be adequately supported by the City's Public Services should be accommodated. Compliance with this policy would ensure that adequate service ratios are maintained." (Newport Beach, 2006b, p. 4.11-16). The nearest Police station to the Project site is the City's Police Department, located at 870 Santa Barbara Drive, approximately one roadway mile northwest of the Project site. Due to the Project's location approximately one mile from an existing Police station in Newport Center, the Project would be adequately served by existing police protection facilities and no new or expanded facilities are warranted. Based on the foregoing information, the Project would not result in substantial adverse physical environmental impacts and would not hinder the City's police protection performance objectives. Implementation of the Project would not result in nor require the expansion or construction of any new police protection facilities and as such, a less-than-significant impact would occur.

c) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, need for new or physically altered school 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?*

Finding: Less-than-Significant Impact. The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, need for new or physically altered school 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. Therefore, impacts would be less than significant.

Under existing conditions, the Project site is occupied by a car wash and ancillary gas station, which does not generate any demand for school services. The Project would result in the construction of 49 condominium units on the site in one building, which would generate an increased demand for school services. Based on the student generation rates assumed in the General Plan EIR, the Project's 49



condominiums would generate approximately eleven new elementary school students, six middle school students, and six high school students¹ (Newport Beach, 2006b, p. 4.11-23).

The City of Newport Beach is served by the Newport-Mesa Unified School District (NMUSD), which operates Corona Del Mar High School (grades 7-12), located at 2010 Eastbluff Drive in Newport Beach, and Lincoln Elementary School (grades K-6), located at 3101 Pacific View Drive in Corona Del Mar. Based on the school district's school locator application, students from the Project would attend Corona Del Mar High School and Lincoln Elementary School (NMUSD, 2015). The most recent information from the California Department of Education shows that the current (2014-2015) school year enrollment at Corona Del Mar High School is 2,557 students and 620 students at Lincoln Elementary School (CA Dept of Education, 2014). Thus, the students who would be added to these schools from the Project are estimated to be fourteen students, an approximate 0.35 percent increase in student enrollment at Corona Del Mar High School and nine students, an approximate 2.3 percent increase in student enrollment at Lincoln Elementary School. Accordingly, the Project is anticipated to result in a nominal increase in student enrollment.

The General Plan EIR notes that policies within the General Plan would assure the provision of appropriate school facilities as necessary to serve the City's growing population. The Project Applicant would be required to contribute school fees in accordance with Public Education Code Section 17072.10-18. The provision of school fees would assist the NMUSD in meeting the Project's incremental demand for school services. Although it is possible that the NMUSD may ultimately need to construct new school facilities in the region to serve the growing population within their service boundaries, such facility planning is conducted by the NMUSD and is not the responsibility of the Project. Furthermore, the Project would be required to contribute fees to the CNUSD in accordance with the Leroy F. Greene School Facilities Act of 1998 (Senate Bill 50). Pursuant to Senate Bill 50, payment of school impact fees constitutes complete mitigation for Project-related impacts to school services, where projects are subject to compliance with CEQA. Therefore, mandatory payment of school impact fees would reduce the Project's impacts to school facilities to a level below significant, and no mitigation would be required.

Accordingly, and based on the foregoing analysis, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives for schools. Therefore, impacts would be less than significant.

d) Would the project result in substantial adverse physical impacts associated with the provision of *any other new or physically altered government facilities*, need for *any other new or physically altered government facilities*,

¹ The General Plan EIR assumes that the 14,215 dwelling unit increase associated with the General Plan Update would result in 6,230 new students, consisting of 3,115 elementary school students, 1,557 middle school students, and 1,558 high school students. This was calculated using Department of Finance population projections, and assuming that approximately 20 percent of the potential increase in population would represent children attending grades K through 12. The number of elementary, middle, and high school students, respectively, was divided by the dwelling unit increase of 14,215 to obtain the following student generation ratios for each grade level: 0.219135 elementary students 0.109532 middle school students, and 0.109603 high school students per household. These student generation ratios were used to estimate the number of students that the proposed Project would generate.



the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any other types of public services?

Finding: Less-than-Significant Impact. The Project would result in less-than-significant impacts associated with the provision of any other new or physically altered government facilities, need for any other new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any other types of public services. Mitigation is not required.

Impacts to Public Libraries

Under existing conditions, the Project site's existing car wash and ancillary gas station does not generate a demand for library facilities.

Upon implementation of the Project, the car wash and ancillary gas station would be demolished and replaced with a condominium building accommodating approximately 110 persons. As such, the demand for library services within the City would be incrementally increased as a result of the Project's resident population increase. The General Plan Arts and Cultural Element does not establish any quantitative standards for determining the amount of physical library space needed to serve the City's population. Additionally, given changes in technology (i.e., the use of electronic media in lieu of hard copy media), the demand for physical library space based on population-based projections is speculative. The Newport Beach Central Library underwent an approximately 17,000-square-foot expansion in 2013 to service the City's population and the addition of approximately 110 persons to the City's population associated with the Project has no potential to directly or indirectly create the need to construct a new future library or physically expand an existing library facility. Library services receive funding from property tax, a portion of which from the Project's tax assessment would be dedicated to the City's Library Fund (Newport Beach, 2015a, Section 3.08.020).

Based on the above analysis, the Project would result in less-than-significant impacts associated with the provision of any other new or physically altered government facilities, need for any other new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any other types of public services.

Impacts to Recreational Facilities

Impacts to recreational facilities are addressed under Section 4.5.15, Recreation, which concludes that the Project would result in a less-than-significant impact to the City's park facilities.

Public Services: Mitigation Measures

Implementation of the Project would result in less-than-significant impacts to public services; accordingly, mitigation measures are not required.

4.5.15 Recreation

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?*

Finding: Less-than-Significant Impact. Adequate parkland facilities would be accommodated within Service Area 9 (Newport Center) to meet the needs of existing and projected residents,



including residents generated by the Project. Accordingly, the Project would not 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. Impacts would be less than significant and mitigation is not required.

The General Plan Recreation Element and Figure R I I indicates the following for Service Area 9 (which includes the Project site):

Service Area 9—Newport Center. There is park surplus within this service area. The Back Bay View Park was completed in the summer of 2005, and a new passive park, Civic Center Park, is planned for development sometime after 2006.

The Project site has been developed as a car wash since the 1970s and not identified by the General Plan for improvement with any recreational resources. Recreational needs within Service Area 9 occur in other off-site locations. In accordance with the Recreation Element Policy R 1.1, the Project Applicant would be required to contribute in-lieu fees pursuant to the City's Park Dedication Fee Ordinance and City Resolution No. 2007-30 (Newport Beach, 2007b). There are no other goals or policies of the General Plan Recreation Element (e.g., the site and surroundings) that are applicable to the Project; accordingly, the Project would be consistent with, or otherwise would not conflict with, all applicable policies of the General Plan Recreation Element.

Under existing conditions, the car wash with ancillary gas station does not generate a demand for recreational facilities. As described in Section 3.1.6 Future Population, with implementation of the Project, the proposed 49 condominium units are estimated to increase the City's population by approximately 110 persons. Future residents of the Project site are likely to utilize Civic Center Park, located adjacent to Newport Beach City Hall and Library, which is the closest park area to the Project site (located approximately 0.25 mile northwest of the Project site). This 14-acre park was constructed in 2013 and has the following amenities (Newport Beach, 2015b):

Civic Green: This is a two acre space that connects the library, City Hall, parking structure and park. This area is designed to be a gathering place for community events.

A viewing platform

1,038 square foot dog run

Picnic areas

Wetlands and bird blind

1.23 miles of walking trails

Additionally, future residents are anticipated to also utilize Irvine Terrace Park, located approximately 0.40 mile southwest of the Project site on the opposite side of Pacific Coast Highway. Irvine Terrace Park has a soccer field, a basketball court, two tennis courts, a tot lot, a sidewalk, and grassy areas. The use of Newport Center Park and/or Irvine Terrace Park by the Project's estimated 110 residents is not anticipated to result in substantial deterioration to these existing facilities due to the small increase in population anticipated with the Project. Additionally, the proposed Project includes common and private open space areas as part of the Project design in order to help meet the recreation needs of the future residents. The proposed Project would include 13,392 square feet of common open space including a dog run and 14,217 square feet of private open space, which would further help to meet the leisure and recreational needs of future Project residents (Project Application Materials, 2015, p. A0.1).

As detailed in the City's General Plan EIR, the City of Newport Beach contains 12 service areas for parkland. The Project is located in Service Area 9 (Newport Beach, 2006b, Figure 4.12-1), which is one



of the two service areas identified within the City as having a park surplus (Newport Beach, 2006b, page 4.12-1). Based on the City's Parkland Standard of five acres of parkland per 1,000 residents, the Project's estimated population increase of 110 persons would result in a demand for approximately 0.55 acre of parkland. Thus, with implementation of the Project, the total demand for recreational facilities within Service Area 9 (Newport Center) would increase compared to existing conditions. The Civic Center Park accounts for 14 additional acres of parkland within Service Area 9 that were constructed in 2013, after the General Plan was adopted in 2006. Accordingly, the Project would have a less-than-significant impact because it would not result in a substantial physical deterioration of existing recreational facilities in the City of Newport Beach.

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

Finding: Less-than-Significant Impact. The Project proposes to construct outdoor recreational facilities such as a 1,038 square foot dog run and a roof-top pool area, which are analyzed throughout this document as an inherent part of the Project. The Project would not directly or indirectly result in the need for new or expanded recreational facilities off-site that could have an adverse physical effect on the environment. Accordingly, impacts would be less than significant and mitigation is not required.

As indicated under the discussion and analysis of Threshold a) of this section, Service Area 9 would be served by sufficient park facilities because there is an excess of parkland in the Project area. The Project would not directly or indirectly result in the need for new or expanded recreational facilities that could have an adverse physical effect on the environment. Accordingly, impacts would be less than significant.

Recreation: Mitigation Measures

Implementation of the Project would result in less-than-significant impacts to recreation; accordingly, mitigation measures are not required.

4.5.16 Transportation/Traffic

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

Finding: No Impact. The Project would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. No impact would occur and mitigation is not required.

Technical Appendix F1, Traffic and Parking Evaluation, provides an analysis of the potential traffic impacts of the Project as well as an existing trip generation analysis. As part of the traffic analysis for the Project, traffic counts were obtained at the existing car wash and ancillary gas station over three average weekdays (March 24, 2015 through March 26, 2015). Table 4-7, *Net New Trip Generation of Proposed Project*, provides a comparison of the Project site's existing daily and peak hour traffic volumes with those that are projected to occur under the Project. As shown, implementation of the Project would result in a net reduction of 37 morning peak hour trips, 56 evening peak hour trips, and 614 total daily trips. Accordingly, Project implementation would result in a net decrease in the amount of traffic the Project site contributes to area intersections and roadway segments, indicating that the Project would result in a slight improvement to the performance of area intersections and roadway segments as compared to existing conditions.

**Table 4-7 Net New Trip Generation of Proposed Project**

Land Use	Size	Unit ¹	AM Peak Hour			PM Peak Hour			Daily Total
			In	Out	Total	In	Out	Total	
Proposed: High-Rise Residential Condo	49	DU	3	14	17	12	7	19	205
Removed: Car Wash	8.5	TSF	30	24	54	33	42	75	819
Total Net New Project Trip Generation (Proposed – Existing):			-27	-10	-37	-21	-35	-56	-614
<small>1. TSF = Thousand Square Feet; DU = Dwelling Units Note: AM Peak Hour, PM Peak Hour, and Daily Total reflect the number of trips. Source: TJW Engineering, Inc., 2015</small>									

The City of Newport Beach General Plan establishes LOS “D” as the standard for most intersections, and allows LOS “E” at a limited number of intersections. The Project would have a significant impact if it resulted in an exceedance of the City’s established LOS criteria of “D” and “E.” However, because the Project would generate less traffic under proposed conditions than existing conditions, it has no potential to degrade the existing LOS at any area intersection or road segment, and would therefore not result in a conflict with the General Plan’s LOS standard.

A Traffic Analysis was prepared for the nearby North Newport Center San Joaquin Plaza project in 2012, which identified LOS at intersections within the vicinity of the Project site. At the time the study was prepared, all signalized intersections in the vicinity of the Project site were operating at LOS A. (Stantec Consulting Services, Inc., 2012) Since the preparation of the 2012 Traffic Analysis, the Anacapa Drive/Newport Center Drive intersection has been signalized as part of a traffic signal modernization project and has not been analyzed for level of service.

As the Project would result in a net reduction in the number of average daily trips generated from the site as compared to existing conditions, the Project would have no adverse impact on the existing level of service (LOS) for City roadways or intersections. Additionally, the Project also does not involve any improvements to any public roads. Therefore, the Project would be consistent with, or otherwise would not conflict with, all applicable policies of the General Plan Circulation Element.

In addition, the City’s Traffic Phasing Ordinance (Municipal Code Chapter 15.40) requires mitigation for any traffic effects caused by new development. However, the Project results in a net reduction in vehicular trips from the site (as shown in Table 4-7, *Net New Trip Generation of Proposed Project*). Traffic Phasing Ordinance Section 15.40.030.C (Exemptions) specifically exempts projects that generate no more than 300 average daily trips (ADT). Accordingly, the Project is exempt from the provisions of the Traffic Phasing Ordinance because it would generate 205 ADTs and result in a net ADT decrease of 614 ADTs. Thus, no conflict would occur.

Therefore, the Project would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, and no impact would occur.



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

Finding: No Impact. The Project would not conflict with the OCTA CMP's level of service standards or travel demand measures, and no impact would occur.

The Orange County Transportation Authority (OCTA) Congestion Management Plan (CMP) is the applicable congestion management program for the City of Newport Beach. Pursuant to the CMP, an individual project would result in significant impacts to traffic if it causes the LOS of any CMP Highway System intersections to degrade to below a LOS E, or if it generates sufficient traffic that contributes to a facility already operating below the threshold. As indicated in Table 4-7, implementation of the Project would result in a net reduction in morning and evening peak hour trips, and also would result in a net reduction in the total daily traffic generated by the site when compared to the existing car wash use at the Project site. As such, the Project has no potential to cause any CMP Highway System intersection to degrade below LOS E, nor would the Project contribute a substantial amount of traffic to any CMP Highway System intersection that already operates below LOS E under existing conditions. Additionally, although the CMP sets forth travel demand measures that promote the use of alternative modes of transportation, none of the travel demand measures specified in the CMP are directly applicable to the Project (OCTA, 2013, p. 3). Accordingly, the Project would not conflict with the OCTA CMP's level of service standards or travel demand measures, and no impact would occur.

c) *Would the Project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?*

Finding: No Impact. There are no components of the Project that would result in an increase in traffic levels or result in substantial safety risks. No impact would occur and mitigation is not required.

The only airport within the Project vicinity is the JWA, which is located approximately 3.6 miles north/northeast of the Project site. Although a portion of the Project site falls within the JWA notification area, the building height does not penetrate the 100:1 imaginary surface for notification nor does it penetrate the FAR Part 77 JWA obstruction imaginary surfaces and thus, the Project does not fall within the Airport Planning Area requiring Airport Land Use Commission review (OCALUC, 2008, Figure I and Appendix D). Accordingly, and based on the AELUP, the Project would not occur in a location that results in a substantial safety risk for future Project residents, the limited scale of the proposed Development would not result in a substantial increase in demand for air traffic. Therefore, no impacts associated with air traffic would occur.

d) *Would the Project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

Finding: Less Than Significant. The Project would not substantially increase hazards due to a design feature or incompatible uses. There may be the need for temporary lane closures for Anacapa Drive and Newport Center Drive and the installation of tie-backs along the Newport Center Drive and Anacapa Drive frontages, however these temporary impacts would be less than significant. Less than significant impacts would occur and mitigation is not required.



With the exception of the installation of utility tie-backs at several locations along the Project site's frontage, the Project does not involve any improvements to off-site roadways or intersections and complete street closures would not occur during the Project's construction phase. Similarly, the location of driveway access points on-site would comply with City roadway standards and the proposed driveways would provide for adequate sight distance. All improvements on-site would consist of private driveways and drive aisles that similarly would have no impact on abutting roadways. The Project Applicant has provided a Site Circulation Plan (Appendix F2) to demonstrate that on-site and right-of-way circulation is appropriate to the satisfaction of the Public Works Department. An encroachment agreement may be needed for approval by the City Council for the proposed improvements along Anacapa Drive and Newport Center Drive because tie-backs are proposed that would encroach into these streets to connect water and sewer lines from the Project site. There may be the need to temporarily close a lane in Newport Center Drive and/or Anacapa Drive during construction of tie-backs. However due to the temporary nature of the lane closures, and the required implementation of mandatory traffic control measures during lane closures, less-than-significant impacts would occur. Accordingly, the Project would not increase hazards due to a design feature and less than significant impacts associated with this issue would occur.

e) *Would the Project result in inadequate emergency access?*

Finding: No Impact. The Project would result in adequate emergency access. No impact would occur and mitigation is not required.

The Project Applicant proposes adequate emergency access to the site via compliance with various conditions of approval from the City Fire Department, including the provision of an exclusive off street staging area for emergency vehicles. The size of the area needs to accommodate the height and width of a fire engine and medic unit and should be located closely to the main entrance into the development. The primary guest/valet entrance driveway would accommodate the City's Fire Department need for emergency access at the front of the building. Additionally, the Project would not require the complete closure of any public or private streets or roadways during construction. Accordingly, temporary construction activities would not impede use of roads for emergencies or access for emergency response vehicles because emergency vehicles would be able to access the Project site during construction should a lane be closed. Therefore, the Project would not result in inadequate emergency access, and no impact would occur.

f) *Would the Project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities?*

Finding: No Impact. The Project would not conflict with adopted policies, plans, or programs regarding transit, bicycle, or pedestrian facilities. No impact would occur and mitigation is not required.

The General Plan Circulation Element includes a number of goals and policies related to public transit, bicycle, and pedestrian facilities. These include the policies identified under General Plan Circulation Element Goal CE 4.1 (Public Transportation) and CE 5.1 (Alternative Transportation Modes). A brief discussion of Circulation Element Policies that are applicable to the Project is provided below.

Policy 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.*



- Project Consistency:** The Project Applicant proposes to develop the site with 49 condominiums in one building on the 1.26-acre site, resulting in a density of approximately 39.2 dwelling units per acre. This level of density would support transit patronage within the Project area. Additionally, an Orange County Transportation Agency (OCTA) bus stop is located adjacent to the Project site on Newport Center Drive and is served by OCTA Bus routes 1, 57, and 79. Additionally, approximately 0.6 mile from the Project site is the Newport Transportation Center, from which OCTA bus routes 1, 55, 57, 76, and 79 arrive. Accordingly, the Project would be consistent with Circulation Element Policy CE 4.1.4.
- Policy CE 5.1.1:** *Trail System. Promote construction of a comprehensive trail system as shown on Figure CE4.*
- Project Consistency:** According to Figure CE4 of the Circulation Element, the portions of both Newport Center Drive and Anacapa Drive that front the Project site are identified as a Class II On-road striped bicycle lane in the City's Bikeways Master Plan. The Project would not impact the existing Class II bike trail. Accordingly, the Project would not conflict with Policy CE 5.1.1.
- Policy CE 5.1.2:** *Pedestrian Connectivity. Link residential areas, schools, parks, and commercial centers so that residents can travel within the community without driving.*
- Project Consistency:** As occurs under existing conditions, the Project is served by existing sidewalks along Anacapa Drive and Newport Center Drive, which provide connections to sidewalks in the Project Vicinity. Accordingly, the Project would be consistent with Circulation Element Policy CE 5.1.2.
- Policy 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.*
- Project Consistency:** The Project Applicant proposes a small pedestrian plaza/gathering space at the northeast corner of the Project site which would provide pedestrian access from the Project site to Anacapa Drive and Newport Center Drive (TJW, 2015, p. 4). An existing 3-foot pedestrian access easement at the easterly edge of the subject property would continue to provide adequate pedestrian connectivity across the subject property. Accordingly, the Project would be consistent with Circulation Element Policy 5.1.3.
- Policy CE 7.1.1:** *Required Parking. Require that new development provide adequate, convenient parking for residents, guests, business patrons, and visitors.*
- Project Consistency:** Based on the City of Newport Beach off-street parking requirements for the Project land use, the Project is required to provide 98 covered parking spaces for residents and 25 parking spaces for guests. Within the proposed subterranean parking structure, the Project is proposing to provide 100 covered parking spaces for residents and 26 parking spaces for guests, satisfying the City's minimum parking requirement. (TJW,



2015, p. 4) Two of the 26 guest parking spaces would be located at the entry level south of the porte cochere. Accordingly, the Project would be consistent with Circulation Element Policy 7.1.1.

The remaining Circulation Element policies related to public transit, bicycle, and pedestrian facilities provide general direction to City staff and/or decision-makers, or are otherwise not applicable to the Project. There are no other adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. Accordingly, the Project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, and no impact would occur.

Transportation/Traffic: Mitigation Measures

Implementation of the Project would result in no impacts to transportation/traffic; accordingly, mitigation measures are not required.

4.5.17 Utilities and Service Systems

a) *Would the Project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*

Finding: Less-than-Significant Impact. The Project would demand less wastewater treatment capacity than is demanded by the site under existing conditions resulting in a less than significant impact.

The proposed Project would be served by an 8-inch sewer line that connects to an existing 15-inch sewer main beneath the Newport Center Drive right-of-way and a 6-inch lateral that connects to an 8-inch sewer main beneath the Anacapa Drive right-of-way. One 6-inch sanitary sewer lateral connection is planned within Anacapa Drive. The two existing 8-inch and 6-inch lines would remain to serve the Project. The composition of wastewater generated by the Project is assumed to be typical of other residential uses in the City, consisting of domestically generated wastewater with little to no hazardous materials or components present. As occurs under existing conditions, wastewater would be collected by the City's sewer system and conveyed to Orange County Sanitation District (OCSD) Treatment Plant No. 1 in Fountain Valley. Wastewater treatment demand generated by the Project would be expected to decrease compared to what is demanded by the car wash under existing conditions. As shown on Table 4-8, *Existing and Proposed Wastewater Treatment Demand*, the Project would generate approximately 9,470 gallons per day (gpd), while the site's existing land use is estimated to generate approximately 11,156 gpd. As such, the Project would decrease demand on OCSD Treatment Plant No. 1 and would therefore not directly or indirectly cause OCSD to exceed wastewater treatment requirements.

**Table 4-8 Existing and Proposed Wastewater Treatment Demand**

Land Use	Intensity	OCSW Wastewater Flow Factor	Total Wastewater Generation
Existing Land Use			
Car Wash	1.26 acre site	2,262 gpd/acre ¹	11,156 gpd ²
Total Wastewater (Existing Land Use):			11,156 gpd
Proposed Land Use			
Condominiums	1.26 acre site	7,516 gpd/acre ³	9,470 gpd ⁴
Net Decrease in Sewer Generation with Project Implementation:			4,536 gpd

Source: T&B Planning, 2015; (C&V, 2015a)

Notes: gpd= gallons per day. d.u./acre= dwelling units per acre. Numbers were rounded to provide a “worst case” analysis of wastewater treatment demand.

1. Using the Orange County Sanitation District flow factors for office/commercial land uses (2,262 GPD/acre) it was estimated that the existing flow from the site is 2,850 GPD, however this calculated flow is much lower than the actual conditions because the existing car wash has a higher flow factor than the average office or commercial building.
2. Existing wastewater generation for the car was estimated based on the car wash’s water utility bills average over a six month period, with an assumption that 90% of water used would be discharged into the sewer.
3. This is based on a wastewater flow estimate of 7,516 gallons per day/acre for high density residential (26-35 d.u./acre) land uses. The Project falls under the high density residential category for the purposes of estimating wastewater demand. The additional density proposed by the project (39.2 du/acre) was not enough to increase the flow rate when rounded to a hundredth of a cfs. Therefore the difference was considered negligible.
4. In the *Assessment for Sewer Capacity Availability* for the Project it is assumed that the approximately 9,470 gpd would be split evenly between the sanitary sewer systems on both Anacapa Drive and Newport Center Drive, resulting in approximately 4,735 gpd to each main (C&V, 2015a, p. 2).

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

Finding: Less Than Significant Impact. The Project would not result in the construction or expansion of new water or wastewater treatment facilities. A less than significant impact would occur and mitigation is not required.

The *Assessment of Sewer Capacity Availability* report for the Project (*Technical Appendix H*) identifies that the Project is calculated to result in decreased demand on the local sanitary sewer system, when compared to existing conditions. (C&V, 2015a, p. 1) As such, the report identifies that the Project demand would not result in an adverse impact on any downstream facilities because the change in land use at the Project site would reduce total sewer flows originating from the Project site. (C&V, 2015a, p. 2) C&V Engineering determined that the existing flow from the Project site is 11,156 gpd; it was assumed that the existing flow from the site is split evenly between the sanitary sewer facilities within both Anacapa Drive and Newport Center Drive resulting in a flow of 5,578 gpd to each main. To estimate the Project’s wastewater



generation, Orange County Sanitation District flow factors for high density residential (7,516 gpd/acre) were used. The proposed flow from the site is calculated to be approximately 9,470 gpd, resulting in 4,735 gpd of wastewater flow to each sewer main that would service the Project site. Given the decrease in wastewater flows that would result from implementation of the proposed Project, impacts associated with sewer capacity would be less than significant.

As described below, the Project would have a less-than-significant impact to wastewater treatment facilities. In 2014, Orange County Sanitation District Reclamation Plant No. 1, located in the City of Fountain Valley, treated an average of 96 million gallons per day (mgd) and Treatment Plant No. 2, located in the City of Huntington Beach, treated an average of 98 mgd during 2014. (OCSD, 2015, p. 1). Thus in 2014, the two treatment facilities treated an average total of 194 mgd. Reclamation Plant No. 1 and Treatment Plant No. 2 are constructed to together treat 372 mgd of primary treated wastewater and 332 million gallons per day of secondary treated wastewater (OCSD, 2012, pp. F-4). Accordingly, the two plants have a remaining excess capacity of 178 mgd for primary treated wastewater. The proposed Project would result in a decrease in the amount of wastewater generated at the Project site, which would result in a corresponding increase in the wastewater treatment capacity of these two plants and the plants. Accordingly, the Project would have a less-than-significant impact related to wastewater treatment capacity.

The City of Newport Beach would be the domestic water provider to the Project site. As detailed in the *Assessment of Water Availability* report (*Technical Appendix I*), the Project would utilize the existing 12-inch water main in Newport Center Drive for domestic water service. The proposed Project would utilize the existing 6-inch connection to the 12-inch water main within Newport Center Drive and proposes a new 2-inch irrigation service line and 8-inch fire service line connection to the existing 12-inch main located within Newport Center Drive (C&V, 2015b, p. 2).

Existing water demand from the on-site car wash and ancillary gas station was calculated from water bills from the car wash business over a six month period. Utilizing this assumption, C&V Engineering calculated that the existing car wash business generates 12,395 gpd of domestic water demand. (C&V, 2015b, p. 1) The proposed Project was calculated as generating a demand for 10,417 gpd of domestic water based on an assumption that 110% of the calculated effluent from the OCSD flow factors would make up the total water demand for the Project site. (C&V, 2015b, p. 2) Refer to Table 4-9, *Existing and Proposed Potable Water Demand* for a comparison of existing and proposed water demand.

**Table 4-9 Existing and Proposed Potable Water Demand**

Land Use	Intensity	Potable Water Demand Estimates	Total Potable Water Demand
Existing Land Use			
Car Wash	8,500 s.f. on a 1.26 acre site	12,395 gpd	12,395 gpd
Total Water (Existing Land Use):			12,395 gpd
Proposed Land Use			
Condominiums	49 d.u. on a 1.26 acre site	9,470 gpd/acre x 110 percent ²	10,417 gpd
Net Decrease in Potable Water Demand with Project Implementation:			1,978 gpd

Notes:

gpd= gallons per day d.u.= dwelling units s.f.= square feet

1. Source: (C&V, 2015b, p. 2)

As shown in Table 4-9, the Project is estimated to result in a decreased demand for domestic water when compared to the existing car wash that occurs on the Project site. All existing fire hydrants would remain in the Project vicinity and would not be relocated. As detailed in the water availability and sewer capacity availability studies (Appendices H and I), adequate supplies exist to service the proposed Project and the Project would not require or result in the construction or expansion of water treatment facilities. Impacts associated with this threshold would be less than significant.

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

Finding: Less-than-Significant Impact. The Project would install new storm water drainage infrastructure on the site that would connect to the existing municipal storm drain system. No storm water-related off-site facilities or expansion of existing off-site facilities would occur. Mitigation is not required.

As part of the Project, storm water infrastructure would be constructed on-site, and would connect to the existing municipal storm drain system. As discussed previously in Section 4.5.9, Hydrology and Water Quality, an area drain would be installed along the north, east, and south perimeter of the site and tie into the existing 10-inch storm drain. Storm water flows would ultimately discharge to the Lower Newport Bay. The Project would create a slight increase in the amount of impervious surfaces on the site (an increase from 80% to 85%), which would have a corresponding increase in the amount of stormwater runoff that would enter the municipal storm drain system. However, because this increase would be nominal in comparison to the existing stormwater flows, the Project would not substantially increase the volume or velocity of water discharged from the site. As such, the Project would not require or result in the construction or expansion of any off-site storm water drainage infrastructure.

d) *Would the Project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?*

Finding: Less-than-Significant Impact. The Project would demand less water than is demanded by the site under existing conditions and sufficient water supplies would be available from



existing entitlements and resources. Impacts would be less than significant and mitigation is not required.

As discussed above under Threshold b) of this section and as shown in Table 4-9, the Project would demand less water than is demanded by the site under existing conditions. The site's existing uses are considered in the City's Urban Water Management Plan (hereby incorporated by reference), which concludes that the City has entitlements to sufficient water supplies to serve its existing and projected demand. More specifically, The City of Newport Beach is capable of meeting the water demands of its customers in normal, single dry, and multiple dry years between 2015 and 2035 (Malcolm Pirnie, Inc, 2011a, p. 2). As the Project would result in a reduced water demand compared to the existing car wash, the Project would not have a significant adverse impact on water supply sufficiency

On April 1, 2015, Governor Jerry Brown signed Executive Order B-29-15, which directs the State Water Resources Control Board to implement mandatory water reductions in cities and towns across California through February 18, 2016 to reduce water usage by 25 percent. The SWRCB regulations identified Newport Beach as an urban water agency that would be required to reduce overall water usage by 28 percent. As mentioned above, the provisions of the Executive Order extend through February 18, 2016, and the Project is not expected to complete construction until 2018. Therefore, it cannot be determined if the water restrictions will be in place when the Project becomes operational. Furthermore, the SWRCB has been sued over the legality of the mandated cutbacks. Regardless, the Project would be required to comply with water use reduction mandates that are in effect at the time of the Project's construction and operation. Currently, in response to the State's requirements, the Newport Beach City Council has implemented a Level Three Mandatory Water-Conservation Requirement. Because the Project would reduce the amount of potable water demand generated at the Project site, the proposed Project would not impede Newport Beach's ability to achieve their water reduction target.

e) *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?*

Finding: Less-than-Significant Impact. The Project would generate less wastewater compared to the existing conditions, resulting in a reduction in demand for wastewater treatment capacity. Impacts would be less than significant and mitigation is not required.

As discussed above under Threshold b) of this section, the Project would have a less than significant impact on the wastewater treatment capacity. Based on the most recent information, Reclamation Plant No. 1, located in the city of Fountain Valley and Treatment Plant No. 2, located in the City of Huntington Beach have a combined remaining excess capacity of 178 mgd for primary treated wastewater. Thus, the Project would not adversely affect the physical capacity of the existing wastewater infrastructure system that services the site. OCSD Treatment Plants 1 and 2 have adequate capacity considering existing and projected commitments and the reduction in wastewater volume that would be generated from the site.

f) *Would the Project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?*

Finding: Less-than-Significant Impact. The Project would be served by the Frank R. Bowerman Landfill, which has sufficient permitted capacity to accommodate the Project's solid waste disposal needs. Impacts would be less than significant and mitigation is not required.



In order to construct the Project, the existing car wash and gas station building and associated site improvements located on the property would be demolished and cleared from the site. In total, approximately 8,500 square feet of building area for the existing car wash with ancillary gas station, parking lot, landscape, and hardscape areas would be removed to prepare the site for redevelopment. Demolition debris generated as part of the Project are estimated to be 80 tons of debris, 240 cubic yards of concrete, 51,600 cubic yards of soil, and 620 cubic yards of asphalt. A majority of the debris from Project is anticipated to go to the Frank R. Bowerman Sanitary Landfill located on Bee Canyon access Road in Irvine. Some demolition materials would also go to Dan Copp Crushing, located at 1120 N. Richfield Road in Anaheim (approximately 21 roadway miles from the Project site). Debris would be disposed of during the course of Project construction and demolition. However, for the purposes of a worst-case analysis, it is assumed that all construction and demolition debris would be disposed of at the Frank R. Bowerman Sanitary Landfill, which serves the City of Newport Beach. Based on the estimated amount of construction and demolition debris that would be generated by the Project, the Frank R. Bowerman Sanitary Landfill's permitted capacity of 11,500 tons per day (Calrecycle, 2015) can accommodate the projected amount of debris anticipated to be generated by the Project during the demolition and construction phases, resulting in a less-than-significant impact to landfill capacity.

Based on the solid waste generation rates presented in General Plan EIR Table 4.14-14 for multi-family residential uses, the 49 units proposed on the site would result in the long-term generation of approximately 314.09 pounds per day of solid waste (at a rate of 6.41 pounds per unit per day). This amount of solid waste would result in a nominal increase in the amount of solid waste conveyed to the Frank R. Bowerman Sanitary Landfill that would be met by the landfill's permitted capacity. Therefore, with implementation of the Project, there would be a less than significant impact on the landfill's permitted capacity of 11,500 tons per day.

g) Would the Project comply with federal, state, and local statutes and regulation related to solid waste?

Finding: Less-than-Significant Impact. The Project would comply with all applicable statutes and regulations related to solid waste. Impacts would be less than significant and mitigation is not required.

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

Utilities: Mitigation Measures

Implementation of the Project would result in less than significant impacts to utilities and service systems; accordingly, mitigation measures are not required.



4.5.18 Mandatory Findings of Significance

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

Finding: Less than Significant with Mitigation Incorporated. The Project has no potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. Mitigation Measure MM BIO-1 has been imposed on the Project to ensure that there would be less than significant impacts on any potential avian species. Mitigation Measures MM CR-1 and MM CR-2 have been imposed on the Project to ensure that the Project results in less-than-significant impacts to archaeological or paleontological resources that may be uncovered during construction of the Project. Accordingly, impacts would be less than significant, and additional mitigation measures are not required.

As indicated in the analysis presented throughout this MND document, and assuming the incorporation of mitigation measures, the Project would result in no impact or less-than-significant impacts to the environment. Accordingly, the Project would not substantially degrade the quality of the environment.

As indicated under the discussion and analysis of Biological Resources in Section 4.5.4, none of the areas planned for physical impact or development by the Project contain fish or wildlife habitat, sensitive plant or animal communities, or wetlands. Mitigation is recommended to reduce potential impacts to nesting birds. With the incorporation of Mitigation Measure MM BIO-1, the Project would have a less than significant impact on fish or wildlife population levels and would not restrict the range of any rare or endangered plant or animal. Accordingly, there would be a less than significant impact to biological resources resulting from Project implementation.

As indicated in the discussion and analysis of Cultural Resources in Section 4.5.5, none of the existing buildings on the Project are included on the National Register of Historic Places or on the California Register of Historical Resources, nor are they eligible for listing; accordingly, there would be no impact to historical resources resulting from Project implementation. Although the Project site is not identified as being sensitive with respect to archaeological or paleontological resources, Mitigation Measures MM CR-1 and MM CR-2 have been imposed on the Project to ensure the proper treatment of any resources that may be uncovered during construction of the Project. With implementation of the required mitigation, the Project would have a less-than-significant impact on historic and prehistoric resources.

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

Finding: Less-than-Significant Impact. The Project would not result in impacts that are individually limited, but cumulatively considerable. Cumulative impacts of the Project would therefore be less than significant, and mitigation measures are not required.

In order to evaluate the Project's potential to result in cumulatively significant impacts, the City of Newport Beach Planning Division compiled a list of other closely related past, present, and reasonably



foreseeable probable future projects. The list of cumulative projects, along with a description of the proposed land uses, location of the projects, a description of the status of each project, and a list of discretionary actions associated with each, is provided in *Technical Appendix I*. A total of 28 past, present, and reasonably foreseeable projects were identified within the City. Of the 28 cumulative projects, 10 projects are reasonable foreseeable discretionary projects with CEQA review or a traffic study and the remaining 18 projects are discretionary projects with CEQA review and a traffic study approved by the City.

A discussion and analysis of the Project's potential to result in cumulatively considerable effects to the various issue areas identified in this MND is provided below.

Aesthetics

Based on the list of projects included in *Technical Appendix I (City of Newport Beach Cumulative Project List)*, only two cumulative development projects (Newport Beach County Club and the Meridian/Santa Barbara Condominium Project) are in the vicinity of the Project.

The Newport Beach Country Club Project ("NBCC Project"), which is the closest project on the City's cumulative project list, is located approximately one quarter of a mile west of the Project site at 1600 Pacific Coast Highway, and would involve demolition of the existing golf course and clubhouse to construct a new 51,213 square-foot fold clubhouse and ancillary facilities, including a cart barn and bag storage. This Project was approved by the City of Newport Beach City Council in February 2012 and it is currently under construction, with completion anticipated at the end of 2015. The clubhouse would be 49 feet and six inches tall (2 stories). As detailed in the Initial Study/Mitigated Negative Declaration for the Newport Beach Country Club, implementation of that project would not result in a substantial visual impact, and would not result in any significant changes to views from Newport Center Drive north of Farallon, which is identified as a Coastal View Road. No significant impacts were identified and no mitigation measures were required.

The Santa Barbara Condominiums Project is located approximately one half mile northwest of the Project site, just west of Fashion Island. This Project proposes the construction of three 50 to 65-foot tall residential structures. The MND for the Santa Barbara Condominiums Project found that no impacts regarding building height would occur.

Thus, development of the Santa Barbara Condominiums Project and the Newport Beach Country Club Project would not result in a cumulatively significant impact regarding aesthetics or building heights as these developments were all found to have less than significant aesthetic impacts.

As indicated in the discussion of the Project's potential impacts to Aesthetics in Section 4.5.1, the Project would result in less-than-significant impacts to scenic vistas. As depicted in Figure 4.1-3, *Coastal Views Map 3 of 3 (Harbor Area)*, the Project site is not a public view point, nor are any roads that border the Project site designated as Coastal View Roads in the General Plan. Accordingly, cumulative impacts to scenic resources would be less than significant.

There are no State scenic highways in the City of Newport Beach, State Route 1 (Pacific Coast Highway), is identified as Eligible for State Scenic Highway designation (Newport Beach, 2006b) and (Caltrans, 2011). The Project site is not visible from any state scenic highways; therefore, there is no potential for the Project to result in cumulatively significant impacts to scenic resources visible from a state scenic highway.

Additionally, the Project as well as all projects included on the City's cumulative projects list would be required to adhere to the light and glare requirements specified in Section 20.30.070 (Outdoor Lighting)



of the City's Zoning Code and the development standards regarding lighting set forth in the Newport Center Villas PC-Text, thereby ensuring that cumulative light and glare impacts remain below a level of significance.

Agriculture and Forestry Resources

As indicated in the discussion and analysis of Agriculture and Forestry Resources in Section 4.5.2, the Project would have no impact on agricultural or forestry resources; accordingly, the Project has no potential to contribute to cumulatively significant impacts.

Air Quality

As indicated under the discussion and analysis of Air Quality in Section 4.5.3, the Project would be fully consistent with the SCAQMD 2012 AQMP, would not result in near- or long-term emissions that violate the SCAQMD Regional Thresholds or Localized Significance Thresholds (LSTs), would not subject sensitive receptors to substantial pollutant concentrations, and would not create objectionable odors affecting a substantial number of people. The Project regional analysis demonstrates that Project operational-source emissions would not exceed applicable thresholds (refer to Table 4-3), and would therefore not result in or cause violations of the CAAQS and NAAQS.

Construction activities associated with the Project would result in emissions of carbon monoxide (CO), volatile organic compounds (VOCs), Oxides of Nitrogen (NO_x), sulfur oxides (SO_x), particulate matter 2.5 microns in diameter or less (PM_{2.5}), and particulate matter 10 microns in diameter or less (PM₁₀). The Project would not exceed the SCAQMD Regional Thresholds. Accordingly, the Project's construction activities would not violate any air quality standard or contribute to an existing or projected air quality violation. Therefore, a less than significant impact would occur from Project construction emissions and no mitigation is required. Thus, the Project would not cumulatively contribute to air quality issues during its short-term construction period.

Other cumulative development projects in the City subject to CEQA are required to similarly identify their potential air quality impacts and identify mitigation measures (if necessary) to reduce their impact to the extent feasible. Since the Project would comply with the LSTs, and because other nearby construction projects (if proposed concurrent with Project construction activities) also would be required to demonstrate compliance with the LSTs, a significant cumulative construction-related LST impact would not occur. The Project also comprises a multi-family development that is not associated with the generation of objectionable odors, and cumulatively significant impacts would therefore not occur.

Biological Resources

As indicated in the discussion and analysis of Biological Resources in Section 4.5.4, with implementation of Mitigation Measure MM BIO-1, the Project would have a less than significant impact with mitigation incorporated on biological resources. Under the discussion and analysis of biological resources in Section 4.5.4, Project-related construction activities have the potential to impact nesting bird species. Accordingly, the Project would have no potential to contribute to a cumulatively significant impact to biological resources.

Cultural Resources

A potentially significant impact was identified in the discussion and analysis of Cultural Resources in Section 4.5.5. With the implementation of Mitigation Measures CR-1 and CR-2, the Project would have a less than significant impact with mitigation incorporated in regards to cultural resources. However, due to the site-specific nature of potential impacts associated with cultural resources, and with the incorporation



of Mitigation Measures CR-1 and CR-2, there is no potential for the Project to contribute to cumulatively significant impacts associated with the site's potential to impact significant undiscovered cultural resources.

Geology and Soils

A potentially significant impact was identified in the discussion and analysis of Geology and Soils in Section 4.5.6. With the implementation of Mitigation Measures GEO-1 and GEO-2, the Project would have a less than significant impact with mitigation incorporated in regards to geology and soils. However, due to the site-specific nature of potential impacts associated with geology and soils, and with the incorporation of Mitigation Measures GEO-1 and GEO-2, there is no potential for the Project to contribute to cumulatively significant impacts associated with the site's geology and soil conditions.

Greenhouse Gas Emissions

As indicated in the discussion and analysis of Greenhouse Gas Emissions in Section 4.5.7, the Project would not exceed the SCAQMD threshold of 3,000 MTCO₂e per year. Additionally, the Project would not conflict with any plans, policies, or regulations adopted for the purpose of reducing greenhouse gas emissions. Accordingly, the Project has no potential to contribute to a cumulatively significant impact due to greenhouse gas emissions.

Hazards and Hazardous Materials

The Project site does not contain any recognized environmental conditions under existing conditions, and therefore has no potential for cumulatively significant impacts to people or the environment associated with such conditions. Although construction of the Project has the potential to expose nearby sensitive receptors and construction workers to hazards associated with asbestos-containing materials and the need for closure and removal of the three existing USTs on-site, Mitigation Measures MM HM-1, MM HM-2, and MM HM-3 have been identified to ensure proper review by the Orange County Health Care Agency (OCHCA) and reduce these potential impacts to a level below significance. Other cumulative developments that contain asbestos-containing materials and/or USTs would similarly be required to dispose of such materials in accordance with applicable local, state, and federal laws and regulations. There are no other components of the Project with a potential to create significant public health hazards; accordingly, the Project's potential contribution toward cumulative impacts associated with asbestos and USTs would be less than cumulatively considerable following the incorporation of mitigation.

Hydrology and Water Quality

The Project would have no impacts to water quality, groundwater supplies, groundwater recharge areas, flood hazards, or flooding associated with the failure of a levee or dam; accordingly, the Project has no potential to contribute to cumulatively significant impacts associated with these issues.

Land Use and Planning

The Project would have no impacts due to the physical division of an established community or a conflict with an applicable habitat conservation plan or natural community conservation plan. Although the Project Applicant proposes to change the existing land use designation for the Project site, there would be no conflict with the General Plan assuming approval of GP2014-003 by the City Council, and there would be no conflict with any of the General Plan policies adopted for purposes of avoiding or minimizing an environmental effect. Accordingly, the Project has no potential to contribute to a cumulatively significant impact associated with these issues.



Noise

During construction of the Project, there is a potential for exposing nearby sensitive receptors, i.e. the Newport Center Women's Health Center, located approximately 100 meters south of the Project site at 180 Newport Center Drive (Urban Crossroads, 2015a, p. 28), to loud noise levels. However, construction noise is exempt from Municipal Code Section 10.26 (Community Noise Control), provided such activities adhere to the timing restrictions specified in Section 10.28 (Loud and Unreasonable Noise). As with the Project, construction activities associated with cumulative developments would be required to comply with the timing restrictions of Section 10.28, thereby ensuring that cumulatively significant impacts do not occur.

The Project consists of a residential development that has no potential for resulting in the creation of substantial noise levels under long-term operational conditions. Moreover, the Project would result in a net decrease in vehicular traffic from the site as compared to existing conditions, which would thereby result in reduced off-site noise impacts due to traffic. Accordingly, under long-term operating conditions, the Project's contribution of noise to the cumulative noise environment would not be cumulatively considerable.

There would be no cumulatively significant impacts due to airport-related noise, as the Project site is not exposed to substantial airport-related noise and would have no effect on the level of exposure of other off-site properties.

Population and Housing

As indicated in the discussion and analysis of impacts to Population and Housing in Section 4.5.13, the Project would have no impacts due to the displacement of substantial numbers of existing housing or people; accordingly, the Project has no potential to contribute to cumulatively significant impacts associated with housing displacement.

The Project would result in the construction and operation of 49 new condominiums on-site, which would result in a projected population increase of approximately 110 persons. As indicated in the list of cumulative development projects provided in *Technical Appendix I*, a number of other cumulative development projects also could result in the construction of new housing units and/or new or expanded housing units within the City, which, collectively, could result in a substantial increase in the City's population. However, as indicated in the analysis provided throughout this section, and assuming implementation of the mitigation measures identified herein to address the Project's direct impacts to the environment, the Project would not result in any cumulatively significant impacts, including cumulatively significant impacts that would result from the Project's projected population increase. Accordingly, the approximately 110 new residents that would be generated by the Project would not be cumulatively considerable in relation to associated environmental effects.

Public Services

As indicated in the discussion and analysis of Project impacts to Public Services in Section 4.5.14, implementation of the Project would result in a negligible increase in demand for fire protection or police protection services such that an environmental impact would occur; accordingly, the Project would not contribute to cumulatively significant impacts to fire and police protection services. Additionally, the Project would result in the generation of additional students to schools in the Project area. However, the Project Applicant, would be required to contribute school fees in accordance with Public Education Code Section 17072.10-18. Other cumulative development projects proposing residential development would similarly be required to contribute school fees. Mandatory payment of school impact fees would reduce the Project's impacts to school facilities to a level below significant. Impacts to library services would be



less than significant as adequate facilities are already provided for this area. Accordingly, cumulatively significant impacts to public services would be less than significant and the Project's contribution would be less than cumulatively considerable.

Recreation

Based on the analysis of Project impacts presented in Section 4.5.15, there are adequate existing recreational facilities within the City's Service Area 9 to meet the recreational demands that would be caused by the projected increase in the City's population associated with the Project. The recent construction of the 14-acre Civic Center Park in 2013 further contributes to recreational facilities in Service Area 9. The Project would generate an additional 110 residents whose use of existing facilities is unlikely to result in the physical deterioration of any existing recreational facilities within the City's Service Area 9. Cumulative impacts on existing recreational facilities would be less than significant, because the Project provides on-site private and public open space in excess of City requirements.

Transportation/Traffic

As indicated in the discussion and analysis of Transportation/Traffic in Section 4.5.16, the Project would not result in any impacts due to traffic and would reduce the amount of traffic generated by the site under existing conditions. Thus, given the net reduction in peak hour trips associated with the Project, traffic in the immediate vicinity of the Project would be reduced as compared to existing conditions. Accordingly, the Project has no potential to contribute to cumulatively significant impacts associated with transportation/traffic.

Utilities and Service Systems

As indicated under the discussion and analysis of Utilities and Service Systems in Section 4.5.17, the Project would have a less than significant impact regarding wastewater generation. The Project's estimated wastewater generation represents a fraction of the daily primary wastewater treatment capacity of the Orange County Sanitation District plants that would treat wastewater from the Project site and as such, the Project would have a less than significant impact in this regard. The Project would demand less domestic water than demanded by the site under existing conditions. The Project would not substantially increase the volume or velocity of water discharged from the site. As such, the Project would not require or result in the construction or expansion of any off-site storm water drainage infrastructure. The Project would be served by the Frank R. Bowerman Landfill, which has sufficient permitted capacity to accommodate the Project's solid waste disposal needs. As such the Project has no potential to contribute to cumulative impacts associated with the construction of storm water drainage facilities.

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

Finding: Less than Significant with Mitigation Incorporated. Assuming implementation of Mitigation Measures MM BIO-1, MM CR-1, MM CR-2, MM GEO-1, MM GEO-2, MM HM-1, MM HM-2, MM HM-3, and MM NOI-1 the Project would not have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly. Impacts would be less-than-significant following the incorporation of mitigation measures, and additional mitigation measures are not required.

As indicated under the discussion and analysis of biological resources in Section 4.5.4, Project-related construction activities have the potential to impact nesting bird species. Mitigation Measure MM BIO-1 is recommended to reduce potential impacts to nesting birds, which would reduce the Project's potential impacts to less than significant level.



As indicated under the discussion and analysis of cultural resources in Section 4.5.5, there is a remote possibility that archaeological resources could be encountered during site grading activities. Mitigation Measure MM CR-1 has been imposed on the Project to ensure that potential impacts to archaeological resources, if unearthed during construction activities, are reduced to a level below significance. Therefore, the Project would not have any adverse effects on either the inhabitants of the Project nor any remnants from past activities on the Project site.

As indicated under the discussion and analysis of geology and soils in Section 4.5.6, implementation of MM GEO-1 would ensure the NMG's grading recommendations are followed, which would ensure less than significant impacts regarding expansion potential of bedrock and the treatment of fill materials during Project grading. Therefore, persons living in the proposed building would not be exposed to potentially hazardous geologic conditions and as such, the Project would have a less than significant adverse effect on human beings. With implementation of Mitigation Measures MM GEO-2, potential impacts from slumping of slopes created during Project construction would be reduced to a less than significant impact.

As indicated under the discussion and analysis of hazardous materials in Section 4.5.8, the existing car wash on-site that would be demolished as part of the Project could potentially contain asbestos containing materials which have the potential to expose construction workers and/or nearby sensitive receptors to health risks during demolition activities. Asbestos-containing materials have the potential to create a significant hazard to the public or the environment and the site has underground storage tanks on-site related to the existing gas station. Implementation of Mitigation Measures MM HM-1, MM HM-2, and MM HM-3 would reduce potential impacts to less-than-significant levels.

As indicated under the discussion and analysis of noise in Section 4.5.12, given the Project's location in an urban/developed portion of the City and due to the Project's vicinity to Fashion Island, which generates vehicular traffic noise, Mitigation Measure MM NOI-1 is recommended to ensure that development of the Project would meet City of Newport Beach interior and exterior noise standards to ensure the comfort and peace of future residents within the development. Implementation of Mitigation Measure MM NOI-1 would reduce potential impacts to less-than-significant levels.

As indicated in the remaining sections of this MND document, the Project would have no impact or less-than-significant impacts on human beings, both directly and indirectly. Accordingly, and with the incorporation of mitigation, impacts would be less than significant.



5.0 Mitigation Monitoring and Reporting Program

Mitigation, Monitoring, and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
Biological Resources					
Summary of Impacts					
<p>Threshold 4: Due to the Project’s proposal to remove existing trees on the Project site, along Newport Center Drive and Anacapa Drive, the Project has the potential to have an adverse effect on bird species that could be nesting in trees. Mitigation Measure BIO-1, requiring nesting bird surveys prior to the commencement of demolition and construction Project phases, is recommended to reduce potential impacts to nesting birds. With mitigation, impacts would be reduced to below a level of significance.</p>	<p>MM BIO-1 Prior to the issuance of a demolition permit, the Director of Community Development shall ensure that any tree removal activities occur outside of the nesting season (February 1st to August 31st). If it is determined necessary for tree removal activities to occur between February 1st and August 31st, the Director of Community Development shall require a preconstruction nesting bird survey to be conducted by a qualified biologist within seven (7) days prior to any tree removal activities. Any active nests identified shall have a buffer area established within a 100-foot radius (200 foot for birds of prey) of the active nest. Disturbance shall not occur within the buffer area until the qualified biologist determines that the young have fledged. Demolition and construction activity may only occur within the buffer area at the discretion of the qualified biologist.</p>	<p>Director of Community Development</p>	<p>City of Newport Beach</p>	<p>Prior to issuance of a demolition permit</p>	<p>Less-than-Significant Impact</p>
Cultural Resources					
Summary of Impacts					
<p>Threshold 2: Although unlikely, there is a remote possibility that archaeological resources could be encountered during site grading activities. Mitigation Measure MM CR-1 would ensure that potential impacts to archaeological resources, if unearthed during construction activities, are reduced to a level below significance.</p>	<p>MM CR-1 Prior to the issuance of grading permits, the Director of Community Development shall ensure that following provision is included on the grading plan(s), and the construction contractor(s) shall be required to comply with the provision.</p> <p>"If evidence of subsurface archaeological resources is found during construction, excavation and other construction activity shall cease and the construction contractor shall contact the City of Newport Beach Community Development Director. With direction from the Community Development Director, an archaeologist certified by the County of Orange shall be</p>	<p>Director of Community Development</p>	<p>City of Newport Beach</p>	<p>Prior to the issuance of grading permits</p>	<p>Less-than-Significant Impact</p>



Mitigation, Monitoring, and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p>Threshold 3: Although unlikely, there is a remote possibility that paleontological resources could be encountered during site grading activities. Mitigation Measure MM CR-2 would ensure that impacts to paleontological resources, if unearthed during construction activities, are reduced to a level below significance.</p>	<p>retained to evaluate the discovery prior to resuming grading in the immediate vicinity of the find. If warranted, the archaeologist shall collect the resource and prepare a technical report describing the results of the investigation. The test-level report shall evaluate the site including discussion of the depth, nature, condition, and extent of the resources, final remediation recommendations, and cost estimates."</p> <p>MM CR-2 Prior to the issuance of grading permits, the Director of Community Development shall ensure that following provision is included on the grading plan(s), and the construction contractor(s) shall be required to comply with the provision.</p> <p>"If evidence of subsurface paleontological resources is found during construction, excavation, and other construction activity in that area shall cease and the construction contractor shall contact the City of Newport Beach Community Development Director. With direction from the Community Development Director, a paleontologist certified by the County of Orange shall evaluate the find. If warranted, the paleontologist shall prepare and complete a standard Paleontological Resources Mitigation Program for the salvage and curation of identified resources."</p>	<p>Director of Community Development</p>	<p>City of Newport Beach</p>	<p>Prior to the issuance of grading permits</p>	<p>Less-than-Significant Impact</p>
<p>Geology and Soils</p>					
<p>Summary of Impacts</p>					
<p>Threshold 1: With mandatory compliance to the California Building Code and with implementation of Mitigation Measure MM GEO-1 and MM GEO-2, which would ensure that strong seismic ground shaking effects are attenuated, the Project would not significantly expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake</p>	<p>MM GEO-1 Prior to the issuance of a grading permit, the Building Official for the City of Newport Beach (or his/her designee) shall review and approve a subsurface soils report that specifies the expansion potential of the bedrock. The Project shall be designed to follow the specific recommendations of this report.</p> <p>MM GEO-2 Prior to the issuance of a building permit, the Building Official for the City of Newport Beach (or</p>	<p>City of Newport Beach Building Official</p>	<p>City of Newport Beach</p>	<p>Prior to the issuance of a grading permit</p>	<p>Less-than-Significant Impact</p>



Mitigation, Monitoring, and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p>fault, strong seismic ground shaking, seismic-related ground failure (including liquefaction), and landslides. Impacts would be less than significant with mitigation.</p>	<p>his/her designee) shall review and approve a subsurface soils report that specifies the expansion potential of the soils underlying the building to determine the expansion potential of the near-surface soils. The Project shall be designed to follow the specific recommendations of this report.</p>				
<p>Threshold 3: Mitigation is proposed for the Project to ensure proper handling of slopes during Project construction (refer to Mitigation Measures MM GEO-1 Considering mandatory compliance with the CBC requirements and implementation of Mitigation Measures MM GEO-1 and MM GEO-2, the Project would not be subjected to unstable soil conditions that could result in on- or off-site landslides, lateral spreading, subsidence, liquefaction, and collapse. Impacts would be less than significant with mitigation.</p>	<p>MM GEO-1 and MM GEO-2</p>	<p>City of Newport Beach Building Official</p>	<p>City of Newport Beach</p>	<p>Prior to the issuance of a grading permit</p>	<p>Less-than-Significant Impact</p>
<p>Threshold 4: The expansion potential of onsite soils is anticipated to range from “Very Low” to “Medium.” With implementation of mitigation measures MM GEO-1 and MM GEO-2, a less than significant impact would occur.</p>	<p>MM GEO-1 and MM GEO-2</p>	<p>City of Newport Beach Building Official</p>	<p>City of Newport Beach</p>	<p>Prior to the issuance of a building permit</p>	<p>Less-than-Significant Impact</p>
<p>Hazards and Hazardous Materials</p>					
<p>Summary of Impacts</p>					
<p>Threshold 1: The existing building on the site that would be demolished as part of the Project could potentially contain asbestos containing materials which have the potential to expose construction workers and/or nearby sensitive receptors to health</p>	<p>MM HM-1 Prior to the issuance of a demolition permit, a Certified Environmental Professional shall be retained by the City of Newport Beach to confirm the presence or absence of asbestos containing materials (ACMs). Abatement of asbestos shall be completed before any activities that would disturb ACMs or create an airborne</p>	<p>City of Newport Beach</p>	<p>City of Newport Beach</p>	<p>Prior to the issuance of a demolition permit</p>	<p>Less-than-Significant Impact</p>



Mitigation, Monitoring, and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
risks during demolition activities. Asbestos-containing materials have the potential to create a significant hazard to the public or the environment. Implementation of Mitigation Measures MM HM-1, MM HM-2 and MM HM-3 would reduce potential impacts to less-than-significant levels.	<p>asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the South Coast Air Quality Management District (SCAQMD) Rule 1403.</p> <p>MM HM-2 Prior to the issuance of a demolition permit, the Director of Community Development shall require written evidence from the Orange County Health Care Agency indicating that the Project plans for the removal of the Underground Storage Tanks will be closed and removed in compliance with CFR Section 40 Part 280.70. These regulations pertain to permanent closure and removal of the gallon gasoline underground storage tanks on the Project site. The demolition contractor shall be required to comply with these provisions.</p> <p>MM HM-3 Prior to issuance of a grading permit for the Project, the Director of Community Development shall require written evidence from the Orange County Health Care Agency indicating that the Underground Storage Tanks on the Project site have been closed and removed in compliance with CFR Section 40 Part 280.70.</p>	Director of Community Development	City of Newport Beach	Prior to the issuance of a demolition permit	Less-than-Significant Impact
		Director of Community Development	City of Newport Beach	Prior to issuance of a grading permit	Less-than-Significant Impact
Noise					
Summary of Impacts					
Threshold 1: With mandatory adherence to the timing provisions of Municipal Code Section 10.28 (Loud and Unreasonable Noise) during construction activities, and with implementation of Mitigation Measure MM NOI-1, which would ensure that development of the Project would meet City of Newport Beach interior and exterior noise standards, impacts associated with the exposure of persons to or generation of noise levels in excess of the City's Municipal Code standards would be less than significant.	MM NOI-1 Prior to the issuance of a building permit, the City of Newport Beach Building Official shall verify that an acoustical analysis of the architectural construction plans for the proposed residential building has been prepared by a qualified acoustical engineer to ensure that the building construction materials and design (i.e. exterior wall, window, and doors) will provide adequate sound insulations to meet the City's interior daytime noise level requirement in a windows-closed condition of 45 dBA CNEL.	Director of Community Development City of Newport Beach Building Official	City of Newport Beach	Prior to the issuance of a building permit	Less-than-Significant Impact



6.0 References

<u>Cited As</u>	<u>Reference</u>
CA Dept of Education, 2014	California Department of Education Data Quest. Retrieved May 20, 2015, from http://dq.cde.ca.gov/dataquest/
CA RWQCB, n.d.	State of California California Regional Water Quality Control Board Santa Ana Region NPDES No. CAS618030. Retrieved June 30, 2015, from http://www.waterboards.ca.gov/santaana/board_decisions/adopted_orders/orders/2009/09_030_OC_MS4_as_amended_by_10_062.pdf
CalEPA, 2012	California Environmental Protection Agency Cortese List Data Resources. Retrieved May 20, 2015, from http://www.calepa.ca.gov/sitecleanup/corteselist/default.htm
CalEPA, 2014	California Environmental Protection Agency Regulations Pertaining to Underground Storage Tanks. Retrieved June 1, 2015, from http://www.epa.gov/oust/fedlaws/cfr.htm
Calrecycle, 2015	Calrecycle Frank R. Bowerman Sanitary Landfill Facility/Site Summary Details. Retrieved March 13, 2015, from http://www.calrecycle.ca.gov/SWFacilities/Directory/30-AB-0360/Detail/
CDC, 2010	California Department of Conservation Orange County Important Farmland 2010. Retrieved from ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2010/oral0.pdf
CDC, 2012	California Department of Conservation Williamson Act Contract Land Map. Retrieved from ftp://ftp.consrv.ca.gov/pub/dlrp/WA/2012%20Statewide%20Map/WA_2012_8x11.pdf
CV, 2015a	C&V Consulting, Inc. 2015. <i>150 Newport Center Drive Tentative Tract Map No. 17915 Assessment of Sewer Capacity Availability for Proposed Residential Development</i> . September 2.
CV, 2015b	C&V Consulting, Inc. 2015. <i>150 Newport Center Drive Tentative Tract Map No. 17915 Assessment of Water Availability for Proposed Residential Development</i> . August 31.
DOF, 2015	California Department of Finance E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2015 with 2010 Census Benchmark. Retrieved May 18, 2015, from http://www.dof.ca.gov/research/demographic/reports/estimates/e-5/2011-20/view.php
FEMA, 2015	Federal Emergency Management Agency Floodplain Map. Retrieved May 18, 2015, from https://msc.fema.gov/portal
Fero, 2013	Fero Engineering. 2013. <i>Phase I Environmental Site Evaluation</i> . November 25.
Fero, 2014	Fero Engineering. 2014. <i>Phase II Subsurface Investigations</i> . January 15.

**Cited As**

Fuscoe, 2015

Google Earth, 2015

Irvine Company, 2015

Malcolm Pirnie, Inc.,
2011a

McDougall, D, 2015

Newport Beach, 2006a

Newport Beach, 2006b

Newport Beach, 2007a

Newport Beach, 2007b

Newport Beach, 2009a

Newport Beach, 2009b

Newport Beach, 2010a

Newport Beach, 2010b

Newport Beach, 2011

Newport Beach, 2015a

Newport Beach, 2015b

Newport Beach, 2015c

Newport Beach GIS,
2015

NMG, 2015

NMUSD, 2015

Nova, M., 2015a

Nova, M., 2015b

Reference*Fuscoe Engineering, Inc. 2015. Preliminary Water Quality Management Plan. February 25, 2015, revised April 10.*

Google Earth.

Irvine Company Office Properties website. Retrived July 27, 2015, from <https://irvinecompanyoffice.com/view/orange-county-2/newport-center-5>

2010 Urban Water Management Plan.

McDougall, Dane, P.E. of C&V Consulting Inc. 2015. Personal correspondence: email May 27.

City of Newport Beach General Plan.

City of Newport Beach General Plan EIR.

City of Newport Beach Tsunami Runup Area. Retrieved August 17, 2015, from <http://www.newportbeachca.gov/Home/ShowDocument?id=1093>City of Newport Beach Resolution 2007-30. Retrieved June 8, 2015, from <https://www.newportbeachca.gov/Modules/ShowDocument.aspx?documentid=131>City of Newport Beach Council Policy Manual. Retrieved June 22, 2015, from <http://www.newportbeachca.gov/index.aspx?page=82>City of Newport Beach Hazardous Waste and Oil Recycling. Retrieved June 1, 2015, from <https://www.newportbeachca.gov/index.aspx?page=433>Newport Beach Public Library Receives Top Ranking. Retrieved May 20, 2015, from <http://newportbeachca.gov/index.aspx?page=99&recordid=646>

City of Newport Beach Zoning Map.

City of Newport Beach. 2011. Emergency Operations Plan. Sepetember 27.

City of Newport Beach Municipal Code. Retrieved May 11, 2015, from <http://www.codepublishing.com/CA/NewportBeach/>City of Newport Beach Civic Center Project Details. Retrived June 8, 2015 from <https://www.newportbeachca.gov/index.aspx?page=2373>City of Newport Beach. 2015. *Newport Center Villas Planned Community Development Plan*. August 11.City of Newport Beach Geographic Informaiton System (GIS), Retrieved May 11, 2015, from <http://nbgis.newportbeachca.gov/NewportHTML5Viewer/?viewer=publicsite>NMG Geotechnial, Inc. 2015. *Geotechnical Feasiblity Report*. February 3.Newport Mesa Unified School District School Locator. Retrieved May 20, 2015, from <http://web.nmusd.us/schoollocator>

Nova, Makana. Associate Planner, AICP. City of Newport Beach 2015. Personal Communication: email May 27, 2015

Nova, Makana. Associate Planner, AICP. City of Newport Beach 2015. Personal Communication: email June 3, 2015



<u>Cited As</u>	<u>Reference</u>
OCALUC, 2008	Orange County Airport Land Use Commission. 2008. Airport Environs Land Use Plan for John Wayne Airport.
OCSD, 2012	2012 NPDES Ocean Discharge Permit Monitoring and Reporting Program. Retrieved May 27, 2015, from http://www.ocsd.com/Home/ShowDocument?id=14234
OCSD, 2015	Orange County Sanitation District Biosolids Management Compliance Report Year 2014 EPA 40 CFR Part 503. Retrieved May 27, 2015, from http://www.ocsd.com/Home/ShowDocument?id=16826
OCTA, 2013	Orange County Transportation Agency. 2013 Final Orange County Congestion Management Program. Retrieved June 23, 2015, from http://www.octa.net/Plans-and-Programs/Congestion-Management-Program/Overview/
Orange County, 1996	County of Orange. 1996. NCCP/HCP for Orange County Central & Coastal Subregion.
Project Application Materials, 2015	Project Application Materials. 2015.
TJW, 2015	TJW. 2015. <i>Traffic and Parking Evaluation: Newport Center Villas, Newport Beach CA</i> . June 10, revised August 12.
Urban Crossroads, 2015a	Urban Crossroads. 2015. <i>Newport Center Villas Air Quality Impact Analysis, City of Newport Beach</i> . August 13.
Urban Crossroads, 2015b	Urban Crossroads. 2015. <i>Newport Center Villas Greenhouse Gas Analysis, City of Newport Beach</i> . August 13.



7.0 Persons Contributing to IS/MND Preparation

7.1 Persons Contributing to Initial Study/Addendum Preparation

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Urban Crossroads, Inc. (Air Quality Technical Consultant)

Haseeb Qureshi, Senior Associate (Air Quality Technical Consultant)



Technical Appendix A

Newport Center Villas Planned Community Development Plan

August 11, 2015



Technical Appendix B

Air Quality Impact Analysis
Urban Crossroads
June 26, 2015, revised August 13, 2015



Technical Appendix C

Geotechnical Feasibility Report

NMG Geotechnical Inc.

February 3, 2015



Technical Appendix D

Greenhouse Gas Analysis
Urban Crossroads
June 26, 2015, revised August 13, 2015



Technical Appendix E1

Phase I Environmental Site Evaluation

Fero Environmental Engineering, Inc.

November 25, 2013



Technical Appendix E2

Results of Phase II Subsurface Investigations

Fero Engineering

January 15, 2014



Technical Appendix F1

Traffic and Parking Evaluation

TWJ Engineering, Inc.

June 10, 2015, Revised August 19, 2015



Technical Appendix F2

Traffic Circulation Plan
Kunzman and Associates, Inc.
September 1, 2015



Technical Appendix G

Preliminary Water Quality Management Plan

Fuscoe Engineering, Inc.

February 26, 2015, revised April 10, 2015



Technical Appendix H

Assessment of Sewer Capacity Availability

C&V Consulting, Inc.

September 9, 2015



Technical Appendix I

Assessment of Water Availability

C&V Consulting, Inc.

August 31, 2015



Technical Appendix J

Cumulative Project List
City of Newport Beach
July 8, 2015



Technical Appendix K

Conceptual Design Exhibits

MVE+ Partners

August 11, 2015