

***Draft
Environmental Impact Report
SCH No. 2007021054***

***AERIE
(PA 2005-196)***

***City Of Newport Beach
Planning Department
3300 Newport Boulevard
Newport Beach, CA 92658***

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March 2009

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NEWPORT BEACH, CA**

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CHAPTER 1.0 EXECUTIVE SUMMARY

1.1 Description of the Proposed Project

1.1.1 Project Location

The City of Newport Beach is an urbanized coastal community located in western Orange County. Newport Beach is bordered by the Cities of Irvine on the north and northeast and by Costa Mesa on the north and northwest. Crystal Cove State Park, in unincorporated Orange County, is located southeast of the City's corporate boundaries. On the west, the incorporated limits of the City extend to the Santa Ana River; the City of Huntington Beach is located west of the Santa Ana River. The Pacific Ocean comprises the southern boundary of the City.

The properties are located at 201 – 207 Carnation Avenue (west side of Carnation Avenue at the intersection of Ocean Boulevard) and 101 Bayside Place in the City of Newport Beach. The subject property currently consists of two parcels and a small portion of a third parcel (584 square feet), encompassing a total area of 1.4 acres, which is currently occupied by an existing 14-unit apartment building and single-family residence.

1.1.2 Project Description

The project applicant, Advanced Real Estate Services, Inc., is proposing to develop the 1.4-acre site with an 8-unit condominium development. Project implementation includes the demolition of the residential structures (i.e., 14-unit apartment building and one single-family residence) that currently occupy the site. The total gross floor area will encompass 61,709 square feet and includes living floor area (29,426 square feet), common recreational areas (2,987 square feet), storage areas (5,943 square feet), parking (13,234 square feet), and circulation and mechanical areas (10,119 square feet). In addition, the existing docks will be replaced with an eight (8) slip dock and one (1) guest side tie dock. The new docks will consist of timber construction and 19 new concrete guide piles, and the existing 20-foot long gangway will be replaced by a 44-foot gangway. The new dock layout is located between the existing pierhead line and natural rock outcroppings, property line to the north and south, and an existing eelgrass bed to the south.

The proposed Aerie project has been designed utilizing “green” architecture design criteria. As a result, the project will be constructed with both active and passive sustainable design elements (e.g., natural ventilation system, gray water retention for property irrigation, solar domestic hot water and pool heating, solar photovoltaic arrays to generate electricity, etc.) that enhance the project design, reduce the amount of energy utilized, and minimize the project footprint on the environment.

In addition, a Construction Management Plan (CMP) has been prepared as a component of the proposed project. The CMP addresses all aspects of the construction phase (e.g., phasing, schedule, construction equipment, and the construction process). In addition, the CMP also addresses parking management (e.g., off-site and short-term parking, staging, etc.), traffic control (e.g., haul routes and delivery requirements), safety and security (e.g., pedestrian protection, fencing, and safety and security), air quality control and noise suppression measures (e.g., dust control, noise control vibration monitoring); and environmental compliance/protection (e.g., erosion and sediment control and beach protection, water quality control and environmental protection measures).

The following discretionary approvals are requested or required by the City in order to implement the project:

- General Plan Amendment (GP2005-006)
- Coastal Land Use Plan Amendment (LC2005-002)
- Zone Change (CA2005-009)
- Tract Map (NT2005-004/TT16882)
- Modification Permit (MD2005-087)
- Coastal Residential Development Permit (CR2005-002)

1.1.3 Project Phasing

The applicant is proposing to construct the entire project in four construction phases over a period of 32 months.

1.1.4 Project Objectives

Implementation of the proposed project will achieve the following intended specific objectives, which have been identified by the project applicant.

1. To develop a state-of-the-art multi-family residential condominium project, with a sufficient number and size of units to justify (a) the incorporation of advanced design which reflects the architectural diversity of the community and adds distinction to the harbor and the neighborhood, (b) the use of energy-conserving technology described in Project Objective 3, and (c) the inclusion of common amenities reflected in Project Objective 4.
2. To enhance the aesthetic quality of the neighborhood by replacing a deteriorating 60-year old structure with a high-quality residential project utilizing unique modern design principles and featuring (a) the elimination of conventional garage doors for all units, (b) the concealing of all parking from street view, (c) significant landscape and streetscape enhancements, (d) the removal of two existing power poles on Carnation Avenue, as well as the associated overhead wires, and (e) replacing these features by undergrounding the new wiring.
3. To replace an energy *inefficient* structure typical of mid-20th Century development with an advanced, highly efficient structure designed to incorporate energy-saving, sustainable, and environmentally sensitive technology, construction techniques, water quality treatment elements, and other features designed to conserve energy and/or improve the existing environment to a greater degree than required by current applicable regulations.
4. To provide amenities deemed important by the developer to potential purchasers of condominium units, including a dock for each residence, ample storage space, and common recreational and health facilities, such as a swimming pool and fitness center.
5. To enhance public access to the coast by increasing the number of available public street parking spaces through the use of new technology and creative design which will limit project entry and exit points, thereby minimizing curb cuts and exceeding on-site the number of resident and guest parking required for the project.

6. To protect and enhance scenic views *to* the harbor and the ocean from designated public vantage points in the immediate neighborhood by (a) significantly expanding the existing public view corridor at the southern end of project site, (b) creating a new public view corridor at the northern end of the project site, (c) removing two existing power poles on Carnation Avenue, as well as the associated overhead wires, all of which presently obstruct the view from certain perspectives, (d) replacing the existing poles and overhead wiring by undergrounding the new wiring, and (e) providing a public bench and drinking fountain at the corner of Carnation Avenue and Ocean Boulevard to enhance the public viewing experience.
7. To enhance public views of the project site *from* the harbor by (a) maintaining all visible development above the predominant line of existing development (PLOED), (b) incorporating into the project the property at 207 Carnation Avenue, which presently is within the Categorical Exclusion Zone and, if not part of the project, would not be subject to the PLOED, (c) replacing the existing outdated apartment building with modern, organic architecture with articulated facades to conform to the topography of the bluff, and (d) removing the unsightly cement and pipes and the non-native vegetation on the bluff face and replacing it with an extensive planting of native vegetation.
8. To minimize encroachment into private views by maintaining a maximum building height on average four feet below the zoning district's development standards.

1.2 Alternatives

1.2.1 Summary of Alternatives

CEQA requires that an EIR describe a range of reasonable alternatives to the project, or to the location of the project, which could feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project, and to evaluate the comparative merits of the alternatives. Chapter 10 sets forth potential alternatives to the proposed project and evaluates them as required by CEQA. Several alternative development scenarios have been identified as a means of reducing potentially significant impacts associated with implementation of the proposed project. These alternatives include:

- No Project/No Development
- Alternative Site
- Reduced Intensity/3 Single-Family Residences
- Reduced Intensity/5 Multiple-Family Residential Project
- Existing Zoning/8-Unit Multiple-Family Residential Project with Reduced Grading

1.2.2 Environmentally Superior Alternative

Chapter 10 describes the criteria that were used to select those alternatives for detailed analysis and to screen others from further detailed consideration. CEQA also requires that the EIR identify the environmentally superior alternative among all of the alternatives considered, including the proposed project. The No Project/No Development alternative would avoid the two potentially significant project-related impacts (construction noise and paleontology) identified in Chapter 4.0. The remaining alternatives would reduce to some extent, the degree of traffic and air quality impacts, which were determined to be less than significant for the proposed project. In addition, although the duration of construction noise

would be significantly reduced as a result of reduced grading in the 3, 5, and 8-unit alternatives, the construction noise associated with each alternative could not be mitigated and would remain significant and unavoidable. Furthermore, with the possible exception of Alternative 3A, the other alternatives would not result in the benefits derived from project implementation (e.g., underground overhead power poles creating an improved aesthetic character on Carnation Avenue and upsizing of the existing deficient catch basin). Finally, all or portions of several project objectives would not be realized, including state-of-the-art energy saving conservation features and the provision of recreation amenities. Based on the potential environmental effects and the ability to meet the project objectives, existing Zoning/8-Unit Multiple Family Alternative A is considered the “environmentally superior” alternative of the alternatives considered as a result of improvements that ameliorate existing undesirable environmental conditions (e.g., provision of adequate capacity in the existing deficient storm drain, removal of the unsightly overhead utility poles, etc.). Although Alternative B further reduces grading and, to some degree, the duration of construction noise, the potential impact would remain significant and unavoidable as with all of the alternatives and project objectives would not be achieved to the same degree as compared to Alternative A. Furthermore, none of the improvements to drainage, aesthetics and/or energy conservation systems would be included in the single-family (i.e., 3 dwelling units), or 5-unit and 8-unit Alternative B design alternatives; thus, the environmental benefits would not accrue to those alternatives.

1.3 Areas of Controversy

The areas of controversy identified during the scoping process and at public hearings conducted prior to the preparation of the EIR, are addressed in the EIR and include:

- Predominant Line of Existing Development
- Neighborhood Compatibility
- Site Geology
- Docks
- Public Views
- Access to Parking
- Bluff Vegetation
- Noise
- Traffic

1.4 Issues to be Resolved

The environmental analysis presented in Chapter 4.0 and Chapter 5.0 of the Draft EIR indicate that several potential impacts were identified; however, in those instances, specific mitigation measures have been included to reduce the potential significant adverse effects to a less than significant level. All of the potentially significant impacts except for noise will be reduced to a less than significant level with the implementation of the mitigation measures prescribed in Chapter 4.0 of this document. In addition, several recommendations have also been included in this document to address other impacts resulting from project implementation, which have been determined to be less than significant, to eliminate or further reduce those adverse effects. Because construction noise impacts cannot be reduced to a less than significant level, the Newport Beach City Council must adopt a statement of overriding considerations prior to taking final action to approve the proposed Aerie project.

1.5 Impact Summary Table

Table 1-1 summarizes the significant adverse impacts of the proposed project. The table also provides a summary of the potential impacts found to be less than significant, and which do not require mitigation. Each environmental resource area covered in the main text is summarized. Also, impacts found to be significant are listed along with the proposed mitigation measures. The residual impact after application of mitigation measures is also indicated for each significant impact.

**Table 1-1
 Summary of Impacts, Mitigation Measures and Level of Significance After Mitigation**

Potential Impact	Mitigation Measures ¹	Level of Significance After Mitigation
Land Use and Planning		
The proposed project, which includes the construction of an eight-unit condominium development and the replacement of the existing private marina with an eight-slip dock that is consistent with the Land Use Element and Coastal Land Use Plan of the Newport Beach General Plan and with the long-range goals, policies and objectives adopted by the City in the General Plan Update. The proposed project is also compatible with the existing land uses in the area.	No significant long-term land use impacts are anticipated and no mitigation measures are required.	Less than Significant
Traffic and Circulation		
Project implementation will result in the generation of construction-related traffic associated with grading, site preparation and construction. However, the heavy truck traffic would be not exceed four trucks per hour and not significant impacts would occur. Further, no significant long term traffic impacts will occur because the proposed project will not generate a significant number of daily and peak hour trips.	SC 4.2-1 On-site parking shall comply with the Newport Beach Parking Code requirements.	
	SC 4.2-2 Sight distance at the project accesses shall comply with City of Newport Beach standards.	
	SC 4.2-3 Vehicular sight distance of vehicles entering and exiting the site must be found consistent at the time of building permit issuance with Standard Drawing 110-L prescribed in the Public Works Design Manual to ensure safe vehicular access.	
	The following project features are prescribed in the CMP and will be implemented to ensure that short-term construction traffic impacts are avoided. <ul style="list-style-type: none"> The project's haul route shall follow the route depicted in the CMP. Specifically, dump trucks, concrete mixers, deliveries, and shuttles for off-site parking will access the site via East 	Less than Significant

¹A Construction Management Plan (CMP) has been prepared, the components of which are considered by this EIR to be included within the Project Description. Certain CMP components, though listed under this heading for informational purposes, do not constitute mitigation measures to reduce or eliminate significant effects identified by this EIR. Rather, those CMP components represent the Applicant's response to CEQA's encouragement to incorporate changes or alterations into the project as part of the Project Description to avoid or reduce significant effects on the environment. Because the evaluation of environmental impacts is predicated upon compliance with the CMP, those CMP components that resulted in avoidance of significant environmental impacts, though discussed in the sections of this EIR evaluating potential environmental effects, are not listed below. The City may, at its option, impose a condition of approval on the project requiring compliance with the CMP, but such a condition should not be construed as a measure to mitigate the significant impacts identified by this EIR.

Potential Impact	Mitigation Measures ¹	Level of Significance After Mitigation
<p>It is estimated that an average of 25 workers will be at the job site each day during Phase I and 45 workers each day during Phase II. During Phases III and IV, when work will mostly occur indoors, an average of 60 to 80 workers would be expected to be on-site on a</p>	<p>Coast Highway and travel south on Marguerite Avenue, west on Seaview Avenue, and south on Carnation Avenue to the site. The trucks and construction vehicles will exit by driving east on Ocean Boulevard, north on Marguerite Avenue, and back to East Coast Highway.</p> <ul style="list-style-type: none"> ▪ Dirt will be hauled to Olinda Alpha Sanitary Landfill in the City of Brea (or a closer site/location if available at the time grading occurs) . Dump trucks leaving from East Coast Highway will travel north on MacArthur Boulevard to SR-73, and continuing northbound on SR-55 to the I-5 northbound and to SR-57 northbound. Grading and dirt hauling shall occur only between Labor Day and Memorial Day. ▪ All deliveries will use the designated haul route once they enter the neighborhood starting from Marguerite Avenue. ▪ The contractor will also request an encroachment permit for a temporary staging area during construction , as described and illustrated in the CMP. Loading and unloading of all construction materials/equipment and/or construction vehicles will take place on-site or within the staging area. Loading and unloading will be managed by the construction valet team and will be overseen by the contractor. Dump trucks, cement trucks, etc., will arrive at the site with no greater frequency than the discharge rate by the contractor so that no more than one truck is on-site at one time and that trucks will not queue on Carnation Avenue. Once the delivery is complete, the trucks will exit the project area via the haul route identified above. All trucks (except cement trucks) will be required to shut off their engines during the loading/off-loading process. ▪ To prevent obstruction of through traffic lanes adjacent to the site, a flag person will be retained to maintain safety adjacent to the existing roadways. ▪ Traffic control will be coordinated with the Police Department and Public Works Department, Traffic and Development Services Division, so that street traffic is not obstructed. <p>In order to ensure that adequate employee parking is provided to workers during each phase of construction, the CMP includes a detailed parking management plan. This plan mandates the following:</p>	<p>Less than Significant</p>

Potential Impact	Mitigation Measures ¹	Level of Significance After Mitigation
<p>daily basis.</p>	<ul style="list-style-type: none"> ▪ Construction workers are prohibited from parking on Carnation Avenue and Ocean Boulevard (or any residential street in the neighborhood). In stead, the applicant will secure one or more binding off-site parking agreements to accommodate the varying number of workers needed for each construction phase. The off-site parking location(s) will be located within a five-mile radius of the site. The off-site parking agreement shall be presented to the City prior to the issuance of permits required for the phase of construction that will require the off-site parking. The agreement will also ensure that one of the off-site parking locations will: (1) commit a sufficient number of parking spaces to Aerie construction workers during the relevant term, and (2) the off-site location possesses the proper permits and authority to rent the subject spaces. ▪ Shuttles will transfer construction workers from the remote parking locations to the project site. Specifically, two 10-passenger shuttle vans will run up to eight trips each morning and evening and up to five trips at lunch, assuming that some workers will remain at the jobsite during lunch. Carpooling among construction workers will also be encouraged throughout the duration of the construction phases. ▪ Once vehicular elevators are installed, workers will be permitted to park in the completed on-site garages. It is anticipated that approximately 31 cars will be able to park on-site once the parking garage is completed. Personnel will be provided to assist in parking the construction workers on-site. ▪ As previously indicated, construction workers will be prohibited from parking on Carnation Avenue and Ocean Boulevard. Compliance with this prohibition will be monitored daily by the construction valet and flagmen team. However, this prohibition shall not apply to short-term visitors to the site such as City inspectors, City staff, architects, and consultants. Carpooling will also be encouraged among professionals. 	
Air Quality		
SC 4.3-1	Adherence to SCAQMD Rule 403, which sets requirements for dust control associated with grading and	

Potential Impact	Mitigation Measures ¹	Level of Significance After Mitigation
<p>Project implementation would not result in an exceedance in the any of the SCAQMD significance thresholds during either the demolition, site preparation/construction, or operation phases.</p>	<p>construction activities.</p> <p>SC 4.3-2 Adherence to SCAQMD Rules 431.1 and 431.2, which require the use of low sulfur fuel for stationary construction equipment.</p> <p>SC 4.3-3 Adherence to SCAQMD Rule 1108, which sets limitations on ROG content in asphalt.</p> <p>SC 4.3-4 Adherence to SCAQMD Rule 1113, which sets limitations on ROG content in architectural coatings.</p> <p>SC 4.3-5 Adherence to Title 24 energy-efficient design requirements as well as the provision of window glazing, wall insulation, and efficient ventilation methods in accordance with the requirements of the Uniform Building Code.</p> <p>Implementation of the project design features prescribed in the CMP and reflected below will ensure that potentially significant air quality impacts are avoided. These measures include:</p> <ul style="list-style-type: none"> ▪ The project shall comply with the Fugitive Dust Emission and Control Plan approved by the South Coast Air Quality Management District (under Rule 403). ▪ Dust will be minimized using water as control. Site and debris watering shall be performed a minimum of three times daily during demolition activities. During grading activities, any exposed soil areas shall be watered at least four times per day. Stockpiles of crushed cement, debris, dirt or other dusty materials shall be covered or watered three times daily. In addition, trucks carrying soil and debris shall be wetted or covered prior to leaving the site. On windy days, or when fugitive dust can be observed leaving the site, additional applications of water shall be applied to maintain a minimum 12 percent moisture content as defined by SCAQMD Rule 403. Soil disturbance shall be terminated whenever wind conditions exceed 325 miles per hour. ▪ All diesel-powered machinery exceeding 100 horsepower shall be equipped with soot traps, unless the contractor demonstrates to the satisfaction of the City Building Official that it is infeasible. 	<p>Less than Significant</p>

Potential Impact	Mitigation Measures ¹	Level of Significance After Mitigation
<p>Noise levels associated with construction equipment will exceed - dBA CNEL during the construction phase anticipated for the proposed project. These noise levels, which would occur over an extended period of time, will exceed acceptable noise levels for sensitive uses (i.e., single-family residential) suggested for permanent stationary sources.</p>	<p>Noise</p> <p>SC 4.4-1 In accordance with Section 10.28.040 of the Newport Beach Municipal Code Section 10.28.040 (Construction Activity – Noise Regulations), noise-generating construction and/or maintenance activities may be permitted only between the hours of 7:00 a.m. and 6:30 p.m. on weekdays and 8:00 a.m. to 6:00 p.m. on Saturdays. No noise-generating construction activities may occur at any time on Sundays or on federal holidays. These days and hours shall also apply any servicing of equipment and to the delivery of materials to or from the site.</p> <p>MM 4.4-1a All construction equipment, stationary and mobile, shall be equipped with properly operating and maintained muffling devices, intake silencers, and engine shrouds no less effective than as originally equipped by the manufacturer.</p> <p>MM 4.4-1b The construction contractor shall properly maintain and tune all construction equipment to minimize noise emissions.</p> <p>MM 4.4-1c The construction contractor shall locate all stationary noise sources (e.g., generators, compressors, staging areas) as far from residential receptor locations as feasible.</p> <p>MM 4.4-1d The construction contractor shall post a contact name and telephone number of the owner's authorized representative on-site.</p> <p>MM 4.4-1e The construction contractor shall install temporary sound blankets or plywood panels with a minimum Sound Transmission Class rating of 32 or higher and a density of 1.5 pounds per square foot or greater (e.g., SoundSeal BBC-13-2 or equivalent) along the entire outer perimeter of the construction area. The temporary sound blankets or plywood panels shall have a minimum height of six feet. If plywood panels are selected, they must have a minimum density of four pounds per square foot and have no perforations</p>	<p>Significant</p>

Potential Impact	Mitigation Measures ¹	Level of Significance After Mitigation
<p>Potential short-term impacts from vibration-induced annoyance may occur at residences within 50 feet of the most vibration-intensive construction equipment to the northeast and south of the project site. In addition, potential vibration impacts causing cosmetic damage could occur when operating intensive construction equipment at the northeast corner of the site near 215 Carnation Avenue.</p>	<p>or gaps between the panels.</p> <p>MM 4.4-1f The construction contractor shall select quieter tools or construction methods whenever feasible. Examples of this include the use of plasma cutters, which produce less noise than power saws with abrasive blades and ordering pre-cut materials to specifications to avoid on-site cutting.</p> <p>MM 4.4-1g The construction contractor shall maximize the use of enclosures as feasible. This includes four-sided or full enclosures with a top for compressors and other stationary machinery. This also includes locating activities, such as metal stud and rebar cutting, within constructed walled structures to minimize noise propagation.</p> <p>The CMP requires, among other things, that the Applicant agree to indemnify the property owners in the immediately contiguous lots against any cosmetic damage to their homes resulting from vibration caused by construction activities necessary to complete the project as a condition to the issuance of demolition permits for the existing structure. This indemnity obligation is subject to those contiguous owners providing Applicant, if requested, with access to their structures to allow a pre-demolition inspection of the current condition of all structures on those properties. The CMP also requires that vibration probes will be placed at 215 Carnation Avenue to monitor construction activities. A vibration monitoring program will identify any construction activity which exceeds the criteria for cosmetic damage. If excessive vibration is found to occur, other construction methods will be employed, if possible, to eliminate any occurrence of cosmetic damage. Such alternative construction methods include, but are not limited to, use of different drill bits for the caisson drilling, use of less vibration-intensive construction vehicles, use of drilling and insertion of expansive grout to fracture rock, and/or use of lubricants for the caisson drilling. Because the CMP is part of the Project Description, the evaluation of potential cosmetic damage from vibration considers activities required by the CMP to be incorporated within the project itself. Implementation of the measures cited in the CMP will ensure that vibration-induced cosmetic damage impacts from caisson drilling, use of a ram hoe, and/or use of a large tracked dozer are avoided.</p>	<p>Less than Significant</p>

Potential Impact	Mitigation Measures ¹	Level of Significance After Mitigation
Public Health and Safety		
Project implementation would result in the demolition of the existing residential structures occupying the site, which would affect materials that contain detectable amounts of ACM.	<p>SC 4.8-1 The City of Newport Beach will require all plans for proposed uses within the project site to comply with all applicable Federal, State, and local regulations pertaining to the transport, storage, use and/or disposal of hazardous materials on the site.</p> <p>MM 4.8-1 Any repairs, renovations, removal or demolition activities that will impact the ACM or inaccessible ACM shall be performed by a licensed asbestos contractor. Inaccessible suspect ACM shall be tested prior to demolition or renovation. Air emissions of asbestos fibers and leaded dust would be reduced to below a level of significance through compliance with existing federal, state, and local regulatory requirements. Proper safety procedures for the handling of suspect ACM shall always be followed in order to protect the occupants of the building and the asbestos workers.</p> <p>MM 4.8-2 A contractor performing paint removal work shall follow the OSHA lead standard for the construction industry. The lead content of the paint should be considered when choosing a method to remove the paint, as proper waste disposal requirements and worker protection measures shall be implemented throughout the removal process.</p>	Less than Significant
Project implementation would result in the demolition of the existing residential structures occupying the site. Several building components were identified to contain LBP with a lead concentration equal to or greater than 1.0 mg/cm ² , which is the current regulatory threshold for the identification of LBP.	<p>SC 4.9-1 All activities associated with the implementation of the proposed residential development shall comply with the City's Excavation and Grading Ordinance.</p> <p>SC 4.9-2 The project shall comply with all applicable City and 2007 California Building Code requirements.</p> <p>SC 4.9-3 The property owner(s) shall execute and record a waiver of future shoreline protection for the project prior to the issuance of a building permit. Said waiver shall be subject to the review and approval of the City Attorney.</p> <p>SC 4.9-4 Accessory structures shall be relocated or removed if threatened by coastal erosion. Accessory structures shall not be expanded and routine maintenance of accessory structures is permitted.</p>	Less than Significant
Soils and Geology		

Potential Impact	Mitigation Measures ¹	Level of Significance After Mitigation
<p>Although the site is suitable for the proposed development, construction of the proposed residential structure may be affected by the existing geologic and geotechnical engineering factors, including regional seismicity, bedrock, corrosive soils, erosion, etc.</p>	<p>MM 4.9-1a Project implementation shall adhere to the engineering and recommendations for site grading and foundation design and construction presented in the Conceptual Grading Plan Review Report prepared by Nebeltt & Associates, Inc., and subsequent detailed geotechnical engineering analyses.</p> <p>MM 4.9-1b Accessory structures shall be relocated or removed if threatened by coastal erosion. Accessory structures shall not be expanded and routine maintenance of accessory structures is permitted.</p> <p>MM 4.9-2a During periods when boats would be exposed to excessive wave-induced motions, boats should be sheltered at mooring can locations that are available inside Newport Harbor to avoid damage.</p> <p>MM 4.9-2b The dock design shall be based on the extreme wave conditions identified in the coastal engineering study (Noble Consultants, Inc., 2008).</p>	<p>Less than Significant</p>
<p>The site (i.e., proposed dock) will be exposed to storm waves generated associated with passage of winter pre-frontal storm winds and southern hemisphere swell that typically occurs in the summary months. Extreme wind waves from the SSE-SSW are expected to exceed the recommended maximum wave heights, which may result in damage to the moored vessels and/or docking facilities.</p>		<p>Less than Significant</p>
Agriculture		
<p>No Prime Farmland, Farmland of State or Local Importance, or Unique Farmland occurs within or in the vicinity of the site. The site and adjacent areas are designated as "Urban and Built-up Land" and "Other Land" on the Orange County Important Farmland Map. Further, neither the site nor the adjacent areas are designated as prime, unique or important farmlands by the State Resources Agency or by the Newport Beach General Plan. Therefore, no impact on significant farmlands would occur with the proposed project.</p>	<p>No significant impacts are anticipated and no mitigation measures are required.</p>	<p>No Impact</p>
Biological Resources		
	<p>SC 4.7-1 The project shall comply with California Code Title 14 (Natural Resources), Section 29.05, which prohibits the taking of any marine organisms within 1,000 feet of the high tide line without a sportfishing license.</p> <p>SC 4.7-2 Bluff landscaping shall consist of native, drought tolerant plant species determined to be consistent with the California coastal bluff environment. Invasive and non-native species shall be removed. Irrigation of bluff faces to establish re-vegetated areas shall be temporary and used only to establish the plants. Upon establishment of</p>	

Potential Impact	Mitigation Measures ¹	Level of Significance After Mitigation
<p>Within the current development footprint there is a potentially suitable habitat for the nine special status plants. It is possible that future development of the subject property as proposed could adversely affect one or more special status plant species, should they exist on the site and nesting avian species that may occupy introduced non-native trees and other landscape species. However, the CMP incorporates features to ensure that these impacts are avoided.</p>	<p>the plantings, the temporary irrigation system shall be removed.</p> <p>The CMP includes several measures that will be implemented as part of the project to ensure that potential impacts to sensitive plant species and other terrestrial biological resources are avoided. The measures prescribed in the CMP include:</p> <ul style="list-style-type: none"> ▪ A qualified biologist shall conduct a pre-construction survey for active nests of covered species at least seven (7) days prior to any habitat disturbance that occurs during the nesting season (February 1 to August 31). If no active nests are round, no further actions are required. However, if nesting activity is observed during the pre-construction survey, the nest site must be protected until nesting activity has ended or as otherwise directed by a qualified biologist in order to ensure compliance with the MBTA and the California Fish and Game Code. ▪ Bluff landscaping shall consist of native, drought tolerant plant species determined to be consistent with the California coastal buff environment. Invasive and non-native species shall be removed. Irrigation of bluff faces to establish re-vegetated areas shall be temporary and used only to establish the plants. Upon establishment of the plantings, the temporary irrigation system shall be removed. ▪ A qualified botanist shall perform focused surveys to determine the presence/absence for the nine sensitive plant species. The focused surveys shall be performed during the appropriate blooming window identified for each species. Survey methods shall follow CDFG guidelines. If any State-listed threatened or endangered plant species are impacted by project development, an incident take permit pursuant to Section 2081 of the Fish and Game Code shall be obtained prior to issuance of a grading permit. <p>The following measures will be undertaken as identified in the CMP (refer to Section 7.3 – Environmental Protection) to ensure that potential impacts to eelgrass are avoided.</p> <ul style="list-style-type: none"> ▪ An updated pre-construction eelgrass and invasive algae survey shall be completed within 30 days of the initiation of the proposed dock/gangway construction. The results of this 	<p>Less than Significant</p>
<p>A small portion of the existing eelgrass bed (approximately 30 square feet) would potentially be affected by shading effects from vessels docked within the slips and the concrete dock structure if not properly addressed. Impacts to eelgrass are avoided through the implementation of measures prescribed in the CMP.</p>	<p>The following measures will be undertaken as identified in the CMP (refer to Section 7.3 – Environmental Protection) to ensure that potential impacts to eelgrass are avoided.</p> <ul style="list-style-type: none"> ▪ An updated pre-construction eelgrass and invasive algae survey shall be completed within 30 days of the initiation of the proposed dock/gangway construction. The results of this 	<p>Less than Significant</p>

Potential Impact	Mitigation Measures ¹	Level of Significance After Mitigation
	<p>survey will be used to update the results of the March 2007 eelgrass survey and to identify, if any, potential project-related eelgrass losses and the presence or absence of the invasive algae (<i>Caulerpa taxifolia</i>) in accordance with NMFS requirements.</p> <ul style="list-style-type: none"> ▪ A post-construction project eelgrass survey shall be completed within 30 days of the completion of project construction in accordance with the Southern California Eelgrass Mitigation Policy (NMFS 1991 as amended, Revision 11). The report will be presented to the resources agencies and the Executive Director of the California Coastal Commission within 30 days after completion of the survey. If any eelgrass has been impacted in excess of that determined in the pre-construction survey, any additional impacted eelgrass will be mitigated at a ratio of 1.2:1 (mitigation to impact). ▪ Eelgrass shall be mitigated based on two annual monitoring surveys that document the changes in bed (i.e., area extent and density) in the vicinity of the footprint of the boat dock, moored vessel(s), and/or related structures during the active-growth period for eelgrass (typically March through October). Mitigation shall be implemented pursuant to the requirements of the Southern California Eelgrass Mitigation Policy (NMFS 1991 as amended, Revision 11). A statement from the applicant indicating their understanding of the potential mitigation obligation that may follow the initial two-year monitoring is required. If losses are identified, a final eelgrass mitigation plan shall be submitted to the City of Newport Beach and resources agencies for review and acceptance. ▪ The project marine biologist shall mark the positions of eelgrass beds in the vicinity of the dock and gangway construction area with buoys prior to the initiation of any construction activities. ▪ The project marine biologist shall meet with the construction crew prior to initiation of construction to orient them to specific areas where eelgrass presently exists. ▪ Support vessels and barges shall maneuver and work over eelgrass beds only during tides of +2 feet mean lower low 	

Potential Impact	Mitigation Measures ¹	Level of Significance After Mitigation
<p>Disturbances to the sandy cover intertidal and shallow subtidal habitat, eelgrass, and sand dollar bed within the cove would be considered a significant adverse impact to on-site marine resources if not adequate addressed. The CMP incorporates several measures to ensure that these potential effects are avoided.</p>	<p>water (MLLW) or higher to prevent grounding within eelgrass beds, damage to eelgrass from propellers, and to limit water turbidity.</p> <ul style="list-style-type: none"> ▪ Anchors and anchor chains shall not impinge upon eelgrass habitat. <p>To ensure that project-related impacts to these and other intertidal marine resources will be avoided, the CMP specifies several project elements/measures to be implemented, including:</p> <ul style="list-style-type: none"> ▪ Construction activities associated with the elevated walkway leading to the gangway, and construction personnel shall avoid impacts to rocky intertidal habitat and to eelgrass beds and sand dollar habitat within the Carnation Cove by, among other things, (a) posting signage at key access points in front of the beach and on the elevated walkway stating that access is limited to the elevated walkway during construction; (b) using yellow tape to prevent access to rocky intertidal habitat, eelgrass beds, and sand dollar habitat; and (c) prohibiting access to the water and rocky shoreline within the cove.. ▪ Residents shall be informed of the sensitivity of the cove as a unique marine biological habitat to assist in ensuring the long-term protection of the cove's marine biological resources. ▪ Signage shall be posted at access points in front of the beach and on the elevated walkway, which state that access is limited to the elevated walkway during construction. In addition, yellow tape shall be used to prevent access. Access shall not be permitted to the water or rocky shorelines within the cove. ▪ A silt curtain will be placed around all water-side construction activity during the construction of the dock system to limit the spread of turbidity. If prolonged turbidity is observed outside the silt curtain then the silt curtain shall be re-deployed and re-positioned in a manner to correct the problem. Removal and emplacement of the piles will be conducted using Best Available Technology (BAT) that limits the re-suspension of sediments and the creation of turbidity plumes. ▪ Silt curtains will be placed and maintained in working condition throughout the period of construction by the marine 	<p>Less than Significant</p>

Potential Impact	Mitigation Measures ¹	Level of Significance After Mitigation
<p>The project has been designed to avoid significant visual impacts. Although some views from the channel would be momentarily affected by the construction of the boat dock and related facilities, no important visual amenity would be destroyed or permanently affected. Therefore no significant impacts are anticipated and no mitigation measures are necessary.</p>	<p>contractor. If turbidity plumes are observed in the vicinity of the cove in front of the development, an additional silt curtain will be immediately placed in front of the cove's entrance until the turbidity plume has dissipated.</p> <ul style="list-style-type: none"> ▪ Debris bins will be placed at the project site. Material collected will be removed on a daily basis. The amount, type, and location of any large debris (e.g., piles, dock parts, concrete, etc.) that is deposited on the seafloor will be documented and removed prior to the completion of the project. The project marine biologist shall also inspect the seafloor following the completion of construction to ensure that all debris has been removed. ▪ The project marine biologist will perform weekly on-site inspections to ensure that BMPs and mitigation measures are being implemented during construction. ▪ Post-construction marine biological surveys (per permit conditions) shall be performed to map eelgrass cover in the project area using the same methodology as the pre-construction survey and also to document the condition and density of the sand dollar beds within the cove. 	
Aesthetics		
<p>The project has been designed to avoid significant visual impacts. Although some views from the channel would be momentarily affected by the construction of the boat dock and related facilities, no important visual amenity would be destroyed or permanently affected. Therefore no significant impacts are anticipated and no mitigation measures are necessary.</p>	<p>SC 4.5.1 Lighting shall be in compliance with applicable standards of the Zoning Code. Exterior on-site lighting shall be shielded and confined within site boundaries. No direct rays or glare are permitted to shine onto public streets or adjacent sites or create a public nuisance. "Walpak" type fixtures are not permitted. Parking area lighting shall have zero cut-off fixtures and light standards shall not exceed ___ feet in height.</p> <p>SC 4.5-2 Prior to issuance of the certificate of occupancy or final of building permits, the applicant shall schedule an evening inspection by the Code and Water Quality Enforcement Division to confirm control of light and glare specified in Condition of Approval No. ___.</p> <p>SC 4.5-2 The applicant shall dedicate a view easement; however, it will only affect the project site. Structures and</p>	<p>Less than Significant</p>

Potential Impact	Mitigation Measures ¹	Level of Significance After Mitigation
	landscaping within the easement area shall not be permitted to block public views. The easement shall be recorded prior to the issuance of a building permit for new construction and shall be reflected on the final tract map.	
Cultural Resources		
No cultural resources were identified during the survey conducted on the project site. In addition, no archaeological sites have been recorded on the site and no historic resources exist on the subject property. Project	<p>SC 4.10-1 If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be Native American, the County Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.</p> <p>SC 4.10-21A qualified paleontologist shall be retained by the project applicant to develop a Paleontological Resource Impact Mitigation Program (PRIMP) consistent with the guidance of the Society of Vertebrate Paleontology (SVP). In the event that fossils are encountered during construction activities, ground-disturbing excavations in the vicinity of the discovery shall be redirected or halted by the monitor until the find has been salvaged. Any fossils discovered during project construction shall be prepared to a point of identification and stabilized for long-term storage. Any discovery, along with supporting documentation and an itemized catalogue, shall be accessioned into the collections of a suitable repository. Curation costs to accession any collections shall be the responsibility of the project applicant.</p>	
No cultural resources were identified during the survey conducted on the project site. In addition, no archaeological sites have been recorded on the site and no historic resources exist on the subject property. Project	Implementation of the standard conditions will ensure that potential impacts to archaeological and paleontological resources will be avoided. No significant impacts will occur and no mitigation	Less than Significant

Potential Impact	Mitigation Measures ¹	Level of Significance After Mitigation
<p>implementation will result in site alteration that could encroach into the Monterey Formation, which is known to contain abundant fossilized marine invertebrates and vertebrates. Although grading and excavation within this formation could encounter fossils that may exist within the Monterey Formation, paleontological monitoring prescribed in SC 4.10-2 will ensure that potential impacts will not occur. No significant impacts to paleontological resources will occur.</p>	<p>measures are required.</p>	
Recreation		
<p>The project will result in a decrease of dwelling units and, as a result, a reduction in the number of residents that would be generated when compared to the 15 existing dwelling units and the 28 units that would be permitted by the Newport Beach General Plan. With a pool, private outdoor decks that may have spas and fire pits, as well as direct access to the beach area, most residents of the proposed project are expected to utilize their private recreation amenities rather than public parks within the City. Although residents of the proposed project would occasionally visit local and regional parks and beaches, use of those public facilities by the future residents would not represent a substantial change in the intensity of usage and the impact would not result in substantial physical deterioration of those park areas.</p>	<p>No significant impacts are anticipated and no mitigation measures are required.</p>	<p>No Significant Impact</p>
Mineral Resources		
<p>The project site is currently developed with a 14-unit apartment structure and one single-family residential dwelling unit. Neither the Newport Beach General Plan (Recreation and Open Space Element) nor the State of California has identified the project site or environs as a potential mineral resource of Statewide or regional significance. No mineral resources are known to exist and, therefore, project implementation will not result in any significant impacts.</p>	<p>No significant impacts are anticipated and no mitigation measures are required.</p>	<p>No Significant Impact</p>
Drainage and Hydrology		
	<p>SC 4.6-1 Prior to issuance of a grading permit, the project applicant shall be required to submit a notice of intent (NOI) with the appropriate fees to the Regional Water Quality Control Board for coverage of such future projects under the General Construction Activity Storm Water Runoff Permit prior to initiation of construction activity. As required by the NPDES permit, a Storm Water Pollution and Prevention Plan (SWPPP) will be prepared and will establish BMPs in order to reduce sedimentation and erosion.</p>	

Potential Impact	Mitigation Measures ¹	Level of Significance After Mitigation
<p>Although project-related storm runoff would be decreased, the existing catch basin near the corner of Carnation Avenue and Ocean Boulevard is deficient and cannot accommodate the existing or post-development 100-year storm flows from the drainage area, including the project site. However, the project includes upgrading the capacity of the catch basin to accommodate storm flows within the 11.54-acre drainage area. Therefore, no significant hydrology impacts will occur as a result of project implementation.</p> <p>Construction of the replacement dock facility and related activities associated with the use of heavy equipment, the operation of a barge, etc., could result in potential water quality impacts, including turbidity, which could adversely affect the marine habit and species, including eel grass. However implementation of the design features prescribed in the CMP will ensure that these potential adverse effects are avoided.</p>	<p>SC 4.6-2 Prior to issuance of a grading permit, the project applicant shall prepare a Water Quality Management Plan (WQMP) for the project and submit the WQMP to the Regional Water Quality Control Board for approval. The WQMP shall specifically identify Best Management Practices (BMPs) that will be used to control predictable pollutant runoff, including flow/volume-based measures to treat the "first flush." The WQMP shall identify at a minimum the routine structural and non-structural measures specified in the Countywide NPDES Standard Urban Stormwater Mitigation Plan (SUSMP), which details implementation of the BMPs whenever they are applicable to a project, the assignment of long-term maintenance responsibilities, and shall reference the locations of structural BMPs</p> <p>SC 4.6-3 Prior to issuance of a grading permit, the project applicant shall prepare a Storm Water Pollution and Prevention Plan (SWPPP) and submit that plan to the City of Newport Beach for approval. The SWPPP will establish BMPs in order to reduce sedimentation and erosion.</p> <p>SC 4.6-4 Future site grading and construction shall comply with the drainage controls imposed by the applicable Municipal Code requirements prescribed by the City of Newport Beach.</p>	<p>Less than Significant</p>
<p>The measures listed below, which are also included in the CMP, are design features of the proposed project. Implementation of these features will result in the avoidance of potential water quality impacts.</p> <ul style="list-style-type: none"> ▪ All debris and trash shall be disposed in suitable trash containers on land or on the work barge at the end of each construction day. 	<p>No significant impacts are anticipated and no mitigation measures are required.</p>	<p>Less than Significant</p>

Potential Impact	Mitigation Measures ¹	Level of Significance After Mitigation
<p>The project has been designed with several features to facilitate and enhance the provision of adequate fire protection, including an emergency communication device, which will be provided to the existing concrete pad at the beach level and a new wet standpipe, which will be provided to the existing docks. In addition, an automatic and manual fire alarm system will be installed, a fire control room is provided at ground level, which will be monitored by a central station, and a Class I wet standpipe will be provided at every level at all stairs to facilitate fire protection.</p> <p>Redevelopment of the subject site to replace 14 apartment units and one single-family residence with eight luxury condominium homes would not require an expansion to local law enforcement resources and therefore would not result in any environmental impacts involving construction of new law enforcement facilities.</p> <p>It is estimated that fewer than 20 students, distributed between various grade levels, would be generated by the proposed project. New or expanded school facilities would not be required to provide classroom and support space for these low numbers of school age children.</p>	<ul style="list-style-type: none"> ▪ Discharge of any hazardous materials into Newport Bay is prohibited. ▪ Silt curtains shall be deployed around work barges and around the pile sleeving or drilling operations where feasible to minimize the spread of turbid waters into adjacent eelgrass beds within and outside the project area. ▪ All construction debris shall be removed from the bay floor daily. 	<p>Less than Significant</p>
Public Services		
<p>The project will result in a decrease in the total number of dwelling units from 15 to eight; therefore, project implementation would not result in a substantial increase in population based on the population per household recognized by the City of Newport Beach. All proposed utility services can be provided through connections to</p>	<p>No significant impacts are anticipated and no mitigation measures are required.</p>	<p>Less than Significant</p>
<p>The project will result in a decrease in the total number of dwelling units from 15 to eight; therefore, project implementation would not result in a substantial increase in population based on the population per household recognized by the City of Newport Beach. All proposed utility services can be provided through connections to</p>	<p>No significant impacts are anticipated and no mitigation measures are required.</p> <p>The project applicant must pay the applicable school fee to the school district, pursuant to Section 65995 of the California Government Code, in order to offset the incremental cost impact of expanding school resources to accommodate the increased student enrollment associated with new residential development, including the proposed project. With the payment of the mandatory school fees, no significant impacts would occur as a result of project implementation.</p>	<p>Less than Significant</p>
Population and Housing		
<p>The project will result in a decrease in the total number of dwelling units from 15 to eight; therefore, project implementation would not result in a substantial increase in population based on the population per household recognized by the City of Newport Beach. All proposed utility services can be provided through connections to</p>	<p>No significant impacts are anticipated and no mitigation measures are required.</p>	<p>Less than Significant</p>

Potential Impact	Mitigation Measures ¹	Level of Significance After Mitigation
<p>existing main line facilities that exist on or near the project site. With the exception of the existing 10-foot catch basin in Carnation Avenue that is inadequate to accommodate existing surface runoff, the proposed project would not require expansion of any other infrastructure facilities that could support additional growth. As a result, no significant impacts are anticipated</p>		