

CHAPTER 5.0 IMPACTS FOUND NOT TO BE SIGNIFICANT

The environmental process requires the Lead Agency for a proposed project, in this case the City of Newport Beach, to prepare a Notice of Preparation (NOP) which describes the proposed project and summarizes the potential environmental impacts which could result from the implementation of a proposed project. An Environmental Impact Report has been prepared to assess certain potential impacts associated with this project. The Notice of Preparation (NOP) and the supporting documentation for the proposed Aerie residential project are provided in Appendix A of this EIR. This section summarizes those potential impacts of the proposed Aerie project that were determined to be below a level of significance.

5.1 Agriculture

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. The Newport Beach General Plan, Land Use Element designates the site as “Multiple-Unit Residential (RM)” and “Two Unit Residential (RT)”; the zone designation for the site is “Multiple Family Residential” and “Two Family Residential.” Therefore, there is no conflict with zoning for agricultural use, and the property and surrounding properties are not under a Williamson Act contract. The site is not being used for agricultural purposes and, as indicated previously, is not designated as agricultural land. As indicated above, the subject property and the area surrounding the site are developed with residential uses. Therefore, no agricultural uses on the site or within the site’s vicinity would be converted to non-agricultural use. No significant impacts to agricultural resources are anticipated and no mitigation measures are required.

5.2 Population and Housing

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. Further, the project site could accommodate up to 9 dwelling units based on the existing zoning. Therefore, site development would result in a decrease in both the number of dwelling units that currently exist on the site and that could be constructed.

The project will result in the demolition of the existing 14-unit apartment building and the single-family residence that exist on the subject property. Project implementation, therefore, will result in a decrease in a total of seven dwelling units based on the existing site development. The loss of seven (existing) dwelling units is not considered a significant decrease of housing units within the City of Newport Beach because the existing total vacancy rate in the City is estimated to be 10.91 percent. With the exception of one tenant currently residing in the single-family residence (207 Carnation) and residents of the two apartment units that are currently occupied, the remaining units are vacant. No replacement housing is necessary.

As indicated above, the subject property currently supports a 14-unit apartment and single-family residence, which are occupied by only one tenant (and the caretaker for the property) residing in the single-family residence and occupants in two of the 14 apartment units. Although these residents would be displaced by the proposed project, it is anticipated that adequate replacement housing exists

elsewhere in the City to accommodate their relocation. No replacement housing would be required as a result of project implementation.

5.3 Recreation

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.

The project includes private common amenities that will help offset the need for recreational facilities. Although the project will increase the number of occupied units on the site, the increase in residents associated with the project is minimal and would not result in the requirement to construct new or expand existing recreational amenities in the City. Furthermore, the project's eight dwelling units represent a nearly 50 percent decrease when compared to the number of dwelling units that exist on the property. This reduction in density and resulting potential decrease in population, supports the conclusion that no new facilities would be required to accommodate future residents of the proposed project. Title 19 (Subdivisions) of the Newport Beach Municipal Code (Section 19.52) requires the developer to pay a fee for each unit created by the proposed condominium map. This fee will be used to augment recreational facilities in the City. Therefore, no significant impacts are anticipated and no mitigation measures are required.

5.4 Mineral Resources

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 to regional or state-wide important resources. Furthermore, the Newport Beach General Plan does not identify the project environs as having potential value as a locally important mineral resource site. Project implementation (i.e., demolition of the existing residential structures and construction of a new 8-unit condominium structure) as proposed will not result in the loss of any locally important mineral resource site and, therefore, no significant impacts will occur and no mitigation measures are required.

5.5 Public Services

Fire Protection

Fire protection facilities and service to the subject property are provided by the Newport Beach Fire Department (NBFD). In addition to the City's resources, the NBFD also maintains a formal automatic aid agreement with the Orange County Fire Authority (OCFA) and all neighboring municipal fire departments to facilitate fire protection in the City should the need arise. The project will result in a decrease of seven residential dwelling units. Although the new units will be larger than those currently existing on the site, there will not be a significant increase in structures and persons requiring emergency services. The

project includes all necessary fire protection devices, including fire sprinklers. The project must comply with the current Building and Fire Codes adopted by the City. A preliminary code compliance analysis was conducted by City staff. Based on that analysis, the proposed building complies, although a final compliance determination will be made prior to the issuance of a building permit. 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. Adequate water supplies and infrastructure, including fire hydrants, exist in the vicinity of the project, and there is no requirement for other new facilities or emergency services.

Police Protection

The Newport Beach Police Department (NBPD) is responsible for providing police and law enforcement services within the corporate limits of the City. The Police Department headquarters is located at 870 Santa Barbara Drive, at the intersection of Jamboree Road and Santa Barbara, approximately two miles northeast of the subject property. The NBPD currently has a ratio of 1.91 sworn officers for each 1,000 residents in the City. This ratio is adequate for the current population. Police and law enforcement service in the City is provided by patrols with designated “beats.” Project implementation will result in a reduction in the development intensity of site development, which would result in the demolition of an existing apartment building and single-family residence and their replacement with an 8-unit condominium structure. 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. No significant impacts are anticipated and no mitigation measures are required.

Schools

The provision of educational facilities and services in the City of Newport Beach is the responsibility of the Newport-Mesa Unified School District. Residential and non-residential development is subject to the imposition of school fees. Payment of the State-mandated statutory school fees is the manner by which potential impacts to the District’s educational facilities are mitigated. The existing dwelling units have been vacant for several years, except for caretakers living in the single-family home and two of the apartment units. At the present time, therefore, this property has little or no impact on the Newport Mesa Unified School District. When this project is completed, the development and occupancy of the eight condominiums might result in the generation of school age children. 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. However, as indicated below, 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.

Other Public Facilities

Due to the reduction in residential density, no increased demand for other public services is anticipated and there would be no need to construct any new public facilities. No significant impacts are anticipated and no mitigation measures are required.

5.6 Utilities

Wastewater generated by the proposed new 8-unit residential structure would be disposed into the existing sewer system and would not exceed wastewater treatment standards of the Regional Water Quality Control Board.

Water demand and wastewater generation will not increase significantly over existing uses due to the increase in the number of occupants who will reside on the site when compared to the existing number of occupied dwelling units. The project will connect to an existing 12-inch water main in Carnation Avenue. Wastewater connections will be made either in a 10-inch main in Carnation Avenue or an 8-inch main in Bayside Place below the project site. No expansion of these facilities is necessary due to existing capacity and the reduction in density. Future water demand based on the General Plan projections would not be increased significantly. Even though the proposed project will result in a decrease in dwelling units by a total of six, implementation of the project may result in a minor if any additional water demand associated with the increased size of the dwelling units, and the pool and spa areas.

The project will not result in a significant increase in solid waste production due to the decrease in dwelling units. Existing landfills are expected to have adequate capacity to service the site and use. Solid waste production will be picked up by either the City of Newport Beach or a commercial provider licensed by the City of Newport Beach. All federal, state and local regulations related to solid waste will be adhered to through this process.