

APPENDIX A

NOTICE OF PREPARATION AND CORRESPONDENCE



Notice of Preparation and Scoping Meeting The Koll Center Residences Environmental Impact Report

DATE: January 4, 2017

TO: Reviewing Agencies and Other Interested Parties

FROM: City of Newport Beach, Community Development Department, 100 Civic Center Drive, Newport Beach, CA 92660

PROJECT TITLE/SUBJECT: The Koll Center Residences – Notice of Preparation of an Environmental Impact Report (EIR) and Public Scoping Meeting

NOTICE OF PREPARATION REVIEW PERIOD: January 4, 2017 to February 2, 2017

SCOPING MEETING: Wednesday, January 18, 2017, at 6:00 PM, Newport Beach Central Library, Friends Room, 1000 Avocado Avenue, Newport Beach, CA 92660

Pursuant to Public Resources Code Section 21165 and the California Environmental Quality Act Guidelines (CEQA Guidelines) Section 15050, the City of Newport Beach (City) is the Lead Agency responsible for preparation of an Environmental Impact Report (EIR) addressing potential impacts associated with the proposed The Koll Center Residences Project.

REQUEST FOR COMMENTS ON THE SCOPE OF THE EIR

The purpose of this Notice of Preparation (NOP) is to solicit comments and suggestions regarding the scope and content of the EIR and the environmental issues and alternatives to be addressed in the EIR (CEQA Guidelines § 15082). This NOP also provides notice for the public scoping meeting. The City, as Lead Agency, respectfully requests that any Responsible or Trustee Agency responding to this notice reply in a manner consistent with State CEQA Guidelines Section 15082(b). Comments and suggestions should identify the significant environmental issues, reasonable alternatives, and mitigation measures that should be explored in the EIR, in addition to whether the responding agency will be a responsible or trustee agency for the proposed project.

The attached summary of the proposed project's probable environmental effects and alternatives is not an analysis of the project or its impacts. The project summary information is intended to provide said agencies, interested parties, and organizations with sufficient information describing the proposed project and the environmental issues that will be addressed in the EIR so that meaningful responses and comments can be provided.

PROJECT LOCATION

The project site is located in the Koll Center Planned Community, at 4400 Von Karman Avenue (Assessor Parcel Numbers [APN] 445-131-04, -29, -30). The site is approximately 12.56 acres and is currently developed with surface parking lots and common landscape areas. The irregularly-shaped site is generally bordered by Birch Street to the northeast, Von Karman Avenue to the west, and existing office uses and associated surface parking lots and garages to the east and south. The project site is located northwest of the Uptown Newport mixed-use development which is currently under construction.

PROJECT DESCRIPTION

The project site has a General Plan land use designation of Mixed Use Horizontal (MU-H2) and a zoning designation of Koll Center Newport Planned Community Development Plan (PC-15 Koll Center). The proposed mixed-use infill development includes 260 residential condominiums, 3,000 square feet (sf) of ground-floor retail uses, a 1-acre public park, a parking structure, and the reconfiguration of some of the surface parking.

The existing office buildings located within the boundaries of the project site (4440 Von Karman, 4490 Von Karman, 4900 Birch, 4910 Birch), or immediately contiguous to the project site (5000 Birch, 4340 Von Karman,

4350 Von Karman) are not a part of the proposed development. The proposed residential units would be in three, 13-story podium buildings. The three buildings would be approximately 150 feet in height with 2 levels of above-grade parking and 2 to 3 levels of below-grade parking. The proposed one-acre public park would be located adjacent to the entrances to the project site from Birch Street.

All project parking would be provided in parking garages underneath the buildings, with additional on-site surface parking for the proposed one-acre public park and retail uses. Parking displaced by project construction activities and by the proposed development would be provided in a new parking structure to be located southeast of the 5000 Birch office tower's parking structure.

A more detailed Project Description is provided in the attached Project Summary, which is intended to provide agencies, and interested parties and organizations with sufficient information so that meaningful comments can be provided to the City.

RESPONDING TO THIS NOTICE

The City requests your careful review and consideration of this notice, and it invites input and comments from responsible and trustee agencies, and interested persons and organizations regarding the preparation of the EIR. Pursuant to CEQA Section 21080.4, agencies must submit any comments in response to this notice no later than *30 days after receipt of this notice*. The City will accept comments from other parties regarding this notice through the close of business on February 2, 2017. If comments are submitted by e-mail with attachments, it is recommended that the attachments be delivered in writing. Virus protection measures and variety of formats for attachments can limit the ability for the attachments to be delivered. E-mail responses to this notice may be sent to RUn@newportbeachca.gov.

All comments or other responses to this notice should be submitted in writing to:

Rosalinh Ung, Associate Planner
City of Newport Beach
Community Development Department
100 Civic Center Drive
Newport Beach, California 92660

The NOP is also available at the City of Newport Beach at the address and department noted above, and can also be accessed online at: <http://www.newportbeachca.gov/ceqadocuments>. Additionally, copies of the document are also available for review at the following City of Newport Beach public libraries:

Central Library
1000 Avocado Avenue
Newport Beach, CA 92660

Mariners Branch
1300 Irvine Avenue
Newport Beach, CA 92660

Balboa Branch
100 East Balboa Boulevard
Newport Beach, CA 92660

Corona del Mar Branch
420 Marigold Ave.
Corona Del Mar, CA 92625

All parties that have submitted their names and mailing addresses will be notified of the availability of the Draft EIR. If you wish to be placed on the mailing list, have any questions, or need additional information, please contact the person identified above at (949) 644-3208.

SCOPING MEETING

The City will hold a Public Scoping Meeting to solicit comments on the scope of the EIR at 6:00 PM on January 18, 2017, in the Friends Room of Newport Beach Central Library, 1000 Avocado Avenue. Questions regarding the Scoping Meeting should be directed to Rosalinh Ung.

THE KOLL CENTER RESIDENCES PROJECT SUMMARY

The Koll Center Residences Project (proposed project) includes 260 residential condominiums, 3,000 square feet (sf) of ground-floor retail uses, a 1-acre public park, a parking structure, and the reconfiguration of some of the existing surface parking areas. To allow for the construction of the proposed project, some of the existing surface parking areas and the common landscape areas would be demolished. The existing office buildings located within the boundaries of the project site (4440 Von Karman, 4490 Von Karman, 4900 Birch, 4910 Birch), or immediately contiguous to the site (5000 Birch, 4340 Von Karman, 4350 Von Karman) are not a part of the proposed development. The proposed residential units would be in three, 13-story buildings. The three buildings would be up to 150 feet in height with 2 levels of above-grade parking and 2 to 3 levels of below-grade parking. The proposed one-acre public park would be located adjacent to the entrances to the project site from Birch Street.

All project parking would be provided in parking garages underneath the buildings, with additional on-site surface parking for the proposed one-acre public park and retail uses. Parking displaced by project construction activities and by the proposed development would be provided in a new parking structure to be located southeast of the 5000 Birch office tower's parking structure.

Existing Setting

The project site is in the Koll Center Office Park, at 4400 Von Karman Avenue (Assessor Parcel Numbers [APN] 445-131-04, -29, -30). The site is approximately 12.56 acres and is currently developed with surface parking lots and common landscape areas. The site is relatively flat at an approximate elevation of 46 to 52 feet above mean sea level (msl). The irregularly-shaped site is generally bordered by Birch Street to the northeast, Von Karman Avenue to the west, and existing office uses and associated surface parking lots and garages to the east and south. Vehicular access to the project site is provided from driveways along Birch Street and Von Karman Avenue.

Surrounding Land Uses

Koll Center is comprised of clusters of low-, mid-, and high-rise office buildings (from 1 to 15 stories in height) typically set back from roadways by large surface parking lots and ornamental landscaping. Three office buildings are located directly north of the proposed development and three office buildings are located directly south.

The Extended Stay America Hotel and the Fairmont Newport Beach Hotel are located on the northwest and southwest corners, respectively, of Von Karman Avenue at Birch Street. The project site is approximately 0.5 mile southwest of John Wayne Airport, and 0.3 mile northwest of the San Joaquin Freshwater Marsh Reserve, and 1.5 miles northwest of the University of California, Irvine (UCI).

The Uptown Newport project site is located southeast of the project site within the City's Airport Area. Under Phase 1 construction, Uptown Newport will include up to 1,244 residential units, 11,500 sf of neighborhood-serving retail space, and 2 acres of park space when completed. Allowed building heights for Uptown Newport are up to 150 feet.

General Plan Land Use

The project site is designated as Mixed Use Horizontal (MU-H2) in the General Plan. The MU-H designation is intended to provide for the development of areas in a horizontally distributed mix of uses, which may include general or neighborhood commercial, commercial offices, multi-family residential, visitor-serving and marine-related uses, and/or buildings that vertically integrate residential with

commercial uses. The proposed land uses are consistent with the General Plan land use designation on the property.

The MU-H2 designation specifically applies to properties located in the Airport Area. It provides for a horizontal intermixing of uses that may include regional commercial office, multi-family residential, vertical mixed-use buildings, industrial, hotel rooms, and ancillary neighborhood commercial uses.

- A maximum of 2,200 residential units are permitted as replacement of existing office, retail, and/or industrial uses at a maximum density of 50 units per adjusted gross acre, of which a maximum of 550 units may be developed as infill.
- Non-residential uses are permitted according to the limits included in General Plan Table LU2: Anomaly Locations. The project site is located within Anomaly Location 2 of Statistical Area L4. Anomaly Location 2 has a development limit of 1,052,880 square feet.

Existing Zoning

The project site is zoned Koll Center Newport Planned Community Development Plan (PC-15 Koll Center). Specifically, the project site is located in Professional and Business Offices Site B of the Koll Center Newport Planned Community. The City of Newport Beach Municipal Code Section 20.35.010 states that a Planned Community (PC) District is intended to “provide for the classification and development of parcels of land as coordinated, comprehensive projects so as to take advantage of the superior environment which can result from large-scale community planning...Include various types of land uses, consistent with the General Plan, through the adoption of a development plan and text materials which set forth land use relationships and development standards.” The boundary of the existing Planned Community District (PC-15 Koll Center) includes all parcels bordered by Campus Drive to the northeast, Jamboree Road to the southeast, and MacArthur Boulevard to the southwest. PC-15 zoning permits professional and business offices, hotels and motels, retail, restaurants and entertainment, a courthouse, private clubs, and auto detailing and service stations. Site B allows professional and business offices, restaurants, and support commercial uses.

Proposed Zoning

The proposed project includes a request for an amendment to the Koll Center Newport Planned Community Development Plan (PC-15 Koll Center) text to allow for residential mixed-use development in Professional and Business Offices Site B.

Description of Proposed Project

The applicant proposes the demolition of some of the existing surface parking lots and landscape improvements to allow for the development of 260 luxury residential condominiums in three 13-story residential buildings with structured parking; 3,000 sf of ground-floor retail; a 1-acre public park; and a free-standing parking structure. Residential units are proposed as one-, two- and three-bedroom units. The units would be configured as flats ranging in size from approximately 1,240 sf to 3,160 sf with private patios/balconies. Each residence would have a semi-private access through a private lobby in each building or from a secured residents-only area of the parking garage.

Implementation of the proposed project would be phased over a four-year period with demolition and construction activities anticipated to commence in the first quarter of 2018 and construction completed in the third quarter of 2022. A free-standing parking structure would be constructed prior to the first residential building (Building 1) to replace surface parking temporarily and permanently displaced. Completion of the parking structure would be followed by Building 1, and then Buildings 2 and 3. The

project site would be graded, and foundation excavation would require the removal of approximately 107,000 cubic yards of soil in total.

	Building 1	Building 2	Building 3	Total
One-Bedroom Units	17	16	17	50
Two-Bedroom Units	60	60	60	180
Three-Bedroom Units	10	10	10	30
<i>Total Units</i>	<i>87</i>	<i>86</i>	<i>87</i>	<i>260</i>
Gross Building Area (sf)	238,890	447,237		686,127
Retail Space (sf)	1,768	1,232		3,000
Parking Garage within each Building	202,112	181,411		383,523
<i>Gross Floor Area (sf)</i>	<i>441,002</i>	<i>628,648</i>		<i>1,072,650</i>

Implementation of the project would displace approximately 819 parking spaces associated with the existing office buildings. While a portion of the spaces would be replaced as surface parking around the proposed residential buildings, other spaces would be permanently displaced for the three buildings, a one-acre public park, and free-standing parking structure.

Phase A includes the demolition of approximately 137 surface parking spaces to allow for the construction of a 490-stall parking structure. The approximately 50-foot-high parking structure would include three levels of below-ground parking and five levels of above-ground parking and roof deck parking. Valet parking is proposed for the use of office employees and visitors during the construction of the parking structure. Phase A would begin in advance of breaking ground on the remainder of the residential buildings. Grading associated with the parking structure would be approximately 24,726 cubic yards (CY) of cut with approximately 24,139 CY of export from the project site. Construction activities are anticipated to occur over an approximate 10-month timeframe.

Phase 1 includes the demolition of approximately 307 surface parking spaces to allow for the construction of the first residential building. Accessible parking spaces for the 4440 Von Karman office building and the trash enclosure would be relocated from the south side to the north side of the building, and surface parking improvements adjacent to the building would be provided.

Building 1 would be located adjacent to Birch Street and adjacent to the office building located at 4910 Birch Street within the boundaries of the project site. Building 1 includes 87 residential units with 5 levels of parking (2 levels above-grade and 3 levels of below-grade parking), and approximately 1,768 sf of retail uses on the ground level of Building 1. The parking garages within the buildings would be gated. The displaced parking would be replaced in the new free-standing parking structure and at Building 1. Construction activities are anticipated to occur over an approximate 22-month timeframe.

Phase 2 includes the demolition of approximately 243 office parking spaces to allow for the construction of Building 2 and Building 3. Building 2 would be located adjacent to and south of Building 1. Building 3 would be located southwest of Building 2. Buildings 2 and 3 include 86 and 87 residential units, respectively, 4 levels of parking (2 levels of above-grade and 2 levels of below-grade parking), and approximately 1,232 sf of retail on the ground level of Building 2. The displaced parking would be replaced with the new free-standing parking structure and Phase 1 parking garage in Building 1. Buildings 1, 2, and 3 require approximately 103,005 CY of cut with approximately 97,926 CY of export from the project site. Construction activities are anticipated to occur over an approximate 22-month timeframe.

Phase 3 includes the demolition of approximately 132 parking spaces to allow for the construction of the public park and the reconfiguration of on-site surface parking and access. The displaced parking is replaced in the new free-standing parking structure. Construction activities are anticipated to occur over an approximate 6- to 9-month timeframe.

Parking, Circulation, and Access

Parking would be provided in the new free-standing parking structure, a parking garage within Building 1, and a shared parking garage within Buildings 2 and 3. Additional parking would be provided in surface lots and along private streets. Ingress and egress into the project site, as well as the existing office buildings, would be provided from three locations on Birch Street and two locations on Von Karman Avenue.

Open Space and Landscaping

The project would include construction of a one-acre public park with dedicated parking in the location of the existing surface parking area adjacent to Birch Street. Recreational uses within the park may include a pickleball court; lawn; park plaza with picnic area; recreation area with seating; and botanical gardens.

In addition to the public park, a plaza lounge with seating and a water feature would front the retail space along the main private street through the site. An elevated “Marsh Walk” would connect existing office buildings to the northeast with the proposed residential buildings. Parking lots and sidewalks would be landscaped.

Atop the podium of each building, private open space could include a club room, pool, spa, pool deck with shower and restroom, lawn, amenity courtyard, fitness area, and bocce ball courts. Private patios/balconies would also be provided for each residential unit.

Utilities

The proposed project would connect to existing utility systems. The project site is within the service area of the Irvine Ranch Water District. The City of Newport Beach collection system serves the project site and conveys wastewater to the Orange County Sanitation District. Storm water drainage is managed by the City and the Orange County Flood Control Division of the Orange County Public Works Department. Dry utilities—Southern California Edison for electricity, Southern California Gas Company for natural gas, AT&T for telephone service, and Cox Communications for cable television and data transmission—would be extended to the new buildings.

Alternatives to the Proposed Project

CEQA Guidelines Section 15126.6(a) requires that, “an EIR describe a range of reasonable alternatives to the project, or to the location of the project, which would 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 evaluate the comparative merits of the alternatives.” The anticipated range of alternatives to be addressed for the project would include alternatives that are specifically required (i.e., No Project; No Action/No Development) by CEQA. Additional land use alternatives to be addressed could include a reduced development/reduced density alternative and a design alternative.

Anticipated Discretionary Project Approvals

City of Newport Beach discretionary actions that could be approved based on the certification of the Final EIR would include the following:

- **Planned Community Development Standards Text Amendment:** An amendment to the Koll Center Newport Planned Community Development Plan (PC-15 Koll Center) to allow for residential mixed uses in Professional and Business Offices Site B.
- **Development Agreement:** A development agreement between the applicant and the City describing development rights and public benefits for the residential development pursuant to Newport Municipal Code Section 15.45.020.A.2.a (development of 50 or more residential units).
- **Traffic Study:** A traffic study pursuant to Municipal Code Chapter 15.40 (Traffic Phasing Ordinance).
- **Site Development Review:** Site development must be in accordance with applicable Planned Community and Municipal Code development standards and regulations pursuant to Newport Municipal Code Section 20.52.80 (Site Development Reviews).
- **Tentative Tract Map:** For condominium purposes including five numbered lots for development and seven lettered lots for the public park, parking, and private streets.
- **Tentative Parcel Map:** For finance and conveyance purposes.
- **Transfer of Development Rights:** Transfer of 3,019 sf of unbuilt office/retail from Koll Center Site A to Site B.

In addition to the approvals identified above, the proposed project would be subject to other discretionary and ministerial actions by the City as part of project implementation. Additional City approvals include but are not limited to site development permits, grading permits, a Water Quality Management Plan and Stormwater Pollution Prevention Plan, use permits, sign permits, and building permits.

The proposed project would require permits and/or approvals from the following agencies:

- **Orange County Airport Land Use Commission (ALUC):** Due to the proposed amendment to the Zoning Code (amendment to the PC-15 Koll Center regulations to permit residential development), the City of Newport Beach will refer the project to the ALUC for determination of project consistency with the Airport Environs Land Use Plan (AELUP) for John Wayne Airport.
- **Federal Aviation Administration (FAA):** Based on the location of the project site and the anticipated height of the buildings, the project applicant will file Form 7460-1, Notice of Proposed Construction or Alteration, with the FAA. The FAA will use information provided in Form 7460-1 and other data to conduct an aeronautical review for the proposed Project.

Probable Environmental Effects of the Proposed Project

The proposed Project has the potential to have significant impacts on several environmental factors. Using the City of Newport Beach Environmental Checklist as a guide, at least one impact area has been identified as having a “Potential Significant Impact” in the following areas, and will be addressed in the EIR:

Aesthetics and Visual Resources	Air Quality
Biological Resources	Cultural Resources
Geology and Soils	Greenhouse Gas Emissions
Hazards and Hazardous Materials	Hydrology and Water Quality
Land Use and Planning	Noise

Population and Housing

Public Services

Recreation

Transportation and Circulation

Utility and Service Systems

The topics identified on the City's Environmental Checklist that are not required for assessment in the EIR are Agricultural and Forestry Resources, and Mineral Resources. The project site is fully developed and does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. No portion of the project site is covered by a Williamson Act Contract. The project site is not zoned for agriculture or forestry use, and it is not designated as forest land. The project site does not contain regionally or locally-important mineral resources, and there are no locally-important mineral resource recovery sites in the project site vicinity. The proposed Project would have no impact to these resources.

Anticipated Schedule

The Project schedule, as currently envisioned, anticipates a Draft EIR to be available for public review in Spring 2017. A 45-day public review period would be provided, after which responses to environmental comments received would be prepared. Public hearings before the Planning Commission and City Council are expected to start in Summer 2017.

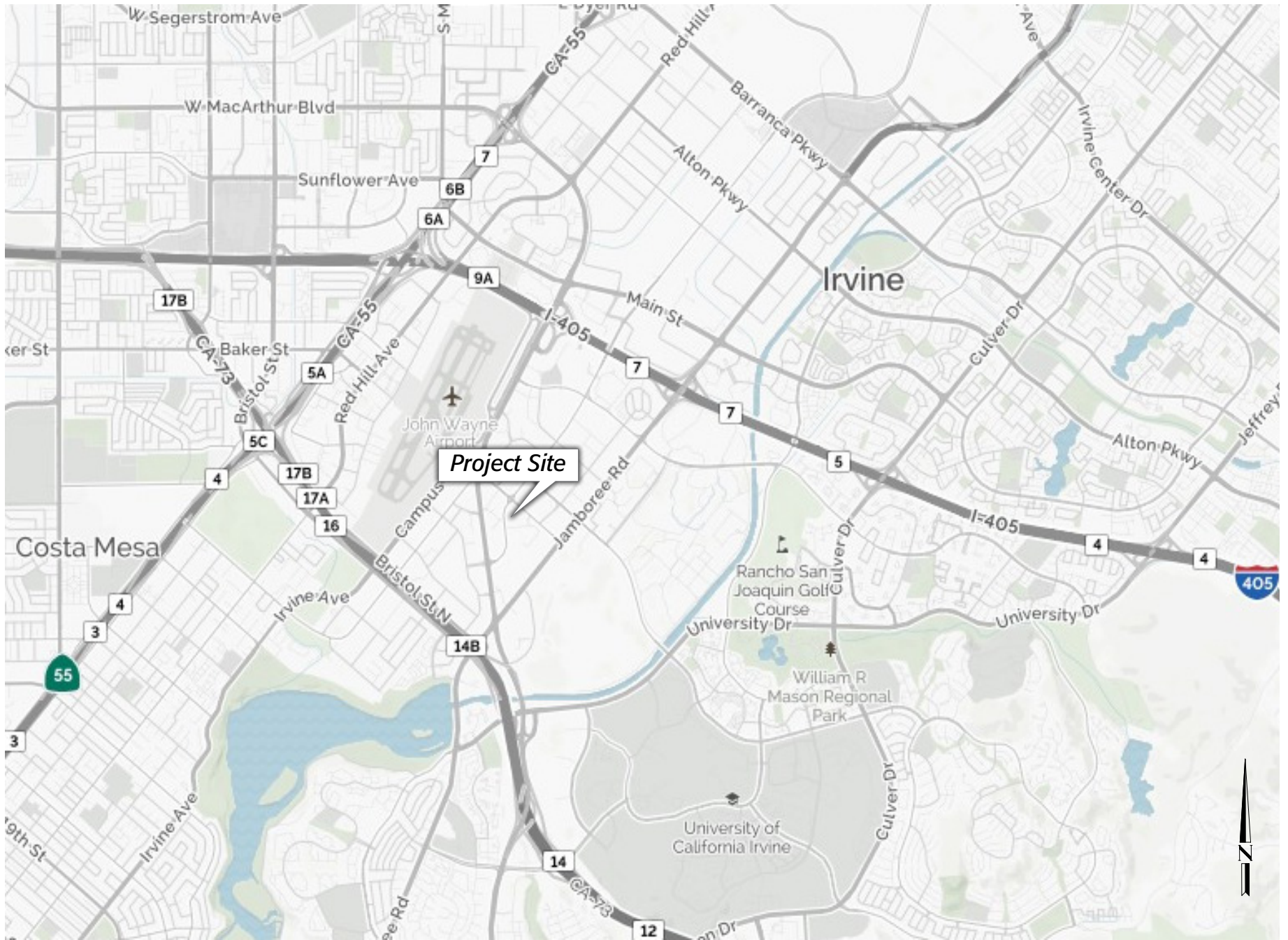


Figure 1: Regional Location



Figure 2: Project Vicinity

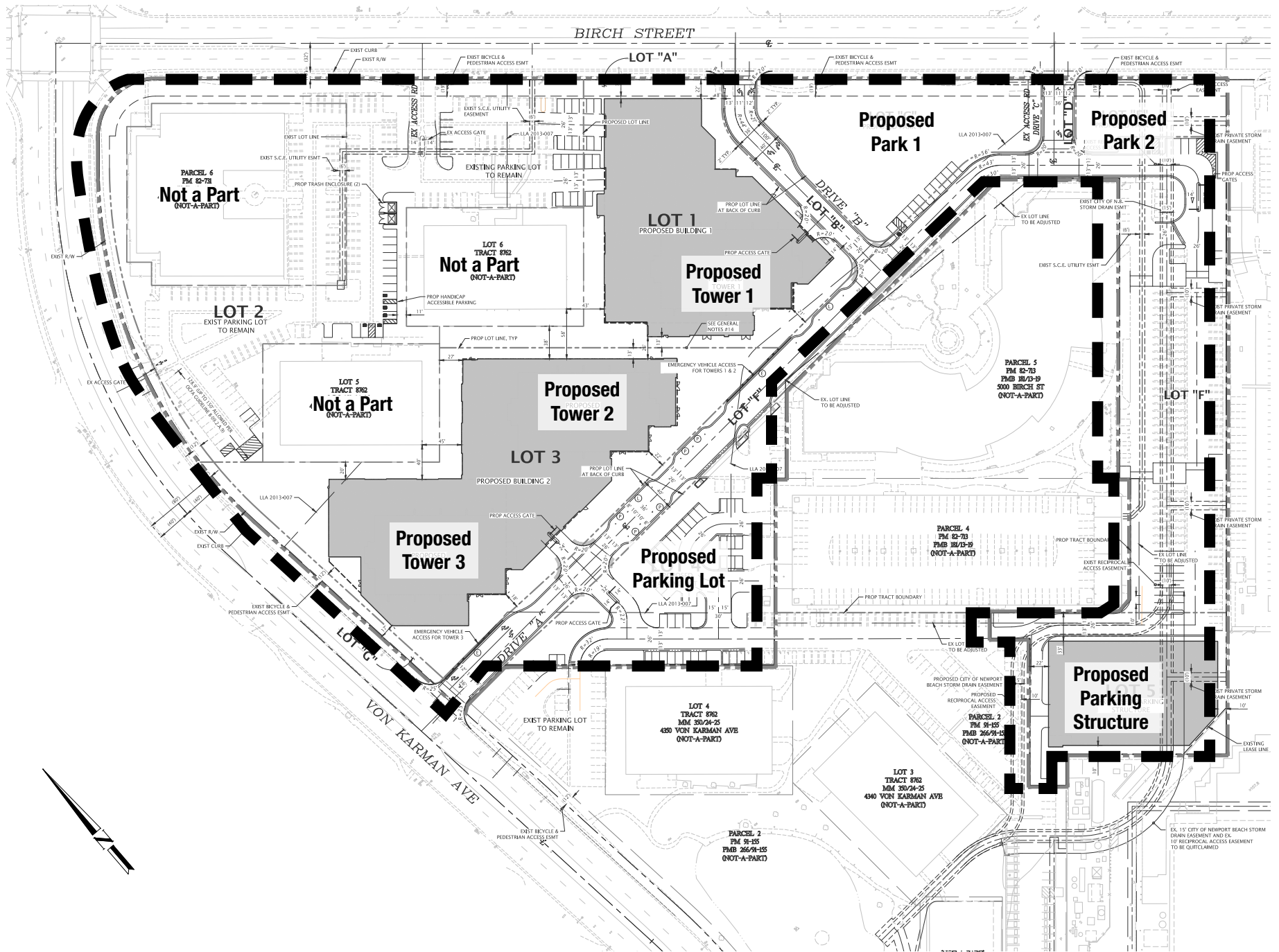


Figure 3: Conceptual Site Plan



STATE OF CALIFORNIA
 GOVERNOR'S OFFICE of PLANNING AND RESEARCH
 STATE CLEARINGHOUSE AND PLANNING UNIT



EDMUND G. BROWN JR.
 GOVERNOR

KEN ALEX
 DIRECTOR

Notice of Preparation

January 4, 2017

To: Reviewing Agencies
 Re: The Koll Center Residences (PA2015-024)
 SCH# 2017011002

RECEIVED BY
 COMMUNITY
 JAN 09 2017
 DEVELOPMENT
 CITY OF NEWPORT BEACH

Attached for your review and comment is the Notice of Preparation (NOP) for the The Koll Center Residences (PA2015-024) draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Rosalinh Ung
 City of Newport Beach
 100 Civic Center Drive
 Newport Beach, CA 92660

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
 Director, State Clearinghouse

Attachments
 cc: Lead Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2017011002
Project Title The Koll Center Residences (PA2015-024)
Lead Agency Newport Beach, City of

Type NOP Notice of Preparation

Description An EIR will be prepared for the mixed-use infill development. The project includes 260 residential condominiums, 3,000 sq. ft. of ground-floor retail uses, a 1-acre public park, a parking garage, and the reconfiguration of existing surface parking areas. To allow for the construction of the proposed project, existing surface parking areas and common landscape areas would be demolished. The three office buildings located within the boundaries of the project site are not a part of the project. The residences would be in three, 13-story towers. The three buildings would each be 150 feet in height over 2 levels of above-grade parking and 2 to 3 levels of below-grade parking. The parking garage would provide parking for surface parking displaced by project construction (temporary) and project development (permanent).

Lead Agency Contact

Name Rosalinh Ung
Agency City of Newport Beach
Phone 949-644-3208 **Fax**
email
Address 100 Civic Center Drive
City Newport Beach **State** CA **Zip** 92660

Project Location

County Orange
City Newport Beach
Region
Cross Streets Birch Street, Von Karman Ave.
Lat / Long 33° 39' 57" N / 117° 51' 35.4" W
Parcel No. 445-131-04, 29, 30

Township **Range** **Section** **Base**

Proximity to:

Highways I-405, SR-55, SR-73
Airports John Wayne Airport
Railways
Waterways Upper Newport Bay State Marine Conservation Area
Schools UC Irvine
Land Use Surface parking; Koll Center Newport Planned Community Development Plan (PC-15); Mixed Use Horizontal (MU-H2)

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Landuse; Growth Inducing; Cumulative Effects

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Wildlife, Region 5; Department of Housing and Community Development; Native American Heritage Commission; State Lands Commission; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 12; Regional Water Quality Control Board, Region 8

Date Received 01/04/2017 **Start of Review** 01/04/2017 **End of Review** 02/02/2017

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

2017011002

Project Title: The Koll Center Residences (PA2015-024)

Lead Agency: City of Newport Beach Contact Person: Rosalinh Ung, Associate Planner
Mailing Address: 100 Civic Center Drive Phone: (949) 644-3208
City: Newport Beach Zip: 92660 County: Orange

Project Location: County: Orange City/Nearest Community: Newport Beach
Cross Streets: Birch Street, Von Karman Avenue Zip Code: 92660
Longitude/Latitude (degrees, minutes and seconds): 33 039 57.0 N / 117 051 35.4 W Total Acres: 12.56
Assessor's Parcel No.: 445-131-04, -29, -30 Section: Twp.: Range: Base:
Within 2 Miles: State Hwy #: I-405, SR-55, SR-73 Waterways: Upper Newport Bay State Marine Conservation Area
Airports: John Wayne Airport Railways: Schools: UC Irvine

Document Type:

CEQA: [X] NOP [] Draft EIR NEPA: [] NOI Other: [] Joint Document
[] Early Cons [] Supplement/Subsequent EIR [] EA [] Final Document
[] Neg Dec (Prior SCH No.) [] Draft EIS [] Other:
[] Mit Neg Dec Other:

Governor's Office of Planning & Research

Local Action Type:

[] General Plan Update [] Specific Plan [X] Rezone [] Annexation
[] General Plan Amendment [] Master Plan [] Prezone [] Redevelopment
[] General Plan Element [] Planned Unit Development [] Use Permit [] Coastal Permit
[] Community Plan [X] Site Plan [X] Land Division (Subdivision, etc.) [X] Other: Dev. Agreement

JAN 04 2017

STATE CLEARINGHOUSE

Development Type:

[X] Residential: Units 260 Acres
[] Office: Sq.ft. Acres Employees
[X] Commercial: Sq.ft. 3,000 Acres Employees
[] Industrial: Sq.ft. Acres Employees
[] Educational:
[] Recreational:
[] Water Facilities: Type MGD
[] Transportation: Type
[] Mining: Mineral
[] Power: Type MW
[] Waste Treatment: Type MGD
[] Hazardous Waste: Type
[X] Other: Parking Structure

Project Issues Discussed in Document:

[X] Aesthetic/Visual [] Fiscal [X] Recreation/Parks [X] Vegetation
[] Agricultural Land [X] Flood Plain/Flooding [X] Schools/Universities [X] Water Quality
[X] Air Quality [] Forest Land/Fire Hazard [] Septic Systems [X] Water Supply/Groundwater
[X] Archeological/Historical [X] Geologic/Seismic [X] Sewer Capacity [] Wetland/Riparian
[] Biological Resources [] Minerals [X] Soil Erosion/Compaction/Grading [X] Growth Inducement
[] Coastal Zone [X] Noise [X] Solid Waste [X] Land Use
[X] Drainage/Absorption [X] Population/Housing Balance [X] Toxic/Hazardous [X] Cumulative Effects
[] Economic/Jobs [X] Public Services/Facilities [X] Traffic/Circulation [] Other:

Present Land Use/Zoning/General Plan Designation:

Surface parking; Koll Center Newport Planned Community Development Plan (PC-15); Mixed Use Horizontal (MU-H2)

Project Description: (please use a separate page if necessary)

An EIR will be prepared for the mixed-use infill development. The project includes 260 residential condominiums, 3,000 square feet (sf) of ground-floor retail uses, a 1-acre public park, a parking garage, and the reconfiguration of existing surface parking areas. To allow for the construction of the proposed project, existing surface parking areas and common landscape areas would be demolished. The three office buildings located within the boundaries of the project site are not a part of the project. The residences would be in three, 13-story towers. The three buildings would each be 150 feet in height over 2 levels of above-grade parking and 2 to 3 levels of below-grade parking. The parking garage would provide parking for surface parking displaced by project construction (temporary) and project development (permanent).

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

<input checked="" type="checkbox"/> Resources Agency Nadell Gayou	<input type="checkbox"/> Fish & Wildlife Region 1E Laurie Harnsberger	<input type="checkbox"/> OES (Office of Emergency Services) Monique Wilber	<input type="checkbox"/> Caltrans, District 8 Mark Roberts	<input type="checkbox"/> Regional Water Quality Control Board (RWQCB)
<input type="checkbox"/> Dept. of Boating & Waterways Denise Paterson	<input type="checkbox"/> Fish & Wildlife Region 2 Jeff Drognesen	<input type="checkbox"/> Native American Heritage Comm. Debbie Treadway	<input type="checkbox"/> Caltrans, District 9 Gayle Rosander	<input type="checkbox"/> RWQCB 1 Cathleen Hudson North Coast Region (1)
<input checked="" type="checkbox"/> California Coastal Commission Elizabeth A. Fuchs	<input type="checkbox"/> Fish & Wildlife Region 3 Craig Weightman	<input type="checkbox"/> Public Utilities Commission Supervisor	<input type="checkbox"/> Caltrans, District 10 Tom Durmas	<input type="checkbox"/> RWQCB 2 Environmental Document Coordinator San Francisco Bay Region (2)
<input type="checkbox"/> Colorado River Board Lisa Johansen	<input type="checkbox"/> Fish & Wildlife Region 4 Julie Vance	<input type="checkbox"/> Santa Monica Bay Restoration Guangyu Wang	<input checked="" type="checkbox"/> Caltrans, District 11 Jacob Armstrong	<input type="checkbox"/> RWQCB 3 Central Coast Region (3)
<input type="checkbox"/> Dept. of Conservation Elizabeth Carpenter	<input type="checkbox"/> Fish & Wildlife Region 5 Leslie Newton-Reed Habitat Conservation Program	<input checked="" type="checkbox"/> State Lands Commission Jennifer Deleong	<input type="checkbox"/> Caltrans, District 12 Maureen El Harake	<input type="checkbox"/> RWQCB 4 Teresa Rodgers Los Angeles Region (4)
<input type="checkbox"/> California Energy Commission Eric Knight	<input type="checkbox"/> Fish & Wildlife Region 6 Tiffany Ellis Habitat Conservation Program	<input type="checkbox"/> Tahoe Regional Planning Agency (TRPA) Cherry Jacques	<input type="checkbox"/> Cal EPA	<input type="checkbox"/> RWQCB 5 Central Valley Region (5)
<input type="checkbox"/> Cal Fire Dan Foster	<input type="checkbox"/> Fish & Wildlife Region 6 I/M Heidi Calvert. Inyo/Mono, Habitat Conservation Program	<input type="checkbox"/> Air Resources Board Airport & Freight Cathi Slaminski	<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> RWQCB 5R Central Valley Region (5) Fresno Branch Office
<input type="checkbox"/> Central Valley Flood Protection Board James Herota	<input type="checkbox"/> Dept. of Fish & Wildlife M William Paznokas Marine Region	<input type="checkbox"/> Cal State Transportation Agency CalSTA	<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> RWQCB 6 Lahontan Region (6)
<input type="checkbox"/> Office of Historic Preservation Ron Parsons	<input type="checkbox"/> Food & Agriculture Sandra Schubert Dept. of Food and Agriculture	<input type="checkbox"/> Caltrans - Division of Aeronautics Philip Crimmins	<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> RWQCB 6V Lahontan Region (6) Victorville Branch Office
<input type="checkbox"/> Dept. of Parks & Recreation Environmental Stewardship Section	<input type="checkbox"/> Dept. of General Services Public School Construction	<input type="checkbox"/> Caltrans - Planning HQ LD-IGR Terri Pencovic	<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> RWQCB 7 Colorado River Basin Region (7)
<input type="checkbox"/> California Department of Resources, Recycling & Recovery Sue O'Leary	<input type="checkbox"/> Dept. of General Services Cathy Buck/George Carollo Environmental Services Section	<input checked="" type="checkbox"/> California Highway Patrol Suzann Ikeuchi Office of Special Projects	<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> RWQCB 8 Santa Ana Region (8)
<input type="checkbox"/> S.F. Bay Conservation & Dev't. Comm. Steve Goldbeck	<input type="checkbox"/> Delta Stewardship Council Kevan Samsam	<input type="checkbox"/> Dept. of Transportation	<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> RWQCB 9 San Diego Region (9)
<input checked="" type="checkbox"/> Dept. of Water Resources Agency Nadell Gayou	<input type="checkbox"/> Housing & Comm. Dev. CEQA Coordinator Housing Policy Division	<input type="checkbox"/> Caltrans, District 1 Rex Jackman	<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> Other
<input type="checkbox"/> Fish and Game	<input type="checkbox"/> Independent Commissions, Boards	<input type="checkbox"/> Caltrans, District 2 Marcelino Gonzalez	<input type="checkbox"/> Air Resources Board	
<input type="checkbox"/> Dept. of Fish & Wildlife Scott Flint Environmental Services Division	<input type="checkbox"/> Delta Protection Commission Erik Vink	<input type="checkbox"/> Caltrans, District 3 Eric Federicks - South Susan Zanchi - North	<input type="checkbox"/> Air Resources Board	
<input type="checkbox"/> Fish & Wildlife Region 1 Curt Babcock		<input type="checkbox"/> Caltrans, District 4 Patricia Maurice	<input type="checkbox"/> Air Resources Board	
		<input type="checkbox"/> Caltrans, District 5 Larry Newland	<input type="checkbox"/> Air Resources Board	
		<input type="checkbox"/> Caltrans, District 6 Michael Navarro	<input type="checkbox"/> Air Resources Board	
		<input type="checkbox"/> Caltrans, District 7 Dianna Watson	<input type="checkbox"/> Air Resources Board	
		<input type="checkbox"/> Dept. of Toxic Substances Control CEQA Tracking Center	<input type="checkbox"/> Air Resources Board	
		<input type="checkbox"/> Department of Pesticide Regulation CEQA Coordinator	<input type="checkbox"/> Air Resources Board	

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Blvd., Suite 100
 West Sacramento, CA 95691
 Phone (916) 373-3710
 Fax (916) 373-5471
 Email: nahc@nahc.ca.gov
 Website: <http://www.nahc.ca.gov>
 Twitter: @CA_NAHC

RECEIVED Edmund G. Brown Jr., Governor

COMMUNITY



JAN 17 2017

DEVELOPMENT
CITY OF NEWPORT BEACH

January 9, 2016

Rosalinh Ung
 City of Newport Beach
 100 Civic Center Drive
 Newport Beach, CA 92660

sent via e-mail:
rung@newportbeachca.gov

RE: SCH# 2017011002; Koll Center Residences (PA2015-024) Project, Notice of Preparation for Draft Environmental Impact Report, Orange County, California

Dear Ms. Ung:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a **separate category of cultural resources**, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment (Pub. Resources Code § 21084.2). Please reference California Natural Resources Agency (2016) "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form," <http://resources.ca.gov/ceqa/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf>. Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends **lead agencies consult with all California Native American tribes** that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).

- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
 3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
 4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).
 7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).
 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).
 9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).
 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

- a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
- c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
- e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
- f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)). *This process should be documented in the Cultural Resources section of your environmental document.*

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires **local governments** to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason,

we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have been already recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.

2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subs. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

Please contact me if you need any additional information at gayle.totton@nahc.ca.gov.

Sincerely,



Gayle Totton, M.A., PhD.
Associate Governmental Program Analyst

cc: State Clearinghouse

DEPARTMENT OF TRANSPORTATION

DISTRICT 12

1750 EAST FOURTH STREET, SUITE 100

SANTA ANA, CA 92705

PHONE (657) 328-6267

FAX (657) 328-6510

TTY 711

www.dot.ca.gov

*Serious drought.
Help save water!*

February 8, 2017

Ms. Rosalinh Ung
City of Newport Beach
Community Development Dept.
100 Civic Center Drive
Newport Beach, CA 92660

File: IGR/CEQA
SCH#: 2017011002
12-ORA-2017-00409
SR-73 PM 24.687

Dear Mr. Zdeba:

The California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on Notice of Preparation (NOP) for the proposed The Koll Center Residences Project. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities of infill, conservation, and efficient development. The proposed mixed-use development includes 260 residential condominiums, 3,000 square feet of ground floor retail use, a 1-acre public park, parking structure, and reconfiguration of existing surface parking. This project is in proximity to State Route 73 (SR-73) and Interstate 405 (I-405). Caltrans is a commenting agency on this project, and has the following comments at this time:

- Please provide Transportation Impact Analysis showing potential impact and increase in Vehicle Miles Traveled (VMT) on SR-73 interchanges at Jamboree Road, MacArthur Boulevard & Birch Street. All intersection capacity analysis for Caltrans facilities should be conducted by the Highway Capacity Manual (HCM) 2010 methodology.
- There is a recent Caltrans/State emphasis toward reduction of VMT and increased transit use. Caltrans recommends that the project describe other ways to mitigate potential project impacts. Caltrans supports the concept of a local circulation system which is pedestrian, bicycle, and transit-friendly in order to enable residents to choose alternative modes of transportation. As a result, potential transit mitigation for development impacts can also be analyzed, such as improved transit accommodation through the provision of park and ride facilities, bicycle access, signal prioritization for transit, or other enhancements which can improve mobility and alleviate transportation impacts to State facilities.

Ms. Ung, City of Newport Beach
February 8, 2017
Page 2

- Any hauling of materials should not occur during A.M. and P.M. peak periods of travel on State facilities during demolition and/or construction of the proposed project. All vehicle loads should be covered so that materials do not blow over or onto the Caltrans Right-of-Way (R/W).

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Leila Carver at (657) 328-6261.

Sincerely,

A handwritten signature in black ink, appearing to read "Maureen El Harake". The signature is fluid and cursive, with the first name "Maureen" written in a smaller, more compact script than the last name "El Harake".

MAUREEN EL HARAKE
Branch Chief, Regional-Community-Transit Planning
District 12

c: OPR State Clearinghouse



January 18, 2017

Ms. Rosalinh Ung, Associate Planner
City of Newport Beach
Community Development Department
100 Civic Center Drive
Newport Beach, CA 92660

**Subject: Notice of Preparation of an Environmental Impact Report
for The Koll Center Residences located at 4400 Von Karman Avenue
in the City of Newport Beach**

Dear Ms. Ung:

City of Irvine staff reviewed the Notice of Preparation (NOP) for The Koll Center Residences located at 4400 Von Karman Avenue in Newport Beach. The project proposes the demolition of existing surface parking to provide a 260-unit residential development that includes 3,000 square feet of ground floor retail, a 1-acre public park, and a parking structure. Staff offers the following recommendations for the traffic study that will be prepared for this project:

- 1) Analyze the AM and PM peak periods as well as the average daily conditions for all study area locations.

The NOP states that the traffic study will be prepared pursuant to Municipal Code Chapter 15.40 (Traffic Phasing Ordinance) in which the thresholds established are based only on average daily trips generated by the project. The AM and PM trips should also be analyzed because of the intensified use of the property, the transfer of development rights to the project site, and its proximity to the City of Irvine.

- 2) As part of the study area, include the intersections and arterials located within the City of Irvine bounded by I-405 to the north, MacArthur to the west, and Jamboree to the east. Apply the City's IBC Vision Plan methodology and performance criteria along these arterials and intersections. To confirm the land use and network data for the traffic modeling analysis, please contact Sun-Sun Murillo, Supervising Transportation Analyst, at 949-724-626 or smurillo@cityofirvine.org.

Ms. Rosalinh Ung
January 18, 2017
Page 2

- 3) Provide an analysis of already approved projects (i.e., General Plan build-out) and a cumulative analysis that includes projects currently on file or concurrently being reviewed in each of our respective cities. To obtain the current list of projects, please contact Sun-Sun Murillo, Supervising Transportation Analyst, at 949-724-6262 or at smurillo@cityofirvine.org.

If you have any questions, you may contact me at 949-724-6364 or by email at jequina@cityofirvine.org.

Sincerely,



Justin Equina
Associate Planner

cc: Bill Jacobs, Principal Planner
Kerwin Lau, Project Development Administrator
Sun-Sun Murillo, Supervising Transportation Analyst



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

3160 Airway Avenue • Costa Mesa, California 92626 • 949.252.5170 fax: 949.252.6012

February 1, 2017

Rosalinh Ung, Associate Planner
City of Newport Beach
Community Development Department
100 Civic Center Drive
Newport Beach, CA 92660

Subject: Koll Center Residences NOP of DEIR

Dear Ms. Ung:

Thank you for the opportunity to review the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the proposed Koll Center Residential Project in the context of the Airport Land Use Commission's (ALUC) *Airport Environs Land Use Plan (AELUP) for John Wayne Airport (JWA)*. The proposed project consists of a mixed-use infill development that includes 260 residential condominiums, 3,000 square feet of ground-floor retail uses, a 1-acre public park, a parking structure, and the reconfiguration of some of the surface parking. The project is located at 4400 Von Karman Avenue in Newport Beach, California.

The proposed project is located within the Federal Aviation Regulation (FAR) Part 77 Notification Area for JWA. The NOP states that the proposed maximum height for the residential towers is 150 feet. We recommend that the project proponent utilize the Notice Criteria Tool on the Federal Aviation Administration (FAA) website <https://oeaaa.faa.gov/oeaaa/external/portal.jsp> to determine if the proposed project penetrates the notification surface and requires filing Form 7460-1 Notice of Proposed Construction or Alteration with the FAA. The results from the Notice Criteria Tool should be included in the DEIR. Additionally, if the project requires Form 7460-1 filing, the resulting FAA airspace determination should be included in the project submittal package to ALUC.

With respect to noise, the proposed project is located outside of the 60 dBA and 65 dBA CNEL noise contours for JWA and would not be subject to any special noise reduction requirements.

As noted in the NOP, a referral by the City to the ALUC may be required for this project due to the location of the proposal within an AELUP Planning Area and due to the nature of the required City approvals (i.e. Zoning Code Amendment) under PUC Section

21676(b). In this regard, please note that the Commission wants such referrals to be submitted and agendized by the ALUC staff between the Local Agency's expected Planning Commission and City Council hearings. Since the ALUC meets on the third Thursday afternoon of each month, submittals must be received in the ALUC office by the first of the month to ensure sufficient time for review, analysis, and agendizing.

Thank you again for the opportunity to comment on the NOP. Please contact Lea Choum at (949) 252-5123 or via email at lchoum@ocair.com should you have any questions related to the Airport Land Use Commission for Orange County.

Sincerely,

A handwritten signature in blue ink that reads "Kari A. Rigoni". The signature is fluid and cursive, with the first name "Kari" being the most prominent part.

Kari A. Rigoni
Executive Officer



February 2, 2017

Rosalinh Ung, Associate Planner
City of Newport Beach
Community Development Department
100 Civic Center Drive
Newport Beach, CA 92660

Re: Notice of Preparation – Koll Center Residences Environmental Impact Report


Dear Ms. Ung:

Irvine Ranch Water District (IRWD) has reviewed the Notice of Preparation (NOP) of the Environmental Impact Report (EIR) for the Koll Center Residences project in Newport Beach. IRWD offers these comments on the NOP.

The NOP correctly indicates that the proposed project will be within IRWD's service area and that IRWD would be responsible for providing potable water to the site. While the 2008 Irvine Business Complex Sub-Area Master Plan (SAMP) included the City's 2,200 residential units in this general vicinity, this specific development was not identified. Prior to development plan submittal and approval, the developer shall coordinate with IRWD to develop a technical memorandum or SAMP addendum, identifying potential impacts to the potable, recycled, and sewer systems from this project.

IRWD appreciates the opportunity to review the NOP for the Koll Center Residences EIR. IRWD looks forward to reviewing the DEIR when it is available for public review. If you have any questions or require additional information, please contact the undersigned or JoAnn Corey, Engineering Technician III at (949) 453-5326.

Sincerely,


Fiona M. Sanchez
Director of Water Resources

cc: Eric Akioyshi, IRWD
Jo Ann Corey, IRWD



AFFILIATED AGENCIES

Orange County
Transit District

Local Transportation
Authority

Service Authority for
Freeway Emergencies

Consolidated Transportation
Service Agency

Congestion Management
Agency

Service Authority for
Abandoned Vehicles

February 1, 2017

Ms. Rosalinh Ung, Associate Planner
Community Development Department
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

Subject: The Koll Center Residences Notice of Preparation

Dear Ms. Ung:

Thank you for providing the Orange County Transportation Authority (OCTA) with the Notice of Preparation of an Environmental Impact Report for the Koll Center Residences. The following comment is provided for your consideration:

- As noted on Figure 5-1 in the City of Newport Beach Bicycle Master Plan (October 2014), Class II on-street bikeways are planned on both Birch Street and Von Karman Avenue adjacent to the proposed project. Please ensure the proposed project is consistent with adopted local policies regarding accommodation of active transportation facilities.

Throughout the development of this project, we encourage communication with OCTA on any matters discussed herein. If you have any questions or comments, please contact me at (714) 560-5907 or at dphu@octa.net.

Sincerely,

Dan Phu
Manager, Environmental Programs



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

February 2, 2017

RUng@newportbeachca.gov

Rosalinh Ung, Associate Planner
City of Newport Beach, Community Development Department
100 Civic Center Drive
Newport Beach, California 92660

Notice of Preparation of a CEQA Document for the Koll Center Residences Project

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The SCAQMD staff's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the Draft EIR. Please send the SCAQMD a copy of the Draft EIR upon its completion. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to the SCAQMD. Please forward a copy of the Draft EIR directly to SCAQMD at the address in our letterhead. **In addition, please send with the Draft EIR all appendices or technical documents related to the air quality and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files. These include original emission calculation spreadsheets and modeling files (not Adobe PDF files). Without all files and supporting air quality documentation, the SCAQMD will be unable to complete its review of the air quality analysis in a timely manner. Any delays in providing all supporting air quality documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the lead agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. More recent guidance developed since this Handbook was published is also available on SCAQMD's website here: [http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-\(1993\)](http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-(1993)). SCAQMD staff also recommends that the Lead agency use the CalEEMod land use emissions software. This software has recently been updated to incorporate up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and replaces the now outdated URBEMIS. This model is available free of charge at: www.caleemod.com.

The lead agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, that is, sources that generate or attract vehicular trips should be included in the analysis.

The SCAQMD has also developed both regional and localized significance thresholds. The SCAQMD staff requests that the lead agency quantify criteria pollutant emissions and compare the results to the recommended regional significance thresholds found here: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>. In addition to analyzing regional air quality impacts, the SCAQMD staff recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LSTs can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a Draft EIR document. Therefore, when preparing the air quality analysis for the proposed project, it is recommended that the lead agency perform a localized analysis by either using the LSTs developed by the SCAQMD or performing dispersion modeling as necessary. Guidance for

performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

In the event that the proposed project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the lead agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment (“*Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*”) can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>. An analysis of all toxic air contaminant impacts due to the use of equipment potentially generating such air pollutants should also be included.

In addition, guidance on siting incompatible land uses (such as placing homes near freeways) can be found in the California Air Resources Board’s *Air Quality and Land Use Handbook: A Community Perspective*, which can be found at the following internet address: <http://www.arb.ca.gov/ch/handbook.pdf>. CARB’s Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process.

Finally, should the proposed project include equipment that generates or controls air contaminants, a permit may be required and the SCAQMD should be listed as a responsible agency and consulted. The assumptions in the submitted Draft EIR would also be the basis for permit conditions and limits. Permit questions can be directed to the SCAQMD Permit Services staff at (909) 396-3385, who can provide further assistance.

Mitigation Measures

In the event that the project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate these impacts. Pursuant to CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed. Mitigation Measure resources are available on the SCAQMD CEQA Air Quality Handbook website: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook>

Data Sources

SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD’s Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the SCAQMD’s webpage (<http://www.aqmd.gov>).

The SCAQMD staff is available to work with the lead agency to ensure that project emissions are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me by e-mail at lsun@aqmd.gov or by phone at (909) 396-3308.

Sincerely,

Lijin Sun

Lijin Sun, J.D.
Program Supervisor
Planning, Rule Development & Area Sources

Brodkin, Ashley

From: Privitt, Dana
Sent: Thursday, January 19, 2017 8:52 AM
To: Brodkin, Ashley
Subject: FW: Koll Center Residences: Draft Environmental Impact Report.

[Follow up comments from Scoping meeting.](#)

From: Philip Bettencourt [mailto:philip@bettencourtplans.com]
Sent: Thursday, January 19, 2017 7:37 AM
To: rung@newportbeachca.gov
Cc: P. Bettencourt <philip@bettencourtplans.com>; Privitt, Dana <dana.privitt@kimley-horn.com>
Subject: Koll Center Residences: Draft Environmental Impact Report.

Rosalinh and colleagues, I appreciated the opportunity to hear last night's public scoping session evaluation and comments/questions for the subject DEIR preparation.

Would you please consider addressing these matters in your draft report (By the way, I am writing as an independent planning professional.):

1. Is there any reason to believe that this entitlement event will trigger any of the thresholds in the so-called Greenlight ordinance and require any sort of public vote? (Folks always ask, as you would imagine.)
2. What is the definition of an "adjusted gross acre" in the MU-H2 development standard?
3. The applicant is not named in the Notice of Preparation other than as "Applicant"
4. Is this application consistent with the private CC&Rs mentioned at last evening's meeting, or is some sort of validation election or approval required by other burdened property owners in the neighborhood?
5. Would the environmental evaluation be somehow different if the Applicant proposal was, for instance, for luxury rentals instead of ownership buildings? Are there, in fact, any regulations would prevent the buildings from being converted to rentals?
6. Is the proposed phasing a business and/or logistics driven phasing or is there some sort of regulatory mandate when phases must – or should - be completed to fulfill environmental impact assumptions?
7. I take it there is no Inclusionary Housing mandate in play here

8. Is the Applicant seeking any waiver of Local Park Code standards because of planned on-site facilities/amenities?
9. What are the assumed proximity limits for remote parking to qualify as meeting the Code mandates for parking?
10. Is it anticipated that there will be a graphic modeling of the reduced development/reduced density Alternative?
11. To the extent that a Development Agreement is proposed – or is, in fact, mandated – will you address Development Agreement exactions as a potential vehicle for any mitigation measure fulfillment?
12. Does this application “consume” any of the entitlement that eligible Newport Place PC properties could apply for, or are those possible projects independent of what may take place here?
13. Finally, with regard to Cumulative Impacts will this document address the theoretical form, location and circulation requirements for a project or project that would consume the balance of the available unit entitlements?.

Thank you so much.

Philip F. & Meredith Bettencourt

Real Estate Development Planning & Stewardship

14 Corporate Plaza, S. 120

Newport Beach, Calif. 92660

949-720-0970



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MEYER PROPERTIES

4320 VON KARMAN • NEWPORT BEACH, CALIFORNIA 92660
(949) 862-0500 • FAX (949) 862-0515

February 2, 2017

Ms. Rosalinh Ung
Associate Planner
Community Development
City of Newport Beach
100 Civic Center Dr.
Newport Beach, CA 92660

Re: Koll Center Residences (PA2015-024)

Dear Ms. Ung:

The purpose of this letter is to address the EIR prepared for the proposed Koll Center Residences development.

Upon reading the comments of those who have previously commented on this proposed project, I found no comments that we are not in agreement with. In this regard, we affirm the comments you have previously received.

Succinctly, we feel approving the development as proposed is a violation of the General Plan Land Use Element and Koll Center Newport CC&Rs, it will drastically change the nature of the office campus environment which has been a part of Koll Center Newport for more than three decades and it will diminish the value of numerous properties that surround or are in close proximity to the development.

Regrettably, the Cities of Newport Beach and Irvine have and continue to approve projects that cause this community to look more and more like Los Angeles, something I'm confident most residents do not want to happen.

Sincerely,
Meyer Properties



James B. Hasty
Senior Vice President

February 2, 2017

40136.00001

VIA E-MAIL AND U.S. MAIL

Rosalinh Ung, Associate Planner
City of Newport Beach, Community Development Department
100 Civic Center Drive
Newport Beach, California 92660
rung@newportbeachca.gov

*Re: Response to Notice of Preparation ("NOP") Re: Koll Center Residences Project
(PA2015-024)*

Dear Ms. Ung:

We represent COMAC America Corporation ("COMAC"), owner of real property located at 4350 Von Karman Avenue, Newport Beach, California 92660 ("Property"). The Property is located in the Koll Center Newport ("Center"), a planned business development within the City. Development and uses of property within the Center are governed by a comprehensive "Declaration of Covenants, Conditions and Restrictions" dated July 18, 1973, as amended ("CC&Rs"). The CC&Rs were intended to provide for a planned and integrated development consisting of professional and business office uses - - not residential uses.

The proposed Koll Center Residences Project (PA2015-024) ("Project"), consisting of three 13-story residential buildings and parking structure, violates the CC&Rs in multiple respects. Under the CC&Rs, residential land uses are not permitted within the Center. The proposed Project is entirely inconsistent with the CC&Rs and surrounding business and office uses.

The following are our specific comments in response to the NOP and items that must be addressed in the Project Environmental Impact Report ("EIR"):

Justification of the Project and Project Description

The public, through the EIR process, deserves an honest and reasonable explanation of the justification for this Project. The Project will undoubtedly result in residential growth that will harm already established businesses and property owners in the immediate area, including COMAC. The Project materially conflicts with the surrounding character of established professional/office enterprises and ownerships. The EIR must therefore discuss and evaluate any potential indirect socio/economic impacts that could affect the physical environment. (See

Rosalinh Ung, Associate Planner
City of Newport Beach, Community Development Department
February 2, 2017
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CEQA Guidelines, § 15131.) More specifically, the EIR must evaluate the Project's potential to economically harm existing business enterprises and commercial uses within the Center. Likewise, the EIR must evaluate whether the Project could potentially drive down property values and result in a blighting condition.

The EIR must include a comprehensive, accurate and consistent Project description. In this regard, the Project description must include all foreseeable phases or components of the Project. We understand the construction of the Project will be phased over time, with parking being relocated repeatedly during the course of construction. These impacts must be satisfactorily addressed.

Alternatives

The EIR must also identify and discuss feasible alternatives that could potentially avoid or substantially lessen the Project's significant adverse environmental impacts. (*See* Pub. Res. Code, §§ 21002, 21100 and 21150.) The EIR must identify alternatives that could feasibly achieve the basic objectives of the Project, while reducing or avoiding some or all of the adverse significant impacts. (CEQA Guidelines, § 15126.6(a).) The EIR must explain how Project alternatives were selected for analysis and, if any alternatives were rejected as infeasible, the EIR must explain why they were rejected. Similarly, the EIR must discuss a "no project" alternative to compare the environmental impacts of approving the Project with the impacts of not approving it. (CEQA Guidelines, §15126.6(e)(1).)

As described below, this Project will undoubtedly result in a number of significant adverse environmental impacts. The EIR must therefore evaluate a reasonable range of feasible alternatives, including the "no project" alternative that would avoid or reduce those impacts.

Baseline

The baseline for the environmental analysis must be based on the existing conditions. Pursuant to Guidelines Section 15125(a), an EIR must include a description of the physical environmental conditions in the vicinity of the Project as they exist at the time the NOP is published (environmental analysis is commenced), from both a local and regional perspective.

Aesthetics

The EIR must evaluate the proposed Project's degradation of the existing visual character/quality of the Center and its surroundings. The proposed Project will substantially and irreversibly alter the visual character of the Center by adding a number of new residential buildings and parking structure. The impacts of this proposed development must be carefully

Rosalinh Ung, Associate Planner
City of Newport Beach, Community Development Department
February 2, 2017
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evaluated, including the potential for shade/shadow impacts from the proposed buildings onto existing buildings.

The proposed Project must evaluate light and glare impacts due to the construction of new residential buildings and parking structure. The significant light and glare impacts, *e.g.*, security lighting, building illumination, construction lighting, *etc.*, must be evaluated in the EIR.

Air Quality

The potential for localized and regional air quality impacts during construction must be evaluated in the EIR. Construction activities will generate exhaust from construction equipment, worker vehicle trips, demolition and ground-disturbing activities, all of which must be thoroughly analyzed in the EIR. The SCAQMD's regional and localized significance thresholds for construction must be used as part of this analysis.

Moreover, pursuant to the latest Office of Environmental Health Hazard Assessment's guidance for the preparation of health risk assessment ("HRA"), a HRA must be provided, fully evaluating the potential health risks associated with the construction (diesel exhaust) of the proposed Project as construction activities will last longer than two months.

The potential for localized and regional air quality impacts during operation of the fully developed Project must also be evaluated in the EIR. The Project has the potential to generate substantial emissions associated with increased vehicle and truck trips. The SCAQMD's regional and localized significance thresholds for operation of the Project must be used.

Hazards

The Project site is located adjacent to John Wayne Airport and is within the JWA Impact Zone. The potential hazards related to building height and airport hazards must be evaluated.

Hydrology and Water Quality

The proposed Project could have significant impacts to hydrology and water quality associated with construction activities and stormwater runoff. In addition, hydrology and drainage studies must be completed to determine the potential surface water runoff and storm drainage impacts and related mitigation measures. These potential impacts must be evaluated in the EIR.

Rosalinh Ung, Associate Planner
City of Newport Beach, Community Development Department
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The increase in water demand associated with construction and long-term operation of the proposed Project must be evaluated in the EIR, especially in light of the City of Newport Beach's level two mandatory drought requirements (NBMC 14.16.070), requiring water customers to reduce their water usage by 15% compared to 2013 water usage.

Land Use and Planning

As explained above, the proposed Project will establish residential units within an existing commercial development, creating land use conflicts in the Center that do not currently exist. The EIR must evaluate these land use conflicts. Similarly, the EIR must evaluate the potential for the proposed Project to conflict with the existing CC&Rs, zoning and General Plan designations for the proposed Project and properties within and adjacent to the proposed Project site. In addition, the EIR must evaluate the potential Project impacts on other local plans including the Airport Environs Land Use Plan for John Wayne Airport.

Noise

The EIR must evaluate the potential for noise and groundborne vibration during both construction and long-term operation of the Project. The significant noise impacts on existing office buildings during construction activities must be thoroughly considered and evaluated in the EIR. In addition, the increase noise due to increase traffic and residential activity must be evaluated.

Population and Housing

The proposed Project will induce population growth into the John Wayne area. The potential impacts associated with this population growth must be carefully analyzed in the EIR.

Public Services/Recreation

The proposed Project will increase demand for fire, police, schools, and other public facilities, including recreational facilities due to the increased residential population into the area. These impacts must be evaluated in the EIR.

Transportation/Traffic

The proposed Project would substantially increase traffic impacts in the vicinity of John Wayne Airport and will undoubtedly generate additional traffic impacts. These impacts and conflicts must be evaluated in the EIR. Further, the increased traffic could conflict with the existing congestion management plan and other applicable plans and traffic ordinances. These

Rosalinh Ung, Associate Planner
City of Newport Beach, Community Development Department
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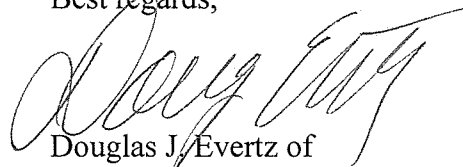
potential traffic impacts must be evaluated in the EIR. Pursuant to Guidelines Section §15064.3(a), vehicle miles traveled is the most appropriate measure of a project's potential transportation impacts and must be used as the metric to determine significant traffic impacts. Level of Service at local intersections must also be provided in the EIR to determine the potential for additional traffic delays, beyond existing levels.

Cumulative Impacts

There are numerous projects in the area that are currently underway or proposed adjacent to or near the proposed Project, including Uptown Newport, the proposed Federal Aviation Administration project called NextGen, the Residences at Newport Place (located west of MacArthur), and a number of projects either proposed or under construction within the adjacent City of Irvine on Jamboree. The potential impacts of all of these past, present and reasonably foreseeable future projects must be evaluated along with the proposed Project, including impacts on: aesthetics; air quality and related health impacts; GHG emissions; hazards; land use; noise; traffic; and any other applicable resource category.

In summary, the proposed Project is entirely inconsistent with established and carefully developed business/office oriented uses within the Center. COMAC and other owners have made substantial investments in their properties - - investments that will be significantly and irreversibly damaged by converting the area to a new high density residential development. We ask that the City carefully evaluate the need for and utility of the Project.

Best regards,

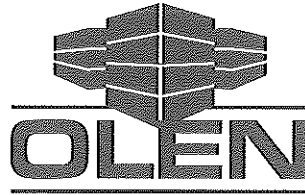


Douglas J. Evertz of
MURPHY & EVERTZ LLP

DJE/ssp

January 19, 2017

City of Newport Beach
ATTN: Rosalinh Ung
100 Civic Center Drive
Newport Beach, CA 92660



Re: The Koll Center Residences (PA2015-024)
Request for CEQA Notices – (Public Resources Code, § 21092.2)

Dear Ms. Ung:

This letter is to request that the City of Newport Beach provide Olen Properties with copies of CEQA notices issued for the above-referenced project. This request is filed pursuant to Public Resources Code § 21092.2. The requested notices should be mailed to the following address:

Julie A. Ault, Esq.
Olen Properties
Seven Corporate Plaza
Newport Beach, CA 92660

And, if an electronic distribution list is being used, please email said notices to JAult@olenproperties.com.

Finally, pursuant to the Public Records Act (Government Code § 6250 et seq.), I am requesting that the City of Newport Beach make available in digital format for the PowerPoint shown at the Public Scoping meeting last night. I remind you that Government Code § 6257 requires release of all reasonably segregable portions of the requested records which are not themselves exempt from mandatory disclosure. Pursuant to the Public Records Act, you are required to respond to this request within ten (10) days. (Government Code § 6256). The PowerPoint can be emailed to: JAult@olenproperties.com

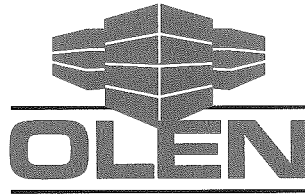
If you have any questions, please call (949) 719-7212.

Thank you,


Julie A. Ault
General Counsel

Cc: I. Olenicoff
D. Lyon
D. Ostensen

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January 31, 2017

City of Newport Beach
ATTN: Rosalinh Ung
100 Civic Center Drive
Newport Beach, CA 92660

Re: Comments on the Notice of Preparation for the Koll Center Residences (PA2015-024)

Dear Ms. Ung:

This letter provides comments and suggestions regarding the scope and content of the Environmental Impact Report (EIR) and environmental issues and alternatives to be addressed for the proposed Koll Center Residences (PA2015-024).

Olen Properties has been in the commercial and residential real estate development and management business in Orange County for over forty years and has made Newport Beach its headquarters for nearly 20 years. By way of background, Olen Properties owns the building located at 4910 Birch Street, one of the many long-term commercial owners within Koll Center Newport. Our single tenant is Monex Precious Metals, which utilizes the entire building to operate as a precious metals dealer. Monex has been a tenant since 1997 and their lease will expire during the construction of the project. Our primary concern about this project focuses on the impacts to our existing tenant, future economic impacts to neighboring buildings, land use planning impacts, and several other issues.

After careful review of the publicly available information related to the project and policy documents available through the City of Newport Beach's website, Olen Properties offers the following substantive comments:

1. **General Plan Consistency.** It is understood that this project will be analyzed in relationship to the existing Newport Beach General Plan. During that consistency analysis, we request that the EIR Consultants (Kimley Horn) look specifically at the project's alignment with Existing Uses/Districts and at the following sections and/or policies:
 - Land Use 3.2
 - Land Use 4.3 and its applicability to the alternatives analysis
 - Land Use 5.3 (most specifically 5.3.1, 5.3.4, and 5.3.6)
 - Land Use 5.6 (most specifically 5.6.1, 5.6.2, and 5.6.3)
 - Land Use 6.2 (most specifically 6.2.1, 6.2.3, and 6.2.5)
 - Land Use 6.15 (most specifically 6.15.1, 6.15.3, 6.15.5, 6.15.7, 6.15.10, 6.15.22, and 6.15.23)
 - Natural Resources 1.1, 1.2, 1.5, 4.1, 6.1, 6.2, 6.3, 6.4, 20.2, 21.1, and 24.2)

- Noise 1.1, 1.4, and 5.1
2. **Considerations for Aesthetics.** We submit the following items for review and impact analysis in the EIR.
 - Is the project consistent with the existing community design?
 - How will the project change the visual character of this area?
 - How will the extensive proposed tree removal from the existing Koll Center Newport Beach common area impact aesthetics?
 - The towers would remove a large portion of landscaped common area open space that is spread throughout the site to serve the multiple commercial buildings that pay for and utilize these open space areas. The proposed project would replace that landscaped open space with open space located solely on the far north side of the site. With open space on one side of the project instead of spread throughout it, how will overall site aesthetics be impacted?
 - What visual buffers will be included to reduce the light pollution from the planned parking structures?
 - How will the night lighting from the project impact existing businesses?
 - The visual simulations from this project only provide perspective looking north. It appears there are no impacts from this angle and that's because the proposed projects tower over the existing buildings. The project should analyze the visual impacts from all directions especially from the south where existing businesses exist. Visual impacts should include sight lines, shading, density, proximity to existing structures, landscaping, visibility of increased traffic associated with towers and other factors.
 3. **Considerations for Air Quality.** We submit the following items for review and impact analysis in the EIR.
 - The project should complete a Greenhouse Gas Inventory.
 - Has the South Coast Air Quality Management Plan been met? If not, why not?
 - The project should analyze the emissions from NO_x, PM₁₀, and PM₂₅.
 - Is the project CO₂ neutral? If not, why not?
 - What are the dust/diesel impacts during the four years of construction?
 - Will the project include a health risk assessment? And if so, what are the acute/chronic impacts? If not, why not?
 - Does this project meet the vehicle miles traveled reduction targets set forth by the California Air Resource Control Board from SB 375 for the Southern California Association of Governments (SCAG)? If not, why not?
 - How does this project reduce Greenhouse Gases to align with the mandates of AB 32? If not, why not?
 - How will the removal of the existing trees impact carbon sequestration on-site and for the City overall? Will these trees be replaced, where, and at what ratio?
 4. **Considerations for Hydrology & Water Quality.** We submit the following items for review and impact analysis in the EIR.
 - How will the project comply with the existing Irvine Ranch Water District's Level 1 Water Shortage now and in the future? If not, why not?
 - Is there an option for a reclaimed water system? If not, why not?

- Will the project complete a Runoff Management Plan? If not, why not?
 - Will the project be considered a Low Impact Development? If not, why not?
 - Is the project water neutral? If not, why not?
 - What are the potential impacts to the adjacent UCI ecological preserve area?
5. **Considerations for Land Use and Planning.** We submit the following items for review and impact analysis in the EIR.
- What sustainable planning measures does this project include?
 - Does this project align with the 2016 SCAG Sustainable Communities Strategy? If not, why not?
 - What is the walkability of the project?
 - Because a density transfer is already being sought by the applicant, can the project be redesigned to reduce the number of buildings and therefore units to another area of the City?
 - How does this project align with the existing zoning?
 - What is the distance to basic community amenities, such as schools and grocery stores?
 - Will the project be pre-wired/plumbed for solar? If not, why not?
 - Does the project align with the Conditions of Approval by the City of Newport Beach for the approval of Tract 7953?
 - Are three 13-story towers compatible with the existing, predominantly low-rise commercial area that surrounds the project? What are the impacts associated with such a high-density use in this lesser-density commercial area?
 - While the project applicant lists 4910 Birch, 4430 and 4490 Von Karman as “Not A Part” of project, the reality is those sites were a part of the original Tract 7953 and should be considered within the project’s impact zone for their potentially significant impacts from the proposal.
 - What are the growth inducing impacts of the project?
 - Due to the project’s close proximity to the City of Irvine, what are the potential impacts to the City of Irvine’s existing Land Use and Planning documents, including land use density, traffic and environmental resources?
6. **Considerations for Noise.** We submit the following items for review and impact analysis in the EIR.
- What are the existing on-site noise levels? How do they compare to the anticipated project construction period?
 - Has the project met the community noise level standards in the General Plan?
 - What is the impact from noise generated during construction and how will it impact existing businesses?
 - Have the sensitive receptors been identified?
 - What is the noise generated from daily operations?
 - What is the noise impact from proposed residential use on existing business uses?
7. **Considerations for Population and Housing.** We submit the following items for review and impact analysis in the EIR.
- What is the additional impact (student enrollment, building capacity, etc.) for the Newport Mesa Unified School District?

- What is the additional impact to community centers, recreational facilities, and parks if this project is built?
 - How does this proposed project meet the Regional Housing Needs Assessment (RHNA) for Newport Beach?
 - Does this project improve the jobs and housing imbalance? If not, why not?
8. **Considerations for Public Services.** We submit the following items for review and impact analysis in the EIR.
- Will the response times for emergency services be impacted? If so, how will it be mitigated?
 - What in-lieu fees will the City be collecting?
9. **Considerations for Utilities.** We submit the following items for review and impact analysis in the EIR.
- How does this project align with the City of Newport Beach's Energy Action Plan?
 - Will the project utilities, including electric lines, be undergrounded? If not, why not?
 - What upgrades to the sewer and/or water/wastewater lines be included?
 - Are there opportunities for renewable power? If not, why not?
 - How will the height of this project impact the neighboring buildings' ability to get solar?
 - How will the height of this project impact the neighboring buildings' utility bills/expenses/needs since at least two of the existing buildings will be in the project's shadow?
10. **Considerations for Transportation and Traffic.** We submit the following items for review and impact analysis in the EIR.
- How will this project change the level of service, load, and capacity for existing roads?
 - Will additional traffic signals be required?
 - What traffic calming measures will be included on Drive "A" to reduce impacts and speeding?
 - Will sidewalks be included along Drive "A" to improve pedestrian safety?
 - How will the project improve safety along the pathway to the parking area by 4340 Von Karman?
 - What pedestrian, pet, and bike friendly amenities will be included in the project?
 - How is the line of sight leaving the Towers and project site?
 - How does this project reduce the use of vehicular transportation?
 - Is this project considered a Transit Oriented Development?
 - This project removes 819 parking spaces associated with the existing office buildings, how will removal impact existing uses both permanently and temporarily? As previously noted, the existing City approvals (parking, circulation, etc.) for these existing office buildings would be significantly affected by the proposed towers and thus the existing buildings should be considered part of the project.

- The proposed location of the new parking structure, which would in part replace surface parking for the existing buildings, would impose a substantial burden on existing office tenants who would be required to walk a considerable distance from their workplace. All potential impacts from the proposed parking plan and structure, including to adjacent office properties, should be analyzed.
- The current project proposal provides insufficient detail regarding the parking plan for replacing the 819 existing surface parking spaces for the existing office buildings. Which spaces would be reallocated to the residential tower parking areas and which spaces would be reallocated to the distant parking structure?
- The project includes multiple gates, but no clear pathway for existing office tenants to get from the proposed parking structure to 4910 Birch, 4430 and 4490 Von Karman. How will this be resolved?
- The project will create an “at grade/underground” parking lot adjacent to 4910 Birch Street. With the close proximity to the existing building what impacts are expected and, more importantly how will they be analyzed?
- What pedestrian friendly upgrades will occur in existing at grade parking areas for improved safety and functionality?
- What pedestrian pathways will be incorporated to ensure existing businesses can easily reach their building?
- How will ingress/egress into the Center be impacted during and after construction?
- What are the specific details and associated potential impacts of proposed temporary parking arrangements during construction? Inclement weather, distance from workplace, aesthetics, and all other potential impacts should be considered.
- What type of during or after hours security will be available in the parking structures?
- How will the entry be controlled in the parking structure to reduce non-business uses?
- Where will business-related visitor or delivery parking be located? How will it be made available if employees park in the “at grade/underground” parking near 4910 Birch Street?
- How does the entry into this “at grade/underground” parking impact traffic on Birch Street?

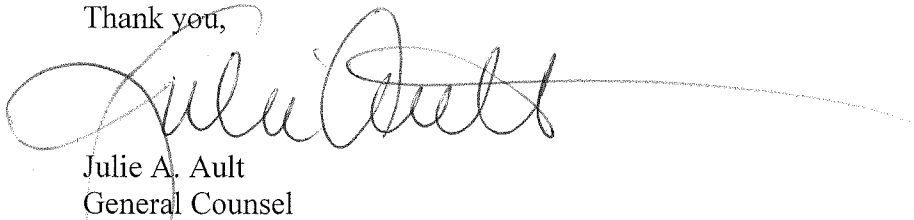
11. **Request for an Economic Analysis.** We believe this project should be required to do an Economical Analysis because of its possible and likely negative impacts to existing businesses. For example, the tenant in 4910 Birch Street only has a few years remaining on its lease. The extensive magnitude and duration of the proposed construction would cause serious problems for renewing this tenant, thereby creating substantial economic impacts to the landlord. Similar situations likely exist for all adjacent commercial properties and their tenant/landlord economic relationships. Furthermore, after construction of the parking structure, the distance existing tenants/employees are being asked to walk, should they not be able to use the “at-grade/underground” parking near 4910 Birch Street, is approaching a third of a mile, when existing parking is within steps of the buildings. Therefore, how would this project impact the buildings’ lease marketability and associated economic viability? How would it affect the quality of the

employment environment for the large number of tenants and employees in the existing surrounding buildings? Koll Center Newport was developed and has remained for forty years as strictly a commercial center. How will the introduction of residential in the middle of a purely business center be harmonious with existing uses? How will the significant increases in after-hours use of the site be adequately patrolled for the security of adjacent properties and businesses? This project removes a large portion of the existing common area for Koll Center Newport owners' use and enjoyment and this too should be considered as part of the impact analysis. How will the project impact this area as a desirable place to do business and run a business?

12. **Consideration for An Alternatives Analysis.** We believe the impacts to the existing businesses will be considerable. What alternative building locations on or off-site can be included in the Alternatives Analysis that aren't shown in the proposed project layout? For example, can the location of the parking structure be modified or switched with one of the Towers to increase parking for the existing buildings? Can the height of the Towers be reduced to not have such a substantial shading effect on the existing buildings? Can the number of buildings be reduced to lessen the impact on existing buildings and the entire business center? Given the applicant's recent purchase of 4440 Von Karman, can that site be utilized for the applicant's residential plan in lieu of adding additional structures within the commercial common area of Koll Center Newport?

Thank you for allowing us to provide comments on the proposed Koll Center Residences. If you have any questions, please call 949-719-7212.

Thank you,



Julie A. Ault
General Counsel

Cc: I. Olenicoff
D. Lyon
D. Ostensen



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OFFICERS

February 1, 2017

PRESIDENT

Marko Popovich

City of Newport Beach
Rosalinh Ung, Associate Planner
Community Development Department
100 Civic Center Drive
Newport Beach, CA 92660

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Dorothy Kraus

TREASURER

Dennis Baker

Sent via Email

SECRETARY

Allan Beek

Subject: Koll Center Residences – Comments on NOP

Please see the following comments from SPON regarding the Notice of Preparation for the Koll Center Residences.

BOARD MEMBERS

Nancy Alston
Bruce Bartram
Don Harvey
Donald Krotee
Andrea Lingle
Elaine Linhoff
Bobby Lovell
Jennifer McDonald
Jeanne Price
Melinda Seely
Jack Skinner
Nancy Skinner
Jean Watt
Portia Weiss
Terry Welsh

Our comments derive from three considerations:

1. The change in character of the airport area neighborhood that is occurring with the redevelopment and inclusion of dense apartment housing. This raises the specter in the minds of those in Newport Beach who have felt that the more open character of Koll Center is a pleasant relief from the increasing density along Jamboree in Irvine.
2. The trend toward underground parking as well as parking garages changes the character and visual aspects of the area substantially.
3. The General Plan Land Use Element, Airport Policy overview states: "The General Plan provides for the development of office, industrial, retail, and airport-related businesses in the Airport Area, as well as the opportunity for housing and supporting services. The latter would be developed as clusters of residential villages centered on neighborhood parks and interconnected by pedestrian walkways. These would contain a mix of housing types and buildings that integrate housing with ground-level convenience retail uses and would be developed at a sufficient scale to achieve a "complete" neighborhood."



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February 1, 2017

Page Two

Koll Center Residences – Comments on NOP

Aesthetics and Visual Resources

Much of the Newport Beach portion of the Airport Area, including especially its older office complexes, has a low-intensity open look that distinguishes it from the portions developed and redeveloped under the City of Irvine jurisdiction. This is especially true on the stretch of Von Karman from MacArthur to Birch, and was a welcome hallmark of the original Koll Center.

Comment: The visual/aesthetic impact of the proposed project on the existing attractive suburban open office campus feel along Von Karman needs to be carefully considered. We question the compatibility with the language of the Integrated Conceptual Development Plan (ICDP) adopted in 2010 which was intended also to fulfill the policies of the 2006 General Plan. The “findings” made by the City Council in 2010 in adopting the ICDP were that “The Plan will ensure compatible and cohesive integration of new housing, parking structures, open-spaces, recreational amenities, pedestrian and vehicular linkages, and other improvements with the existing non-residential structures and uses.” The 2006 General Plan allows for “introduction of residential and mixed-use development within the industrial and commercial district, provided that such development contributes to the creation of viable neighborhood clusters with appropriate infrastructure, pedestrian-oriented features and open spaces, and a pattern of development that offers a strong sense of community and livability.” Some of the comments and questions we have in this regard include:

- Are these buildings “stepped down” so as to promote a pedestrian-scaled character?
- Have the adjacent business owners been consulted and allowed to collaborate on the plans?
- Does this plan fulfill the requirement of the 2006 General Plan that “the development will contribute to the creation of a strong sense of community and livability”?
- How does this plan impact the existing businesses in a visual sense?



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Koll Center Residences – Comments on NOP

Parks and Recreational Facilities

The Introduction to the Recreation Element of the Newport Beach General Plan states that, “Parks and recreational facilities are important land use components in an urban environment, providing both visual relief from the built environment and contributing to residents’ quality of life through recreation and aesthetic value.” The City’s Park Dedication Ordinance calls for five acres of recreational open space for every 1,000 new residents.

Comment: The DEIR should analyze how the Airport Area will achieve the required open space for the new residents in this project as well as those already approved in the Uptown Newport Project. Together they propose to have 1500 units with an approximate 3,000 residents. There are still available an additional 1,018 General Plan units (and possibly more including bonus units in excess of the General Plan) for the Airport Area which at 2 residents per unit would add the need for another 10 acres of recreational open space, 25 acres in all. The Airport Area needs a comprehensive plan that enables the provision of this park space.

Land use and Planning

Abrupt change to surrounding land uses.

The NOP states that “Koll Center is comprised of clusters of low, mid, and high-rise office buildings typically set back from roadways by large surface parking lots and ornamental landscaping. Three office buildings are located directly north of the proposed development and three office buildings are located directly south.”



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Koll Center Residences – Comments on NOP

Comment: The DEIR should analyze the visual impacts on the existing, adjacent office buildings. What views and open space expanses are impacted; what shadows will be thrown on the existing offices; and what light and sunlight will be reduced for neighboring offices?

The NOP states that, “The implementation of the project would displace approximately 819 parking spaces associated with the existing office buildings. While a portion of the spaces will be replaced as surface parking around the proposed residential buildings, other spaces will be permanently displaced for the three buildings, a one-acre public park, and free-standing parking structure.”

Comment: The DEIR should analyze the impact this very substantial change in parking availability has on existing offices. How much farther will the office workers have to walk from parking to work? What is the accommodation for office visitors? What is the accommodation for handicapped office visitors?

Comment: The DEIR should acknowledge that the 2006 General Plan called for comprehensive planning of the Airport Area (Implementation Program 3.1b). Although the number of residential units was established in the 2006 plan, the placement and design was largely left for future determination. Although the present project appears to implement a portion of the Airport Business Area Integrated Conceptual Development Plan adopted (without environmental review) in 2010, a carefully thought out plan for how housing can be fit into the larger area, and how the ICDP fits within that, is still lacking. Moreover, it is not at all clear that the separate development of the Uptown Newport and Koll Center Residences projects are being planned in a way that will achieve the single truly “integrated” and self-sufficient village envisioned in the 2010 ICDP. The DEIR needs to address the larger planning issues.



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Koll Center Residences – Comments on NOP

Thank you very much for consideration of these comments.

Marko Popovich
President

cc:

CNB Planning Commission

Kory Kramer, Chair
Peter Koetting, Vice Chair
Peter Zak, Secretary
Bill Dunlap, Commissioner
Bradley Hillgren, Commissioner
Raymond Lawler, Commissioner
Erik Weigand, Commissioner

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Brodkin, Ashley

From: Privitt, Dana
Sent: Tuesday, January 03, 2017 4:19 PM
To: Brodkin, Ashley
Subject: FW: Koll center residences project PA2015-024

From: Ung, Rosalinh [mailto:RUng@newportbeachca.gov]
Sent: Tuesday, January 03, 2017 7:43 AM
To: 'Roger Stone' <rogers@stoneins.com>
Subject: RE: Koll center residences project PA2015-024

Good morning Mr. Stone,

Thank you for email. There is no formal submission for your request. However, your comments are acknowledged and will be forwarded to the environmental consultant and applicant for evaluation.

Thank you,
Rosalinh

From: Roger Stone [mailto:rogers@stoneins.com]
Sent: Saturday, December 31, 2016 7:24 PM
To: Ung, Rosalinh
Cc: Roger Stone
Subject: Koll center residences project PA2015-024

Hello Rosalinh,

I received your notice about the residential project you plan on building. AKA Shopoff Land Fund 11, LLP.

Since you plan on building 150 foot high buildings, I just want to make sure that the building or project does not impede on the solar panels covering the roof of my building directly across the street from your subject site. Any shadows cast on my solar panels during the day, will shut down my electricity production.

If there is a formal submission requirement for making sure there is no sun blockage from this project, please direct me to the proper avenue for this. Thanks.

Roger Stone
President
Roger Stone Insurance Agency
5015 Birch Street
Newport Beach, Ca. 92660
www.rogerstoneinsurance.com
949-265-4179 direct
888-881-7722 Ext 4179 toll free
949-757-0375 Fax
Rogers@stoneins.com email

Brodkin, Ashley

From: Privitt, Dana
Sent: Friday, January 20, 2017 10:14 AM
To: Brodkin, Ashley
Subject: FW: Koll NOP Comments - RStone 5015 Birch

From: Ung, Rosalinh [<mailto:RUng@newportbeachca.gov>]
Sent: Friday, January 20, 2017 10:12 AM
To: Privitt, Dana <dana.privitt@kimley-horn.com>
Cc: Michael Murphy <MMurphy@shopoff.com>; Cora Newman <cora@govsol.com>
Subject: Koll NOP Comments - RStone 5015 Birch

From: Roger Stone [<mailto:rogers@stoneins.com>]
Sent: Friday, January 20, 2017 8:56 AM
To: Ung, Rosalinh <RUng@newportbeachca.gov>
Subject: RE: Koll center residences project PA2015-024

Rosalinh, any update on this. I just would like to know if tall buildings will be built close to Birch street that would set a shadow over my building at 5015 Birch. This was built at a cost of 568,000 in 2010. State and federal credits were given. I would hate for this to go to waste and it may also cut off a portion of the power I am currently producing and cost me over the next 20 years. I don't want this to go ignored. I tried going onto the web site to see what the plans entailed and I did not find the SHopoff project . I also went to the one that says uptown Newport and I could not see the docs on line. Woudnt show up on my computer. My main concern is if there are tall buildings in that project that would have a meaningful effect on my solar. I am not looking to stand in the way of progress here and I am not being opportunistic here. I just want to see if it does effect me, will the project make a reasonable effort to compensate me accurately for the loss of production. This may also involve reimbursement back to fed and state/SCE. Thanks.

Roger Stone / President
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888-881-7722 Ext 4179 toll free
949-757-0375 Fax
Rogers@stoneins.com email

From: Ung, Rosalinh [<mailto:RUng@newportbeachca.gov>]
Sent: Tuesday, January 03, 2017 7:43 AM
To: Roger Stone <rogers@stoneins.com>
Subject: RE: Koll center residences project PA2015-024

Good morning Mr. Stone,

Thank you for email. There is no formal submission for your request. However, your comments are acknowledged and will be forwarded to the environmental consultant and applicant for evaluation.

Thank you,
Rosalinh

From: Roger Stone [<mailto:rogers@stoneins.com>]
Sent: Saturday, December 31, 2016 7:24 PM
To: Ung, Rosalinh
Cc: Roger Stone
Subject: Koll center residences project PA2015-024

Hello Rosalinh,

I received your notice about the residential project you plan on building. AKA Shopoff Land Fund 11, LLP.

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If there is a formal submission requirement for making sure there is no sun blockage from this project, please direct me to the proper avenue for this. Thanks.

Roger Stone
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www.rogerstoneinsurance.com
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949-757-0375 Fax
Rogers@stoneins.com email

Brodkin, Ashley

From: Privitt, Dana
Sent: Tuesday, January 03, 2017 4:18 PM
To: Brodkin, Ashley
Subject: FW: Koll Center EIR

From: Ung, Rosalinh [mailto:RUng@newportbeachca.gov]
Sent: Tuesday, January 03, 2017 7:50 AM
To: 'Bryan Chanawatr' <bryan@vimpex.com>
Subject: RE: Koll Center EIR

Good morning Mr. Chanawatr,

Your comments are acknowledged and will be forwarded to the environmental consultant and applicant for evaluation.

Thank you,
Rosalinh

From: Bryan Chanawatr [mailto:bryan@vimpex.com]
Sent: Thursday, December 29, 2016 10:23 AM
To: Ung, Rosalinh
Subject: Koll Center EIR

Dear Rosalinh:

We have just seen the "Notice of Preparation and Scoping Meeting: The Koll Center Residences Environmental Impact Report" that was posted near the parking entrance on Von Karman.

Thank you for the opportunity to respond to the Notice.

We are a tenant in 4440 Von Karman and we want to express our concern. We expect that the development will have significant impact on our business operations – this is a massive construction project right in the middle and directly adjacent to our leased space.

Please make sure that the developers, land owners and other key parties mitigate or otherwise compensate for the impact and disruption to the current tenants during this process. These key parties should allocate and actively contribute to offset any tenant disruption.

Thank you,
Bryan Chanawatr
Vimpex International
949-798-0061

Brodkin, Ashley

From: Privitt, Dana
Sent: Tuesday, January 17, 2017 4:33 PM
To: Brodkin, Ashley
Subject: FW: Koll NOP - JGianulias

Follow Up Flag: Follow up
Flag Status: Flagged

From: Ung, Rosalinh [<mailto:RUng@newportbeachca.gov>]
Sent: Tuesday, January 17, 2017 4:30 PM
To: Privitt, Dana <dana.privitt@kimley-horn.com>
Cc: 'Michael Murphy' <MMurphy@shopoff.com>; Cora Newman <cora@govsol.com>
Subject: Koll NOP - JGianulias

From: Jim Gianulias [<mailto:jcg@gcompanies.com>]
Sent: Tuesday, January 17, 2017 4:04 PM
To: Ung, Rosalinh
Subject:

I am adamantly opposed for the approval of the 260 unit Kohl project on Von Karmin !!!

February 1, 2017

Koll Center Residences NOP Comments

The following comments on the [Notice of Preparation](#) for the [Koll Center Residences EIR](#) are submitted by: Jim Mosher (jimmosher@yahoo.com), 2210 Private Road, Newport Beach 92660 (949-548-6229)

1. Much as the identity of the applicant was not revealed, the objectives of the proposed project were not clearly stated in either in the NOP or at the January 18, 2017, Scoping Meeting. Hopefully the project objectives will be detailed in the EIR. Without knowing what the applicant is attempting to achieve it will be extremely difficult to evaluate the project and especially the possible alternatives to it.
2. Although a slide illustrating it was shown at the Scoping Meeting, the NOP also fails to mention that the proposed project is essentially an implementation of the *Airport Business Area Integrated Conceptual Development Plan* adopted (without any environmental review of which I am aware) by Newport Beach City Council [Resolution No. 2010-113](#) in 2010. The existence of that plan raises these questions:
 - a. Since the City has long viewed the Uptown Newport and Koll Residences projects as part of a single “integrated” whole, is it possible to adequately evaluate their environmental impacts as “separate” projects with separate EIRs?
 - b. Do the projects, as separately proposed, achieve the tight integration and connectivity required by the plan?
 - c. Will they, together, really create the self-sufficient walkable “village” the ICDP seems to envision? This seems particularly difficult to evaluate given the vagueness of what will be in the retail component. How much and what kinds of “infrastructure” will be provided to meet the needs of the residents?
 - d. I have heard a number of business owners in the area question the real-world viability of the “live-work” concept that seems to underlie the ICDP and which will be important in evaluating the impacts of the proposal. The EIR needs to attempt to provide verifiable evidence as to how many of the potential residents would be expected to actually work within walking distance of their homes – and how many would actually walk.
3. The project description in the NOP refers to three “**buildings**” yet in the table at the top of page 5, it treats Buildings 2 and 3 differently from Building 1. Based on the illustrations presented at the Scoping Meeting, the proposal appears in fact to be for three **towers**, rather than buildings, since two of the residential towers sprout from the same service “building” created through interconnections near ground level. Hopefully the EIR will describe the proposal more clearly and distinguish towers from buildings so the public and decision makers will know what is being talked about.
4. As mentioned verbally at the Scoping Meeting, the project is proposed to be built in an area that features a once common, but now increasingly rare and increasingly valuable (from a civic pride and quality of life perspective) low intensity, suburban office campus type layout. It creates a very pleasant and welcome relief from surrounding development. Although infill of

this open space may have been envisioned by the Council-approved ICDP, the ICDP was adopted without environmental review, so it is now incumbent on the EIR to consider the aesthetic impact of a project which seems inconsistent with the site's present almost bucolic feel.

5. As also mentioned verbally at the Scoping Meeting, I believe the ICDP was developed at a time when, and largely because, the City felt pressured to find locations for a large expected load of future housing imposed by the state's Regional Housing Needs Assessment allocation process. My understanding is that this pressure no longer exists in the current [RHNA planning period](#) of 1/1/2014 through 10/1/2021, during which the City has already fulfilled its need to add a total of only 5 housing units. The EIR needs to evaluate if building during a period when the City faces no RHNA obligation will create future environmental impacts that could be avoided by more strategic planning. That potential seems clear when one considers future quotas will force the City to find and impact additional sites within the city. Deferring the present construction to a planning period in which there *is* a RHNA requirement would save the present site and impacts for use in fulfilling that purpose. A clear understanding of these longer range consequences seems important to both decision makers and the public.
6. While giving a number of details about parking at various locations and in various phases of construction, the NOP fails to clearly and prominently disclose the expected net change in parking spaces and its adequacy to serve the proposed uses. Presumably that will be more clearly presented in the EIR.
7. In the same vein, and as mentioned verbally at the Scoping Meeting, the way the freestanding parking structure is expected to work is similarly unclear. Who is it intended to serve? And how will those parking in it get to their destinations? Why is it located in the remotest possible part of the project area?
8. I believe the NOP misstates (on page 3) the plans for the nearby Uptown Newport project, when it says that Phase 1 (of Uptown) will include "up to 1,244 new residences." My understanding is that 1,244 is the total that is expected to be built in Phase 1 *plus* a yet-to-be-started Phase 2. Hopefully the EIR will identify and use the correct figures.
9. The school districts borders issue that was raised during the scoping for Uptown Newport remains for this project. My understanding is that the available facilities in the Santa Ana Unified School District are both more crowded and farther from the project than those which could be used in the Newport Mesa Unified School District. To reduce impacts and to foster a stronger sense of community with the city of residence, the EIR should consider moving the school district boundary so future Airport Area housing is in NMUSD rather than SAUSD. That is something the developer, Shopoff, promised to pursue in connection with Uptown Newport, but appears, to date, to have failed to achieve.
10. The NOP notes that water is supplied to the site by the Irvine Ranch Water District while wastewater is handled by the City of Newport Beach. Although not precisely a new or CEQA issue, this creates a billing problem since the City will likely not know the amount of water being used, and hence how to equitably defray the costs of wastewater service.

Public Comments on the Notice of Preparation and Scoping Meeting for Koll Center Residences EIR

Submitted on February 2, 2017 by Adriana Fourcher (afour507@gmail.com) resident at 507 Larkspur Avenue, Corona del Mar, CA 92625 and business at 4340 Von Karman Avenue, Newport Beach, CA 92660

High rise high-density developments like this are expressly against the wishes of the citizens of Newport Beach. There have been numerous ballot measures and overhauls of City Council that indicate that the citizens do not want increased density and that instead they would prefer a smaller City government. This is factual and not an opinion. The Greenlight Initiative and now the Museum Tower petition is case in point. In fact, just the proposition of another high-density high rise residential tower in Newport Beach is a provocation for concerned citizens to launch another set of referendums, recalls and overhauls. SPON and others have suggested that the Airport Area is due for an updated comprehensive plan that involves the community and businesses. Many of the points below reflect the issues that could be addressed on a larger scale for the Airport Area. On a macro level, I strongly urge planners and elected officials to be patient and take a wait and see stance for the Uptown Newport (1,244 units) and Fashion Island Villas (524 units) projects. After a good vetting period of 18-24 months the City will have factual information on changing needs for City Services and the Transportation Corridors. Those impacts should be addressed before implementing additional high-density residential projects near Jamboree and MacArthur Boulevard, respectively.

As it relates to Koll Center Residence towers please consider the following:

1. *Koll Center Residence towers do not complement the Surrounding Buildings in Scale or Function.* Koll Center Newport (KCN) was designed in 1973 to be an office park and according to the Orange County Register it offers 1.5 million square feet of office space. Existing use in the closest vicinity to the proposed development is commercial business. The buildings range in size from single level to a premier Class A office project owned by John Hancock that is 10 stories. The spacing of the buildings and the landscape features (that include a small lake and water features) were designed to attract businesses. One would notice that landscaping is purposely arranged as buffer zones or visual screens in between buildings and busy transportation corridors and that pure recreational space is not a feature. On the other hand the residential tower project as proposed would scale to 13 stories and in many respects dwarf many surrounding buildings and most of the buildings in KCN. The EIR should include accurate views from the surrounding area on all sides to study the impact on the Aesthetics and Visual Resources. Additionally, the function of a residential project is very different than a commercial project. Residential projects are more intensive in their impacts in many areas

including but not limited to: Transportation and Circulation, Noise, Public Services, and Recreation. The EIR should carefully consider all of these areas and how three residential towers in the middle of a parking lot in an established office park may not be an ideal plan. Moreover, it not appropriate to deem the Uptown Newport project as the anchor project to try to justify transforming a commercial area close to John Wayne Airport into a residential zone. The Uptown Project is a converted use because it took a Semiconductor project (that was moving out of the area) and converted it (in majority) to a large scale residential project. Koll Center Residence is 100% additive as no building is being converted to residential. It is a proposal to build three new high rise, high density residential towers in a parking lot surrounded by existing business owners.

2. *The EIR and future public discussion about high density residential development in the City of Newport Beach should accurately discuss the impact on Population and Housing and the lack of required high density developments, thereof.* The EIR should review the 2006 General Plan to see that it was established to show for the potential for growth over the expected 20 year life of the plan. It is my understanding that when the 2006 General Plan was being developed (2000-2006) the authors assumed Newport Beach would have a large housing requirement by South California Association of Government's (SCAG) periodic Regional Housing Needs Allocations (RHNA). With that in mind those "planners" decided to tuck in some extra residential pockets into the General Plan in areas that the residents at the time wouldn't speak up about. That is where they assigned around 2,000 units to the Airport Area. With the Uptown Newport project being developed almost all of the units are accounted for. There is no urgency to build out the extra residential units. The EIR should state that the RHNA quota for the City (2006-2014)was 1,914 units and should state that the RHNA quota for 2015-2021 is only 5 new units. If Housing does become an issue after 2021 the City should reserve its ability to add to the inventory instead of approving 260 units that are not required by RHNA at this time. The City will not get any credit for overbuilding.

3. *Ingress and Egress for vehicles and pedestrians are highly impacted by the development of 260 residential units in the service area parking lot of an office park.* It is my opinion that the EIR should evaluate the transportation and circulation within the office park and also connecting to the office park. Von Karman Avenue is the main entrance proposed for this project. This particular entrance is along a curvy part of the road and the visibility entering and leaving is a issue that would need to be addressed. Likewise, Von Karman is a wide road and many cars in the airport area utilize it as a secondary transportation corridor with Mac Arthur Boulevard and Jamboree being the primary transportation corridors. A traffic study would show not only how many cars pass by the entrance but also at what speed. There is no pedestrian cross walk or stop light close by. Foot traffic pathways within the office park and thru the area would need to be considered. Additionally, the tower residence is consuming part of the existing parking lot. Although, a parking structure is planned the general circulation pattern is severely impacted.

4. *Residential projects should have adequate Recreational amenities.* The Uptown Project is an example where the required green space has been whittled down by various ploys including the City being amenable to accepting “Fees in Lieu of” park space and also allowing a park to be built at another location so that the density could occur in the residential complex. Any green space planned and counted in the Uptown Project should not be double counted for Koll Center Residences. As stated above because Koll Center Newport is an office park, a high-rise high-density residential complex will take more than give to the existing business owners. There is a concern about high impact on existing aesthetics and land use.

5. *Although the EIR may not cover the economic implications to the area the planning department should be aware that the commercial businesses in Koll Center Newport are part of an Association that is governed by CC&R's and as such the proposed Development may very well be in Breach of the Covenants.* One of the challenges to this project is that the Association has only one declarant and that is Koll Center Newport. The surrounding business owners pay dues but are not represented on any board with the Association. This one fact could make a judge favor the “unrepresented” interests of the building owners in KCN. These are the concerns: does not conform to the design or use of the other buildings within the Center; will create undue traffic and congestion within the Center; will alter and impede access to the Center; will alter the internal streets within the Center negatively impacting the circulation within the center; will reduce the property value; is incompatible with the other operations and uses of the properties in the Center; violates the purposes and intent of the CC&R's; will reduce available surface parking; will eliminate open space; will eliminate sunlight and view plains as well as casting shade and shadow upon existing buildings; will reduce the amount of common area in the Center and the adequate building separation between the structures in the Center; and will benefit Koll Center Newport “company” to the detriment of the other commercial building owners in the area.

Brodkin, Ashley

From: Privitt, Dana
Sent: Monday, January 30, 2017 8:41 AM
To: Brodkin, Ashley
Subject: FW: Koll NOP- Comments from Susan Skinner

-----Original Message-----

From: Ung, Rosalinh [mailto:RUng@newportbeachca.gov]
Sent: Monday, January 30, 2017 8:09 AM
To: Privitt, Dana <dana.privitt@kimley-horn.com>
Cc: 'Michael Murphy' <MMurphy@shopoff.com>; Cora Newman <cora@govsol.com>
Subject: Koll NOP- Comments from Susan Skinner

-----Original Message-----

From: Susan Skinner [mailto:seskinner@me.com]
Sent: Thursday, January 26, 2017 6:16 PM
To: Ung, Rosalinh <RUng@newportbeachca.gov>
Subject: Koll Center comments

Rosalinh,

I am disturbed that after the residents of Newport Beach showed their concern about overdevelopment in our city through the overwhelming support of the Museum House referendum, our city turns right around and prepares to approve more high rise condo towers. I don't see how residents could have spoken any more clearly and yet their voices remain unheard and unheeded. This reinforces my sense that our City Council is tone deaf to the desires of their constituents, which is in turn a disturbing prospect.

I oppose further overdevelopment in our city. Having entitlements for residential units in the airport area does not mean that we need to use those entitlements at this time. I would suggest holding them for a later date and dispensing them in a lessor impactful project than the Uptown Newport project or the Koll project.

Thank you,

Susan Skinner
2042 Port Provence Place

Brodkin, Ashley

From: Privitt, Dana
Sent: Friday, January 20, 2017 10:11 AM
To: Brodkin, Ashley
Subject: FW: NOP Comments

-----Original Message-----

From: Ung, Rosalinh [mailto:RUng@newportbeachca.gov]
Sent: Friday, January 20, 2017 10:11 AM
To: Privitt, Dana <dana.privitt@kimley-horn.com>
Cc: Michael Murphy <MMurphy@shopoff.com>; Cora Newman <cora@govsol.com>
Subject: NOP Comments

-----Original Message-----

From: Milvi vanderslice [mailto:Milvivander@aol.com]
Sent: Friday, January 20, 2017 8:11 AM
To: Ung, Rosalinh <RUng@newportbeachca.gov>
Subject: Why don't you make

One of those buildings for low income workers? Then I would be much happier a bout the project. Milvi Vanderslice,
Newport Beach , Ca 949-640-4055

Sent from my iPad