

2 INTRODUCTION

2.1 Purpose of this Environmental Impact Report

This Environmental Impact Report (EIR) has been prepared to evaluate the potential environmental impacts associated with the construction and implementation of the proposed Koll Center Residences Project (Proposed Project or Project). The EIR has been prepared in conformance with the California Environmental Quality Act (CEQA) (*California Public Resources Code* [PRC] §§ 21000 et seq.) and the State CEQA Guidelines (Title 14, *California Code of Regulations* [CCR], Chapter 3, §§ 15000 et seq.). The EIR has also been prepared in accordance with Newport Beach City Council Policy K-3, “Implementation Procedures for the California Environmental Quality Act”.

The City of Newport Beach (City) is the “public agency which has the principal responsibility for carrying out or approving the project” and, as such, is the “Lead Agency” for this Project under CEQA (14 CCR §15367). CEQA requires the Lead Agency to consider the information contained in an EIR prior to taking any discretionary action. This EIR is intended to provide information to the Lead Agency and other public agencies, the general public, and decision makers regarding the potential environmental impacts from the construction and operation of the Proposed Project. The City, as the Lead Agency, will review and consider this EIR in its decision to approve, revise, or deny the Project.

Pursuant to CEQA, “[t]he purpose of the environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the proposed project, and to indicate the manner in which significant environmental effects can be mitigated or avoided” (PRC § 21002.1[a]). An EIR is the most comprehensive form of environmental documentation identified in CEQA and the State CEQA Guidelines, and provides the information needed to assess the environmental consequences of a project to the extent feasible. EIRs are intended to provide an objective, factually supported, full-disclosure analysis of the environmental consequences associated with a project that may have the potential to result in significant adverse environmental impacts.

2.2 Type of Environmental Impact Report

This EIR analyzes the potential environmental impacts related to the implementation of the proposed Koll Center Residences Project, which is described in Section 3.0, *Project Description*. In accordance with Section 15161 of the State CEQA Guidelines, a Project EIR “examines the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction, and operation”.

This EIR is further intended to serve as the primary environmental document for all entitlements associated with the Proposed Project, including all discretionary approvals requested or required in order to implement the Project. The Lead Agency can approve subsequent actions without additional environmental documentation unless otherwise required by Section 21166 of the CEQA Statutes and Section 15162 of the State CEQA Guidelines. Section 21166 of the CEQA Statutes states that:

When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:

- (a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.
- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
- (c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

Section 15162 of the State CEQA Guidelines states that:

- (a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
 - (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
 - (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
 - (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

- (b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.
- (c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.
- (d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.

2.3 Standards of Adequacy Under CEQA

While the Sections 15120 to 15132 of the State CEQA Guidelines generally describe the content of an EIR, CEQA does not contain specific, detailed, quantified standards for the content of environmental documents. Section 15151 of the State CEQA Guidelines states:

An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information that enables them to make a decision that intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have not looked for perfection but for adequacy, and a good faith effort at full disclosure.

2.3.1 REVIEW OF AN EIR

The City of Newport Beach, which has the principal responsibility for processing and approving the Project, along with other public agencies with direct interest in the Project (e.g., responsible agencies), may use this EIR in their decision-making or permitting processes and will consider the information in this EIR in combination with other information that may be presented during the CEQA process. In addition, this EIR provides the analysis in support of the Mitigation Program that will, if the Project is approved, be made conditions of approval for the Project and implemented through the CEQA-mandated Mitigation Monitoring and Reporting Program.

In accordance with CEQA, public agencies are required to make appropriate findings for each potentially significant environmental impact identified in the EIR if it decides to approve the Project. If the EIR identifies significant environmental impacts that cannot be mitigated to a less than significant level

through the adoption of mitigation measures or project alternatives, the Lead Agency (and responsible agencies using this CEQA document for their respective permits or approvals) must decide whether the benefits of the Proposed Project outweigh any identified significant environmental effects that cannot be mitigated to below a threshold of significance. If the agency decides that the overriding considerations, including project benefits, outweigh the unavoidable impacts, then the agency (Lead Agency or responsible agency) is required to adopt a Statement of Overriding Considerations, which states the reasons that support its actions.

The Lead Agency's actions involved in the implementation of the Project are described in Section 3.0, *Project Description*. Other agencies that may have discretionary approval over the Project, or components thereof, including responsible agencies, are also described in the Project Description.

2.4 Scope of the Environmental Impact Report

This EIR provides a comprehensive evaluation of the reasonably anticipated scope of the Proposed Project. It is intended to serve as an informational document for public agency decision makers and the general public regarding (1) the objectives and components of the Project; (2) any potentially significant environmental impacts (individual and cumulative) that may be associated with the planning, construction, and operation of the Project; (3) an appropriate and feasible Mitigation Program; (4) and alternatives that may be adopted to reduce or avoid these significant impacts.

In compliance with the State CEQA Guidelines, the City has taken steps to maximize opportunities for the public and other public agencies to participate in the environmental review process. The scope of this EIR includes issues identified in consultation with the City during the Notice of Preparation (NOP) comment period; one public scoping meeting; and environmental issues raised by agencies and the general public in response to the scoping process.

2.4.1 NOTICE OF PREPARATION (NOP)

Pursuant to Section 15082 of the CEQA Guidelines, as amended, the City of Newport Beach prepared and circulated a Notice of Preparation (NOP) to affected agencies and interested parties for a 30-day public review period beginning on January 4, 2017. The NOP and written responses received on the NOP are included in Appendix A of this EIR. Table 2-1 summarizes the comments received from agencies/persons during the NOP process and provides a reference, as applicable, to the section(s) of this EIR where the issues are addressed. The NOP and comment letters are provided in Appendix A of this EIR. This table identifies areas of controversy/unresolved issues and issues to be addressed in the EIR.

Table 2-1. Summary of Written Comments on Notice of Preparation	
Commenter	Summary of Comment and Where Addressed
Federal Agencies	
No federal agencies submitted comments in response to the NOP.	
State Agencies	
California Governor's Office of Planning and Research, State Clearinghouse and Planning Unit (letter dated January 4, 2017)	Provided a courtesy letter reminding the responsible agencies to transmit any comments in a timely manner. No comments on the Project were provided.
State of California Native American Heritage Commission (letter dated January 9, 2017)	Archaeological Resources Follow procedure, contact all tribes traditionally and culturally affiliated with geographic area. See EIR Section 4.4
California Department of Transportation (Caltrans) District 12 (letter dated February 8, 2017)	Traffic – Show potential impact and increase of VMT on SR-73 interchanges at Jamboree Road, MacArthur Blvd. and Birch Street. – Describe other ways to mitigate potential Project impacts, such as improved transit accommodation, bicycle access, or other enhancements which can improve mobility and alleviate transportation impacts to State facilities. – Any hauling of materials during construction should not occur during AM and PM peak periods of travel on State facilities. All vehicle loads should be covered so materials do not blow over or onto the Caltrans right-of-way. See EIR Section 4.14
Local Agencies, Special Districts	
City of Irvine (letter dated January 18, 2017)	Traffic – Analyze AM and PM peak periods as well as average daily conditions. – Include intersections and arterials located within the City of Irvine bounded by I-405, MacArthur, and Jamboree. – Provide analysis of already approved projects. See EIR Section 4.14
Airport Land Use Commission for Orange County (letter dated February 1, 2017)	Airport Land Use Plan/Noise – Utilize the Noise Criteria Tool on the FAA website to determine if Project requires filing Form 7460-1 Notice of Proposed Construction or Alteration with the FAA. See EIR Sections 4.7 and 4.10
Irvine Ranch Water District (letter dated February 2, 2017)	Utilities – Not identified in 2008 Irvine Business Complex SAMP and therefore developer must coordinate with IRWD to develop technical memorandum or SAMP addendum to identify impacts to potable, recycled, and sewer systems. See EIR Section 4.15
Orange County Transportation Authority (letter dated February 1, 2017)	Transportation – Planned Class II on-street bikeways on both Birch Street and Von Karman Avenue adjacent to project site, ensure consistent with local policies. See EIR Section 4.14

Table 2-1. Summary of Written Comments on Notice of Preparation	
Commenter	Summary of Comment and Where Addressed
South Coast Air Quality Management District (letter dated February 2, 2017)	Air Quality – Construction, operation-related, vehicular trips. See EIR Sections 4.2 and 4.6
Interested Parties	
Philip Bettencourt (email dated January 19, 2017)	Land Use and Planning/Alternatives/Construction Phasing/Housing/Parking/Cumulative – Land use and planning. – Alternatives. – Construction phasing. – Inclusionary housing. – Local park standards. – Parking proximity. – Cumulative impacts. See EIR Sections 4.9, 4.11, and 6.0
Meyer Properties (letter dated February 2, 2017)	Land Use – General Plan consistency and land use compatibility. See EIR Section 4.9
Murphy & Evertz (letter dated February 2, 2017)	Aesthetics/Land Use – Include a comprehensive Project Description including construction phasing. – Analysis of the potential for shade/shadow impacts – General Plan consistency and land use compatibility. See EIR Sections 4.1, 4.9
Olen Properties (letter dated January 31, 2017)	General Plan Consistency/Aesthetics/Air Quality/Hydrology and Water Quality/Land Use and Planning/Noise/ Population and Housing/Public Services/Utilities/ Transportation and Traffic/ Economics/Alternatives – General Plan consistency and land use compatibility. – Aesthetic compatibility, tree removal, lighting. – Compliance with GHG and air quality regulations; analysis of air quality impacts. – Compliance with local regulations, reclaimed water, storm water and drainage. – Land use compatibility and planning, consideration of location near City of Irvine. – Noise impacts. – Impacts of increased population and housing. – Emergency services. – Fees the City will collect. – Impacts to utilities. – Impacts to traffic and vehicular and non-vehicular circulation. – Request for an economic analysis. – Alternatives analysis. See EIR Sections 4.1 through 6.

Table 2-1. Summary of Written Comments on Notice of Preparation	
Commenter	Summary of Comment and Where Addressed
Still Protecting Our Newport (SPON) (letter dated February 1, 2017)	Land Use/Aesthetics/General Plan Consistency – Land use and aesthetic compatibility. – Parks and recreational facilities. – Parking availability. – General Plan consistency. See EIR Sections 4.1, 4.9, 4.13 and 4.14
Roger Stone Insurance Agency (email dated December 31, 2016)	Shade/Shadow – Impacts of shade/shadow on adjacent properties. See EIR Section 4.1
Roger Stone Insurance Agency (email dated January 20, 2017)	Shade/Shadow – Impacts of shade/shadow on adjacent properties. See EIR Section 4.1
Bryan Chanawatr (email dated December 29, 2016)	Land Use – Land use compatibility. See EIR Section 4.9
Jim Gianulias (email dated January 17, 2017)	– Opposed to Project.
Jim Mosher (letter dated February 1, 2017)	Land Use and Planning/Housing/Parking/Public Services/Utilities – Implementation of Airport Business Area ICDP. – Land use compatibility. – RHNA fulfillment. – Parking. – School district lines. – Water and wastewater agencies. See EIR Sections 4.9, 4.11, 4.12, 4.14 and 4.15.
Adriana Fourcher (letter dated February 2, 2017)	Land Use and Planning/Aesthetics/Population and Housing/Traffic and Transportation/Recreation – Land use compatibility. – Aesthetics and massing. – Impact of project on population and housing, RHNA. – Circulation on project site and in the project area. – Recreational facilities. – Impact of project on existing CC&R. See EIR Sections 4.1, 4.9, 4.11, 4.13 and 4.14
Susan Skinner (email dated January 26, 2017)	Land Use and Planning – Land use compatibility and density of development. See EIR Section 4.9
Milvi Vanderslice (email dated January 20, 2017)	Housing – Low-income housing as part of project. See EIR Section 4.11

2.4.2 SCOPING MEETING

Pursuant to Section 21083.9 of the CEQA Statute, the lead agency is required to conduct at least one scoping meeting for all projects of statewide, regional, or area-wide significance. A scoping meeting is for jurisdictional agencies and interested persons or groups to provide comments regarding, but not limited to, the range of actions, alternatives, and environmental effects to be analyzed. The City of Newport Beach hosted a Scoping Meeting on January 18, 2017, at 6:00 PM, at the Newport Beach Central Library, Friends Room, 1000 Avocado Avenue, Newport Beach, California 92660. Table 2-2 summarizes the issues identified at the scoping meeting, along with a reference to the section(s) of this EIR where the issues are addressed.

Commenter	Summary of Comment and Where Addressed
Adriana Fourcher	<p>Land Use and Planning/Safety/Traffic and Transportation/Recreation</p> <ul style="list-style-type: none"> – Safety at night with office and residential uses. – Land use compatibility. – Loss of common area including parking for businesses. – Potential ingress/egress issues. – Pedestrian safety and circulation. – Parkland within the project. – Parking convenience. <p>See EIR Section 4.9, 4.12, 4.13 and 4.14</p>
Jim Mosher	<p>Land Use and Planning/ Aesthetics/Parking/Housing</p> <ul style="list-style-type: none"> – Want to know who developer is. – Location of project information. – Aesthetics and compatibility with surroundings. – Parking structure location. – Need for housing, RHNA. <p>See EIR Section 4.1, 4.9, and 4.14</p>

2.5 Format and Content

This Draft EIR addresses the potential environmental effects of the Project and was prepared following input from the public and the responsible and affected agencies, through the EIR scoping process, as discussed previously. The contents of this Draft EIR were established based on the findings in the NOP and public and agency input. Based on the findings of the NOP, a determination was made that an EIR was required to address potentially significant environmental effects on the following resources:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Recreation

- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Transportation and Traffic
- Utilities and Service Systems

Through the completion of the City's Environmental Checklist for this Proposed Project, the City has determined that the Project would not require the assessment of agricultural and timberland resources or mineral resources in the EIR. No portion of the project site is covered by a Williamson Act Contract or located on land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance according to the 2007 California Department of Conservation Farmland Mapping and Monitoring Program. The project site is not zoned for agriculture. Additionally, the site does not include forest resources, including timberlands. No mineral resources are present at the project site. Within the topical areas addressed in the EIR, there are several questions on the Environmental Checklist that are not applicable, and therefore were not addressed. These have been identified in Section 1.4, *Summary of Effects With No Impact*.

2.6 Project Sponsors and Contact Persons

The City of Newport Beach is the Lead Agency for preparation of this EIR. Inquiries regarding the EIR should be directed to the City. The Applicant is Shopoff Land Fund II, LP.

Lead Agency: City of Newport Beach
Community Development Department
100 Civic Center Drive
Newport Beach, California 92660
Contact: Rosalinh Ung, Associate Planner
(949) 644-3208
rung@newportbeachca.gov

2.7 Availability of the Draft EIR

Notice of the availability of the Draft EIR has been provided to agencies, organizations, and interested groups and persons for comment during a 45-day review period in accordance with Section 15087 of the CEQA Guidelines. The Notice of Completion for the Draft EIR has also been distributed as required by CEQA. This Draft EIR and the full administrative record for the Project, including all studies, is available for review during normal business hours Monday through Friday at the City of Newport Beach Community Development Department. Additionally, copies of the Draft EIR and technical appendices are available at the reference desk of the following libraries and on the City's website.

City of Newport Beach
Community Development Department
100 Civic Center Drive
Newport Beach, CA 92660
Phone: (949) 644-3200

Libraries:**Central Branch**

1000 Avocado Avenue
Newport Beach, CA 92660

Corona del Mar Branch

420 Marigold Avenue
Newport Beach, CA 92625

Balboa Branch

100 East Balboa Boulevard
Newport Beach, CA 92661

Mariners Branch

1300 Irvine Avenue
Newport Beach, CA 92660

The Draft EIR and technical appendices can also be accessed at the City's website: <http://www.newportbeachca.gov/index.aspx?page=1347>. The City will subsequently respond to each comment on the Draft EIR received in writing during the public review period through in a Responses to Comments document for the Final EIR. All persons who commented on the Draft EIR will be notified of the availability of the Final EIR and the date of public hearings before the City.