

## 4.1 Aesthetics and Visual Resources

### 4.1.1 INTRODUCTION

The Aesthetics section of this Environmental Impact Report (EIR) describes the existing landscape character of the site, existing views of the surrounding area from various on-the-ground vantage points, the visual characteristics of the project site, and the landscape changes that would be associated with the implementation of the Project.

### 4.1.2 TERMINOLOGY AND CONCEPTS

When viewing the same landscape, people may have different responses to that landscape and any proposed visual changes, based upon their values, familiarity, concern, or expectations for that landscape and its scenic quality. Because each person's attachment to and value for a particular landscape is unique, visual changes to that landscape inherently affect viewers differently. However, generalizations can be made about viewer sensitivity to scenic quality and visual changes. Recreational users (e.g., hikers, equestrians, tourists, and people driving for pleasure) are expected to have high concern for scenery and landscape character. People who are commuting daily through the same landscape generally have a moderate concern for scenery, while people working at industrial sites generally have a lower concern for scenic quality or changes to existing landscape character. The visual sensitivity of a landscape is affected by the viewing distances at which it is seen, such as close-up or far away. The visual sensitivity of a landscape also is affected by the travel speed at which a person is viewing the landscape (high speeds on a highway, low speeds on a hiking trail, or stationary at a residence).

The same feature of a project can be perceived differently by people depending on the distance between the observer and the viewed object. When a viewer is closer to a viewed object in the landscape, more detail can be seen, and there is greater potential influence of the object on visual quality because of its form or scale (relative size of the object in relation to the viewer). When the same object is viewed at background distances, details may be imperceptible but overall forms of terrain and vegetation are evident, and the horizon and skyline are dominant. In the middle ground, some detail is evident (e.g., the foreground), and landscape elements are seen in context with landforms and vegetation patterns (e.g., the background).

The following terms and concepts are in this EIR section.

*Scenic vista.* An area that is designated, signed, and accessible to the public for the express purposes of viewing and sightseeing. This includes any such areas designated by a federal, State, or local agency.

*Scenic highway.* Any stretch of public roadway that is designated as a scenic corridor by a federal, State, or local agency.

*Sensitive receptors.* Viewer responses to visual settings are inferred from a variety of factors, including distance and viewing angle, types of viewers, number of viewers, duration of view, and viewer activities. The viewer type and associated viewer sensitivity are distinguished among project viewers in recreational, residential, commercial, military, and industrial areas. Viewer activities can range from a circumstance that encourages a viewer to observe the surroundings more closely (such as recreational activities) to one

that discourages close observation (such as commuting in heavy traffic). Viewers in recreational areas are considered to have high sensitivity to visual resources. Residential viewers generally have moderate sensitivity but extended viewing periods. Viewers in commercial, military, and industrial areas are considered to have low sensitivity.

*Viewshed.* The viewshed for a project is defined as the surrounding geographic area from which the project is likely to be seen, based on topography, atmospheric conditions, land use patterns, and roadway orientations. "Project viewshed" is used to describe the area surrounding a project site where a person standing on the ground or driving a vehicle can view the site.

Visual character typically consists of the landforms, vegetation, water features, and cultural modifications that impart an overall visual impression of an area's landscape. Scenic areas typically include open space, landscaped corridors, and viewsheds. Visual character is influenced by many different landscape attributes including color contrasts, landform prominence, repetition of geometric forms, and uniqueness of textures among other characteristics.

The issue of shade and shadow pertains to whether buildings or structures block direct sunlight from adjacent properties. Shading is an important environmental issue because the users or occupants of certain land uses have expectations for direct sunlight and warmth from the sun for function, physical comfort, or conduct of commerce. Factors that influence the extent or range of shading include: season; time of day; weather (i.e., sunny vs. cloudy day); building height; bulk; scale; topography; spacing between buildings; sensitivity of adjacent land uses; and tree cover. The longest shadows are cast during the winter months, when the sun is lowest on the horizon, and the shortest shadows are cast during the summer months. Shadows are longer in the early morning and late afternoon. Consequences of shadows upon land uses may be positive, including cooling effects during warm weather, or negative, such as the loss of natural light necessary for solar energy purposes or the loss of warming influences during cool weather. The relative effects of shading from structures are site specific.

Lighting effects are associated with the use of artificial light during the evening and nighttime hours. There are two primary sources of light: light emanating from building interiors passing through windows and light from exterior sources (i.e., street lighting, architectural building illumination, security lighting, parking lot lighting, landscape lighting, and signage). Light introduction can be a nuisance. Uses such as residences and hotels are considered light sensitive, since occupants have expectations of privacy during evening hours and may be subject to disturbance by bright light sources. Light spill is typically defined as the presence of unwanted light on properties adjacent to the property being illuminated. With respect to lighting, the degree of illumination may vary widely depending on the amount of light generated, height of the light source, presence of barriers or obstructions, type of light source, and weather conditions.

Glare is primarily a daytime occurrence caused by the reflection of sunlight or artificial light on highly polished surfaces such as window glass or reflective materials and, to a lesser degree, from broad expanses of light-colored surfaces. Perceived glare is the unwanted and potentially objectionable sensation as observed by a person as they look directly into the light source of a luminaire. Daytime glare generation is common in urban areas and is typically associated with buildings with exterior facades largely or entirely comprised of highly reflective glass. Glare can also be produced during evening and nighttime hours by the reflection of artificial light sources such as automobile headlights. Glare generation

is typically related to either moving vehicles or sun angles, although glare resulting from reflected sunlight can occur regularly at certain times of the year. Glare-sensitive uses include residences, hotels, transportation corridors, and aircraft landing corridors.

### 4.1.3 REGULATORY SETTING

#### **State of California**

##### ***California Department of Transportation (Caltrans)***

The California Department of Transportation (Caltrans) manages the California Scenic Highway Program, which was created in 1963 by the California legislature to preserve and protect scenic highway corridors from changes that would diminish the aesthetic value of lands adjacent to highways. Caltrans defines a scenic highway as any freeway, highway, road, or other public right-of-way, that traverses an area of exceptional scenic quality. Suitability for designation as a State Scenic Highway is based on vividness, intactness, and unity. There are no designated scenic highways in the City (DOT, 2017).

#### **Regional and Local**

##### ***General Plan Natural Resources Element***

The Natural Resources Element of the *City of Newport Beach General Plan* includes goals and policies related to aesthetics and visual resources that are applicable to the Proposed Project. The primary objective of the Natural Resources Element is to provide direction regarding the conservation, development, and utilization of natural resources. It identifies Newport Beach's natural resources and policies for their preservation, development, and wise use. This Element addresses water supply (as a resource) and water quality (includes bay and ocean quality, and potable drinking water), air quality, terrestrial and marine biological resources, open space, archaeological and paleontological resources, mineral resources, visual resources, and energy. The Project's consistency with applicable visual resources goals and policies of the General Plan are addressed in *Table 4.9-1* of Section 4.9, *Land Use and Planning*.

##### ***City of Newport Beach Municipal Code***

The following provisions from the City's Municipal Code help minimize aesthetic and light and glare impacts associated with new development projects and are relevant to the Proposed Project.

##### ***Chapter 20.30 (Property Development Standards), Section 20.30.060 (Height Limits and Exceptions)***

This section establishes regulations for determining compliance with the maximum allowable height limits established for each zoning district.

Section 20.30.060.C.2.e, High Rise Height Area, identifies the maximum height limit as 300 feet; no further increase to the maximum allowed height is permitted. Projects in the High-Rise Height Area must comply with the requirements of Section 20.30.060.E related to the Airport Environs Land Use Plan (AELUP) for John Wayne Airport and the Airport Land Use Commission review requirements.

As noted, in addition to building height limits by zoning district, specific standards and boundaries are established in Section 20.30.060.E.1 for the AELUP for John Wayne Airport.

The AELUP requirements are as follows:

- a. Buildings and structures shall not penetrate Federal Aviation Regulation (FAR) Part 77, Obstruction—Imaginary Surfaces, for John Wayne Airport unless approved by the Airport Land Use Commission (ALUC).
- b. In compliance with FAR Part 77, applicants proposing buildings or structures that penetrate the 100:1 Notification Surface shall file a Form 7460-1, Notice of Proposed Construction or Alteration with the FAA. A copy of the FAA application shall be submitted to the ALUC and applicants shall provide the City with FAA and ALUC responses.

Section 20.30.060.E.2, Citywide Requirements, notes that development projects that include structures higher than 200 feet above existing grade must be submitted to the Airport Land Use Commission (ALUC) for review. In addition, projects that exceed a height of 200 feet above existing grade are required to file Form 7460-1 with the Federal Aviation Administration (FAA).

***Chapter 20.30 (Property Development Standards), Section 20.30.070 (Outdoor Lighting)***

***A. General Outdoor Lighting Standards***

1. All outdoor lighting fixtures shall be designed, shielded, aimed, located, and maintained to shield adjacent properties and to not produce glare onto adjacent properties or roadways. Parking lot light fixtures and light fixtures on buildings shall be full cut-off fixtures.
2. Flashing, revolving, or intermittent exterior lighting visible from any property line or street shall be prohibited, except if approved as an accessory feature on a temporary basis in conjunction with a special event permit.
3. A photometric study may be required as part of an application for a zoning clearance if it is determined that there is potential for a negative impact to surrounding land uses or sensitive habitat areas.
4. If in the opinion of the Director existing illumination creates an unacceptable negative impact on surrounding land uses or sensitive habitat areas the Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.

***B. Light Standards within Parking Lots.*** Light standards within parking lots shall be the minimum height required to effectively illuminate the parking area and eliminate spillover light and glare onto adjoining properties and roadways. To accomplish this, a greater number of shorter light standards may be required as opposed to a lesser number of taller standards.

***C. Outdoor Lighting Standards for Buildings, Statues, Other Manmade Objects, and Landscapes.*** Spotlighting or floodlighting used to illuminate buildings, statues, signs, or any other objects mounted on a pole, pedestal, or platform or used to accentuate landscaping shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the object intended to be illuminated to minimize glare, sky glow, and light trespass. The beam width shall not be wider than that needed to light the feature with minimum spillover. The lighting shall not shine directly into the window of a residence or directly onto a roadway. Light fixtures attached to a building shall be directed downward.



**Chapter 20.30 (Property Development Standards), Section 20.30.100 (Public View Protection)**

This section includes regulations to preserve significant visual resources (public view points) from public view points and corridors, but it not the intent of the Zoning Code to protect views from private property. View impact analysis is required where a proposed development has a potential to obstruct a public view from an identified public view point or corridor on General Plan Figure NR 3 (Coastal Views). The analysis shall include recommendations to minimize impacts to public views while allowing the project to proceed and maintain development rights. Landscaping, signage, rooftop equipment, and antennas shall be designed and sited to ensure they minimize impacts to public views.

**Airport Business Area Integrated Concept Development Plan**

City of Newport Beach General Plan Land Use Policy LU 6.15.11 (Conceptual Development Plan Area) requires the development of one conceptual development plan for the portion of the Airport Area that is generally bound by MacArthur Boulevard, Birch Street and Jamboree Road should residential units be proposed within this area. The Airport Business Area Integrated Conceptual Development Plan (ICDP), which was adopted by the City of Newport Beach City Council in September 2010, implements Land Use Policy LU 6.15.11.

The ICDP meets the intent of the General Plan policies for a mixed-use village on the Koll Center through the establishment of the following principles:

- Spatially organize new residential uses with existing office development in a way that creates an engaging neighborhood fabric of useable and defined open spaces, and pedestrian-friendly streets and promenades.
- Balance the amount of surface parking with publicly accessible open spaces and streets, so that an appropriate residential environment is created, and the feeling of living in a parking lot is avoided. Provide replacement office parking for displaced surface parking in new structures that are encapsulated or screened.
- Create a network of pedestrian-friendly streets and walkways that connect to existing and future activities within the area, and that give structure and organization to the village.
- Create ground level retail and residential uses that promote active and engaging street fronts.
- Create a neighborhood park as a focal point of the village with pedestrian connectivity to existing amenities that contribute to the residential quality of the village.

## 4.1.4 ENVIRONMENTAL SETTING

**Topography and Land Uses**

The site is relatively flat with a gentle slope to the west. Site elevation are approximately 46 to 52 feet above mean sea level (msl). The project site is in Koll Center Newport and is currently developed with surface parking lots and common landscape areas associated with the adjacent office buildings. Koll Center Newport is an approximately 154-acre mixed-use office park which includes clusters of low-rise, mid-rise, and high-rise office buildings, hotels and a private club with surface parking and parking structures.

The irregularly-shaped project 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 parking structures to the east and south. There are three, two- to four-story office buildings located within the boundaries of the site of which two are not a part of the Project. The existing 4440 Von Karman Avenue office building is a part of the Project to allow for the inclusion of the property into the landscape plan which includes non-potable irrigation, as well as sidewalk improvements and the reconfiguration of accessible parking spaces. No change in the square footage of the building would occur.

The project site borders the 5000 Birch Street office building to the north, east, and west. The 10-story, 154-foot-tall 5000 Birch Street building has an associated above- and below-ground parking structure adjacent to and south of the building. Other uses include a hotel to the northwest; one-story office buildings to the northeast; the California Superior Court Harbor Justice Center, two-story office buildings, fast-food restaurants, and the Uptown Newport development site to the southeast; and a private club, a three-story, four-story, and nine-story office buildings and a hotel are to the southwest/west. Figure 4.1-1, *Contextual Building Heights* identifies the building heights of various buildings near the site.

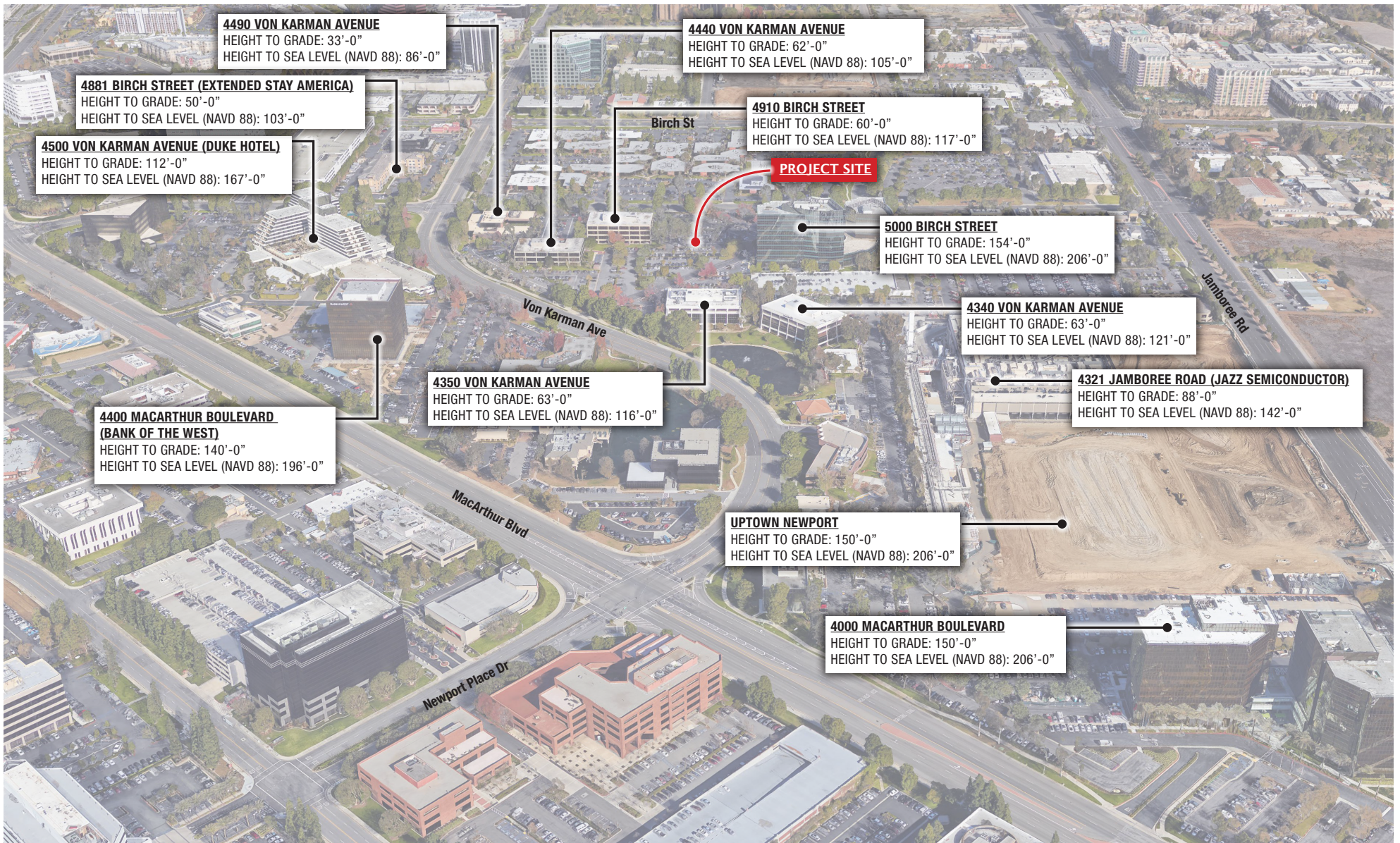
### **Scenic Views and Roadways**

The Newport Beach General Plan Natural Resources Element identifies public view points and coastal view roads throughout the City. The public view points and coastal roads primarily provide views toward Upper and Lower Newport Bay, Balboa Island, Lido Island, and the Pacific Ocean. There are no public view points or coastal view roads near the project site. The nearest public view point to the site is approximately 1.1 miles to the south across the State Route (SR) 73 at Bayview Park with views of the Upper Newport Bay, located south of the park. The nearest coastal view designated portion of Jamboree Road to the project site is south of SR-73, approximately 0.6 mile to the south. Views from the designated portion of Jamboree Road are to the east of Upper Newport Bay. The nearest eligible or designated State Scenic Highway to the project site is SR-1, which is approximately 4.3 miles to the southwest of the site (DOT, 2017). The orientation of all of these vantages are located away from the site and generally oriented to the Upper Newport Bay and the Pacific Ocean.

### **Shade/Shadow**

The issue of shade and shadow pertains to whether on-site buildings or structures block direct sunlight from adjacent properties. The longest shadows are cast during the winter months, when the sun is lowest on the horizon, and the shortest shadows are cast during the summer months. Shadows are longer in the early morning and late afternoon. As shown in Figures 4.1-2a through 4.1-2h, *Shade/Shadow Study*, shadows cast by the existing buildings predominately fall within the project site including over the proposed public park, with some shadows cast on the office buildings north of Birch Street at certain times of day during winter. Shadows cast by individual buildings and structures within and adjacent to the project site shade areas of the common surface parking lot, as well as individual buildings and structure. The 10-story, 154-foot-tall 5000 Birch office building casts shadows onto the existing surface parking lots during certain times of day.





Source: MVE + Partners, 2017

**FIGURE 4.1-1:** Contextual Building Heights  
The Koll Center Residences Project



Not to scale

Kimley»Horn





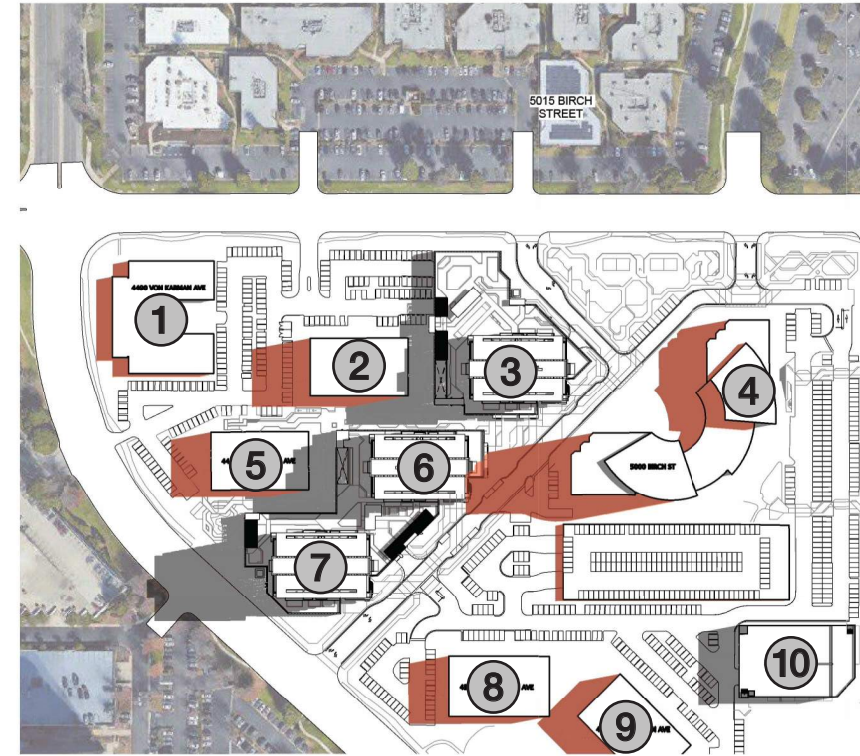
**Building Key:**

- ① 4490 Von Karman Ave
- ② 4910 Birch St
- ③ Building 1
- ④ 5000 Birch St
- ⑤ 4440 Von Karman Ave
- ⑥ Building 2
- ⑦ Building 3
- ⑧ 4350 Von Karman Ave
- ⑨ 4340 Von Karman Ave
- ⑩ Parking Structure

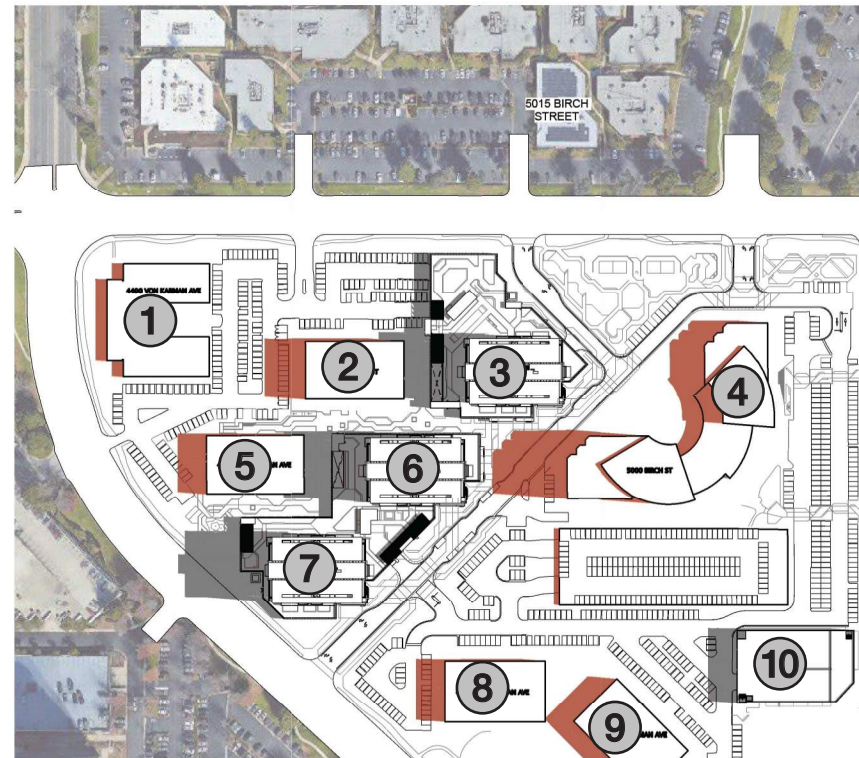
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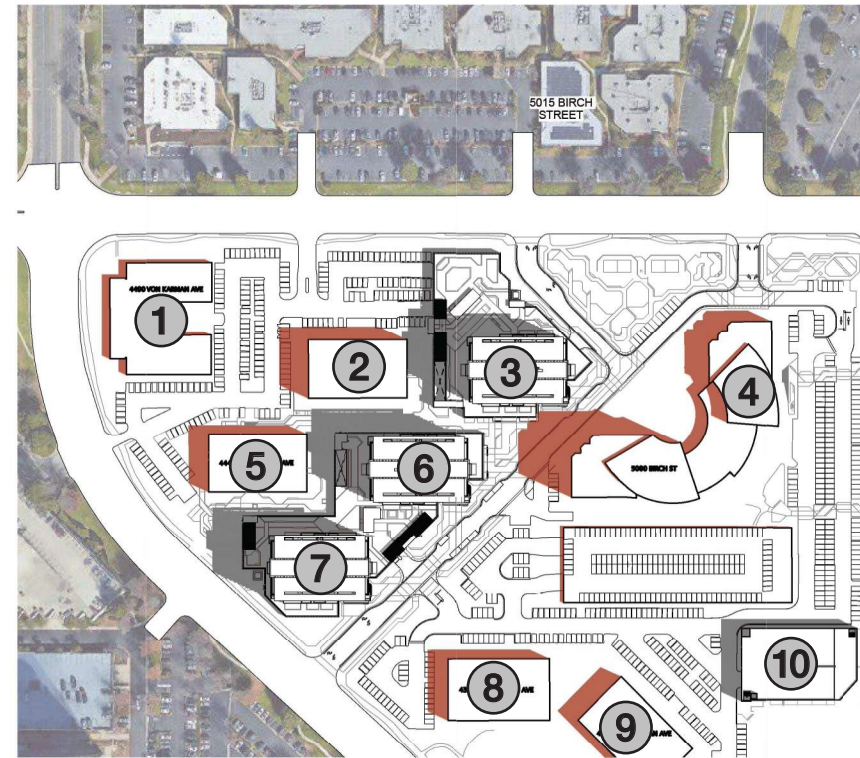
SHADOW STUDY 10 AM



SHADOW STUDY 11 AM



SHADOW STUDY 12 NOON



■ EXISTING SHADOWS  
■ PROJECT SHADOWS

Source: MVE + Partners, 2017

**FIGURE 4.1-2a:** Shade/Shadow Study: Spring Equinox  
The Koll Center Residences Project

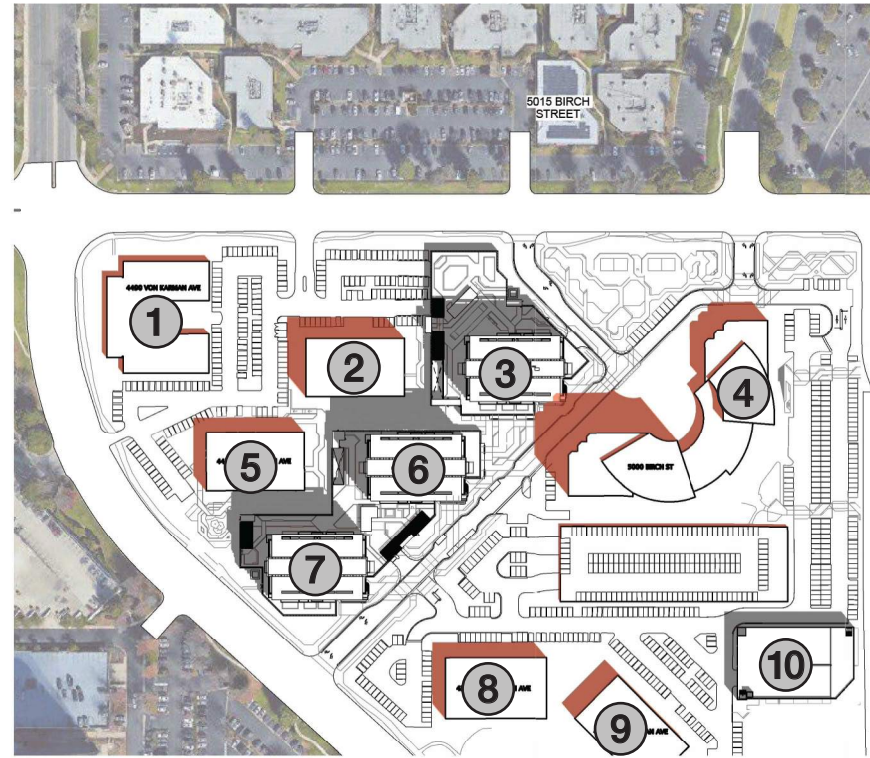
 Not to scale

Kimley»Horn





SHADOW STUDY 1 PM



SHADOW STUDY 2 PM



SHADOW STUDY 3 PM



SHADOW STUDY 4 PM



SHADOW STUDY 5 PM



**Building Key:**

- ① 4490 Von Karman Ave
- ② 4910 Birch St
- ③ Building 1
- ④ 5000 Birch St
- ⑤ 4440 Von Karman Ave
- ⑥ Building 2
- ⑦ Building 3
- ⑧ 4350 Von Karman Ave
- ⑨ 4340 Von Karman Ave
- ⑩ Parking Structure

■ EXISTING SHADOWS  
■ PROJECT SHADOWS

Source: MVE + Partners, 2017

**FIGURE 4.1-2b:** Shade/Shadow Study: Spring Equinox  
The Koll Center Residences Project

Not to scale

**Kimley»Horn**







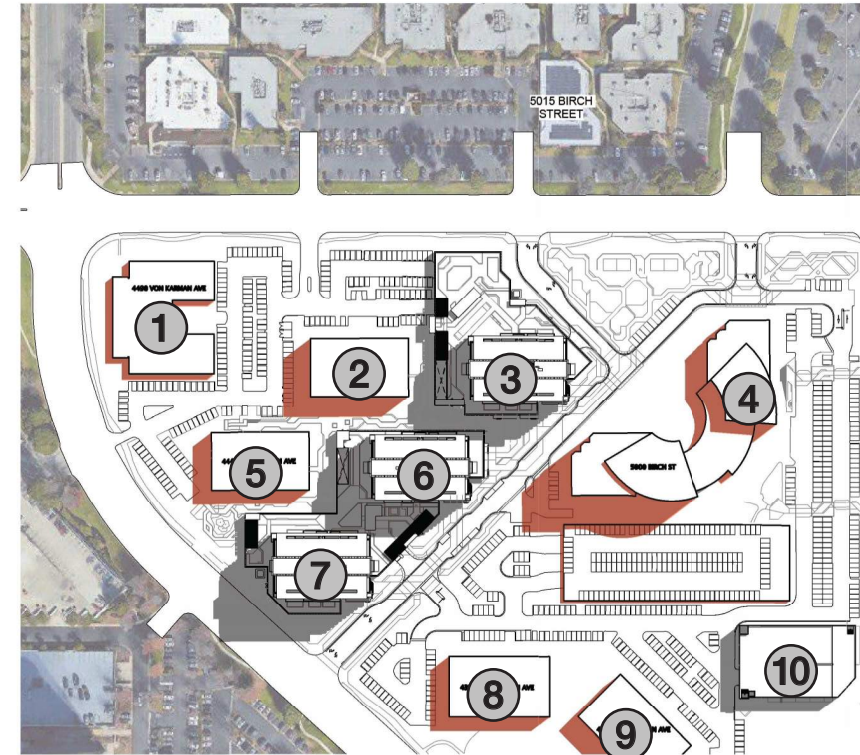
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- ⑦ Building 3
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- ⑩ Parking Structure

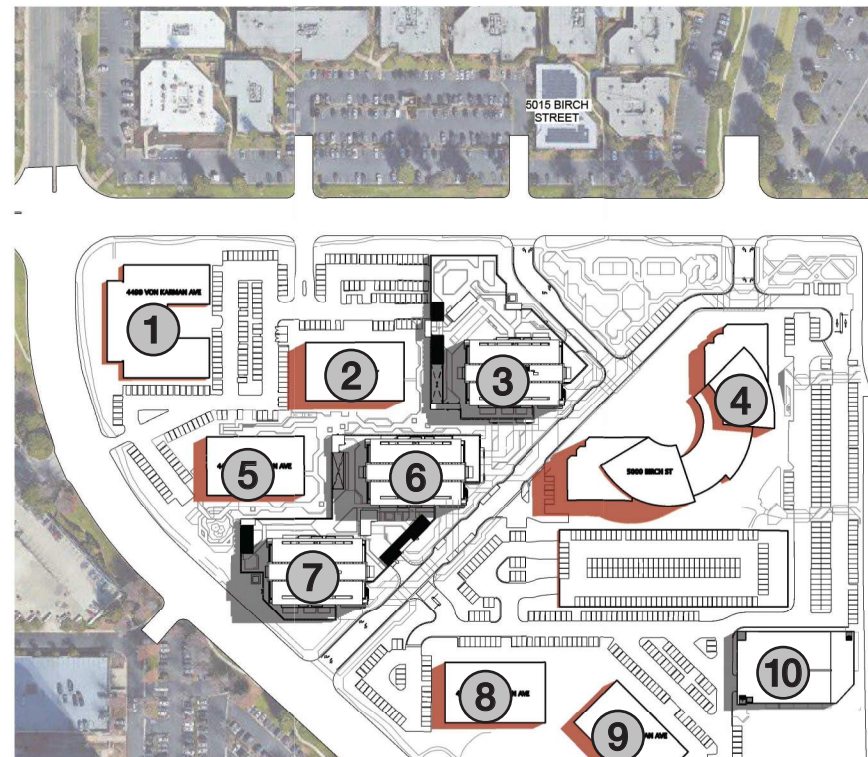
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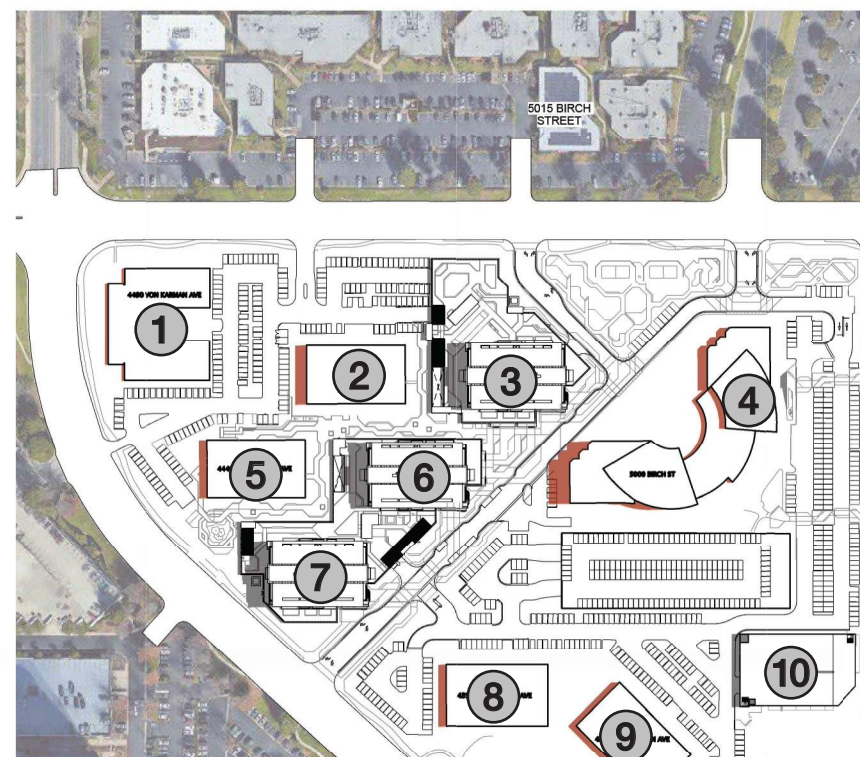
SHADOW STUDY 10 AM



SHADOW STUDY 11 AM




SHADOW STUDY 12 NOON



■ EXISTING SHADOWS  
■ PROJECT SHADOWS

Source: MVE + Partners, 2017

**FIGURE 4.1-2c: Shade/Shadow Study: Summer Solstice**  
The Koll Center Residences Project

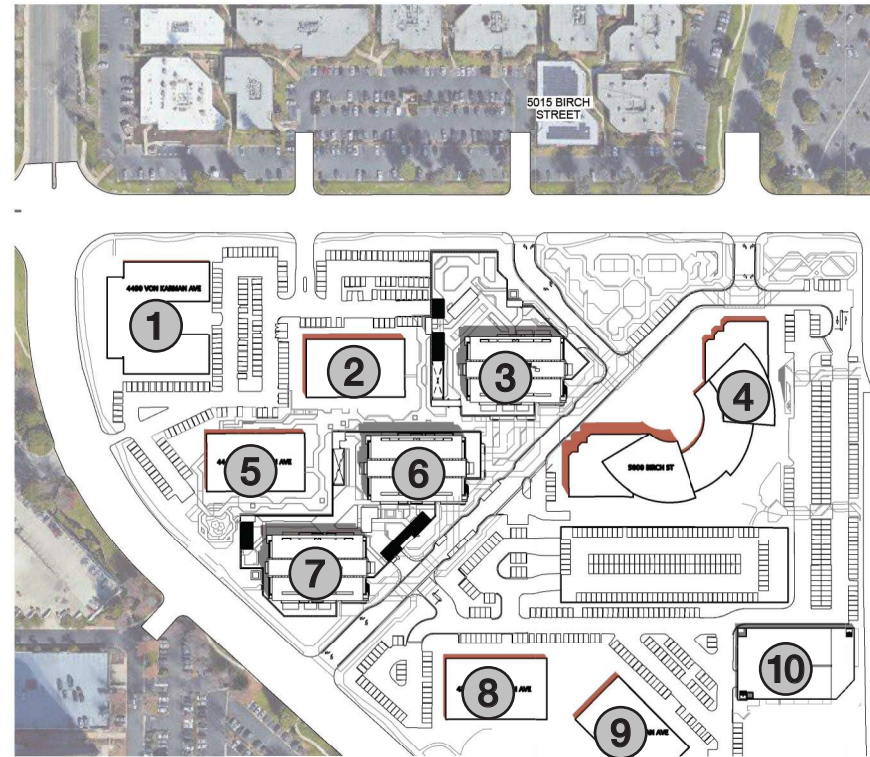
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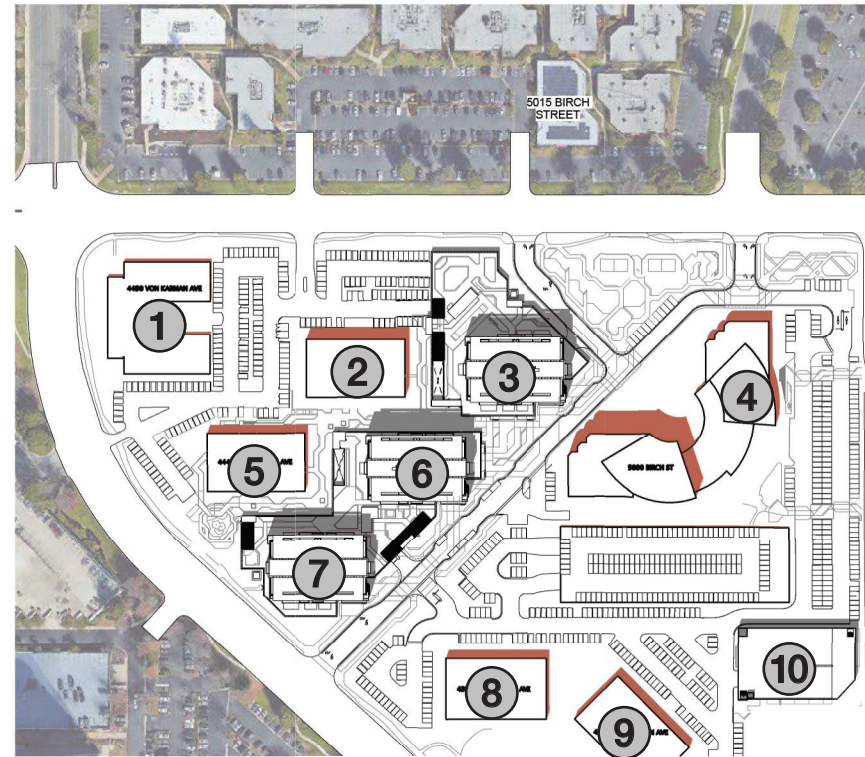




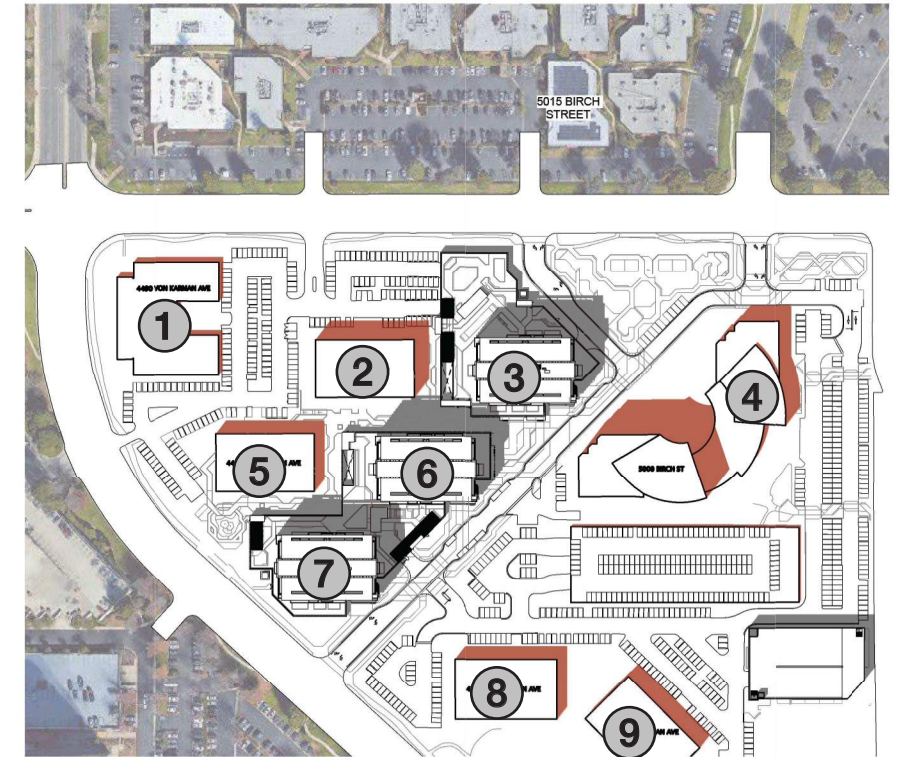
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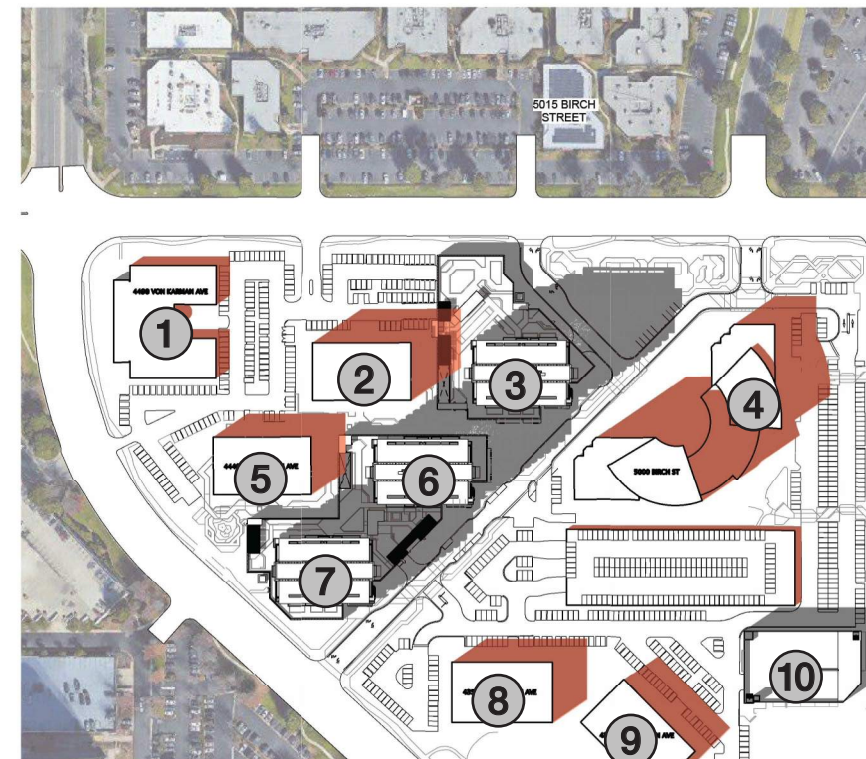
SHADOW STUDY 3 PM



SHADOW STUDY 4 PM



SHADOW STUDY 5 PM



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- ⑥ Building 2
- ⑦ Building 3
- ⑧ 4350 Von Karman Ave
- ⑨ 4340 Von Karman Ave
- ⑩ Parking Structure

■ EXISTING SHADOWS  
 ■ PROJECT SHADOWS

Source: MVE + Partners, 2017

**FIGURE 4.1-2d: Shade/Shadow Study: Summer Solstice**  
The Koll Center Residences Project

Not to scale

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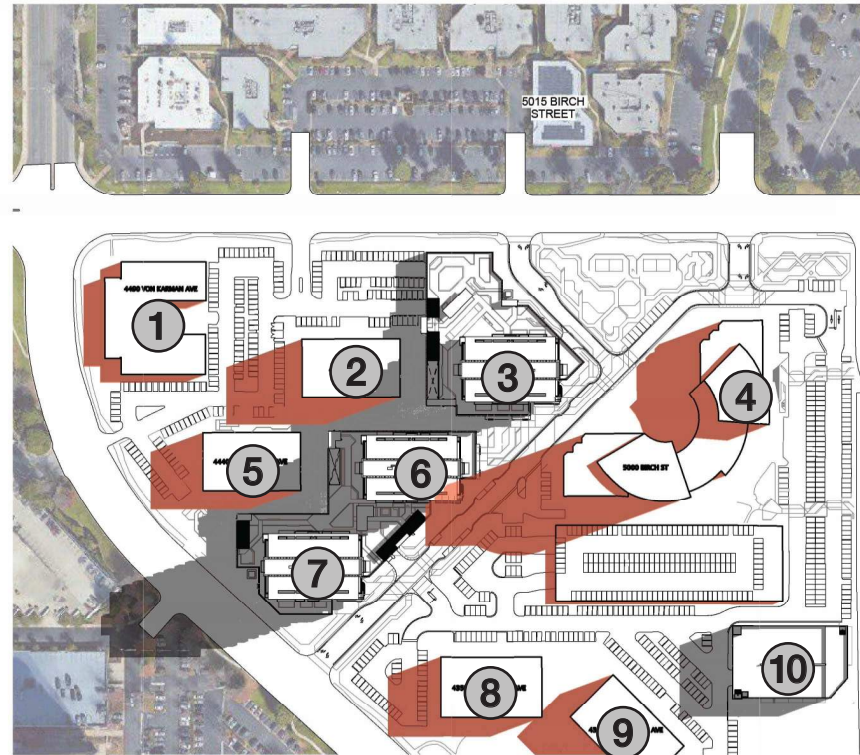




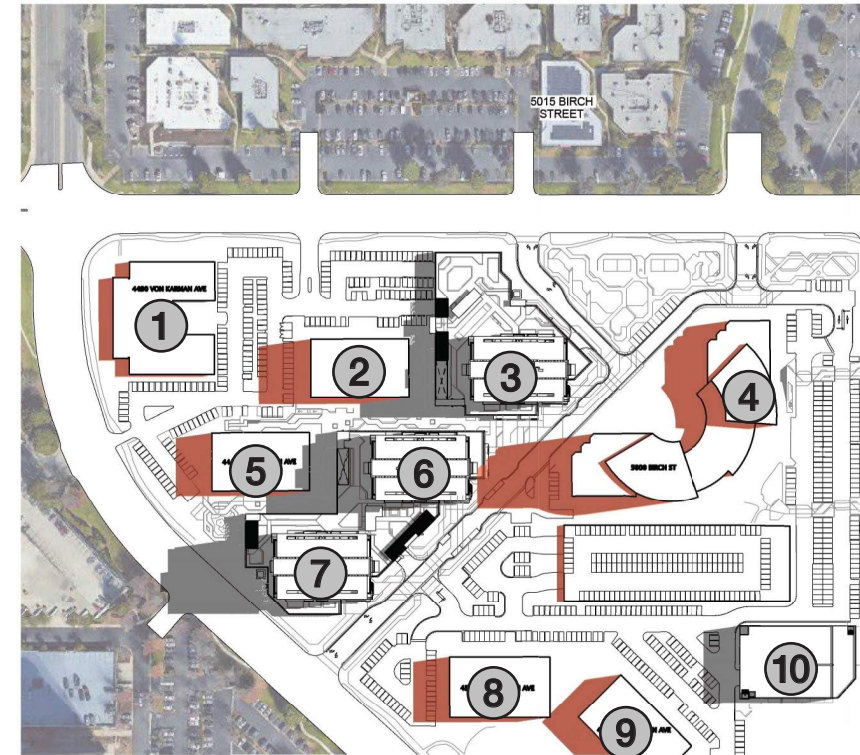
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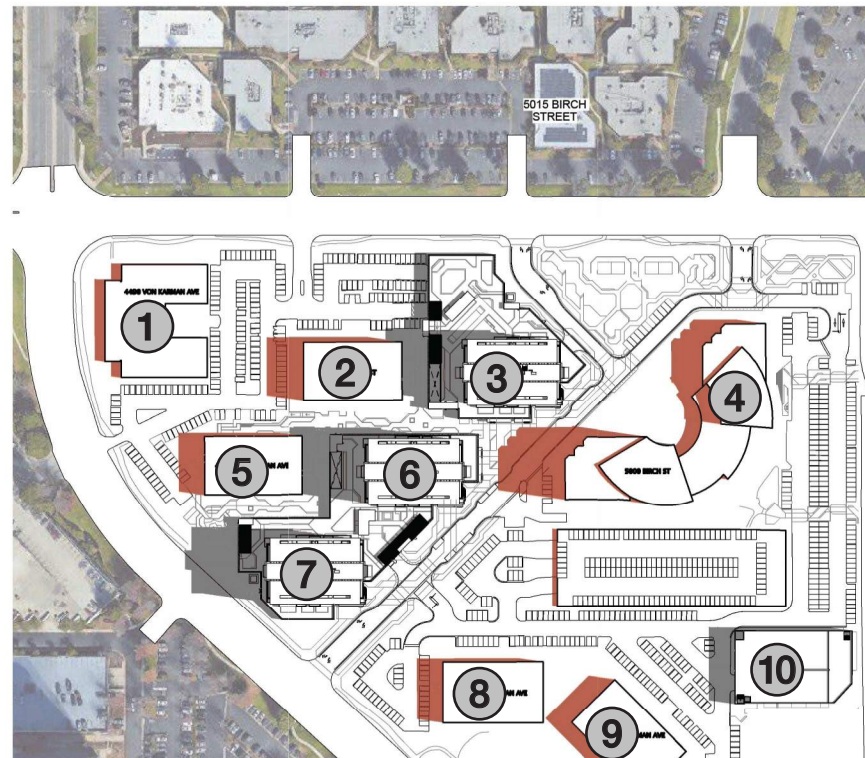
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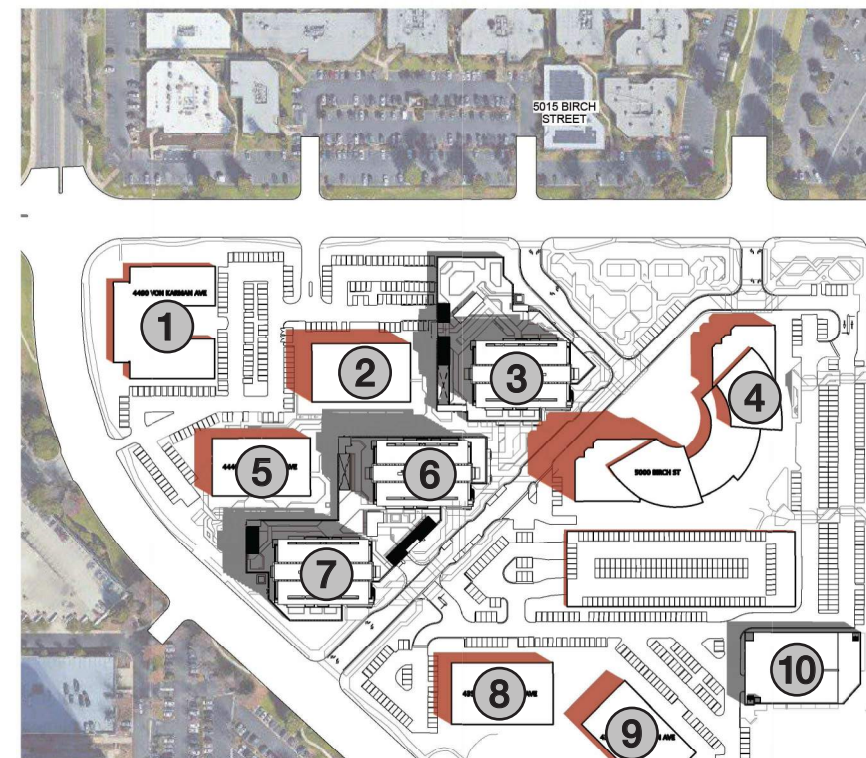
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SHADOW STUDY 11 AM



SHADOW STUDY 12 NOON



■ EXISTING SHADOWS  
■ PROJECT SHADOWS

Source: MVE + Partners, 2017

**FIGURE 4.1-2e: Shade/Shadow Study: Fall Equinox**  
The Koll Center Residences Project

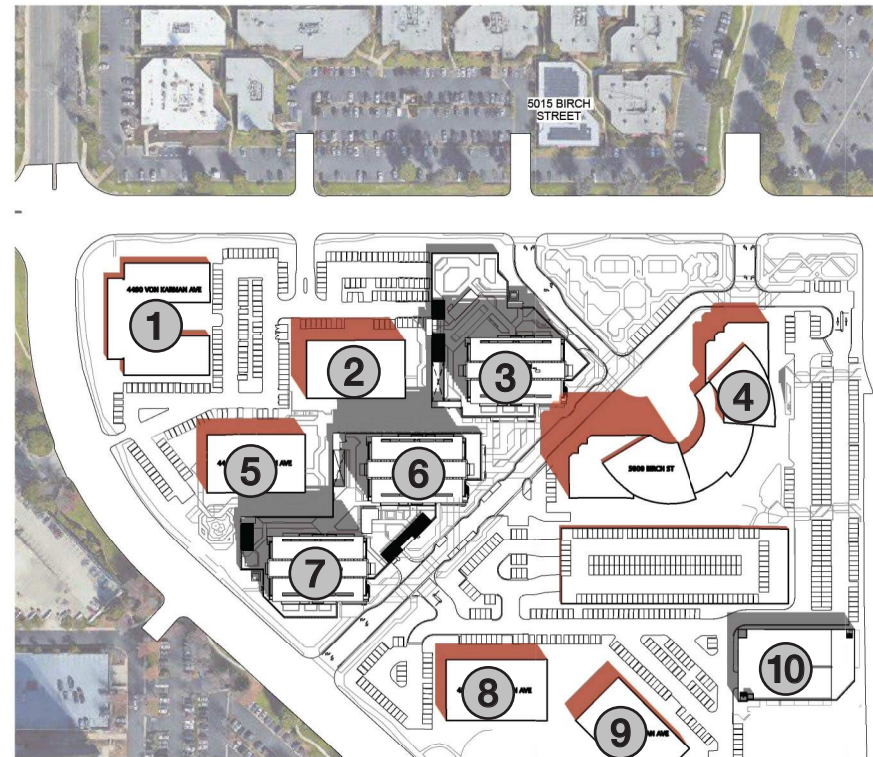
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Kimley»Horn





SHADOW STUDY 1 PM



SHADOW STUDY 2 PM



SHADOW STUDY 3 PM



SHADOW STUDY 4 PM



SHADOW STUDY 5 PM



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■ EXISTING SHADOWS  
 ■ PROJECT SHADOWS

Source: MVE + Partners, 2017

**FIGURE 4.1-2f:** Shade/Shadow Study: Fall Equinox  
The Koll Center Residences Project

Not to scale



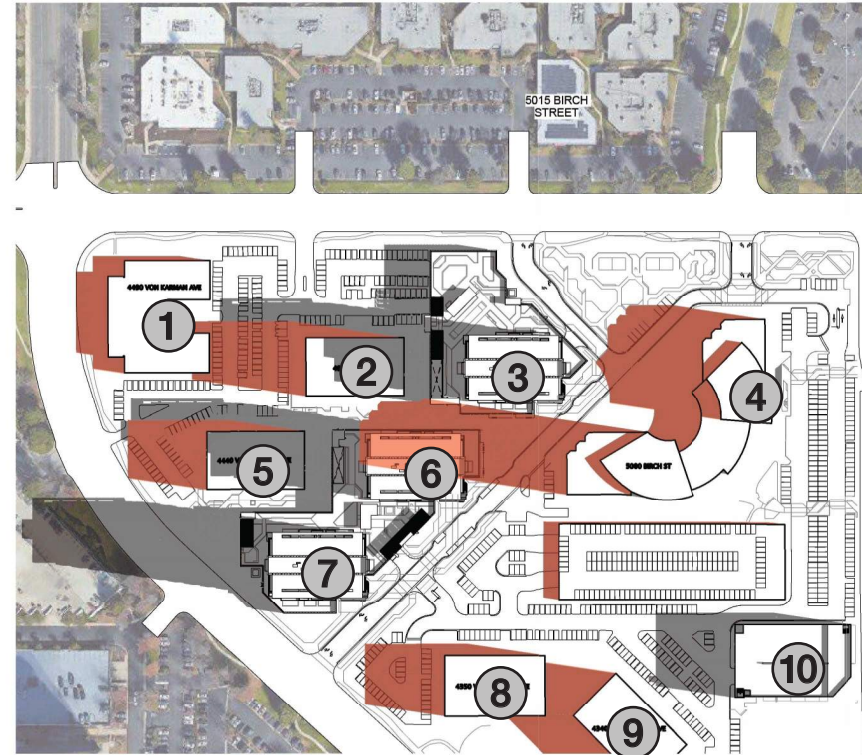




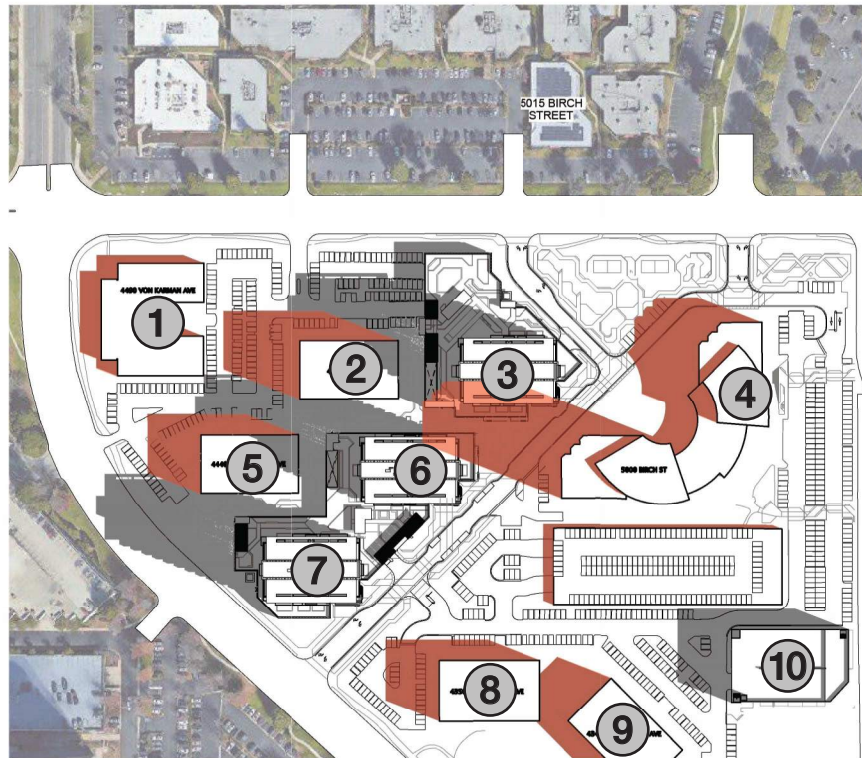
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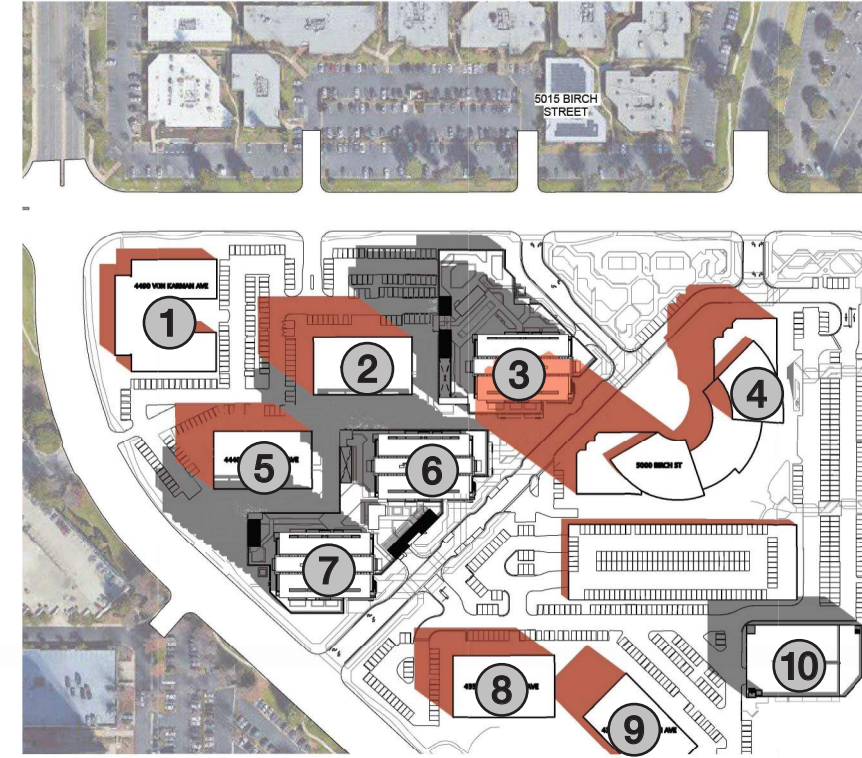
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SHADOW STUDY 11 AM



SHADOW STUDY 12 NOON



■ EXISTING SHADOWS  
■ PROJECT SHADOWS

Source: MVE + Partners, 2017

**FIGURE 4.1-2g: Shade/Shadow Study: Winter Solstice**  
The Koll Center Residences Project

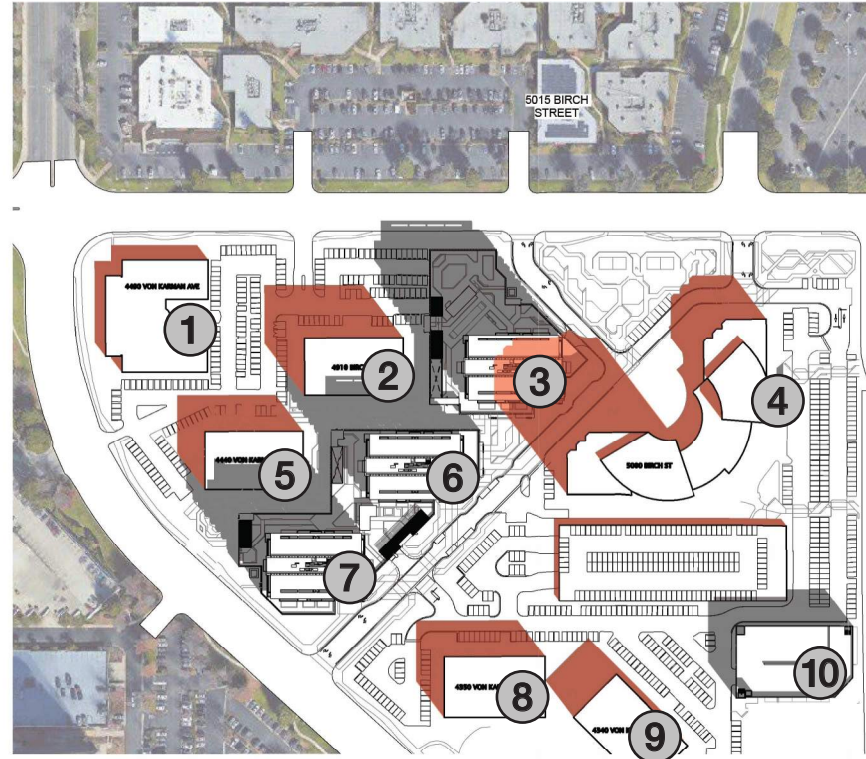




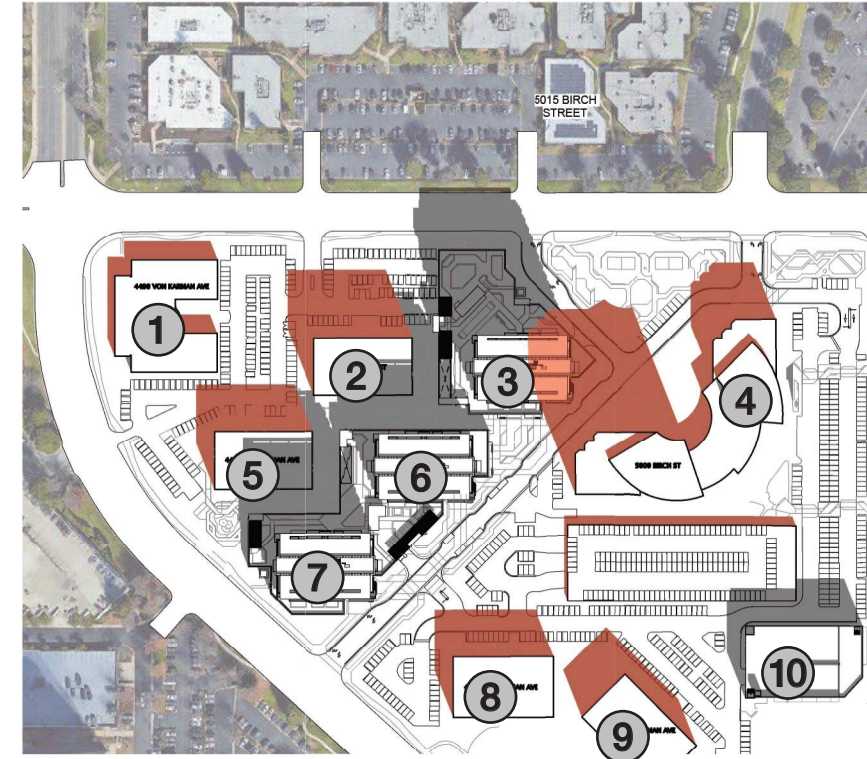
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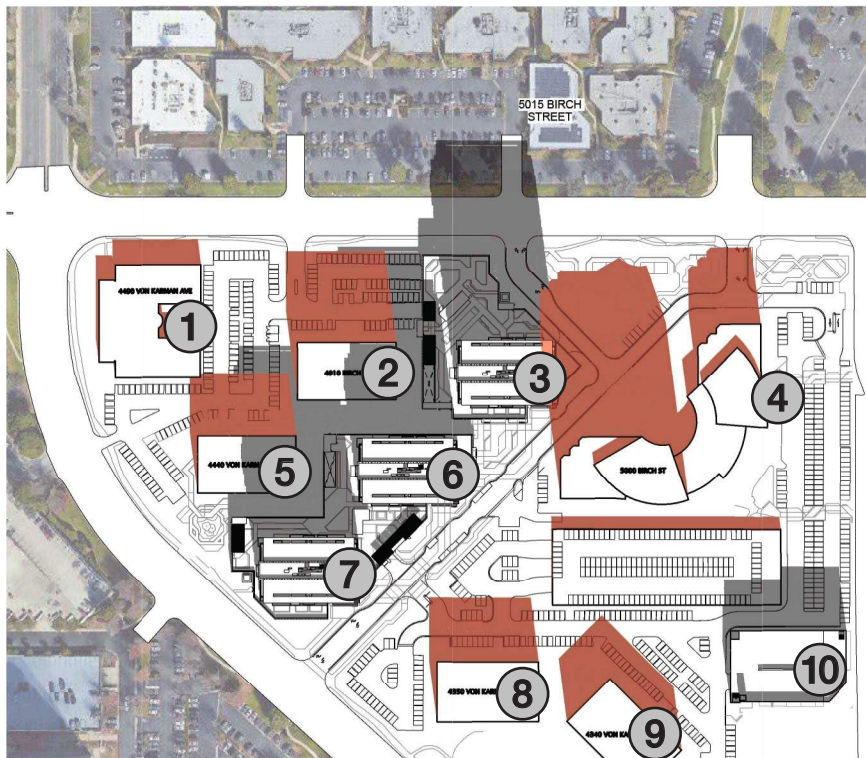
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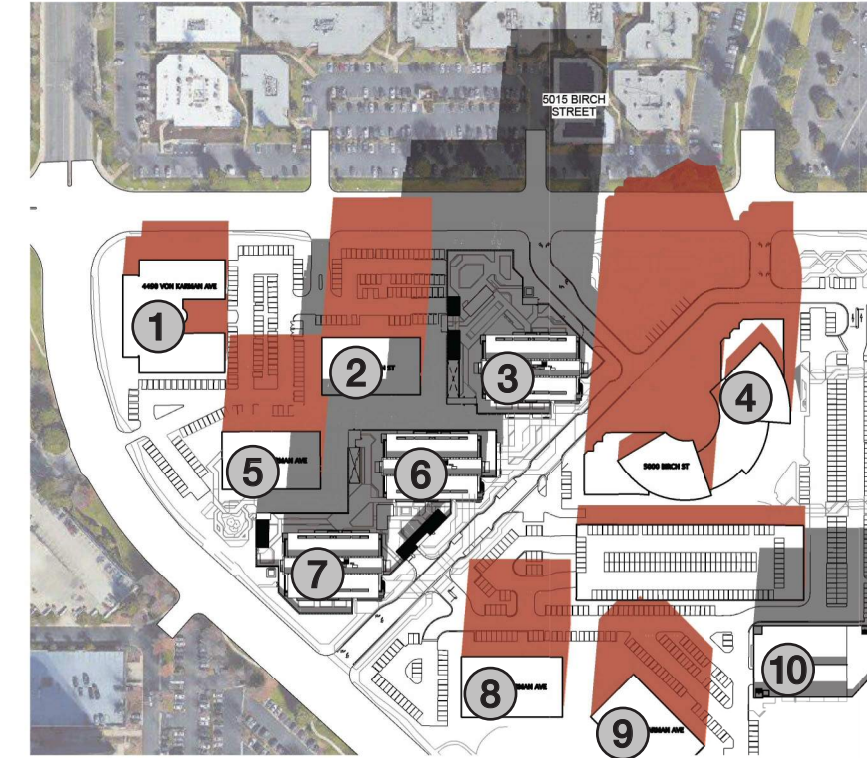
SHADOW STUDY 2 PM



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SHADOW STUDY 4 PM



■ EXISTING SHADOWS  
■ PROJECT SHADOWS

Source: MVE + Partners, 2017

**FIGURE 4.1-2h: Shade/Shadow Study: Winter Solstice**  
The Koll Center Residences Project



## **Light and Glare**

The project site and surrounding area is primarily built out. Ambient light from urban uses in the Airport Area includes building lighting (exterior and interior), security lighting, surface parking lot and parking structure lighting, illuminated signage, and street lights. Another source of nighttime light is vehicle headlights along surrounding roadways. However, the area east of the site between Jamboree Road and the San Diego Creek, both north and south of Campus Drive, has very limited nighttime lighting. San Joaquin Freshwater Marsh Reserve has no lighting. The western boundary of the Reserve is approximately 0.5 mile southeast of the site (as the crow flies). Campus Drive through the Reserve from University Drive to Carlson Avenue (approximately 0.74 mile) has no street lighting. The 135-acre Newport Bay Nature Preserve (Back Bay) is approximately 1 mile southwest of the site; no lighting is provided within the Back Bay or along Back Bay Drive.

### **4.1.5 THRESHOLDS OF SIGNIFICANCE**

According to Appendix G of the CEQA Guidelines, to determine if a project could potentially have a significant impact if it would:

- |                        |  |
|------------------------|--|
| <b>Threshold 4.1-1</b> | Have a substantial adverse effect on a scenic vista.   |
| <b>Threshold 4.1-2</b> | Substantially degrade the existing visual character or quality of the site and its surroundings.                   |
| <b>Threshold 4.1-3</b> | Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. |

As addressed in Section 1.4, *Summary of Effects with No Impact*, the City has determined that the Proposed Project would not have a significant impact on the following threshold for the reasons stated below, and that no further analysis was required:

- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.

There are no rock outcroppings or any other scenic resources on site. There are ornamental trees located in landscaped areas, but the trees are not considered scenic resources. Additionally, there are no State scenic highways adjacent to or proximate to the project site. The site is not within a State scenic highway, nor is it visible from any officially designated or eligible scenic highway. Therefore, no impact would occur.

The City uses the following significance criteria to evaluate shade/shadow effects of projects. Potentially significant impacts may occur if 50 percent of shadow-sensitive areas are in shade/shadow for at least 50 percent of daylight hours during a season. For example, a project may be considered to have a significant impact if a substantial amount of shadow-sensitive uses would be shaded by project-related structures for more than three hours between the hours of 9:00 AM and 3:00 PM Pacific Standard Time (between late October and early April) or for more than four hours between the hours of 9:00 AM and 5:00 PM Pacific Daylight Time (between early April and late October). Sensitive areas are not considered to be the entirety of a land use; it is the area used for specific shade-sensitive uses such as outdoor patios, pools, or solar collectors.

## 4.1.6 ENVIRONMENTAL IMPACTS

The City's General Plan goals and policies provide directives in its consideration of aesthetic compatibility. Land Use Element Policy 1.6, Public Views, states "Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points". Consistent with this policy, this analysis addresses potential visual impacts that could result from implementation of the Proposed Project.

<b>Threshold 4.1-1:</b>	<b>Would the Project have a substantial adverse effect on a scenic vista?</b>
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The project site is generally flat and is bordered by office buildings and roadways. The City of Newport Beach General Plan does not identify any scenic vistas or view points on or proximate to the site. The nearest public view point to the project site identified in the General Plan is approximately 1.1 miles south of State Route (SR) 73 at Bayview Park. The nearest coastal view designated portion of Jamboree Road to the site is south of SR-73; it is approximately 0.6 mile south of the site. Due to the distance and highly urbanized nature of the project area, public coastal views along this view corridor would not be impacted by the Proposed Project. Therefore, the Project would not obstruct, interrupt, or diminish a scenic vista and no impacts would occur.

**Impact Summary:**      **Threshold 4.1-1: *No Impact.*** The Proposed Project would have no impact on scenic vistas.

<b>Threshold 4.1-2:</b>	<b>Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?</b>
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### Grading and Construction

Implementation of the Proposed Project would be constructed over a 4.5-year period. A free-standing parking structure would be constructed prior to the first residential building (Building 1) to replace surface parking temporarily and permanently removed. Completion of the parking structure (Phase A) would be followed by Building 1 (Phase 2), and then Buildings 2 and Building 3 (Phase 3). The project site would be graded, and foundation excavation would require the removal of approximately 127,730 cubic yards (cy) of material of which approximately 118,500 cy would be exported from the site. During construction, there would be views of construction equipment, ongoing construction activities, and stockpiles of building materials on the project site. This visual effect is considered less than significant because of its temporary condition and because views of site construction would be characteristic of a typical construction site and would not result in a substantial degradation to the site or surrounding area.

### Project Characteristics

The Project includes three residential buildings, a 1.17-acre public park, and free-standing parking structure. Buildings 1, 2, and 3 would be 13 stories with a maximum building height of 160 feet above ground level (agl).



The contemporary architecture design for Buildings 1, 2, and 3 is intended to convey an urban character and relate directly to that of the surrounding office buildings. The form and composition of the buildings would maintain a traditional tri-partite approach of base-middle-top. The vertical elements would transition from heavier to lighter materials. The two-story podium base of Building 1 and the two-story podium of Buildings 2 and 3 would be constructed with Glass Fiber Reinforced Concrete (GFRC), is intended to ground the buildings. Ground level building would incorporate glass and metals.

The “middle” portion of each building would use an expansive glass window wall system which would create a sleek, lighter feel than that of the base level of each building. Vertical extensions of GFRC at select locations would continue from the base level to the mid-levels. Exposed concrete slab edges and cantilevered balconies would provide horizontal building articulation. The “top” two levels would have step-backed terraces and prominent canopy extensions. The step-backed terraces provide massing breaks at the roofline; the canopies would open to the sky.

Proposed building materials would have a warm, neutral color palette. The GFRC base material would be a sand color with a sandblast finish to add texture. The accented metals used for building trim, window frames, and canopies would be a warm medium grey. Glass throughout the buildings, including at window walls, curtain walls, and railings would be transparent with a subtle blue/green tint.

Landscaping and gardens would be provided throughout the project site. The Project includes a 1.17-acre public park, as well as several garden areas. The park would be landscaped with a variety of grasses, trees, shrubs, groundcover, and succulents. Other garden areas would include both hardscape such as seating areas, water features, and enhanced paving, as well as trees and planters. Landscaping would also be provided along the perimeter of the site, within the surface parking areas, and bordering the free-standing parking structure. Landscaping materials would include a mix of trees, vines, shrubs, and groundcover.

As previously shown in Figures 3-8 and 3-9 in Section 3.0, *Project Description*, the siting of the three residential buildings allows for views through the site to the surrounding office buildings. The massing breaks add visual interest and reduce long obstructive building facades. The site placement of Building 1, Building 2, and Building 3 along the spine street would be the least impactful to the obstruction of views for the surrounding office buildings, particularly the views from the 10-story (154 feet) 5000 Birch office building. The three buildings’ staggered and angled orientation along the spine street bisect the site from the 10-story office building and provide pedestrian connections between the uses.

The introduction of residential mixed-use land uses would change the general character of the project site. However, it should be noted that the Uptown Newport Project will include up to 1,244 residential dwelling units, 11,500 sf of neighborhood-serving retail space, and 2 acres of parks. The contemporary architectural style of the Project would be compatible with the surrounding office buildings within the Koll Center Newport and the surrounding area. In particular, the architecture of the Project would be compatible with the Uptown Newport Project.

With respect to building heights, with the exception of the 10-story (154 feet) 5000 Birch Street office building, the other adjacent office buildings are one to four stories in height. Allowed building heights for Uptown Newport are up to 150 feet. The Proposed Project’s building scale would be comparable to existing office building skylines further to the north, south and west. The 10-story (112 foot) Duke Hotel is less than 0.1 mile to the northwest of the project site at the southwest corner of Birch Street at Von

Karman Avenue. The 9-story (140 foot) Bank of the West office building is less than 0.1 mile to the west of the site across Von Karman Avenue. In addition to existing urban uses, the proposed Colton Apartments, a 6-story 876 dwelling unit development, is located approximately 0.25 mile north of the proposed site in the City of Irvine. The Boardwalk, a 9-story office building located approximately half a mile northeast of the project site in the City of Irvine, is currently under construction.

The Proposed Project would be required to comply with the City of Newport Beach Municipal Code Section 20.52.080, *Site Development Review*, which requires specific development projects to be reviewed to ensure consistency with the General Plan policies related to the preservation of established community character and expectations of high quality development, and to ensure that the Project respects the physical and environmental characteristics of the site (SC 4.1-1).

Also, the Project is designed to comply with General Plan Policy LU 5.6.2, which requires that new buildings be designed to “avoid the use of styles, colors, and materials that unusually impact the design character and quality of their location such as abrupt changes in scale, building form, architectural style, and the use of surface materials that raise local temperatures, result in glare and excessive illumination of adjoining properties and open space, or adversely modify wind patterns.”

### ***Shade/Shadow***

A shade and shadow analysis was prepared for the Project to determine whether the proposed residential buildings would cause shade and shadow impacts on sensitive land use. Given the urban context of this area, the proposed residential buildings are not considered a sensitive use with the same expectations of shade/shadow limits as traditional single-family and low-rise multi-family residential uses. There are no shade-sensitive uses, such as residential, recreational and park areas, schools, or nurseries on or near the project site. Therefore, the Proposed Project would not impact sensitive land uses. However, the EIR has included a shade and shadow analysis to identify any changes that would occur associated with the Project on the existing office buildings bordering and within the project site. The shade and shadow simulations depict shade/shadow conditions that occur at present without the Project as well as identify any changes that would occur with implementation of the Project.

Figures 4.1-2a through Figure 4.1-2h conceptually depict shadows cast based on the locations of Buildings 1, 2 and 3 in comparison to the existing shadows cast by office building located within the Koll Center Newport. Shadows cast by buildings and structures vary in length and direction throughout the day and from season to season. Shadow lengths increase during the “low sun” or winter season and are longest during the winter solstice. The winter solstice (Figures 4.1-2g and 4.1-2h), therefore, represents the worst-case shadow condition and is when the potential loss of access to sunlight would be the greatest. Shadow lengths are shortest during the summer solstice (Figures 4.1-2c and 4.1-2d), while shadows cast during the Spring (Figures 4.1-2a and 4.1-2b) and Fall (Figures 4.1-2e and 4.1-2f) equinox fall midway between the summer and winter extremes.

As shown in the figures and as previously addressed, shadows cast by the existing office buildings predominately fall within the area bordered by Birch Street and Von Karman Avenue, with some shadows cast on the office buildings north of Birch Street at certain times of day during winter. Buildings 1, 2, and 3 which would be up to 160 feet in height, would cast shadows within the same area as current conditions as well as extending north of Birch Street and southwest of Von Karman Avenue at certain times of the



day during the summer solstice and winter solstice (Figures 4.1-2a through 4.1-2h). The free-standing parking structure would have no effect on surrounding land uses; shadows would not extend beyond existing parking areas.

**Fall/Spring Equinox.** Because shadows cast during the spring equinox are similar to those of the fall equinox, they are analyzed together. Shadows cast by Project buildings at 9:00 AM would fall primarily on the project site; Building 3 would cast some shadows onto Von Karman Avenue to the southwest, as well as onto surface parking and the drive aisle of the office uses to the west (Figures 4.1-2a, 4.1-2b, 4.1-2e, and 4.1-2f). At 5:00 PM, shadows cast by the Buildings 2 and 3 would fall primarily on the project site, including Building 1, with Building 1 casting some shadows onto Birch Street to the northeast, as well as onto surface parking of the office uses to the northeast. Applying the threshold described above as a guideline, no surrounding land uses or areas would be shaded for more than four hours on any day, including Building 1. Therefore, shade/shadow impacts would not occur during the fall or spring months.

**Winter Solstice Shadows.** Shadows cast by Buildings 1 and 2 at 10:00 AM on the winter solstice would predominantly shade the 4910 Birch and 4440 Von Karman office buildings (Figures 4.1-2g and 4.1-2h). Shadows cast by Building 3 would shade part of Von Karman Avenue, as well as a small portion of the parking structure of the hotel located to the west of the project site. As seen in the figure, a portion of the 4910 Birch and 4440 Von Karman office buildings would be shaded by the Project from 10:00 AM until 4:00 PM. Beginning at 3:00 PM, shadows cast by Building 1 would shade parts of Birch Street and the parking lot of the office uses to the northeast of the site. At 4:00 PM, shadows from Building 2 and Building 3 would shade the project site, including a small portion of Building 1, parts of Birch Street, the parking lot, and the 5015 Birch Street office building to the northeast of the project site. While portions of the 4910 Birch and 4440 Von Karman office buildings would be shaded by the Project for more than three hours on any day, the office uses located in the two buildings are not considered a shade-sensitive use. The remaining uses, including Building 1, would not be shaded for more than four hours a day. Therefore, shade/shadow impacts would not occur during winter solstice months.

**Summer Solstice Shadows.** Shadows cast by the proposed buildings at 9:00 AM on the summer solstice would fall primarily on the project site, with Building 3 casting some shadows onto Von Karman Avenue and a small part of the parking lot of the office uses located to the west of the site (Figures 4.1-2c and 4.1-2d). From 10:00 AM until 5:00 PM, shadows cast by the Project buildings would fall primarily on the project site. At 4:00 PM, Building 2 casts a shadow onto a small portion of Building 1. Applying the threshold described above, no surrounding land uses or areas, including Building 1, would be shaded for more than four hours on any day. Therefore, shade/shadow impacts would not occur during the summer months.

**Shadow Impacts on Solar Collectors.** With regard to natural sunlight for solar collectors (thermal or photovoltaic), the office building at 5015 Birch Street, located northeast of the project site, has solar collectors on the roof that would potentially be affected by shadows cast by the Proposed Project's buildings. As seen in Figures 4.1-2a through 4.1-2h, the office building at 5015 Birch Street would be shaded by the Proposed Project at winter solstice at 4:00 PM. With sunset being at approximately 4:50 PM, there would be minimal impact to the hours of sunlight interrupted by implementation of the Project. Therefore, impacts on solar collectors would be less than significant.

While the aesthetics of a project are highly subjective, the Proposed Project has been designed to be compatible with surrounding urban uses that include tall buildings and includes significant enhancements to the site such as a public park and gardens. The Project's proposed development can be implemented without significant aesthetic or visual impacts.

**Impact Summary:** *Less Than Significant.* The implementation of the Project would change the visual character of the site from a parking lot to a mixed-use development consistent with the General Plan land use designation for the property. The Project would not have significant aesthetic or visual resource impacts.

**Threshold 4.1-3: Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

The three, 13-story buildings would be visible from surrounding areas that are currently developed with commercial/office, restaurant, and hotel uses that also have lighting. The Uptown Newport mixed-use project is under construction and will have various sources of nighttime lighting.

Implementation of the Project would result in additional lighting at the project site for the residential buildings, parking areas including the free-standing parking structure, park and common areas, paseos, and walkways. Additional light sources would also be associated with exterior and interior building lighting including signage. Ground-level retail uses could have transparent retail storefront windows to increase the visibility into and out of the retail spaces. Illumination would be associated with interior lighting and signage. The recreational, open space, and landscaped areas of the site would have lighting to allow for nighttime use of the amenity areas; lighting for security; and landscape accent lighting.

The surface parking areas would continue to include light standards. Each level of the parking structures would have lighting for security and visibility. The parking structure for Building 1 would have five levels of structured parking (three levels below ground and two levels above ground). The shared parking structure for Building 2 and Building 3 would have four levels of common structured parking (two levels below ground and two levels above ground). The above ground levels of these structures are enclosed and would therefore not be a source of night lighting.

The free-standing parking structure would be constructed in the southeast portion of the project site proximate to planned residential development in Uptown Newport. To minimize the visibility of lighting on each floor of the structure, the facades of the above-ground levels of the structure would have a wall system to obscure the lighting and reduce noise from within the structure. The design of the structure would be subject to the review and approval of the City. Please refer to MM 4.10-6 in Section 4.10, *Noise*, which addresses design requirements for the free-standing parking structure to mitigate potential noise and lighting impacts. With respect to the upper (roof) level of the free-standing parking structure, lighting would be limited to wall-mounted sconce lighting affixed to the interior side of the parapet walls and to bollard fixtures. The bollard fixtures would be no taller than the height of the parapet walls.

The City does not have a lighting ordinance specifying the maximum amount of light that may be generated by new projects. However, the City does have adopted standards that apply to the installation and illumination of light fixtures. All project-related exterior lighting would be designed, arranged,

directed downward, or shielded in such a manner as to contain direct illumination on site and not produce glare onto adjacent properties or roadways, in accordance with Section 20.30.070.A of the City's Municipal Code. All outdoor Project lighting would consist of full cut-off or directionally shielded light fixtures to confine directed light to the object intended to be illuminated in accordance with Section 20.30.070.C of the City's Municipal Code. Lighting would be installed to accommodate safety and security while minimizing impacts on surrounding areas. Parking lighting would be the minimum necessary that is consistent with the City's Municipal Code Section 20.30.070.B. Development of the Proposed Project would also be required to comply with California's Building Energy Efficiency Standards for Residential and Nonresidential Buildings, Title 24, Part 6, of the California Code of Regulations, which outlines mandatory provisions for lighting control devices and luminaires. The City's standard operating conditions of approval would apply to the Proposed Project which include the preparation of a photometric study and an evening inspection to confirm control of light and glare specified in the conditions of approval (SC 4.1-2).

With respect to materials used for the construction of Buildings 1, 2, and 3, and the free-standing parking structure, reflective or shiny materials would not be used. The Glass Fiber Reinforced Concrete (GFRC) and concrete structural materials have matte finishes and would therefore have minimal to no reflectance. Metals accents would be specified to have a matte finish with minimal reflectance. The Proposed Project does include the use of glass throughout the buildings for window walls, curtain walls, and railings. Building glass and glazing would be specified as Solarban 60 Clear with minimal reflectance. The materials that would be used for the construction of the Proposed Project would minimize any potential glare impacts to less than significant levels.

Because the project site and surrounding area are largely developed, the lighting associated with the Proposed Project would not substantially increase light and glare within the site or its surroundings. With adherence to the provisions of the City's Municipal Code and Standard Operating Conditions of Approval, and California's Building Energy Efficiency Standards for Residential and Nonresidential Buildings, lighting and glare impacts and potential spillover of the Project would not occur on surrounding land uses or roadways. Light and glare impacts would be less than significant.

**Impact Summary:**      ***Less Than Significant with Mitigation.*** The project site is in an urbanized area with existing sources of lighting. The site currently contains light standards within the surface parking areas. Additional lighting in the area includes vehicle headlights, traffic signals, illuminated signage, and lighting associated with office and commercial uses. The introduction of additional light sources would not be a significant impact. Building materials would minimize the potential for glare. MM 4.10-6 in Section 4.10, *Noise*, would mitigate potential lighting impacts associated with the free-standing parking structure to a less than significant level.

#### 4.1.7 CUMULATIVE IMPACTS

When evaluating cumulative aesthetic impacts, a number of factors must be considered. The cumulative study area for aesthetic impacts is the viewshed that includes the project site and surrounding areas. The context in which a project is being viewed will also influence the significance of the aesthetic impact. The contrast a project has with its surrounding environment may actually be reduced by the presence of other cumulative projects. If most of an area is or is becoming more urbanized, the contrast of a project with

the natural surrounding may be less since it would not stand out in contrast as much. In order for a cumulative aesthetic impact to occur, the proposed elements of the cumulative projects would need to be seen together or in proximity to each other. If the projects were not near each other, the viewer would not perceive them in the same scene.

The only planned cumulative projects that are within the same viewshed as the Proposed Project are Uptown Newport Project, MacArthur at Dolphin-Striker Way, Newport Business Plaza, and the PRES Office Building projects in the City of Newport Beach and the Colton Apartments and Boardwalk projects in the City of Irvine.

The Uptown Newport site is 0.1 mile southeast of the project site at 4311-4321 Jamboree Road. As previously noted, Uptown Newport will include up to 1,244 residential units, 11,500 sf of neighborhood-serving retail space, and 2 acres of public parks with building heights up to 150 feet. As with the Proposed Project, this cumulative project would alter the visual character within the Project's viewshed. The Project would include pedestrian connections to the Uptown Newport site, creating a larger mixed-use residential village established by Uptown Newport. The contemporary architecture of the Project would be compatible with the Uptown Newport Project. Because of the highly-developed nature of the project area, development of the Proposed Project in addition to the Uptown Newport Project would not negatively impact the visual character of the site or surrounding area.

The Newport Business Plaza Project, located at 4699 Jamboree Road, allows for the demolition of two existing connected buildings to construct a 46,044-gross-sf commercial business plaza which would consist of a 1-story bank, two 3-story office builds, and a 2-level parking structure. The project has not yet been constructed. The PRES Office Building B Project, located at 4300 Von Karman Avenue, increases the maximum allowable entitlement by 11,544 gross sf and increases the maximum allowable entitlement in office suite B by 9,917-net-sf to allow for the development of a new 2-level office building over a ground-level parking structure. The project has not yet been constructed.

As with the Proposed Project, the Newport Business Plaza and the PRES Office Building B cumulative projects would alter the visual character of the area. However, because of the highly-developed nature of the project area, development of the Proposed Project in addition to these two cumulative projects would not negatively impact the visual character of the area. Additionally, the cumulative projects would be required to comply with the City of Newport Beach Municipal Code Section 20.52.080, *Site Development Review*, which requires specific development projects to be reviewed in order to ensure consistency with the General Plan policies related to the preservation of established community character and expectations of high quality development, and to ensure that the two projects respects the physical and environmental characteristics of their respective sites.

The Colton Apartments, located at Campus Drive and Von Karman Avenue in the City of Irvine, approximately 0.4 mile north of the project site. The project allows for 876 apartments in three, six-story residential buildings on 12.64 acres. It includes the demolition of the on-site office uses and has not yet been constructed. The Boardwalk Project, located at 18691 Jamboree Road in the City of Irvine, allows for the development of a 458,000-sf office uses. The project consists of two nine-story buildings with two acres of landscaped open space. The project is currently under construction. The Boardwalk Project is approximately 0.6-mile northeast of the site. Due to the distance between the projects and the flat

topography in the project area, the development of the Project in addition to the two cumulative projects would not negatively impact the visual character of the area.

The relative effects of shading from structures are site specific. As concluded above, the shade/shadow impacts of the Proposed Project would not be significant. Therefore, the Project's contribution to cumulative shade/shadow impacts would be less than cumulatively significant.

With respect to nighttime illumination, nighttime lighting effects may be considered in a regional context because of the potential for night glow that would extend beyond the boundaries of a site. Therefore, with respect to night lighting, the Proposed Project is considered in context to the forecasted growth for the area and with cumulative projects in the area that may contribute to the increased nighttime lighting. Because the proposed in-fill project is bordered by existing development and has existing nighttime lighting, the Project's contribution to nighttime lighting would be less than cumulatively considerable.

## 4.1.8 MITIGATION PROGRAM

### **Project Design Features**

No project design features have been identified by the Applicant.

### **Standard Conditions**

**SC 4.1-1** Obtain site development review approval before the issuance of a building or grading permit in compliance with the City of Newport Beach Municipal Code Section 20.52.080.

**SC 4.1-2** The following City-adopted standard operating conditions of approval would apply:

1. Lighting shall be in compliance with applicable standards of the Zoning Code. Exterior on-site lighting shall be shielded and confined within site boundaries. No direct rays or glare are permitted to shine onto public streets or adjacent sites or create a public nuisance. "Walpak" type fixtures are not permitted. Parking area lighting shall have zero-cut-off fixtures and light standards shall be the minimum height required to effectively illuminate the parking area and eliminate spillover of light and glare to the adjacent property.
2. The site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if in the opinion of the Community Development Director, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Community Development Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
3. Prior to the issuance of a building permit, the Applicant shall prepare a photometric study in conjunction with a final lighting plan for approval by the Planning Department.
4. Prior to issuance of the certificate of occupancy or of final building permits, the Applicant shall schedule an evening inspection by the Code and Water Quality Enforcement Division to confirm control of light and glare specified in conditions of approval.

5. Public areas shall be illuminated with a minimum maintained 0.5-foot candle on the driving or walking surface during hours of operation and one hour thereafter.

**Mitigation Measures**

Please refer to MM 4.10-7 in Section 4.10, *Noise*, of this EIR.

**4.1.9 LEVEL OF SIGNIFICANCE AFTER MITIGATION**

The Proposed Project's potential impacts to aesthetics, shade/shadow, and lighting can be mitigated to a less than significant level.