

EXECUTIVE SUMMARY

This Draft Environmental Impact Report has been prepared pursuant to the requirements of the California Environmental Quality Act (CEQA, Public Resources Code sections 21000 et. seq) with respect to the proposed Back Bay Landing Project (“the proposed project”). In accordance with *CEQA Guidelines* §15123, this Section of the EIR provides a brief description of the project; identification of significant effects and proposed mitigation measures or alternatives that would reduce or avoid those effects; areas of controversy known to the lead agency; and issues to be resolved including the choice among alternatives and whether and how to mitigate the significant effects.

1. PROPOSED PROJECT

a. Project Location

The Back Bay Landing project will be located on 6.974 acres in the City of Newport Beach (“City”) in Orange County, California. Newport Beach is at the western edge of Orange County, adjacent to the Pacific Ocean and is bordered by Costa Mesa to the northwest, Huntington Beach to the west, Irvine to the northeast, and unincorporated portions of Orange County to the southeast (refer to **Figure 2-1**, *Project Location Map*, in Chapter 2, *Project Description*, of this Draft EIR). The 6.974-acre project site consists of the crescent-shaped landside portion of Parcel 3, as shown in **Figure 2-2**, *Existing Conditions and Project Boundary Map*, in Chapter 2, *Project Description*, of this Draft EIR, and a small portion of Parcel 2 (0.304 acres) that would be subject to a Lot Line Adjustment (LLA) to accommodate a new driveway at Bayside Drive and facilitate parking for residents of the adjacent Bayside Village Mobile Home Park. The entire Parcel 3 is 31.431 acres and encompasses both the land side project area and the 24.457-acre fee-owned submerged lands. No land use or physical changes to this waterside portion of Parcel 3 are proposed as part of the subject entitlement applications (however, it should be noted that a future project may include a small inlet channel from the existing Bayside Village Marina to allow for boat launching at a proposed future dry-stack boat storage facility, which would be subject to Site Development Review at such time a specific project is proposed). The majority of the 6.974-acre project area is located immediately north of East Coast Highway between Bayside Drive and the Bayside Marina adjacent to the Upper Newport Bay. Of the 6.974 acres, 6.332 acres (275,820 square feet) contain the mixed-use site area that is the subject of the proposed land use applications and is comprised of the following Planning Areas, as shown in **Figure 2-3**, *Planning Areas*, in Chapter 2, *Project Description*, of this Draft EIR: Mixed-Use Area (Planning Area 1), Existing Private Marina Access and Beach (Planning Area 3), and Marina and Bayside Village Mobile Home Park Storage and Guest Parking (Planning Area 4). Planning Area 5 comprises the De Anza Bayside Marsh Peninsula and landward submerged tidelands within which the existing Bayside Village Marina is located.

While Planning Area 5 would be subject to the proposed legislative approvals, as noted above, no land use or physical changes are proposed and it would not be subject to any future development proposals; it is not included as part of the density calculations. It is not part of the Back Bay Landing Mixed-Use Project Area boundary shown in Figure 2-3, but it is included in the PCDP.

The balance of the 6.974-acre project site, 0.642 acres (27,966 square feet), are designated as Recreational and Marine Commercial Area (Planning Area 2) and are located under and immediately south of the Coast

Highway bridge. Although this 0.642-acre contiguous parcel is not part of the requested land use amendments, it would be developed consistent with the current Recreational and Marine Commercial General Plan and Coastal Land Use Plan designations. This 0.642-acre area is also included in the Back Bay Landing PCDP (PC-9) boundaries and development standards.

b. Description of the Proposed Project

a. Project Components

The proposed project consists of the requested legislative approvals (GPA, CLUP, PC Amendment) for the project site, as well as requests for administrative approvals of a LLA and Traffic Impact Analysis (TIA). Project-specific administrative approvals (e.g., Site Development Review, CDP, and Harbor Permit) will be processed at a future date. In order to allow for future mixed-use development of the site, amendments to the General Plan and Coastal Land Use Plan are required to change portions of the project site land use designations to a “Mixed-Use Horizontal” designation which allows the CM uses currently allowed on the site with limited residential. The Planned Community Development Plan (PCDP) included within the project applications is proposed to establish appropriate zoning regulations governing land use and development of the site consistent with the proposed General Plan and Coastal Land Use Plan designations. Subsequent entitlements will involve a Site Development Review from the City of Newport Beach and a Coastal Development Permit from the California Coastal Commission for the specific project-level design of the future mixed-use development. If residential units are developed as condominiums, a Tentative Tract Map will also be required to be processed. Resource agency permits may also be needed in the future related to placement of a bulkhead wall, which will be determined at the time a specific development project is proposed.

(1) Legislative Approvals (Current Requests)

(a) General Plan Amendment

The proposed General Plan Amendment would change the existing 6.332-acre portion of the project site designated as Recreational and Marine Commercial (CM 0.5) consisting of the proposed Mixed-Use Area (Planning Area 1), Private Marina Access and Beach (Planning Area 3), and Marina and Bayside Village Storage and Guest Parking (Planning Area 4) to Mixed-Use Horizontal 1 (MU-H1) by reallocating unused residential density from Parcels 1 and 2 (i.e., the existing Bayside Village Mobile Home Park) to Parcel 3 of Parcel Map 93-111. All three parcels are owned by the project applicant and are within the same General Plan Statistical Area (Statistical Area K-1, see further discussion and **Figure 2-5, Statistical Area K-1 Boundary**, in Chapter 2, *Project Description*, of this Draft EIR). Based on the 2006 General Plan approved land use designation (RM) on Parcels 1 and 2, there is a surplus density of 75 residential dwelling units (current General Plan land use density of 345 units minus the existing 270 residential units within Parcels 1 and 2).

Proposed Anomaly Location Numbers 80 and 81 reflect the reallocation of 49 units to Parcel 3 of Parcel Map 93-111 from Parcels 1 and 2 of Parcel Map 93-111, and a corresponding new density limit of 296 units on Parcels 1 and 2 of Parcel Map 93-111, respectively. Anomaly Locations 80 and 81 are proposed to be added to General Plan Table LU2.

(i) Anomaly No. 80 (General Plan Land Use Element Table LU2 Revision)

The purpose of Anomalies in the Land Use Element of the Newport Beach General Plan is to identify and set General Plan development limits on individual properties by capping residential unit (density) and nonresidential floor area (intensity) yield below otherwise higher density/intensity allowances. Any future development project implementing the proposed legislative approvals on-site would be subject to the Anomaly No. 80 location/cap for the proposed project.

The proposed General Plan Anomaly Number 80 cap would:

1. Limit non-residential only development to a maximum of 131,290 square feet for the MU-H1 designated project area within Statistical Area K-1; or
2. Limit mixed-use development for the MU-H1 designated project area within Statistical Area K-1 to a maximum of 171,288 square feet, where residential FAR does not exceed a 1:1 ratio to non-residential floor area; and
3. Limit the maximum new residential development for the MU-H1-designated portion of Statistical Area K-1 to a maximum of 49 units and maximum of 85,645 square feet (based on 1:1 ratio requirement).

Table LU2, *Anomaly Locations*, on pages 3-18 through 3-20 of the Newport Beach General Plan Land Use Element is therefore proposed to be amended to include proposed Anomalies 80 and 81.

(b) Coastal Land Use Plan Amendment

Approval of the project as proposed would require a change from the Coastal Land Use Plan Recreational and Marine Commercial (CM) designation to a Mixed-Use Horizontal (MU-H) designation. The following new Coastal Land Use Plan ("CLUP") section is proposed to be added to Section 2.0, *Land Use and Development*, of the CLUP:

2.1.9-1 Back Bay Landing (Proposed CLUP Text Amendment)

Located at the northwesterly corner of the intersection of East Coast Highway and Bayside Drive, the Back Bay Landing site is an approximately 7-acre site adjacent to the Upper Newport Bay. The site is the landside portion of Parcel 3 of Parcel Map 93-111 and is currently improved with existing structures and paved areas utilized for outdoor storage space of RVs and small boats, parking and restrooms facilities for the Bayside Marina, a kayak rental and launch facility, parking and access to Pearson's Port, and marine service equipment storage under the Coast Highway Bridge.

The site would accommodate the development of an integrated, mixed-use waterfront project consisting of coastal dependent and coastal related visitor-serving commercial and recreational uses allowed in the current CLUP CM-A and CM-B designation, while allowing for limited free-standing multi-family residential and mixed-use structures with residential uses above the ground floor. Residential development would be contingent upon the concurrent development of the above-referenced marine-related and visitor-serving commercial and recreational facilities, including the enclosed dry stack boat storage

facility and completion of a new public bayfront promenade connecting with Bayside Drive and Newport Dunes/County trails.

Policy 2.1.9-1 (Proposed CLUP Text Amendment)

The Back Bay Landing site shall be developed as a unified site with marine-related and visitor-serving commercial and recreational uses. Limited free-standing multi-family residential and mixed-use structures with residential uses above the ground floor are allowed as integrated uses as described below.

- *The Mixed-Use Horizontal – MU-H category is applicable to the project(s) site; permitted uses include those allowed under the CM, CV, RM, and MU-V categories; however, a minimum of 50 percent of the permitted building square footage shall be devoted to non-residential uses;*
- *The site shall be limited to a maximum floor area to land area ratio as established in General Plan Land Use Element Anomaly Cap No. 80. A minimum of 50 percent of the residential units shall be developed in mixed-use buildings with nonresidential use on the ground floor.*
- *Development shall incorporate amenities that assure access for coastal visitors, including the development of a public pedestrian promenade along the bayfront, bikeways with connections to existing regional trails and paths, an enclosed dry-stack boat storage facility, and public plazas and open spaces that provide public views, view corridors, and new coastal view opportunities.*
- *The site shall be developed as a unified site to prevent fragmentation and to assure each use's viability, quality, and compatibility with adjoining uses. Development shall be designed and planned to achieve a high level of architectural quality with pedestrian, non-automobile and vehicular circulation and adequate parking provided.*

Policy 4.4.2-1 (Proposed CLUP Text Amendment)

Maintain the 35-foot height limitation in the Shoreline Height Limitation Zone, as graphically depicted on Map 4-3, except for Marina Park and the following site:

Back Bay Landing at East Coast Highway / Bayside Drive: A single, up to 65-foot tall coastal public view tower, that will be ADA-compliant and publicly accessible, to provide new coastal and Upper Newport Bay view opportunities where existing views are impacted by the East Coast Highway Bridge, other existing structures and topography.

(c) PC-9 Amendment (Zone Change)

Expand the existing boundaries of PC-9 to include the proposed Lot Line Adjustment area (see description below) and the portion of the project site located south of the East Coast Highway centerline (Planning Area 2). The proposed Planned Community Development Plan (PCDP), once approved, would then be applied to the PC-9 zoning district and would serve as the zoning regulations for the site, as discussed further below.

(d) Back Bay Landing Planned Community Development Plan (PCDP)

The purpose of the PCDP is to establish appropriate zoning regulations governing land use and development of the site consistent with the City of Newport Beach General Plan and Coastal Land Use Plan. The PCDP provides a vision for the land uses in the site and sets the development limits, allowed land uses, development standards and design guidelines that would guide the next level of approvals at the Site Development Review and Coastal Development Permit approval process, as well as the long term operation of the developed site. The regulations would also guide the design team and community's expectations. The Back Bay Landing PCDP is intended to provide the framework for a future, integrated mixed-use waterfront project that would be designed and constructed to evoke the experience of a seaside village, while maintaining compatibility with the architecture and overall community character of Newport Beach, and bay- and harbor-oriented recreational and marine commercial and residential areas of the City.

Subject to parking and other site constraints, the PCDP would allow for coastal dependent and coastal related uses, including up to 61,534 square feet of visitor-serving retail/ restaurant/marine boat sales, rental and service repair and recreational commercial (kayak and stand-up paddle board rentals); a new 32,500 square foot full-service enclosed dry stack boat storage with racks or bays (up to a maximum of 140 boat spaces) and launching facilities; as well as a maximum of 49 residential units within a maximum of 85,644 square feet integrated in either two levels of residential over ground floor commercial uses, wrapped around a parking structure with three levels above ground and one semi-subterranean level, or in a three-level flat configuration adjacent to the northwest bayfront. Included within the 61,534 square feet of visitor-serving commercial retail is up to 4,000 square feet of replacement storage area (resident and boater lockers) and marina restrooms with laundry facilities would be sited on the eastern project boundary. Additionally, a gated entry with new parking spaces would provide parking for existing marina tenants and mobile home resident guests, along with significant new coastal access and "view" improvements.

The Back Bay Landing site includes development standards and design guidelines that would require a village orientation of the project at Bayside Drive and East Coast Highway, designed not only to attract visitors to the mixed-use waterfront village, but also to encourage significant new public access to and along the bayfront, between Balboa Marina to the south and Newport Dunes and the regional trail system to the east. Back Bay Landing would be linked to the existing City and County trail systems and the Newport Dunes recreation area by means of new public bayfront access as part of future project implementation. Currently, no public access trails or accommodations exist on the project site. This new access is proposed to commence on the south side of the East Coast Highway Bridge and continue along the project bayfront connecting to pedestrian and bicycle trails accessed off of Bayside Drive. Public bayfront access would be located and designed consistent with City General Plan public access requirements, CLUP Policy 3.1.1-1 and the Coastal Act (see discussion below regarding project consistency with the CLUP and Coastal Act), with appropriate routing to protect the privacy of existing residents in Bayside Village, consistent with Coastal Act section 30214. Special features of this public bayfront access, including plazas, vista points, a coastal public view tower and connections with City/County trails and Newport Dunes as detailed in the PCDP. Back Bay Landing restaurants, coastal visitor-serving commercial, retail and plaza areas would be accessible to the community by public and private vehicular transportation, pedestrian and bike paths, and public dock space. A scenic view corridor at the project entry would allow views from East Coast Highway to the Upper Newport Back Bay, and outdoor dining and plaza areas would be designed to be open to and interface with the street. Development, as regulated by the PCDP, would provide for several significant, publicly accessible bayfront view corridors, plazas and additional project features adjacent to the bayfront.

- Rental of kayaks, stand up paddleboards and electric boats would be provided on-site; a public launching area for kayak and stand-up paddleboards is proposed.
- A new bayfront seawall/bulkhead would be designed, permitted and constructed to protect existing and future development consistent with Coastal Act section 30235 (refer to Section 4.C, *Biological Resources*, of this Draft EIR for a discussion of project consistency with Section 30235). The new bulkhead and sheetpile wall would be located at the Highest High Water line with backfill as necessary under future engineering requirements (details to be determined during project permitting). The minimum 12-foot wide public bayfront access would be designed along the length of a new seawall/bulkhead to the boundary with the Bayside Village Mobile Home Park, and continue along the project entrance to Bayside Drive.
- The Back Bay Landing project would provide several opportunities for water-oriented dining with outdoor seating and public bayfront access. The project would provide for a vehicular “round-about” drop-off area, directional entry to public and private surface and multi-level garage parking, enclosed dry stack boat storage, restrooms and marine-oriented retail, enhancing the visitor-serving nature of the project.
- A publicly accessible ADA-compliant coastal viewing tower, located in a “round-about,” would be approximately 65 feet in height (maximum), would visually connect the east and west ends of the mixed-use project area as the center point of the project, and would point the way to the western entrance to the existing Bayside Marina. This project feature, as further described in the Back Bay Landing PCDP, would include provisions for public access (including ADA compliant access) to a functioning viewing platform for elevated public coastal view opportunities of Newport Harbor and Upper Newport Bay from the top of the proposed viewing tower. In the evening business hours it would be lit from within and would have exterior up-lighting. A paved pedestrian and automobile plaza would surround the tower and new public restrooms and marina boat-slip tenant lockers are proposed adjacent to the bayfront and the Bayside Village Marina.
- As described in the PCDP, a parking structure is envisioned to be designed to allow access from the entry grade to three levels above grade, providing another opportunity for elevated coastal view opportunities of the bay and surrounding coastal vistas. Parking levels and spaces would be designated for the existing marina, enclosed dry stack boat storage tenants, and visitor-serving retail uses, as well as additional Bayside Village Mobile Home Park guest parking. The semi-subterranean parking level would be secured and designated solely for the Back Bay Landing residential units.
- The enclosed dry stack boat storage would accommodate up to 140 boats in a range of sizes utilizing an innovative storage racking system that would allow maximum flexibility for boat heights and lengths. The PCDP would allow for limited roof heights to protect and enhance view corridors over the site from the bridge to the bay and mountain vistas beyond. An alternative small water inlet with an innovative retractable pedestrian bridge may be proposed to facilitate the storage and launching of boats.
- The proposed land use amendments and PCDP would allow a maximum of forty-nine (49) attached residential units.
- A decorative 8-foot high masonry wall and landscaping would be required to separate the project from the existing Bayside Village Mobile Home Park. Secured access gates would allow the mobile home residents direct access to the project. Additional fire lane gating would provide emergency access to both the project area and existing mobile home community.

- Replacement of the existing 50-year old commercial storage garages (approximately 4,000 square feet of space) at the eastern side of Parcel 3 is proposed, with new enclosed marina tenant and mobile home resident storage units, remodeled guest bathrooms, laundry facilities and additional guest parking for the marina and mobile home lessees. Decorative 8-foot property walls and landscaping would be provided as described in the PCDP.
- The future Back Bay Landing project would be required to be designed as a sustainable project as described in the PCDP, and include numerous features and design criteria to reduce GHG.

(2) Administrative Approvals (Current Requests)

(a) Lot Line Adjustment

The Lot Line Adjustment (LLA) requires the current General Plan land use designation (RM) and Coastal Land Use Plan designation (RM-C) to be amended consistent with the MU-H1 designation requested on the balance of the project site. No land uses are proposed for the adjusted area other than entry road, public restrooms, and storage lockers. The LLA is designed to improve ingress and egress to the mixed-use project and facilitate parking for Bayside Village Mobile Home Park guests.

(b) Traffic Impact Analysis

A project-specific Traffic Impact Analysis (TIA) has been prepared for the proposed future development (based on the Maximum Development Scenario contained in **Table ES-1, Maximum Development Scenario**, below) pursuant to the City’s Traffic Phasing Ordinance.

Table ES-1

Maximum Development Scenario

North of East Coast Highway Centerline

Retail/Marine Sales and Repair	32,859 square feet
Quality Restaurant	4,100 square feet
High-Turnover Restaurant	3,500 square feet
Office	8,685 square feet
Enclosed Dry-Stack Boat Storage	32,500 square feet (up to 140 spaces)
Storage Area (resident and boat lockers)	4,000 square feet
<i>Non-Residential Total North of East Coast Highway Centerline:</i>	<i>85,644 square feet</i>
<i>Residential Total North of East Coast Highway Centerline:</i>	<i>85,644 square feet (up to 49 units)</i>
Marina (existing)	220 wet slips

South of East Coast Highway Centerline

Non-residential (marine services, office)	8,390 square feet
Project Site Total	179,678 square feet

Source: Bayside Village Marina, LLC, 2013

(3) Site Development Review (Future Requests)

Subsequent to the requested legislative approvals discussed above, future development on-site would be regulated by the development standards and design guidelines established in the PCDP, which would allow for a mixed-use development with the maximum development limits summarized above in Table ES-1. A conceptual illustration of the maximum allowable development scenario summarized in Table ES-2 is provided in **Figure 2-6, Conceptual Site Plan**, in Chapter 2, *Project Description*, of this Draft EIR. It should be noted that as part of a future development project on-site, removal of three mobile homes within the adjacent Bayside Village Mobile Home Park would be required in order to relocate the site access driveway approximately 45 feet north of its existing location and to facilitate surface parking for mobile home residents.

2. ISSUES RAISED DURING NOP PROCESS

The following list summarizes the environmental concerns raised by public agencies, organizations, or individuals in response to the NOP (the numerical reference in parenthesis is the EIR section in which the analysis is provided). All NOP comments received are contained in Appendix A of this Draft EIR.

- Construction-related and operational air pollutant emissions and related air quality and health effects (refer to Section 4.B, *Air Quality*, of this Draft EIR);
- Tsunami risks to the project site and project effects on emergency evacuation (refer to Section 4.G, *Hazards and Hazardous Materials*, of this Draft EIR);
- Effects of cumulative development in the area (refer to Chapter 4, *Environmental Impact Analysis*, of this Draft EIR);
- Reduced parking capacity in the project area (refer to Section 4.I, *Land Use and Planning*, of this Draft EIR);
- Decreased security for existing residents (refer to Section 4.L, *Public Services*, of this Draft EIR);
- Project-related noise level increases in the project area (refer to Section 4.J, *Noise*, of this Draft EIR);
- Increased traffic on area streets and vehicular traffic access limitations (refer to Section 4.M, *Transportation/Traffic*, of this Draft EIR);
- Loss of private community amenities associated with conceptual waterfront pedestrian access alternative (refer to Chapter 5, *Alternatives*, of this Draft EIR);
- Construction-related and operational impacts to State Route 1 (E. Coast Highway) in the project vicinity (refer to Section 4.I, *Land Use and Planning*, and Section 4.M, *Transportation/Traffic*, of this Draft EIR);
- Potential presence of undiscovered Native American or other cultural resources on-site (refer to Section 4.D, *Cultural Resources*, of this Draft EIR);
- Project-related direct and indirect impacts to marine and terrestrial biological resources in the project area (refer to Section 4.C, *Biological Resources*, of this Draft EIR);
- Potential presence of hazardous materials in on-site soil and/or groundwater from historic site activities (refer to Section 4.G, *Hazards and Hazardous Materials*, of this Draft EIR);

- View obstruction associated with increased building heights on-site (refer to Section 4.A, *Aesthetics*, of this Draft EIR);
- Project-related effects to and from the existing Orange County Sanitation District pump station located adjacent to the project site (refer to Section 4.A, *Aesthetics*, Section 4.B, *Air Quality*, Section 4.G, *Hazards and Hazardous Materials*, and Section 4.M, *Transportation/Traffic*, of this Draft EIR);
- Potential direct and indirect impacts to adjacent public trust lands and resources (refer to Section 4.C, *Biological Resources*, Section 4.H, *Hydrology and Water Quality*, Section 4.I, *Land Use and Planning*, and Section 4.L, *Public Services*, of this Draft EIR); and
- Project-related emissions of greenhouse gases and associated impacts to global climate change and sea level rise (refer to Section 4.F, *Greenhouse Gas Emissions*, of this Draft EIR).

3. AREAS OF CONTROVERSY/ISSUES TO BE RESOLVED

(a) Areas of Controversy

In accordance with Section 15123(b)(2) of the *CEQA Guidelines*, the DEIR summary must identify areas of controversy known to the lead agency, including issues raised by agencies and the public.

Prior to preparation of the DEIR, a public scoping meeting was held on October 17, 2012, to determine the concerns of responsible and trustee agencies and the community regarding the proposed project (see additional discussion below). The scoping meeting was held at the City of Newport Beach Public Library located at 1000 Avocado Avenue, and was attended by a number of community members and interested parties. Issues raised during this scoping meeting included concerns with traffic effects of the project in the area; potential adjacency effects related to the existing Pearson's Port fish market; public access and security concerns of adjacent mobile home park residents; and impacts to sensitive biological resources within the adjacent Upper Newport Bay. The environmental issues raised from the scoping meeting are fully addressed in their respective topical area in Chapter 4, *Environmental Impact Analysis*, of this Draft EIR.

(b) Issues To Be Resolved

Section 15123(b)(3) of the *CEQA Guidelines* requires that an EIR contain issues to be resolved including the choice among alternatives and whether or how to mitigate significant impacts. With regard to the proposed project, the major issues to be resolved include decisions by the lead agency as to the following:

1. Whether this DEIR adequately describes the environmental impacts of the project.
2. Whether the benefits of the project override those environmental impacts which cannot be feasibly avoided or mitigated to a level of insignificance.
3. Whether the proposed land use changes are compatible with the character of the existing area.
4. Whether the identified goals, policies, or mitigation measures should be adopted or modified.
5. Whether there are other mitigation measures that should be applied to the project besides the mitigation measures identified in the DEIR.

6. Whether there are any alternatives to the project that would substantially lessen any of the impacts of the proposed project and achieve most of the basic project objectives.

4. SUMMARY OF ENVIRONMENTAL IMPACTS

This section provides a summary of impacts, mitigation measures, and impacts after implementation of the mitigation measures associated with development of the Back Bay Landing Project. The summary is provided by environmental issue area below in **Table ES-2, Summary of Project Impacts and Mitigation Measures**.

Section 15126.2(b) of the *CEQA Guidelines* requires that an EIR describe significant environmental impacts that cannot be avoided, including those effects that can be mitigated but not reduced to a less than significant level. As shown in Table ES-2, and as analyzed in Chapter 4, *Environmental Impact Analysis*, of this EIR, the proposed project would not result in any significant, unavoidable impacts. Please refer to Chapter 2, *Project Description*, for a list of the Project Design Features (PDFs) that would be implemented by the proposed project relative to each environmental issue area. The PDFs, in many cases, would serve to reduce the extent of the proposed project's potential for environmental impacts.

Public Resources Code Section 21081 requires a public agency to make a finding that with respect to each significant project effect, that changes or alterations have been made to the project which mitigate or avoid significant project impacts. With respect to these changes, Section 21081.6 requires the public agency to adopt a reporting or monitoring program as to how these changes are met or compliance is achieved to ensure that significant impacts are avoided or mitigated. For the proposed project, the report or monitoring program will recite the mitigations, the compliance requirement, time frame for compliance, and the authority for determining compliance. Through this monitoring process, the public agency will determine the status and effect of the mitigation based on documentation provided on behalf of the project applicant or by the project applicant. The public agency, in this case the City of Newport Beach, will evaluate the status and effect of the mitigation and indicate either that mitigation requirements are being met or that mitigation measures require modification to achieved the identified level of mitigation.

5. ALTERNATIVES

The *CEQA Guidelines* section 15126.6 requires an EIR to “describe a range of reasonable alternatives to the project, or to the location of the project, which will feasibly attain most of the basic objectives of the project but will avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” The *CEQA Guidelines* direct that selection of alternatives be guided by a “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice.

As described in with a comparative analysis in Chapter 5, *Alternatives*, of this EIR, three alternatives to the proposed project were identified, which include the No Project/No Build Alternative, the No Project/Existing General Plan Alternative, and the Increased Residential/Reduced Commercial Alternative. The alternatives, relative impacts, as well as the identified environmentally superior alternative, are summarized below.

- No Project/No Build Alternative - Under the No Project/No Build Alternative, no new development would occur within the project site. Thus, the future development of up to 49 residential units and 94,034 square feet of commercial uses would not occur on-site, and other project-related improvements such as the new public bayfront promenade, multi-use trail, and coastal view tower

would not be implemented. The No Project/No Build Alternative would generally result in reduced impacts with regard to most environmental issues compared to the proposed project. This Alternative would result in similar impacts to the proposed project with regard to violation of water quality standards and waste discharge requirements (hydrology and water quality). However, the No Project/No Build Alternative would result in greater impacts than the proposed project regarding visual character (aesthetics), hazardous materials releases and listed hazardous materials site (hazards and hazardous materials), since the proposed project would provide beneficial effects for these issue areas.

- No Project/Existing General Plan Alternative - The No Project/Existing General Plan Alternative would reduce the overall allowable square footage of development relative to the proposed project by implementing the existing adopted General Plan and zoning designations for the site. As such, this Alternative would allow for the development of up to 139,680 square feet of recreational and marine commercial uses on the project site, of which 32,500 square feet would be dry stack boat storage, with no residential uses allowed. Assuming a similar proportion of commercial land uses as under the proposed project, this CM (recreational and marine commercial) only Alternative would include 63,380 square feet of retail/marine sales and repair uses, 7,910 square feet of quality restaurant uses, 6,750 square feet of high-turnover restaurant uses, 16,750 square feet of office uses, and 32,500 square feet of dry stack boat storage in Planning Area 1; 8,390 square feet of marine services and office in Planning Area 2; and 4,000 square feet of resident storage and boat lockers in Planning Area 4. No amendments to the City's General Plan, Coastal Land Use Plan, or zoning (PC text) would be necessary. This Alternative would include a minimum six-foot-wide bayfront promenade along the coastal portions of Planning Areas 1 and 2, as well as a water inlet to allow for dry stack boat storage operations, but would not include other project-related amenities such as the new public multi-use trail, bike lanes, and coastal view tower. It is also assumed that this Alternative would require relocation of the existing access driveway off of Bayside Drive to a location similar to the proposed project, and therefore a lot line adjustment (LLA) would be required to accommodate the new access configuration.

The No Project/Existing General Plan Alternative would result in reduced impacts with regard to several environmental issues, in particular pertaining to views/scenic vistas (aesthetics), air pollutant emissions (air quality), surface fault rupture and seismic groundshaking (geology and soils), violation of water quality standards and waste discharge requirements (hydrology and water quality), consistency with applicable plans and policies (land use and planning), temporary noise increases (noise), population and employment growth (population and housing), public services, water supply and wastewater conveyance and treatment (utilities). On the other hand, this Alternative would also result in greater impacts for a number of environmental issues, including greenhouse gas emissions, housing supply (population and housing), traffic system impacts including CMP facilities and alternative transportation (transportation/traffic), and landfill disposal capacity (utilities).

- Increased Residential/Reduced Commercial Alternative - The Increased Residential/Reduced Commercial Alternative would allow for a future development pattern and footprint nearly identical to the proposed project, but would include more residential units and reduced commercial square footage. As such, the Increased Residential/Reduced Commercial Alternative would include the same Planning Area boundaries, land use categories, development standards, and design guidelines as the proposed project, as well as all project-related improvements and amenities (e.g., bayfront promenade, pedestrian and bicycle facilities, public coastal view tower, and water inlet for dry stack

boat storage). In terms of development intensity, this Alternative would result in the potential future on-site construction of up to 75 residential units totaling 113,000 square feet and up to 58,400 square feet of recreational and marine commercial uses within a mixed-use development. Commercial uses under Alternative 3 are assumed to include 6,400 square feet of retail/marine sales and repair uses, 4,300 square feet of quality restaurant uses, 1,600 square feet of high-turnover restaurant uses, 4,800 square feet of office uses, and 32,500 square feet of dry stack boat storage in Planning Area 1; 4,800 square feet of marine services and office in Planning Area 2; and 4,000 square feet of resident storage and boat lockers in Planning Area 4. It is assumed for the purposes of this analysis that all project-related legislative approvals, including amendments to the City's General Plan, CLUP, and Zoning Code (PC text), and administrative approvals such as the LLA to allow for relocated site access, would be required under this Alternative.

This alternative is not required to avoid or substantially reduce a significant impact. There are different policies relative to providing additional housing on the site. Regional planning and City policies, and state law such as SB 375, encourage the provision of additional housing on sites such as this one (infill sites with access to utilities, etc.). The California Coastal Commission would typically require that no more than 50-percent of a mixed-use waterfront development be residential in relation to commercial use. The City has included this alternative for informational purposes, and to allow the public and decision-makers to evaluate this alternative in light of these differing housing policies.

The Increased Residential/Reduced Commercial Alternative would result in reduced impacts with regard to a number of environmental issues, including views/scenic vistas and light/glare (aesthetics), air pollutant emissions including odors (air quality), greenhouse gas emissions, violation of water quality standards and waste discharge requirements (hydrology and water quality), noise and vibration, housing supply, traffic system impacts including CMP facilities (transportation/traffic), and landfill disposal capacity (utilities). On the other hand, this Alternative would also result in greater impacts for a few environmental issues, including surface fault rupture and seismic ground shaking (geology and soils), consistency with applicant plans and policies (land use and planning), population and employment growth (population and housing), public services, and water supply and wastewater conveyance and treatment (utilities).

a. Environmentally Superior Alternative

Section 15126.6(e)(2) of the *CEQA Guidelines* indicates that an analysis of alternatives to a proposed project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR. The *Guidelines* also state that should it be determined that the No Project Alternative is the environmentally superior alternative, the EIR shall identify another environmentally superior alternative among the remaining alternatives. With respect to identifying an environmentally superior alternative among those analyzed in this Draft EIR, the range of feasible alternatives includes the No Project/No Build Alternative, the No Project/Existing General Plan Alternative, and the Increased Residential/Reduced Commercial Alternative.

A comparative summary of the environmental impacts anticipated under each Alternative with the environmental impacts associated with the proposed project is provided in **Table 5-1, Comparison of Impacts Associated with the Alternatives and Impacts of the Proposed Project**, in Chapter 5, *Alternatives*, of this Draft EIR. A more detailed description of the potential impacts associated with each alternative is provided

above. Pursuant to Section 15126.6(c) of the *CEQA Guidelines*, the analysis below addresses the ability of the Alternatives to “avoid or substantially lessen one or more of the significant effects” of the project.

Of the Alternatives analyzed in the Draft EIR, the No Project/No Build Alternative is considered the overall environmentally superior alternative as it would reduce nearly all project-related impacts compared to the proposed project (impacts would be greater with regard to aesthetics/visual character and hazardous materials due to the lack of site improvements and remediation activities that would occur under the proposed project). However, as indicated above, this Alternative would not meet any of the project objectives. The extent to which each project Alternative would meet each of the stated objectives of the proposed project is summarized in **Table 5-5, Comparison of Alternatives' Ability to Meet Project Objectives**, in Chapter 5, *Alternatives*, of this Draft EIR.

In accordance with the *CEQA Guidelines* requirement to identify an environmentally superior alternative other than the No Project Alternative, a comparative evaluation of the remaining alternatives indicates that the Increased Residential/Reduced Commercial Alternative would be the environmentally superior alternative, relative to the other alternatives. This Alternative would fully meet all of the stated project objectives, and would generally reduce project-related environmental impacts with a few exceptions. Specifically, this Alternative would reduce impacts related to views/scenic vistas, light and glare, construction-related and operational air pollutant emissions, greenhouse gas emissions, water quality degradation, noise and vibration, housing supply, traffic system function, and landfill capacity. The Increased Residential/Reduced Commercial Alternative would result in similar impacts as the proposed project with regard to aesthetics/visual character, AQMP consistency, biological resources, cultural resources, soil erosion and siltation, consistency with GHG reduction plans, hazards and hazardous materials, site drainage patterns, flooding, seiche/tsunami/mudflow hazards, site access/traffic safety, alternative transportation, and water infrastructure. Impacts under this Alternative that are greater than those of the proposed project are directly related to the increase in residential density, which increases demands for public services and exposes greater numbers of on-site residents to pollution, noise, and other hazards; however, these impacts would only be incrementally increased and would not be substantially greater than under the proposed project. These impacts include risks associated with surface fault rupture, seismic ground shaking and associated secondary hazards, consistency with existing plans and policies, population and employment growth, public services, and water and wastewater infrastructure. While some limited impacts would be increased relative to the proposed project, given that this Alternative reduces the overall environmental effects of the proposed project while still fully achieving all the project objectives, the Increased Residential/Reduced Commercial Alternative is considered the environmentally superior alternative. However, it should be noted that while this Alternative generally meets the identified project objectives and reduces environmental impacts of the proposed project, it is contrary to established policies in the California Coastal Act and the City's Coastal Land Use Plan that encourage expansion of coastal-dependent and coastal-related land uses in lieu of residential development.

Table ES-2

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures	Level of Significance After Mitigation
<i>Aesthetics</i>			
<p><u>Views/Scenic Vistas</u></p> <p>Implementation of the proposed project would not have a substantial adverse effect on a scenic vista, including public views of scenic resources from City-designated Public View Points and Coastal View Corridors. This impact is considered less than significant.</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>
<p><u>Aesthetics/Visual Character</u></p> <p>Implementation of the proposed project would not substantially degrade the existing visual character or quality of the site and its surroundings, as future development on-site would substantially improve the visual character and quality of the site relative to existing conditions. This impact is considered less than significant.</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>
<p><u>Light and Glare</u></p> <p>Implementation of the proposed project would not create substantial light or glare which would adversely affect day or nighttime views in the area. This impact is considered less than significant.</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>
<p><u>Consistency With Regulatory Framework</u></p> <p>Implementation of the proposed project would not conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan, Local Coastal Program Coastal Land Use Plan, California Coastal Act, and Municipal Code). This impact is considered less</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures	Level of Significance After Mitigation
than significant.			
<i>Air Quality</i>			
<p><u>Air Quality Plan Conflicts</u></p> <p>Project implementation would result in less than significant air quality impacts and would not conflict with or obstruct implementation of any applicable air quality plan.</p>	Less Than Significant	No mitigation measures are required.	Less Than Significant
<p><u>Violation of Air Quality Standards</u></p> <p>Implementation of the proposed project would not violate air quality standards or contribute substantially to an existing or projected air quality violation. Therefore, impacts related to regional emissions from operation of the proposed project would be less than significant.</p>	Less Than Significant	No mitigation measures are required.	Less Than Significant
<p><u>Cumulative Pollutant Increases</u></p> <p>Implementation of the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is non-attainment under applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors). Therefore, impacts would be less than significant.</p>	Less Than Significant	No mitigation measures are required.	Less Than Significant
<p><u>Exposure to Substantial Pollutant Concentrations</u></p> <p>Implementation of the proposed project would not expose sensitive receptors to substantial pollutant concentrations. On-site construction and operational</p>	Less Than Significant	No mitigation measures are required.	Less Than Significant

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures	Level of Significance After Mitigation
emissions would not exceed the LSTs thresholds and would result in less than significant impacts. The proposed project would not contribute to the formation of CO hotspots or Toxic Air Contaminant emissions and would result in less than significant impacts with respect to CO hotspots and TACs.			
<p><u>Odors</u></p> <p>Implementation of the proposed project would not create objectionable odors affecting a substantial number of people. Therefore, implementation of the project would have a less than significant impact.</p>	Less Than Significant	No mitigation measures are required.	Less Than Significant
<p><u>Consistency With Regulatory Framework</u></p> <p>Implementation of the proposed project would not conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan and Municipal Code). This impact is considered less than significant.</p>	Less Than Significant	No mitigation measures are required.	Less Than Significant
Biological Resources			
<p><u>Candidate, Sensitive, and Special Status Species</u></p> <p>Implementation of the proposed project would not have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations by the CDFW or USFWS. This impact is considered less than significant with mitigation incorporated.</p>	Less Than Significant With Mitigation	<p>Mitigation Measure C-1: At the time of Site Development Review, the City shall require actions to prevent impacts to least terns if the construction schedule overlaps with the least tern breeding season of April 1 – September 15. The specific actions will be determined at the time of Site Development Review and will be based on conditions at that time, including least tern foraging. The actions will meet a standard of mitigating impacts to the least tern to a less than significant level, and may include the following types of actions.</p>	Less Than Significant

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures	Level of Significance After Mitigation
		<ul style="list-style-type: none"> ▪ Daily monitoring by a qualified biologist within 500 feet of construction activities once terns have arrived in the nesting colony (typically early April). ▪ Contractor delay in commencing work if terns are present and actively foraging (e.g. searching and diving) within the work area. ▪ Alternative distances and actions if it can be demonstrated that continuing construction within less than 500 feet and implementation of other construction period methods will not cause an adverse impact to the least tern. ▪ Should adverse impacts to terns occur (e.g. agitation or startling during foraging activities), construction shall cease until least terns have left the project site. <p>Mitigation Measure C-2: The developer or a designated representative shall ensure that impacts to migratory raptor and songbird species are avoided through one or more of the following methods: (1) vegetation removal activities shall be scheduled outside the nesting season for raptor and songbird species (nesting season typically occurs from February 15 to August 31) to avoid potential impacts to nesting species (this will ensure that no active nests will be disturbed and that habitat removal could proceed rapidly); and/or (2) Any construction activities that occur during the raptor and songbird nesting season shall require that all suitable habitat be thoroughly surveyed for the presence of nesting raptor and songbird species by a qualified biologist before commencement of clearing. If any active nests are detected, a buffer of</p>	

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures	Level of Significance After Mitigation
		<p>at least 300 feet (500 feet for raptors) shall be delineated, flagged, and avoided until the nesting cycle is complete as determined by the qualified biologist to minimize impacts. The developer or designated representative shall submit proof of compliance with this measure to the City of Newport Beach Community Development Department prior to tree removal activities on-site.</p> <p>Mitigation Measure C-3: During construction activities when dredging or other in-water work is occurring, a qualified biologist shall conduct daily monitoring within 500 feet of construction activities. The contractor shall halt work if any observations of marine mammals are made. Work shall not re-commence until a qualified biologist determines that the mammal(s) have left the area.</p> <p>Mitigation Measure C-4: If in-water construction vessel traffic is needed, the vessels shall not exceed existing ambient speed for the area.</p>	

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures	Level of Significance After Mitigation
<p><u>Riparian Habitat and Sensitive Natural Communities</u></p> <p>Implementation of the proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in the City or regional plans, policies, or regulations by the CDFW or USFWS. This impact is considered less than significant with mitigation incorporated.</p>	<p>Less Than Significant With Mitigation</p>	<p>Mitigation Measure C-5: Prior to construction, the boundaries of the eelgrass beds, located nearshore of the Back Bay Landing site, shall be staked with ridged PVC markers or self-centering buoys visible at all tide heights. The contractor shall protect, replace and maintain the markers/buoys as needed to ensure that they remain in place and properly stake the boundaries of the eelgrass beds until the City certifies that all construction activities are complete.</p> <p>Mitigation Measure C-6: During shoreline work within 15 feet of eelgrass, which may involve construction of a bulkhead, dredging activities, or other in-water work, eelgrass shall be protected by specific techniques to be determined by the City prior to construction. Techniques may include, but are not limited to, silt curtains deployed above the eelgrass and below the shoreline work area as determined to be necessary and appropriate to the impacts at the next level of approval by the City.</p>	<p>Less Than Significant</p>

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures	Level of Significance After Mitigation
		<p>Mitigation Measure C-7: Any impacts to eelgrass shall be mitigated through specific measures to be required by the City at the Site Development Review stage. Examples of eelgrass mitigation include conformance to the City of Newport Beach Eelgrass Plan and to the requirements of the SCEMP, which mandates a minimum replacement ratio of 1.2:1 for eelgrass impacts (NMFS 1991, revision 11), to the extent those plans are in effect and relevant and applicable to the site conditions at such time as construction of the bulkhead is proposed.</p> <p>In accordance with the requirements of the SCEMP, a pre-construction eelgrass survey shall be completed by a qualified biologist within 60 days prior to initiation of demolition or construction activities at the site. This survey shall include both area and density characterization of the beds. A post-construction survey shall be performed by a qualified biologist within 30 days following project completion to quantify any unanticipated losses to eelgrass habitat. Impacts shall then be determined from a comparison of pre- and post-construction survey results. Impacts to eelgrass, if any, would require mitigation as defined in the SCEMP. If required following the post-construction survey, a mitigation planting plan shall be developed, approved by the City and NMFS, and implemented to offset losses to eelgrass.</p>	

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures	Level of Significance After Mitigation
		<p>Mitigation Measure C-8: Not more than 90 days prior to the initiation of construction activities near the shoreline, a survey for the invasive seaweed <i>Caulerpa taxifolia</i> shall be conducted by a certified <i>Caulerpa</i> surveyor to determine the presence or absence of the species in the area affected by future construction and/or dredging activities.</p> <p>Mitigation Measure C-9: The project shall conform to the approved storm water pollution prevention plan (SWPPP) and shall incorporate construction-related erosion/sediment control Best Management Practices as detailed in project plans for a future development on-site. These include, but are not limited to: installation and maintenance of an erosion/sediment barrier, covering stockpiled material prior to rain events, maintenance of equipment to prevent runoff of grease and oil into adjacent waters, and providing equipment and staff as required to repair and/or implement erosion/sediment control measures.</p>	

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures	Level of Significance After Mitigation
		<p>Mitigation Measure C-10: The project shall conform to the approved storm water pollution prevention plan (SWPPP) and shall incorporate construction-related erosion/sediment control Best Management Practices as detailed in the project plans for a future development on-site. These include, but are not limited to: installation and maintenance of an erosion/sediment barrier, covering stockpiled material prior to rain events, maintenance of equipment to prevent runoff of grease and oil into adjacent waters, and providing equipment and staff as required to repair and/or implement erosion/sediment control measures.</p> <p>Mitigation Measure C-11: During shoreline work, a turbidity curtain shall be deployed above the water line and below the shoreline work area in order to minimize adverse water quality-related impacts to jurisdictional waters.</p>	
<p><u>Wetlands</u></p> <p>Implementation of the proposed project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (possibly including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. Impacts would be less than significant with mitigation.</p>	<p>Less Than Significant With Mitigation</p>	<p>Mitigation Measure C-12: A project-specific jurisdictional delineation shall be conducted for future on-site development as part of the Site Development Review process once a development application is submitted. The jurisdictional delineation shall determine the nature and extent of impacts to jurisdictional features resulting from future development, including impacts related to dredging required for the construction of a new water inlet for the proposed dry stack boat storage facility in Planning Area 1. Based on the nature and extent of impacts identified, mitigation shall be provided that includes, but is not limited to, on- or off-site creation, restoration, or enhancement of wetland habitat, subject to review and approval by</p>	<p>Less Than Significant</p>

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures	Level of Significance After Mitigation
		affected resource agencies.	
<p><u>Wildlife Movement</u></p> <p>Implementation of the proposed project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. This impact is considered less than significant with mitigation incorporated.</p>	<p>Less Than Significant With Mitigation</p>	<p>Refer to Mitigation Measure C-2 above.</p>	<p>Less Than Significant</p>
<p><u>Policies or Ordinances Protecting Biological Resources</u></p> <p>Implementation of the proposed project would not conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance (e.g., oak trees or California walnut woodlands), or policies contained in the City’s General Plan, Coastal Land Use Plan, or the California Coastal Act. This impact is considered less than significant.</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>
<i>Cultural Resources</i>			
<p><u>Historic Resources</u></p> <p>Implementation of the proposed project would not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5. This impact is considered less than significant.</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>
<p><u>Archaeological Resources</u></p> <p>Implementation of the proposed project would not a substantial adverse change in the significance of an</p>	<p>Less Than Significant With Mitigation</p>	<p>Mitigation Measure D-1: A qualified archaeologist shall be retained by the applicant to review grading plans and geotechnical information and prepare a monitoring plan for all ground-</p>	<p>Less Than Significant</p>

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures	Level of Significance After Mitigation
<p>archaeological resource pursuant to §15064.5. This impact is considered less than significant with mitigation incorporated.</p>		<p>disturbing activities in previously undisturbed soils and sediments. A qualified archaeologist is defined as an archaeologist meeting the Secretary of the Interior Professional Qualification Standards for Archaeology. Ground-disturbing activities include primary construction-related activities and any associated secondary activities for support services such as utilities. In the event that archaeological resources are identified during monitoring or unexpectedly during excavations in fill sediments, all work proximal to the discovery shall halt until the qualified archaeologist has evaluated the find. If the archaeologist determines that the find is significant or may qualify as significant, the archaeologist shall prepare a treatment plan. If the find is prehistoric or includes Native American materials, affiliated Native American groups shall be invited to contribute to the treatment plan. Results of monitoring and any archaeological treatment shall be reported in an appropriate technical report to be filed with the applicant, the City of Newport Beach, and the CHRIS-SCCIC. The applicant, in consultation with the lead agency and archaeologist, shall designate repositories (e.g. museums) in the event that resources are recovered.</p>	
<p><u>Paleontological Resources</u> Implementation of the proposed project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. This impact is considered less than significant with mitigation incorporated.</p>	<p>Less Than Significant With Mitigation</p>	<p>Mitigation Measure D-2: A qualified paleontologist shall be retained by the applicant to perform periodic inspections of excavation and grading activities on the project site where excavations into the older Quaternary Alluvium, Capistrano Formation, and/or Monterey Formation may occur. The frequency of inspections shall be based on consultation with the paleontologist and shall depend on the rate of excavation and grading</p>	<p>Less Than Significant</p>

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures	Level of Significance After Mitigation
		<p>activities, the materials being excavated, and if found, the abundance and type of fossils encountered. Monitoring shall consist of visually inspecting fresh exposures of sediment for larger fossil remains and, where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains. If a potential fossil is found, the paleontologist shall be allowed to temporarily divert or redirect grading and other excavation activities in the area of the exposed fossil to facilitate evaluation and, if necessary, salvage. At the paleontologist's discretion and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing. Any fossils encountered and recovered shall be prepared to the point of identification and catalogued before they are donated to their final repository. Accompanying notes, maps, and photographs shall also be filed at the repository. Following the completion of the above tasks, the paleontologist shall prepare a report summarizing the results of the monitoring and fossil finds, if any, the methods used in these efforts, as well as a description of the fossils collected and their significance, if any. The report shall be submitted by the applicant, the City of Newport Beach, the Natural History Museum of Los Angeles County, and representatives of other appropriate or concerned agencies.</p>	
<p><u>Human Remains</u> Implementation of the proposed project would not disturb any human remains, including those interred</p>	<p>Less Than Significant With Mitigation</p>	<p>Mitigation Measure D-3: If human remains are unearthed during construction activities, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to</p>	<p>Less Than Significant</p>

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures	Level of Significance After Mitigation
<p>outside of formal cemeteries. This impact is considered less than significant with mitigation incorporated.</p>		<p>origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the County Coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC shall then identify the person(s) thought to be the Most Likely Descendent of the deceased Native American, who shall then help determine what course of action shall be taken in dealing with the remains. The Applicant shall then take additional steps as necessary in accordance with CEQA Guidelines Section 15064.5(e) and Assembly Bill 2641.</p>	
<p><u>Consistency with Regulatory Framework</u></p> <p>Implementation of the proposed project would not conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan and Municipal Code). This impact is considered less than significant.</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>
<p><i>Geology and Soils</i></p>			
<p><u>Seismic and Geologic Stability Hazards</u></p> <p>Implementation of the project could expose people or structures to fault rupture, strong seismic ground shaking, strong seismic-related ground failure, liquefaction, landslides and other ground failure hazards. However, compliance with applicable regulatory requirements and implementation of the prescribed mitigation measure would reduce potentially significant impacts in these regards to a less than significant level.</p>	<p>Less Than Significant With Mitigation</p>	<p>Mitigation Measure E-1: Prior to issuance of a grading permit, the Applicant shall submit to the City of Newport Beach Community Development Department, Building Division Manager or his/her designee for review and approval, a site-specific, design-level geotechnical investigation prepared for each development parcel by a registered geotechnical engineer. The investigation shall comply with all applicable State and local code requirements and:</p> <p>a) Include an analysis of the expected ground</p>	<p>Less Than Significant</p>

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures	Level of Significance After Mitigation
		<p> motions at the site from known active faults using accepted methodologies; b) In consideration of the subterranean construction planned for the parking structure, include an evaluation of the groundwater table and its fluctuations through the installation of shallow observation wells. c) Determine structural design requirements as prescribed by the most current version of the California Building Code, including applicable City amendments, to ensure that structures can withstand ground accelerations expected from known active faults; d) Determine the final design parameters for walls, foundations, foundation slabs, utilities, roadways, parking lots, sidewalks, and other surrounding related improvements. </p> <p> Project plans for foundation design, earthwork, and site preparation shall incorporate all of the mitigations in the site-specific investigations. The structural engineer shall review the site-specific investigations, provide any additional necessary measures to meet Building Code requirements, and incorporate all applicable recommendations from the investigation in the structural design plans and shall ensure that all structural plans for the project meet current Building Code requirements. </p> <p> The City’s registered geotechnical engineer or third-party registered engineer retained to review the geotechnical reports shall review each site-specific geotechnical investigation, approve the final report, and require </p>	

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures	Level of Significance After Mitigation
		<p>compliance with all geotechnical requirements contained in the investigation in the plans submitted for the grading, foundation, structural, infrastructure and all other relevant construction permits.</p> <p>The City shall review all project plans for grading, foundations, structural, infrastructure and all other relevant construction permits to ensure compliance with the applicable geotechnical investigation and other applicable Code requirements.</p>	
<p><u>Soil Erosion</u></p> <p>Implementation of the project could result in substantial soil erosion or the loss of topsoil. However, compliance with applicable regulatory requirements and implementation of the project’s site design features would ensure that impacts related to erosion and topsoil loss are less than significant.</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>
<p><u>Consistency with Regulatory Framework</u></p> <p>Implementation of the proposed project would not conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan and Municipal Code). This impact is considered less than significant with mitigation incorporated.</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>
Greenhouse Gas Emissions			
<p><u>Greenhouse Gas Emissions</u></p>	<p>Less Than Significant With</p>	<p>Mitigation Measure F-1: Prior to issuance of a building permit, the Project Applicant shall</p>	<p>Less Than Significant</p>

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures	Level of Significance After Mitigation
<p>Project construction and operation would result in the increased generation of greenhouse gases and would exceed the screening level resulting in a significant impact with regard to GHG emissions. However, with implementation of applicable mitigation measures, the proposed project would have a less than significant impact related to GHG emissions.</p>	<p>Mitigation</p>	<p>demonstrate that the design of the proposed buildings or structures would exceed the Title 24 California Building Standards energy code requirements, based on the 2008 Energy Efficiency Standards, by 15 percent.</p> <p>Mitigation Measure F-2: Prior to issuance of a building permit, the Project Applicant shall demonstrate that the design of the proposed buildings or structures incorporates ENERGY STAR®-rated, energy efficient T-8 high-output fixtures, and/or compact fluorescent light (CFL), light-emitting diode (LED) and/or other comparable lighting fixtures. This measure shall apply to all exterior and publicly accessible interior lighting fixtures at the project site, including those outside the building envelope (e.g., on-site parking areas and walkway lighting). Documentation of compliance with this measure shall be provided by the project engineer to the City of Newport Beach Director of Community Development, or designee, for review and approval. Installation of the identified design features or equipment will be confirmed by the City of Newport Beach Director of Community Development, or designee, prior to issuance of a certificate of occupancy.</p> <p>Mitigation Measure F-3: Prior to issuance of a building permit, the Project Applicant shall demonstrate that the operation of outdoor lighting is limited by the use of time-controlled exterior lighting. Documentation of compliance with this measure shall be provided by the project engineer to the City of Newport Beach Director of Community Development, or designee, for review and approval.</p>	

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures	Level of Significance After Mitigation
		<p>Installation of the identified design features or equipment will be confirmed by the City of Newport Beach Director of Community Development, or designee, prior to issuance of a certificate of occupancy.</p> <p>Mitigation Measure F-4: Prior to issuance of a building permit, the Project Applicant shall demonstrate that the design of the proposed buildings or structures incorporates heating, cooling, and lighting devices and appliances that meet or exceed ENERGY STAR® rated standards. Documentation of compliance with this measure shall be provided by the project engineer to the City of Newport Beach Director of Community Development, or designee, for review and approval. Installation of the identified design features or equipment will be confirmed by the City of Newport Beach Director of Community Development, or designee, prior to issuance of a certificate of occupancy.</p> <p>Mitigation Measure F-5: Prior to issuance of a building permit, the Project Applicant shall demonstrate that the design of the proposed buildings or structures incorporates enhanced insulation such that heat transfer and thermal bridging is minimized in structures that will be mechanically heated and/or cooled. Documentation of compliance with this measure shall be provided to the City of Newport Beach Director of Community Development, or designee, for review and approval. Installation of the identified design features or equipment will be conducted by the contractor and confirmed by the City of Newport Beach Director of</p>	

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures	Level of Significance After Mitigation
		<p>Community Development, or designee, prior to issuance of a certificate of occupancy.</p> <p>Mitigation Measure F-6: Prior to issuance of a certificate of occupancy, the City of Newport Beach Director of Community Development, or designee, and the Project Applicant will document and verify, installation of the identified design features or equipment designed to limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption in structures that will be mechanically heated and/or cooled.</p> <p>Mitigation Measure F-7: Prior to issuance of a building permit, the Project Applicant shall demonstrate that the design of the proposed buildings or structures incorporates water-efficient products (bathroom sink faucets, low-flush urinals, dual-flush toilets, etc.) that meets or exceeds the CALGreen requirements. Documentation of compliance with this measure shall be provided to the City of Newport Beach Director of Community Development, or designee, for review and approval. Installation of the identified design features or equipment will be confirmed by the City of Newport Beach Director of Community Development, or designee, prior to issuance of certificate of occupancy.</p> <p>Mitigation Measure F-8: The project applicant shall provide designated parking for alternative fueled, hybrid, or electric vehicles. City of Newport Beach Director of Community Development, or designee, will verify compliance and confirm</p>	

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures	Level of Significance After Mitigation
		<p>implementation during construction.</p> <p>Mitigation Measure F-9: The Project Applicant shall provide designated on-site bicycle parking areas and bicycle racks accessible to residents, employees, and commercial uses. City of Newport Beach Director of Community Development, or designee, will verify compliance and confirm implementation during construction.</p> <p>Mitigation Measure F-10: Prior to issuance of a grading or building permit, the project plans and specifications shall include a statement that delivery of construction equipment and materials will be scheduled such that queuing of trucks on and off site shall be minimized. The requirement will be implemented by the contractor and verified by the City of Newport Beach Director of Community Development, or designee.</p> <p>Mitigation Measure F-11: Prior to issuance of a grading or building permit, the City of Newport Beach Director of Community Development, or designee, shall verify that project plans and specifications include a statement that construction equipment shall be shut off when not in use, shall not idle for more than 15 minutes, and that vehicles greater than 10,000 pounds shall be shut off when not in use and shall not idle for more than 5 minutes.</p> <p>Mitigation Measure F-12: Prior to issuance of a grading or building permit, the City of Newport Beach Director of Community Development, or designee, shall verify that project plans and</p>	

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures	Level of Significance After Mitigation
		<p>specifications include a statement that the Construction Contractor shall select the construction equipment used on site based on low-emission factors and high-energy efficiency and that all construction equipment will be tuned and maintained in accordance with the manufacturer's specifications.</p> <p>Mitigation Measure F-13: Prior to issuance of a grading or building permit, the City of Newport Beach Director of Community Development, or designee, shall verify that project plans and specifications include a statement that the Construction Contractor shall utilize electric or alternative-fuel powered equipment in lieu of gasoline or diesel powered engines where feasible.</p> <p>Mitigation Measure F-14: Prior to issuance of a grading or building permit, the City of Newport Beach Director of Community Development, or designee, shall verify that project plans and specifications include a statement that the Construction Contractor shall support and encourage ridesharing and transit incentives for the construction crew.</p>	
<p><u>Conflicts with Greenhouse Gas Reduction Plans or Policies</u></p> <p>Project implementation would not conflict with applicable plans, policies, or regulations for reducing GHG emissions and impacts relative to this threshold would be less than significant.</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures	Level of Significance After Mitigation
Hazards and Hazardous Materials			
<p><u>Hazardous Materials Impacts</u></p> <p>Implementation of the proposed project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment. Also, while the site is not a listed hazardous materials site, there is the potential for hazardous materials to be encountered during construction activities that could create a significant hazard to the public or the environment. These potentially significant impacts would be reduced to a less than significant level with implementation of the prescribed mitigation measures and compliance to applicable regulatory requirements.</p>	<p>Less Than Significant With Mitigation</p>	<p>Mitigation Measure G-1: A removal and treatment/remediation plan for the existing on-site 550-gallon UST shall be prepared by the Project Applicant for submittal to the Santa Ana Regional Water Quality Control Board (SARWQCB) and other appropriate agencies determined appropriate in consultation with the SARWQCB for review and approval. The plan shall include but not be limited to monitoring of excavation by a certified environmental consultant to identify and sample groundwater and soils that may be contaminated; and excavation, treatment and disposal of contaminated groundwater/soil in compliance with applicable regulatory requirements. Written verification from the SARWQCB of approval of a dewatering plan/management plan completion shall be submitted to the City of Newport Beach Community Development Department prior to issuance of grading permit.</p> <p>Mitigation Measure G-2: If dredging of the bay occurs, disposal requirements for the dredged materials, which may contain elevated levels of dichlorodiphenyltrichloroethane and dichlorodiphenyldichloroethylene (DDT and DDE) pesticide contamination, shall be confirmed with the appropriate regulatory agencies during the 404 permit process (i.e., Santa Ana Regional Water Quality Control Board and California Department of Fish and Game).</p> <p>Mitigation Measure G-3: If dewatering activities occur on-site during future redevelopment, samples shall be obtained from the water and analyzed for</p>	<p>Less Than Significant</p>

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures	Level of Significance After Mitigation
		<p>volatile organic compounds (VOCs) and oxygenates to ensure that they do not exceed applicable discharge requirements. Should the samples exceed VOC, oxygenates or any other applicable discharge requirement, a dewatering plan shall be prepared by the Project Applicant for submittal to the Santa Ana Regional Water Quality Control Board (SARWQCB) and other appropriate agencies determined appropriate in consultation with the SARWQCB for review and approval. The plan shall include but not be limited to sampling of groundwater that may be contaminated; and treatment and disposal of contaminated groundwater in compliance with applicable regulatory requirements. Written verification from the SARWQCB of approval of a dewatering plan completion shall be submitted to the City of Newport Beach Community Development Department prior to issuance of grading permit.</p> <p>Mitigation Measure G-4: Prior to issuance of demolition permits, the Project Applicant shall conduct an asbestos survey of the of all on-site structures and submit verification to the City of Newport Beach Community Development Department prior that a certified asbestos abatement contractor has properly removed asbestos in accordance with procedural requirements and regulations of South Coast Air Quality Management District Rule 1403.</p> <p>Mitigation Measure G-5: Prior to issuance of demolition permits, the Project Applicant shall submit verification to the City of Newport Beach Community Development Department prior that a</p>	

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures	Level of Significance After Mitigation
		lead-based paint survey has been conducted at all existing structures located on the project site. If lead-based paint is found, the Project Applicant shall follow all procedural requirements and regulations for proper removal and disposal of the lead-based paint.	
<p><u>Airport Safety Hazards</u></p> <p>Implementation of the proposed project would not create a safety hazard for people residing or working in the project area as a result on being within an airport land use plan. This impact is considered less than significant.</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>
<p><u>Emergency Response and Evacuation Plans</u></p> <p>Implementation of the proposed project could impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. This potentially significant impact would be reduced to a less than significant level with implementation of the prescribed mitigation measures.</p>	<p>Less Than Significant With Mitigation</p>	<p>Mitigation Measure G-6: Prior to the issuance of a grading permit, the Project Applicant shall prepare a Construction Management Plan for implementation during construction of the project. The plan shall be subject to final approval by the City of Newport Beach Director of Community Development.</p> <p>Mitigation Measure G-7: The Project Applicant shall prepare a Traffic Control Plan that identifies all traffic control measures, signs, and delineators to be implemented by the construction contractor throughout the duration of construction activities associated with the project. The plan shall identify any temporary lane closures and identify alternative travel routes. The plan shall be subject to final approval and issuance of a Temporary Street and Sidewalk Closure Permit by the City of Newport Beach Public Works Department.</p>	<p>Less Than Significant</p>

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures	Level of Significance After Mitigation
		<p>Mitigation Measure G-8: Prior to construction, the Project Applicant shall consult with the City of Newport Beach Police and Fire Departments to disclose and identify temporary closures and alternative travel routes, in order to ensure adequate access for emergency vehicles when construction activities would result in temporary lane or roadway closures.</p>	
<p><u>Consistency With Regulatory Framework</u></p> <p>Implementation of the proposed project would not conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan and Municipal Code). This impact is considered less than significant.</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>
<p><i>Hydrology and Water Quality</i></p>			
<p><u>Water Quality</u></p> <p>Construction and operation of the project would comply with all applicable regulatory requirements regarding water quality. Compliance with applicable regulatory requirements and implementation of the project design features, including BMPs as part of the project’s WQMP, would ensure that construction and operational water quality impacts are less than significant.</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>
<p><u>Hydrology and Drainage</u></p> <p>The project would be designed to maintain existing drainage patterns of the site and area. Post development runoff would be consistent with applicable regulatory requirements and the post-project site would not result</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures	Level of Significance After Mitigation
<p>in significant hydrology impacts downstream such that flooding or erosion would occur on- or off-site. Furthermore, the project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage. Overall, impacts regarding changes in drainage patterns and stormwater flows would be less than significant.</p>			
<p><u>Flooding Hazards</u></p> <p>Implementation of the project could expose people and structures to flood hazards from dam failure, seiches and tsunamis. However, with implementation of the policies and procedures set forth in the City’s Emergency Management Plan, Safety Element of the General Plan, and Municipal Code, risks associated with inundation by dam failure, seiche, and tsunami are considered to be less than significant.</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>
<p><u>Consistency with Regulatory Framework</u></p> <p>Implementation of the proposed project would not conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan and Municipal Code). This impact is considered less than significant.</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>
Land Use and Planning			
<p><u>Consistency with Applicable Plans and Policies</u></p> <p>Implementation of the proposed project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the City’s General Plan and Local Coastal Program CLUP, SCAG regional</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures	Level of Significance After Mitigation
<p>plans, Airport Environs Land Use Plan, the California Coastal Act, or the City’s Municipal Code) adopted for the purpose of avoiding or mitigating an environmental effect. This impact is considered less than significant.</p>			
Noise			
<p><u>Construction-Related Noise</u></p> <p>Construction activities associated with future project implementation would be conducted within the daytime hours specified in the City’s Noise Ordinance. Given the temporary nature of construction noise associated with the proposed project, impacts would be less than significant.</p>	<p>Less Than Significant</p>	<p>Mitigation Measure J-1: Temporary noise barrier shall be used to block the line-of-site between the construction equipment and the noise-sensitive receptors during project construction, as follows:</p> <ul style="list-style-type: none"> ▪ Provide a temporary 15-foot tall noise barrier along the eastern boundary of Planning Area 1 to reduce construction noise at mobile home uses across Bayside Drive (Location R1). ▪ Provide a temporary 15-foot tall noise barrier along the northern boundary of Planning Area 1 to reduce construction noise at mobile home uses immediately to the north (Location R2). ▪ Provide a temporary 15-foot tall noise barrier along the south boundary of the Boat Service and Marina Related office construction site (Planning Area 2) to reduce construction noise at single-family residential uses on Linda Isle to the south (Location R3). 	<p>Less Than Significant</p>
<p><u>Construction-Related Vibration</u></p> <p>Construction activities would result in sporadic, temporary vibration effects within and adjacent to the</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures	Level of Significance After Mitigation
project area, which would not exceed established thresholds. Thus, construction vibration impacts would be less than significant.			
<p><u>Operational Noise</u></p> <p>Future project implementation would increase noise levels at adjacent noise-sensitive receptors in the project area. However, project-related noise generation would not exceed established thresholds and therefore impacts in this regard would be less than significant. Impacts related to future operation of on-site residential uses would be potentially significant due to existing traffic-related noise levels along East Coast Highway; however, mitigation measures would reduce impacts to less than significant.</p>	Less Than Significant With Mitigation	<p>Mitigation Measure J-2: As required by City of Newport Beach Noise Element, an acoustical analysis of the architectural plans of the proposed residential building shall be prepared by a qualified acoustical engineer, prior to issuance of building permits, to ensure that the building construction (i.e., exterior wall, window, and door) would provide adequate sound insulation to meet the acceptable interior noise level of 45 dBA CNEL.</p>	Less Than Significant
<p><u>Operational Vibration</u></p> <p>Project implementation would not generate excessive vibration levels to nearby sensitive receptors. Thus, long-term vibration impacts would be less than significant.</p>	Less Than Significant	No mitigation measures are required.	Less Than Significant
<p><u>Consistency With Regulatory Framework</u></p> <p>Implementation of the proposed project would not conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project with regard to noise (including, but not limited to the General Plan and Municipal Code). This impact is considered less than significant.</p>	Less Than Significant	No mitigation measures are required.	Less Than Significant

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures	Level of Significance After Mitigation
<i>Population and Housing</i>			
<p><u>Project-Related Growth</u></p> <p>Implementation of the proposed project would not induce substantial population, housing, or employment growth in the project area beyond that anticipated by SCAG projections. This impact is considered less than significant.</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>
<p><u>Consistency With Regulatory Framework</u></p> <p>Implementation of the proposed project would not conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan and Municipal Code). This impact is considered less than significant.</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>
<i>Public Services</i>			
<p><u>Fire Protection and Emergency Medical Services</u></p> <p>Implementation of the proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection and emergency medical services. This impact is considered less than significant.</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>
<p><u>Police Protection and Law Enforcement Services</u></p> <p>Implementation of the proposed project would not result in substantial adverse physical impacts associated</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures	Level of Significance After Mitigation
<p>with the provision of new or physically altered government facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection and law enforcement services. This impact is considered less than significant.</p>			
<p><u>Parks and Recreational Services</u></p> <p>Implementation of the proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives parks and recreational facilities. Further, the proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, and the proposed project does not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. This impact is considered less than significant.</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>
<p><u>Schools</u></p> <p>Implementation of the proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, the construction of which would cause significant environmental impacts, in order to</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures	Level of Significance After Mitigation
maintain acceptable service ratios, response times or other performance objectives for schools. This impact is considered less than significant.			
<p><u>Library Services</u></p> <p>Implementation of the proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for library services. This impact is considered less than significant.</p>	Less Than Significant	No mitigation measures are required.	Less Than Significant
<p><u>Consistency With Regulatory Framework</u></p> <p>Implementation of the proposed project would not conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan and Municipal Code). This impact is considered less than significant.</p>	Less Than Significant	No mitigation measures are required.	Less Than Significant
<i>Transportation/Traffic</i>			
<p><u>Traffic System Impacts</u></p> <p>Implementation of the proposed project under Existing Plus Project and Future With Project conditions would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways,</p>	Less Than Significant	No mitigation measures are required.	Less Than Significant

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures	Level of Significance After Mitigation
pedestrian and bicycle paths, and mass transit. This impact is considered less than significant.			
<p><u>Congestion Management Program Facility Impacts</u></p> <p>Implementation of the proposed project would not conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads and highways. This impact is considered less than significant.</p>	Less Than Significant	No mitigation measures are required.	Less Than Significant
<p><u>Site Access and Traffic Safety</u></p> <p>The proposed project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). This impact is considered less than significant with mitigation.</p>	Less Than Significant With Mitigation	<p>Mitigation Measure M-1: Sight distance at the project accesses shall be reviewed with respect to City of Newport Beach standards in conjunction with the preparation of final grading, landscaping, and street improvement plans.</p> <p>Mitigation Measure M-2: On-site traffic signing and striping shall be implemented in conjunction with detailed construction plans for the project and as approved by the City of Newport Beach.</p> <p>Mitigation Measure M-3: Final design of the optional secondary access ("right turn in" only lane on East Coast Highway) shall accommodate bicycle use along the corridor and shall require coordination with and the approval of the California Department of Transportation, the Orange County Transportation Authority, and the Orange County Sanitation District. The driveway for the Orange County Sanitation District shall be relocated so as not to interfere with the proposed "right turn in" only lane. Based on the posted speed limit of 50</p>	Less Than Significant

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures	Level of Significance After Mitigation
		miles per hour, and assuming partial deceleration of 10 miles per hour in the through lane, the recommended length of the deceleration lane is 315 feet.	
<p><u>Consistency with Regulatory Framework</u></p> <p>Implementation of the proposed project would not conflict with (1) adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities, or (2) any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the California Coastal Act, SCAG RTP/SCS, SCAG Compass Blueprint, Newport Beach General Plan, Newport Beach Coastal Land Use Plan, and Newport Beach Municipal Code). This impact is considered less than significant.</p>	Less Than Significant	No mitigation measures are required.	Less Than Significant
<i>Utilities and Service Systems</i>			
<p><u>Water</u></p> <p>Implementation of the proposed project would require or result in the construction of new on-site and off-site water facilities or the expansion of existing on-site and off-site facilities, the construction of which could cause significant environmental effects. However, compliance with applicable regulatory requirements and implementation of the prescribed mitigation measures would reduce potentially significant impacts in these regards to a less than significant level. Further, the site would have sufficient water supplies available to serve the proposed project from existing entitlements and resources. Thus, impacts regarding water supply would</p>	Less Than Significant With Mitigation	Mitigation Measure N-1: Prior to the issuance of certificates of occupancy, the project Applicant shall pay the required City water connection fees as set forth in the Municipal Code (Section 14.12).	Less Than Significant

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures	Level of Significance After Mitigation
be less than significant.			
<p><u>Wastewater</u></p> <p>Implementation of the proposed project would not (1) exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board; (2) require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects; or (3) result in a determination by the wastewater treatment provider, which serves or may serve the proposed project, that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. This impact is considered less than significant with implementation of applicable mitigation measures.</p>	<p>Less Than Significant With Mitigation</p>	<p>Mitigation Measure N-2: Prior to the issuance of certificates of occupancy, the project Applicant shall pay the required OCSD sewer connection fees as set forth in the Municipal Code (Section 14.24.050) which are utilized to fund wastewater treatment and regional wastewater conveyance improvements associated with new development.</p>	<p>Less Than Significant</p>
<p><u>Stormwater Drainage Facilities</u></p> <p>Implementation of the proposed project would require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. However, compliance with applicable regulatory requirements would reduce potentially significant impacts in these regards to a less than significant level.</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>
<p><u>Solid Waste</u></p> <p>Implementation of the proposed project would not exceed the capacity of the landfill serving the project area. This impact is considered less than significant</p>	<p>Less Than Significant With Mitigation</p>	<p>Mitigation Measure N-3: Prior to the issuance of any demolition or construction permit, the project Applicant shall provide a copy of the receipt or contract indicating that the construction contractor shall only contract for waste disposal services with</p>	<p>Less Than Significant</p>

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures	Level of Significance After Mitigation
with implementation of applicable mitigation measures.		<p>a company that recycles demolition and construction-related wastes. The contract specifying recycled waste service shall be presented to the Municipal Operations Department prior to approval of certificate of occupancy.</p> <p>Mitigation Measure N-4: In order to facilitate on-site separation and recycling of construction related wastes, the construction contractor shall provide temporary waste separation bins on-site during demolition and construction activities.</p>	
<p><u>Consistency With Regulatory Framework</u></p> <p>Implementation of the proposed project would not conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan and Municipal Code). This impact is considered less than significant.</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>