

5. Environmental Analysis

5.5 HAZARDS AND HAZARDOUS MATERIALS

This section of the Draft Supplemental Environmental Impact Report (SEIR) evaluates potential impacts to human health and the environment due to exposure to hazardous materials or conditions in areas proposed for land use changes under the Newport Beach General Plan LUE Amendment. Potential project impacts and appropriate mitigation measures or standard conditions are included as necessary.

5.5.1 Environmental Setting

5.5.1.1 REGULATORY SETTING

Federal, state, regional, and local laws, regulations, plans, or guidelines that are potentially applicable to the project site are summarized below.

Federal

Comprehensive Environmental Response, Compensation and Liability Act

The Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) is a law developed to protect the water, air, and soil resources from the risks created by past chemical disposal practices. This law is also referred to as the Superfund Act and regulates sites on the National Priority List (NPL), which are called Superfund sites.

Emergency Planning and Community Right-To-Know Act

In 1986, Congress passed the Superfund Amendments and Reauthorization Act. Title III of this regulation is called the “Emergency Planning and Community Right-to-Know Act of 1986” (EPCRA). The act required the establishment of state commissions, planning districts, and local committees to facilitate the preparation and implementation of emergency plan. Under its requirements, local emergency planning committees (LEPCs) are responsible for developing a plan for preparing for and responding to a chemical emergency, including:

- An identification of local facilities and transportation routes where hazardous materials are present.
- The procedures for immediate response in case of an accident (this must include a community-wide evacuation plan).
- A plan for notifying the community that an incident has occurred.
- The names of response coordinators at local facilities.
- A plan for conducting drills to test the plan.

The emergency plan is reviewed by the State Emergency Response Commission and publicized throughout the community. The LEPC is required to review, test, and update the plan each year. The Orange County

5. Environmental Analysis

HAZARDS AND HAZARDOUS MATERIALS

Environmental Health Department (EHD) is responsible for coordinating hazardous material and disaster preparedness planning and appropriate response efforts with city departments and local and state agencies. The goal is to improve public and private sector readiness and to mitigate local impacts resulting from natural or manmade emergencies.

Another purpose of the EPCRA is to inform communities and citizens of chemical hazards in their areas. Sections 311 and 312 of EPCRA require businesses to report to state and local agencies the location and quantities of chemicals stored onsite. Under section 313 of EPCRA, manufacturers are required to report chemical releases for more than 600 designated chemicals. In addition to chemical releases, regulated facilities are also required to report offsite transfers of waste for treatment or disposal at separate facilities, pollution prevention measures, and chemical recycling activities. The US Environmental Protection Agency (EPA) maintains the Toxic Release Inventory database that documents the information that regulated facilities are required to report annually.

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) is the principal federal law that regulates generation, management, and transportation of hazardous waste. Hazardous waste management includes the treatment, storage, or disposal of hazardous waste.

Title 29, Code of Federal Regulations, Section 1926.62

Title 29, CFR Section 1926.62, sets standards for occupational health and environmental controls for lead exposure in construction, regardless of the lead content of paints and other materials. The standards include requirements addressing exposure assessment, methods of compliance, respiratory protection, protective clothing and equipment, hygiene facilities and practices, medical surveillance, medical removal protection, employee information and training, signs, recordkeeping, and observation and monitoring.

State

Hazardous Materials Release Notification

Many state statutes require emergency notification of a hazardous chemical release:

- California Health and Safety Codes Sections 25270.8, and 25507
- Vehicle Code Section 23112.5
- Public Utilities Code Section 7673, (PUC General Orders #22-B, 161)
- Government Code Sections 51018, 8670.25.5 (a)
- Water Codes Sections 13271, 13272,
- California Labor Code Section 6409.1 (b)10

Requirements for immediate notification of all significant spills or threatened releases cover owners, operators, persons in charge, and employers. Notification is required regarding significant releases from facilities, vehicles, vessels, pipelines, and railroads. In addition, all releases that result in injuries or harmful

5. Environmental Analysis HAZARDS AND HAZARDOUS MATERIALS

exposure to workers must be immediately reported to the California Occupational Safety and Health Administration pursuant to the California Labor Code Section 6409.1(b).

Hazardous Materials Disclosure Programs

The Unified Program administered by the State of California consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities for environmental and emergency management programs, which include: Hazardous Materials Release Response Plans and Inventories (business plans), the California Accidental Release Prevention (CalARP) Program, and the Underground Storage Tank (UST) Program. The Unified Program is implemented at the local government level by Certified Unified Program Agencies (CUPAs).

The CUPA for the Newport Beach area is the Orange County Environmental Health Division (EHD), which is responsible for regulating hazardous materials business plans and chemical inventory; hazardous waste and tiered permitting; underground storage tanks; aboveground storage tanks; and risk management plans.

Hazardous Materials Business Plans

Both the federal government (Code of Federal Regulations) and the State of California (California Health and Safety Code) require all businesses that handle more than a specified amount—or “reporting quantity”—of hazardous or extremely hazardous materials to submit a hazardous materials business plan to its CUPA. According to the EHD guidelines, the preparation, submittal, and implementation of a business plan is required by any business that handles a hazardous material or a mixture containing a hazardous material in specified quantities.

Business plans must include an inventory of the hazardous materials at the facility. Businesses must update the whole plan at least every three years and the chemical portion every year. Also, business plans must include emergency response plans and procedures to be used in the event of a significant or threatened significant release of a hazardous material. These plans need to identify the procedures for immediate notification of all appropriate agencies and personnel, identification of local emergency medical assistance appropriate for potential accident scenarios, contact information for all company emergency coordinators, a listing and location of emergency equipment at the business, an evacuation plan, and a training program for business personnel.

The EHD currently reviews submitted business plans and updates. Businesses that handle hazardous materials are required by law to provide an immediate verbal report of any release or threatened release of hazardous materials if there is a reasonable belief that the release or threatened release poses a significant present or potential hazard to human health and safety, property, or the environment. The EHD is also charged with the responsibility of conducting compliance inspections of regulated facilities in Orange County.

California Accidental Release Prevention Program

CalARP became effective on January 1, 1997, in response to Senate Bill 1889. CalARP aims to be proactive and therefore requires businesses to prepare risk management plans, which are detailed engineering analyses

5. Environmental Analysis

HAZARDS AND HAZARDOUS MATERIALS

of the potential accident factors present at a business and the mitigation measures that can be implemented to reduce this accident potential. This requirement is coupled with the requirements for preparation of hazardous materials business plans under the Unified Program, implemented by the CUPA.

Leaking Underground Storage Tanks

Leaking USTs have been recognized since the early 1980s as the primary cause of groundwater contamination from gasoline compounds and solvents. In California, regulations aimed at protecting against UST leaks have been in place since 1983 (Health and Safety Code). This was a year before RCRA was amended to add Subtitle I, which required UST systems to be installed in accordance with standards that address the prevention of future leaks. The State Water Resources Control Board has been designated the lead California regulatory agency in the development of UST regulations and policy.

Older tanks are typically single-walled steel tanks. Many of these have leaked as a result of corrosion, punctures, and detached fittings. As a result, the State of California required the replacement of older tanks with new double-walled fiberglass tanks with flexible connections and monitoring systems. UST owners were given 10 years to comply with the new requirements—deadline was December 22, 1998. However, many UST owners did not act by the deadline, so the state granted an extension for their replacement ending January 1, 2002. The California Regional Water Quality Control Boards, in cooperation with the Office of Emergency Services (OES), maintain an inventory of leaking USTs in a statewide database.

California Code of Regulations, Title 22, Division 4.5

Title 22, Division 4.5, of the California Code of Regulations (CCR) sets forth the requirements for hazardous-waste generators; transporters; and owners or operators of treatment, storage, or disposal facilities. These regulations include the requirements for packaging, storage, labeling, reporting, and general management of hazardous waste prior to shipment. In addition, the regulations identify standards applicable to transporters of hazardous waste. These regulations specify the requirements for transporting shipments of hazardous waste, including manifesting, vehicle registration, and emergency accidental discharges during transportation.

California Fire Code

The 2010 California Fire Code (CCR Title 24 Part 9) sets requirements pertaining to fire safety and life safety, including for building materials and methods, fire protection systems in buildings, emergency access to buildings, and handling and storage of hazardous materials.

California Building Code

CCR Title 24, Part 2, Section 907.2.11.2. Smoke alarms shall be installed and maintained on the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms. In each room used for sleeping purposes, and in each story within a dwelling unit. The smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Smoke alarms shall receive their primary power from the building wiring and shall be equipped with a battery backup.

5. Environmental Analysis HAZARDS AND HAZARDOUS MATERIALS

California Health and Safety Code, Sections 17920.10 and 105255

Lead must be contained during demolition activities.

Regional

South Coast Air Quality Management District

SCAQMD Rule 1403 governs the demolition of buildings containing asbestos materials. Rule 1403 specifies work practices with the goal of minimizing asbestos emissions during building demolition and renovation activities, including the removal and associated disturbance of asbestos-containing material (ACM). The requirements for demolition and renovation activities include asbestos surveying, notification, ACM removal procedures and time schedules, ACM handling and cleanup procedures, and storage and disposal requirements for asbestos-containing waste materials.

Local

City of Newport Beach Fire Department Fire Prevention Guidelines

The Nbfd Life Safety Division has set fire prevention guidelines that address such matters as fire flow, fire access, building construction, flammable and combustible liquids, and fire protection systems (Nbfd 2012).

Newport Beach Municipal Code: Building Height Limits for Airport Environs

Building height limits within the Height Restriction Zone designated in the Airport Environs Land Use Plan for John Wayne Airport are regulated under Section 20.30.060(E), Height Limits and Exceptions, of the Newport Beach Municipal Code.

E. Airport Environs Land Use Plan (AELUP) for John Wayne Airport and Airport Land Use Commission (ALUC) Review Requirements.

1. AELUP Requirements.
 - a. Buildings and structures shall not penetrate Federal Aviation Regulation (FAR) Part 77, Obstruction—Imaginary Surfaces, for John Wayne Airport unless approved by the Airport Land Use Commission (ALUC).
 - b. In compliance with FAR Part 77, applicants proposing buildings or structures that penetrate the 100:1 Notification Surface shall file a Form 7460-1, Notice of Proposed Construction or Alteration with the FAA. A copy of the FAA application shall be submitted to the ALUC and the applicant shall provide the City with FAA and ALUC responses.
2. Citywide Requirements. Development projects that include structures higher than two hundred (200) feet above existing grade shall be submitted to the Airport Land Use Commission (ALUC) for review. In addition, projects that exceed a height of two

5. Environmental Analysis

HAZARDS AND HAZARDOUS MATERIALS

hundred (200) feet above existing grade shall file Form 7460-1 with the Federal Aviation Administration (FAA). (Ord. 2012-11 § 1 (Exh. A), 2012; Ord. 2010-21 § 1 (Exh. A)(part), 2010)

5.5.1.2 EXISTING CONDITIONS

Environmental Database Search Findings: Comparison to 2006 General Plan EIR

Three environmental databases were searched for listings in the City of Newport Beach on December 3, 2013: GeoTracker, maintained by the State Water Resources Control Board; EnviroStor, maintained by the Department of Toxic Substances Control; and RCRAInfo, maintained by the EPA. Findings of the database searches are presented in Appendix F, *Environmental Database Search Results*.

Findings of the 2013 database searches are compared to database search results from the 2006 General Plan EIR in Tables 5.5-1, 5.5-2, 5.5-3, and 5.5-4.

Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS)

Two sites were listed in the City in 2006 on the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) database of Superfund sites maintained by the EPA; the sites are described in Table 5.5-1.

Table 5.5-1 CERCLIS Sites in the Newport Beach Area

Facility Name	Facility Address	Status
Cagney Trust	SW Corner of 32nd St. and Newport Blvd	Not on NPL—NFRAP (No Further Remedial Action Planned)
Ford Aerospace Facility	3501 Jamboree Blvd. #500	Not on NPL—PA [Preliminary Assessment] Ongoing

No active or archived sites in the City of Newport Beach are listed on the CERCLIS database as of February 14, 2014. A hotel is now at the address of the Ford Aerospace Facility, 3501 Jamboree Road. A permitted UST is listed at that address on the GeoTracker database maintained by the State Water Resources Control Board; however, no hazardous materials releases are documented at that address on the GeoTracker database or the EnviroStor database maintained by the Department of Toxic Substances Control (SWRCB 2014; DTSC 2014).

The address of the Cagney Trust site, 399 32nd Street, is now occupied by commercial land uses. No hazardous materials releases are documented at that site on the GeoTracker or EnviroStor databases.

Toxic Release Inventory

Two sites in the City were listed on the Toxic Release Inventory (TRI) database maintained by the EPA, as reported in the 2006 General Plan EIR; the two sites remain listed in 2014. Three additional sites are currently listed on the TRI database that were not mentioned in the 2006 General Plan EIR (see Table 5.5-2).

5. Environmental Analysis
HAZARDS AND HAZARDOUS MATERIALS

None of the three TRI sites listed in 2014 but not in 2006 are in areas of proposed changes in land use designations and/or increases in development capacity under the proposed General Plan LUE Amendment.

Table 5.5-2 Toxic Release Inventory Facilities

2006 General Plan EIR		December 2013
Facility Name, Address	Chemicals	Facility Name, Address
Newport Fab LLC (DBA Jazz Semiconductor) 4321 Jamboree Road	Ammonia, hydrogen fluoride, nitric acid. A formal enforcement action was filed by the EPA for this site on 1/29/2003.	Listed;
Hixson Metal Finishing 829 Production Place	Lead, nitric acid.	Listed
Not listed		Conexant Systems, Inc 4311 Jamboree Road
Not listed		Loral Aeronutronic 1000 Ford Rd Bldg 1 2 9 11
Not listed		Raytheon Systems Company 500 Superior Avenue

Sources: EIP Associates 2006; USEPA 2013. Chemicals released were not specified in the TRI database searched in February 2014.

Large Quantity Generators of Hazardous Wastes

Large quantity generator (LQGs) of hazardous waste listed on the EPA's RCRAInfo database generate over 1,000 kilograms of hazardous waste (kg; one kg is 2.205 pounds) or 1 kg of acutely hazardous waste during any month. A small quantity generator generates 100 to 1000 kg of hazardous waste per month. Eight LQG facilities and four prior LQG facilities in the City were reported in the 2006 General Plan EIR and are listed in Table 5.5-3.

5. Environmental Analysis

HAZARDS AND HAZARDOUS MATERIALS

Table 5.5-3 Large-Quantity Generator (LQG) Facilities in Newport Beach

2006 General Plan EIR	2013
2006: Current LQG Facilities	
Hixson Metal Finishing 829 Production Place	Listed LQG
Hoag Memorial Hospital 301 Newport Boulevard	Listed LQG
Newport Fab LLC 4311 Jamboree Road, Bldg. 503	Listed LQG
Shell Service Station 1600 Jamboree Road	Listed Small Quantity Generator (SQG)
Conexant Systems Incorporated 4311 Jamboree Road	Listed LQG
Ford Motor Company (now closed) 1000 Ford Road	Listed SQG
Jetronic Industries, Inc. – Transchem Division 3767 Birch Street	Listed SQG
The Koll Company KCN 4 4910 Birch Street	Listed SQG
2006: Prior LQG Facilities	
Loral Aeronutronic 1000 Ford Road Buildings 1, 2, 9, & 11	Not listed
Newport Enterprises DBA Land Rover 1540 Jamboree Road	Listed SQG
Raytheon Systems Company 500 Superior Avenue	Not listed
Sterling Motors Ltd., DBA Sterling BMW 3000 West Coast Hwy.	Listed SQG
Sources: EIP Associates 2006; USEPA 2013.	

5. Environmental Analysis
HAZARDS AND HAZARDOUS MATERIALS

Leaking Underground Storage Tanks

Table 5.5-4 shows Leaking UST cases listed in the 2006 General Plan EIR and their status as of 2013.

Table 5.5-4 Leaking Underground Storage Tanks

2006 General Plan EIR	2013		
	Status	Potential Contaminants of Concern	Potential Media of Concern
Newport Beach Golf Course 3100 Irvine	Closed	Gasoline	Other Groundwater (uses other than drinking water)
Newport Auto Center 445 Coast	Closed	Diesel, Gasoline, Waste Oil	Soil; Other Groundwater (uses other than drinking water)
Chevron #20-1093 1240 Bison	Open - Remediation	Gasoline	Other Groundwater (uses other than drinking water)
Shell Oil (Former) 990 Coast	Open - Verification Monitoring	Gasoline	Other Groundwater (uses other than drinking water)
Shell Oil 1000 Irvine	Open - Remediation	Gasoline	Other Groundwater (uses other than drinking water)
Ford Aerospace Corporation 3000 Ford Road	Closed	Diesel	Soil
Permalite Plastics Corporation 1537 Monrovia Avenue	Closed	Other Solvent or Non-Petroleum Hydrocarbon	Soil
Chevron #20-2016 2121 Bristol	Open - Eligible For Closure	Diesel, Gasoline	Other Groundwater (uses other than drinking water), Soil
Beacon Bay Carwash 4200 Birch	Open - Eligible For Closure	Gasoline	Other Groundwater (uses other than drinking water)
Unocal #5310 3001 Newport	Open - Eligible For Closure	Gasoline	Other Groundwater (uses other than drinking water)
Shell Oil 1600 Jamboree	Open - Site Assessment	Gasoline	Other Groundwater (uses other than drinking water), Soil, Surface water
Hughes Aircraft Co-Solid Prod. 500 Superior Ave.	Open - Verification Monitoring	Solvents	Other Groundwater (uses other than drinking water)
Conexant Systems, Inc. (Former Rockwell Intl Semi-Conduct Div.) 4311 Jamboree Road	Open - Remediation	Alcohols, Other Acid or Corrosive, Toluene, Acetone, * Solvents	Other Groundwater (uses other than drinking water)
Newport Auto Center 445 Coast	Closed	Gasoline	Other Groundwater (uses other than drinking water)
Four Seasons Hotel 690 Newport Center	Open - Eligible For Closure	Diesel	Other Groundwater (uses other than drinking water)
Newport Beach Police Department 870 Santa Barbara	Closed	Gasoline	Other Groundwater (uses other than drinking water)

Sources: EIP Associates 2006; SWRCB 2013.

5. Environmental Analysis

HAZARDS AND HAZARDOUS MATERIALS

John Wayne Airport

John Wayne Airport (JWA) generates nearly all air traffic over Newport Beach, and more than 95 percent of all aircraft departing JWA ascend over the City. The departure path from Runway 1L/19R, the longer of the two runways, extends over Upper and Lower Newport Bay, Lido Isle, and the Balboa Peninsula.

Airport Operations, 2012 (takeoffs and landings are each counted as operations):

- Air Carrier: 83,528
- Air Taxi (private passenger and cargo charter): 9,256
- General Aviation: 171,873, including 74,331 local operations that remained within the airport's air traffic pattern
- Military: 493
- Total: 265,150 (FAA 2013)

Airport Settlement Agreement: Proposed Extension

In 1985 a settlement agreement was reached in litigation in federal district court regarding the numbers of commercial passenger and cargo flights and annual passengers at JWA. The settlement agreement has a term of 30 years and expires in 2015. The parties to the Settlement Agreement are currently discussing a second extension to the Settlement Agreement. A modification and extension of the Settlement Agreement is currently being considered; a Draft EIR for the modification and extension is scheduled for completion in 2014. When the settlement agreement was adopted in 1985, commercial aircraft departures were divided into three classes based on noise generated: A, AA, and E, from noisiest to quietest. The settlement agreement modification and extension would increase the number of permitted Class A daily passenger departures from the current 85 to 95 by 2026; increase the number of annual airline passengers from 10.8 million to 12.2 or 12.5 million by 2026; and would lift the limit on the number of passenger loading gates in 2021 (JWA 2013).

Safety Zones

The northern part of the City is in safety zones for John Wayne Airport where land uses are regulated by the Orange County Airport Land Use Commission to reduce hazards to people and structures from aircraft crashes. Land use restrictions and compatibility for each zone are described in Table 5.5-5, *Land Use Compatibility: John Wayne Airport Safety Zones*. Safety zones in the City range from Zone 1 to Zone 6; land use restrictions are greatest in Zone 1 and least restrictive in Zone 6 (see Figure 5.5-1, *Safety Zones, Airport Area*).

5. Environmental Analysis
HAZARDS AND HAZARDOUS MATERIALS

Table 5.5-5 Land Use Compatibility: John Wayne Airport Safety Zones

Safety Zone	Land Use Compatibility
1	<ul style="list-style-type: none"> • Airport ownership of property encouraged • Prohibit all new structures • Prohibit residential land uses • Avoid nonresidential uses except if very low intensity in character and confined to the sides and outer end of the area
2	<ul style="list-style-type: none"> • Prohibit residential uses except on large, agricultural parcels • Limit nonresidential uses to activities which attract few people (uses such as shopping centers, most eating establishments, theaters, meeting halls, multi-story office buildings, and labor-intensive manufacturing plants unacceptable) • Prohibit children's schools, day care centers, hospitals, nursing homes • Prohibit hazardous uses (e.g. aboveground bulk fuel storage)
3	<ul style="list-style-type: none"> • Limit residential uses to very low densities (if not deemed unacceptable because of noise) • Avoid nonresidential uses having moderate or higher usage intensities (e.g., major shopping centers, fast food restaurants, theaters, meeting halls, buildings with more than three aboveground habitable floors are generally unacceptable) • Prohibit children's schools, large day care centers, hospitals, nursing homes
4	<ul style="list-style-type: none"> • In undeveloped areas, limit residential uses to very low densities (if not deemed unacceptable because of noise); if alternative uses are impractical, allow higher densities as infill in urban areas • Limit nonresidential uses as in Zone 3 • Prohibit children's schools, large day care centers, hospitals, nursing homes
5	<ul style="list-style-type: none"> • Avoid residential uses unless airport related (noise usually also a factor) • Allow all common aviation-related activities provided that height-limit criteria are met • Limit other nonresidential uses similarly to Zone 3, but with slightly higher usage intensities • Prohibit children's schools, large day care centers, hospitals, nursing homes
6	<ul style="list-style-type: none"> • Allow residential uses • Allow most nonresidential uses; prohibit outdoor stadiums and similar uses with very high intensities • Avoid children's schools, large day care centers, hospitals, nursing homes

Source: OCALUC 2008.

Proposed Land Use Changes Relative to Safety Zones

■ **Airport Area**

- **Saunders Properties:** The Saunders Properties are partly in Safety Zone 6 and partly in Safety Zone 3 – both for the short runway (Runway 19L/1R); all of the site is in Safety Zone 6 for the long runway (Runway 19R/1L). The proposed land use designation in the Saunders Properties is Mixed Use Horizontal (MU-H2). Under the existing Airport Office and supporting Uses (AO) designation, the permitted (and existing use) is 306,923 square feet office. The redesignation would permit up to 545,000 square feet of office use and 329 residential units.
- **Lyon Companies and The Hangars:** This subarea is in Safety Zone 6 for each of the two runways. The land use change for the Lyon Companies subarea would introduce up to 85,000 square feet retail uses, 850 dwelling units, and up to 150 hotel rooms.
- **The Hangars** The Hangars subarea is in Safety Zone 6 for each of the two runways. The land use change in The Hangars subarea would introduce 11,800 square feet retail use.

5. Environmental Analysis

HAZARDS AND HAZARDOUS MATERIALS

- **UAP Companies:** The UAP Companies subarea is in Safety Zone 6 for the long runway. The General Plan LUE Amendment would permit development of up to 148,000 square feet of congregate care uses in this subarea.

Height Limits

Most of the central and northern parts of the City are also in areas where heights of structures are regulated to avoid obstructions to aircraft under Federal Aviation Administration (FAA) Part 77 regulations (see Figure 5.5-2, *Height Restrictions per Federal Air Regulations Part 77*). In much of the northern part of the City, structure heights are limited to 206 feet above mean sea level (amsl); maximum structure heights are lower under the departure path from JWA. In the southwest corner of the Airport Area, maximum allowable heights are lower than 206 feet amsl. A determination of consistency with the Airport Environs Land Use Plan for John Wayne Airport by the Orange County Airport Land Use Commission is required for any proposed structure that would reach or exceed the height restrictions.

5.5.2 Thresholds of Significance

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

- H-1 Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- H-2 Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- H-3 Emit hazardous emissions or handle hazardous or acutely hazardous materials, substance, or waste within one-quarter mile of an existing or proposed school.
- H-4 Be located on a site which is included on a list of hazardous materials compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment.
- H-5 For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would result in a safety hazard for people residing or working in the project area.
- H-6 For a project in the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area.

Environmental Analysis

Figure 5.5-1

Safety Zones, Airport Area



City Boundary

Long Runway Safety Zones

- 1 - Runway Protection Zone
- 2 - Inner Approach / Departure Zone
- 3 - Inner Turning Zone
- 4 - Outer Approach / Departure Zone
- 5 - Sideline Zone
- 6 - Traffic Pattern Zone

Short Runway Safety Zones

- 1 - Runway Protection Zone
- 2 - Inner Approach / Departure Zone
- 3 - Inner Turning Zone
- 4 - Outer Approach / Departure Zone
- 5 - Sideline Zone
- 6 - Traffic Pattern Zone



Land Use Element Update
Supplemental EIR

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5. Environmental Analysis

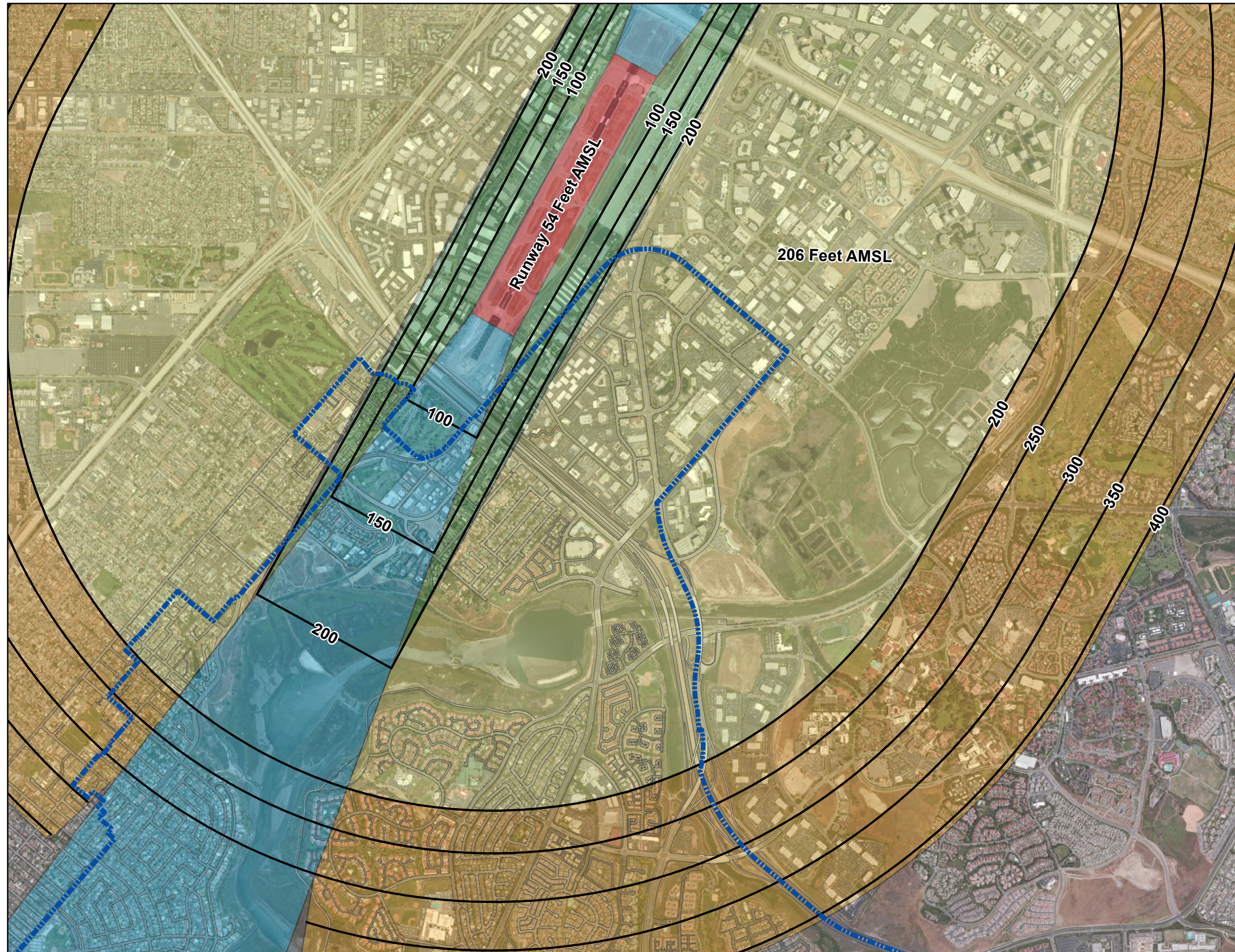
HAZARDS AND HAZARDOUS MATERIALS

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5. Environmental Analysis

Figure 5.5-2

Height Restrictions per Federal Air Regulations Part 77



- City Boundary
- Elevation Contours in feet above mean sea level (AMSL)
- Airport Surfaces**
 - Horizontal Surface - Elevation 206 Feet AMSL
 - Departure Surface - Slope 50:1 (Horizontal:Vertical)
 - Transitional Surface - Slope 7:1 (Horizontal:Vertical)
 - Conical Surface - Slope 20:1 (Horizontal:Vertical)
 - Runway - Elevation 54 Feet AMSL

Source: (Need Source)

5. Environmental Analysis

HAZARDS AND HAZARDOUS MATERIALS

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5. Environmental Analysis HAZARDS AND HAZARDOUS MATERIALS

- H-7 Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- H-8 Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to the urbanized areas or where residences are intermixed with wildlands.

The Initial Study, included as Appendix A, substantiates that impacts associated with the following thresholds would be less than significant:

- Threshold H-1
- Threshold H-2
- Threshold H-3
- Threshold H-6
- Threshold H-7

These impacts will not be addressed in the following analysis.

5.5.3 Environmental Impacts

2006 General Plan EIR

Hazardous Materials

The 2006 General Plan EIR found that implementation of the proposed General Plan Update could result in an increase in commercial development that could increase the overall routine transport, use, storage, and disposal of hazardous materials within the City.

Construction activities associated with implementation of the proposed General Plan Update could result in the release of hazardous materials to the environment through reasonably foreseeable upset and accident conditions. Compliance with existing regulations and proposed General Plan Update policies would ensure that construction workers and the general public would not be exposed to any unusual or excessive risks related to hazardous materials during construction activities. As such, impacts associated with the exposure of construction workers and the public to hazardous materials during construction activities would be less than significant.

Operation of future land uses that could be developed under the proposed project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Compliance with Titles 8, 22, 26, and 49 of the California Code of Regulations, and their enabling legislation set forth in Chapter 6.95 of the California Health and Safety Code, would ensure that this impact is less than significant by requiring compliance with applicable laws and regulations that would reduce the risk of hazardous materials use, transportation, and handling through the implementation of established safety practices, procedures, and reporting requirements.

5. Environmental Analysis

HAZARDS AND HAZARDOUS MATERIALS

Implementation of the 2006 General Plan could emit hazardous emissions or handle acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

The 2006 General Plan included sites which were included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; thus, implementation of the 2006 General Plan could create a significant hazard to the public or the environment. The 2006 General Plan EIR found that hazard impacts arising from existing hazardous materials sites would be less than significant after implementation of General Plan policies.

Airport-Related Hazards

Newport Beach borders the southeastern portion of John Wayne Airport (JWA) and lies under the approach path for Long Beach Airport. The 2006 General Plan EIR found that the potential growth and development that could occur through implementation of the 2006 General Plan could place people at risk for an aviation hazard. The northern inland portions of the City extending south just past Fashion Island, are included within the Airport Environs Land Use Plan (AELUP)'s height restriction zone for JWA. Airport-related hazards were found to be less than significant after implementation of General Plan policies.

General Plan LUE Amendment (Proposed Project)

The following impact analysis addresses thresholds of significance for potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

IMPACT 5.5-1: Site assessments for hazardous materials, and, where required, remediation of hazardous materials releases, would be required for redevelopment projects developed in accordance with the proposed Land Use Element Amendment. Thus, buildout of the Land Use Element Amendment would not expose people to substantial hazards from hazardous materials sites listed on environmental databases. [THRESHOLD H-4]

Impact Analysis:

Development in accordance with the General Plan LUE Amendment would involve redevelopment and reuse of some sites listed as hazardous material sites on environmental databases. Hazardous materials sites within subareas containing proposed land use changes are listed in Table 5.5-6; leaking underground storage tank (LUST) cleanup site open cases listed in Table 5.5-6 are described in more detail above in Table 5.5-2.

5. Environmental Analysis
HAZARDS AND HAZARDOUS MATERIALS

Table 5.5-6 GeoTracker and RCRAInfo Sites in and next to Airport Area Subareas

Area	Database	Site Name and Address ¹	Type of Site	Map ID No.
Saunders Properties and The Hangars				
Saunders Properties: Onsite	GeoTracker	Texaco 4678 Campus	Leaking Underground Storage Tank (LUST). Gasoline release affected groundwater other than drinking water case closed.	8
		Alamo Rent A Car 4361 Birch St	Permitted Underground Storage Tank (UST)	21
		National Car Rental Inc 4242 Campus Dr	Permitted UST	20
		Avis Rent A Car 4201 Birch St	Permitted UST	19
		Edler Industries 2101 Dove St	Permitted UST	39
	RCRAInfo	Orange County Business Journal 4590 Macarthur Blvd Suite 100	SQG	5
		Sutton Place Hotel 4500 Macarthur	SQG	6
The Hangars: onsite	RCRAInfo	Roadway Construction Co Inc 4101 Westerly Pl Ste 101	Hazardous waste Transporter	64
Saunders Properties and The Hangars: within 0.25 mile	GeoTracker	Hertz Rent A Car 4000 Campus Dr	Permitted UST	34
		Edler Industries 2101 Dove St	LUST. Release of Waste Oil / Motor / Hydraulic / Lubricating oil affected Soil. Case closed.	36
		Beacon Bay Auto Wash #08 4200 Birch	LUST Gasoline release affected groundwater other than drinking water Open - Eligible For Closure	40
			Permitted UST	41
		Koll Center Newport #8 4590 Macarthur Blvd	Permitted UST	22
		Sheraton Hotel Newport 4545 Macarthur Blvd	Permitted UST	43
		Reef Funds USA#1 1301 Dove St	Permitted UST	66
		Westerly Place 1500 Quail St	LUST Diesel release affected soil Case closed.	69
			Permitted UST	65
		American Air Center 19461 S Airport Way Santa Ana	LUST Gasoline release affected drinking water aquifer Case closed.	2
Orange County Fire Station 27 19459 Airport S	Permitted UST	3		

5. Environmental Analysis
HAZARDS AND HAZARDOUS MATERIALS

Table 5.5-6 GeoTracker and RCRAInfo Sites in and next to Airport Area Subareas

Area	Database	Site Name and Address ¹	Type of Site	Map ID No.
		Santa Ana		
		Santa Ana Tower F.A.A. 18990 Ike Jones Rd Santa Ana	LUST Heating Oil / Fuel Oil release affected drinking water aquifer Case open: site assessment.	4
		Tallmantz Aviation 19711 S Airport Way Santa Ana	LUST solvents release affected drinking water aquifer Case closed.	17
		Martin Aviation 19331 Campus Dr Santa Ana	Permitted UST	38
		UCO Air 19461 Campus Dr Santa Ana	Permitted UST	33
		Pan Western Fuel Farm Jwa 19711 Campus Dr Santa Ana	Permitted UST	32
		John Wayne Airport 3151 Airway Avenue Costa Mesa	Cleanup Program site Contaminants of concern: Aviation, Diesel, Gasoline, MTBE / TBA / Other Fuel Oxygenates, Trichloroethylene (TCE), Waste Oil / Motor / Hydraulic / Lubricating oil. Case Open - Site Assessment 2009	31
		Amr Combs Fuel Farm 19301 Campus Dr Santa Ana	LUST Aviation fuel release affected Groundwater other than drinking water Case open, remediation 2010	59
		Martin Aviation (Fuel Farm) 19331 S Airport Way Santa Ana	LUST Kerosene release affected drinking water aquifer Case open: verification monitoring	58
	RCRAInfo	Execair Maintenance Inc 19301 Campus Ste 255 Santa Ana	SQG	4
		Sunbird Aviation 19531 Campus Drive Suite 20 Santa Ana	SQG	4
		Alaska Airlines Inc 18601 Airport Wy Santa Ana	SQG	18
		Newport Car Clinic 4360 Campus Dr	SQG	37
		Atlantic Aviation Center 19711 Campus Drive Santa Ana	SQG	60
		Sunny Fresh Cleaners 4200 Campus Dr	SQG	60

5. Environmental Analysis
HAZARDS AND HAZARDOUS MATERIALS

Table 5.5-6 GeoTracker and RCRAInfo Sites in and next to Airport Area Subareas

Area	Database	Site Name and Address ¹	Type of Site	Map ID No.
		Hertz Corp 4000 Campus Dr	SQG	61
		SSO Medical Waste Management 3720 Campus Dr	Transporter	61
		Edler Industries 2101 Dove St	SQG	35
		Physician Care Walk In Medical 4030 Birch St 107	SQG	63
		Cosmos Sport Cars 4001 Birch St	SQG	63
		Jetronic Industries Inc - Transchem Div 3767 Birch	SQG	62
		Emerald Cleaners 4341 MacArthur Blvd	SQG	44
		Macarthur Square Cleaners 1701 H Corinthian Way	SQG	42
		Bacons Airport Photo Inc 4251-B Martingale Wy	SQG	42
Lyon Companies and UAP Companies				
Lyon Companies Onsite	GeoTracker	Koll Center Newport #4 4910 Birch St	Permitted UST	47
		Koll Center Newport #11 5000 Birch St	Permitted UST	50
UAP Companies Onsite	No listings			
Lyon Companies and UAP Companies: Within 0.25 Mile	GeoTracker	The Sutton Place Hotel 4500 Macarthur Blvd	Permitted UST	6
		VNT Partnership (T0605900351) 2361 Campus Irvine	LUST Gasoline Case closed	23
		P M Realty Group 4695 Macarthur Ct	Permitted UST	10
		C N T Partnership 2361 Campus Dr Irvine		11
		Koll Center Newport #8 4590 Macarthur Blvd	Permitted UST	22
		Koll Center Newport #9 4400 Macarthur Blvd	Permitted UST	45
		Koll Center Newport -A- Property 4910 Birch	LUST Gasoline release affected soil; case closed	49
		American Data Industries 2465 Campus Irvine	LUST Gasoline release affected soil; case closed	25

5. Environmental Analysis

HAZARDS AND HAZARDOUS MATERIALS

Table 5.5-6 GeoTracker and RCRAInfo Sites in and next to Airport Area Subareas

Area	Database	Site Name and Address ¹	Type of Site	Map ID No.
		Accupath Diagnostic Laboratories Inc. 2601 Campus Dr Irvine	Hazardous waste program site; case closed. Corrective action site; no action required.	54
		Scratch Medical Bldg 2601 Campus Irvine	LUST case closed	53
		U C I - Fleet Services 19182 Jamboree Irvine	Permitted UST LUST Gasoline release affected groundwater other than drinking water Case closed	
	RCRAInfo	Atrium Irvine LLC 19100 Von Karman Ave Ste 260 Irvine	SQG	24
		Accupath Diagnostic Laboratories Inc 2601 Campus Drive Irvine	LOG	52
		ICN Biomedicals Inc 2727 Campus Dr Irvine	SQG	55
		Koll Co Kcn 4 The 4910 Birch St	SQG	57

Sources: DTSC 2013; USEPA 2013.

1. All addresses are in Newport Beach unless otherwise noted.

Proposed Increases in Development Capacity

Airport Area

Buildout of the General Plan LUE Amendment would develop net increases of 379 dwelling units, 150 hotel rooms, 148,000 square feet of congregate care, and about 97,000 square feet of retail uses. The 379 dwelling units would be estimated to house 841 residents at the average household size of 2.22 persons in the City of Newport Beach. Thus, buildout of the General Plan LUE Amendment would place 841 household residents, guests in 150 hotel rooms, and residents in congregate care in subareas with known hazardous materials releases on and next to those areas.

Hazardous materials sites on and within 0.25 mile of each of the four Airport Area subareas are listed below in Table 5.5-6 and shown in Figure 5.5-3, *Hazardous Materials Sites, Airport Area*.

All hazardous materials sites listed in Table 5.5-6 are known to regulatory agencies. The permitted UST and small quantity [hazardous waste] generators (SQG) listings document the presence of hazardous materials on those sites, but do not document hazardous releases. There are four open leaking UST cases and one open cleanup program case within 0.25 mile of the Saunders Properties or the Hangars Property. Of the four open

5. Environmental Analysis
HAZARDS AND HAZARDOUS MATERIALS

leaking UST cases, one is eligible for closure; site assessment has occurred on a second; remediation has occurred on the third; and verification monitoring to assess adequacy of site remediation is ongoing on the fourth. Site assessment has occurred on the open cleanup program site.

Development of residential, hotel, and congregate care uses in the Airport Area subareas pursuant to the General Plan LUE Amendment could expose future residents and hotel guests to hazards from known hazardous materials releases on and near the sites.

Fashion Island-Newport Center Area

Buildout of the General Plan LUE Amendment would develop net increases of 500 multifamily residential units, 125 hotel rooms, and about 590,000 square feet of office, commercial, and museum uses. Hazardous materials sites on and within 0.25 mile of the Fashion Island – Newport Center area are listed in Table 5.5-7 and shown in Figure 5.5-4, *Hazardous Materials Sites, Fashion Island – Newport Center Area*. One open leaking UST case is included in the table: the Four Seasons Hotel. The case is eligible for closure. The remaining four leaking UST cases in the Fashion Island – Newport Center area, and three additional leaking UST cases within 0.25 mile of the area, are all closed. The SQG and permitted UST listings document the presence of hazardous materials on those sites, but do not document hazardous releases. Development of residential and hotel uses in the Fashion Island – Newport Center area pursuant to the General Plan LUE Amendment could expose future residents and hotel guests to hazards from known hazardous materials releases on and near the sites.

Table 5.5-7 GeoTracker and RCRAInfo Sites in and next to Fashion Island-Newport Center Area

Database	Site Name and Address	Type of Site	Map ID No.
In Fashion Island-Newport Center Area			
GeoTracker	Newport Beach Police Department 870 Santa Barbara Dr	Permitted Underground Storage Tank (UST) Leaking Underground Storage Tank (LUST): case closed	12
	Newport Beach Fire Station 3 868 Santa Barbara Dr	Permitted UST	13
	Pacific Mutual 700 Newport Center Dr	Permitted UST	
		LUST Gasoline release affected Groundwater other than drinking water Case closed	
	Pacific Mutual Plaza 800 Newport Center Dr	Permitted UST	17
		LUST Diesel release affected soil; Case closed	16
	Four Seasons Hotel 690 Newport Center	LUST Diesel release affected Groundwater other than drinking water Case open; eligible for closure Permitted UST	20
Fashion Island 453 Newport Center Dr	Permitted UST	24	

5. Environmental Analysis HAZARDS AND HAZARDOUS MATERIALS

Table 5.5-7 GeoTracker and RCRAInfo Sites in and next to Fashion Island-Newport Center Area

Database	Site Name and Address	Type of Site	Map ID No.
	Great Western Savings & Loan 450 Newport Center Dr	Permitted UST	26
	Newport Center Cleaners 521 Newport Center	Cleanup site, case closed	29
	Beacon Bay Car Wash 150 Newport Center Dr	Permitted UST	31
	Newport Beach Country Club 1600 Coast	LUST. Gasoline release. case closed Permitted UST	23
RCRAInfo	Shell Service Station 1600 Jamboree	SQG	11
	Land Rover Newport Beach 1540 Jamboree Rd	SQG	11
	Four Seasons Hotel 690 Newport Center	SQG	19
	Irvine Co Tower 6 620 Newport Center Dr	SQG	28
	Tower 3 610 Newport Center Dr	SQG	28
	Irvine Co Tower 1 Irvine Co Tower 2 550 Newport Center Dr	SQG	30
	Newport Center Animal Hospital 1333 Avocado	SQG	36
	Hoag Surgicare 1441 Avocado Ste 100	SQG	35
	Newport Diagnostic Ctr Avocado Ave	SQG	34
Within 0.25 Mile of Fashion Island-Newport Center Area			
GeoTracker	Texaco Service Station 1600 Jamboree	LUST Release of Diesel and Gasoline affected groundwater than drinking water Case closed	5
		Permitted UST	3
	Chevron #9-3042 1550 Jamboree Rd	Permitted UST	4
	Big Canyon Country Club 1850 Jamboree Rd	Permitted UST	1
	Chevron #4161 2546 Coast	LUST Gasoline release affected soil Case closed	49
	Boy Scouts Of America Sea Base 1931 Coast	LUST Contaminants of concern Waste Oil / Motor / Hydraulic / Lubricating; affected soil Case closed	33

5. Environmental Analysis
HAZARDS AND HAZARDOUS MATERIALS

Table 5.5-7 GeoTracker and RCRAInfo Sites in and next to Fashion Island-Newport Center Area

Database	Site Name and Address	Type of Site	Map ID No.
RCRAInfo	Chevron Station No 94161 2546 E Coast Hwy	SQG	50
	Thrifty No 68 1610 San Miguel Dr	SQG	38
	Harbor View Mobil 2500 San Joaquin Hills Rd	SQG	37
	Charles R Meyer 25 Rue Grand Vallee	SQG	27

Sources: SWRCB 2014; USEPA 2014.

Other Areas

Increases in development capacity are also proposed at the Harbor View School. Changes in land use designations are proposed at 1526 Placentia Avenue (King's Liquor) and at 813 East Balboa Boulevard.

1526 Placentia Avenue (King's Liquor)

The land use designation change at 1526 Placentia Avenue would make the proposed land use designation, General Commercial, congruent with the existing retail use onsite; that designation change would not expose people on land uses such as residential, school, hospital, or day care facilities to substantial hazards from hazardous materials releases. Existing hazardous materials sites within 0.25 mile of 1526 Placentia Avenue are listed below in Table 5.5-8 and mapped on Figure 5.5-5, *1526 Placentia Avenue Hazardous Materials Sites*.

Table 5.5-8 GeoTracker and RCRAInfo Sites in and within 0.25 Mile of 1526 Placentia Avenue

Subarea	Database	Site Name and Address ¹	Type of Site	Map ID No.
1526 Placentia Avenue (King's Liquor): Onsite	No Listings			
1526 Placentia Avenue (King's Liquor)- Within 0.25 Mile	GeoTracker	Circle K Stores Inc SS #5655 1461 Superior Ave	Permitted UST	18
		Unocal #5089 377 Superior Ave # 5089	Permitted UST	21
		Newport Health Care Facility 500 Superior Avenue	Cleanup program site Solvents release affected groundwater other than drinking water Open- site remediation	24
		Hoag Memorial Hospital 1 Hoag	Permitted UST	25
		Hughes Aircraft 500 Superior	LUST Diesel release affected soil Case closed	15
			Permitted UST	16
Mesa Development Co	Permitted UST	14		

5. Environmental Analysis HAZARDS AND HAZARDOUS MATERIALS

Table 5.5-8 GeoTracker and RCRAInfo Sites in and within 0.25 Mile of 1526 Placentia Avenue

Subarea	Database	Site Name and Address ¹	Type of Site	Map ID No.
		1530 Placentia Ave		
		Hixon Metal Finishing 829 Production Place	Cleanup program site Case closed	11
			Permitted UST	
		Hurlbert Enterprises 1621 Placentia Costa Mesa	LUST Release of gasoline affected groundwater other than drinking water Case closed	3
	RCRAInfo	Camera Ready Cars 1577 Placentia Ave	SQG	13
		Raytheon Systems Company 500 Superior Avenue	TRI; SQG	19
		Chic Cleaners 1495 Superior Ave	SQG	22
		Newport Harbor Radiology Assc 355 Placentia Ste 207	SQG	23
		Sea And Sun Textile Printers 871 West 15 Street	SQG	17
		Powercoating Specialties 873-A West 15th St	SQG	17
Hixson Metal Finishing 829 Production Pl		LOG	12	

Sources: DTSC 2013; USEPA 2013.

1. All addresses are in Newport Beach unless otherwise noted.

813 East Balboa Boulevard

There are no hazardous materials sites listed on the GeoTracker or RCRAInfo databases on or next to the site of the proposed land use designation change at 813 East Balboa Boulevard. Thus, the proposed change to a Mixed Use-Vertical designation at that site would not expose people to substantial hazards from hazardous materials releases.

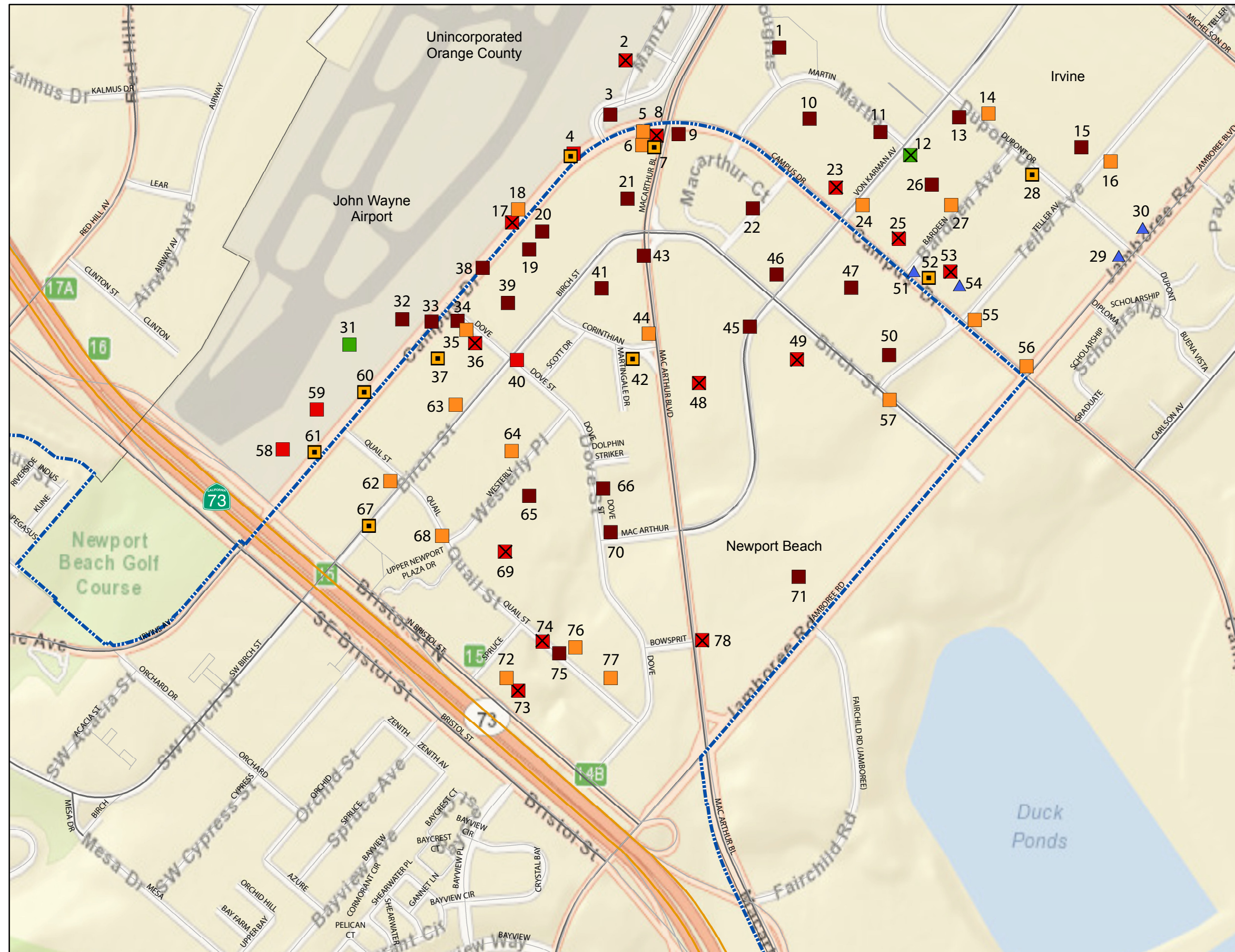
Preparation of a Phase I Environmental Site Assessment (Phase I ESA) would be required for each project considered for approval under the General Plan LUE Amendment. Where recognized environmental conditions were identified by the Phase I ESA, a Phase II ESA would be required. Recognized environmental conditions are the presence or likely presence of hazardous materials or petroleum products under conditions indicating an existing or past release or a material threat of a release. A Phase II ESA consists of sampling and testing of soil, soil vapor, and/or groundwater from the site for hazardous materials and a health risk assessment for any hazardous materials identified. Where a Phase II ESA identified human health risks from hazardous materials over regulatory thresholds for the proposed land use, site cleanup for hazardous materials would be required before occupancy of any proposed development onsite.

5. Environmental Analysis

Figure 5.5-3

Hazardous Materials Sites, Airport Area

- City Boundary
- Freeway
- Major Arterial Roads
- Leaking Underground Tank (LUST) Cleanup Sites
- Permitted Underground Storage Tank (UST)
- Other Cleanup Sites
- Signifies a Closed Site
- Hazardous Waste Generating Facility
- Hazardous Waste Generating Facility (Multiple Sites)
- DTSC Cleanup Sites



5. Environmental Analysis

HAZARDS AND HAZARDOUS MATERIALS

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5. Environmental Analysis

Figure 5.5-4

Hazardous Material Sites, Fashion Island-Newport Center Area



- City Boundary
- Freeway
- Major Arterial Roads
- Leaking Underground Tank (LUST) Cleanup Sites
- Permitted Underground Storage Tank (UST)
- Other Cleanup Sites
- Signifies a Closed Site
- Hazardous Waste Generating Facility
- Hazardous Waste Generating Facility (Multiple Sites)
- DTSC Cleanup Sites



5. Environmental Analysis

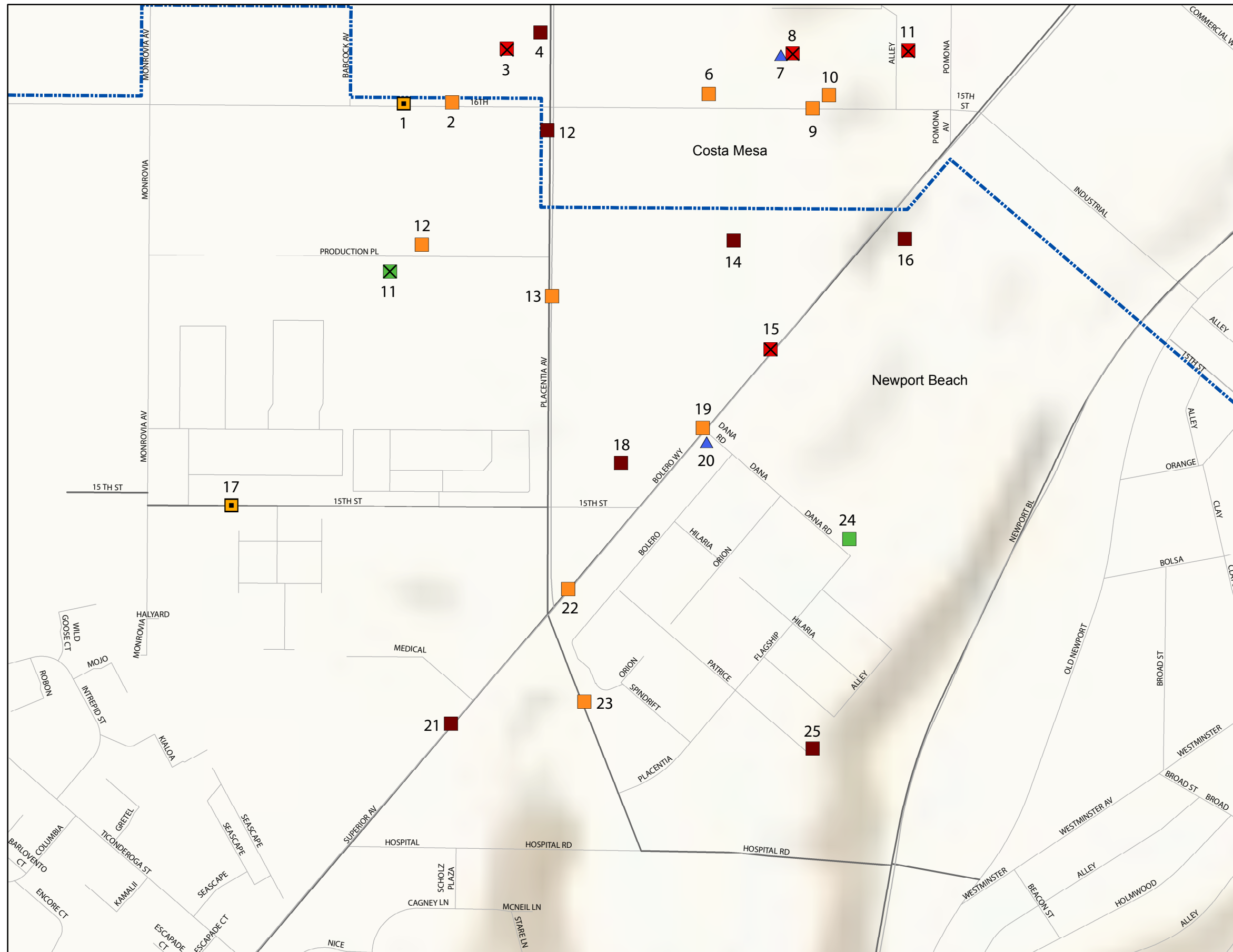
HAZARDS AND HAZARDOUS MATERIALS

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5. Environmental Analysis

Figure 5.5-5

1526 Placentia Avenue Hazardous Material Sites



- City Boundary
- Freeway
- Major Arterial Roads
- Leaking Underground Tank (LUST) Cleanup Sites
- Permitted Underground Storage Tank (UST)
- Other Cleanup Sites
- Signifies a Closed Site
- Hazardous Waste Generating Facility
- Hazardous Waste Generating Facility (Multiple Sites)
- DTSC Cleanup Sites

5. Environmental Analysis

HAZARDS AND HAZARDOUS MATERIALS

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5. Environmental Analysis HAZARDS AND HAZARDOUS MATERIALS

Harbor View School

There are no hazardous material sites listed on the GeoTracker or RCRAInfo databases on or next to the site of the proposed increase in development capacity at Harbor Day School. Thus, the proposed capacity increase at that site would not expose people to substantial hazards from hazardous materials releases.

Impact 5.5-2: John Wayne Airport (JWA) abuts the north City boundary. Parts of the City, and especially the Airport Area, are within safety zones with restricted land uses and in areas where building heights are restricted under the Airport Environs Land Use Plan for JWA. [Thresholds H-5 and H-6]

Impact Analysis:

Safety Zones

Most of the Airport Area, including the Saunders Properties, The Hangars, and the Lyons Companies subareas, are in Safety Zone 6 for the long runway (Runway 19R/1L) at JWA. The central part of the Saunders Properties—approximately 10 acres—is also in Safety Zone 3 for the short runway (Runway 19L/1R) (see Figure 5.5-1). The UAP Companies subarea is just outside the safety zone boundary for JWA.

Saunders Properties

The proposed land use designation in the Saunders Properties is Mixed Use Horizontal (MU-H2). Under the existing Airport Office and supporting Uses (AO) designation, the permitted (and existing use) is 306,923 SF office. The redesignation would permit up to 545,000 square feet of office use and 329 residential units.

Safety Zone 3

Land use restrictions in Safety Zone 3 include:

- Limit residential uses to very low densities (if not deemed unacceptable because of noise)
- Avoid nonresidential uses having moderate or higher usage intensities (e.g., major shopping centers, fast food restaurants, theaters, meeting halls, buildings with more than three aboveground habitable floors are generally unacceptable)
- Prohibit children's schools, large day care centers, hospitals, nursing homes
- Avoid hazardous uses (e.g. aboveground bulk fuel storage)

General Plan Policy LU 6.15.7, Overall Density and Housing Types, for mixed use districts (MU-H2) stipulates that residential units be developed at a minimum density of 30 units and a maximum of 50 units averaged over the total area of each residential village. The placement of high density housing is not consistent with the land use compatibility standards for Safety Zone 3. For consistency with the AELUP safety zones, the residential units would have to be within the Safety Zone 6 portion of this property.

5. Environmental Analysis

HAZARDS AND HAZARDOUS MATERIALS

Safety Zone 6

The balance of the Saunders Properties—the northern and southern sections of the subarea, totaling about 13 acres—is in Safety Zone 6 for each of the two runways at JWA. Restricted land uses in Safety Zone 6 consist of outdoor stadiums and similar uses with very high intensities—children’s schools, large day care centers, hospitals, and nursing homes. Compatible land uses in the proposed Mixed Use Horizontal (MU-H2) Zone include office, research and development, and similar uses that support the primary office and business park functions such as retail and financial services, as prescribed for the CO-G designation, while allowing for the reuse of properties for the development of cohesive residential villages that are integrated with business park uses. Land uses permitted in the proposed MU-H2 Zone would not conflict with prohibited land uses in Safety Zone 6.

Lyon Companies and The Hangars

The Lyon Companies and The Hangars properties proposed for land use changes under the General Plan LUE Amendment are both entirely within Safety Zone 6. The land use change for the Lyon Communities would introduce up to 85,000 SF retail uses, 850 dwelling units, and up to 150 hotel rooms. The Hangars land use change would introduce 11,800 SF retail use. Pursuant to the ALUC land use compatibility standards (Table 5.5-5), these uses would be compatible with Safety Zone 6.

UAP Companies

The UAP Companies subarea is in Safety Zone 6 for the long runway. The General Plan LUE Amendment would permit development of up to 148,000 square feet of congregate care uses in this subarea. Congregate care facilities are multi-unit senior housing developments that may provide supportive services such as meals, housekeeping, social activities, and transportation. As these facilities are not hospitals or nursing homes, a congregate care facility would be permitted under the land use restrictions for Safety Zone 6.

FAR Part 77 Height Restrictions Compared to Maximum Permitted Building Heights

The General Plan LUE Amendment does not propose changes to height limits under City of Newport Beach Planned Community regulations and Municipal Code Section 20.30.060(E). All existing height limits would remain.

Existing and proposed maximum permitted building heights in subareas with proposed increases in development capacity and/or changes in land use designations are compared in Table 5.5-9. Height limits for most of the Airport and Newport Center – Fashion Island areas are set forth in regulations for several Planned Communities; maps of Planned Communities in the Airport and Newport Center – Fashion Island are shown in Figures 5.1-1 and 5.1-2, *Planned Communities within Newport Center/Fashion Island* and *Planned Communities within Airport Area*, respectively.

5. Environmental Analysis
HAZARDS AND HAZARDOUS MATERIALS

Table 5.5-9 Existing Maximum Permitted Building Heights

Location	Existing Planned Community or Zoning ¹	Subarea	Maximum Permitted Height
Newport Center/ Fashion Island			
Newport Center/ Fashion Island	Planned Community 56 North Newport Center	Fashion Island	Major Buildings: 125 feet Mall Buildings: 75 feet Parking Structures: 55 feet Periphery Buildings: 40 feet
		Block 100	50 feet
		Blocks 400, 500, and 600	295 feet
		Block 800:	Residential: 200 feet Commercial office: 125 feet
		San Joaquin Plaza	65 feet
	Planned Community 17 Corporate Plaza	All	32 feet; exception for Building 22 based on sight lines.
	Planned Community 19 San Joaquin Plaza	All	65 feet
	Planned Community 20 Land Rover	All	No adopted Planned Community plan and no specified height.
	Planned Community 28 Block 400, Newport Center	All	113.5 feet for Building 4; no height limit specified for other buildings in area.
	Planned Community 40 Corporate Plaza West	All	32 feet, so long as don't exceed a sight line limit specified in Planned Community regulations.
Planned Community 46 Block 500, Newport Center	All	375 feet	
Planned Community 54 Santa Barbara Residential	All	65 feet	
150 Newport Center Drive	APF: Administrative, Professional, Financial	All	37 feet or 55 feet with discretionary approval
100 Newport Center Drive	APF: Administrative, Professional, Financial	All	37 feet or 55 feet with discretionary approval
Airport Area			
Saunders Properties	APF: Administrative, Professional, Financial	All	Buildings and structures shall not penetrate Federal Aviation Regulation (FAR) Part 77, Obstruction—Imaginary Surfaces, for John Wayne Airport unless approved by the Airport Land Use Commission (ALUC). Height limit ranges from 150 to 206 feet amsl.
The Hangars	Planned Community 11 - Newport Place Professional & Business Office – Site 9	All	Six stories above ground level
Lyon Companies	Planned Community 15 - Koll Center Office D Area	All	12 stories; must also comply with FAA height restrictions
UAP Companies 4699 Jamboree Road and 5190 Campus Drive	Planned Community 15 - Koll Center Office F Area	All	12 stories; must also comply with FAA height restrictions

¹ Height limits for zoning districts, including District APF listed here, are set forth in Newport Beach Municipal Code Section 20.30.060(E).

5. Environmental Analysis HAZARDS AND HAZARDOUS MATERIALS

Airport Area

The entire Airport Area is within the High Rise Height Area and also within the Height Restriction Zone designated in the Airport Environs Land Use Plan for John Wayne Airport. In most of the Airport Area the height limit is 206 feet amsl.

Saunders Properties: The Saunders Properties are at an elevation of about 45 feet amsl. The height restriction is at 206 feet asml over approximately the eastern half of the Saunders Property, and declines to 150 feet amsl at the southeast corner of the Saunders Property at the intersection of Campus Drive and Dove Street (see Figure 5.5-6, *Height Restrictions over Saunders Properties*).

Pursuant to the AELUP land use compatibility guidelines, buildings with more than three aboveground habitable floors are generally unacceptable in Safety Zone 3. Assuming that a three-story building would be 35 feet high, and, given the elevation onsite of about 45 feet amsl, the top of such a building would be about 80 feet amsl. The lowest building height restriction in the Saunders Properties is about 150 feet amsl; thus, within Safety Zone 3, the land use restriction in the safety zone is more restrictive than the FAA height restriction.

The Hangars, Lyon Communities, and UAP Companies: These three subareas are all under the horizontal surface where the height restriction is 206 feet amsl. Buildings may not exceed that height without approval by the ALUC.

Other Subareas

FAR Part 77 height restrictions are compared to maximum permitted building heights in other subareas with proposed increases in development capacity and/or changes in land use designations in Table 5.5-10.

Table 5.5-10 Maximum Permitted Building Heights Compared to FAR Part 77 Height Restrictions

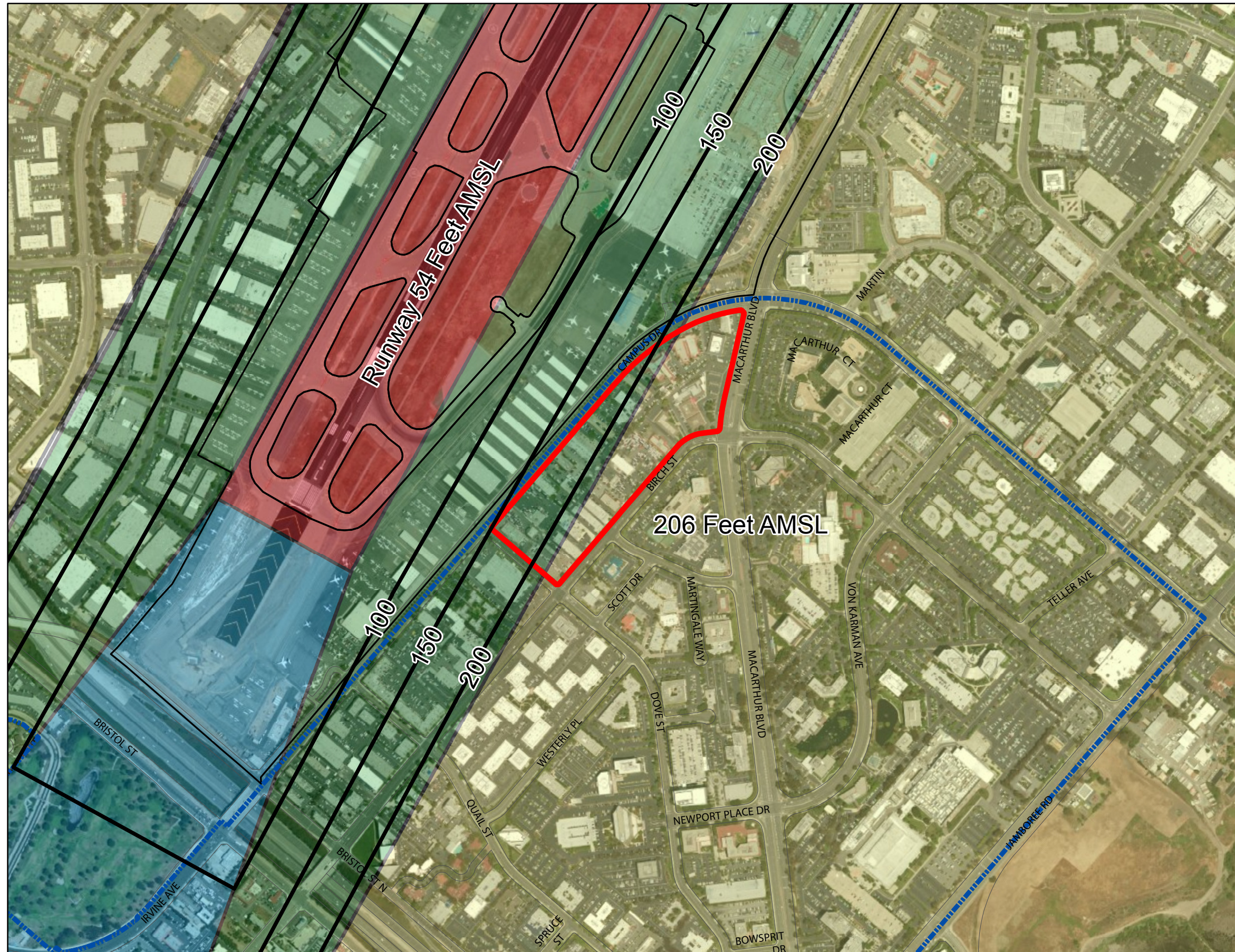
Subarea	FAR Part 77 Height Restriction, feet amsl ¹	Maximum Permitted Building Height above grade	Elevation, feet amsl	Maximum Permitted Building Height, feet amsl	Is maximum permitted building height above FAR Part 77 height restriction?
Newport Center – Fashion Island	1,060 feet at the intersection of Newport Center Drive and Santa Cruz Drive	295 feet: Planned Community 56 - North Newport Center – Block 600	185	480	No

¹ Source: OCALUC 2008

5. Environmental Analysis

Figure 5.5-6

Height Restrictions Over Saunders Properties



- City Boundary
- Elevation Contour in feet above mean sea level (AMSL)
- Saunders Properties
- Airport Surfaces**
 - Horizontal Surface - Elevation 206 Feet AMSL
 - Departure Surface - Slope 50:1 (Horizontal:Vertical)
 - Transitional Surface - Slope 7:1 (Horizontal:Vertical)
 - Conical Surface - Slope 20:1 (Horizontal:Vertical)
 - Runway - Elevation 54 Feet AMSL

Source: (Need Source)

5. Environmental Analysis

HAZARDS AND HAZARDOUS MATERIALS

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5. Environmental Analysis HAZARDS AND HAZARDOUS MATERIALS

5.5.4 Relevant General Plan Policies

Existing Policies

Safety Element (S)

Goal S 7: Exposure of people and the environment to hazardous materials associated with methane gas extraction, oil operations, leaking underground storage tanks, and hazardous waste generators is minimized.

- **S 7.1 - Known Areas of Contamination:** Require proponents of projects in known areas of contamination from oil operations or other uses to perform comprehensive soil and groundwater contamination assessments in accordance with American Society for Testing and Materials standards, and if contamination exceeds regulatory action levels, require the proponent to undertake remediation procedures prior to grading and development under the supervision of the County Environmental Health Division, County Department of Toxic Substances Control, or Regional Water Quality Control Board (depending upon the nature of any identified contamination).
- **S 7.5 - Siting of Sensitive Uses:** Develop and implement strict land use controls, performance standards, and structure design standards including development setbacks from sensitive uses such as schools, hospitals, day care facilities, elder care facilities, residential uses, and other sensitive uses that generate or use hazardous materials.
- **S 7.6 - Regulation of Companies Involved with Hazardous Materials:** Require all users, producers, and transporters of hazardous materials and wastes to clearly identify the materials that they store, use, or transport, and to notify the appropriate City, County, state, and federal agencies in the event of a violation.

Goal S 8: Residents, property, and the environment are protected from aviation-related hazards.

- **S 8.6 - John Wayne Airport Traffic Pattern Zone:** Use the most currently available John Wayne Airport (JWA) Airport Environs Land Use Plan (AELUP) as a planning resource for evaluation of land use compatibility and land use intensity in areas affected by JWA operations. In particular, future land use decisions within the existing JWA Clear Zone/Runway Protection Zone should be evaluated to minimize the risk to life and property associated with aircraft operations.

Land Use Element (LU)

Goal LU 3: A development pattern that retains and complements the City's residential neighborhoods, commercial and industrial districts, open spaces, and natural environment.

- **LU 3.8 - Project Entitlement Review with Airport Land Use Commission:** Refer the adoption or amendment of the General Plan, Zoning Code, specific plans, and Planned Community development plans for land within the John Wayne Airport planning area, as established in the JWA Airport Environs Land Use Plan (AELUP), to the Airport Land Use Commission (ALUC) for Orange County for review,

5. Environmental Analysis

HAZARDS AND HAZARDOUS MATERIALS

as required by Section 21676 of the California Public Utilities Code. In addition, refer all development projects that include buildings with a height greater than 200 feet above ground level to the ALUC for review.

Goal LU 6.15: A mixed-use community that provides jobs, residential, and supporting services in close proximity, with pedestrian-oriented amenities that facilitate walking and enhance livability.

- **LU 6.15.3 - Airport Compatibility:** Require that all development be constructed in conformance with the height restrictions set forth by Federal Aviation Administration (FAA), Federal Aviation Regulations (FAR) Part 77, and Caltrans Division of Aeronautics, and that residential development be located outside of the 65 dBA CNEL noise contour specified by the 1985 JWA Master Plan.

New and/or Modified Policies

No new or modified LUE policies are directly relevant to the topic of hazards and hazardous materials.

5.5.5 Existing Regulations

Federal

- United States Code Title 42 Sections 9601 et seq.: Comprehensive Environmental Response, Compensation and Liability Act and Superfund Amendments and Reauthorization Act
- United States Code Title 42, Sections 6901 et seq.: Resource Conservation and Recovery Act
- United States Code Title 42 Sections 11001 et seq: Emergency Planning & Community Right to Know Act

State

- Hazardous Materials Release Notifications (several statutes)
- California Code of Regulations, Title 24, Part 9: California Fire Code
- California Code of Regulations, Title 24, Part 2: California Building Code
- California Health and Safety Code, Sections 17920.10 and 105255 (containment of lead)

Regional

- Certified Unified Program (Orange County Environmental Health Division)
 - Hazardous Materials Business Plans
 - California Accidental Release Prevention Program
 - Leaking Underground Storage Tanks Program
- South Coast Air Quality Management District Rule 1403
- Airport Environs Land Use Plan for John Wayne Airport

5. Environmental Analysis HAZARDS AND HAZARDOUS MATERIALS

Local

- City of Newport Beach Fire Department Fire Prevention Guidelines
- Newport Beach Municipal Code Section 20.30.060(E): Building Height Limits

5.5.6 Level of Significance Before Mitigation

Upon implementation of General Plan policies and regulatory requirements Impacts 5.5-1 and 5.5-2 would be less than significant.

5.5.7 Mitigation Measures

No mitigation measures are required.

5.5.8 Level of Significance After Mitigation

Impacts would be less than significant.

5.5.9 References

Department of Toxic Substances Control (DTSC). 2013, December 2. EnviroStor.
<http://www.envirostor.dtsc.ca.gov/public/>.

John Wayne Airport (JWA). 2013, October 16. Scoping Meeting – Notice of Preparation of an
Environmental Impact Report. <http://www.ocair.com/NOP/ScopingMeetingHandout.pdf>.

Orange County Airport Land Use Commission (OCALUC). 2008, April 17. Airport Environs Land Use Plan
for John Wayne Airport. http://www.ocair.com/commissions/aluc/docs/JWA_AELUP-April-17-2008.pdf.

State Water Resources Control Board (SWRCB). 2013, December 2. GeoTracker.
<http://geotracker.waterboards.ca.gov/>.

US Environmental Protection Agency (USEPA). 2013, December 2. EnviroMapper for EnviroFacts.
<http://www.epa.gov/emefdata/em4ef.home>.

———. 2012, December 10. List of Reported RCRA Sites in the United States.
<http://www.epa.gov/osw/inforesources/data/br11/list11.pdf>.

5. Environmental Analysis

HAZARDS AND HAZARDOUS MATERIALS

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