1. Executive Summary

1.1 INTRODUCTION

This draft environmental impact report (DEIR) addresses the environmental effects associated with the implementation of the proposed Museum House project. The California Environmental Quality Act (CEQA) requires that local government agencies consider the environmental consequences before taking action on projects over which they have discretionary approval authority. An environmental impact report (EIR) analyzes potential environmental consequences in order to inform the public and support informed decisions by local and state governmental agency decision makers. This document focuses on impacts determined to be potentially significant in the Initial Study completed for this project (see Appendix A).

This DEIR has been prepared pursuant to the requirements of CEQA and the City of Newport Beach's CEQA procedures. The City of Newport Beach, as the lead agency, has reviewed and revised all submitted drafts, technical studies, and reports as necessary to reflect its own independent judgment, including reliance on City technical personnel from other departments and review of all technical subconsultant reports.

Data for this DEIR derive from onsite field observations; discussions with affected agencies; analysis of adopted plans and policies; review of available studies, reports, data, and similar literature; and specialized environmental assessments (aesthetics, air quality, cultural resources, geological resources, hazards and hazardous materials, hydrology and water quality, land use, noise, population and housing, public services, recreation, transportation and traffic, and utilities and service systems).

1.2 ENVIRONMENTAL PROCEDURES

This DEIR has been prepared pursuant to CEQA to assess the environmental effects associated with implementation of the proposed project, as well as anticipated future discretionary actions and approvals. CEQA established six main objectives for an EIR:

1. Disclose to decision makers and the public the significant environmental effects of proposed activities.
2. Identify ways to avoid or reduce environmental damage.
3. Prevent environmental damage by requiring implementation of feasible alternatives or mitigation measures.
4. Disclose to the public reasons for agency approval of projects with significant environmental effects.
5. Foster interagency coordination in the review of projects.
6. Enhance public participation in the planning process.

1. Executive Summary

An EIR is the most comprehensive form of environmental documentation in CEQA and the CEQA Guidelines; it is intended to provide an objective, factually supported analysis and full disclosure of the environmental consequences of a proposed project with the potential to result in significant, adverse environmental impacts.

An EIR is one of various decision-making tools used by a lead agency to consider the merits and disadvantages of a project that is subject to its discretionary authority. Before approving a proposed project, the lead agency must consider the information in the EIR; determine whether the EIR was prepared in accordance with CEQA and the CEQA Guidelines; determine that it reflects the independent judgment of the lead agency; adopt findings concerning the project's significant environmental impacts and alternatives; and adopt a statement of overriding considerations if significant impacts cannot be avoided.

1.2.1 EIR Format

Chapter 1. Executive Summary: Summarizes the background and description of the proposed project, the format of this EIR, project alternatives, any critical issues remaining to be resolved, and the potential environmental impacts and mitigation measures identified for the project.

Chapter 2. Introduction: Describes the purpose of this EIR, background on the project, the notice of preparation, the use of incorporation by reference, and Final EIR certification.

Chapter 3. Project Description: A detailed description of the project, including its objectives, its area and location, approvals anticipated to be required as part of the project, necessary environmental clearances, and the intended uses of this EIR.

Chapter 4. Environmental Setting: A description of the physical environmental conditions in the vicinity of the project as they existed at the time the notice of preparation was published, from local and regional perspectives. These provide the baseline physical conditions from which the lead agency determines the significance of the project's environmental impacts.

Chapter 5. Environmental Analysis: Each environmental topic is analyzed in a separate section that discusses: the thresholds used to determine if a significant impact would occur; the methodology to identify and evaluate the potential impacts of the project; the existing environmental setting; the potential adverse and beneficial effects of the project; the level of impact significance before mitigation; the mitigation measures for the proposed project; the level of significance after mitigation is incorporated; and the potential cumulative impacts of the proposed project and other existing, approved, and proposed development in the area.

Chapter 6. Significant Unavoidable Adverse Impacts: Describes the significant unavoidable adverse impacts of the proposed project.

Chapter 7. Alternatives to the Proposed Project: Describes the alternatives and compares their impacts to the impacts of the proposed project. Alternatives include the No Project/No Development Alternative, Existing General Plan Alternative, and Reduced Density Alternative.

Chapter 8. Impacts Found Not to Be Significant: Briefly describes the potential impacts of the project that were determined not to be significant by the Initial Study and were therefore not discussed in detail in this EIR.

Chapter 9. Other CEQA Considerations. This section includes the following three subsections:

- Significant Irreversible Changes Due to the Proposed Project: Describes the significant irreversible environmental changes associated with the project.

- Growth-Inducing Impacts of the Project: Describes the ways in which the proposed project would cause increases in employment or population that could result in new physical or environmental impacts.

- Energy Conservation: Discusses the potential energy impacts of proposed project, with particular emphasis on avoiding or reducing any inefficient, wasteful, and unnecessary consumption of energy per CEQA Section 21100(b)(3).

Chapter 10. Organizations and Persons Consulted: Lists the people and organizations that were contacted during the preparation of this EIR.

Chapter 11. Qualifications of Persons Preparing EIR: Lists the people who prepared this EIR for the proposed project.

Chapter 12. Bibliography: The technical reports and other sources used to prepare this EIR.

Appendices: The appendices for this document (in PDF format on a CD attached to the front cover) comprise these supporting documents:

- Appendix A: Initial Study and Notice of Preparation (NOP)
- Appendix B: NOP Comments
- Appendix C: Draft San Joaquin Plaza PCDP Amendment
- Appendix D: Shade/Shadow Analysis – 295' Tower
- Appendix E: Air Quality/GHG Modeling
- Appendix F1: Cultural Resources Technical Memo
- Appendix F2: Paleontological Resources Technical Memo
- Appendix G: Geotechnical Recommendations Report
- Appendix H: Phase I Environmental Site Assessment
- Appendix I: Preliminary Water Quality Management Plan
- Appendix J: Noise Modeling
- Appendix K: Service Provider Questionnaire Responses
- Appendix L1: Traffic Impact Analysis
- Appendix L2: Supplemental Traffic Impact Analysis

- Appendix M: Sewer Analysis Report
- Appendix N: Water Demand Report
- Appendix O: Shade/Shadow Analysis – 65' Tower

1.2.2 Type and Purpose of This DEIR

This DEIR has been prepared as a "Project EIR," defined by Section 15161 of the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3). This type of EIR examines the environmental impacts of a specific development project and should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction, and operation.

1.3 PROJECT LOCATION

The City of Newport Beach is in the western part of Orange County in Southern California. The City is bordered by Huntington Beach to the northwest, Costa Mesa to the north, Irvine to the northeast, and unincorporated areas (Crystal Cove State Park) of Orange County to the southeast.

The project site is in Newport Center, which includes residential, hospitality, and high- and low-rise office buildings surrounding the Fashion Island regional mall. The site itself is approximately two acres (86,942 square feet) and is at 850 San Clemente Drive in Newport Center (Assessor's Parcel Number 442-261-05). The project site is generally bounded by Santa Cruz Drive to the east, Santa Barbara Drive to the west, San Joaquin Hills Road to the north, and San Clemente Drive to the south.

1.4 PROJECT SUMMARY

The proposed project would develop a 100-unit condominium tower in place of the existing Orange County Museum of Art (OCMA) building. The residential tower would be 25 stories (295 feet high) and have two levels of subterranean parking on the two-acre site.

Residential Units

The tower footprint would measure approximately 75 feet by 220 feet at ground level, with floors becoming progressively smaller at higher levels. From finished grade of the main building entry point at approximately 187 feet above mean sea level (amsl) to the roof of the highest portion of the tower, which includes the mechanical equipment and elevator overrun, the tower is expected to be approximately 482 feet amsl. Therefore, the tower itself, from finished grade of the main building entry point to the top of the tower would be 295 feet. Each residential floor would be approximately 11 feet in height.

The 100 residential units would consist of 54 two-bedroom units with 3 baths, and 46 three-bedroom units with 4 baths, ranging in size from approximately 1,800 square feet to 6,000 square feet. The number of units per floor would range from three on the upper levels to five on the lower floors. All units would include private balconies.

Architectural Features

The Museum House tower would be designed as a Leadership in Energy and Environmental Design (LEED) Silver-certified building. The tower footprint would measure approximately 75 feet by 220 feet, with floors becoming progressively smaller at higher levels, and would be built with a textured stone base, masonry frames and pilasters, delicate metalwork details, and a predominantly stone and masonry exterior with large window openings. Larger scale elements such as multistory bay windows with French balconies and inset terraces help define the massing in a residential manner, and multistory window groupings and large terraces at the uppermost floors create a finished cap to the building. All mechanical equipment and elevator overruns would be enclosed at the top floor.

Common Area Amenities

The proposed common area amenities would be on levels 1 and 2 and include both indoor and outdoor spaces. Common areas on the ground floor (level 1) could include a main lobby, bar and lounge, dining room and foyer, screening room, library, conservatory, and outdoor open space. The outdoor amenities may include a garden, lawn area, and a fountain plaza in the northern and northwestern portions of the project site, and dog run lawn along the southeastern site boundary.

Level 2 is envisioned to have additional indoor common areas, which may include, but are not limited to, a lounge, fitness center and spa, billiards room, kid's playroom, party/event room, business center, and resident services. Outdoor spaces could include an amenity deck on each side of the building with a pool and garden terrace, an infinity edge pool, outdoor kitchen and barbecue area, and indoor space. An outdoor roof terrace is planned on the 25th floor.

Site Circulation and Parking

Parking

As detailed in Table 3-1, *Project Development Summary*, the proposed project would include 200 resident and 50 guest parking spaces, the majority of which would be in a two-level subterranean garage. Residential parking would be provided entirely in the underground garage. Guest parking would be available at the surface level (12 spaces) and underground garage (38 spaces). Valet parking for guests and residents would be utilized on a full-time basis.

Vehicular Circulation

Primary vehicular access to the site would be at the T-intersection of San Clemente Drive and Santa Maria Road, with secondary service access from a new San Clemente Drive curb cut near the project's southeastern boundary.

Two main entry lanes would gain access to the property through a guard station and gate which would be set back about 60 feet from the property line. One exit lane, separated by a landscaped median, would be adjacent to the entry lanes. The proposed entry lanes would lead into a motor court that could be used for drop-off/pick-up, short-term parking, and pedestrian access to the building lobby. The motor court would also provide access to the project's underground parking areas via ramps along the western edge of the site.

The eastern edge of the site would be improved with a fire lane and loading zone for delivery vehicles ending as a partially underground dead-end.

Pedestrian Circulation

Primary pedestrian access to the site would be from San Clemente Drive to the motor court and lobby entrance on the western building façade. A five-foot-wide walkway along the service lane east of the building would provide secondary pedestrian access.

Landscaping

Landscaping on the ground floor and second-floor amenity deck would include gardens, landscaped trellis and lawn areas, a fountain plaza, and buffer landscaping. The overall plant palette uses drought-tolerant native and adapted plants to the Newport Beach climate zone. Street trees would be planted along San Clemente Drive, and evergreen canopy trees, ornamental trees, palm trees, and citrus varieties would be planted on the ground floor where the gardens, landscaped trellis, and lawns are proposed. The roof gardens would be planted with ornamental trees, hedges, shrub mixes, and vines. Accent and background planting areas would consist of plants that provide both textural contrast and seasonal interest. The perimeter and street landscape areas would complement the street tree pattern, enhance the pedestrian experience, and soften the view of the building facades. The overall planting plan is shown on Figure 3-6, *Proposed Planting Plan*.

A high-efficiency drip irrigation system would use a "smart" weather-based controller. The irrigation system and planting palette would meet or exceed the Newport Beach Municipal Code Chapter 14.17, which implements the State of California Model Water Efficient Landscape Ordinance requirements.

1.5 SUMMARY OF PROJECT ALTERNATIVES

1.5.1 Alternatives Considered and Rejected

1.5.1.1 ALTERNATIVE PROJECT LOCATION

CEQA requires that the discussion of alternatives focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project. The key question and first step in the analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR (Guidelines § 15126[5][B][1]). Key factors in evaluating the feasibility of potential offsite locations for EIR project alternatives include:

- if it is in the same jurisdiction
- whether development as proposed would require a General Plan Amendment, and;
- whether the project applicant could reasonably acquire, control, or otherwise have access to the alternative site (or the site is already owned by the proponent)

Since the project applicant does not own or control other property within the City, the evaluation of potential alternate sites focused on sites that could accommodate a development similar to the proposed project on properties that have been identified by the City as suitable for residential development.

It was assumed that the project would be developed based on the same plans detailed in Section 3.3.1, *Description of Project*. Table H32 of the Newport Beach 2014-2021 Housing Element includes an inventory of land suitable for residential development within Newport Beach. Based on the development limit and allowable density in the available areas, the proposed 100-unit condominium tower could be sited in Banning Ranch, John Wayne Airport Area, or Newport Center.

However, the Banning Ranch area is proposed as a planned community by Newport Banning Ranch, LLC and would accommodate 1,375 dwelling units, a 75-room resort inn and ancillary resort uses, 75,000 square feet of commercial uses, approximately 51.4 acres of parklands, and approximately 252.3 acres of permanent open space. Table H32 of the Housing Element states that there is a maximum development limit of 1,375 units; therefore, if the Banning Ranch project is approved as proposed, the Museum House project would not be able to relocate to this location.

Per the City's Housing Element, the John Wayne Airport Area can accommodate a realistic capacity of 2,061 units. There are several existing residential project applications in the Airport Area—Koll Newport Residential (260 units) and Uptown Newport Mixed Use Development (1,244 units, approved) [1]. In total, these cumulative projects would buildout 1,504 units of the 2,061 realistically allowed units, leaving 557 allowed units for future projects. Therefore, the proposed 100-unit condominium tower could potentially be built in the Airport Area.

As with the current project location, without mitigation, the development of the proposed residential tower within the Airport Area could be expected to result in significant construction-related noise, air quality and vibration impacts. Similarly, proposed excavation could result in significant cultural, paleontological, and geotechnical impacts. Development at this alternative location, therefore, would not be anticipated to eliminate or reduce any significant impacts. Moreover, additional constraints and impacts would be presented by the proximity to the John Wayne Airport (JWA). Most of the southwest portion of the Airport Area is located in the JWA Airport Environs Land Use Plan (AELUP) 65 dBA CNEL contour, which is unsuitable for residential and other noise-sensitive uses. The project would also require notice to the Federal Aviation Administration (FAA) and Airport Land Use Commission (ALUC) because the proposed tower would be over 200 feet and within the obstruction imaginary surfaces area. An aeronautical analysis of the structure would be required to determine whether the tower causes a hazard to navigable airspace per Federal Aviation Regulations (FAR) Part 77. The project would also require approval by the ALUC. Therefore, there are restrictions to development of the proposed tower depending on where it is sited within the Airport Area.

Table H32 of the City's housing element identifies 608 additional units as the future development capacity for Newport Center, based on the existing General Plan. The following residential cumulative projects are currently proposed in Newport Center—Villas at Fashion Island (524 units under construction) and the

[1] The Newport Place Residential project (384 units) was also a cumulative project proposed in the Airport Area but was denied by the Newport Beach City Council on July 26, 2016.

Meridian (Santa Barbara) Condominiums (79 units completed); only 5 units remain that are unbuilt. It should be also noted that a General Plan Amendment is proposed for 150 Newport Center (49 units) in Newport Center. In total, these cumulative projects would exceed the residential development capacity stated in the housing element. This supports the conclusion that there is a lack of alternative site locations in Newport Center that have the appropriate land use entitlements to support the proposed project.

Based on this review, there are no feasible alternative project sites within the City that would accommodate the proposed project and reduce or eliminate significant environmental impacts. Therefore, this alternative was considered but rejected for further consideration.

1.5.1.2 REDUCED HEIGHT ALTERNATIVE

The Reduced Height Alternative was designed and considered in response to scoping process comments and for its potential to reduce or eliminate significant impacts associated with the project as proposed. As with the proposed project, this alternative is assumed to include 100 units, so it is anticipated operational impacts (including traffic, public services, operational air quality and noise impacts, and utility needs) would be similar to the project as proposed.

The Reduced Height Alternative would decrease the proposed tower height from 295 feet to 65 feet (from podium to roof of last occupied space) to be consistent with the underlying zoning of the project site—San Joaquin Plaza Planned Community Development Plan (PCDP; PC-19). The building would be six stories of residential floors over two levels of parking (one level of ground parking and one underground level of parking). This height would be in keeping with the adjacent Villas at Fashion Place project and essentially extend the character of that development. Buildout of 100 units would generate an estimated 224 residents as with the proposed project. Grading for this alternative would require approximately 28,400 cubic yards of soil export compared to 45,000 cubic yards of soil export for the proposed project.

Given the substantial decrease in height, the building footprint would be much larger and encompass 78,426 square feet, covering approximately 90 percent of the project site compared to 30 percent under the proposed project. The larger building footprint would also decrease the amount of open space amenities and circulation area on the ground level compared to the proposed project. Site access would be provided at a single entryway along San Clemente Drive for residents/visitors and delivery; thus, the fire access lane proposed along the eastern project boundary under the proposed project would not be developed under this alternative.

Conclusion

The Reduced Height Alternative would result in impacts marginally lesser or greater, or similar, to the less than significant impacts of the proposed project, depending on the resource area. For example, impacts to recreation and hydrology would be marginally greater than the proposed project, but still less than significant. The larger building footprint would also not allow the beneficial development of a modular wetland system within the ground level buffered landscaping area that the proposed project would provide. Further, the common indoor and outdoor amenities provided under the proposed project would be greatly reduced since the expanded building footprint would cover approximately 90 percent of the lot. Also, the proposed

project's less than significant greenhouse gas and air quality impacts would be slightly less due to the likely reduction in construction schedule.

Importantly, however, this alternative would not avoid or lessen the proposed project's significant and unavoidable construction noise impact. The Reduced Height Alternative would require construction of a 65-foot residential building in closer proximity to nearby sensitive receptors than the proposed project. Moreover, although the overall height of the building would be reduced, the construction equipment necessary for development of the Reduced Height Alternative, including with respect to demolition, grading, and building construction, would be consistent with the proposed project. Thus, construction noise impacts would be similar and remain significant and unavoidable. Also, the Reduced Height Alternative would result in a new significant and unavoidable aesthetic (shade/shadow) impact that was not generated by the proposed project. Compared to the proposed 295-foot tower, a 65-foot residential building would cast shadows on more dwelling units for longer hours and would exceed the North Newport Center Planned Community (PC-56) shade standard, causing a new significant and unavoidable shading impact.

A majority of the project objectives of the Museum House project would also either not be achieved or achieved to a lesser degree. For example, compared to the 295-foot tower, development of a 65-foot residential building onsite would not provide a fully amenitized residential community with state-of-the-art facilities to the same degree (No. 1); maximize the project's view opportunities of the Pacific Ocean and Newport Harbor (No. 3); contribute significant property tax revenue to the same degree (No. 6); generate temporary construction employment to the same degree (No. 7); or maximize onsite open space and provide a variety of onsite outdoor open space amenities (No. 9).

Given the aforementioned reasons, particularly the creation of a significant and unavoidable shading impact and the failure of the Reduced Height Alternative to avoid the significant and unavoidable construction noise impact of the proposed project, this alternative was considered but rejected for further consideration.

1.5.2 Alternatives Selected for Further Analysis

1.5.2.1 NO PROJECT/NO DEVELOPMENT ALTERNATIVE

Under the No Project/No Development Alternative, no development would occur onsite and the existing OCMA building would remain in its existing condition. Buildout of the No Project/No Development Alternative would not introduce any new residential or nonresidential development nor any associated residents or employees. The OCMA building would remain in operation at its current location.

Ability to Reduce Environmental Impacts

The No Project/No Development Alternative would reduce the proposed project's significant and unavoidable construction noise impact. Also, because the alternative would not include any construction or new development, it would also reduce the project's less than significant impacts to the majority of environmental topical areas, including aesthetics, air quality, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, land use and planning, public services, recreation,

transportation and traffic, and utilities and service systems. Population and housing and hydrology and water quality impacts would be greater for this alternative.

Ability to Achieve Project Objectives

Most of the project objectives are related to providing a high quality residential development within the City. Objective No. 4 also provides a goal of implementing General Plan Policy LU 6.14.4 by developing a residential project that would reinforce the original design concept of Newport Center. The No Project/No Development Alternative, because it does not include any residential development, would not achieve any of the objectives—develop a fully amenitized residential community with state-of-the-art facilities near major activity centers (No. 1); provide housing to meet the City's needs (No. 2); maximize view opportunities of the City, Pacific Ocean, and Newport Harbor (No. 3); develop a residential project in Newport Center per General Plan Policy LU 6.14.4 (No. 4); create a landmark structure (No. 5); contribute significant property tax revenue (No. 6); generate temporary construction employment (No. 7); improve jobs-housing balance in the City (No. 8); or maximize onsite open space amenities (No. 9).

1.5.2.2 EXISTING GENERAL PLAN ALTERNATIVE

The Existing General Plan Alternative would either 1) develop the site with an alternate, allowable use under the current Private Institutions (PI) land use designation, or 2) expand/rebuild the existing OCMA building within the development limits outlined in the City's General Plan.

According to the City's General Plan, the PI designation is intended to provide for privately owned facilities that serve the public, including places for religious assembly, private schools, healthcare, cultural institutions, museums, yacht clubs, congregate homes, and comparable facilities. The City's land use plan labels the site as Anomaly 49 with a development limit of 45,208 square feet. An adjacent PI-designated parcel is part of Anomaly 49 but not part of the project site. This adjacent parcel is built out with another OCMA-owned building of approximately 13,670 square feet. It is not within the project boundary and will not be demolished as part of the proposed project. Therefore, buildout of the project site under the existing General Plan would allow 31,538 square feet of Private Institutions use, and approximately 32 jobs would be generated.

The second option under the Existing General Plan Alternative is to expand or rebuild the existing OCMA building to the maximum buildout potential. As stated above, the site's development limit is 31,538 square feet. Thus, the existing museum building (23,632 square feet) could be expanded by 7,906 square feet to the maximum allowed square footage, or the site can be redeveloped with a new museum building at a maximum size of 31,538 square feet. Buildout of this option would similarly generate approximately 32 jobs.

Given the existence of the current OCMA building onsite, the logical project design feature under this alternative is an expansion of the building to its full buildout potential—approximately 7,906 additional square feet. Therefore, the analysis assumes buildout of this alternative to be an expanded museum.

Ability to Reduce Environmental Impacts

The Existing General Plan Alternative would reduce impacts to the following environmental areas: aesthetics, air quality, cultural resources, greenhouse gas emissions, land use and planning, noise, public services, recreation, transportation and traffic, and utilities and service systems. Impacts to geology and soils, and hazards and hazardous materials would be similar and impacts to population and housing and hydrology and water quality would be greater. Overall, impacts would be reduced in comparison to the proposed project.

Ability to Achieve Project Objectives

Most of the project objectives are related to providing a high-quality residential community in Newport Beach; therefore, development of the Existing General Plan Alternative would not achieve most of the project objectives. This alternative would not develop a fully amenitized residential community in the Newport Center area (No. 1); provide additional housing to meet the City's growing population and housing needs (No. 2); develop a residential project per Newport Beach General Plan Policy LU 6.14.4 (No. 4); contribute significant property tax revenue to the City (No. 6); or improve the jobs-housing balance in Newport Beach (No. 8).

This alternative also would not maximize the project's view opportunities of the Pacific Ocean and Newport Harbor (No. 3) or generate temporary employment in the construction industry (No. 7) to the same degree as the proposed project. However, an expanded museum would still be able to create a landmark structure with architectural features and materials that complement the project's location (No. 5) and maximize onsite open space by providing outdoor open space amenities (No. 9).

1.5.2.3 REDUCED DENSITY ALTERNATIVE

The Reduced Density Alternative would allow development of a 90-unit residential tower (10 fewer units) at a reduced height of 23 stories (271 feet, 6 inches). Table 1-1 provides a development summary comparison of the proposed project to this alternative. The building footprint and provided setbacks would remain the same. Buildout of this alternative would introduce approximately 201 residents and 20 jobs.

Table 1-1 Proposed Project vs. Reduced Density Alternative Development Summary

	Proposed Project	Reduced Density Alternative
Dwelling Units	100 units	90 units
Height	295 feet (25 stories)	271 feet and 6 inches (23 stories)
Building Area		
Tower	391,158 SF	359,167 SF
Parking Garage	115,828 SF	115,828 SF
Parking	250 spaces (200 residential/50 guest)	225 spaces (180 residential/45 guest)
Open Space		
Common Open Space	52,523 SF	52,523 SF
Common Indoor Space	20,855 SF	20,855 SF
Private Open Space	21,444 SF	19,302 SF

Ability to Reduce Environmental Impacts

The Reduced Density Alternative would reduce impacts to the following environmental areas: aesthetics, population and housing, public services, transportation and traffic, and utilities and service systems. Impacts to air quality, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, and recreation would be similar.

Ability to Achieve Project Objectives

This alternative is able to achieve all the objectives of the proposed project. Although slightly reduced in density and height, the 90-unit condominium tower and associated amenities would provide a fully amenitized residential community with state-of-the-art facilities within walking distance of employment opportunities, public facilities, and recreational and commercial amenities (No. 1); provide additional housing to meet the City's growing needs (No. 2); maximize the project's view opportunities (No. 3); develop a residential project that reinforces the design concept for Newport Center per General Plan Policy LU 6.14.4 (No. 4); create a landmark structure with compatible and complementary architectural features and materials (No. 5); contribute significant property tax revenue (No. 6); generate temporary construction related employment (No. 7); improve the job-housing balance in the City by providing housing within a major employment center (No. 8); and maximize onsite open space by providing outdoor open space amenities (No. 9).

1.6 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:

1. Whether this DEIR adequately describes the environmental impacts of the project.
2. Whether the benefits of the project override the environmental impacts that 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 other mitigation measures should be applied to the project beside the mitigation measures identified in the DEIR.
6. Whether any alternatives to the project would substantially lessen any of the significant impacts of the proposed project and achieve most of the basic project objectives.

1.7 AREAS OF CONTROVERSY

In accordance with Section 15123(b)(2) of the CEQA Guidelines, the EIR 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, the Notice of Preparation was distributed for comment from February 5, 2016, through March

7, 2016. A public scoping meeting was held on February 22, 2016. A summary of the NOP comment letters received and testimony at the public scoping meeting are summarized in Chapter 2, *Introduction* (see Tables 2-1 and 2-2). The scoping meeting was held at the City of Newport Beach Civic Center Community Room, 100 Civic Center Drive, Newport Beach, CA 92660, and was attended by a number of community members and interested parties. Comments received were primarily related to the project's potential impacts on aesthetics, air quality, noise, traffic, parking, and water supply.

1.8 SUMMARY OF ENVIRONMENTAL IMPACTS, MITIGATION MEASURES, AND LEVELS OF SIGNIFICANCE AFTER MITIGATION

Table 1-2 summarizes the conclusions of the environmental analysis in this EIR. The table includes a summary of the environmental impacts of the proposed project; mitigation measures that reduce potentially significant impacts of the proposed project; and the level of significant of each significant impact after implementation of recommended mitigation measures.

1. Executive Summary

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Table 1-2 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
5.1 AESTHETICS			
Impact 5.1-1: The proposed project would alter the visual appearance of the project area; however, existing visual character of the area and viewsheds along coastal view roads would not be significantly impacted.	Less Than Significant	No mitigation measures are required.	Less Than Significant
Impact 5.1-2: The proposed project would cast shadows on the adjacent Villas at Fashion Island residential community.	Less Than Significant	No mitigation measures are required.	Less Than Significant
Impact 5.1-3: The proposed condominium tower would generate new sources of light and glare.	Less Than Significant	No mitigation measures are required.	Less Than Significant
5.2 AIR QUALITY			
Impact 5.2-1: The proposed project is consistent with the South Coast Air Quality Management District's Air Quality Management Plan.	Less Than Significant	No mitigation measures are required.	Less Than Significant
Impact 5.2-2: Construction activities associated with implementation of the proposed project would generate short-term emissions that exceed the South Coast Air Quality Management District's regional construction threshold for volatile organic compounds.	Potentially Significant	2-1 During construction, the construction contractor(s) shall require the use of interior paint with 0 grams per liter (g/L) of volatile organic compounds (VOC) (i.e., zero VOC paint). Paints that emit less than the low-VOC limits of South Coast Air Quality Management District (SCAQMD) Rule 1113 are known as "super-compliant paints." A list of super-compliant VOC coating manufacturers is available at SCAQMD's website (http://www.aqmd.gov/prdas/brochures/paintguide.html). Use of super-compliant interior paints shall be noted on building plans.	Less Than Significant
Impact 5.2-3: Long-term criteria air pollutant emissions associated with the proposed project would not exceed the South Coast Air Quality Management District's regional operational significance thresholds.	Less Than Significant	No mitigation measures are required.	Less Than Significant
Impact 5.2-4: Construction of the proposed project would expose sensitive receptors to substantial pollutant concentrations.	Potentially Significant	2-2 The construction contractor(s) shall limit the daily amount of debris haul trips during the project's building demolition and asphalt demolition phases to a maximum of 17 truckloads per day (34 truck trips per day) or a total overall daily haul truck miles traveled of 680 miles. These	Less Than Significant

Table 1-2 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures		Level of Significance After Mitigation
			requirements shall be noted on all construction management plans and truck trips and mileage shall be documented.	
5.3 CULTURAL RESOURCES				
Impact 5.3-1: Development of the project could impact archaeological resources.	Potentially Significant	3-1	Prior to the issuance of grading permits, the project applicant shall demonstrate to the Community Development Department that an Orange County–certified professional archaeologist has been retained to monitor any potential impacts to archaeological resources throughout the duration of any ground-disturbing activities at the project site. The qualified archeologist shall be present at the pregrade meeting to discuss the monitoring, collection, and safety procedures of cultural resources, if any are found. If subsurface cultural resources are discovered during ground-disturbing activities, the construction contractor shall ensure that all work stops within 25 feet of the find until the qualified archeologist can assess the significance of the find and, if necessary, develop appropriate treatment or disposition of the resources in consultation with the City of Newport Beach and a representative of the affected Native American tribe (Gabrieleno or Juaneno). The archeological monitor shall have the authority to halt any project-related activities that may adversely impact potentially significant archaeological resources. Suspension of ground disturbances in the vicinity of the discoveries shall not be lifted until an archeological monitor has evaluated the discoveries to assess whether they are classified as significant cultural resources, pursuant to the California Environmental Quality Act and, if determined to be significant, to develop an appropriate treatment or disposition plan. As required by General Plan Policy HR 2.4, any scientifically valuable materials will be donated to a responsible public or private institution with a suitable repository, located within Newport Beach or Orange County, whenever possible.	Less Than Significant
Impact 5.3-2: The proposed project could destroy paleontological resources or a unique geologic feature.	Potentially Significant	3-2	Prior to the issuance of grading permits, the project applicant shall demonstrate to the Community Development Department that an Orange County–certified professional paleontologist has been retained to monitor any potential impacts to paleontological resources	Less Than Significant

Table 1-2 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		throughout the duration of any ground-disturbing activities at the project site. The paleontologist shall develop and implement a Paleontological Mitigation Plan, which shall include the following minimum elements: • All earthmoving activities eight feet or more below the current surface shall be monitored full-time by a qualified paleontological monitor. • If fossils are discovered, the paleontological monitor has the authority to temporarily divert work within 25 feet of the find to allow recovery of the fossils and evaluation of the fossil locality. • Fossil localities shall require documentation, including stratigraphic columns and samples for micropaleontological analyses and for dating. • Fossils shall be prepared to the point of identification and evaluated for significance. • Significant fossils shall be cataloged and identified prior to being donated to an appropriate repository. • The final report shall interpret any paleontological resources discovered in the regional context and provide the catalog and all specialists' reports as appendices. An executed curation agreement shall be part of the plan, and the project proponent shall bear all expenses of the mitigation program, including curation of materials meeting significance criteria.	
Impact 5.3-3: The proposed project could impact tribal cultural resources.	Potentially Significant	Mitigation Measure 3-1 would also apply to this impact. 3-3 During construction activities, the project applicant shall allow representatives of cultural organizations, including Native American tribes (i.e., Gabrieleno Band of Mission Indians), to access the project site on a volunteer basis to monitor grading and excavation activities.	Less Than Significant

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Table 1-2 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
5.4 GEOLOGY AND SOILS			
Impact 5.4-1: Project residents and visitors would not be subject to substantial seismic-related hazards.	Less Than Significant	No mitigation measures are required.	Less Than Significant
Impact 5.4-2: Project construction and project operation would not result in substantial soil erosion.	Less Than Significant	No mitigation measures are required.	Less Than Significant
Impact 5.4-3: Project development would not exacerbate existing hazards related to landslide, liquefaction, lateral spreading, subsidence, or collapse.	Potentially Significant	4-1 During grading plan review, the City of Newport Beach Building Division shall confirm that the grading plans comply with the recommendations in Group Delta Consultants' *Geotechnical Recommendations 850 San Clemente Drive, Newport Beach, California* (dated November 10, 2015). Given that the project would require excavation extending to the property line, shoring is required to support subterranean excavation. Cantilever, tied-back or internally braced shoring systems can be used for the subterranean excavation. Cantilever shoring systems are typically limited to a maximum retained height of 15 feet. Tied-back shoring walls will require a temporary or permanent easement from the adjacent property owners and the City of Newport Beach. The shoring system shall be designed to resist a uniform pressure equal to 25 pounds per square foot (psf). An allowable passive earth pressure of 200 psf per foot of depth below the bottom of the excavation shall be used for design of the shoring system. The residential tower would be located approximately 26 feet from the property line. Therefore, it may be possible to excavate to the subgrade elevation without the use of shoring. Temporary slope in the marine terrace deposit may be excavated at slopes where the proportion of the height of the rise is less than or equal to the length of the slope (1H:1V). Alternatively, sloped excavations may be used to reduce the height of the shored excavation. In the case, the earth pressures above may be increased and will be handled on a case by case basis when the height of the sloped excavation is known. All shoring and excavation shall comply with current Occupational Safety and Health Administration regulations and observed by the	Less Than Significant

Table 1-2 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		designated competent person on site. 4-2 The bedding zone is defined as the area containing the material specified that is supporting, surrounding, and extending to one foot above the top of any proposed utility pipes. During grading and construction plan reviews, the City of Newport Beach Building Divisions shall confirm that the project's proposed bedding satisfies the requirements of the Standard Specifications for Public Works Construction (SSPWC) Section 306- 1.2.1. There shall be a 4-inch minimum of bedding below the pipe and 1-inch minimum clearance below a projecting bell. There shall be a minimum side clearance of 6 inches on each side of the pipe. Bedding material shall be sand, gravel, crushed aggregate, or native free-draining material having a sand equivalent of not less than 30, or other material approved by the engineer. Materials used for the bedding zone shall be placed and compacted with light mechanical means to reduce the potential of damaging the pipe; jetting shall not be allowed. 4-3 Backfill shall be considered as starting 12 inches above the pipe. On-site excavated materials are suitable as backfill. During construction activities, any boulders or cobbles larger than three inches in any dimension shall be removed before backfilling. All backfill shall be placed in loose lifts not exceeding 6 to 8 inches in thickness and be compacted to at least 90 percent relative compaction. The upper 12 inches below pavement shall be compacted at least to 95 percent relative compaction. Mechanical compaction will be required to accomplish compaction above the bedding along the entire pipeline alignments. In backfill areas, where mechanical compaction of soil backfill is impractical due to space constraints, sand-cement slurry may be substituted for compacted backfill. The slurry shall contain one sack of cement per cubic yard and have a maximum slump of 5 inches. When set, such a mix typically has the consistency of hard compacted soil and allows for future excavation.	

Table 1-2 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures		Level of Significance After Mitigation
			A lean non-shrink concrete plug with a minimum width length of 3 feet shall be placed in the utility trenches at the location where off-site utilities enter the project boundaries to minimize the potential for off-site water flow onsite.	
Impact 5.4-4: Development of the project would not increase existing hazards arising from expansive soils.	Potentially Significant	4-4	All foundation excavations shall be observed and/or tested by Group Delta Consultants before placement of concrete to verify that the foundations would be supported in competent soils. If soft or loose soils are encountered at the subgrade level, the soils shall be removed or brought to a near-optimum moisture content (±2 percent), recompacted, and tested to a minimum of 95 percent relative compaction prior to placement of fill or footing or floor slab construction. Only granular soils shall be used for compacted fill. Mat foundations may also derive lateral load resistance from passive resistance along the vertical sides of the foundations. Therefore, an ultimate passive fluid pressure of 350 pounds per cubic foot (pcf) shall be used. It is recommended that an ultimate sliding friction coefficient of 0.45 to be used for design. Passive and sliding resistance may be used in combination without reduction. The required factor of safety is 1.5 for static loads and 1.1 for wind or seismic loads.	Less Than Significant
5.5 GREENHOUSE GAS EMISSIONS				
Impact 5.5-1: Development of the proposed project would not result in a substantial increase of GHG emissions that would exceed the South Coast Air Quality Management District's significance criteria.	Less Than Significant	No mitigation measures are required.		Less Than Significant
Impact 5.5-2: The proposed project would not conflict with the Southern California Association of Governments' 2016-2040 Regional Transportation Plan / Sustainable Communities Strategy or the California Air Resources Board's Scoping Plan.	Less Than Significant	No mitigation measures are required.		Less Than Significant

Table 1-2 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
5.6 HAZARDS AND HAZARDOUS MATERIALS			
Impact 5.6-1: The project site is located within the jurisdiction of the airport land use plan for John Wayne Airport but would not create an obstruction to air navigation or cause potential safety hazards to people working or residing on the project site.	Less Than Significant	No mitigation measures are required.	Less Than Significant
5.7 HYDROLOGY AND WATER QUALITY			
Impact 5.7-1: Project development would decrease the amount of impervious surfaces on the site and would therefore decrease surface water flows into drainage systems within the watershed.	Less Than Significant	No mitigation measures are required.	Less Than Significant
Impact 5.7-2: There is the potential for short-term, unquantifiable increases in pollutant concentrations from the site during construction. After project development, the quality of storm runoff may be altered.	Less Than Significant	No mitigation measures are required.	Less Than Significant
5.8 LAND USE AND PLANNING			
Impact 5.8-1: The Museum House project would not conflict with the goals of the Southern California Association of Governments' 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy.	Less Than Significant	No mitigation measures are required.	Less Than Significant
Impact 5.8-2: Implementation of the proposed project would not conflict with the Airport Environ Land Use Plan for John Wayne Airport.	Less Than Significant	No mitigation measures are required.	Less Than Significant
Impact 5.8-3: The proposed project could conflict with the City of Newport Beach General Plan and/or San Joaquin Plaza Planned Community Development Plan.	Less Than Significant	No mitigation measures are required.	Less Than Significant
5.9 NOISE			
Impact 5.9-1: Construction activities would result in potentially significant temporary noise increases in the vicinity of the project site.	Potentially Significant	9-1 At least 30 days prior to commencement of demolition or any other construction activities, notification shall be given to all residents or businesses within 500 feet of the project site regarding the planned	Significant and Unavoidable

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Table 1-2 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		construction activities. The notification shall include a brief description of the project, the activities that would occur, the duration and hours when construction would occur. The notification shall also include the telephone number of the construction contractor's authorized representative to respond in the event of a vibration or noise complaint.	
		9-2 Prior to the beginning of construction activities, a sign shall be posted at the entrance to the job site, clearly visible to the public, that contains a contact name and telephone number of the construction contractor's authorized representative to respond in the event of a vibration or noise complaint. If the authorized representative receives a complaint, he/she shall investigate, take appropriate corrective action, and report the action to the City of Newport Beach's Community Development Director.	
		9-3 Route all construction-related trips (including worker commuting, material deliveries, and debris/soil hauling) so as to minimize pass-bys or residential areas around the project site.	
		9-4 All heavy construction equipment used on the proposed project shall be maintained in good operating condition, with all internal combustion, engine-driven equipment fitted with intake and exhaust muffles, air intake silencers, and engine shrouds no less effective than as originally equipped by the manufacturer.	
		9-5 Electrically powered equipment instead of pneumatic or internal combustion powered equipment shall be used to the extent possible.	
		9-6 All stationary noise-generating equipment shall be located as far away as possible from neighboring property lines; with particular attention paid to the residential complex (currently under construction) to the north of the project site.	
		9-7 Limit all internal combustion engine idling both on the site and at nearby queuing areas to no more than five (5) minutes for any given vehicle or machine. Signs shall be posted at the job site and along queueing lanes to reinforce the prohibition of unnecessary engine	

Table 1-2 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		idling. 9-8 The use of noise producing signals, including horns, whistles, alarms, and bells will be for safety warning purposes only. Use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters. 9-9 A temporary noise barrier/curtain shall be erected between the construction zone and adjacent residential receptors to the north of the project site boundary. The temporary sound barrier shall have a minimum height of 16 feet and be free of gaps and holes and must achieve a Sound Transmission Class (STC) of 35 or greater. The barrier can be (a) a ¾-inch-thick plywood wall OR (b) a hanging blanket/curtain with a surface density of at least 2 pounds per square foot. For either configuration, the construction side of the barrier shall have an exterior lining of sound absorption material with a Noise Reduction Coefficient (NRC) rating of at least 0.7. All the above conditions shall be included on the permit applicant drawings with verification by the Building Division Plan Check staff. Additionally, all the above conditions shall be verified in the field by the Building Division field inspection staff at the project site.	
Impact 5.9-2: Buildout of the project would not expose sensitive uses to strong levels of groundborne vibration.	Less Than Significant	No mitigation measures are required.	Less Than Significant
Impact 5.9-3: Buildout of the project would not cause a substantial noise increase related to traffic on local roadways.	Less Than Significant	No mitigation measures are required.	Less Than Significant
Impact 5.9-4: Adjacent noise-sensitive uses would not be exposed to elevated noise levels from project-related stationary sources.	Less Than Significant	No mitigation measures are required.	Less Than Significant
5.10 POPULATION AND HOUSING			
Impact 5.10-1: The proposed project would add 100	Less Than Significant	No mitigation measures are required.	Less Than Significant

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Table 1-2 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
condominium units and up to 224 residents into the project area.			
5.11 PUBLIC SERVICES			
FIRE PROTECTION AND EMERGENCY SERVICES			
Impact 5.11-1: The proposed project would introduce a projected 224 new residents into the NBFD service boundary, thereby increasing the requirement for fire protection facilities and personnel.	Less Than Significant	No mitigation measures are required.	Less Than Significant
POLICE PROTECTION			
Impact 5.11-2: The proposed project would introduce a 100-unit condominium unit and up to 224 new residents into the Newport Beach Police Department service boundary, thereby marginally increasing the requirement for police protection facilities and personnel.	Less Than Significant	No mitigation measures are required.	Less Than Significant
SCHOOL SERVICES			
Impact 5.11-3: The proposed project would generate approximately 20 additional students who would impact the school enrollment capacities at Lincoln Elementary School and Corona Del Mar High School in the Newport-Mesa Unified School District.	Less Than Significant	No mitigation measures are required.	Less Than Significant
LIBRARY SERVICES			
Impact 5.11-4: The proposed project would introduce approximately 224 additional residents to the project area and would increase service needs for NBPL libraries.	Less Than Significant	No mitigation measures are required.	Less Than Significant
5.12 RECREATION			
Impact 5.12-1: The proposed Museum House project would introduce approximately 224 additional residents who would increase the use of existing park and recreational facilities.	Less Than Significant	No mitigation measures are required.	Less Than Significant

Table 1-2 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
5.13 TRANSPORTATION/TRAFFIC			
Impact 5.13-1: Project-related trip generation would not impact levels of service for the existing area roadway system, not conflicting with applicable City plans governing the performance of the area-wide circulation system.	Less Than Significant	No mitigation measures are required.	Less Than Significant
Impact 5.13-2: Project-related traffic would not result in traffic impacts per traffic phasing ordinance (TPO) analysis requirements.	Less Than Significant	No mitigation measures are required.	Less Than Significant
Impact 5.13-3: The project-related traffic would not result in significant impacts to state highway intersections in the study area.	Less Than Significant	No mitigation measures are required.	Less Than Significant
Impact 5.13-4: The project-related traffic would not result in significant impacts to congestion management plan facilities in the study area.	Less Than Significant	No mitigation measures are required.	Less Than Significant
Impact 5.13-5: The project would not modify any public road or introduce features that would result in hazardous conditions and would provide adequate emergency access.	Less Than Significant	No mitigation measures are required.	Less Than Significant

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Table 1-2 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact 5.13-6: The proposed project complies with adopted policies, plans, and programs for alternative transportation.	Less Than Significant	No mitigation measures are required.	Less Than Significant
Impact 5.13-7: Project-related construction worker, delivery, and construction vehicle trips would not adversely affect the operations of intersections and roadways in the study area.	Less Than Significant	No mitigation measures are required.	Less Than Significant
5.14 UTILITIES AND SERVICE SYSTEMS			
Impact 5.14-1: Project-generated wastewater would be adequately collected and treated by the City and Orange County Sanitation District, respectively.	Less Than Significant	No mitigation measures are required.	Less Than Significant
Impact 5.14-2: The proposed project would generate a net water supply demand of 48 acre-feet per year and would be adequately served by existing water supply and delivery systems.	Less Than Significant	No mitigation measures are required.	Less Than Significant
Impact 5.14-3: Existing and proposed storm drainage systems are adequate to serve the drainage requirements of the proposed project.	Less Than Significant	No mitigation measures are required.	Less Than Significant
Impact 5.14-4: Development of the proposed condominium tower would increase demand for electricity and natural gas services.	Less Than Significant	No mitigation measures are required.	Less Than Significant