

Appendix A Initial Study and Notice of Preparation

Appendices

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Notice of Preparation and Scoping Meeting for the Museum House Residential Project Environmental Impact Report

DATE: February 5, 2016

TO: Reviewing Agencies and Other Interested Parties

FROM: City of Newport Beach, Community Development Department, 100 Civic Center Drive, Newport Beach, CA 92660

PROJECT TITLE/SUBJECT: Museum House Residential Project – Notice of Preparation of an Environmental Impact Report and Notice of Public Scoping Meeting

PROJECT APPLICANT: Related California Urban Housing, LLC

NOTICE OF PREPARATION REVIEW PERIOD: February 5, 2016 through March 7, 2016 (30 days)

SCOPING MEETING: Monday, February 22, 2016

The purpose of this Notice of Preparation (NOP) is to notify potential Responsible Agencies (Agencies) that the Lead Agency, the City of Newport Beach, will prepare an Environmental Impact Report (EIR) for the proposed Museum House Residential Project and to solicit comments and suggestions regarding (1) the scope and content of the EIR and (2) the environmental issues and alternatives to be addressed in the EIR (California Environmental Quality Act [CEQA] Guidelines §15082). This NOP also provides notice to interested parties, organizations, and individuals of the preparation of the EIR and requests comments on the scope and contents of the environmental document.

PROJECT LOCATION:

The project site is located 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 located at 850 San Clemente Drive in Newport Center (Assessor's Parcel Number 442-261-05). As shown in the vicinity map, 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.



PROJECT DESCRIPTION:

The proposed project consists of the demolition of the existing 23,000-square-foot Orange County Museum of Art building and associated hardscape and landscaping improvements to accommodate the development of a 26-story 100-unit residential condominium tower with two levels of subterranean parking.

Development of the proposed project would require the following approvals from the City of Newport Beach:

- **General Plan Amendment (GPA)** – To change the land use category from Private Institutional (PI) to Multi-Unit Residential (RM-100) with a maximum development limit of 100 units.
- **Planned Community Development Plan Amendment** – To change the San Joaquin Plaza Planned Community (PC) land use designation from Civic/Cultural/Professional/Office to Multi-Unit Residential. The PC amendment also includes new residential development standards including a 300-foot height limit.
- **Tentative Vesting Tract Map** – To allow individual dwelling units to be sold separately as condominiums.

- **Site Development Review** – To ensure site development is in accordance with the applicable planned community and zoning code development standards and regulations pursuant to Section 20.52.080 (Site Development Reviews) of the Zoning Code.
- **Traffic Study** – To study potential traffic impacts pursuant to the City of Newport Beach Traffic Phasing Ordinance.
- **Development Agreement** –To comply with Section 15.45.020 of the Municipal Code because the requested GPA includes 50 or more units.
- **Environmental Impact Report (EIR)** – To address reasonably foreseeable environmental impacts resulting from the legislative and project specific discretionary approvals pursuant to CEQA.

A detailed project description can be reviewed in the Initial Study, which is available in hard copy form at the City of Newport Beach Planning Division Counter, several public libraries, and online at the City’s website, as described below.

NOTICE OF PREPARATION AND INITIAL STUDY:

The City has prepared an Initial Study that provides a detailed project description and evaluation of the potential environmental effects of the proposed project. The Notice of Preparation and accompanying Initial Study can also be accessed online at: <http://www.newportbeachca.gov/cegadocuments>. Copies are also available at the City of Newport Beach Planning Division, 100 Civic Center Drive, Newport Beach, California, 92660, and at the following locations:

Newport Beach Public Library
 Central Library
 1000 Avocado Avenue
 Newport Beach, CA 92660

Newport Beach Public Library
 Mariners Branch
 1300 Irvine Avenue
 Newport Beach, CA 92660

Newport Beach Public Library
 Balboa Branch
 100 East Balboa Boulevard
 Newport Beach, CA 92660

Newport Beach Public Library
 Corona del Mar Branch
 420 Marigold Ave.
 Corona del Mar, CA 92625

The City of Newport Beach requests your careful review and consideration of this notice, and it invites any and all input and comments from interested Agencies, persons, and organizations regarding the preparation of the EIR. Pursuant to CEQA §21080.4, agencies must submit any comments in response to this notice no later than 30 days beginning February 5, 2016, and ending the close of business on March 7, 2016. All comments or other responses to this notice should be submitted in writing to:

Gregg Ramirez, Senior Planner
 City of Newport Beach, Community Development Department
 100 Civic Center Drive
 Newport Beach, California 92660
gramirez@newportbeachca.gov
 949.644.3219

NOTICE OF PUBLIC SCOPING MEETING:

The City will conduct a public scoping meeting in conjunction with this Notice of Preparation in order to present the project and the EIR process and to receive public comments and suggestions regarding the scope and content of the EIR. The meeting will be held on Monday, February 22, 2016, at 6:00 P.M. at the Civic Center Community Room, 100 Civic Center Drive, Newport Beach, CA 92660.

February 2016 | Initial Study

MUSEUM HOUSE PROJECT

for City of Newport Beach

Prepared for:

City of Newport Beach

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949.644.3219

Prepared by:

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Abbreviations and Acronyms

AB	Assembly Bill
amsl	above mean sea level
BMP	best management practices
Cal/OSHA	California Occupational Safety and Health Administration
CalRecycle	California Department of Resources, Recycling, and Recovery
Caltrans	California Department of Transportation
CMP	congestion management program
CNEL	community noise equivalent level
CUPA	Certified Unified Program Agency
dB	decibel
DTSC	Department of Toxic Substances Control
EIR	environmental impact report
EPA	United States Environmental Protection Agency
FAA	Federal Aviation Administration
FEMA	Federal Emergency Management Agency
GHG	greenhouse gases
gpd	gallons per day
JWA	John Wayne Airport
mgd	million gallons per day
NBFD	Newport Beach Fire Department
NBPD	Newport Beach Police Department
NBPL	Newport Beach Public Library
OCEHD	Orange County Environmental Health Division
OCMA	Orange County Museum of Art
OCSD	Orange County Sanitation District
PCDP	Planned Community Development Plan
ppd	pounds per person per day
SB	Senate Bill
SCAQMD	South Coast Air Quality Management District
SWPPP	Storm Water Pollution Prevention Plan
VCP	vitrified clay pipe
WQMP	water quality management plan

Abbreviations and Acronyms

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1. Introduction

Related California Urban Housing, LLC (Related), the project applicant, is seeking approval of a 100-unit condominium tower—the Museum House project (proposed project) from the City of Newport Beach. The City of Newport Beach, as lead agency, is circulating this Initial Study (IS) for the proposed project for public review and comment. This Initial Study has been prepared in accordance with the California Environmental Quality Act (CEQA), as amended, to determine if approval of the legislative and discretionary actions requested and subsequent development would have a significant impact on the environment.

As defined by Section 15063 of the CEQA Guidelines, an Initial Study is prepared primarily to provide the lead agency with information to use as the basis for determining whether a negative declaration, mitigated negative declaration, or environmental impact report (EIR) would be appropriate for providing the necessary environmental documentation and clearance for the proposed project.

1.1 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.

Figure 1, *Regional Location*, provides a visual of the regional access to the City from various freeways. Interstate 405 runs north to south across the southern California region and intersects State Route 73 (San Joaquin Hills Transportation Corridor) and State Route 55. State Route 55 also runs north to south and terminates in the City of Costa Mesa. State Route 73 runs along the northwestern boundary of the City limits and connects with Interstate 5 further south in Laguna Niguel. Highway 1, also known as East/West Coast Highway, runs near the southeastern boundary of Newport Beach.

The project site is located 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 located at 850 San Clemente Drive in Newport Center (Assessor's Parcel Number 442-261-05). As shown in Figure 2, *Local Vicinity*, 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.

1.2 ENVIRONMENTAL SETTING

1.2.1 Existing Land Use

The project site is currently improved with the Orange County Museum of Art (OCMA) building, a single-story museum and exhibition space. Existing improvements encompass approximately 23,000 square feet and

1. Introduction

include a 21,000-square-foot building constructed in 1977 and a 2,000-square-foot addition to the building that was completed in 1996. Hardscape and landscaping improvements include a parking lot, lawn areas, shrubs, and a number of ornamental trees.

The site is relatively flat, with topographic elevation ranging from approximately 173 to 185 feet above mean sea level (amsl). Local topography slopes toward the west and north.

1.2.2 Surrounding Land Use

As shown in Figure 3, *Aerial Photograph*, surrounding land uses include a multistory parking structure to the east, a multistory office building to the west, the San Joaquin Plaza (new apartment community currently under construction) to the north, and The Colony (apartment complex) and additional multistory office buildings across San Clemente Drive to the south. The Newport Beach Police Department and Newport Beach Fire Station – Fashion Island Station No. 3 are less than a mile northwest of the project site. Fashion Island, a major retail and restaurant shopping mall, is about one-quarter mile south of the site.

1.2.3 General Plan and Zoning

General Plan

The City of Newport Beach General Plan (2006) land use designation for the site is Private Institutional (PI), which is intended for privately owned facilities that serve the public, including places for religious assembly, private schools, health care, cultural institutions, museums, yacht clubs, congregate homes, and comparable facilities.

The proposed project is not an allowable use under the PI land use designation; therefore, a General Plan Amendment to change the designation to Multiple Residential (RM) is requested.

Zoning

According to the City's zoning map, the project site is zoned Planned Community District 19 – San Joaquin Plaza Planned Community Development Plan (PCDP; PC-19). The San Joaquin Plaza PCDP encompasses 2.92 acres and is intended for a combination of civic, cultural, business, and professional office uses. The PCDP also details permitted uses, which include retail sales and services; administrative/professional offices; restaurants, bars, and theater/nightclubs; institutional, financial, and governmental facilities; and civic, cultural, commercial recreational, and recreational facilities.

The proposed residential tower is not an allowable use under PC-19; therefore, an amendment to the San Joaquin Plaza PCDP is required as part of the project.

Figure 1 - Regional Location
1. Introduction

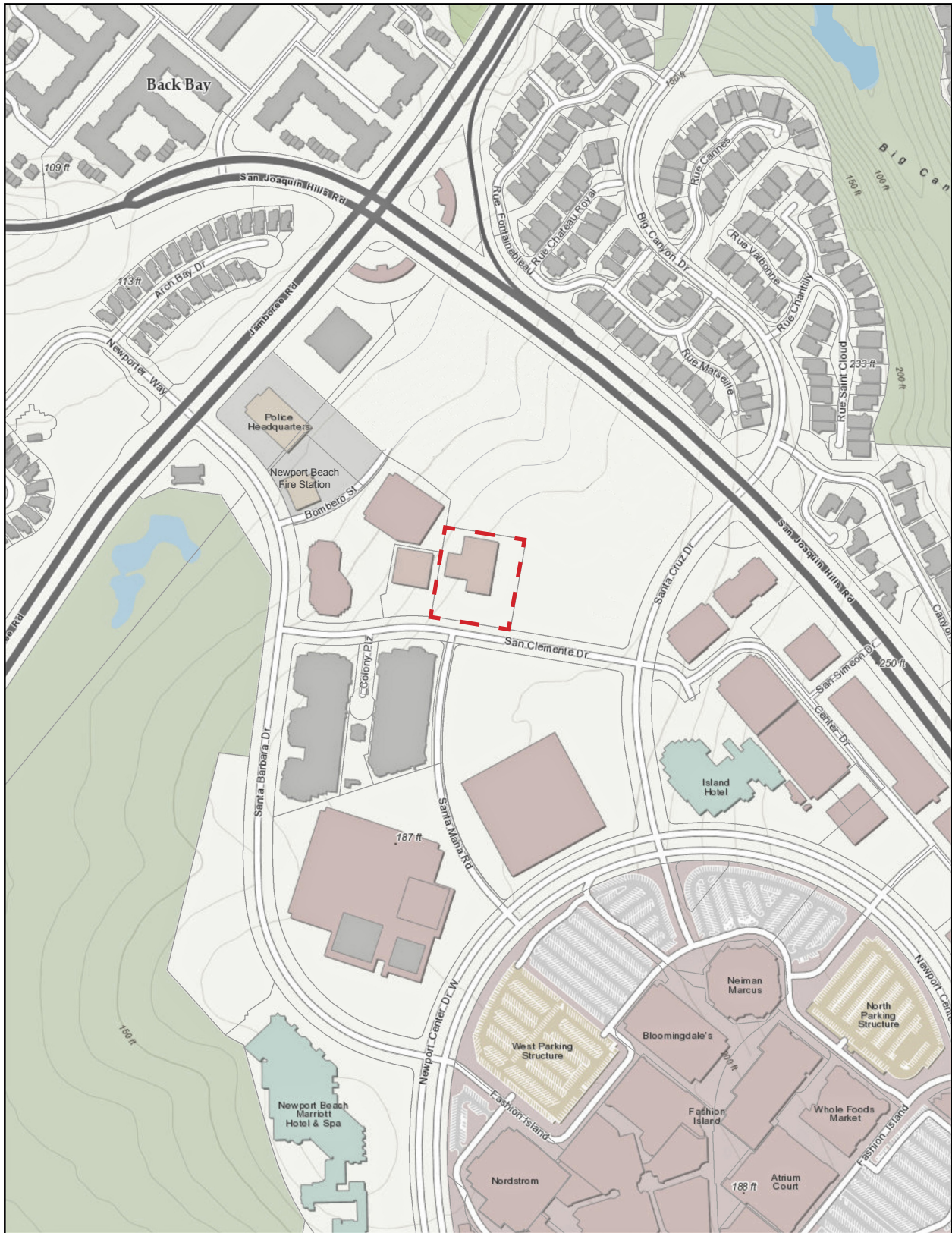


Source: ESRI, 2015

1. Introduction

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Figure 2 - Local Vicinity
1. Introduction



--- Project Boundary



Source: ESRI, 2015

1. Introduction

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Figure 3 - Aerial Photograph
1. Introduction



--- Project Boundary

0 200
Scale (Feet)



Source: Google Earth Pro, 2015

1. Introduction

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1. Introduction

1.3 PROJECT DESCRIPTION

1.3.1 Proposed Plan

As shown on Figures 4, *Proposed Site Plan*, and 5, *Proposed Building Elevation*, a 26-story condominium tower is proposed for the approximately two-acre site and would consist of 100 for-sale residential units and a two-level subterranean garage.

Residential Units

The tower would measure approximately 75 feet by 220 feet, with floors becoming progressively smaller at higher levels (see Figure 5, *Proposed Building Elevation*). The building would sit on the eastern side of the site and would be set back approximately 15 feet from the property line along San Clemente Drive.

From finished grade of the main building entry point to the roof of the highest occupied space, the tower is expected to be approximately 295 feet high with an additional 20 feet for mechanical equipment and elevator overruns. Each residential floor would be a minimum of 10.5 feet in height.

The 100 residential units would consist of 47 two-bedroom units with 3 baths, and 53 three-bedroom units with 4 baths, ranging in size from 1,750 square feet to 4,950 square feet. The number of units per floor would range from two on the upper levels to five on the lower floors. All units would include private balconies with the exception of units on levels 2, 4 through 6, and 24. Table 1 provides the development summary.

Table 1 Project Development Summary

Condominium Tower	
	Gross Building Area
Residential Building	+/- 400,888
Two Level Underground Parking	+/- 103,681
Total	+/- 504,569 SF
Dwelling Units	
2 Bedroom/2.5 Baths	47
3 Bedrooms/3.5 Baths	53
Total	100 units
Parking	
Residential	200
Visitor	38
Total	238 spaces
Open Space	
	Proposed Standard / Provided
Common Open Space	7,500 (75 per unit) / 23,341
Common Indoor Space	500 / 13,763
Private Open Space	1,500 / 19,361
Total	9,500 SF / 56,465 SF

1. Introduction

Table 1 Project Development Summary

Lot Coverage	
Lot Area	86,942 SF
Building Footprint – Tower	24,026 SF
Building Footprint – Garage	103,681 SF (Level P1=59,424 SF, Level P2=44,257 SF)
Percent Lot Coverage – Tower	31%
Percent Lot Coverage – Garage	68%
Setbacks	
San Clemente Drive	15 feet
Side Yard	5 feet
Rear Yard	5 feet

Common Area Amenities

The proposed common area amenities consist of a club room, library, view deck, and concierge. Common areas on the ground floor (level 1) would include gardens at the southwestern and northwestern corners of the project site, smaller outdoor spaces near the southeastern and northeastern corners of the project site, and indoor common areas accessed from the motor court. Level 3 would have additional common space, including a garden/grilling terrace, fitness/spa area, a pool and pool deck with a fireplace, outdoor kitchen and barbecue area, and indoor space. An outdoor roof terrace is planned on the 26th floor.

Site Circulation and Parking

Parking

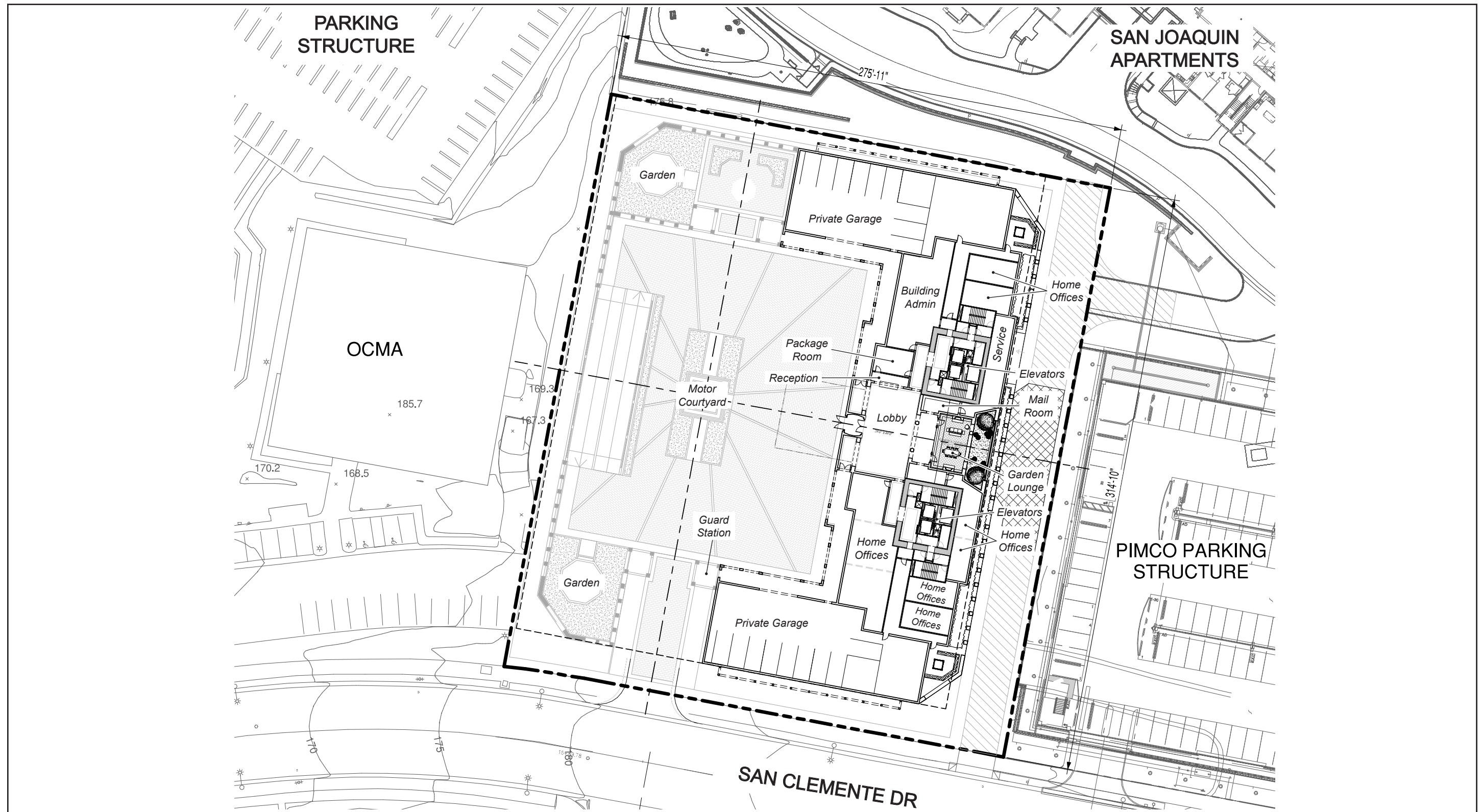
As detailed in Table 1, the proposed project would include 200 resident and 38 guest parking spaces, the majority of which would be in a two-level subterranean garage. Two small private garages on the ground level north and south of the motor court would hold a combined total of 18 parking stalls.

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 eastern boundary (see Figure 4, *Proposed Site Plan*).

The main entry would consist of a two-lane driveway off of San Clemente Drive at its intersection with Santa Maria Road. A guard station and gate at the entry would be set back about 60 feet from the property line. An 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 side of the site, east of the proposed residential tower, would be improved with a fire lane and loading zone for delivery vehicles. This service lane would connect to the San Joaquin Plaza apartment community north of the project site (currently under construction), providing secondary access to that site.

Figure 4 - Proposed Site Plan
1. Introduction



----- Project Boundary

Source: RAMSA, 2015

0 60
Scale (Feet)

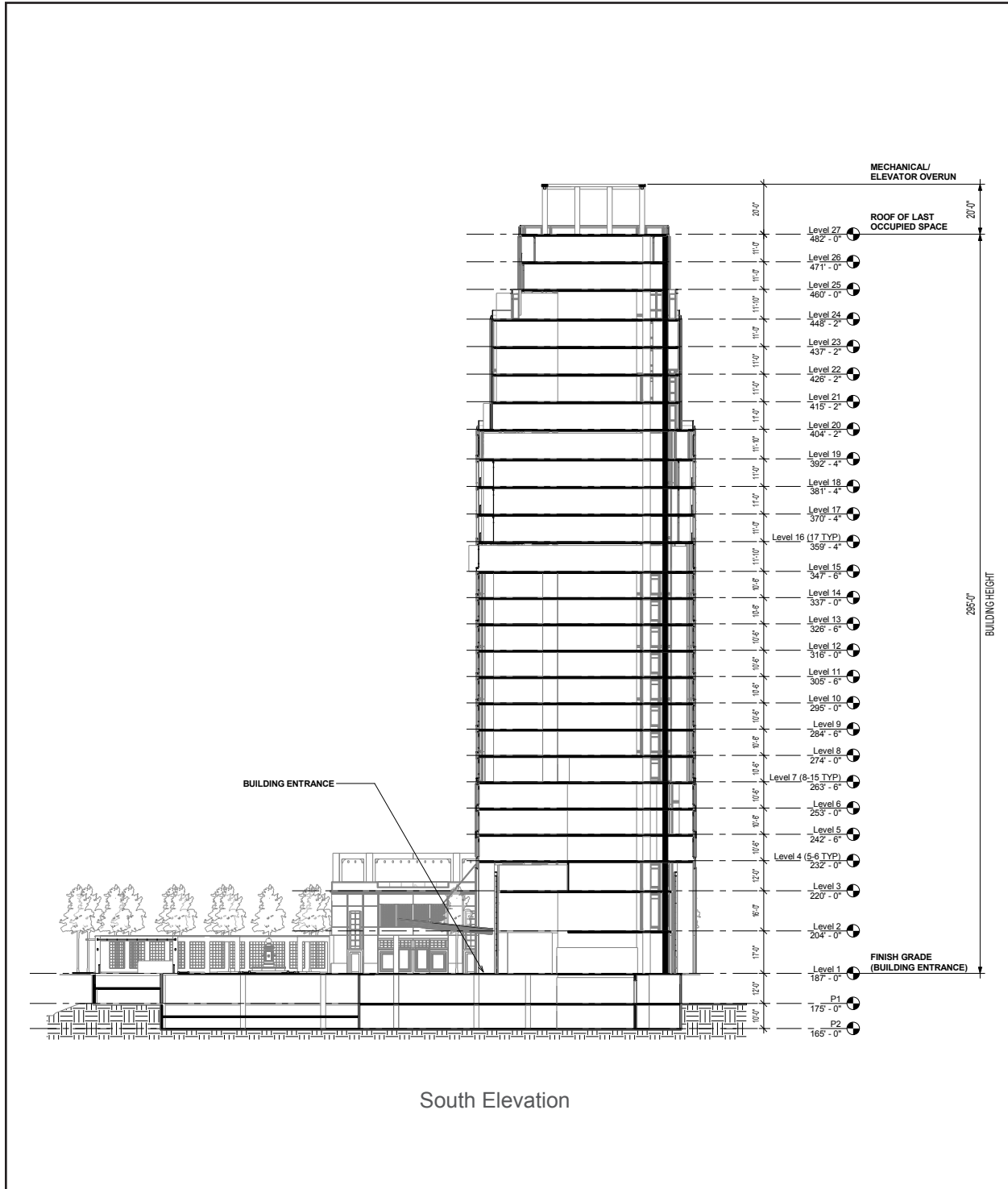


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1. Introduction

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Figure 5 - Proposed Building Elevation
1. Introduction



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1. Introduction

Pedestrian Circulation

Primary pedestrian access to the site would be from San Clemente Drive to the motor court and the 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 third-floor terrace would consist of shrubs and trees. The overall plant palette uses drought-tolerant native and adapted plants to the Newport Beach climate zone. 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.

A high-efficiency drip irrigation system would use a “smart” weather-based controller that meets or exceeds the latest State of California Model Water Efficient Landscape Ordinance requirements.

Infrastructure

Potable Water

The project site is within the service area of the City of Newport Beach Water Services Department. The site already has an 8-inch water line and public fire hydrant. The 8-inch water line is connected to an 12-inch water line in San Clemente Drive. Fire flows for emergency fire suppression would be provided to the site via the 12-inch water line.

Irrigation Water

Recycled water in the City is provided by the Orange County Water District, which operates a 16-inch recycled water pipeline in Jamboree Road that terminates in Santa Barbara Drive.

There are no existing recycled water lines on San Clemente Drive in the vicinity of the project site. Currently, the closest connection point to the recycled water main is on Santa Barbara Drive, west of San Clemente Drive. The project does not propose to extend recycled water lines to the project site.

Wastewater

The project site is currently serviced by an onsite, City-owned, 8-inch vitrified clay pipe (VCP) sewer line within a 15-foot-wide easement. The sewer line drains westerly to an 8-inch sewer line in San Clemente Drive, then to an 8-inch sewer line in Santa Barbara Drive, and finally to the Orange County Sanitation District (OCS D) trunk sewer line at the intersection of Santa Barbara Drive and Jamboree Road.

The proposed project would improve the existing 8-inch VCP sewer line to accommodate additional flows generated by the proposed development. Approximately 82 linear feet would be replaced with 12-inch VCP line and would require connection into the OCS D trunk sewer line at the intersection of Santa Barbara Drive and Jamboree Road.

1. Introduction

Drainage

The topography of the project site varies, with slopes ranging from about 1 percent to approximately 4 percent. Most of the site drainage is conveyed via existing ribbon gutters within the parking lot and is ultimately collected by a 21-foot catch basin at 888 San Clemente Drive, west of the project site. An 18-inch catch-basin outlet pipe conveys the storm flows into a private storm drain system on the 888 San Clemente Drive property, then to a 30-inch storm drain in Bombero Drive, and finally to a 36-inch public storm drain in Santa Barbara Drive.

An existing concrete V-ditch along the northern boundary collects drainage from the north portion of the project site. As proposed, a portion of the site would continue to drain to this northerly V-ditch. The adjacent property to the north includes a modular wetland system to treat first-flush flows. This system is designed to accommodate drainage from the northern portion of the project site. Therefore, additional post-construction water quality measures would not be required for the portion of the project site that drains to this V-ditch. The project's remaining area would continue to drain to the 21-foot catch basin, which would include proposed modular wetland system units (or equivalent) to treat first-flush flows.

Dry Utilities

Public infrastructure and utility facilities—including, but not limited to, electrical, telephone, cable television, and natural gas—would have to be upgraded and/or extended to the project site. All new dry utilities would be installed underground in the development area. Dry utility providers for the project would be the same as for the current museum building—Southern California Edison for electricity, Southern California Gas Company for natural gas, AT&T for telephone service, and Cox Communications for cable television and data transmission.

1.3.2 Project Phasing and Construction

1.3.2.1 DEMOLITION

Development of the proposed project would require demolishing the 23,000-square-foot OCMA building, removing 27,380 square feet of surface parking lot, grubbing onsite vegetation, and removing all 43 ornamental trees onsite. Demolition activities are projected to occur over a period of two months, from January 2018 to February 2018, and generate approximately 1,650 tons of building debris and 650 tons of asphalt. The debris would be hauled offsite to a landfill.

1.3.2.2 CONSTRUCTION

It is anticipated that the project would be built in a single phase spanning approximately 26 months, from March 2018 to May 2020. Construction activities include grading and excavation; construction of foundation and structure; installation of exterior and interior finishes; installation of mechanical, electrical, and plumbing equipment; installation of landscape and irrigation; and installation of furniture and equipment. Construction activities would require the export of approximately 31,600 cubic yards of soil.

1. Introduction

Construction Equipment

Table 2 details anticipated construction equipment for project demolition and construction.

Equipment	Quantity	Model	Horsepower
Building Demolition			
Concrete Saw	1		10
Backhoe Loader	1	Cat	93
Excavator	1	John Deere	121
Skid Steer	1	Cat	73
Track Loader	1	Cat	189
Trucking End Dump	5	Peterbilt	380
Asphalt Demolition			
Excavator	1	John Deere	121
Trucking End Dump	5	Peterbilt	380
Wheel Loader	1	Cat	93
Site Preparation			
Skip Tractor	1	Ford	98
Water Truck	1	Peterbilt	300
Mass Excavation			
Wheel Loader	1	Cat	276
Trucking Bottom Dump	20	Peterbilt	380
Utility Trenching			
Backhoe Loader	1	Cat	93
Fine Grading			
Skip Tractor	1	Ford	98
Water Truck	1	Peterbilt	300
Building Construction			
Crane	1	Liebherr	341
Forklift	1	Hyster	110
Generator Set	1	Aggreko	167
Air Compressor	1	Sullair	80
Paving			
Skip Tractor	1	Ford	98
Compactor	1	Cat	48
Finishing/Landscaping			
Skip Tractor	1	Ford	98

1.3.3 Required Legislative and Discretionary Actions

The following legislative and discretionary actions would be required as part of the proposed Museum House project.

1. Introduction

- **General Plan Amendment.** The proposed General Plan Amendment (GPA) would change the land use category from Private Institutional (PI) to Multi-Unit Residential (RM-100) with a maximum development limit of 100 units.
- **Planned Community Development Plan Amendment.** The proposed amendment would change the San Joaquin Plaza Planned Community (PC) land use designation from Civic/Cultural/Professional/Office to Multi-Unit Residential. The PC amendment also includes new residential development standards, including a 300-foot height limit.
- **Tentative Tract Map.** Approval of the vesting tentative tract map would allow individual dwelling units to be sold separately as condominiums.
- **Site Development Review.** Site development review is required to ensure site development is in accordance with the applicable planned community and zoning code development standards and regulations pursuant to Section 20.52.080 (Site Development Reviews) of the City’s zoning code.
- **Traffic Study.** To study potential traffic impacts pursuant to the City of Newport Beach Traffic Phasing Ordinance.
- **Development Agreement.** Approval of the development agreement is required pursuant to Section 15.45.020 of the City’s municipal code because the requested GPA includes 50 or more units.
- **Environmental Impact Report.** To address reasonably foreseeable environmental impacts resulting from the legislative and project specific discretionary approvals pursuant to CEQA.

1.4 CITY ACTION REQUESTED

This Initial Study examines the environmental impacts of the proposed Museum House project in order to enable the City, other responsible agencies, and interested parties to evaluate the environmental impacts of the proposed project, thereby enabling them to make informed decisions with respect to the requested entitlements. The following legislative and discretionary actions are required by the City of Newport Beach and responsible agencies:

Agency	Action
City of Newport Beach	<ul style="list-style-type: none"> ▪ Certification of the Museum House Environmental Impact Report ▪ Adoption of Findings of Fact (and Statement of Overrides, if required) ▪ Adoption of a Mitigation Monitoring and Reporting Program ▪ Approval of City of Newport Beach General Plan Amendment No. GP2015--001 ▪ Approval of San Joaquin Plaza Planned Community Development Plan Amendment No. PC2015-001 ▪ Approval of Site Development Review No. SD2016-001 ▪ Approval of Tentative Tract Map No. NT2016-001 ▪ Approval of Development Agreement No. DA2016-001 ▪ Approval of Traffic Study No. TS2015-004
Airport Land Use Commission	<ul style="list-style-type: none"> ▪ Consistency finding with the Airport Environs Land Use Plan for John Wayne Airport
Santa Ana Regional Water Quality Control Board	<ul style="list-style-type: none"> ▪ Issuance of National Pollution Discharge Elimination System Permit ▪ Issuance of Construction General Permit

2. Environmental Checklist

2.1 BACKGROUND

1. **Project Title:** Museum House Project

2. **Lead Agency Name and Address:**

City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

3. **Contact Person and Phone Number:**

Gregg Ramirez, Senior Planner
(949) 644-3219

4. **Project Location:** The project site is in the City of Newport Beach in Newport Center, which includes mid-rise multi-family residential and high- and low-rise office buildings surrounding the Fashion Island retail area. The site is approximately two acres and is located at 850 San Clemente Drive (APN 442-261-05).

5. **Project Sponsor's Name and Address:**

Related California Urban Housing, LLC
Steven Oh, Vice President
18201 Von Karman Avenue, Suite 900
Irvine, CA 92612

6. **General Plan Designation:** Private Institutional (PI)

7. **Zoning:** Planned Community District 19 – San Joaquin Plaza Planned Community Development Plan (PCDP; PC-19)

8. **Description of Project:** The proposed project would develop a 295-foot-high condominium tower with 100 for-sale residential units and a two-level subterranean garage. Common area amenities would include a fitness room, spa, club room, library, view deck, concierge, and large indoor and outdoor public spaces. Landscaping, lighting, and infrastructure improvements would also be included as part of the project.

9. **Surrounding Land Uses and Setting:** Surrounding uses include a multistory parking structure to the east, a multistory office building to the west, the San Joaquin Plaza (an apartment complex currently under construction) to the north, and The Colony (an apartment complex) and additional multistory office buildings to the south. The Fashion Island regional mall is located approximately 0.25 miles south of the site.

10. **Other Public Agencies Whose Approval Is Required:** Santa Ana Regional Water Quality Control Board, Airport Land Use Commission

2. Environmental Checklist

2.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact," as indicated by the checklist on the following pages.

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural and Forest Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology / Soils |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology / Water Quality |
| <input checked="" type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input checked="" type="checkbox"/> Population / Housing | <input checked="" type="checkbox"/> Public Services | <input checked="" type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Transportation / Traffic | <input checked="" type="checkbox"/> Utilities / Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

2.3 DETERMINATION (TO BE COMPLETED BY THE LEAD AGENCY)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Signature

2/1/16
Date

GREGG RAMIREZ, SENIOR PLANNER
Printed Name

CITY OF NEWPORT BEACH
For

2. Environmental Checklist

2.4 EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors, as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) **Earlier Analyses Used.** Identify and state where they are available for review.
 - b) **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) **Mitigation Measures.** For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

2. Environmental Checklist

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
- the significance criteria or threshold, if any, used to evaluate each question; and
 - the mitigation measure identified, if any, to reduce the impact to less than significant.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	X			
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	X			
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	X			
II. AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

2. Environmental Checklist

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	X			
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	X			
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	X			
d) Expose sensitive receptors to substantial pollutant concentrations?	X			
e) Create objectionable odors affecting a substantial number of people?			X	
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	X			
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	X			

2. Environmental Checklist

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Disturb any human remains, including those interred outside of formal cemeteries?			X	
e) Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074? (Interim checklist question for AB 52 compliance.)	X			
VI. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?	X			
iii) Seismic-related ground failure, including liquefaction?	X			
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?	X			
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	X			
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	X			
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
VII. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	X			
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	X			
VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) 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?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X

2. Environmental Checklist

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) 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 the project result in a safety hazard for people residing or working in the project area?	X			
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
IX. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	X			
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in a substantial erosion or siltation on- or off-site	X			
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	X			
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	X			
f) Otherwise substantially degrade water quality?	X			
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X

2. Environmental Checklist

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X
X. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	X			
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
XI. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
XII. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	X			
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	X			
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	X			
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	X			
e) 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 the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
XIII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	X			
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X

2. Environmental Checklist

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
XIV. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?	X			
b) Police protection?	X			
c) Schools?	X			
d) Parks?	X			
e) Other public facilities?			X	
XV. RECREATION.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	X			
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	
XVI. TRANSPORTATION/TRAFFIC. Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	X			
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	X			
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?			X	
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			X	

2. Environmental Checklist

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed waste water treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or waste water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	X			
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	X			
d) Have sufficient water supplies available to serve the project from existing entitlements and resources or are new or expanded entitlements needed?	X			
e) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	X			
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	X			
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	X			
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	X			

3. Environmental Analysis

Section 2.4 provided a checklist of environmental impacts. This section provides an evaluation of the impact categories and questions in the checklist.

3.1 AESTHETICS

a) Have a substantial adverse effect on a scenic vista?

Potentially Significant Impact. Scenic vistas are panoramic views of features such as mountains, forests, the ocean, or urban skylines. The project site is in Newport Center, which is already developed with a number of multistory retail and office buildings. Because of the built-out nature of Newport Center, existing views toward the Pacific Ocean are mostly obstructed from the ground level by trees, buildings, and rooflines. The City's General Plan Natural Resources Element does not identify any public viewpoints in the Newport Center area, but MacArthur Boulevard, Avocado Avenue, and a portion of Newport Center Drive in the southern portion of Newport Center are designated as coastal view roads. The project site is in the northern portion of Newport Center, so the proposed development would not obstruct views from these coastal view roads.

The project would introduce a 26-story residential tower approximately 295 feet high (with an additional 20 feet for mechanical equipment and elevator overruns) that could potentially obstruct some views from the adjacent office buildings and residences and drivers to the north and west along Jamboree Road and San Joaquin Hills Road (see Figure 5, *Proposed Building Elevation*). Although City policies do not protect private views, the viewshed impact of introducing a high-rise residential building to the project site from surrounding land uses will be disclosed in the EIR. Pre- and post-development visual simulations will be prepared to analyze whether any public views may be impacted by the proposed project.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Less Than Significant Impact. The project site is graded and improved with the existing OCMA building, parking lot, and ornamental landscaping. There are no rock outcroppings or any other scenic resources onsite. There are some ornamental trees in landscaped areas and in the parking area, but the trees are not considered scenic resources. The trees are typical of landscaped ornamental trees in urban areas of southern California, and the proposed project's landscape plan includes ornamental trees and shrubs. Therefore, the removal of the trees onsite would not substantially damage scenic resources, and impacts would be less than significant.

The OCMA building was built in 1977, and an addition to the building was built in 1996. It is not identified as a historic resource in the City's General Plan Historical Resources Element (Newport Beach 2006). Additionally, the project site is not within a state scenic highway, nor is the project site visible from any officially designated scenic highway. The proposed tower potentially could be visible from State Route 1

3. Environmental Analysis

(East/West Coast Highway), but SR-1 is not an officially designated scenic highway (Caltrans 2011). Thus, the project would not damage scenic resources within a state scenic highway. This topic will not be addressed in the EIR.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

Potentially Significant Impact. The site is currently developed with a single-story building, parking, and ornamental landscaping. Development of the Museum House condominium tower could substantially alter the visual character of the site by demolishing the existing OCMA building and introducing a residential tower approximately 295 feet high, parking, landscaped areas, and outdoor open space (see Figures 4, *Proposed Site Plan*, and 5, *Proposed Building Elevation*). As previously stated, pre- and post-development visual simulations will be prepared to analyze the aesthetic impacts of the project. Mitigation measures will be provided as needed.

d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

Potentially Significant Impact. The proposed project would introduce a 295-foot-high condominium tower, and related lighting (e.g., security lighting, building illumination, etc.) would increase existing light and glare. The EIR will analyze these potential impacts to the site's surrounding uses. Additionally, a shade and shadow study will be prepared and summarized in the EIR. Mitigation measures will be incorporated to minimize significant light, glare, and shade/shadow impacts as necessary.

3.2 AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. The project site is mapped as Urban and Built-Up Land on the Orange County Important Farmland 2010 map issued by the Division of Land Resource Protection (DLRP 2011). The site is in a fully urbanized area of the City and is developed with the OCMA building and related parking and landscaping. The project would not convert farmland to nonagricultural use, and no impact would occur.

3. Environmental Analysis

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The project site and surrounding development are not zoned for agricultural purposes. The project site is zoned PC-19 (San Joaquin Plaza Planned Community Development Plan). Under Williamson Act contracts, private landowners voluntarily restrict their land to agricultural land and compatible open-space uses; in return, their land is taxed based on actual use rather than potential market value. There are no Williamson Act contracts in effect on or adjacent to the site, and the project would not conflict with such a contract. No impact would occur.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

No Impact. Forest land is defined as “land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits” (California Public Resources Code Section 12220[g]). Timberland is defined as “land...which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees” (California Public Resources Code Section 4526). The site is zoned PC-19 and does not permit forest land, timberland, or timberland production. No impact would occur.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The site is developed with a private institutional use and surrounded by residential and office uses. There is no forest land onsite. The project would not convert forest land to nonforest use, and no impact would occur.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No Impact. There is no agricultural production on or adjacent to the project site. Project development would not indirectly result in conversion of farmland to nonagricultural use or forest land to nonforest use, and no impact would occur.

3.3 AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

Potentially Significant Impact. The City of Newport Beach is in the South Coast Air Basin (SoCAB) and is subject to the air quality management plan (AQMP) prepared by the South Coast Air Quality Management

3. Environmental Analysis

District (SCAQMD). SCAQMD's 2012 Air Quality Management Plan is based on regional growth forecasts for the Southern California Association of Governments region. Construction activities related to the proposed Museum House project would generate exhaust from construction equipment and vehicle trips, fugitive dust from demolition and ground-disturbing activities, and off-gas emissions from architectural coatings and paving. Compared to the existing museum use, implementation of the proposed project would increase criteria air pollutants from construction and operation. The EIR will evaluate the proposed project for consistency with the AQMP and any impacts the project may have on the attainment of regional air quality objectives. Mitigation measures will be incorporated as needed.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Potentially Significant Impact. Construction and operation activities associated with development of the project would have the potential to generate fugitive dust, stationary-source emissions, and mobile-source emissions. Air pollutant emissions associated with the project could occur over the short term for site preparation and construction activities. In addition, emissions could result from the long-term operation of the completed project. An air quality analysis will be conducted for the proposed project to determine if the resulting project's short- and/or long-term emissions would exceed SCAQMD's regional significance thresholds. This topic will be addressed in the EIR, and mitigation measures will be incorporated as needed.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Potentially Significant Impact. The project site is in the SoCAB, and is designated under the California and National Ambient Air Quality Standards as nonattainment for ozone (O₃), coarse inhalable particulate matter (PM₁₀), fine inhalable particulate matter (PM_{2.5}), nitrogen oxides (NO_x) (California standard only), and lead (Los Angeles County only). Implementation of the proposed project may increase existing levels of criteria pollutants and contribute to the nonattainment status for these criteria pollutants in the SoCAB. As mentioned above, air pollutant emissions associated with the proposed project could occur over the short term for site preparation and construction activities and during long-term operation of the completed project. Thus, an air quality analysis will be prepared to determine if the proposed project would result in a cumulatively considerable net increase in any criteria air pollutant. This topic will be addressed in the EIR, and mitigation measures will be incorporated, as appropriate.

d) Expose sensitive receptors to substantial pollutant concentrations?

Potentially Significant Impact. An impact is potentially significant if emission levels exceed the state or federal ambient air quality standards, thereby exposing sensitive receptors to substantial pollutant concentrations. Sensitive receptors are locations where uses or activities result in increased exposure of persons more sensitive to the unhealthful effects of emissions (such as children and the elderly). There are apartment communities north and south of the project site— San Joaquin Plaza (under construction) and The Colony, respectively. The EIR will evaluate the potential for construction and operation activities of the proposed project to exceed SCAQMD's localized significance thresholds in accordance with SCAQMD's

3. Environmental Analysis

guidance methodology. The EIR will also analyze potential health impacts associated with any exposure of sensitive receptors to substantial pollutant concentrations. Mitigation measures will be incorporated as needed.

e) Create objectionable odors affecting a substantial number of people?

Less Than Significant Impact. The proposed project would not emit objectionable odors that would affect a substantial number of people. The threshold is if a project creates an odor nuisance pursuant to SCAQMD Rule 402, Nuisance, which states:

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property. The provisions of this rule shall not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.

The type of facilities that are considered to have objectionable odors include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities.

Odors generated by the proposed residential project, which would not include project-attributes or facilities that would create objectionable odors, are not expected to be significant or highly objectionable and would be required to be in compliance with SCAQMD Rule 402. Likewise, existing facilities are required to be in compliance with SCAQMD Rule 402 to prevent nuisances on sensitive land uses. Therefore, impacts related to objectionable odors would be less than significant.

Emissions from construction equipment, such as diesel exhaust, and from volatile organic compounds from architectural coatings and paving activities, may generate odors; however, these odors would be temporary, intermittent, and not expected to affect a substantial number of people. Additionally, noxious odors would be confined to the immediate vicinity of the construction equipment. By the time such emissions reach any sensitive receptor sites, they would be diluted to well below any level of air quality concern. Furthermore, short-term construction-related odors are expected to cease upon the drying or hardening of the odor-producing materials. Therefore, impacts associated with operation- and construction-generated odors would be less than significant, and no further analysis is required in the EIR.

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3.4 BIOLOGICAL RESOURCES

- a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

Less Than Significant Impact. The City is known to have special-status and sensitive wildlife and plant species, and is located along the coast where there are natural riparian areas, wetlands, and wildlife corridors. However, the project site is in an urban retail and office center and is developed with the OCMA building and other hardscape improvements. There are no sensitive habitats or species onsite; therefore, the project would not involve habitat modifications to any candidate, sensitive, or special-status species identified to occur or have the potential to occur within the City of Newport Beach. This topic will not be evaluated in the EIR and no mitigation measures are necessary.

- b) **Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

No Impact. Riparian habitats are those occurring along the banks of rivers and streams. Sensitive natural communities are natural communities that are considered rare in the region by regulatory agencies, known to provide habitat for sensitive animal or plant species, or known to be important wildlife corridors. No riparian habitat or other sensitive natural communities occur within the Newport Center area. The project site is already developed with the OCMA building and other hardscape improvements. Also, the project area is not included in local or regional plans, policies, or regulations that identify riparian habitat or other sensitive natural communities. Therefore, no impact would occur. This topic will not be evaluated in the EIR and no mitigation measures are necessary.

- c) **Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

No Impact. Wetlands are defined under the federal Clean Water Act as land that is flooded or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that normally does support, a prevalence of vegetation adapted to life in saturated soils. Wetlands include areas such as swamps, marshes, and bogs. The project site does not contain any wetlands. According to the U.S. Fish and Wildlife Service's National Wetlands Inventory, the closest wetlands are man-made freshwater ponds in the Newport Beach Country Club and Big Canyon Country Club golf courses west and east of the project site. Newport Bay, approximately one mile west of the project site, includes a number of wetland habitats, including estuarine and marine wetlands and deep waters and freshwater emergent wetlands surrounding the bay (USFWS 2015). These wetlands would not be altered by development of the proposed project. Project implementation would also not involve direct removal, filling, hydrological interruption, or other direct or indirect impact to wetlands under jurisdiction of regulatory agencies. Therefore, no impact to federally

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protected wetlands would occur. This topic will not be evaluated in the EIR, and no mitigation measures are necessary.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less Than Significant Impact. The project site is entirely developed and is surrounded by developed urban uses (e.g., multistory office buildings, apartment communities, and parking garage/lots). The project area does not include any undeveloped areas that may currently be used as wildlife corridors or nursery sites for native and migratory wildlife. No habitat fragmentation would occur because there would be no disturbances of undeveloped areas under the proposed project, and all development would occur within the two-acre project site. The project site does contain trees along the perimeter of the site, but these are primarily ornamental and do not provide suitable nesting habitat for migratory birds. The Migratory Bird Treaty Act of 1918 (MBTA) governs the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests. Therefore, if any nesting migratory birds are found within the ornamental trees onsite, construction workers would be required to halt activities until the young have fledged, until a qualified biologist has determined the nest is inactive, or until appropriate mitigation measures that respond to the specific situation have been developed and implemented in consultation with the regulatory agencies. Thus, compliance with the MBTA would reduce impacts to less than significant levels. This topic will not be evaluated in the EIR, and no mitigation measures are necessary.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less Than Significant Impact. The proposed residential tower would be located in an urbanized and developed area of Newport Beach. Council Policy G-1 (Retention or Removal of City Trees) and Chapter 7.26 (Protection of Natural Habitat for Migratory and Other Waterfowl) of the City's municipal code protect trees on City-owned property and ensure local biological resources are preserved. Specifically, Council Policy G-1 acts as the City's tree preservation policy to enhance and maintain appropriate tree diversity in the City's urban forest. Chapter 7.26 of the municipal code protects the natural habitat of migratory waterfowl and other birds. While the project would remove the trees onsite, the proposed landscaping plan includes additional ornamental trees along the perimeter of the project site. Only one City-owned street tree may be removed during development of the proposed project, which would require City approval and compliance with the Council Policy G-1. Therefore, impacts would be less than significant and will not be analyzed in the EIR.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. The Orange County Central-Coastal NCCP/HCP Subregional Plan is the applicable habitat conservation plan for the City. The City of Newport Beach became a signatory agency for the plan in July 1996. The proposed project would not change or contradict any policies within the Orange County Central-Coastal NCCP/HCP. No impact and no further analysis will be required in the EIR.

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3.5 CULTURAL RESOURCES

a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?

Less Than Significant Impact. Section 15064.5 defines historic resources as resources listed or determined to be eligible for listing by the State Historical Resources Commission, a local register of historical resources, or the lead agency. Generally a resource is considered “historically significant” if it meets one of the following criteria:

- i) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- ii) Is associated with the lives of persons important in our past;
- iii) Embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual, or possesses high artistic values;
- iv) Has yielded, or may be likely to yield, information important in prehistory or history.

From a mix of national, state, and City-listed sites, the City’s General Plan Historical Resources Element identifies 16 properties within Newport Beach as historic resources, none of which include the project site. Additionally, the 2006 General Plan EIR lists 11 properties in the City that have been listed or designated eligible for listing on the National Register of Historic Places or California Register for Historic Places or are otherwise listed as historic or potentially historic in the California Historic Resources Information System. These sites are mapped on Figure 4-4-1, Historic Resources, of the 2006 General Plan Update EIR, and do not include the project site. The project buildings are also not listed in the City’s Historic Resource Inventory. Moreover, the existing buildings, which were constructed in 1977 and 1996, do not satisfy any of the criteria for consideration as historically significant. Therefore, potential impacts to historical resources would be less than significant; this issue will not be further evaluated in the EIR.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

Potentially Significant Impact. Buildout of the proposed project would consist of redeveloping the project site from the OCMA museum building to the proposed residential tower. Given the largely built-out nature of the project area, the possibility is low that undiscovered archeological and unique paleontological resources or human remains may be found in the course of construction activities under the proposed project. Nevertheless, demolition and ground-disturbing grading activities, including excavation for subterranean parking, could affect archeological and paleontological resources previously undiscovered.

The cultural resources assessment prepared for the Newport Beach General Plan Land Use Element Amendment EIR in 2014 will be updated with a literature review and records search related to potential archaeological and paleontological resources on the proposed project site. Additionally, a Sacred Lands search request will be obtained from Native American Heritage Commission as part of the tribal consultation

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process. Results of the updated cultural resources assessment and tribal consultation (if required) will be included in the EIR. If required, mitigation measures will be incorporated.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Potentially Significant Impact. See response Section 3.5.b. The cultural resources assessment will include an updated records search pertaining to paleontology at the Natural History Museum of Los Angeles County and in published resources. The records search results and background context will be summarized in the EIR, and mitigation measures, if required, will be incorporated.

d) Disturb any human remains, including those interred outside of formal cemeteries?

Less Than Significant Impact. California Health and Safety Code Section 7050.5, CEQA Section 15064.5, and Public Resources Code Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. Specifically, California Health and Safety Code Section 7050.5 requires that disturbance of the site shall remain halted until the coroner has conducted an investigation into the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and if the coroner has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. Although soil-disturbing activities associated with the proposed project could result in the discovery of human remains, compliance with existing law would ensure that significant impacts to human remains would not occur. This topic will not be evaluated in the EIR, and no mitigation measures are required.

e) Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074? (Interim checklist question for AB 52 compliance.)

Potentially Significant Impact. Tribal cultural resources are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either eligible or listed in the California Register of Historical Resources or local register of historical resources (Public Resources Code Section 21074). In order to determine whether there are any tribal cultural resources that could be impacted by the proposed project, California Native American tribes that are traditionally and culturally affiliated with the project area will be contacted early in the CEQA process (Public Resources Code Section 21080.3.1). The EIR will evaluate potential impacts of the proposed project on tribal cultural resources, and mitigation measures will be provided as needed.

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3.6 GEOLOGY AND SOILS

a) **Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:**

i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

Less Than Significant Impact. Newport Beach is exposed to risk from multiple earthquake fault zones. High-risk fault zones include the Newport-Inglewood fault zone, Palos Verdes fault zone, San Joaquin Hills fault zone, and Elysian Park fault zone. However, none of these faults are designated Alquist-Priolo fault zones and are more than three miles from the project site. The closest known fault to the site is the Pelican Hill Fault, which trends northwesterly from Emerald Bay in Laguna Beach to the Big Canyon area of Newport Beach and is 0.5 miles northwest of the site. Based on the distance from the site, the Pelican Hill Fault would not cause adverse impacts from potential rupture. Thus, impacts would be less than significant and will not be further analyzed in the EIR.

ii) **Strong seismic ground shaking?**

Potentially Significant Impact. A geotechnical investigation will be prepared for the proposed project and will estimate seismic design parameters for the site in accordance with California Building Code requirements. Hazards related to strong ground shaking will be discussed in the EIR, and mitigation measures will be recommended as needed.

iii) **Seismic-related ground failure, including liquefaction?**

Potentially Significant Impact. Liquefaction refers to loose, saturated sand or silt deposits that behave as a liquid and lose their load-supporting capability when strongly shaken. Loose granular soils and silts that are saturated by relatively shallow groundwater are susceptible to liquefaction. The geotechnical investigation that will be prepared for the project will evaluate liquefaction hazard on the site and provide any recommendations to reduce such hazard. Findings and recommendations of the geotechnical investigation related to liquefaction will be discussed in the EIR.

iv) **Landslides?**

No Impact. The project site is flat; there are no slopes on or near the site that could pose a landslide hazard. No impact would occur.

b) **Result in substantial soil erosion or the loss of topsoil?**

Potentially Significant Impact. Erosion is the movement of rock and soil from place to place, and is a natural process. Common agents of erosion include wind and flowing water. Erosion can also be increased greatly by earthmoving construction activities if erosion-control measures are not used. The project would be

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required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) per requirements of the General Construction Permit (Order No. 2009-0009-DWQ) issued by the State Water Resources Control Board. The SWPPP would specify best management practices (BMPs) for reducing or eliminating soil erosion from the site during project construction and operation. A water quality management plan (WQMP) is also required under the Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges, Order No. R8-2009-0030, issued by the Santa Ana Regional Water Quality Control Board (RWQCB). The WQMP would specify BMPs to be used in project design and project operation to minimize runoff impacts, including soil erosion and loss of topsoil. This impact will be further analyzed in the EIR.

- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?**

Potentially Significant Impact. As previously stated, the project site and surrounding areas are generally flat or gently sloping and would not cause on- or off-site landslide hazards.

The project geotechnical investigation will assess hazards on the project site arising from ground subsidence, collapsible soils, liquefaction, and lateral spreading; and provide any recommendations to reduce such hazards. Findings and recommendations of the geotechnical investigation will be discussed in the EIR.

- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?**

Potentially Significant Impact. Expansive soils shrink or swell as the moisture content decreases or increases; the shrinking or swelling can shift, crack, or break structures built on such soils. The expansion potential of onsite soils will be evaluated in the project's geotechnical investigation; findings and recommendations of the geotechnical investigation will be discussed in the EIR.

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?**

No Impact. The project site has sewer connections maintained by the City of Newport Beach Municipal Operations Department. The project would also improve the existing sewer line onsite to accommodate additional flows generated by the proposed development. Wastewater treatment for the site is provided by the Orange County Sanitation District. The project would not use alternative wastewater disposal systems such as septic tanks, and no impact would occur.

3.7 GREENHOUSE GAS EMISSIONS

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

Potentially Significant Impact. Global climate change is not confined to a particular project area and is generally accepted as the consequence of global industrialization over the last 200 years. A typical project, even a very large one, does not generate enough greenhouse gas (GHG) emissions on its own to influence

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global climate change significantly; hence, the issue of global climate change is, by definition, a cumulative environmental impact. The State of California, through its governor and legislature, has established a comprehensive framework for the substantial reduction of GHG emissions over the next 40-plus years. This will occur primarily through the implementation of Assembly Bill 32 (AB 32, 2006) and Senate Bill 375 (SB 375, 2008), which address GHG emissions on a statewide, cumulative basis.

SCAQMD's "bright-line" screening-level threshold of 3,000 MTCO_{2e} annually will be used to determine the proposed project's potential GHG emissions significance. This bright-line threshold is based on a review of the Governor's Office of Planning and Research database of CEQA projects, which found that 90 percent of CEQA projects would exceed these bright-line thresholds. Therefore, projects that do not exceed the bright-line threshold would have a nominal, and therefore less than cumulatively considerable, impact on GHG emissions. If emissions exceed the screening threshold, a more detailed review of the project's GHG emissions would be required. The EIR will evaluate the potential for the project to generate a substantial increase in GHG emissions, and mitigation measures will be incorporated as needed.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Potentially Significant Impact. The California Air Resources Board's Scoping Plan is California's GHG reduction strategy to achieve the state's GHG emissions reduction target, established by AB 32, of 1990 emission levels by year 2020. The Southern California Association of Governments' 2012 Regional Transportation Plan/Sustainable Communities Strategy sets forth a development pattern for the region, which, when integrated with the transportation network and other transportation measures and policies, will reduce GHG emissions from transportation (excluding goods movement) in accordance with the region's per capita GHG reduction goals under SB 375. The Draft 2016 RTP/SCS is now out for public review and is expected to be approved by spring 2016. The EIR will evaluate the project's consistency with applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions. Mitigation measures will be incorporated as needed.

3.8 HAZARDS AND HAZARDOUS MATERIALS

a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?

Less Than Significant Impact. Hazardous materials such as fuels, greases, paints, and cleaning materials would be used during project construction. Onsite construction equipment might require routine or emergency maintenance that could result in the release of oil, diesel fuel, transmission fluid, or other materials. However, the materials used would not be in such quantities or stored in such a manner as to pose a significant safety hazard. These activities would also be short term or one time in nature. Additionally, the project applicant and construction contractor would be required to comply with existing federal, state, and local regulations of several agencies, including the Department of Toxic Substances Control (DTSC), the US Environmental Protection Agency (EPA), the Occupational Safety & Health Administration (OSHA), Caltrans, the Newport Beach Fire Department (NBFD), and the Orange County Environmental Health

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Division (OCEHD).¹ Compliance with applicable laws and regulations governing the use, storage, and transportation of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner, and would minimize the potential for safety impacts to occur. Therefore, hazards to the public or the environment arising from the routine use, transport, or storage of hazardous materials during project construction would not occur, and no significant impacts would occur.

Operation of the proposed residential tower would involve use of only small amounts of hazardous materials for cleaning and maintenance purposes. Any commercial-grade chemicals would be required to be transported, used, and disposed of consistent with current local, state and federal laws and regulations of several agencies, including DTSC, EPA, OSHA, NBFDD, and OCEHD. Compliance with applicable laws and regulations governing the use, storage, and transportation of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner, and would minimize the potential for safety impacts to occur. Therefore, hazards to the public or the environment arising from the routine use, transport, or storage of hazardous materials during project operation would not occur, and impacts would be less than significant.

b) 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?

Less Than Significant Impact. The proposed project would require demolition of the existing OCMA building prior to construction of the new residential tower. Demolition activities could expose the public and, in particular, construction personnel, to hazardous substances such as asbestos or lead-based paints. Contaminated structures or soils could also expose workers to health or safety risks (e.g., mold and lead).

However, compliance with existing regulations would ensure that construction workers and the general public are not exposed to any risks related to hazardous materials during demolition and construction activities. For example, federal and state regulations include SCAQMD Rules and Regulations (pertaining to asbestos); Code of Federal Regulations; California Code of Regulations, Title 8 Part 61, Subpart M Construction Safety Orders 1529 (pertaining to asbestos) and 1532.1 (pertaining to lead); and the U.S. Department of Housing and Urban Development lead exposure guidelines. Cal/OSHA also has regulations concerning the use of hazardous materials, including requirements for safety training, exposure warnings, availability of safe equipment, and prepared emergency action/prevention plans. If the project site is contaminated, the project applicant would be required to document and remediate with cleanup under the supervision of DTSC before construction activities could begin. Furthermore, any underground storage tanks that may be disturbed during construction activities would be managed under the guidance of OCEHD regulations, and if groundwater contamination is identified, remediation activities would be required by the Santa Ana Regional Water Quality Control Board. Thus, compliance with existing federal, state, and county regulations would

¹ The Environmental Health Division is the Certified Unified Program Agency (CUPA) for the County of Orange; the Certified Unified Program coordinates and makes consistent enforcement of several federal and state regulations governing hazardous materials. The Newport Beach Fire Department is a Participating Agency in the CUPA, and is responsible for hazardous materials disclosure information and business emergency planning in the City.

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ensure exposure of workers and the general public to hazardous materials during construction activities would be less than significant. No further analysis will be required in the EIR.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact. Operations of the proposed residential use would involve the use of small quantities of hazardous materials for cleaning and maintenance purposes, such as paints, household cleaners, fertilizers, and pesticides. Construction of the project would involve the use of larger amounts of hazardous materials than would project operation, such as fuels, lubricants, and greases in construction equipment and coatings used in construction. However, the materials used would not be in such quantities or stored in such a manner as to pose a significant safety hazard. These construction activities would also be short term or one time in nature.

However, there are no schools within one-quarter mile of the project site. Corona Del Mar High School is the closest school, but it is about 0.8 miles from the site. Thus, no impact would occur.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No Impact. California Government Code Section 65962.5 specifies lists of the following types of hazardous materials sites: hazardous waste facilities; hazardous waste discharges for which the State Water Quality Control Board has issued certain types of orders; public drinking water wells containing detectable levels of organic contaminants; underground storage tanks with reported unauthorized releases; and solid waste disposal facilities from which hazardous waste has migrated. According to the Department of Toxic Substances Control EnviroStor database, the project site is not located on a site listed on the Cortese list per Government Code Section 65962.5) Therefore, no impact would occur. This topic will not be further analyzed in the EIR.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles or a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

Potentially Significant Impact. The project site is approximately 2.9 mile south of the southernmost point of John Wayne Airport (JWA) and within the airport environs. The site is not within the JWA Impact Zone; however, it is within the JWA Notification Area, in which building heights are regulated per Federal Aviation Administration (FAA) Part 77 regulations to prevent obstructions to air navigation (OCALUC 2008). If projects surpass maximum building height requirements, the FAA would be required to conduct an aeronautical study to determine whether the structure would pose a hazard to air navigation. The EIR will analyze potential impacts related to building height and airport hazard.

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f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

No Impact. There are no private airstrips in the vicinity of the project site. The nearest private airstrip is the Hoag Memorial Hospital Heliport, approximately three miles west of the project site (AirNav.com 2015). Therefore, no impact would occur. This topic will not be analyzed in the EIR.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less Than Significant Impact. The City of Newport Beach Fire Department is the lead department for coordinating all emergency management activity in the City and implements the City's Emergency Operations Plan. The proposed project would not impair implementation or physically interfere with the Nbfd's ability to implement the plan.

Storage of construction materials and construction equipment—such as construction office trailers, cranes, storage containers, and trailers detached from vehicles—is prohibited on City property, including City streets, without a permit from the City Public Works Department. Project construction and operation would comply with City requirements regarding storage on City property, including City streets. Construction material and equipment would not be staged or stored on City roadways. The project would not interfere with emergency access to or evacuation from surrounding properties. Impacts would be less than significant.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

No Impact. According to the California Department of Forestry and Fire Protection's Very High Fire Hazard Severity Zones map for the City of Newport Beach, all of Newport Center, including the project site, is outside of the Very High Fire Hazard Severity Zone (CAL FIRE 2011). There is also no native habitat susceptible to burning in wildland fires on the site, or within the immediate vicinity, since both are completely built out with buildings and related hardscape improvements. Project development would not expose people or structures to substantial risk from wildland fires, and no impacts would occur.

3.9 HYDROLOGY AND WATER QUALITY

a) Violate any water quality standards or waste discharge requirements?

Potentially Significant Impact. Two permits, each issued pursuant to National Pollutant Discharge Elimination System regulations, contain water pollution control requirements applicable to the project. The General Construction Permit issued by the State Water Resources Control Board requires the project applicant to prepare and implement a SWPPP. The SWPPP would specify BMPs to be used during construction of the project to minimize or avoid water pollution. A water quality management plan (WQMP) is also required under the Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges, Order No. R8-2009-0030, issued by the Santa Ana Regional Water Quality Control Board in 2009.

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The WQMP would specify BMPs to be used in project design and project operation. Potential impacts to water quality will be evaluated in the EIR, and mitigation measures will be identified as necessary.

- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?**

Less Than Significant Impact. Implementation of the project would not deplete groundwater supplies or interfere substantially with groundwater recharge. The site is impervious except for landscaped areas near the OCMA building and along the perimeter of the site. As shown on Figure 4, *Proposed Site Plan*, the site would be improved with the residential tower, two levels of subterranean parking garage, underground parking, and a motor courtyard. Landscaping would consist of two small gardens in the northwest and southwest corners of the site and shrubs and trees along the perimeter. Redevelopment of the site would not substantially increase or decrease the amount of pervious surfaces onsite. Given its impervious conditions, the site does not serve as a primary source of groundwater recharge. Impacts would be less than significant.

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in a substantial erosion or siltation on- or off-site.**

Potentially Significant Impact. Project implementation is not anticipated to substantially change the drainage pattern onsite. At project completion, the entire site would be covered with buildings, landscaped areas, and hardscape improvements; no bare soil would be left vulnerable to erosion or siltation on- or offsite. During project construction, the project would implement BMPs for reducing or avoiding soil erosion in compliance with the General Construction Permit. These conclusions will be substantiated in the hydrology and drainage studies prepared for the project, whose findings will be incorporated into the EIR.

- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?**

Potentially Significant Impact. The project would not substantially alter the drainage pattern of the project site or surrounding area. There are also no streams or rivers onsite. Hydrology and drainage studies will be prepared to analyze pre- and post-development changes to the rate and amount of surface runoff onsite. Findings will be integrated into the EIR, and mitigation measures will be provided as necessary.

- e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?**

Potentially Significant Impact. Project impacts on existing and planned storm drainage systems will be analyzed in the project's conceptual WQMP and drainage and hydrology studies and addressed in the EIR. BMPs to be incorporated in the project will also be discussed in the EIR.

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f) Otherwise substantially degrade water quality?

Potentially Significant Impact. See response to Section 3.9.a, above.

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

No Impact. According to the Federal Emergency Management Agency (FEMA), the project site is in Flood Zone X, which means that it is outside of 100-year and 500-year flood zones (FEMA 2009). Therefore, no impact would occur.

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

No Impact. The project site is outside of the FEMA-designated 100-year flood hazard zone. No impact would occur.

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

No Impact. The project site is not in the inundation areas of any dams and is not in an area designated on a flood insurance rate map as being protected from 100-year floods by levees. No impact would occur.

j) Inundation by seiche, tsunami, or mudflow?

No Impact.

Seiche: A seiche is a surface wave created when an inland water body is shaken, usually by an earthquake. There are no inland bodies of water near the project site that could pose a seiche hazard to the site. Lower Newport Bay is approximately 0.8 miles east and approximately 173 feet lower than the project site; thus, a seiche in Lower Newport Bay would not pose a flood hazard to the site.

Tsunami: A tsunami is a series of ocean waves caused by a sudden displacement of the ocean floor, most often due to earthquakes. The topographic elevation of the project site ranges from 173 to 185 feet amsl, and the site is approximately two miles inland from the Pacific Ocean (across the Balboa Peninsula) and not at risk of flooding due to tsunami. The site is also outside of the tsunami inundation area as mapped by the California Geological Survey (CGS 2009).

Mudflow: A mudflow is a landslide composed of saturated rock debris and soil with a consistency of wet cement. There are no slopes on or near the site that could pose a mudflow hazard to the site.

Overall, no hazards would occur due to seiches, tsunamis, or mudflows.

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3.10 LAND USE AND PLANNING

a) Physically divide an established community?

No Impact. The project site is in Newport Center, which consists of a number of office, residential, and retail uses. The neighboring apartment complexes to the north and south—The Colony and San Joaquin Plaza (under construction)—would not be physically divided by the project because they are individual apartment communities and are already physically separated by San Clemente Drive and existing office buildings. Other neighboring uses are multistory office buildings, parking lots, and a multistory parking garage. The proposed residential tower would not divide any established communities. No impact would occur.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Potentially Significant Impact. The current General Plan designation and zoning of the project site are Private Institutional and PC-19 (San Joaquin Plaza PCDP), respectively. Neither the land use designation nor zoning allows the proposed residential use. Therefore, a general plan amendment and PCDP text amendment are proposed as part of the project. The EIR will address potential land use impacts, and mitigation measures will be incorporated as needed.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

No Impact. The project site is not in an area designated as a preserve under the Orange County Central-Coastal NCCP and is not in the plan area of any other habitat conservation plan. No impact would occur.

3.11 MINERAL RESOURCES

a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?

No Impact. The project site is mapped as Mineral Resource Zone 3 by the California Geological Survey, indicating that there are mineral resources onsite, the significance of which cannot be determined from available data (CDMG 1994). The project site is currently developed with a private institutional use and is not available as a mining site. Therefore, project development would not cause the loss of availability of mineral resources valuable to the region and the state, and no impact would occur.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. The project site is not in or near a mining or oil or gas field site identified in the City of Newport Beach General Plan Natural Resources Element. Two oil and gas fields are identified in the Natural Resources Element: the Newport Oil Field offshore of the City, and the West Newport Oil Field in the

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Banning Ranch area near the most northwestern corner of the City. There are no active mines in the City (Newport Beach 2006). Thus, the project would not cause a loss of availability of mining sites or oil or gas fields identified in the City's general plan, and no impact would occur.

3.12 NOISE

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Potentially Significant Impact. Construction and operation of the proposed project would have the potential to increase noise levels in the vicinity of the site due to construction activities, vehicle trips generated by the project, and onsite operational activities, such as outdoor use of the common area amenities, and stationary sources, including mechanical systems. The EIR will evaluate the existing noise environment and the potential for project-generated noise to substantially increase existing noise levels at surrounding land uses. The EIR will assess project-related noise environments with respect to applicable noise standards and, where needed, mitigation measures will be incorporated that would reduce potentially significant noise impacts.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Potentially Significant Impact. Groundborne vibration or noise would primarily be associated with construction activities of the residential tower and associated improvements. These temporary increased levels of vibration could impact vibration-sensitive land uses surrounding the project site. This topic will be evaluated in the EIR, and mitigation measures will be incorporated as needed.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Potentially Significant Impact. The development and operation of the proposed project would result in new sources of noise at the project site compared to existing conditions, primarily from project-related traffic. The EIR will evaluate the potential for noise generated by the project to substantially increase existing noise levels at adjacent land uses. Mitigation measures will be incorporated as needed.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Potentially Significant Impact. Construction activities associated with the proposed project would result in a temporary increase in noise levels at the project site and at adjacent land uses. Impacts associated with these temporary noise increases during construction activities will be analyzed further in the EIR. Mitigation measures will be incorporated as needed.

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- e) **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 the project expose people residing or working in the project area to excessive noise levels?**

No Impact. John Wayne Airport is approximately 2.9 miles north of the project site in the City of Santa Ana. The site is in the Airport Environs Land Use Plan for JWA. However, given the distance from JWA, the site is not within any of the Impact Zones that indicate community noise equivalent level (CNEL) contours for the airport (OCALUC 2008). Therefore, airport noise impacts on project residents and workers would not be significant and will not be further analyzed in the EIR.

- f) **For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?**

No Impact. There are no private airstrips in the vicinity of the project site. The nearest private airstrip is the Hoag Memorial Hospital Heliport, approximately three miles west of the project site (AirNav.com 2015). Therefore, no impact would occur. This topic will not be analyzed in the EIR.

3.13 POPULATION AND HOUSING

- a) **Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

Potentially Significant Impact. The proposed project would introduce 100 condominium units on a site currently designated for nonresidential use. This would increase population in the project area. The EIR will address the potential population and housing growth-related impacts associated with implementation of the proposed project. Mitigation measures will be incorporated as needed.

- b) **Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**

No Impact. There is no existing housing onsite, and the project would not displace housing. No impact would occur.

- c) **Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

No Impact. There are no residents onsite. The project would not displace residents, and no impact would occur.

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3.14 PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?

Potentially Significant Impact. The NBFD provides fire protection and emergency medical services to the project site. The closest fire station is Fashion Island Station No. 3 at 868 Santa Barbara Drive, only 0.1 mile northwest of the project site. The project would introduce new homes and residents into the project area and could result in an increase in calls for fire protection and emergency medical services. NBFD will be consulted regarding firefighting resources available to the Newport Center/Fashion Island area and whether project development would require additional firefighting resources and facilities, including new or expanded fire stations. Fire protection impacts will be discussed in the EIR.

b) Police protection?

Potentially Significant Impact. The Newport Beach Police Department (NBPD) provides police protection to the City of Newport Beach. The project site is within NBPD Area No. 3, which encompasses Newport North, Balboa Island, Big Canyon, Eastbluff, Newport Bluffs, Bayview, Bonita Canyon, Bayridge, One Ford Road, Belcourt, Harbor Cove, Sea Island, Irvine Terrace, Villa Point, Linda Island, Harbor Island, Beacon Bay, Granville, Newport Center/Fashion Island, and the commercial district adjacent to John Wayne Airport.

The closest police station is at 870 Santa Barbara Drive, approximately 0.1 mile northwest of the site. Development of the project could generate an increase in calls for police services. The Newport Beach Police Department will be consulted respecting existing police resources in the City and potential impacts to services. This topic will be discussed in the EIR.

c) Schools?

Potentially Significant Impact. The project site is in the Newport-Mesa Unified School District in the attendance area of Lincoln Elementary School (K-6) and Corona Del Mar High School (7-12). Development of the residential project would introduce new students into the project area and increase student attendance. The school district will be consulted to determine whether existing school capacities at Lincoln Elementary School and Corona Del Mar High School would be able to accommodate the increased student population. This topic will be further analyzed in the EIR.

d) Parks?

Potentially Significant Impact. Parks and recreation services are provided by the City's Recreation and Senior Services Department. The closest City parks to the project site are the Back Bay View Park and Harbor View Nature Park. The Upper and Lower Newport Bay also provide recreational watersport

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opportunities. Development of the proposed project would introduce more residents into the project area, which may increase demand for parks and recreation services in the surrounding community. The Newport Beach Recreation and Senior Services Department will be consulted respecting existing park facilities in the community and project impacts on demands for park facilities and services. This topic will be discussed in the EIR.

e) Other public facilities?

Less Than Significant Impact. Library services are provided to the City of Newport Beach by the Newport Beach Public Library (NBPL); the nearest NBPL facility to the project site is the Central Library at 1000 Avocado Avenue, approximately one mile south of the project site. The project would introduce new residents into the project area, thus increasing demands for library services. However, an increase in residents does not necessarily immediately equate to an increase in demand for total volumes or square feet of library space, especially given the growing need and desire for electronic resources rather than physical library collection items.

Additionally, Section 3.08.020 (Library Fund) of the City's municipal code provides a funding source for the City's libraries. A tax for library purposes of \$0.05 is levied in each fiscal year on each \$100 of the assessed valuation of taxable property within the City. The taxes are credited to the library fund and expended solely for public library purposes, including acquiring, building, improving, expanding, and equipping City libraries. Therefore, library service impacts due to the proposed project would remain less than significant and will not be further analyzed in the EIR.

3.15 RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated?

Potentially Significant Impact. See response to Section 3.14.d, above.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

Less Than Significant Impact. The project would include common space recreational amenities. As shown in Figure 4, *Proposed Site Plan*, gardens would be located at the southwestern and northwestern corners of the project site, and smaller outdoor spaces would be located near the southeastern and northeastern corners of the project site. Potential impacts associated with development of the onsite recreational amenities will be addressed in the respective topical sections of the EIR. No potential significant impacts would occur other than those disclosed in other sections of this Initial Study that will be addressed in the EIR. Impact would be less than significant and will not be further analyzed in the EIR.

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3.16 TRANSPORTATION/TRAFFIC

- a) **Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?**

Potentially Significant Impact. Development of the project would result in an increase and redistribution of vehicle trips, which may conflict with local plans, policies, or ordinances. Project construction would also temporarily increase vehicle trips on nearby roadways. A traffic impact analysis will be prepared to assess existing traffic conditions, forecast project-generated traffic volumes and distribution, and forecast traffic conditions in the project buildout year with and without the project. Impacts related to compliance with plans and policies that establish measures of effective performance of the circulation system would be potentially significant, and this issue will be discussed in more detail in the EIR.

- b) **Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?**

Potentially Significant Impact. The congestion management program (CMP) in effect in Orange County was issued by the Orange County Transportation Authority in November 2013. All freeways and tollways and selected arterial roadways in the county are part of the CMP Highway System. The nearest freeway to the project site is SR-73, the nearest arterial CMP roadway is MacArthur Boulevard, and the nearest CMP intersection is MacArthur Boulevard and Jamboree Road (OCTA 2013). Project traffic impacts to MacArthur Boulevard and SR-73 will be assessed in the traffic impact analysis and discussed in the EIR; mitigation measures will be incorporated as needed.

- c) **Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

No Impact. The project site is approximately 2.9 miles south of JWA, which is a regional airport serving much of the air travel demand in Orange County. The increase in local residents would not substantially increase air traffic that could affect safety at JWA or other airports in the region. Therefore, no impact would occur and this topic will not be analyzed in the EIR.

- d) **Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

Less Than Significant Impact. The project does not propose changes to the City's circulation system, such as the redesign or closure of streets, and would not introduce incompatible uses to area roadways (e.g., farm equipment or trucking facilities). All intersections between proposed access lanes and existing roadways would be perpendicular and would not cause substantial hazards. Additionally, the proposed access lanes would require review and approval by the City's traffic engineer for compliance with applicable design

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standards. Impacts relating to hazards due to a design feature would be less than significant. This topic will not be further evaluated in the EIR.

e) Result in inadequate emergency access?

Less Than Significant Impact. The project would provide a service and fire access lane along the eastern boundary of the site to provide onsite emergency access and secondary emergency access to the San Joaquin Plaza apartment community currently under construction. The access lane would be required to meet the requirements for fire access roads in the California Fire Code (California Code of Regulations, Title 24, Part 9, Section 503). Therefore, adequate emergency access would be provided, and impacts would be less than significant.

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Less Than Significant Impact. The proposed project would not conflict with adopted policies supporting alternative transportation, and no impacts to alternative transportation (pedestrian, bicycle, or public transportation) would occur as a result of development of the proposed project. Public transportation from the Orange County Transportation Authority is readily available in and around Newport Center, and the project would not decrease the performance or safety of alternative transportation facilities. Impacts would not be significant and will not be further analyzed in the EIR.

3.17 UTILITIES AND SERVICE SYSTEMS

a) Exceed waste water treatment requirements of the applicable Regional Water Quality Control Board?

Less Than Significant Impact. According to federal regulations for point source and nonpoint source discharges to surface waters of the United States, the City of Newport Beach requires all new developments to obtain a National Pollutant Discharge Elimination System (NPDES) permit administered by the Santa Ana RWQCB. The NPDES permit includes waste discharge requirements based on the California Water Code (Division 7 Water Quality, Article 4 Waste Discharge Requirements). These requirements regulate the discharge of wastes that are not made to surface waters but may impact the region's water quality by affecting underlying groundwater basins. New development within the City would be required to comply with all applicable wastewater discharge requirements of the NPDES program. Therefore, implementation of the project would not result in an exceedance of wastewater treatment requirements and would be less than significant. This will not be further analyzed in the EIR.

b) Require or result in the construction of new water or waste water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Potentially Significant Impact. The City of Newport Beach Municipal Operations Department provides water and wastewater services to the project site. Wastewater is collected by the City then treated at the

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Orange County Sanitation District (OCSD). Increased development may necessitate expanded water and wastewater collection and treatment facilities and could result in a potentially significant impact. The City's Municipal Operations Department will be consulted to determine whether project impacts would result in adverse impacts on the City's existing water and wastewater treatment facilities. The impact will be further analyzed in the EIR, and mitigation measures will be provided as needed.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Potentially Significant Impact. The project would include development of drainage facilities onsite; such facilities will be described in the hydrology and drainage studies prepared for the project and will be incorporated into the EIR.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Potentially Significant Impact. The City of Newport Beach Municipal Operations Department supplies water to the project site. The department will be consulted to determine whether sufficient water supplies are available to serve the proposed residential units. This impact will be discussed in the EIR, and mitigation measures will be incorporated as needed.

e) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Potentially Significant Impact. Wastewater collected from the project site would be treated at one of two OCSD reclamation plants. Reclamation Plant No. 1 has a capacity of 204 million gallons per day (mgd) for advanced primary treatment and 182 mgd for secondary treatment, and treats an average of 95 mgd (Newport Beach 2014).

The City of Newport Beach and OCSD will be consulted to determine whether existing wastewater treatment facilities are adequate to serve the proposed project. This impact will be discussed in the EIR, and mitigation measures will be incorporated as needed.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Less Than Significant Impact. The City is under contract with CR&R Environmental Services and Franchised Haulers for solid waste hauling and disposal. Demolition of the existing structures and hardscape improvements would result in approximately 1,650 tons of building debris and 650 tons of asphalt. The debris would be hauled offsite to landfills that accept construction/demolition debris, including the California Street Landfill, Chiquita Canyon Sanitary Landfill, El Sobrante Landfill, Frank R. Bowerman Landfill, Olinda Alpha Sanitary Landfill, and Prima Deshecha Sanitary Landfill, which have a combined maximum permitted throughput and remaining capacity greater than 2,300 tons of construction and demolition debris associated with the proposed project.

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Solid waste generated from operations of the proposed project that is not recycled would be disposed of primarily at the Frank R. Bowerman Sanitary Landfill and Olinda Alpha Sanitary Landfill. Frank R. Bowerman Sanitary Landfill has a remaining capacity of 205 million cubic yards with a maximum permitted throughput of 11,500 tons per day and a closure year of 2053 (CalRecycle 2016a). Olinda Alpha Sanitary Landfill has a remaining capacity of 36,589,707 cubic yards with a maximum permitted throughput of 8,000 tons per day and a closure year of 2021 (CalRecycle 2016b).

Based on the California Department of Resources Recycling and Recovery (CalRecycle) estimated solid waste generation rate of 5.3 pounds per multifamily dwelling unit, operation of the proposed project would generate approximately 530 pounds of solid waste per day. This is a nominal amount compared to the maximum permitted throughput of both Frank R. Bowerman and Olinda Alpha Sanitary Landfills. The landfills also have substantial remaining capacity to support the project's solid waste disposal needs, and the project would not appreciably shorten the remaining useful life of either existing landfill. Thus, impacts would be less than significant and will not be discussed in the EIR.

g) Comply with federal, state, and local statutes and regulations related to solid waste?

Less Than Significant Impact. The Resource Conservation and Recovery Act of 1976 (United States Code Title 42, Sections 6901 et seq.) governs the creation, storage, transport, and disposal of hazardous wastes and operators of hazardous waste disposal sites.

AB 939, the Integrated Waste Management Act of 1989 (California Public Resources Code Sections 40000 et seq.) requires all local governments to develop source reduction, reuse, recycling, and composting programs to reduce tonnage of solid waste going to landfills. Cities must divert at least 50 percent of their solid waste generation into recycling. AB 939 requirements are integrated into Section 12.63.120 of the City's municipal code, which states that no person providing commercial solid waste handling services or conducting a solid waste enterprise shall deposit 50 percent or more of the solid waste collected by the person in the City at any landfill. Compliance with AB 939 is measured for each jurisdiction, in part, as actual disposal amounts compared to target disposal amounts. Actual disposal amounts at or below target amounts comply with AB 939. Target solid waste disposal amounts for the City of Newport Beach are 9.6 pounds per person per day (ppd) for residences and 11.5 ppd for businesses. Actual disposal rates for Newport Beach in 2014, the latest year for which data are available, are 6.7 ppd for residences and 8.1 ppd for businesses, which are below target rates (CalRecycle 2014).

AB 1327, the California Solid Waste Reuse and Recycling Access Act of 1991 (California Public Resources Code Sections 42900 et seq.) required the California Integrated Waste Management Board to develop a model ordinance requiring adequate areas for the collection and loading of recyclable materials in development projects. Local agencies were then required to adopt and enforce either the model ordinance or an ordinance of their own by September 1, 1993. Space for recyclable material storage is required by Section 20.30.120 of the City of Newport Beach Municipal Code, in conformance with AB 1327.

The project would be required to comply with laws and regulations governing solid waste disposal, and impacts would be less than significant.

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3.18 MANDATORY FINDINGS OF SIGNIFICANCE

- a) **Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

Potentially Significant Impact. The project would not substantially reduce the habitat of a fish or wildlife species or rare, endangered species of plant or animal, or plant or animal communities. However, project ground-disturbing activities could damage archaeological and/or paleontological resources. Impacts to cultural resources are potentially significant and will be analyzed in the EIR. Mitigation measures will be recommended as needed.

- b) **Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)**

Potentially Significant Impact. Potentially significant impacts identified in this Initial Study include aesthetics, air quality, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, transportation and traffic, and utilities and service systems. Impacts to geology and soils are site specific and generally do not contribute to cumulative impacts. Cumulative impacts to the remaining resources for which potentially significant impacts are identified in this section will be addressed in the EIR. Mitigation measures will be incorporated as needed.

- c) **Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?**

Potentially Significant Impact. All of the potentially significant impacts identified in this section could have direct or indirect substantial adverse impacts on human beings. These impacts will be addressed in the EIR, and mitigation measures will be incorporated as needed.

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