CITY OF NEWPORT BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION ACTION REPORT

TO: CITY COUNCIL, CITY MANAGER, AND PLANNING COMMISSION

FROM: Seimone Jurjis, Assistant City Manager/Community Development Director

SUBJECT: Report of actions taken by the Community Development Director for the week ending January 10, 2025.

COMMUNITY DEVELOPMENT DIRECTOR

(Non-Hearing Items)

Item 1: Genesis Automobile Dealership Staff Approval for Substantial Conformance (PA2024-0153)
Site Address: 320, 400, 410, 500, and 600 West Coast Highway

Action: Approved Council District 2

APPEAL PERIOD: An appeal or call for review may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
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COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER

Subject:	**Genesis Automobile Dealership (PA2024-0153)** ▪ Staff Approval for Substantial Conformance
Site Location	**320, 400, 410, 500, and 600 West Coast Highway**
Applicant	**Gen Newport Beach LLC**
Legal Description	**Lots 7 through 17 of Tract No. 1210**

On **January 9, 2025,** the Community Development Director approved Staff Approval (PA2024-0153) to allow changes to an approved project and found said changes to be minor and in substantial conformance with the approved Minor Use Permit, Site Development Review, Modification Permit, and Tentative Parcel Map (PA2023-0094). The applicant proposes to modify the project to allow the service and repair of internal combustion engine vehicles in addition to electric vehicles.

LAND USE AND ZONING

- **General Plan Land Use Plan Category:** CG (General Commercial)
- **Zoning District:** CG (Commercial General)

BACKGROUND

On March 7, 2024, the Planning Commission approved a minor use permit, minor site development review, modification permit, and tentative parcel map (PA2023-0094) to allow the demolition of the existing on-site structures, and the construction and operation of an automobile dealership for the sales and services of electric vehicles (EV). The proposed automobile dealership would consist of an approximately 19,044-square-foot, two-story building that includes a showroom, sales office, storage area, EV lab, and employee areas. Parking is provided within a surface parking lot and at-grade parking structure at the rear of the property. The request included a modification permit to allow a portion of the structure to encroach 6-inches into the 5-foot rear yard setback. A tentative parcel map was also approved to merge 11 underlying legal lots into one lot. Lastly, the project included improvements to the West Coast Highway right-of-way.

PROPOSED CHANGES

The applicant proposes to modify the project to allow the service and repair of automobiles with internal combustion engines in addition to EV cars. The automobile dealership will

continue to sell and repair EV cars and is not proposing the sale of automobiles with internal combustion engines. No other changes are proposed.

FINDINGS

Pursuant to Section 20.54.070 (Changes to an Approved Project), the Community Development Director may authorize minor changes to an approved site plan, architecture, or the nature of the approved use, without a public hearing, and waive the requirement for a new use permit. This staff approval is based on the following findings and facts in support of the findings.

Finding:

A. The changes are consistent with all applicable provisions of this Zoning Code.

Facts in Support of Finding:

1. The property is within the Commercial General (CG) Zoning District which allows for an automobile dealership categorized as a "Vehicle/Equipment Repair, limited" and "Vehicle/Equipment Sales, limited" land use. This land use is not limited to EVs and allows for the repair and sales of automobiles with internal combustion engines.

2. The proposed addition of service and repair for automobiles with internal combustion engines will not change the overall design of the approved automobile dealership. No changes are proposed to the building footprint, setbacks, height, parking, or floor area to land ratio (FAR). The project will be in substantial conformance with the approved plans.

Finding:

B. The changes do not involve a feature of the project that was a basis for or subject of findings or exemptions in a negative declaration or Environmental Impact Report for the project.

Facts in Support of Finding:

1. The project was categorically exempt from the requirements of CEQA under Section 15332 under Class 32 (In-Fill Development Projects), Section 15303 under Class 3 (New Construction or Conversion of Small Structures), and Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning), of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3.

2. The Project is not subject to further environmental review pursuant to CEQA Guidelines Section 15183 because the Project does not change the underlying land use or zoning designations of any specific parcels; and would not result in new

significant impacts or a substantial more adverse impact than addressed in 2006 General Plan Update EIR (SCH: 2006011119).

3. In this case, the Project does not revise the land use designation, density or development standards applicable to Mariners' Mile. The General Plan and Zoning designation for the Property is General Commercial (CG) which is intended to provide for a wide variety of commercial activities oriented primarily to serve Citywide or regional needs such as retail sales and services, restaurants, personal services, vehicles rental, sales, and services, and other similar commercial uses. The project is for an automobile dealership with automobile sales and limited service as defined above, that will provide a retail and service use to residents and visitors to the City.

4. Class 32 exempts in-fill development that meets the following criteria: (1) is consistent with the applicable General Plan designation and applicable policies, as well as applicable zoning designations and regulations, (2) would occur on a site less than five acres, (3) the project site must have no habitat value, (4) the project would not result in significant traffic, noise, air quality, or water quality effects, and (5) the site can be adequately served by all required utilities and public services. If a project meets the criteria and qualifies for the Class 32 exemption, the project is categorically exempt from CEQA unless one of the exceptions to exemptions apply. The exemption is not limited to any use type and may apply to residential, commercial, industrial, public facility, and/or mixed-use projects.

    a. The project included a new automobile dealership for repair and sales of vehicles. The project was reviewed by the City's Traffic Engineer and, based on the existing commercial uses on-site and the proposed automobile dealership, was determined to generate a net increase of 299 daily trips. Therefore, no impacts related to vehicle miles traveled (VMT) are anticipated based on City Council Policy K-3. The proposed change in operational characteristics to provide service and repair for internal combustion vehicles will not change the intended use of the automobile dealership and is not expected to change the net increase in daily trips.

        a. A Noise Analysis was prepared by Urban Crossroads dated October 22, 2024, that analyzed potential noise impacts from off-site traffic, operational noise, construction noise, and construction vibration related to the addition of service and repair of traditional internal combustion engine vehicles (Attachment No. CD 2). The analysis concluded that the noise impacts will remain less than significant with the proposed change.

        b. An Air Quality and Greenhouse Gas Assessment was prepared by Urban Crossroads dated October 22, 2024, that analyzed any potential air quality or greenhouse gas impacts that could be associated with non-EVs (traditional combustion engine vehicles) (Attachment No. CD 3). The assessment concluded that, even if all the vehicles accessing the site were

non-EVs, the project would not result in a significant impact with respect to air quality or greenhouse gas emissions.

5. Class 3 exempts construction and location of limited numbers of new, small facilities or structures. Examples of this exemption includes, but is not limited to, a store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances that are, in urban areas, generally not exceeding 10,000-square-feet in floor area and where public services and facilities are available and the surrounding area is not environmentally sensitive. The Project's proposed buildings would exceed 10,000-square-feet (at 19,044-square-feet). However, the Project includes the demolition and replacement of existing commercial retail and service use buildings totaling approximately 14,500-square-feet. Accounting for that demolition of similar uses, the Project increases total square footage by only approximately 5,000-square-feet, well within the 10,000-square-feet identified by the Class 3 exemption. The additional service and repair of internal combustion engine vehicles will not add any additional square footage to the automobile dealership.

6. The project would remain consistent with the prior CEQA exemptions including Class 32 (In-Fill Development Projects), Class 3 (New Construction or Conversion of Small Structures), and Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning).

Finding:

C. The changes do not involve a feature of the project that was specifically addressed or was the subject of a condition(s) of approval for the project or that was a specific consideration by the applicable review authority in the project approval.

Facts in Support of Finding:

1. The approved project did not contemplate the sale and service of traditional combustion engine vehicles based on the project description provided by the applicant. Although Resolution No. PC2024-004 (Attachment No. CD 4) included a condition (Condition No. 14) to prohibit the service of internal combustion engines without an amendment to the use permit, the condition was included to reduce potential queuing for the service facility and reduce the potential for noise and air quality impacts. The condition was intended as a proxy to reduce potential impacts but was not intended to prohibit internal combustion engines for any other purpose. Therefore, the applicant has provided updated noise and air quality memorandums to demonstrate that the service of non-EVs would not result in any impacts to noise or air quality.

2. The service of non-EVs would continue to require an appointment, and no walk-in services would be permitted. This allows the operator to control the flow of traffic to the service areas of the site and ensure that no more than four vehicles would be arriving at the service facility at any one time. The proposed queuing conditions

would remain the same under the modified project and plans have been reviewed by the City Traffic Engineer to confirm adequate queuing space exists to prevent vehicles impeding the flow of traffic on West Coast Highway. Condition of Approval No. 50 would remain applicable, which prohibits vehicles from encroaching into the public right-of-way including the sidewalk area and requires full time monitoring by staff. Therefore, should any issues arise related to queuing (of EVs or non-EVs) the City Traffic Engineer and Community Development Department Director have the authority to require changes to their operation.

3. The service and repair to internal combustion engine vehicles will be performed entirely within the designated service areas of the building. The proposed change will not impede any designated parking spaces, drive aisles, or outdoor areas.

4. The proposed change will not reduce the amount of parking provided on-site nor will it change the proposed hours of operation as conditioned.

5. Fact 4 in support of finding B is included herein by reference.

Finding:

D. The changes do not result in an expansion or change in operational characteristics of the use.

Fact in Support of Finding:

1. The approval of PA2023-0094 approved a new automobile dealership for the service and sales of vehicles. The request to include service and repair of internal combustion engine vehicles will not expand or change the nature of the approved use. The automobile dealership is still be intended to focus on the sale and repair of EVs, but the request will allow repairs to internal combustion engine cars as well. The applicant is not requesting to include sales of internal combustion engine cars.

2. Although the project would include the service of internal combustion engines, the service areas would not include the use of a pneumatic lifts, which would change the land use from “Vehicle/Equipment Sales Limited” to “Vehicle/Equipment Sales General”. Therefore, the project remains consistent with the approved land use.

I. CONDITIONS

All previous conditions of approval of PA2023-0094 shall remain in full force and effect as stated in Attachment No. CD 2. The following conditions are specific to this Staff Approval and do not serve to modify or amend those conditions of the original permit.

1. All previous conditions of approval for PA2023-0094 shall remain in full force and effect.

2. The development authorized by this staff approval shall be in substantial conformance with the approved project plans for PA2023-0094.

3. The Community Development Director may add to or modify conditions to this staff approval or revoke this staff approval upon determination that the change, which is the subject of this staff approval, causes injury, or is detrimental to the public health, safety, peace, or general welfare of the community if the property is operated or maintained so as to constitute a public nuisance.

4. This approval does not relieve the applicant of compliance with other City or State requirements. The Applicant is required to obtain all applicable permits from the City Building Division and Fire Department. Prior to the issuance of any building, mechanical, and/or electrical permits, architectural drawings and structural design plans shall be submitted to the City of Newport Beach for review and approval by the applicable departments. A copy of these conditions of approval shall be incorporated into the drawings approved for the issuance of permits.

5. *To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including without limitation, attorney's fees, disbursements, and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the* ***Genesis Automobile Dealership including, but not limited to, Staff Approval (PA2024-0153).*** *This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing the such proceeding. The applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages that which City incurs in enforcing the indemnification provisions outlined in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.*

APPEAL PERIOD: An appeal or call for review may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

Prepared by:

Jenny Tran, Associate Planner

LAW/jt

Approved by:

Seimone Jurjis
Assistant City Manager /
Community Development Director

Attachments:

CD 1 Vicinity Map
CD 2 Noise Impact Analysis dated October 22, 2024
CD 3 Air Quality & Greenhouse Gas Assessment dated October 22, 2024
CD 4 Resolution No. PC2024-004

Attachment No. CD 1

Vicinity Map

VICINITY MAP

Staff Approval
(PA2024-0153)

320, 400, 410, 500, and 600 West Coast Highway

Attachment No. CD 2

Noise Impact Analysis dated October 22, 2024

Genesis Automobile Dealership

NOISE ANALYSIS

CITY OF NEWPORT BEACH

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OCTOBER 22, 2024

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LIST OF ABBREVIATED TERMS

(1)	Reference
ADT	Average Daily Traffic
ANSI	American National Standards Institute
Calveno	California Vehicle Noise
CEQA	California Environmental Quality Act
CNEL	Community Noise Equivalent Level
dBA	A-weighted decibels
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
INCE	Institute of Noise Control Engineering
L_{eq}	Equivalent continuous (average) sound level
L_{max}	Maximum level measured over the time interval
L_{min}	Minimum level measured over the time interval
mph	Miles per hour
PPV	Peak Particle Velocity
Project	Genesis Automobile Dealership
REMEL	Reference Energy Mean Emission Level
RMS	Root-mean-square
VdB	Vibration Decibels

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EXECUTIVE SUMMARY

Urban Crossroads, Inc. has prepared this noise study to determine the potential noise impacts and the necessary noise mitigation measures, if any, for the proposed Genesis Automobile Dealership ("Project"). The Project sits on a 1.79-acre site located at 400 West Coast Highway in Newport Beach. The Project would develop a 19,044-square-foot, two-story, 25-foot-tall building that includes a showroom, sales office, storage area, vehicle repair area, and employee areas.

It is our understanding that the Project was approved on March 7, 2024; however, at the time of approval, the Project was anticipated to primarily serve electric vehicles (EVs). At this time, the applicant is requesting a minor modification to the approved Project that would allow for both EVs and non-EVs to access the site. This work effort aims to identify any potential noise impacts that could be associated with non-EVs (traditional combustion engine vehicles).

The results of this Genesis Automobile Dealership Noise Analysis are summarized below based on the significance criteria in Section 4 of this report, consistent with Appendix G of the California Environmental Quality Act (CEQA) Guidelines. (1) Table ES-1 shows the findings of significance for each potential noise and/or vibration impact under CEQA. Based on the following analysis, there would be no new or additional noise impacts based on the change from internal combustion engine service to electric car service.

TABLE ES-1: SUMMARY OF CEQA SIGNIFICANCE FINDINGS

Analysis	Report Section	Significance Findings	
		Unmitigated	Mitigated
Off-Site Traffic Noise	5	*Less Than Significant*	-
Operational Noise	7	*Less Than Significant*	-
Construction Noise	8	*Less Than Significant*	-
Construction Vibration		*Less Than Significant*	-

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1 INTRODUCTION

This noise analysis has been completed to determine the noise impacts associated with the development of the proposed Genesis Automobile Dealership ("Project"). This Noise Analysis briefly describes the proposed Project, provides information regarding noise fundamentals, describes the local regulatory setting, and provides the study methods and procedures for an analysis of the potential Project-related long-term operational noise and short-term construction noise and vibration impacts.

1.1 SITE LOCATION

The Project is a 1.79-acre site located at 400 West Coast Highway in Newport Beach, as shown in Exhibit 1-A. The Project includes the demolition of six existing commercial retail and service-use buildings totaling approximately 14,500 square feet. Surrounding land uses properties are developed predominantly with highway-oriented retail and neighborhood commercial services.

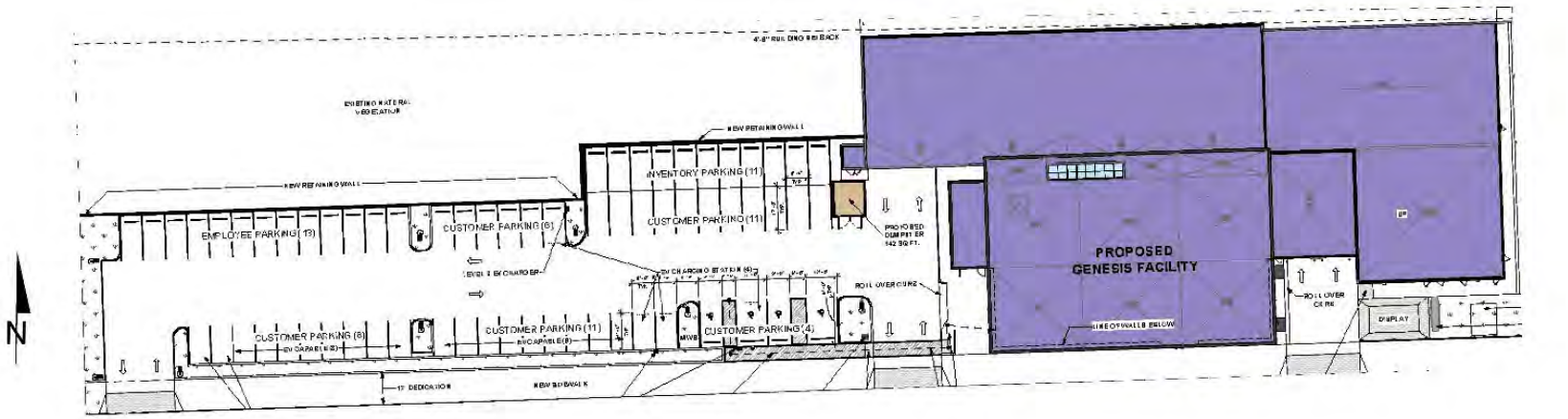
1.2 PROJECT DESCRIPTION

The Project would develop a 19,044-square-foot, two-story, 25-foot-tall building that includes a showroom, sales office, storage area, vehicle repair area, and employee areas.

It is our understanding that the Project was approved on March 7, 2024; however, at the time of approval, the Project was anticipated to primarily serve electric vehicles (EVs). At this time, the applicant is requesting a minor modification to the approved Project that would allow for both EVs and non-EVs to access the site. The purpose of this work effort is to identify any potential noise impacts that could be associated with non-EVs (traditional combustion engine vehicles).

EXHIBIT 1-A: LOCATION MAP

EXHIBIT 1-B: SITE PLAN



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2 FUNDAMENTALS

Noise is simply defined as "unwanted sound." Sound becomes unwanted when it interferes with normal activities, when it causes actual physical harm, or when it has adverse effects on health. Noise is measured on a logarithmic scale of sound pressure level known as a decibel (dB). A-weighted decibels (dBA) approximate the subjective response of the human ear to broad frequency noise source by discriminating against very low and very high frequencies of the audible spectrum. They are adjusted to reflect only those frequencies which are audible to the human ear. Exhibit 2-A presents a summary of the typical noise levels and their subjective loudness and effects, which are described in more detail below.

EXHIBIT 2-A: TYPICAL NOISE LEVELS

COMMON OUTDOOR ACTIVITIES	COMMON INDOOR ACTIVITIES	A - WEIGHTED SOUND LEVEL dBA	SUBJECTIVE LOUDNESS	EFFECTS OF NOISE
THRESHOLD OF PAIN		140	INTOLERABLE OR DEAFENING	HEARING LOSS
NEAR JET ENGINE		130		
		120		
JET FLY-OVER AT 300m (1000 ft)	ROCK BAND	110		
LOUD AUTO HORN		100	VERY NOISY	
GAS LAWN MOWER AT 1m (3 ft)		90		
DIESEL TRUCK AT 15m (50 ft), at 80 km/hr (50 mph)	FOOD BLENDER AT 1m (3 ft)	80		SPEECH INTERFERENCE
NOISY URBAN AREA, DAYTIME	VACUUM CLEANER AT 3m (10 ft)	70	LOUD	
HEAVY TRAFFIC AT 90m (300 ft)	NORMAL SPEECH AT 1m (3 ft)	60		
QUIET URBAN DAYTIME	LARGE BUSINESS OFFICE	50	MODERATE	SLEEP DISTURBANCE
QUIET URBAN NIGHTTIME	THEATER, LARGE CONFERENCE ROOM (BACKGROUND)	40		
QUIET SUBURBAN NIGHTTIME	LIBRARY	30	FAINT	NO EFFECT
QUIET RURAL NIGHTTIME	BEDROOM AT NIGHT, CONCERT HALL (BACKGROUND)	20		
	BROADCAST/RECORDING STUDIO	10	VERY FAINT	
LOWEST THRESHOLD OF HUMAN HEARING	LOWEST THRESHOLD OF HUMAN HEARING	0		

2.1 RANGE OF NOISE

Since the range of intensities that the human ear can detect is so large, the scale frequently used to measure intensity is a scale based on multiples of 10, the logarithmic scale. The scale for measuring intensity is the decibel scale. Each interval of 10 decibels indicates a sound energy ten times greater than before, which is perceived by the human ear as being roughly twice as loud. (2) The most common sounds vary between 40 dBA (very quiet) to 100 dBA (very loud). Normal conversation at three feet is roughly at 60 dBA, while loud jet engine noises equate to 110 dBA at approximately 100 feet, which can cause serious discomfort. (3) Another important aspect of noise is the duration of the sound and the way it is described and distributed in time.

2.2 NOISE DESCRIPTORS

Environmental noise descriptors are generally based on averages, rather than instantaneous, noise levels. The most used figure is the equivalent level (L_{eq}). Equivalent sound levels are not measured directly but are calculated from sound pressure levels typically measured in A-weighted decibels (dBA). The equivalent sound level (L_{eq}) represents a steady-state sound level containing the same total energy as a time-varying signal over a given sample period and is commonly used to describe the "average" noise levels within the environment.

Peak hour or average noise levels, while useful, do not completely describe a given noise environment. Noise levels lower than peak hour may be disturbing if they occur during times when quiet is most desirable, namely evening and nighttime (sleeping) hours. To account for this, the Community Noise Equivalent Level (CNEL), representing a composite 24-hour noise level is utilized. The CNEL is the weighted average of the intensity of a sound, with corrections for time of day, and averaged over 24 hours. The time-of-day corrections require the addition of 5 decibels to dBA L_{eq} sound levels in the evening from 7:00 p.m. to 10:00 p.m., and the addition of 10 decibels to dBA L_{eq} sound levels at night between 10:00 p.m. and 7:00 a.m. These additions are made to account for the noise-sensitive time periods during the evening and night hours when sound appears louder. CNEL does not represent the actual sound level heard at any time, but rather represents the total sound exposure. The City of Newport Beach relies on the 24-hour CNEL level to assess land use compatibility with transportation-related noise sources.

2.3 SOUND PROPAGATION

When sound propagates over a distance, it changes in level and frequency content. The way noise reduces with distance depends on the following factors.

2.3.1 GEOMETRIC SPREADING

Sound from a localized source (i.e., a stationary point source) propagates uniformly outward in a spherical pattern. The sound level attenuates (or decreases) at a rate of 6 dB for each doubling of distance from a point source. Highways consist of several localized noise sources on a defined path and hence can be treated as a line source, which approximates the effect of several point sources. Noise from a line source propagates outward in a cylindrical pattern, often referred to as cylindrical spreading. Sound levels attenuate at a rate of 3 dB for each doubling of distance from a line source. (2)

2.3.2 GROUND ABSORPTION

The propagation path of noise from a highway to a receiver is usually very close to the ground. Noise attenuation from ground absorption and reflective wave canceling adds to the attenuation associated with geometric spreading. Traditionally, the excess attenuation has also been expressed in terms of attenuation per doubling of distance. This approximation is usually sufficiently accurate for distances of less than 200 ft. For acoustically hard sites (i.e., sites with a reflective surface between the source and the receiver, such as a parking lot or body of water), no excess ground attenuation is assumed. For acoustically absorptive or soft sites (i.e., those

sites with an absorptive ground surface between the source and the receiver, such as soft dirt, grass, or scattered bushes and trees), an excess ground attenuation value of 1.5 dB per doubling of distance is normally assumed. When added to the cylindrical spreading, the excess ground attenuation results in an overall drop-off rate of 4.5 dB per doubling of distance from a line source. (4)

2.3.3 ATMOSPHERIC EFFECTS

Receivers located downwind from a source can be exposed to increased noise levels relative to calm conditions, whereas locations upwind can have lowered noise levels. Sound levels can be increased at large distances (e.g., more than 500 feet) due to atmospheric temperature inversion (i.e., increasing temperature with elevation). Other factors, such as air temperature, humidity, and turbulence, can also have significant effects. (2)

2.3.4 SHIELDING

A large object or barrier in the path between a noise source and a receiver can substantially attenuate noise levels at the receiver. The amount of attenuation provided by shielding depends on the size of the object and the frequency content of the noise source. Shielding by trees and other such vegetation typically only has an "out of sight, out of mind" effect. That is, the perception of noise impact tends to decrease when vegetation blocks the line-of-sight to nearest residents. However, for vegetation to provide a substantial, or even noticeable, noise reduction, the vegetation area must be at least 15 feet in height, 100 feet wide and dense enough to completely obstruct the line-of sight between the source and the receiver. This size of vegetation may provide up to 5 dBA of noise reduction. The FHWA does not consider the planting of vegetation to be a noise abatement measure. (4)

2.4 NOISE CONTROL

Noise control is the process of obtaining an acceptable noise environment for an observation point or receiver by controlling the noise source, transmission path, receiver, or all three. This concept is known as the source-path-receiver concept. In general, noise control measures can be applied to these three elements.

2.5 NOISE BARRIER ATTENUATION

Effective noise barriers can reduce noise levels by up to 10 to 15 dBA, cutting the loudness of traffic noise in half. A noise barrier is most effective when placed close to the noise source or receiver. Noise barriers, however, do have limitations. For a noise barrier to work, it must be high enough and long enough to block the path of the noise source. (4)

2.6 LAND USE COMPATIBILITY WITH NOISE

Some land uses are more tolerant of noise than others. For example, schools, hospitals, churches, and residences are more sensitive to noise intrusion than are commercial or industrial developments and related activities. As ambient noise levels affect the perceived amenity or

livability of a development, so too can the mismanagement of noise impacts impair the economic health and growth potential of a community by reducing the area's desirability as a place to live, shop, and work. For this reason, land use compatibility with the noise environment is an important consideration in the planning and design process. The FHWA encourages State and Local governments to regulate land development in such a way that noise-sensitive land uses are either prohibited from being located adjacent to a highway or that the developments are planned, designed, and constructed in such a way that noise impacts sensitive land uses are minimized. (5)

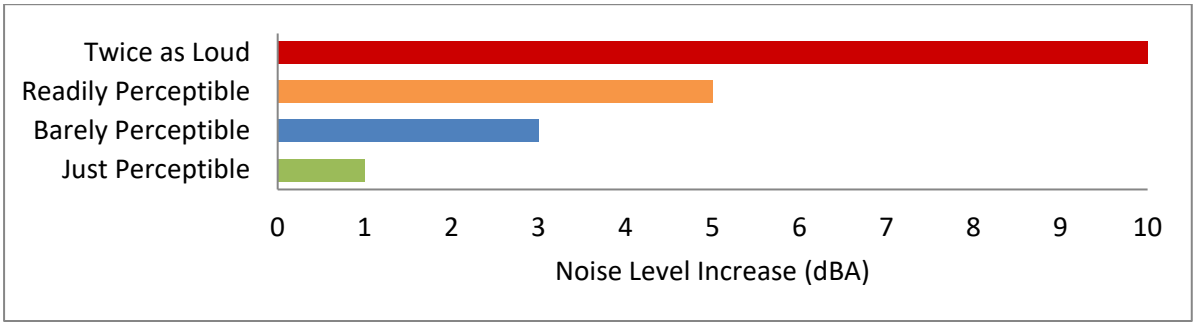
2.7 COMMUNITY RESPONSE TO NOISE

Community responses to noise may range from registering a complaint by telephone or letter, to initiating court action, depending upon everyone's susceptibility to noise and personal attitudes about noise. Several factors are related to the level of community annoyance including:

- Fear associated with noise-producing activities;
- Socio-economic status and educational level;
- Perception that those affected are being unfairly treated;
- Attitudes regarding the usefulness of the noise-producing activity;
- Belief that the noise source can be controlled.

Approximately ten percent of the population has a very low tolerance for noise and will object to any noise not of their making. Consequently, even in the quietest environment, some complaints will occur. Twenty-five percent of the population will not complain even in very severe noise environments. Thus, a variety of reactions can be expected from people exposed to any given noise environment. (6) Surveys have shown that about ten percent of the people exposed to traffic noise of 60 dBA will report being highly annoyed with the noise, and each increase of one dBA is associated with approximately two percent more people being highly annoyed. When traffic noise exceeds 60 dBA or aircraft noise exceeds 55 dBA, people may begin to complain. (6) Despite this variability in behavior on an individual level, the population can be expected to exhibit the following responses to changes in noise levels, as shown in Exhibit 2-B. A change of 3 dBA are considered *barely perceptible*, and changes of 5 dBA are considered *readily perceptible*. (4)

EXHIBIT 2-B: NOISE LEVEL INCREASE PERCEPTION



2.8 VIBRATION

2.8 VIBRATION

Per the Federal Transit Administration (FTA) *Transit Noise and Vibration Impact Assessment Manual*, vibration is the periodic oscillation of a medium or object. The rumbling sound caused by the vibration of room surfaces is called structure-borne noise. Sources of ground-borne vibrations include natural phenomena (e.g., earthquakes, volcanic eruptions, sea waves, landslides) or human-made causes (e.g., explosions, machinery, traffic, trains, construction equipment). Vibration sources may be continuous, such as factory machinery, or transient, such as explosions. As is the case with airborne sound, ground-borne vibrations may be described by amplitude and frequency.

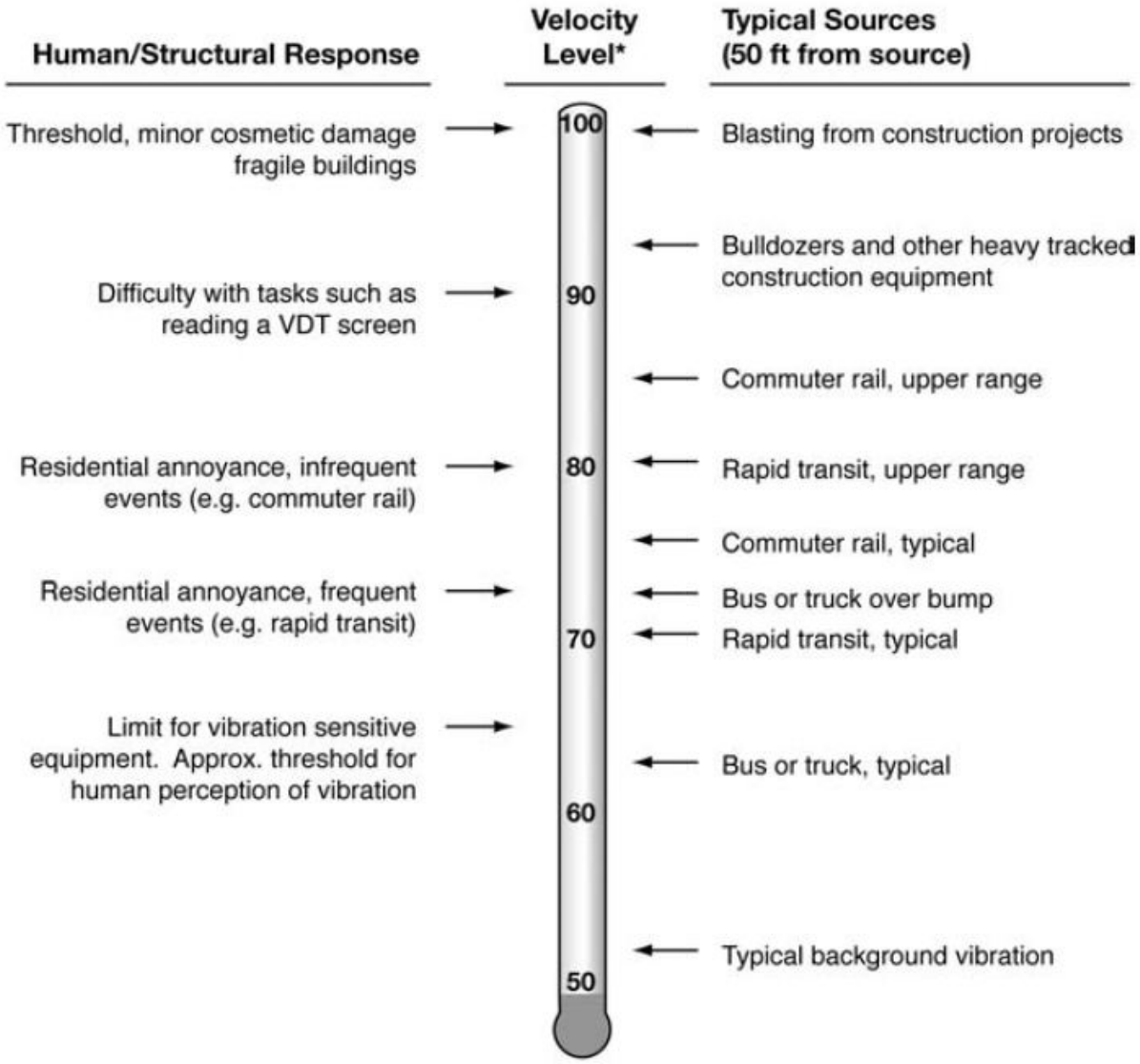
Additionally, in contrast to airborne noise, ground-borne vibration outdoors is not a common environmental problem, and annoyance from ground-borne vibration is almost exclusively an indoor phenomenon (7). Therefore, the effects of vibrations should only be evaluated at a structure, and the effects of the building structure on the vibration should be considered. Wood-frame buildings, such as typical residential structures, are more easily excited by ground vibration than heavier buildings. In contrast, large masonry buildings with spread footings have a low response to ground vibration (7). In general, the heavier a building is, the lower the response will be to the incident vibration energy. However, all structures reduce vibration levels due to the coupling of the building to the soil.

There are several different methods that are used to quantify vibration. The peak particle velocity (PPV) is defined as the maximum instantaneous peak of the vibration signal (7). The PPV is most frequently used to describe vibration impacts to buildings but is not always suitable for evaluating human response (annoyance) because it takes some time for the human body to respond to vibration signals. Instead, the human body responds to average vibration amplitude, often described as the root mean square (RMS). The RMS amplitude is defined as the average of the squared amplitude of the signal and is most frequently used to describe the effect of vibration on the human body (7). However, the RMS amplitude and PPV are related mathematically, and the RMS amplitude of equipment is typically calculated from the PPV reference level. The RMS amplitude is approximately 70% of the PPV (8). Thus, either can be used in the description of vibration impacts.

While not universally accepted, vibration decibel notation (VdB) is another vibration notation developed and used by the FTA in their guidance manual to describe vibration levels, provide a background of common vibration levels, and set vibration limits (9). Decibel notation (VdB) serves to reduce the range of numbers used to describe vibration levels and is used in this report to describe vibration levels.

As stated in the FTA guidance manual, the background vibration-velocity level in residential areas is generally 50 VdB. Ground-borne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels. Typical outdoor sources of perceptible ground-borne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. If a roadway is smooth, the ground-borne vibration is rarely perceptible. The range of interest is from approximately 50 VdB, which is the typical background vibration-velocity level, to 100 VdB, which is the general threshold where minor damage can occur in fragile buildings. Exhibit 2-C illustrates common vibration sources and the human and structural response to ground-borne vibration.

EXHIBIT 2-C: TYPICAL LEVELS OF GROUND-BORNE VIBRATION



** RMS Vibration Velocity Level in VdB relative to 10^{-6} inches/second*

Source: Federal Transit Administration (FTA) Transit Noise and Vibration Impact Assessment Manual.

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3 REGULATORY SETTING

To limit population exposure to physically and/or psychologically damaging as well as intrusive noise levels, the federal government, the State of California, various City governments, and most municipalities in the state have established standards and ordinances to control noise. In most areas, automobile and truck traffic is the major source of environmental noise. Traffic activity generally produces an average sound level that remains constant with time. Air and rail traffic, and commercial and industrial activities are also major sources of noise in some areas. Federal, state, and local agencies regulate different aspects of environmental noise. Federal and state agencies generally set noise standards for mobile sources such as aircraft and motor vehicles, while regulation of stationary sources is generally left to local agencies.

3.1 STATE OF CALIFORNIA NOISE REQUIREMENTS

The State of California regulates freeway noise, sets standards for sound transmission, provides occupational noise control criteria, identifies noise standards, and provides guidance for local land use compatibility. State law requires that each County and City adopt a General Plan that includes a Noise Element, which is to be prepared per guidelines adopted by the Governor's Office of Planning and Research (OPR). (10) The purpose of the Noise Element is to *limit the exposure of the community to excessive noise levels*. In addition, the California Environmental Quality Act (CEQA) requires that all known environmental effects of a project be analyzed, including environmental noise impacts.

3.2 STATE OF CALIFORNIA BUILDING CODE

The State of California's noise insulation standards are codified in the California Code of Regulations, Title 24, Building Standards Administrative Code, Part 2, and the California Building Code. These noise standards are applied to new construction in California for the purpose of controlling interior noise levels resulting from exterior noise sources. The regulations specify that acoustical studies must be prepared when noise-sensitive structures, such as residential buildings, schools, or hospitals, are developed near major transportation noise sources, and where such noise sources create an exterior noise level of 60 dBA CNEL or higher. Acoustical studies that accompany building plans for noise-sensitive land uses must demonstrate that the structure has been designed to limit interior noise in habitable rooms to acceptable noise levels. For new residential buildings, schools, and hospitals, the acceptable interior noise limit for new construction is 45 dBA CNEL. The Project is required to comply with this standard by State law and the City verifies compliance during the plan check process as ministerial process.

3.3 CITY OF NEWPORT BEACH GENERAL PLAN NOISE ELEMENT

The City of Newport Beach has adopted a Noise Element of the General Plan to control noise in the planning process in order to maintain compatible land use with environmental noise levels and to ensure that Newport Beach residents will be protected from excessive noise intrusion. (11)

3.3.1 NOISE POLICIES

To protect City of Newport Beach residents from excessive noise, the Noise Element contains the following policies related to the Project.

Noise and Land Use Compatibility

N 1.1 *Noise Compatibility of New Development:* *Require that all proposed projects are compatible with the noise environment through use of Table N2 and enforce the interior and exterior noise standards shown in Table N3.*

N 1.2 *Noise Exposure Verification for New Development:* *Applicants for proposed residential or mixed-use projects located in areas projected to be exposed to 60 dBA CNEL and higher, as shown in Figures N1 through N6 must conduct a noise study to provide evidence that the depicted noise contours do not adequately account for local noise exposure circumstances due to such factors as, topography, variation in traffic speeds, and other applicable conditions. These findings shall be used to determine the level of exterior or interior noise, attenuation needed to attain an acceptable noise exposure level and the feasibility of such measures when other planning considerations are taken into account. (Imp 2.1)*

N 1.4 *New Developments in Urban Areas: Require that applicants of residential portions of mixed-use projects and high density residential developments in urban areas (such as the Airport Area and Newport Center) demonstrate that the design of the structure will adequately isolate noise between adjacent uses and units (common floor/ceilings) in accordance with the California Building Code. (Imp 7.1)*

N 1.5 *Infill Projects: Allow a higher exterior noise level standard for infill projects in existing residential areas adjacent to major arterials if it can be shown that there are no feasible mechanisms to meet the exterior noise levels. The interior standard of 45 dBA CNEL shall be enforced for any new residential project or mixed-use project containing a residential component. (Imp 2.1, 7.1)*

N1.5A *Airport Area Infill Projects*: *Allow infill residential projects proximate to John Wayne Airport to have a higher exterior noise level standard if it can be shown that there are no practical mechanisms or designs to meet the exterior noise levels. The interior standard of 45 dBA CNEL shall be enforced for any residential component of projects. No residential units may be located in the 70 dBA CNEL or higher noise contour areas.*

N 1.8 *Significant Noise Impacts: Require the employment of noise mitigation measures for existing sensitive uses when a significant noise impact is identified. A significant noise impact occurs when there is an increase in the ambient CNEL produced by new development impacting existing sensitive uses. The CNEL increase is shown in the table below.*

CNEL (dBA)	*dBA increase*
55	3
60	2
65	1
70	1
Over 75	Any increase is considered significant

Transportation-Related Noise

N 2.1 New Development: Require that proposed noise-sensitive uses in areas of 60 dBA and greater, as determined the analyses stipulated by Policy N1.1, demonstrate that they meet interior and exterior noise levels.

N 2.2 Design of Sensitive Land Uses: Require the use of walls, berms, interior noise insulation, double paned windows, advanced insulation systems, or other noise measures, as appropriate, in the design of new residential developments to attenuate noise levels to not exceed 45 dBA CNEL interior or other new noise sensitive land uses that are adjacent to arterials and located proximate to John Wayne Airport. Residential uses within the 65 dBA to 70 dBA CNEL noise contour area are required to be indoor-oriented to reduce noise impacts on outdoor living or recreational areas. Application of the Noise Standards in Table N2 shall govern this requirement.

Aircraft Noise

N 3.1 New Development: Ensure new development is compatible with the noise environment proximate to John Wayne Airport by not allowing residential units in areas subjected to noise exceeding 70 dBA CNEL as shown in Figures N1, N2, N4, and N5 of the Noise Element of the General Plan.

N 3.2 Residential Development: Require that residential development proximate to the John Wayne Airport shall not be located beyond the 70 dBA CNEL noise contour shown in Figures N1, N2, N4, and N5 of the Noise Element of the General Plan. Require developers of residential or mixed-use land uses with a residential component to notify prospective purchasers or tenants of aircraft noise. Additionally, require outdoor common areas or recreational areas of residential or mixed-used developments to be posted with signs notifying users regarding the proximity to John Wayne Airport and the presence of operating aircraft and noise. (Imp 2.1, 3.1, 4.1)

Nontransportation-Related Noise

N 4.1 Stationary Noise Sources: Enforce interior and exterior noise standards outlined in Table N3, and in the City's Municipal Code to ensure that sensitive noise receptors are not exposed to excessive noise levels from stationary noise sources, such as heating, ventilation, and air conditioning equipment.

N 4.6 Maintenance or Construction Activities: Enforce the Noise Ordinance noise limits and limits on hours of maintenance or construction activity in or adjacent to residential areas, including noise that results from in-home hobby or work-related activities.

Construction Noise

N 5.1 Limiting Hours of Activity: Enforce the limits on hours of construction activity.

3.3.2 LAND USE COMPATIBILITY

The noise criteria identified in the City of Newport Beach Noise Element (Table N2) are guidelines to evaluate the land use compatibility of transportation related noise. The compatibility criteria, shown on Exhibit 3-A, provides the City with a planning tool to gauge the compatibility of land uses relative to existing and future exterior noise levels and prevent noise/land use conflicts. The *Land Use Noise Compatibility Matrix* in the City of Newport Beach General Plan provides guidelines to evaluate the acceptability of transportation-related noise level impacts.

EXHIBIT 3-A: LAND USE NOISE COMPATIBILITY MATRIX

Table N2 Land Use Noise Compatibility Matrix

Land Use Categories		*Community Noise Equivalent Level (CNEL)*						
Categories	*Uses*	*<55*	*55–60*	*60–65*	*65–70*	*70–75*	*75–80*	*>80*
Residential	Single Family, Two Family, Multiple Family	A	A	B	C	C	D	D
Residential	Mixed Use	A	A	A	C	C	C	D
Residential	Mobile Home	A	A	B	C	C	D	D
Commercial Regional, District	Hotel, Motel, Transient Lodging	A	A	B	B	C	C	D
Commercial Regional, Village District, Special	Commercial Retail, Bank, Restaurant, Movie Theatre	A	A	A	A	B	B	C
Commercial Industrial Institutional	Office Building, Research and Development, Professional Offices, City Office Building	A	A	A	B	B	C	D
Commercial Recreational **Institutional** Civic Center	Amphitheatre, Concert Hall Auditorium, Meeting Hall	B	B	C	C	D	D	D
Commercial Recreation	Children's Amusement Park, Miniature Golf Course, Go-cart Track, Equestrian Center, Sports Club	A	A	A	B	B	D	D
Commercial General, Special **Industrial, Institutional**	Automobile Service Station, Auto Dealership, Manufacturing, Warehousing, Wholesale, Utilities	A	A	A	A	B	B	B
Institutional	Hospital, Church, Library, Schools' Classroom	A	A	B	C	C	D	D
Open Space	Parks	A	A	A	B	C	D	D
Open Space	Golf Course, Cemeteries, Nature Centers Wildlife Reserves, Wildlife Habitat	A	A	A	A	B	C	C
Agriculture	Agriculture	A	A	A	A	A	A	A

SOURCE: Newport Beach, 2006

Zone A: Clearly Compatible—Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction without any special noise insulation requirements.

Zone B: Normally Compatible**—New construction or development should be undertaken only after detailed analysis of the noise reduction requirements and are made and needed noise insulation features in the design are determined. Conventional construction, with closed windows and fresh air supply systems or air conditioning, will normally suffice.

Zone C: Normally Incompatible—New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of noise reduction requirements must be made and needed noise insulation features included in the design.

Zone D: Clearly Incompatible—New construction or development should generally not be undertaken.

3.4 CITY OF NEWPORT BEACH STATIONARY (NON-TRANSPORTATION) NOISE STANDARDS

In addition to the noise/land use compatibility guidelines contained in the General Plan Noise Element, the City of Newport Beach has adopted Community Noise Control policies and standards as part of its Municipal Code to limit unnecessary, excessive and annoying noise in the City. To analyze noise impacts originating from a designated fixed location or private property such as the Project, stationary-source noise such as the expected roof-top mechanical, trash enclosure activity, parking lot vehicle movement, and service bay activity and noise from construction activities are typically evaluated against standards established under the City's Municipal Code.

3.4.1 OPERATIONAL NOISE STANDARDS

The City of Newport Beach Municipal Code, Chapter 10.26 *Community Noise Control*, establishes the permissible exterior noise levels that may intrude into a neighboring property. According to Section 10.26.025(A) exterior noise levels at single-, two or multiple-family residential land uses (Noise Zone 1) shall not exceed 55 dBA L_{eq} during the daytime hours (7:00 a.m. to 10:00 p.m.) and 50 dBA L_{eq} during the nighttime hours (10:00 p.m. to 7:00 a.m.). (12) For commercial uses, exterior noise levels shall not exceed 65 dBA L_{eq} during the daytime hours (7:00 a.m. to 10:00 p.m.) and 60 dBA L_{eq} during the nighttime hours (10:00 p.m. to 7:00 a.m.).

According to Section 10.26.025(C), in the event the ambient noise level exceeds the noise standard, the maximum allowable noise level under said category shall be increased to reflect the maximum ambient noise level. While the Section 10.26.025(C) of City of Newport Beach Municipal Code permits the use of the existing ambient noise level to describe the base exterior noise level standards, this analysis relies on the more conservative and restrictive standards in Section 10.26.025(A). The City of Newport Beach Municipal Code, Chapter10.26 *Community Noise Control* exterior noise level standards are shown on Table 3-1 and are included in Appendix 3.1.

TABLE 3-1: OPERATIONAL NOISE STANDARDS

City	Land Use	Time Period	Base Exterior Noise Level Standards (dBA L_{eq})[2]
Newport Beach[1]	Residential (Noise Zone I)	Daytime	55
		Nighttime	50
	Commercial (Noise Zone II)	Daytime	65
		Nighttime	60

[1] Source: City of Newport Beach Municipal Code, Section 10.26.025 (Appendix 3.1).
[2] Base exterior noise level standards. If the ambient level exceeds allowable exterior Leq noise level, the ambient shall be the standard per Section 10.26.025 (C) of the City of Newport Beach Municipal Code.
"Daytime" = 7:00 a.m. to 10:00 p.m.; "Nighttime" = 10:00 p.m. to 7:00 a.m.

3.4.2 CONSTRUCTION NOISE STANDARDS

The City of Newport Beach has set restrictions to control noise impacts associated with the construction of the proposed Project. According to the City of Newport Beach Municipal Code Section 10.28.040 (included in Appendix 3.2), construction activities are considered exempt from the noise standards of the noise ordinance if limited to the hours of 7:00 a.m. to 6:30 p.m. on Mondays to Fridays, and 8:00 a.m. to 6:00 p.m. on Saturdays, with no activity allowed on Sundays or national holidays. (13) Section 10.28.040 allowed hours are summarized in Table 3-2.

TABLE 3-2: CONSTRUCTION NOISE STANDARDS

City	Permitted Hours of Construction Activity
Newport Beach[1]	7:00 a.m. to 6:30 p.m. Mondays to Fridays; 8:00 a.m. to 6:00 p.m. on Saturdays; no activity on Sundays or national holidays

[1] Source: City of Newport Beach Municipal Code, Section 10.28.040 (Appendix 3.1).

Neither the City of Newport Beach General Plan Noise Element or Municipal Code establish numeric maximum acceptable construction source noise levels at potentially affected receivers. Therefore, a numerical comparison is provided herein based on the Federal Transit Administration (FTA) *Transit Noise and Vibration Impact Assessment Manual*, which considers a daytime exterior construction noise level of 80 dBA L_{eq} as reasonable for noise sensitive residential land use. (14 p. 179)

3.5 CONSTRUCTION VIBRATION STANDARDS

Construction activity can result in varying degrees of ground-borne vibration, depending on the equipment and methods used, distance to the affected structures and soil type. (14) Construction vibration is generally associated with pile driving and rock blasting. Other construction equipment, such as air compressors, light trucks, hydraulic loaders, etc., generates little or no ground vibration. (14) Occasionally, large bulldozers and loaded trucks can cause perceptible vibration levels at close proximity.

The City of Newport Beach has not identified or adopted vibration standards. However, the 2006 General Plan Environmental Impact Report (EIR) (15) identified a limit of 72 VdB for frequent events (more than 70 vibrations events per day) at residential uses and buildings where people normally sleep. (14) For infrequent events with fewer than 70 vibration events per day, the vibration limit is 80 VdB. These limits were derived from the FTA guidelines (14) for determining the relative significance of potential Project vibration impacts due to on-site construction activities, as shown in Table 3-3.

TABLE 3-3 CONSTRUCTION VIBRATION STANDARDS

Vibration Criteria	Vibration Decibels (VdB) at 25 feet[1]
2006 GP EIR - Human Annoyance (Residential)[1]	72
FTA - Human Annoyance (Residential Daytime)[2]	78
FTA - Human Annoyance (Residential Nighttime)[2]	72
FTA - Human Annoyance (Office)[2]	84

[1] City of Newport Beach General Plan EIR
[2] Federal Transit Administration, Transit Noise and Vibration Impact Assessment, September 2018.

It should be noted that the General Plan EIR conservatively identified a residential-nighttime threshold of 72 VdB for all circumstances of vibrational energy; including for construction activities which would almost never be expected to occur during the nighttime period (10pm to 7am). The FTA has established vibration criteria of 72 VbB for residential nighttime land use, when no construction activities would be allowed per City of Newport Beach Code Section 10.28.040. The FTA criteria for residential daytime land use is 78 VdB, which would be more applicable to daytime construction activities. Based on the FTA interpretation for residential daytime use, at 78 VdB, Vibration is barely felt.

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4 SIGNIFICANCE CRITERIA

The following significance criteria are based on currently adopted guidance provided by Appendix G of the California Environmental Quality Act (CEQA) Guidelines. (1) For the purposes of this report, impacts would be potentially significant if the Project results in or causes:

A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

B. Generation of excessive ground-borne vibration or ground-borne noise levels?

C. For a project located within the vicinity of a private airstrip or 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?

While the City of Newport Beach General Plan Guidelines provide direction on noise compatibility and establish noise standards by land use type that are sufficient to assess the significance of noise impacts, they do not define the levels at which increases are considered substantial for use under Guideline A. CEQA Appendix G Guideline C applies to nearest public and private airports, if any, and the Project's land use compatibility. The nearest airport is the Orange County International Airport, located approximately 3.5 miles northeast of the Project site. Therefore, CEQA Appendix G Guideline C, does not apply and is not further discussed.

4.1 SIGNIFICANCE CRITERIA FOR CONSTRUCTION NOISE AND VIBRATION

The Project's construction noise and vibration impacts are significant if:

- If Project-related construction activities that generate noise are not in compliance with the City of Newport Beach Municipal Code, Section 10.28.040.
- If short-term Project generated construction vibration levels exceed the FTA's vibration threshold of 78 VdB at residential daytime use. (14)

4.2 SIGNIFICANCE CRITERIA FOR OPERATION

The Project's operational noise impacts are significant if:

- If Project-related operational (stationary-source) noise levels exceed the exterior 55 dBA L_{eq} daytime or 50 dBA L_{eq} nighttime noise level standards at nearby noise sensitive residential receiver locations (City of Newport Beach Municipal Code, Section 10.26.025).
- If the existing ambient noise levels at the noise-sensitive receivers near the Project site:
    - are less than 55 dBA CNEL and the Project creates a barely perceptible 3 dBA CNEL or greater Project-related noise level increase; or
    - range from 55 to 60 dBA CNEL and the Project creates a 2 dBA CNEL or greater Project-related noise level increase; or
    - range from 60 to 75 dBA CNEL and the Project creates a 1 dBA CNEL or greater Project-related noise level increase; or
    - already exceed 75 dBA CNEL, and the Project create any noise level increase.

4.3 SIGNIFICANCE CRITERIA SUMMARY

Noise impacts shall be considered significant if any of the following occur as a direct result of the proposed development. Table 4-1 shows the significance criteria summary matrix.

TABLE 4-1: SIGNIFICANCE CRITERIA SUMMARY MATRIX

Analysis	Receiving Land Use	Condition(s)	Significance Criteria	
			Daytime	Nighttime
Operational Noise	Residential[2]	Exterior Noise Level Standards	55 dBA L_{eq}	50 dBA L_{eq}
	Noise-Sensitive[3]	If ambient is < 55 dBA CNEL	≥ 3 dBA CNEL Project Increase	
		If ambient is 55 - 60 dBA CNEL	≥ 2 dBA CNEL Project Increase	
		If ambient is 60 - 75 dBA CNEL	≥ 1 dBA CNEL Project Increase	
		If ambient is > 75 dBA CNEL	Any Project Increase	
Construction	All	Noise Level Threshold	Compliance with Municipal Code Section 10.28.040	
	Residential[3]	Vibration Level Threshold	78	n/a
	Commercial[3]		84	

[1] City of Newport Beach Municipal Code, Section 10.26.025 (Appendix 3.1).
[2] City of Newport Beach General Plan Policy N 1.8
[3] Federal Transit Administration Transit Noise and Vibration Impact Assessment Manual.
"Daytime" = 7:00 a.m. to 10:00 p.m.; "Nighttime" = 10:00 p.m. to 7:00 a.m.;
"n/a" = No nighttime construction activity is permitted, so no nighttime construction noise level limits are identified; "VdB" = Vibration Decibels

5 OFF-SITE TRANSPORTATION NOISE IMPACTS

The Project would result in a small increase in regional and local traffic volumes. The expected Project is anticipated to generate a net increase of 299 average daily trips, which would represent an incremental increase to the existing roadway volumes and is not expected to double traffic or generate a perceptible noise level increase (i.e., less than 3 dBA CNEL) at nearby sensitive land uses adjacent to study area roadways. Due to the low traffic volumes generated by the Project, the off-site traffic noise levels generated by the Project are considered *less than significant* and no further analysis is required.

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6 RECEIVER LOCATIONS

To assess the potential for long-term operational and short-term construction noise impacts, the following sensitive receiver locations, as shown in Exhibit 6-A, were identified as representative locations for analysis. Sensitive receivers are generally defined as locations where people reside or where the presence of unwanted sound could otherwise adversely affect the use of the land. Noise-sensitive land uses are generally considered to include schools, hospitals, single-family dwellings, mobile home parks, churches, libraries, and recreation areas. Moderately noise-sensitive land uses typically include multi-family dwellings, hotels, motels, dormitories, outpatient clinics, cemeteries, golf courses, country clubs, athletic/tennis clubs, and equestrian clubs. Land uses that are considered relatively insensitive to noise include business, commercial, and professional developments. Land uses that are typically not affected by noise include: industrial, manufacturing, utilities, agriculture, undeveloped land, parking lots, warehousing, liquid and solid waste facilities, salvage yards, and transit terminals.

To describe the potential off-site Project noise levels, five receiver locations in the vicinity of the Project site were identified. All distances are measured from the Project site boundary to the outdoor living areas (e.g., private backyards) or at the building façade, whichever is closer to the Project site. The selection of receiver locations is based on FHWA guidelines and is consistent with additional guidance provided by Caltrans and the FTA, as previously described in Section 5.2. Other sensitive land uses in the Project study area that are located at greater distances than those identified in this noise analysis will experience lower noise levels than those presented in this report due to the additional attenuation from distance and the shielding of intervening structures. Distance is measured in a straight line from the Project boundary to each receiver location.

R1: Location R1 represents a noise-sensitive residence at 603 Kings Road, north of the Project site. Receiver R1 is placed at the use area (backyard) facing the Project site.

R2: Location R2 represents a noise-sensitive residence at 421 Kings Road, north of the Project site. Receiver R2 is placed at the use area (back yard) facing the Project site.

R3: Location R3 represents a noise-sensitive residence at 303 Kings Road, northeast of the Project site. Receiver R3 is placed at the use area (back yard) facing the Project site.

R4: Location R4 represents a noise-sensitive residence at 2551 Crestview Drive, south of the Project site. Receiver R4 is placed at the building façade facing the Project site.

R5: Location R5 represents a noise-sensitive residence at 2611 Crestview Drive, south of the Project site. Receiver R4 is placed at the building façade facing the Project site.

EXHIBIT 6-A: RECEIVER LOCATIONS

7 OPERATIONAL NOISE IMPACTS

This section analyzes the potential stationary-source operational noise impacts at the nearby receiver locations, identified in Section 6, resulting from the operation of the Project. Exhibit 7-A identifies the representative noise source locations used to assess the operational noise levels. The on-site Project-related operational noise sources are expected to include: roof-top mechanical, trash enclosure activity, parking lot vehicle movement, and service bay activity.

7.1 REFERENCE OPERATIONAL NOISE LEVELS

To estimate the Project's operational noise impacts, reference noise level measurements were collected from similar sources and types of activities to represent the noise levels expected with the development of the Project. This section provides a description of the reference noise levels shown in Table 7-1 used to estimate the Project's operational noise impacts. It is important to note that the following projected noise levels assume the worst-case noise environment with the roof-top mechanical, trash enclosure activity, parking lot vehicle movement, and service bay activity. Appendix 7.1 includes the detailed calculations for the Project operational noise levels presented in this section.

7.1.1 MEASUREMENT PROCEDURES

The reference noise level measurements presented in this section were collected using a combination of Type 1 and Type 2 sound level meters. Each sound level meter was programmed in "slow" mode to record noise levels in "A" weighted form and calibrated prior to each measurement. The sound level meters and microphones were equipped with a windscreen during all measurements. All noise level measurement equipment satisfies the American National Standards Institute (ANSI) standard specifications for sound level meters ANSI S1.4-2014/IEC 61672-1:2013. (16)

EXHIBIT 7-A: OPERATIONAL NOISE SOURCES

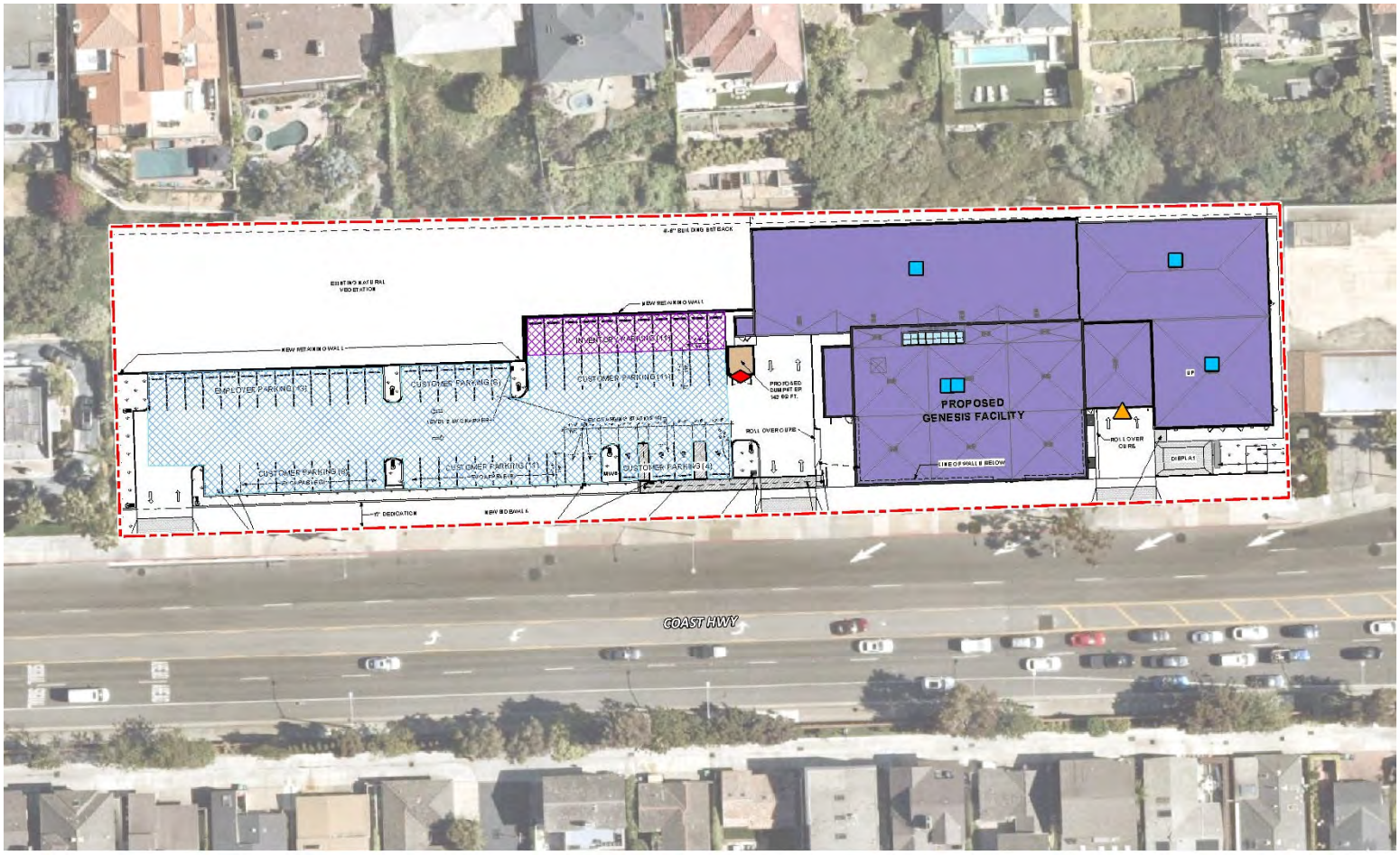

TABLE 7-1: REFERENCE NOISE LEVEL MEASUREMENTS

Noise Source	Noise Source Height (Feet)	Min./Hour[4]		Reference Noise Level (dBA L_{eq})	Sound Power Level (dBA)[6]
		Day	Night		
Roof-Top Air Conditioning Unit[1]	3'	45	30	57.2	88.8
Tash Enclosure Activity[2]	8'	10	10	57.3	88.9
Parking Lot Vehicle Movements[3]	5'	60	60	31.4	63.0
Service Bay Activity[2]	5'	60	0	71.0	102.6

[1] Reference Carrier model 24ACC4
[2] As measured by Urban Crossroads, Inc.
[3] Anticipated duration (minutes within the hour) of noise activity during typical hourly conditions expected at the Project site. "Daytime" = 7:00 a.m. to 10:00 p.m.; "Nighttime" = 10:00 p.m. to 7:00 a.m.

7.2 CADNAA NOISE PREDICTION MODEL

To fully describe the exterior operational noise levels from the Project, Urban Crossroads, Inc. developed a noise prediction model using the CadnaA (Computer Aided Noise Abatement) computer program. CadnaA can analyze multiple types of noise sources using the spatially accurate Development Site plan, georeferenced Nearmap aerial imagery, topography, buildings, and barriers in its calculations to predict outdoor noise levels.

Using the ISO 9613 protocol, CadnaA will calculate the distance from each noise source to the noise receiver locations, using the ground absorption, distance, and barrier/building attenuation inputs to provide a summary of the noise level at each receiver and the partial noise level contributions by noise source. Consistent with the ISO 9613 protocol, the CadnaA noise prediction model relies on the reference sound power level (PWL) to describe individual noise sources. While sound pressure levels (e.g., L_{eq}) quantify in decibels the intensity of given sound sources at a reference distance, sound power levels (PWL) are connected to the sound source and are independent of distance. Sound pressure levels vary substantially with distance from the source and diminish from intervening obstacles and barriers, air absorption, wind, and other factors. Sound power is the acoustical energy emitted by the sound source and is an absolute value that is not affected by the environment. The operational noise level calculations provided in this noise analysis account for the distance attenuation provided due to geometric spreading, when sound from a localized stationary source (i.e., a point source) propagates uniformly outward in a spherical pattern. A default ground attenuation factor of 0.5 was used in the CadnaA noise analysis to account for a mix of hard and soft site conditions. Appendix 7.1 includes the detailed noise model inputs.

7.3 PROJECT OPERATIONAL NOISE LEVELS

Using the reference noise levels to represent the proposed Project operations that include roof-top mechanical, trash enclosure activity, parking lot vehicle movement, and service bay activity, Urban Crossroads, Inc. calculated the operational source noise levels that are expected to be generated at the Project site and the Project-related noise level increases that would be

experienced at each of the sensitive receiver locations. Table 7-2 shows the Project operational noise levels during the daytime hours of 7:00 a.m. to 10:00 p.m. The daytime hourly noise levels at the off-site receiver locations are expected to range from 40.5 to 50.7 dBA L_{eq}.

TABLE 7-2: DAYTIME PROJECT OPERATIONAL NOISE LEVELS

Noise Source[1]	Operational Noise Levels by Receiver Location (dBA Leq)			
	R1	R2	R3	R4
Roof-Top Air Conditioning Unit	38.4	42.6	45.5	42.8
Tash Enclosure Activity	31.1	33.8	10.2	16.8
Parking Lot Vehicle Movements	34.1	36.0	9.9	19.5
Service Bay Activity	25.9	34.5	32.3	49.9
Total (All Noise Sources)	**40.5**	**44.4**	**45.7**	**50.7**

[1] See Exhibit 7-A for the noise source locations. CadnaA noise model calculations are included in Appendix 7.1.

Table 7-3 shows the Project operational noise levels during the nighttime hours of 10:00 p.m. to 7:00 a.m. The nighttime hourly noise levels at the off-site receiver locations are expected to range from 38.7 to 42.8 dBA L_{eq}. The differences between the daytime and nighttime noise levels is largely related to the duration of noise activity (Table 7-1).

TABLE 7-3: NIGHTTIME PROJECT OPERATIONAL NOISE LEVELS

Noise Source[1]	Operational Noise Levels by Receiver Location (dBA Leq)			
	R1	R2	R3	R4
Roof-Top Air Conditioning Unit	35.7	39.9	42.8	40.1
Tash Enclosure Activity	30.2	32.8	9.2	15.8
Parking Lot Vehicle Movements	34.1	36.0	9.9	19.5
Service Bay Activity	0.0	0.0	0.0	0.0
Total (All Noise Sources)	**38.7**	**41.9**	**42.8**	**40.2**

[1] See Exhibit 7-A for the noise source locations. CadnaA noise model calculations are included in Appendix 7.1.

7.4 PROJECT OPERATIONAL NOISE LEVEL COMPLIANCE

To demonstrate compliance with local noise regulations, the Project-only operational noise levels are evaluated against the City of Newport Beach exterior noise level standards at the nearest noise-sensitive receiver locations. For noise-sensitive residential land uses, the City of Newport Beach has established exterior noise level standards of 55 dBA L_{eq} during the daytime hours (7:00 a.m. to 10:00 p.m.) and 50 dBA L_{eq} during the nighttime hours (10:00 p.m. to 7:00 a.m.). (12) In the event the ambient noise level exceeds the noise standard, the maximum allowable noise level under said category shall be increased to reflect the maximum ambient noise level (Section 10.26.025(C)). While Section 10.26.025(C) of the City of Newport Beach Municipal Code permits the use of the existing ambient noise level to describe the base exterior noise level standards, this analysis relies on the more conservative and restrictive standards outlined in Section

10.26.025(A). Table 7-4 shows that the operational noise levels associated with Genesis Automobile Dealership Project will satisfy the City of Newport Beach exterior noise level standards at all nearest receiver locations. Therefore, the operational noise impacts are considered *less than significant* at the nearest noise-sensitive receiver locations.

TABLE 7-4: OPERATIONAL NOISE LEVEL COMPLIANCE

Receiver Location[1]	Project Operational Noise Levels (dBA Leq)[2]		Noise Level Standards (dBA Leq)[3]		Noise Level Standards Exceeded?[4]	
	Daytime	Nighttime	Daytime	Nighttime	Daytime	Nighttime
R1	40.5	38.7	55	50	No	No
R2	44.4	41.9	55	50	No	No
R3	45.7	42.8	55	50	No	No
R4	50.7	40.2	55	50	No	No

[1] See Exhibit 7-A for the noise source locations.
[2] Proposed Project operational noise levels as shown in Tables 7-3 and 7-4.
[3] Base exterior noise level standards as shown in Table 3-1. If the ambient level exceeds the allowable exterior Leq noise level, the ambient shall be the standard per Section 10.26.025 (C) of the City of Newport Beach Municipal Code.
[4] Do the estimated Project operational noise source activities exceed the noise level standards?
"Daytime" = 7:00 a.m. to 10:00 p.m.; "Nighttime" = 10:00 p.m. to 7:00 a.m.

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8 CONSTRUCTION NOISE IMPACTS

Construction noise represents the combination of several types of equipment, the location of the equipment, and the duration of the noise-generating activities through different stages of construction. Each stage of construction involves the use of different types of construction equipment with unique noise characteristics operating at the varying distances within the construction activity area.

This section analyzes potential impacts resulting from the short-term construction activities associated with the development of the Project. Exhibit 8-A shows the construction activity boundaries in relation to the nearest sensitive receiver locations.

8.1 CONSTRUCTION NOISE SOURCES

Noise generated by the Project construction source equipment will include a combination of trucks, power tools, concrete mixers, and portable generators that, when combined, can reach high levels. The number and mix of construction equipment is expected to occur in the following stages:

- Demolition
- Site Preparation
- Grading
- Building Construction
- Paving
- Architectural Coating

This construction noise analysis was prepared using reference noise level measurements taken by Urban Crossroads, Inc. to describe the typical construction activity noise levels for each stage of Project construction. The construction reference noise level measurements represent a list of typical construction activity noise levels. Noise levels generated by heavy construction equipment can range from approximately 68 dBA to more than 80 dBA when measured at 50 feet. However, these noise levels diminish with distance from the construction site at a rate of 6 dBA per doubling of distance. For example, a noise level of 80 dBA measured at 50 feet from the noise source to the receiver would be reduced to 74 dBA at 100 feet from the source to the receiver, and would be further reduced to 68 dBA at 200 feet from the source to the receiver. At distances of less than 50 feet the noise levels will increase at a rate of 6 dBA per halving of distance.

EXHIBIT 8-A: CONSTRUCTION ACTIVITY AND RECEIVER LOCATIONS

8.2 CONSTRUCTION REFERENCE NOISE LEVELS

To describe construction noise activities, this construction noise analysis was prepared using reference construction equipment noise levels from the Federal Highway Administration (FHWA) published the Roadway Construction Noise Model (RCNM), which includes a national database of construction equipment reference noise emission levels. (17) The RCNM equipment database provides a comprehensive list of the noise-generating characteristics for specific types of construction equipment. In addition, the database provides an acoustical usage factor to estimate the fraction of time each piece of construction equipment is operating at full power (i.e., its loudest condition) during a construction operation. The reference noise level summary shown in Table 8-1 describes construction activity noise levels with multiple pieces of equipment operating simultaneously.

TABLE 8-1: CONSTRUCTION REFERENCE NOISE LEVELS

Construction Stage	Reference Construction Equipmnet[1]	Reference Noise Level @ 50 Feet (dBA L_{eq})	Composite Reference Noise Level (dBA L_{eq})	Reference Power Level (dBA L_w)
Demolition	Concrete Saw	83.0	85.0	116.6
	Excavator	77.0		
	Dozer	78.0		
Site Preparation	Tractor	80.0	82.9	114.5
	Front End Loader	75.0		
	Dozer	78.0		
Grading	Tractor	80.0	84.2	115.9
	Grader	81.0		
	Compactor (ground)	76.0		
Building Construction	Crane	73.0	82.1	113.7
	Generator	78.0		
	Gradall	79.0		
Paving	Paver	74.0	77.8	109.5
	Dump Truck	72.0		
	Roller	73.0		
Architectural Coating	Man Lift	68.0	76.2	107.8
	Compressor (air)	74.0		
	Generator (<25kVA)	70.0		

[1] FHWA Road Construction Noise Model.

8.3 CONSTRUCTION NOISE ANALYSIS

Table 8-2 provides a summary of the construction noise levels at the nearest noise-sensitive receiver locations. Using the reference construction equipment noise levels and the CadnaA noise prediction model, calculations of the Project construction noise level impacts at the nearby

sensitive receiver locations were completed. To account for the dynamic nature of construction activities, the Project construction noise analysis models the typical construction equipment as combination of the highest reference level as multiple moving points within the construction area (Project site boundary). Appendix 8.1 includes the detailed calculations for the Project construction noise levels presented in this section.

TABLE 8-2: CONSTRUCTION ACTIVITY NOISE LEVEL SUMMARY

Receiver Location[1]	Construction Noise Levels (dBA L_{eq})					
	Site Preparation	Grading	Building Construction	Paving	Architectural Coating	Highest Levels[2]
R1	72.1	70.5	70.7	66.8	65.7	72.1
R2	75.3	73.7	73.9	70.0	68.9	75.3
R3	65.8	64.2	64.4	60.5	59.4	65.8
R4	67.0	65.4	65.6	61.7	60.6	67.0
R5	66.9	65.3	65.5	61.6	60.5	66.9

[1] Noise receiver locations are shown in Exhibit 6-A.
[2] Construction noise level calculations based on distance from the construction activity, which is measured from the Project site boundary to the nearest receiver locations. CadnaA construction noise model inputs are included in Appendix 8.1.

8.4 CONSTRUCTION NOISE LEVEL COMPLIANCE

The applicant has stated that they will abide by restrictions set by The City of Newport Beach to control noise impacts associated with the construction of the proposed Project. According to the City of Newport Beach Municipal Code Section 10.28.040 (included in Appendix 3.2):

A. No person shall, while engaged in construction, remodeling, digging, grading, demolition, painting, plastering or any other related building activity, operate any tool, equipment or machine in a manner which produces loud noise that disturbs, or could disturb, a person of normal sensitivity who works or resides in the vicinity, unless authorized to do so in accordance with subsection (B) of this section.

B. The provisions of subsection (A) of this section shall not apply to the following:

   1. Work performed on any weekday, which is not a federal holiday, between the hours of 7:00 a.m. and 6:30 p.m.

   2. Work performed on a Saturday, in any area of the City that is not designated as a high-density area, between the hours of 8:00 a.m. and 6:00 p.m.

   3. Emergency work performed pursuant to written authorization of the Community Development Director, or his or her designee.

   4. Maintenance, repair or improvement of any public work or facility by public employees, by any person or persons acting pursuant to a public works contract, or by any person or persons performing such work or pursuant to the direction of, or on behalf of, any public agency; provided, however, this exception shall not apply to the City of Newport Beach, or its employees, contractors or agents, unless:

Construction activities are considered exempt from the noise standards of the noise ordinance zis limited to the hours of 7:00 a.m. to 6:30 p.m. on Mondays to Fridays, and 8:00 a.m. to 6:00 p.m. on Saturdays, with no activity allowed on Sundays or national holidays. (13) For informational purposes, the Project's construction noise levels are compared against the FTA's acceptable noise level of 80 dBA L_{eq} for sensitive receiver locations. Table 8-3 shows the highest construction noise levels at the potentially impacted receiver locations are estimated to range from 53.1 to 71.5 dBA L_{eq} The noise impact due to Project construction noise levels is considered a *less than significant* impact at all nearest sensitive receiver locations.

TABLE 8-3: CONSTRUCTION EQUIPMENT NOISE LEVEL COMPLIANCE

Receiver Location[1]	Threshold (dBA L_{eq})	Highest Construction Noise Levels (dBA L_{eq})[3]
R1	80	72.1
R2	80	75.3
R3	80	65.8
R4	80	67.0
R5	80	66.9

[1] Noise receiver locations are shown in Exhibit 6-A.
[2] Federal Transit Authority 2018.
[3] Estimated construction noise levels during peak operating conditions, as shown in Table 8-2.

These *less than significant* findings are consistent with the 2006 General Plan Environmental Impact Report (EIR) (15): *Construction activities would be an ongoing occurrence in the City and, in particular cases, could occur in close proximity to noise-sensitive uses. Although the proposed General Plan Update limits construction activities to specific days of the week and hours of the day, construction equipment generates high noise levels, as shown in Table 4.9-9, and may not always be reducible to the levels specified in the City Noise Ordinance. Section 10.26.035 of the Municipal Code (Exemptions), exempts "noise sources associated with construction, repair, remodeling, demolition, or grading of any real property." Section 10.26.035 also states that construction noise should fall under the provisions of Section 10.28 of the Code (Loud and Unreasonable Noise). Thus, construction noise is not subject to the noise standards in the Municipal Code, but only during limited hours of the day and days of the week. In sum, existing and future construction noise levels at individual construction sites may not substantially differ, but previously unexposed areas could experience new sources of construction noise. Both existing and future noise would be exempt from the City code and when construction noise occurs, impacts would be considered less than significant.*

8.5 CONSTRUCTION VIBRATION IMPACTS

Construction has the potential to result in varying degrees of temporary ground vibration, depending on the specific construction activities and equipment used. Ground vibration levels associated with various types of construction equipment are summarized in Table 8-4. Based on the representative vibration levels presented for various construction equipment types, it is

possible to estimate the human response (annoyance) using the following vibration assessment methods defined by the FTA. To describe the human response (annoyance) associated with vibration impacts, the FTA provides the following equation: $L_{VdB}(D) = L_{VdB}(25\text{ ft}) - 30\log(D/25)$.

TABLE 8-4: VIBRATION SOURCE LEVELS FOR CONSTRUCTION EQUIPMENT

Equipment	Vibration Decibels (VdB) at 25 feet[1]
Small bulldozer	58
Jackhammer	79
Loaded Trucks	86
Large bulldozer	87

Source: Federal Transit Administration, Transit Noise and Vibration Impact Assessment

It is expected that ground-borne vibration from Project construction activities would cause only intermittent, localized intrusion. The proposed Project's construction activities most likely to cause vibration impacts are:

- Heavy Construction Equipment: Although all heavy mobile construction equipment has the potential of causing at least some perceptible vibration while operating close to buildings, the vibration is usually short-term and is not of sufficient magnitude to cause building damage.
- Trucks: Trucks hauling building materials to construction sites can be sources of vibration intrusion if the haul routes pass through residential neighborhoods on streets with bumps or potholes. Repairing the bumps and potholes generally eliminates the problem.

Ground-borne vibration levels resulting from construction activities occurring within the Project site were estimated by data published by the Federal Transit Administration (FTA). Using the vibration source level of construction equipment provided in Table 8-4 and the construction vibration assessment methodology published by the FTA, it is possible to estimate the Project vibration impacts. Table 8-5 shows the highest construction vibration levels are estimated to range from 37.6 to 75.4 VdB. Using the construction vibration assessment methods provided by the FTA, Project construction vibration levels would not exceed the 78 VdB threshold at the nearest residential receiver location, and therefore, is considered a *less than significant* impact. Further, vibration levels at the site of the closest sensitive receiver are unlikely to be sustained during the entire construction period but will occur rather only during the times that heavy construction equipment is operating at the Project site perimeter.

TABLE 8-5: CONSTRUCTION EQUIPMENT VIBRATION LEVELS

Receiver Location[1]	Distance to Construction Activity (Feet)	Receiver Vibration Levels (VdB)[2]					Threshold (VdB)[3]	Threshold Exceeded? [4]
		Small Bulldozer	Jack-hammer	Loaded Trucks	Large Bulldozer	Highest Vibration Levels		
R1	98'	40.2	61.2	68.2	69.2	69.2	78	No
R2	61'	46.4	67.4	74.4	75.4	75.4	78	No
R3	109'	38.8	59.8	66.8	67.8	67.8	78	No
R4	118'	37.8	58.8	65.8	66.8	66.8	78	No
R5	120'	37.6	58.6	65.6	66.6	66.6	78	No

[1] Noise receiver locations are shown in Exhibit 6-A.
[2] Based on the Vibration Source Levels of Construction Equipment included in Table 8-4.
[3] Federal Transit Administration, Transit Noise and Vibration Impact Assessment.
[4] Does the vibration level exceed the FTA acceptable vibration level for the given land use?

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9 REFERENCES

1. **State of California.** *California Environmental Quality Act, Appendix G & Amendments and Additions to the State CEQA Guidelines.* 2019.
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3. **Environmental Protection Agency Office of Noise Abatement and Control.** *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety.* March 1974. EPA/ONAC 550/9/74-004.
4. **U.S. Department of Transportation, Federal Highway Administration, Office of Environment and Planning, Noise and Air Quality Branch.** *Highway Traffic Noise Analysis and Abatement Policy and Guidance.* June, 1995.
5. **U.S. Department of Transportation, Federal Highway Administration.** *Highway Traffic Noise in the United States, Problem and Response.* April 2000. p. 3.
6. **U.S. Environmental Protection Agency Office of Noise Abatement and Control.** *Noise Effects Handbook-A Desk Reference to Health and Welfare Effects of Noise.* October 1979 (revised July 1981). EPA 550/9/82/106.
7. **U.S. Department of Transportation, Federal Transit Administration.** *Transit Noise and Vibration Impact Assessment Manual, FTA Report No. 0123.* September 2018.
8. **California Department of Transportation.** *Transportation and Construction Vibration Guidance Manual.* April 2020.
9. **U.S. Department of Transportation, Federal Transit Administration.** *Transit Noise and Vibration Impact Assessment Manual, FTA-VA-90-1003-06.* May 2006.
10. **Office of Planning and Research.** *State of California General Plan Guidelines.* 2018.
11. **City of Newport Beach.** *General Plan Noise Element.* November, 2006.
12. —. *Municipal Code, Chapter 10.26 Community Noise Control.*
13. —. *Municipal Code, Chapter 10.28 Loud and Unreasonable Noise.*
14. **U.S. Department of Transportation, Federal Transit Administration.** *Transit Noise and Vibration Impact Assessment Manual.* September 2018.
15. **City of Newport Beach.** *Draft Environmental Impact Report General Plan 2006 Update.* April 2006.
16. **American National Standards Institute (ANSI).** *Specification for Sound Level Meters ANSI S1.4-2014/IEC 61672-1:2013.*
17. **U.S. Department of Transportation, Federal Highway Administration, Office of Environment and Planning.** *FHWA Roadway Construction Noise Model.* January, 2006.
18. **U.S. Department of Transportation, Federal Highway Administration.** *FHWA Highway Traffic Noise Prediction Model.* December 1978. FHWA-RD-77-108.
19. **California Department of Transportation Environmental Program, Office of Environmental Engineering.** *Use of California Vehicle Noise Reference Energy Mean Emission Levels (Calveno REMELs) in FHWA Highway Traffic Noise Prediction.* September 1995. TAN 95-03.
20. **California Department of Transportation.** *Traffic Noise Attenuation as a Function of Ground and Vegetation Final Report.* June 1995. FHWA/CA/TL-95/23.

21. **City of Newport Beach.** *General Plan Circulation Element Figure CE1 Master Plan of Streets and Highways.* September 2006.

22. **Orange County Airport Land Use Commission.** *Land Use Plan for John Wayne Airport.* April 2008.

23. **County of Orange.** *General Aviation Operations Sec. 2-1-30.5.* 2015.

24. **John Wayne Airport Orange County.** *2022 Annual Community Noise Eqivalent Level (CNEL) Contours.* s.l. : HMMH, Inc., 2022.

25. **California Department of Transportation.** *Traffic Census Program, Traffic Volumes: Annual Average Daily Traffic (AADT), 2021 AADT.* 2022.

10 CERTIFICATION

The contents of this noise analysis report represent an accurate depiction of the noise environment and impacts associated with the proposed Genesis Automobile Dealership Project. The information contained in this noise analysis report is based on the best available data at the time of preparation. If you have any questions, please contact me directly at (619) 778-1971.

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EDUCATION

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California Polytechnic State University, Pomona • June 2000

PROFESSIONAL AFFILIATIONS

ASA – Acoustical Society of America
AEP – Association of Environmental Planners
AWMA – Air and Waste Management Association
INCE – Institute of Noise Control Engineers

PROFESSIONAL CERTIFICATIONS

Approved Acoustical Consultant • County of San Diego
FHWA Traffic Noise Model of Training • 2004
CadnaA Basic and Advanced Training • 2023

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APPENDIX 3.1:

CITY OF NEWPORT BEACH MUNICIPAL CODE CHAPTER 10.26

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Chapter 10.26
COMMUNITY NOISE CONTROL

Sections:

10.26.005 Declaration of Policy.

A. In order to control unnecessary, excessive and annoying noise in the City of Newport Beach, it is declared to be the policy of the City to prohibit such noise generated from or by all sources as specified in this chapter.

B. It is determined that certain noise levels are detrimental to the public health, welfare and safety and contrary to public interest; therefore, the City Council does ordain and declare that creating, maintaining, causing or allowing to be created, caused or maintained, any noise in a manner prohibited by, or not in conformity with, the provisions of this chapter, is a public nuisance and may be punished as a public nuisance. (Ord. 2023-22 § 447, 2023; Ord. 95-38 § 11 (part), 1995)

10.26.010 Definitions.

The following words, phrases and terms as used in this chapter shall have the meanings as indicated here:

“Agricultural property” means a parcel of real property which is undeveloped for any use other than agricultural purposes.

“Ambient noise level” means the all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

“A-weighted sound level” means the total sound level meter with a reference pressure of twenty (20) micropascals using the A-weighted network (scale) at slow response. The unit of measurement shall be defined as DBA.

“Code Enforcement Officer” means the Code Enforcement Officer of the City or his duly authorized deputy.

“Commercial property” means a parcel of real property which is used as either in part or in whole for commercial purposes.

“Cumulative period” means an additive period of time composed of individual time segments which may be continuous or interrupted.

“Decibel (Db)” means a unit which denotes the ratio between two quantities which are proportional to power: the number of decibels corresponding to the ratio of two amounts of power is ten times the logarithm to the base ten of this ratio.

“Dwelling unit” means any area within a structure on any parcel which:

1. Contains separate or independent living facilities for one or more persons, with an area or equipment for sleeping, sanitation and food preparation, and which has independent exterior access to ground level; or

2. Is being utilized for residential purposes by one or more persons separately or independently from occupants of other areas within the structure.

“Emergency machinery, vehicle, work or alarm” means any machinery, vehicle, work or alarm used, employed, performed or operated in an effort to protect, provide or restore safety conditions in the community or for the citizenry, or work by private or public utilities when restoring utility service.

“Equivalent, noise, level, leq.” means the sound level corresponding to a steady state noise level over a given measurement period with the same amount of acoustic energy as the actual time varying noise level. Also known as the energy average noise level during the measurement period. The measurement period shall be fifteen (15) minutes under the terms of this chapter.

“Fixed noise source” means a stationary device which creates sounds while fixed or motionless including but not limited to residential, agricultural, industrial and commercial machinery and equipment, pumps, fans, compressors, air conditioners and refrigeration equipment.

“Grading” means any excavating of filling of earth material or any combination thereof conducted at a site to prepare said site for construction or other improvements thereon.

“Health care institution” means any hospital, convalescent home or other similar facility excluding residential.

“Hertz (HZ)” means the unit which describes the frequency of a function periodic in time which is the reciprocal of the period.

“Impulsive noise” means a noise of short duration usually less than one second and of high intensity, with an abrupt onset and rapid decay.

“Industrial property” means a parcel of real property which is used either in part or in whole for manufacturing purposes.

“Intruding noise level” means the total sound level, in decibels, created, caused, maintained or originating from an alleged offensive source at a specified location while the alleged offensive source is in operation.

“Licensed” means the issuance of a formal license or permit by the appropriate jurisdictional authority, or where no permits or licenses are issued, the sanctioning of the activity by the jurisdiction as noted in public record.

“Major roadway” means any street, avenue, boulevard or highway used for motor vehicle traffic which is owned or controlled by a public government entity.

“Mobile noise source” means any noise source other than a fixed noise source.

“Residential property” means a parcel of real property which is used either in part or in whole for residential purposes, other than transient uses such as hotels and motels, and residential care facilities. Residential property includes the residential portion of mixed use properties.

“Simple tone noise” means a noise characterized by a predominant frequency or frequencies so that other frequencies cannot be readily distinguished. If measured, simple tone noise shall exist if the one-third octave band sound pressure levels in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two continuous one-third octave bands as follows: five Db for frequencies of five hundred (500) Hertz (Hz) and above or, by fifteen (15) Db for frequencies less than or equal to one hundred twenty-three (123) Hz.

“Sound level meter” means an instrument meeting American National Standard Institute’s Standard S1.4-1971 or most recent revision thereof for Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

“Sound pressure level” of a sound, in decibels, means twenty (20) times the logarithm to the base ten of the ratio of the pressure of the sound to a reference pressure which shall be explicitly stated.

“Vibration” means any movement of the earth, ground or other similar surface created by a temporal and spatial oscillation device or equipment located upon, affixed in conjunction with that surface. (Ord. 2023-22 § 448, 2023; Ord. 95-38 § 11 (part), 1995)

10.26.015 Decibel Measurement Criteria.

Any decibel measurement made pursuant to the provisions of this chapter shall be based on a reference sound pressure of twenty (20) micropascals as measured with a sound level meter using the A-weighted network (scale) at slow response. (Ord. 95-38 § 11 (part), 1995)

10.26.020 Designated Noise Zones.

The properties hereinafter described assigned to the following noise zones:

Noise Zone I	—	All single-, two- and multiple-family residential properties;

Noise Zone II	—	All commercial properties;
Noise Zone III	—	The residential portion of mixed-use properties;
Noise Zone IV	—	All manufacturing or industrial properties.

The actual use of the property shall be the determining factor in establishing whether a property is in Noise Zone I, II, III or IV provided that the actual use is a legal use in the City of Newport Beach. (Ord. 95-38 § 11 (part), 1995)

10.26.025 Exterior Noise Standards.

A. The following noise standards, unless otherwise specifically indicated, shall apply to all property with a designated noise zone:

		ALLOWABLE EXTERIOR NOISE LEVEL (Equivalent Noise Level, Leq)	
NOISE ZONE	**TYPE OF LAND USE**	**7 a.m. to 10 p.m.**	**10 p.m. to 7 a.m.**
I	Single-, two-or multiple-family residential	55 DBA	50 DBA
II	Commercial	65 DBA	60 DBA
III	Residential portions of mixed-use properties	60 DBA	50 DBA
IV	Industrial or manufacturing	70 DBA	70 DBA

If the ambient noise level exceeds the resulting standard, the ambient shall be the standard.

B. It is unlawful for any person at any location within the incorporated area of the City to create any noise, or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level when measured on any other property, to exceed either of the following:

1. The noise standard for the applicable zone for any fifteen-minute period;

2. A maximum instantaneous noise level equal to the value of the noise standard plus twenty (20) DBA for any period of time (measured using A-weighted slow response).

C. In the event the ambient noise level exceeds the noise standard, the maximum allowable noise level under said category shall be increased to reflect the maximum ambient noise level.

D. The Noise Zone III standard shall apply to that portion of residential property falling within one hundred (100) feet of a commercial property, if the intruding noise originates from that commercial property.

E. If the measurement location is on boundary between two different noise zones, the lower noise level standard applicable to the noise zone shall apply. (Ord. 95-53 § 1, 1995; Ord. 95-38 § 11 (part), 1995)

10.26.030 Interior Noise Standards.

A. The following noise standard, unless otherwise specifically indicated, shall apply to all residential property within all noise zones:

		ALLOWABLE INTERIOR NOISE LEVEL (Equivalent Noise Level, Leq)	
NOISE ZONE	**TYPE OF LAND USE**	**7 a.m. to 10 p.m.**	**10 p.m. to 7 a.m.**
I	Residential	45 DBA	40 DBA
III	Residential portions of mixed-use properties	45 DBA	40 DBA

If the ambient noise level exceeds the resulting standard, the ambient shall be the standard.

B. It shall be unlawful for any person at any location within the incorporated area of the City to create any noise or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such a person which causes the noise level when measured on any other property, to exceed either of the following:

1. The noise standard for the applicable zone for any fifteen-minute period;

2. A maximum instantaneous noise level equal to the value of the noise standard plus twenty (20) DBA for any period of time (measured using A-weighted slow response).

C. In the event the ambient noise level exceeds the noise standard, the noise standard applicable to said category shall be increased to reflect the maximum ambient noise level.

D. The Noise Zone III standard shall apply to that portion of residential property falling within one hundred (100) feet of a commercial property, if the intruding noise originates from that commercial property.

E. If the measurement location is on a boundary between two different noise zones, the lower noise level standard applicable to the noise zone shall apply. (Ord. 95-53 § 2, 1995; Ord. 95-38 § 11 (part), 1995)

10.26.035 Exemptions.

The following activities shall be exempted from the provisions of this chapter:

A. Any activity conducted on public property, or on private properly with the consent of the owner, by any public entity, or its officers, employees, representatives, agents, subcontractors, permittees, licensees, or lessees, which are consistent with, and in furtherance of, the governmental functions or services the public entity has authorized, or responsible, to perform, activities which are exempt from the provisions of this chapter include, without limitation, sporting and recreational activities which are sponsored or co-sponsored by the City of Newport Beach or the Newport Mesa Unified School District;

B. Occasional outdoor gatherings, public dances, show, sporting and entertainment events, provided said events are conducted pursuant to a permit or license issued by the appropriate jurisdiction relative to the staging of said events;

C. Any mechanical device, apparatus or equipment used, related to or connected with emergency machinery, vehicle, work or warning alarm or bell, provided the sounding of any bell or alarm on any building or motor vehicle shall terminate its operation within forty-five (45) minutes in any hour of its being activated;

D. Noise sources associated with construction, repair, remodeling, demolition or grading of any real property. Such activities shall instead be subject to the provisions of Chapter 10.28 of this title;

E. Noise sources associated with construction, repair, remodeling, demolition or grading of public rights-of-way or during authorized seismic surveys;

F. All mechanical devices, apparatus or equipment associated with agriculture operations provided that:

1. Operations do not take place between eight p.m. and seven a.m. on weekdays, including Saturday, or at any time Sunday or a federal holiday, or

2. Such operations and equipment are utilized for the protection or salvage of agricultural crops during periods of potential or actual frost damage or other adverse weather conditions, or

3. Such operations and equipment are associated with agricultural pest control through pesticide application, provided the application is made in accordance with permits issued by or regulations enforced by the California Department of Agriculture;

G. Noise sources associated with the maintenance of real property. Such activities shall instead be subject to the provisions of Chapter 10.28 of this title;

H. Any activity to the extent regulation thereof has been preempted by state or federal law. NOTE: Preemption may include motor vehicle, aircraft in flight, and railroad noise regulations;

I. Any noise sources associated with people and/or music associated with a party at a residential property. Such noise is difficult to measure under the terms of this chapter and instead shall be subject to the provisions of Chapters 10.28 and 10.58 of this title;

J. Any noise sources associated with barking dogs or other intermittent noises made by animals on any properly within the City of Newport Beach. Such noise is difficult to measure under the terms of this chapter and instead shall be subject to the provisions of Chapter 7.20 of this Code;

K. Any noise sources associated with the operation of a permanently installed heating, venting and air conditioning (HVAC) equipment on a residential property permitted under the provisions of Section 10.26.045(B) and (C);

L. Any noise sources specifically identified and mitigated under the provisions of a use permit, modification permit, development agreement or planned community district development plan adopted prior to the date of adoption of this chapter. (Ord. 95-53 § 3, 1995; Ord. 95-38 § 11 (part), 1995)

10.26.040 Schools, Day Care Centers, Churches, Libraries, Museums, Health Care Institutions—Special Provisions.
It is unlawful for any person to create any noise which causes the noise level at any school, day care center, hospital or similar health care institution, church, library or museum while the same is in use, to exceed the noise standards specified in Section 10.26.025 prescribed for the assigned Noise Zone I (residential uses). (Ord. 95-38 § 11 (part), 1995)

10.26.045 Heating, Venting and Air Conditioning—Special Provisions.
A. New HVAC Equipment. New permits for heating, venting and air conditioning (HVAC) equipment in or adjacent to residential areas shall be issued only where installations can be shown by computation, based on the sound rating of the proposed equipment, not to exceed an A-weighted sound pressure level of fifty (50) DBA or not to exceed an A-weighted sound pressure level of fifty-five (55) dBA and be installed with a timing device that will deactivate the equipment during the hours of ten p.m. to seven a.m. The method of computation used shall be that specified in “Standard Application of Sound Rated Outdoor Unitary Equipment,” Standard 275, Air conditioning and Refrigeration Institute, 1984 or latest revision thereof.

B. Existing HVAC Equipment.

1. HVAC equipment legally installed prior to April 22, 1981, shall be permitted to operate with an exterior noise limit of sixty-five (65) dBA until January 1, 1998.

2. HVAC equipment legally installed prior to April 22, 1981, shall be exempted from the interior noise level standard as specified in Section 10.26.030 of this chapter until January 1, 1998.

3. HVAC equipment legally installed after April 22, 1981, and prior to the date of adoption of this chapter shall not exceed a maximum exterior noise limit of fifty-five (55) dBA during the ninety-day compliance period set forth in Section 10.26.005.

C. In the event that HVAC equipment cannot meet the requirements set forth in this chapter, then the exterior noise limit for such equipment may be raised to sixty-five (65) dBA and exempted from the interior noise level standard as specified in Section 10.26.030 of this chapter, provided that the applicant obtains the written consent of all the owners of the affected properties. (Ord. 95-38 § 11 (part), 1995)

10.26.050 Sound-Amplifying Equipment.
Loudspeakers, sound amplifiers, public address systems or similar devices used to amplify sounds shall be subject to the provisions of Chapter 10.32 of this title. Such sound-amplifying equipment shall not be construed to include electronic devices,

including but not limited to, radios, tape players, tape recorders, compact disc players, electric keyboards, music synthesizers, record players or televisions, which are designed and operated for personal use, or used entirely within a building and are not designed or used to convey the human voice, music or any other sound to an audience outside such building, or which are used in vehicles and heard only by occupants of the vehicle in which installed, which shall be subject to the provisions of Chapter 10.28 of this title. (Ord. 95-38 § 11 (part), 1995)

10.26.055 Noise Level Measurement.

A. The location selected for measuring exterior noise levels in a residential area shall be at any part of a private yard, patio, deck or balcony normally used for human activity and identified by the owner of the affected property as suspected of exceeding the noise level standard. This location may be the closest point in the private yard or patio, or on the deck or balcony, to the noise source, but should not be located in nonhuman activity areas such as trash container storage areas, planter beds, above or contacting a property line fence, or other areas not normally used as part of the yard, patio, deck or balcony. The location selected for measuring exterior noise levels in a nonresidential area shall be at the closest point to the noise source. The measurement microphone height shall be five feet above finish elevation or, in the case of a deck or balcony, the measurement microphone height shall be five feet above the finished floor level.

B. The location selected for measuring interior noise levels shall be made within the affected residential unit. The measurements shall be made at a point at least four feet from the wall, ceiling or floor, or within the frame of a window opening, nearest the noise source. The measurements shall be made with windows in an open position. (Ord. 95-38 § 11 (part), 1995)

10.26.065 Proposed Developments.

Each department whose duty it is to review and approve new projects or changes to existing projects that result or may result in the creation of noise shall consult with the Code Enforcement Officer prior to any such approval. If at any time the Code Enforcement Officer has reason to believe that a standard, regulation, action, proposed standard, regulation or action of any department respecting noise does not conform to the provisions as specified in this chapter, the Code Enforcement Officer may request such department to consult with him on the advisability of revising such standard or regulation to obtain uniformity. (Ord. 95-38 § 11 (part), 1995)

10.26.070 Prima Facie Violation.

Any noise exceeding the noise level standard as specified in Section 10.26.025 and 10.26.030 of this chapter, shall be deemed to be prima facie evidence of a violation of the provisions of this chapter. (Ord. 95-38 § 11 (part), 1995)

10.26.075 Violations.

Any persons violating any of the provisions of this chapter shall be deemed guilty of an infraction. (Ord. 95-38 § 11 (part), 1995)

10.26.080 Violations—Additional Remedies—Injunctions.

A. As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provisions of this chapter which operation or maintenance causes or creates sound levels exceeding the allowable standards as specified in this chapter shall be deemed and is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

B. Any violation of this chapter is declared to be a public nuisance and may be abated in accordance with law. The expense of this chapter is declared to be public nuisance and may be by resolution of the City Council declared to be a lien against the

property on which such nuisance is maintained, and such lien shall be made a personal obligation of the property owner. (Ord. 95-38 § 11 (part), 1995)

10.26.085 City Manager Waiver.

The City Manager is authorized to grant a temporary waiver to the provisions of this chapter for a period of time not to exceed thirty (30) days if such temporary waiver would be in the public interest and there is no feasible and prudent alternative to the activity, or the method of conducting the activity, for which the temporary waiver is sought. (Ord. 95-38 § 11 (part), 1995)

10.26.090 Noise Abatement Programs.

A. In circumstances which adopted community-wide noise standards and policies prove impractical in controlling noise generated from a specific source, the City Council may establish a noise abatement program which recognizes the characteristics of the noise source and affected property and which incorporates specialized mitigation measures.

B. Noise abatement programs shall set forth in detail the approved terms, conditions and requirements for achieving maximum compliance with noise standards and policies. Said terms, conditions and requirements may include, but shall not be limited to, limitations, restrictions, or prohibitions on operating hours, location of operations, and the types of equipment. (Ord. 95-38 § 11 (part), 1995)

10.26.095 Manner of Enforcement.

A. The City Code Enforcement Officer is directed to enforce the provisions of this chapter and may issue citations for any violation of the provisions of this chapter or violations of this chapter may be prosecuted or enforced in the same manner as other infractions pursuant to this Code; provided, however, that in the event of an initial violation of the provisions of this chapter, a written notice may be given to the alleged violator which specifies the time by which the condition shall be corrected.

B. No person shall interfere with, oppose or resist any authorized person charged with the enforcement of this chapter while such person is engaged in the performance of his/her duty.

C. In the event the alleged violator cannot be located in order to serve any notice, the notice shall be deemed to be given upon mailing such notice by registered or certified mail to the alleged violator at his last known address or at the place where the violation occurred in which event the specified time period for abating the violation or applying for a variance shall commence at the date of the day following the mailing of such notice. (Ord. 95-38 § 11 (part), 1995)

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APPENDIX 3.2:

CITY OF NEWPORT BEACH MUNICIPAL CODE CHAPTER 10.28

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Chapter 10.28
LOUD AND UNREASONABLE NOISE*

Sections:

* Sound-amplifying equipment—See Chapter 10.32.

Prior history: 1949 Code § 4208; Ords. 1191, 1802, 87-11, 87-17 and 93-7.

10.28.005 Policy.

It is found and declared as follows:

A. The making, allowing, creation or maintenance of loud and unreasonable, unnecessary, or unusual noises which are prolonged, unusual, annoying, disturbing and/or unreasonable in their time, place and use are a detriment to public health, comfort, convenience, safety, general welfare and the peace and quiet of the City and its inhabitants.

B. The necessity in the public interest for the provisions and prohibitions contained and enacted is to declare as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, general welfare and property and the peace and quiet of the City and its inhabitants. (Ord. 2001-4 § 1, 2001)

10.28.007 Loud and Unreasonable Noise is Prohibited.

It is unlawful for any person or property owner to make, continue, cause or allow to be made any loud, unreasonable, unusual, penetrating or boisterous noise, disturbance or commotion which annoys, disturbs, injures or endangers the comfort, repose, health, peace and quiet within the limits of the City, and the acts and things listed in this chapter, among others, are declared to be loud, disturbing, injurious and unreasonable noises in violation of this Chapter, but shall not be deemed to be exclusive. (Ord. 2001-4 § 2, 2001)

10.28.010 Loud and Unreasonable Noise.

It is unlawful for any person or property owner to willfully make, allow, continue or cause to be made, allowed, or continued, any loud and unreasonable, unnecessary, or disturbing noise, including, but not limited to, yelling, shouting, hooting, whistling, singing, playing music, or playing a musical instrument, which disturbs the peace, comfort, quiet or repose of any area or which causes discomfort or annoyance to any reasonable person of normal sensitivities in the area, after a peace or code enforcement officer has first requested that the person or property owner cease and desist from making or continuing, or causing to make or continue, such loud, unreasonable, unnecessary, excessive or disturbing noise.

The factors, standards, and conditions which should be considered in determining whether a violation of the provisions of this section has been committed, include, but are not limited to, the following:

A. The level of the noise;

B. Whether the nature of the noise is usual or unusual;

C. Whether the origin of the noise is natural or unnatural;

D. The level and intensity of the background (ambient) noise, if any;

E. The proximity of the noise to residential or commercial sleeping areas;

F. The nature and zoning of the area within which the noise emanates;

G. The density of inhabitation of the area within which the noise emanates;

H. The time of day and night the noise occurs;

I. The duration of the noise;

J. Whether the noise is constant, or recurrent or intermittent; and

K. Whether the noise is produced by a commercial or noncommercial activity;

L. If the noise is produced by a commercial activity, whether the use is lawful under the provisions of Title 20 of this Code and whether the noise is one that could reasonably be expected from the commercial activity. (Ord. 2023-22 § 450, 2023; Ord. 2001-4 § 3 (part), 2001: Ord. 95-38 § 3 (part), 1995)

10.28.020 Loud and Raucous Noise from Sound-Making or Amplifying Devices Prohibited.

A. It is unlawful for any person to cause, allow or permit the emission or transmission of any loud or raucous noise from any sound-making or sound-amplifying device in his possession or under his control:

1. Upon any private property; or

2. Upon any public street, alley, sidewalk or thoroughfare; or

3. In or upon any public park, beach or other public place or property.

B. The words “loud and raucous noise,” as used herein, shall mean any sound or any recording thereof when amplified or increased by any electrical, mechanical or other device to such volume, intensity or carrying power as to unreasonably interfere with the peace and quiet of other persons within or upon any one or more of such places or areas, or as to unreasonably annoy, disturb, impair or endanger the comfort, repose, health, or safety of other persons within or upon any one or more such places or areas.

C. The word “unreasonably,” as used herein, shall include, but not be limited to, consideration of the hour, place, nature and circumstances of the emission or transmission of any such loud and raucous noise. (Ord. 2023-22 § 451, 2023; Ord. 2001-4 § 3 (part), 2001: Ord. 95-38 § 3 (part), 1995)

10.28.040 Construction Activity—Noise Regulations.

A. No person shall, while engaged in construction, remodeling, digging, grading, demolition, painting, plastering or any other related building activity, operate any tool, equipment or machine in a manner which produces loud noise that disturbs, or could disturb, a person of normal sensitivity who works or resides in the vicinity, unless authorized to do so in accordance with subsection (B) of this section.

B. The provisions of subsection (A) of this section shall not apply to the following:

1. Work performed on any weekday, which is not a Federal holiday, between the hours of 7:00 a.m. and 6:30 p.m.

2. Work performed on a Saturday, in any area of the City that is not designated as a high-density area, between the hours of 8:00 a.m. and 6:00 p.m.

3. Emergency work performed pursuant to written authorization of the Community Development Director.

4. Maintenance, repair or improvement of any public work or facility by public employees, by any person or persons acting pursuant to a public works contract, or by any person or persons performing such work or pursuant to the direction of, or on behalf of, any public agency; provided, however, this exception shall not apply to the City, or its employees, contractors or agents, unless:

a. The City Manager or department director determines that the maintenance, repair or improvement is immediately necessary to maintain public services;

b. The maintenance, repair or improvement is of a nature that cannot feasibly be conducted during normal business hours; or

c. The City Council has approved project specifications, contract provisions, or an environmental document that specifically authorizes construction during hours of the day which would otherwise be prohibited pursuant to this section.

C. No landowner, construction company owner, contractor, subcontractor, or employer shall permit or allow any person or persons working under their direction and control to operate any tool, equipment or machine in violation of the provisions of this section.

D. Designated High-Density Area. The term “designated high-density area” shall mean any shaded area on the map on file in the City Clerk’s office designated as a high-density area (High Density Map). The geographical boundaries of a homeowners’ association, as defined in subsection (E) of this section, shall be excluded from the definition of a “designated high-density area” if the City Council adopts a resolution pursuant to subsection (E) of this section.

E. A homeowners' association located within a designated high-density area may exclude the geographical boundaries of the homeowners' association from the definition of a designated high-density area if:

1. The board of directors of the homeowners' association votes to approve a resolution or letter declaring its desire to exempt its geographical boundaries from the definition of a designated high-density area;

2. The board of directors submits the approved resolution or letter to the City Clerk for consideration by the City Council; and

3. The City Council adopts a resolution finding that exempting the geographical boundaries of the homeowners' association from the definition of a designated high-density area will not negatively affect surrounding property owners.

For the purpose of this subsection, a "homeowners' association" means an organization consisting of at least thirty (30) voting members whose properties connect in a contiguous manner and whose operation is governed by a board of directors. (Ord. 2023-22 § 452, 2023; Ord. 2019-11 §§ 1, 2, 2019; Ord. 2019-9 § 1, 2019: Ord. 2013-11 § 35, 2013; Ord. 2001-4 § 3 (part), 2001: Ord. 95-38 § 3 (part), 1995)

10.28.045 Real Property Maintenance—Noise Regulations.

A. Weekdays and Saturdays. No person shall, while engaged in maintenance of real property, operate any tool, equipment or machine in a manner which produces loud noise that disturbs, or could disturb, a person of normal sensitivity who works or resides in the vicinity, except between the hours of seven a.m. and six-thirty p.m., Monday through Friday, nor on any Saturday, except between the hours of eight a.m. and six p.m.

B. Sundays and Holidays. No person shall, while engaged in maintenance of real property, operate any tool, equipment or machine in a manner which produces loud noise that disturbs, or could disturb, a person of normal sensitivity who works or resides in the vicinity, on any Sunday or any federal holiday.

C. No landowner, gardener, property maintenance service, contractor, subcontractor or employer shall permit or allow any person or persons working under their direction and control to operate any tool, equipment or machine in violation of the provisions of this section.

D. Mechanical blowers, as defined in Section 6.04.040, shall not be operated at a noise level that exceeds an A-weighted sound pressure level of sixty-five (65) dBA, as measured from a distance of fifty (50) feet.

E. Exceptions. The provisions of this section shall not apply to the following:

1. Emergency property maintenance authorized by the Community Development Director;

2. The maintenance, repair or improvement of any public work or facility by public employees, by any person or persons acting pursuant to a public works contract, or by any person or persons performing such work or pursuant to the direction of, or on behalf of, any public agency; provided, however, this exception shall not apply to the City of Newport Beach, or its employees, contractors or agents, unless:

a. The City Manager or department director determines that the maintenance, repair or improvement is immediately necessary to maintain public service,

b. The maintenance, repair or improvement is of a nature that cannot feasibly be conducted during normal business hours,

c. The City Council has approved project specifications, contract provisions, or an environmental document that specifically authorizes construction during hours of the day which would otherwise be prohibited pursuant to this section;

3. Greens maintenance on golf courses conducted between the hours of six a.m. and eight p.m. and all other types of golf course maintenance between the hours of seven a.m. and eight p.m., provided no maintenance activity commences before six a.m. (Ord. 2023-22 § 453, 2023; Ord. 2019-15 § 7, 2019; Ord. 2019-9 § 2, 2019; Ord. 2001-4 § 3 (part), 2001: Ord. 95-38 § 3 (part), 1995)

10.28.050 Exceptions.

The provisions of Sections 10.28.040 and 10.28.045 shall not be construed to prohibit such work at different hours by or under the direction of any other public agency in cases of necessity or emergency. (Ord. 2001-4 § 3 (part), 2001: Ord. 95-38 § 3 (part), 1995)

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APPENDIX 7.1:

OPERATIONAL NOISE LEVEL CALCULATIONS

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16055 - Genesis Automobile Dealership

CadnaA Noise Prediction Model: 16055-03_Operation.cna
Date: 16.07.24
Analyst: B. Maddux

Calculation Configuration

Configuration	
Parameter	**Value**
General	
Max. Error (dB)	**0.00**
Max. Search Radius (#(Unit,LEN))	**2000.01**
Min. Dist Src to Rcvr	**0.00**
Partition	
Raster Factor	**0.50**
Max. Length of Section (#(Unit,LEN))	**999.99**
Min. Length of Section (#(Unit,LEN))	**1.01**
Min. Length of Section (%)	**0.00**
Proj. Line Sources	**On**
Proj. Area Sources	**On**
Ref. Time	
Daytime Penalty (dB)	**0.00**
Recr. Time Penalty (dB)	**5.00**
Night-time Penalty (dB)	**10.00**
DTM	
Standard Height (m)	**0.00**
Model of Terrain	**Triangulation**
Reflection	
max. Order of Reflection	**2**
Search Radius Src	**100.00**
Search Radius Rcvr	**100.00**
Max. Distance Source - Rcvr	**1000.00 1000.00**
Min. Distance Rvcr - Reflector	**1.00 1.00**
Min. Distance Source - Reflector	**0.10**
Industrial (ISO 9613)	
Lateral Diffraction	**some Obj**
Obst. within Area Src do not shield	**On**
Screening	**Incl. Ground Att. over Barrier**
	Dz with limit (20/25)
Barrier Coefficients C1,2,3	**3.0 20.0 0.0**
Temperature (#(Unit,TEMP))	**10**
rel. Humidity (%)	**70**
Ground Absorption G	**0.50**
Wind Speed for Dir. (#(Unit,SPEED))	**3.0**
Roads (TNM)	
Railways (FTA/FRA)	
Aircraft (???)	
Strictly acc. to AzB	

Receiver Noise Levels

Name	M.	ID	Level Lr			Limit. Value			Land Use			Height		Coordinates		
			Day	Night	CNEL	Day	Night	CNEL	Type	Auto	Noise Type			X	Y	Z
			(dBA)	(dBA)	(dBA)	(dBA)	(dBA)	(dBA)				(ft)		(ft)	(ft)	(ft)
R1		R1	40.5	38.6	45.3	0.0	0.0	0.0		x	Total	5.00	a	6056232.95	2172020.08	5.00
R2		R2	44.4	41.9	48.7	0.0	0.0	0.0		x	Total	5.00	a	6056508.84	2172012.18	5.00
R3		R3	45.7	42.8	49.5	0.0	0.0	0.0		x	Total	5.00	a	6056828.56	2172073.53	5.00
R4		R4	50.7	40.2	49.9	0.0	0.0	0.0		x	Total	5.00	a	6056711.56	2171741.37	5.00
R5		R5	38.4	35.7	42.5	0.0	0.0	0.0		x	Total	5.00	a	6056259.82	2171728.35	5.00

Point Source(s)

Name	M.	ID	Result. PWL			Lw / Li			Operating Time			Height		Coordinates		
			Day	Evening	Night	Type	Value	norm.	Day	Special	Night			X	Y	Z
			(dBA)	(dBA)	(dBA)			dB(A)	(min)	(min)	(min)	(ft)		(ft)	(ft)	(ft)
AC1		AC1	89.0	89.0	89.0	Lw	89		675.00	0.00	270.00	5.00	g	6056602.55	2171915.83	30.00
AC2		AC2	89.0	89.0	89.0	Lw	89		675.00	0.00	270.00	5.00	g	6056607.24	2171916.09	30.00
AC3		AC3	89.0	89.0	89.0	Lw	89		675.00	0.00	270.00	5.00	g	6056727.03	2171925.98	30.00
AC4		AC4	89.0	89.0	89.0	Lw	89		675.00	0.00	270.00	5.00	g	6056709.84	2171974.94	30.00
AC5		AC5	89.0	89.0	89.0	Lw	89		675.00	0.00	270.00	5.00	g	6056587.70	2171971.03	30.00
TRASH1		TRASH1	88.9	88.9	88.9	Lw	88.9		150.00	0.00	90.00	8.00	g	6056504.89	2171920.25	8.00
BAY1		BAY1	102.6	102.6	102.6	Lw	102.6		900.00	0.00	0.00	5.00	g	6056684.84	2171904.11	5.00

Line Source(s)

Name	M.	ID	Result. PWL			Result. PWL'			Lw / Li			Operating Time			Moving Pt. Src				Height
			Day	Evening	Night	Day	Evening	Night	Type	Value	norm.	Day	Special	Night	Number			Speed	
			(dBA)	(dBA)	(dBA)	(dBA)	(dBA)	(dBA)			dB(A)	(min)	(min)	(min)	Day	Evening	Night	(mph)	(ft)

Name	ID	Height				Coordinates			
		Begin		End		x	y	z	Ground
		(ft)		(ft)		(ft)	(ft)	(ft)	(ft)

Area Source(s)

Name	M.	ID	Result. PWL			Result. PWL''			Lw / Li			Operating Time			Height	
			Day	Evening	Night	Day	Evening	Night	Type	Value	norm.	Day	Special	Night	(ft)	
			(dBA)	(dBA)	(dBA)	(dBA)	(dBA)	(dBA)			dB(A)	(min)	(min)	(min)		
PARK1		park1	83.2	83.2	83.2	51.8	51.8	51.8	Lw	83.2					0.	a
park2		park2	73.0	73.0	73.0	51.2	51.2	51.2	Lw	73					0.	a

Name	ID	Height				Coordinates			
		Begin		End		x	y	z	Ground
		(ft)		(ft)		(ft)	(ft)	(ft)	(ft)
PARK1	park1	0.00	a			6056226.16	2171921.82	0.00	0.00
						6056335.88	2171924.25	0.00	0.00
						6056336.23	2171907.58	0.00	0.00
						6056345.95	2171907.93	0.00	0.00
						6056344.91	2171925.29	0.00	0.00
						6056395.95	2171926.33	0.00	0.00
						6056396.99	2171909.66	0.00	0.00
						6056405.67	2171909.66	0.00	0.00
						6056404.63	2171930.15	0.00	0.00
						6056497.34	2171933.27	0.00	0.00
						6056500.12	2171890.22	0.00	0.00
						6056501.16	2171872.51	0.00	0.00
						6056489.70	2171872.16	0.00	0.00
						6056489.35	2171889.18	0.00	0.00
						6056482.06	2171889.52	0.00	0.00
						6056482.06	2171872.16	0.00	0.00
						6056464.01	2171871.82	0.00	0.00
						6056461.58	2171889.87	0.00	0.00
						6056456.37	2171889.87	0.00	0.00
						6056457.06	2171871.82	0.00	0.00
						6056449.08	2171871.12	0.00	0.00
						6056448.38	2171888.48	0.00	0.00
						6056439.35	2171888.13	0.00	0.00
						6056440.05	2171870.43	0.00	0.00
						6056346.99	2171867.65	0.00	0.00
						6056345.95	2171882.93	0.00	0.00
						6056336.58	2171881.88	0.00	0.00
						6056336.92	2171868.00	0.00	0.00
						6056252.55	2171864.52	0.00	0.00
						6056252.55	2171878.41	0.00	0.00
						6056226.16	2171878.07	0.00	0.00
						6056225.81	2171904.80	0.00	0.00
park2	park2	0.00	a			6056404.63	2171947.16	0.00	0.00
						6056497.69	2171950.98	0.00	0.00
						6056497.34	2171933.27	0.00	0.00
						6056404.63	2171930.15	0.00	0.00

Barrier(s)

Name	Sel.	M.	ID	Absorption		Z-Ext.	Cantilever		Height			Coordinates			
				left	right		horz.	vert.	Begin		End	x	y	z	Ground
						(ft)	(ft)	(ft)	(ft)		(ft)	(ft)	(ft)	(ft)	(ft)
BARRIEREXISTING			0						8.00	a		6056161.41	2171742.95	8.00	0.00
												6056362.87	2171749.74	8.00	0.00
												6056537.78	2171755.10	8.00	0.00
												6056697.25	2171761.00	8.00	0.00
												6056846.52	2171764.42	8.00	0.00
BARRIEREXISTING			0						0.00	a		6056846.52	2171764.42	0.00	0.00
												6056969.77	2171769.41	0.00	0.00
												6056996.85	2171770.45	0.00	0.00
BARRIEREXISTING			0						0.00	a		6056161.41	2171742.95	0.00	0.00
												6056074.98	2171740.76	0.00	0.00
												6055975.50	2171740.24	0.00	0.00
BARRIEREXISTING			0						0.00	a		6056556.61	2171940.58	0.00	0.00
												6056502.97	2171939.29	0.00	0.00
												6056502.65	2171948.00	0.00	0.00
												6056511.52	2171948.32	0.00	0.00
												6056510.66	2171990.14	0.00	0.00
												6056664.21	2171994.97	0.00	0.00
												6056664.10	2171993.19	0.00	0.00
												6056752.06	2171995.33	0.00	0.00
												6056755.78	2171897.42	0.00	0.00
												6056699.99	2171896.04	0.00	0.00
												6056698.39	2171905.85	0.00	0.00
												6056667.05	2171904.52	0.00	0.00

Name	Sel.	M.	ID	Absorption		Z-Ext.	Cantilever		Height			Coordinates			
				left	right		horz.	vert.	Begin		End	x	y	z	Ground
						(ft)	(ft)	(ft)	(ft)		(ft)	(ft)	(ft)	(ft)	(ft)
												6056668.26	2171872.26	0.00	0.00
												6056560.07	2171869.06	0.00	0.00
												6056558.53	2171901.58	0.00	0.00
												6056544.70	2171901.07	0.00	0.00
												6056543.81	2171933.59	0.00	0.00
												6056557.51	2171933.72	0.00	0.00
												6056557.14	2171940.69	0.00	0.00
												6056556.38	2171940.53	0.00	0.00
												6056556.50	2171940.49	0.00	0.00

Building(s)

Name	Sel.	M.	ID	RB	Residents	Absorption	Height		Coordinates			
							Begin		x	y	z	Ground
							(ft)		(ft)	(ft)	(ft)	(ft)
GROUND			0	x	0		25.00	a	6056511.23	2171948.55	25.00	0.00
									6056510.53	2171990.22	25.00	0.00
									6056664.70	2171995.08	25.00	0.00
									6056664.35	2171993.34	25.00	0.00
									6056752.20	2171995.43	25.00	0.00
									6056756.02	2171897.16	25.00	0.00
									6056699.77	2171895.77	25.00	0.00
									6056698.38	2171905.84	25.00	0.00
									6056667.13	2171904.45	25.00	0.00
									6056668.52	2171871.82	25.00	0.00
									6056559.84	2171868.69	25.00	0.00
									6056558.10	2171900.98	25.00	0.00
									6056544.21	2171900.63	25.00	0.00
									6056543.52	2171933.97	25.00	0.00
									6056557.06	2171934.32	25.00	0.00
									6056556.71	2171940.22	25.00	0.00
									6056502.55	2171938.83	25.00	0.00
									6056502.20	2171948.20	25.00	0.00

Ground Absorption(s)

Name	Sel.	M.	ID	G	Coordinates	
					x	y
					(ft)	(ft)

Contour(s)

Name	Sel.	M.	ID	OnlyPts	Height		Coordinates		
					Begin	End	x	y	z
					(ft)	(ft)	(ft)	(ft)	(ft)

Vertical Area Source(s)

Name	ID	Height		Coordinates			
		Begin	End	x	y	z	Ground
		(ft)	(ft)	(ft)	(ft)	(ft)	(ft)

Rail

Name	Sel.	M.	ID	Lw'		Train Class	Correct.	Vmax
				Day	Night		Track	
				(dBA)	(dBA)		(dB)	(km(mph)

Sound Level Spectra

Name	ID	Type	Oktave Spectrum (dB)											Source
			Weight.	31.5	63	125	250	500	1000	2000	4000	8000	A	lin	

Roads

Name	Sel.	M.	ID	Lme			Count Data		exact Count Data						Speed Limit		SCS	Surface		Gradient	Mult. Reflection		
				Day	Evening	Night	DTV	Str.class.	M			p (%)			Auto	Truck	Dist.	Dstro	Type		Drefl	Hbuild	Dist.
				(dBA)	(dBA)	(dBA)			Day	Evening	Night	Day	Evening	Night	(mph)	(mph)		(dB)		(%)	(dB)	(ft)	(ft)

RoadsGeo

Name	Height		Coordinates				Dist	LSlope
	Begin	End	x	y	z	Ground	(ft)	(%)
	(ft)	(ft)	(ft)	(ft)	(ft)	(ft)		

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APPENDIX 8.1:

CONSTRUCTION NOISE LEVEL CALCULATIONS

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16055 - Genesis Automobile Dealership

CadnaA Noise Prediction Model: 16055-02_Construction.cna
Date: 23.05.24
Analyst: B. Maddux

Calculation Configuration

Configuration	
Parameter	**Value**
General	
Max. Error (dB)	**0.00**
Max. Search Radius (#(Unit,LEN))	**2000.01**
Min. Dist Src to Rcvr	**0.00**
Partition	
Raster Factor	**0.50**
Max. Length of Section (#(Unit,LEN))	**999.99**
Min. Length of Section (#(Unit,LEN))	**1.01**
Min. Length of Section (%)	**0.00**
Proj. Line Sources	**On**
Proj. Area Sources	**On**
Ref. Time	
Daytime Penalty (dB)	**0.00**
Recr. Time Penalty (dB)	**5.00**
Night-time Penalty (dB)	**10.00**
DTM	
Standard Height (m)	**0.00**
Model of Terrain	**Triangulation**
Reflection	
max. Order of Reflection	**2**
Search Radius Src	**100.00**
Search Radius Rcvr	**100.00**
Max. Distance Source - Rcvr	**1000.00 1000.00**
Min. Distance Rvcr - Reflector	**1.00 1.00**
Min. Distance Source - Reflector	**0.10**
Industrial (ISO 9613)	
Lateral Diffraction	**some Obj**
Obst. within Area Src do not shield	**On**
Screening	**Incl. Ground Att. over Barrier**
	Dz with limit (20/25)
Barrier Coefficients C1,2,3	**3.0 20.0 0.0**
Temperature (#(Unit,TEMP))	**10**
rel. Humidity (%)	**70**
Ground Absorption G	**0.50**
Wind Speed for Dir. (#(Unit,SPEED))	**3.0**
Roads (TNM)	
Railways (FTA/FRA)	
Aircraft (???)	
Strictly acc. to AzB	

Receiver Noise Levels

Name	M.	ID	Level Lr			Limit. Value			Land Use			Height		Coordinates		
			Day	Night	CNEL	Day	Night	CNEL	Type	Auto	Noise Type			X	Y	Z
			(dBA)	(dBA)	(dBA)	(dBA)	(dBA)	(dBA)				(ft)		(ft)	(ft)	(ft)
R1		R1	0.0	0.0	0.0	0.0	0.0	0.0		x	Total	5.00	a	6056232.95	2172020.08	0.00
R2		R2	0.0	0.0	0.0	0.0	0.0	0.0		x	Total	5.00	a	6056508.84	2172012.18	0.00
R3		R3	0.0	0.0	0.0	0.0	0.0	0.0		x	Total	5.00	a	6056828.56	2172073.53	0.00
R4		R4	0.0	0.0	0.0	0.0	0.0	0.0		x	Total	5.00	a	6056711.56	2171741.37	0.00
R5		R5	0.0	0.0	0.0	0.0	0.0	0.0		x	Total	5.00	a	6056259.82	2171728.35	0.00

Point Source(s)

Name	M.	ID	Result. PWL			Lw / Li			Operating Time			Height		Coordinates		
			Day	Evening	Night	Type	Value	norm.	Day	Special	Night			X	Y	Z
			(dBA)	(dBA)	(dBA)			dB(A)	(min)	(min)	(min)	(ft)		(ft)	(ft)	(ft)

Line Source(s)

Name	M.	ID	Result. PWL			Result. PWL'			Lw / Li			Operating Time			Moving Pt. Src				Height	
			Day	Evening	Night	Day	Evening	Night	Type	Value	norm.	Day	Special	Night	Number			Speed		
			(dBA)	(dBA)	(dBA)	(dBA)	(dBA)	(dBA)			dB(A)	(min)	(min)	(min)	Day	Evening	Night	(mph)	(ft)	

Name	ID	Height		Coordinates			
		Begin	End	x	y	z	Ground
		(ft)	(ft)	(ft)	(ft)	(ft)	(ft)

Area Source(s)

Name	M.	ID	Result. PWL			Result. PWL''			Lw / Li			Operating Time			Height	
			Day	Evening	Night	Day	Evening	Night	Type	Value	norm.	Day	Special	Night	(ft)	
			(dBA)	(dBA)	(dBA)	(dBA)	(dBA)	(dBA)			dB(A)	(min)	(min)	(min)		
Construction1		Construction1	116.6	16.6	16.6	78.0	-22.0	-22.0	PWL-Pt	116.6					8	a

Name	ID	Height				Coordinates			
		Begin		End		x	y	z	Ground
		(ft)		(ft)		(ft)	(ft)	(ft)	(ft)
Construction1	Construction1	8.00	a			6056758.87	2172001.41	0.00	0.00
						6056763.20	2171863.23	0.00	0.00
						6056212.85	2171844.90	0.00	0.00
						6056208.33	2171990.73	0.00	0.00

Barrier(s)

Name	Sel.	M.	ID	Absorption		Z-Ext.	Cantilever		Height		Coordinates			
				left	right		horz.	vert.	Begin	End	x	y	z	Ground
						(ft)	(ft)	(ft)	(ft)	(ft)	(ft)	(ft)	(ft)	(ft)

Building(s)

Name	Sel.	M.	ID	RB	Residents	Absorption	Height	Coordinates				
							Begin	x	y	z	Ground	
							(ft)	(ft)	(ft)	(ft)	(ft)	

Ground Absorption(s)

Name	Sel.	M.	ID	G	Coordinates	
					x	y
					(ft)	(ft)

Contour(s)

Name	Sel.	M.	ID	OnlyPts	Height		Coordinates		
					Begin	End	x	y	z
					(ft)	(ft)	(ft)	(ft)	(ft)

Vertical Area Source(s)

Name	ID	Height		Coordinates			
		Begin	End	x	y	z	Ground
		(ft)	(ft)	(ft)	(ft)	(ft)	(ft)

Rail

Name	Sel.	M.	ID	Lw'		Train Class	Correct.	Vmax
				Day	Night		Track	
				(dBA)	(dBA)		(dB)	(km(mph)

Sound Level Spectra

Name	ID	Type	Oktave Spectrum (dB)											Source
			Weight.	31.5	63	125	250	500	1000	2000	4000	8000	A	lin	

Roads

Name	Sel.	M.	ID	Lme			Count Data		exact Count Data						Speed Limit		SCS	Surface		Gradient	Mult. Reflection		
				Day	Evening	Night	DTV	Str.class.	M			p (%)			Auto	Truck	Dist.	Dstro	Type		Drefl	Hbuild	Dist.
				(dBA)	(dBA)	(dBA)			Day	Evening	Night	Day	Evening	Night	(mph)	(mph)		(dB)		(%)	(dB)	(ft)	(ft)

RoadsGeo

Name	Height				Coordinates				Dist	LSlope
	Begin		End		x	y	z	Ground	(ft)	(%)
	(ft)		(ft)		(ft)	(ft)	(ft)	(ft)		

Attachment No. CD 3

Air Quality & Greenhouse Gas
Assessment dated October 22, 2024

MEMORANDUM

URBAN | CROSSROADS

DATE: October 22, 2024
TO: Matt Kaiser, US Auto Trust
FROM: Haseeb Qureshi
Ali Dadabhoy
JOB NO: 16055-04 AQ & GHG Assessment.docx

GENESIS AUTOMOBILE DEALERSHIP DUE DILIGENCE AIR QUALITY & GREENHOUSE GAS ASSESSMENT

Matt Kaiser,

Urban Crossroads, Inc. is pleased to provide the following Due Diligence Air Quality & Greenhouse Gas Assessment for the Genesis Automobile Dealership (**Project**), which is located at 400 West Coast Highway (Mariners Mile) in the City of Newport Beach.

PROJECT OVERVIEW

It is our understanding that the Project was approved on March 7, 2024; however, at the time of approval, the Project was anticipated to primarily serve electric vehicles (EVs). At this time, the applicant is requesting a minor modification to the approved Project that would allow for both EVs and non-EVs to access the site. The purpose of this work effort is to identify any potential air quality or greenhouse gas impacts that could be associated with non-EVs (traditional combustion engine vehicles).

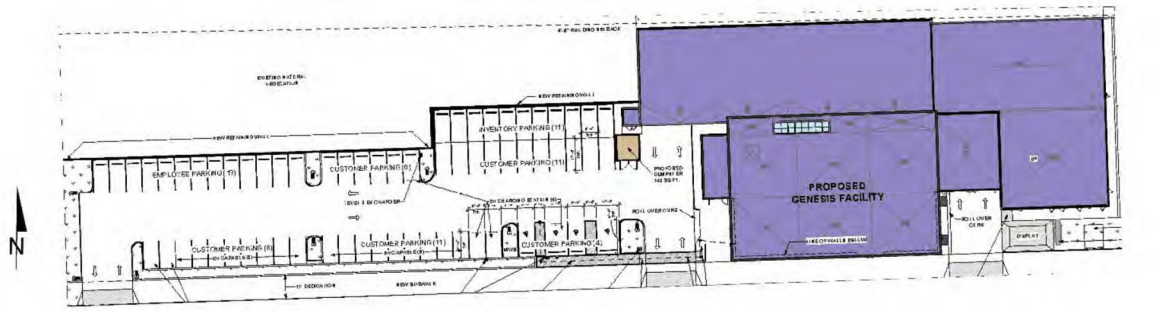
The Project is to consist of a proposed automobile dealership that consists of an approximately 19,044[1] square-foot, two-story, 25-foot-tall building that includes a showroom, sales office, storage area, vehicle repair area, and employee areas. The Project site plan can be found in Exhibit 1.

[1] At the time the underlying modeling was conducted for this report, the site plan included a slightly larger total square footage, including a 19,952-sf warehouse building. The emissions calculations are based on the trip generation which is also is based on the slightly larger building square footages. As such, the emissions analyzed in this report may be slightly overstated and represent a conservative estimate for analytical purposes.

SUMMARY OF FINDINGS

Results of the assessment indicate that even if all 299 net vehicle trips accessing the site would be non-EVs, the Project would not result in a significant impact with respect to air quality or greenhouse gas emissions.

EXHIBIT 1: SITE PLAN



PROJECT AIR QUALITY IMPACTS

REGIONAL OPERATIONAL EMISSIONS

Operational activities associated with the Project would result in emissions of VOCs, NO_X, CO, SO_X, PM_{10}, and $PM_{2.5}$. Operational related emissions are expected from the following primary sources: area source emissions, energy source emissions and mobile source emissions.

The Project related operational air quality impacts derive primarily from the net vehicle trips generated by the Project. Trip characteristics available from the *Genesis Automobile Dealership Trip Comparison* were utilized in this analysis (1).

The estimated operation-source emissions from the Project are summarized on Table 1. Detailed operation model outputs are presented in Attachment A. As shown on Table 1, operational-source emissions would not exceed the applicable SCAQMD regional thresholds for emissions of any criteria pollutant and no mitigation is required. Therefore, the Project would result in a less than significant impact.

TABLE 1: TOTAL PROJECT REGIONAL OPERATIONAL EMISSIONS

Source	Emissions (lbs/day)					
	VOC	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Summer						
Mobile Source	2.47	1.51	16.25	0.04	3.24	0.84
Area Source	0.63	0.01	0.87	0.00	0.00	0.00
Energy Source	0.01	0.23	0.19	0.00	0.02	0.02
Total Maximum Daily Emissions	**3.11**	**1.75**	**17.31**	**0.04**	**3.26**	**0.86**
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**	**NO**	**NO**
Winter						
Mobile Source	2.44	1.64	15.54	0.03	3.24	0.84
Area Source	0.49	0.00	0.00	0.00	0.00	0.00
Energy Source	0.01	0.23	0.19	0.00	0.02	0.02
Total Maximum Daily Emissions	**2.94**	**1.87**	**15.73**	**0.04**	**3.26**	**0.86**
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**	**NO**	**NO**

LOCALIZED OPERATIONAL EMISSIONS

Table 2 identifies the localized operational impacts at the nearest receptor location adjacent to the Project. In an effort to establish a maximum potential impact scenario for analytical purposes, the emissions shown on Table 2 represent all on-site Project-related stationary (area) sources and on-site mobile source emissions. It should be noted that the longest on-site distance is roughly 0.11 miles for both trucks and passenger vehicles. As such, a separate CalEEMod run for operational LSTs has been prepared which accounts for the 0.11-mile on-site travel distance. Outputs from the model runs for operational LSTs are provided in Attachment B. As shown in Table 2, emissions resulting from the Project operation will not exceed the numerical localized thresholds of significance established by the SCAQMD for any criteria pollutant. Thus, a less than significant impact would occur for localized Project-related operational-source emissions and no mitigation is required.

TABLE 2: PROJECT LOCALIZED OPERATIONAL IMPACTS

On-Site Emissions	Emissions (lbs/day)			
	NO_X	CO	PM_{10}	$PM_{2.5}$
Maximum Daily Emissions	**0.84**	**5.94**	**0.09**	**0.04**
SCAQMD Localized Threshold	248	1,907	5	16
Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**

PROJECT GHG ANALYSIS

The estimated GHG emissions for the Project land use are summarized on Table 3. The estimated GHG emissions include emissions from Carbon Dioxide (CO_2), Methane (CH_4), Nitrous Oxide (N_2O), and Refrigerants (R). As shown on Table 3, the Project would generate a total of approximately 341.34 $MTCO_2e$/yr. Detailed operation model outputs for the proposed Project are presented in Attachment A.

TABLE 3: TOTAL PROJECT GHG EMISSIONS

Source	Emission ($MTCO_2e$/year)				
	CO_2	CH_4	N_2O	Refrigerants	Total CO_2e
Mobile Source	198.59	0.01	0.01	0.35	202.35
Area Source	0.40	0.00	0.00	0.00	0.41
Energy Source	83.61	0.01	0.00	0.00	83.95
Water	2.67	0.06	0.00	0.00	4.64
Waste	6.80	0.68	0.00	0.00	23.79
Refrigerants	0.00	0.00	0.00	26.20	26.20
Total CO_2e (All Sources)			**341.34**		
SCAQMD Regional Threshold			3,000		
Threshold Exceeded?			**NO**		

As shown on Table 3, the proposed Project would generate a total of 341.34 $MTCO_2e$/yr; the proposed Project would not exceed the SCAQMD's numeric threshold of 3,000 $MTCO_2e$/yr. Thus, the Project would result in a less than significant impact with respect to GHG emissions.

CONCLUSION

Results of the assessment indicate that even if all 299 net vehicle trips accessing the site would be non-EVs, the Project would not result in a significant impact with respect to air quality or greenhouse gas emissions. Based on the following analysis, there would be no new or additional air quality or greenhouse gas impacts based on the change from internal combustion engine service to electric car service.

REFERENCES

1. ***Genesis Newport Beach Trip Comparison.* 2024.**

ATTACHMENT A
CALEEMOD OPERATIONAL EMISSIONS MODEL OUTPUTS

ATTACHMENT B

CALEEMOD OPERATIONAL LSTS EMISSIONS MODEL OUTPUTS

16055 - Genesis Newport Beach Detailed Report

Table of Contents

1. Basic Project Information

1.1. Basic Project Information

Data Field	Value
Project Name	16055 - Genesis Newport Beach
Operational Year	2024
Lead Agency	—
Land Use Scale	Project/site
Analysis Level for Defaults	County
Windspeed (m/s)	2.50
Precipitation (days)	16.2
Location	410 Pacific Coast Hwy e, Newport Beach, CA 92660, USA
County	Orange
City	Newport Beach
Air District	South Coast AQMD
Air Basin	South Coast
TAZ	5916
EDFZ	7
Electric Utility	Southern California Edison
Gas Utility	Southern California Gas
App Version	2022.1.1.23

1.2. Land Use Types

Land Use Subtype	Size	Unit	Lot Acreage	Building Area (sq ft)	Landscape Area (sq ft)	Special Landscape Area (sq ft)	Population	Description
Automobile Care Center	20.0	1000sqft	0.46	19,952	4,900	—	—	—

Parking Lot	80.0	Space	1.33	0.00	0.00	—	—	—

1.3. User-Selected Emission Reduction Measures by Emissions Sector

No measures selected

2. Emissions Summary

2.4. Operations Emissions Compared Against Thresholds

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Un/Mit.	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	2.83	3.11	1.75	17.3	0.04	0.04	3.22	3.26	0.04	0.82	0.86	44.7	4,185	4,230	4.73	0.17	173	4,572
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	2.65	2.94	1.87	15.7	0.04	0.04	3.22	3.26	0.04	0.82	0.86	44.7	4,042	4,086	4.74	0.18	159	4,417
Average Daily (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	1.24	1.64	0.85	6.66	0.01	0.03	1.06	1.09	0.03	0.27	0.29	44.7	1,719	1,764	4.61	0.07	160	2,062
Annual (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	0.23	0.30	0.16	1.22	< 0.005	< 0.005	0.19	0.20	< 0.005	0.05	0.05	7.40	285	292	0.76	0.01	26.5	341

2.5. Operations Emissions by Sector, Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Sector	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e

Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mobile	2.65	2.47	1.51	16.3	0.04	0.02	3.22	3.24	0.02	0.82	0.84	—	3,664	3,664	0.21	0.16	14.8	3,731
Area	0.15	0.63	0.01	0.87	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	3.57	3.57	< 0.005	< 0.005	—	3.58
Energy	0.03	0.01	0.23	0.19	< 0.005	0.02	—	0.02	0.02	—	0.02	—	505	505	0.05	< 0.005	—	507
Water	—	—	—	—	—	—	—	—	—	—	—	3.60	12.5	16.1	0.37	0.01	—	28.0
Waste	—	—	—	—	—	—	—	—	—	—	—	41.1	0.00	41.1	4.11	0.00	—	144
Refrig.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	158	158
Total	2.83	3.11	1.75	17.3	0.04	0.04	3.22	3.26	0.04	0.82	0.86	44.7	4,185	4,230	4.73	0.17	173	4,572
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mobile	2.63	2.44	1.64	15.5	0.03	0.02	3.22	3.24	0.02	0.82	0.84	—	3,524	3,524	0.22	0.17	0.38	3,580
Area	—	0.49	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Energy	0.03	0.01	0.23	0.19	< 0.005	0.02	—	0.02	0.02	—	0.02	—	505	505	0.05	< 0.005	—	507
Water	—	—	—	—	—	—	—	—	—	—	—	3.60	12.5	16.1	0.37	0.01	—	28.0
Waste	—	—	—	—	—	—	—	—	—	—	—	41.1	0.00	41.1	4.11	0.00	—	144
Refrig.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	158	158
Total	2.65	2.94	1.87	15.7	0.04	0.04	3.22	3.26	0.04	0.82	0.86	44.7	4,042	4,086	4.74	0.18	159	4,417
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mobile	1.11	1.04	0.62	5.87	0.01	0.01	1.06	1.07	0.01	0.27	0.28	—	1,199	1,199	0.09	0.06	2.13	1,222
Area	0.11	0.58	0.01	0.59	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	2.44	2.44	< 0.005	< 0.005	—	2.45
Energy	0.03	0.01	0.23	0.19	< 0.005	0.02	—	0.02	0.02	—	0.02	—	505	505	0.05	< 0.005	—	507
Water	—	—	—	—	—	—	—	—	—	—	—	3.60	12.5	16.1	0.37	0.01	—	28.0
Waste	—	—	—	—	—	—	—	—	—	—	—	41.1	0.00	41.1	4.11	0.00	—	144
Refrig.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	158	158
Total	1.24	1.64	0.85	6.66	0.01	0.03	1.06	1.09	0.03	0.27	0.29	44.7	1,719	1,764	4.61	0.07	160	2,062

Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mobile	0.20	0.19	0.11	1.07	< 0.005	< 0.005	0.19	0.19	< 0.005	0.05	0.05	—	199	199	0.01	0.01	0.35	202
Area	0.02	0.11	< 0.005	0.11	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	0.40	0.40	< 0.005	< 0.005	—	0.41
Energy	< 0.005	< 0.005	0.04	0.04	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	83.6	83.6	0.01	< 0.005	—	84.0
Water	—	—	—	—	—	—	—	—	—	—	—	0.60	2.07	2.67	0.06	< 0.005	—	4.64
Waste	—	—	—	—	—	—	—	—	—	—	—	6.80	0.00	6.80	0.68	0.00	—	23.8
Refrig.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	26.2	26.2
Total	0.23	0.30	0.16	1.22	< 0.005	< 0.005	0.19	0.20	< 0.005	0.05	0.05	7.40	285	292	0.76	0.01	26.5	341

4. Operations Emissions Details

4.1. Mobile Emissions by Land Use

4.1.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Automobile Care Center	2.65	2.47	1.51	16.3	0.04	0.02	3.22	3.24	0.02	0.82	0.84	—	3,664	3,664	0.21	0.16	14.8	3,731
Parking Lot	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Total	2.65	2.47	1.51	16.3	0.04	0.02	3.22	3.24	0.02	0.82	0.84	—	3,664	3,664	0.21	0.16	14.8	3,731
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Automobile	2.63	2.44	1.64	15.5	0.03	0.02	3.22	3.24	0.02	0.82	0.84	—	3,524	3,524	0.22	0.17	0.38	3,580
Parking Lot	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Total	2.63	2.44	1.64	15.5	0.03	0.02	3.22	3.24	0.02	0.82	0.84	—	3,524	3,524	0.22	0.17	0.38	3,580
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Automobile Care Center	0.20	0.19	0.11	1.07	< 0.005	< 0.005	0.19	0.19	< 0.005	0.05	0.05	—	199	199	0.01	0.01	0.35	202
Parking Lot	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Total	0.20	0.19	0.11	1.07	< 0.005	< 0.005	0.19	0.19	< 0.005	0.05	0.05	—	199	199	0.01	0.01	0.35	202

4.2. Energy

4.2.1. Electricity Emissions By Land Use - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Automobile Care Center	—	—	—	—	—	—	—	—	—	—	—	—	183	183	0.02	< 0.005	—	184
Parking Lot	—	—	—	—	—	—	—	—	—	—	—	—	48.5	48.5	< 0.005	< 0.005	—	48.8
Total	—	—	—	—	—	—	—	—	—	—	—	—	231	231	0.02	< 0.005	—	233
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Automob Care Center	—	—	—	—	—	—	—	—	—	—	—	—	183	183	0.02	< 0.005	—	184
Parking Lot	—	—	—	—	—	—	—	—	—	—	—	—	48.5	48.5	< 0.005	< 0.005	—	48.8
Total	—	—	—	—	—	—	—	—	—	—	—	—	231	231	0.02	< 0.005	—	233
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Automob ile Care Center	—	—	—	—	—	—	—	—	—	—	—	—	30.3	30.3	< 0.005	< 0.005	—	30.4
Parking Lot	—	—	—	—	—	—	—	—	—	—	—	—	8.03	8.03	< 0.005	< 0.005	—	8.07
Total	—	—	—	—	—	—	—	—	—	—	—	—	38.3	38.3	< 0.005	< 0.005	—	38.5

4.2.3. Natural Gas Emissions By Land Use - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Automob ile Care Center	0.03	0.01	0.23	0.19	< 0.005	0.02	—	0.02	0.02	—	0.02	—	274	274	0.02	< 0.005	—	274
Parking Lot	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00
Total	0.03	0.01	0.23	0.19	< 0.005	0.02	—	0.02	0.02	—	0.02	—	274	274	0.02	< 0.005	—	274
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Automobile Care Center	0.03	0.01	0.23	0.19	< 0.005	0.02	—	0.02	0.02	—	0.02	—	274	274	0.02	< 0.005	—	274
Parking Lot	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00
Total	0.03	0.01	0.23	0.19	< 0.005	0.02	—	0.02	0.02	—	0.02	—	274	274	0.02	< 0.005	—	274
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Automobile Care Center	< 0.005	< 0.005	0.04	0.04	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	45.3	45.3	< 0.005	< 0.005	—	45.4
Parking Lot	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00
Total	< 0.005	< 0.005	0.04	0.04	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	45.3	45.3	< 0.005	< 0.005	—	45.4

4.3. Area Emissions by Source

4.3.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Source	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Consumer Products	—	0.43	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Architectural Coatings	—	0.06	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Landscape Equipment	0.15	0.14	0.01	0.87	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	3.57	3.57	< 0.005	< 0.005	—	3.58

Total	0.15	0.63	0.01	0.87	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	3.57	3.57	< 0.005	< 0.005	—	3.58
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Consumer Products	—	0.43	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Architectural Coatings	—	0.06	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	0.49	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Consumer Products	—	0.08	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Architectural Coatings	—	0.01	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Landscape Equipment	0.02	0.02	< 0.005	0.11	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	0.40	0.40	< 0.005	< 0.005	—	0.41
Total	0.02	0.11	< 0.005	0.11	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	0.40	0.40	< 0.005	< 0.005	—	0.41

4.4. Water Emissions by Land Use

4.4.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Automob Care Center	—	—	—	—	—	—	—	—	—	—	—	3.60	12.5	16.1	0.37	0.01	—	28.0
Parking Lot	—	—	—	—	—	—	—	—	—	—	—	0.00	0.00	0.00	0.00	0.00	—	0.00
Total	—	—	—	—	—	—	—	—	—	—	—	3.60	12.5	16.1	0.37	0.01	—	28.0
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Automob ile Care Center	—	—	—	—	—	—	—	—	—	—	—	3.60	12.5	16.1	0.37	0.01	—	28.0
Parking Lot	—	—	—	—	—	—	—	—	—	—	—	0.00	0.00	0.00	0.00	0.00	—	0.00
Total	—	—	—	—	—	—	—	—	—	—	—	3.60	12.5	16.1	0.37	0.01	—	28.0
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Automob ile Care Center	—	—	—	—	—	—	—	—	—	—	—	0.60	2.07	2.67	0.06	< 0.005	—	4.64
Parking Lot	—	—	—	—	—	—	—	—	—	—	—	0.00	0.00	0.00	0.00	0.00	—	0.00
Total	—	—	—	—	—	—	—	—	—	—	—	0.60	2.07	2.67	0.06	< 0.005	—	4.64

4.5. Waste Emissions by Land Use

4.5.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e

Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Automobile Care Center	—	—	—	—	—	—	—	—	—	—	—	41.1	0.00	41.1	4.11	0.00	—	144
Parking Lot	—	—	—	—	—	—	—	—	—	—	—	0.00	0.00	0.00	0.00	0.00	—	0.00
Total	—	—	—	—	—	—	—	—	—	—	—	41.1	0.00	41.1	4.11	0.00	—	144
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Automobile Care Center	—	—	—	—	—	—	—	—	—	—	—	41.1	0.00	41.1	4.11	0.00	—	144
Parking Lot	—	—	—	—	—	—	—	—	—	—	—	0.00	0.00	0.00	0.00	0.00	—	0.00
Total	—	—	—	—	—	—	—	—	—	—	—	41.1	0.00	41.1	4.11	0.00	—	144
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Automobile Care Center	—	—	—	—	—	—	—	—	—	—	—	6.80	0.00	6.80	0.68	0.00	—	23.8
Parking Lot	—	—	—	—	—	—	—	—	—	—	—	0.00	0.00	0.00	0.00	0.00	—	0.00
Total	—	—	—	—	—	—	—	—	—	—	—	6.80	0.00	6.80	0.68	0.00	—	23.8

4.6. Refrigerant Emissions by Land Use

4.6.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Automobile Care Center	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	158	158
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	158	158
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Automobile Care Center	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	158	158
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	158	158
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Automobile Care Center	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	26.2	26.2
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	26.2	26.2

4.7. Offroad Emissions By Equipment Type

4.7.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e

Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.8. Stationary Emissions By Equipment Type

4.8.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.9. User Defined Emissions By Equipment Type

4.9.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10. Soil Carbon Accumulation By Vegetation Type

4.10.1. Soil Carbon Accumulation By Vegetation Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Vegetation	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10.2. Above and Belowground Carbon Accumulation by Land Use Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10.3. Avoided and Sequestered Emissions by Species - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Species	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

5. Activity Data

5.9. Operational Mobile Sources

5.9.1. Unmitigated

Land Use Type	Trips/Weekday	Trips/Saturday	Trips/Sunday	Trips/Year	VMT/Weekday	VMT/Saturday	VMT/Sunday	VMT/Year
Automobile Care Center	299	781	173	127,691	1,006	4,550	1,005	551,797
Parking Lot	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

5.10. Operational Area Sources

5.10.1. Hearths

5.10.1.1. Unmitigated

5.10.2. Architectural Coatings

Residential Interior Area Coated (sq ft)	Residential Exterior Area Coated (sq ft)	Non-Residential Interior Area Coated (sq ft)	Non-Residential Exterior Area Coated (sq ft)	Parking Area Coated (sq ft)
0	0.00	29,928	9,976	3,476

5.10.3. Landscape Equipment

Season	Unit	Value
Snow Days	day/yr	0.00
Summer Days	day/yr	250

5.11. Operational Energy Consumption

5.11.1. Unmitigated

Electricity (kWh/yr) and CO2 and CH4 and N2O and Natural Gas (kBTU/yr)

Land Use	Electricity (kWh/yr)	CO2	CH4	N2O	Natural Gas (kBTU/yr)
Automobile Care Center	191,394	349	0.0330	0.0040	853,984
Parking Lot	50,751	349	0.0330	0.0040	0.00

5.12. Operational Water and Wastewater Consumption

5.12.1. Unmitigated

Land Use	Indoor Water (gal/year)	Outdoor Water (gal/year)
Automobile Care Center	1,877,106	63,506
Parking Lot	0.00	0.00

5.13. Operational Waste Generation

5.13.1. Unmitigated

Land Use	Waste (ton/year)	Cogeneration (kWh/year)
Automobile Care Center	76.2	—
Parking Lot	0.00	—

5.14. Operational Refrigeration and Air Conditioning Equipment

5.14.1. Unmitigated

Land Use Type	Equipment Type	Refrigerant	GWP	Quantity (kg)	Operations Leak Rate	Service Leak Rate	Times Serviced
Automobile Care Center	Other commercial A/C and heat pumps	R-410A	2,088	< 0.005	4.00	4.00	18.0
Automobile Care Center	Supermarket refrigeration and condensing units	User Defined	150	26.5	16.5	16.5	18.0

5.15. Operational Off-Road Equipment

5.15.1. Unmitigated

Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor

5.16. Stationary Sources

5.16.1. Emergency Generators and Fire Pumps

Equipment Type	Fuel Type	Number per Day	Hours per Day	Hours per Year	Horsepower	Load Factor

5.16.2. Process Boilers

Equipment Type	Fuel Type	Number	Boiler Rating (MMBtu/hr)	Daily Heat Input (MMBtu/day)	Annual Heat Input (MMBtu/yr)

5.17. User Defined

Equipment Type	Fuel Type

5.18. Vegetation

5.18.1. Land Use Change

5.18.1.1. Unmitigated

Vegetation Land Use Type	Vegetation Soil Type	Initial Acres	Final Acres

5.18.1. Biomass Cover Type

5.18.1.1. Unmitigated

Biomass Cover Type	Initial Acres	Final Acres

5.18.2. Sequestration

5.18.2.1. Unmitigated

Tree Type	Number	Electricity Saved (kWh/year)	Natural Gas Saved (btu/year)

6. Climate Risk Detailed Report

6.1. Climate Risk Summary

Cal-Adapt midcentury 2040–2059 average projections for four hazards are reported below for your project location. These are under Representation Concentration Pathway (RCP) 8.5 which assumes GHG emissions will continue to rise strongly through 2050 and then plateau around 2100.

Climate Hazard	Result for Project Location	Unit
Temperature and Extreme Heat	8.66	annual days of extreme heat
Extreme Precipitation	3.25	annual days with precipitation above 20 mm
Sea Level Rise	—	meters of inundation depth
Wildfire	0.00	annual hectares burned

Temperature and Extreme Heat data are for grid cell in which your project are located. The projection is based on the 98th historical percentile of daily maximum/minimum temperatures from observed historical data (32 climate model ensemble from Cal-Adapt, 2040–2059 average under RCP 8.5). Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.
Extreme Precipitation data are for the grid cell in which your project are located. The threshold of 20 mm is equivalent to about ¾ an inch of rain, which would be light to moderate rainfall if received over a full day or heavy rain if received over a period of 2 to 4 hours. Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.
Sea Level Rise data are for the grid cell in which your project are located. The projections are from Radke et al. (2017), as reported in Cal-Adapt (Radke et al., 2017, CEC-500-2017-008), and consider inundation location and depth for the San Francisco Bay, the Sacramento-San Joaquin River Delta and California coast resulting different increments of sea level rise coupled with extreme storm events. Users may select from four scenarios to view the range in potential inundation depth for the grid cell. The four scenarios are: No rise, 0.5 meter, 1.0 meter, 1.41 meters
Wildfire data are for the grid cell in which your project are located. The projections are from UC Davis, as reported in Cal-Adapt (2040–2059 average under RCP 8.5), and consider historical data of climate, vegetation, population density, and large (> 400 ha) fire history. Users may select from four model simulations to view the range in potential wildfire probabilities for the grid cell. The four simulations make different assumptions about expected rainfall and temperature are: Warmer/drier (HadGEM2-ES), Cooler/wetter (CNRM-CM5), Average conditions (CanESM2), Range of different rainfall and temperature possibilities (MIROC5). Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.

6.2. Initial Climate Risk Scores

Climate Hazard	Exposure Score	Sensitivity Score	Adaptive Capacity Score	Vulnerability Score
Temperature and Extreme Heat	1	0	0	N/A
Extreme Precipitation	N/A	N/A	N/A	N/A
Sea Level Rise	1	0	0	N/A
Wildfire	1	0	0	N/A
Flooding	N/A	N/A	N/A	N/A

Drought	N/A	N/A	N/A	N/A
Snowpack Reduction	N/A	N/A	N/A	N/A
Air Quality Degradation	0	0	0	N/A

The sensitivity score reflects the extent to which a project would be adversely affected by exposure to a climate hazard. Exposure is rated on a scale of 1 to 5, with a score of 5 representing the greatest exposure.
The adaptive capacity of a project refers to its ability to manage and reduce vulnerabilities from projected climate hazards. Adaptive capacity is rated on a scale of 1 to 5, with a score of 5 representing the greatest ability to adapt.
The overall vulnerability scores are calculated based on the potential impacts and adaptive capacity assessments for each hazard. Scores do not include implementation of climate risk reduction measures.

6.3. Adjusted Climate Risk Scores

Climate Hazard	Exposure Score	Sensitivity Score	Adaptive Capacity Score	Vulnerability Score
Temperature and Extreme Heat	1	1	1	2
Extreme Precipitation	N/A	N/A	N/A	N/A
Sea Level Rise	1	1	1	2
Wildfire	1	1	1	2
Flooding	N/A	N/A	N/A	N/A
Drought	N/A	N/A	N/A	N/A
Snowpack Reduction	N/A	N/A	N/A	N/A
Air Quality Degradation	1	1	1	2

The sensitivity score reflects the extent to which a project would be adversely affected by exposure to a climate hazard. Exposure is rated on a scale of 1 to 5, with a score of 5 representing the greatest exposure.
The adaptive capacity of a project refers to its ability to manage and reduce vulnerabilities from projected climate hazards. Adaptive capacity is rated on a scale of 1 to 5, with a score of 5 representing the greatest ability to adapt.
The overall vulnerability scores are calculated based on the potential impacts and adaptive capacity assessments for each hazard. Scores include implementation of climate risk reduction measures.

6.4. Climate Risk Reduction Measures

7. Health and Equity Details

7.1. CalEnviroScreen 4.0 Scores

The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.

Indicator	Result for Project Census Tract
Exposure Indicators	—
AQ-Ozone	50.5
AQ-PM	54.2
AQ-DPM	36.9
Drinking Water	31.9
Lead Risk Housing	40.7
Pesticides	0.00
Toxic Releases	82.7
Traffic	76.0
Effect Indicators	—
CleanUp Sites	51.6
Groundwater	77.9
Haz Waste Facilities/Generators	87.3
Impaired Water Bodies	90.1
Solid Waste	80.0
Sensitive Population	—
Asthma	11.5
Cardio-vascular	8.39
Low Birth Weights	23.3
Socioeconomic Factor Indicators	—
Education	5.10
Housing	47.6
Linguistic	5.64
Poverty	16.8
Unemployment	3.21

7.2. Healthy Places Index Scores

The maximum Health Places Index score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state.

Indicator	Result for Project Census Tract
Economic	—
Above Poverty	90.51713076
Employed	86.15424099
Median HI	93.89195432
Education	—
Bachelor's or higher	92.46759913
High school enrollment	100
Preschool enrollment	91.13306814
Transportation	—
Auto Access	58.83485179
Active commuting	27.46054151
Social	—
2-parent households	84.58873348
Voting	80.07185936
Neighborhood	—
Alcohol availability	51.10997049
Park access	81.35506224
Retail density	79.28910561
Supermarket access	29.41100988
Tree canopy	40.07442577
Housing	—
Homeownership	70.96111895
Housing habitability	64.17297575
Low-inc homeowner severe housing cost burden	11.86962659

Low-inc renter severe housing cost burden	65.09688182
Uncrowded housing	96.93314513
Health Outcomes	—
Insured adults	88.56666239
Arthritis	21.6
Asthma ER Admissions	81.3
High Blood Pressure	18.7
Cancer (excluding skin)	6.6
Asthma	69.3
Coronary Heart Disease	34.0
Chronic Obstructive Pulmonary Disease	59.8
Diagnosed Diabetes	82.1
Life Expectancy at Birth	84.3
Cognitively Disabled	82.5
Physically Disabled	77.4
Heart Attack ER Admissions	94.9
Mental Health Not Good	87.0
Chronic Kidney Disease	55.3
Obesity	84.3
Pedestrian Injuries	55.7
Physical Health Not Good	81.0
Stroke	58.2
Health Risk Behaviors	—
Binge Drinking	17.1
Current Smoker	87.7
No Leisure Time for Physical Activity	91.2
Climate Change Exposures	—

Wildfire Risk	0.0
SLR Inundation Area	57.6
Children	48.8
Elderly	19.2
English Speaking	90.3
Foreign-born	14.8
Outdoor Workers	91.9
Climate Change Adaptive Capacity	—
Impervious Surface Cover	51.7
Traffic Density	62.9
Traffic Access	23.0
Other Indices	—
Hardship	2.6
Other Decision Support	—
2016 Voting	86.9

7.3. Overall Health & Equity Scores

Metric	Result for Project Census Tract
CalEnviroScreen 4.0 Score for Project Location (a)	15.0
Healthy Places Index Score for Project Location (b)	94.0
Project Located in a Designated Disadvantaged Community (Senate Bill 535)	No
Project Located in a Low-Income Community (Assembly Bill 1550)	No
Project Located in a Community Air Protection Program Community (Assembly Bill 617)	No

a: The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.
b: The maximum Health Places Index score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state.

7.4. Health & Equity Measures

No Health & Equity Measures selected.

7.5. Evaluation Scorecard

Health & Equity Evaluation Scorecard not completed.

7.6. Health & Equity Custom Measures

No Health & Equity Custom Measures created.

8. User Changes to Default Data

Screen	Justification
Land Use	Total Project site is 1.79 acres.
Construction: Construction Phases	x
Operations: Vehicle Data	Trip Rates taken from the Trip Generation
Operations: Refrigerants	As of 1 January 2022, new commercial refrigeration equipment may not use refrigerants with a GWP of 150 or greater. Further, R-404A (the CalEEMod default) is unacceptable for new supermarket and cold storage systems as of 1 January 2019 and 2023, respectively.

ATTACHMENT B

CALEEMOD OPERATIONAL LSTS EMISSIONS MODEL OUTPUTS

16055 - Genesis Newport Beach (Operational LSTs) Detailed Report

Table of Contents

1. Basic Project Information

1.1. Basic Project Information

Data Field	Value
Project Name	16055 - Genesis Newport Beach (Operational LSTs)
Operational Year	2024
Lead Agency	—
Land Use Scale	Project/site
Analysis Level for Defaults	County
Windspeed (m/s)	2.50
Precipitation (days)	16.2
Location	410 Pacific Coast Hwy e, Newport Beach, CA 92660, USA
County	Orange
City	Newport Beach
Air District	South Coast AQMD
Air Basin	South Coast
TAZ	5916
EDFZ	7
Electric Utility	Southern California Edison
Gas Utility	Southern California Gas
App Version	2022.1.1.23

1.2. Land Use Types

Land Use Subtype	Size	Unit	Lot Acreage	Building Area (sq ft)	Landscape Area (sq ft)	Special Landscape Area (sq ft)	Population	Description
Automobile Care Center	20.0	1000sqft	0.46	19,952	4,900	—	—	—

Parking Lot	80.0	Space	1.33	0.00	0.00	—	—	—

1.3. User-Selected Emission Reduction Measures by Emissions Sector

No measures selected

2. Emissions Summary

2.4. Operations Emissions Compared Against Thresholds

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Un/Mit.	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	2.35	2.76	0.81	5.94	< 0.005	0.02	0.07	0.09	0.02	0.02	0.04	44.7	731	776	4.64	0.07	159	1,071
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	2.18	2.59	0.84	5.89	< 0.005	0.02	0.07	0.09	0.02	0.02	0.04	44.7	726	771	4.65	0.07	158	1,067
Average Daily (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	1.09	1.53	0.51	3.37	< 0.005	0.02	0.06	0.08	0.02	0.01	0.03	44.7	644	689	4.58	0.04	158	973
Annual (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	0.20	0.28	0.09	0.61	< 0.005	< 0.005	0.01	0.01	< 0.005	< 0.005	0.01	7.40	107	114	0.76	0.01	26.2	161

2.5. Operations Emissions by Sector, Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Sector	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e

Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mobile	2.18	2.12	0.57	4.88	< 0.005	< 0.005	0.07	0.07	< 0.005	0.02	0.02	—	210	210	0.12	0.06	0.31	230
Area	0.15	0.63	0.01	0.87	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	3.57	3.57	< 0.005	< 0.005	—	3.58
Energy	0.03	0.01	0.23	0.19	< 0.005	0.02	—	0.02	0.02	—	0.02	—	505	505	0.05	< 0.005	—	507
Water	—	—	—	—	—	—	—	—	—	—	—	3.60	12.5	16.1	0.37	0.01	—	28.0
Waste	—	—	—	—	—	—	—	—	—	—	—	41.1	0.00	41.1	4.11	0.00	—	144
Refrig.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	158	158
Total	2.35	2.76	0.81	5.94	< 0.005	0.02	0.07	0.09	0.02	0.02	0.04	44.7	731	776	4.64	0.07	159	1,071
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mobile	2.15	2.09	0.61	5.70	< 0.005	< 0.005	0.07	0.07	< 0.005	0.02	0.02	—	209	209	0.13	0.06	0.01	230
Area	—	0.49	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Energy	0.03	0.01	0.23	0.19	< 0.005	0.02	—	0.02	0.02	—	0.02	—	505	505	0.05	< 0.005	—	507
Water	—	—	—	—	—	—	—	—	—	—	—	3.60	12.5	16.1	0.37	0.01	—	28.0
Waste	—	—	—	—	—	—	—	—	—	—	—	41.1	0.00	41.1	4.11	0.00	—	144
Refrig.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	158	158
Total	2.18	2.59	0.84	5.89	< 0.005	0.02	0.07	0.09	0.02	0.02	0.04	44.7	726	771	4.65	0.07	158	1,067
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mobile	0.96	0.93	0.28	2.58	< 0.005	< 0.005	0.06	0.06	< 0.005	0.01	0.02	—	124	124	0.06	0.03	0.12	134
Area	0.11	0.58	0.01	0.59	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	2.44	2.44	< 0.005	< 0.005	—	2.45
Energy	0.03	0.01	0.23	0.19	< 0.005	0.02	—	0.02	0.02	—	0.02	—	505	505	0.05	< 0.005	—	507
Water	—	—	—	—	—	—	—	—	—	—	—	3.60	12.5	16.1	0.37	0.01	—	28.0
Waste	—	—	—	—	—	—	—	—	—	—	—	41.1	0.00	41.1	4.11	0.00	—	144
Refrig.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	158	158
Total	1.09	1.53	0.51	3.37	< 0.005	0.02	0.06	0.08	0.02	0.01	0.03	44.7	644	689	4.58	0.04	158	973

Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mobile	0.18	0.17	0.05	0.47	< 0.005	< 0.005	0.01	0.01	< 0.005	< 0.005	< 0.005	—	20.5	20.5	0.01	< 0.005	0.02	22.1
Area	0.02	0.11	< 0.005	0.11	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	0.40	0.40	< 0.005	< 0.005	—	0.41
Energy	< 0.005	< 0.005	0.04	0.04	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	83.6	83.6	0.01	< 0.005	—	84.0
Water	—	—	—	—	—	—	—	—	—	—	—	0.60	2.07	2.67	0.06	< 0.005	—	4.64
Waste	—	—	—	—	—	—	—	—	—	—	—	6.80	0.00	6.80	0.68	0.00	—	23.8
Refrig.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	26.2	26.2
Total	0.20	0.28	0.09	0.61	< 0.005	< 0.005	0.01	0.01	< 0.005	< 0.005	0.01	7.40	107	114	0.76	0.01	26.2	161

4. Operations Emissions Details

4.1. Mobile Emissions by Land Use

4.1.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Automobile Care Center	2.18	2.12	0.57	4.88	< 0.005	< 0.005	0.07	0.07	< 0.005	0.02	0.02	—	210	210	0.12	0.06	0.31	230
Parking Lot	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Total	2.18	2.12	0.57	4.88	< 0.005	< 0.005	0.07	0.07	< 0.005	0.02	0.02	—	210	210	0.12	0.06	0.31	230
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Automobile	2.15	2.09	0.61	5.70	< 0.005	< 0.005	0.07	0.07	< 0.005	0.02	0.02	—	209	209	0.13	0.06	0.01	230
Parking Lot	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Total	2.15	2.09	0.61	5.70	< 0.005	< 0.005	0.07	0.07	< 0.005	0.02	0.02	—	209	209	0.13	0.06	0.01	230
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Automobile Care Center	0.18	0.17	0.05	0.47	< 0.005	< 0.005	0.01	0.01	< 0.005	< 0.005	< 0.005	—	20.5	20.5	0.01	< 0.005	0.02	22.1
Parking Lot	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Total	0.18	0.17	0.05	0.47	< 0.005	< 0.005	0.01	0.01	< 0.005	< 0.005	< 0.005	—	20.5	20.5	0.01	< 0.005	0.02	22.1

4.2. Energy

4.2.1. Electricity Emissions By Land Use - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Automobile Care Center	—	—	—	—	—	—	—	—	—	—	—	—	183	183	0.02	< 0.005	—	184
Parking Lot	—	—	—	—	—	—	—	—	—	—	—	—	48.5	48.5	< 0.005	< 0.005	—	48.8
Total	—	—	—	—	—	—	—	—	—	—	—	—	231	231	0.02	< 0.005	—	233
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Automob Care Center	—	—	—	—	—	—	—	—	—	—	—	—	183	183	0.02	< 0.005	—	184
Parking Lot	—	—	—	—	—	—	—	—	—	—	—	—	48.5	48.5	< 0.005	< 0.005	—	48.8
Total	—	—	—	—	—	—	—	—	—	—	—	—	231	231	0.02	< 0.005	—	233
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Automob ile Care Center	—	—	—	—	—	—	—	—	—	—	—	—	30.3	30.3	< 0.005	< 0.005	—	30.4
Parking Lot	—	—	—	—	—	—	—	—	—	—	—	—	8.03	8.03	< 0.005	< 0.005	—	8.07
Total	—	—	—	—	—	—	—	—	—	—	—	—	38.3	38.3	< 0.005	< 0.005	—	38.5

4.2.3. Natural Gas Emissions By Land Use - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Automob ile Care Center	0.03	0.01	0.23	0.19	< 0.005	0.02	—	0.02	0.02	—	0.02	—	274	274	0.02	< 0.005	—	274
Parking Lot	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00
Total	0.03	0.01	0.23	0.19	< 0.005	0.02	—	0.02	0.02	—	0.02	—	274	274	0.02	< 0.005	—	274
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Automobile Care Center	0.03	0.01	0.23	0.19	< 0.005	0.02	—	0.02	0.02	—	0.02	—	274	274	0.02	< 0.005	—	274
Parking Lot	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00
Total	0.03	0.01	0.23	0.19	< 0.005	0.02	—	0.02	0.02	—	0.02	—	274	274	0.02	< 0.005	—	274
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Automobile Care Center	< 0.005	< 0.005	0.04	0.04	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	45.3	45.3	< 0.005	< 0.005	—	45.4
Parking Lot	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00
Total	< 0.005	< 0.005	0.04	0.04	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	45.3	45.3	< 0.005	< 0.005	—	45.4

4.3. Area Emissions by Source

4.3.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Source	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Consumer Products	—	0.43	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Architectural Coatings	—	0.06	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Landscape Equipment	0.15	0.14	0.01	0.87	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	3.57	3.57	< 0.005	< 0.005	—	3.58

Total	0.15	0.63	0.01	0.87	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	3.57	3.57	< 0.005	< 0.005	—	3.58
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Consumer Products	—	0.43	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Architectural Coatings	—	0.06	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	0.49	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Consumer Products	—	0.08	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Architectural Coatings	—	0.01	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Landscape Equipment	0.02	0.02	< 0.005	0.11	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	0.40	0.40	< 0.005	< 0.005	—	0.41
Total	0.02	0.11	< 0.005	0.11	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	0.40	0.40	< 0.005	< 0.005	—	0.41

4.4. Water Emissions by Land Use

4.4.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Automob Care Center	—	—	—	—	—	—	—	—	—	—	—	3.60	12.5	16.1	0.37	0.01	—	28.0
Parking Lot	—	—	—	—	—	—	—	—	—	—	—	0.00	0.00	0.00	0.00	0.00	—	0.00
Total	—	—	—	—	—	—	—	—	—	—	—	3.60	12.5	16.1	0.37	0.01	—	28.0
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Automob ile Care Center	—	—	—	—	—	—	—	—	—	—	—	3.60	12.5	16.1	0.37	0.01	—	28.0
Parking Lot	—	—	—	—	—	—	—	—	—	—	—	0.00	0.00	0.00	0.00	0.00	—	0.00
Total	—	—	—	—	—	—	—	—	—	—	—	3.60	12.5	16.1	0.37	0.01	—	28.0
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Automob ile Care Center	—	—	—	—	—	—	—	—	—	—	—	0.60	2.07	2.67	0.06	< 0.005	—	4.64
Parking Lot	—	—	—	—	—	—	—	—	—	—	—	0.00	0.00	0.00	0.00	0.00	—	0.00
Total	—	—	—	—	—	—	—	—	—	—	—	0.60	2.07	2.67	0.06	< 0.005	—	4.64

4.5. Waste Emissions by Land Use

4.5.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e

Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Automobile Care Center	—	—	—	—	—	—	—	—	—	—	—	41.1	0.00	41.1	4.11	0.00	—	144
Parking Lot	—	—	—	—	—	—	—	—	—	—	—	0.00	0.00	0.00	0.00	0.00	—	0.00
Total	—	—	—	—	—	—	—	—	—	—	—	41.1	0.00	41.1	4.11	0.00	—	144
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Automobile Care Center	—	—	—	—	—	—	—	—	—	—	—	41.1	0.00	41.1	4.11	0.00	—	144
Parking Lot	—	—	—	—	—	—	—	—	—	—	—	0.00	0.00	0.00	0.00	0.00	—	0.00
Total	—	—	—	—	—	—	—	—	—	—	—	41.1	0.00	41.1	4.11	0.00	—	144
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Automobile Care Center	—	—	—	—	—	—	—	—	—	—	—	6.80	0.00	6.80	0.68	0.00	—	23.8
Parking Lot	—	—	—	—	—	—	—	—	—	—	—	0.00	0.00	0.00	0.00	0.00	—	0.00
Total	—	—	—	—	—	—	—	—	—	—	—	6.80	0.00	6.80	0.68	0.00	—	23.8

4.6. Refrigerant Emissions by Land Use

4.6.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Automobile Care Center	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	158	158
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	158	158
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Automobile Care Center	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	158	158
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	158	158
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Automobile Care Center	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	26.2	26.2
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	26.2	26.2

4.7. Offroad Emissions By Equipment Type

4.7.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e

Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.8. Stationary Emissions By Equipment Type

4.8.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.9. User Defined Emissions By Equipment Type

4.9.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10. Soil Carbon Accumulation By Vegetation Type

4.10.1. Soil Carbon Accumulation By Vegetation Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Vegetation	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10.2. Above and Belowground Carbon Accumulation by Land Use Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10.3. Avoided and Sequestered Emissions by Species - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Species	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

5. Activity Data

5.9. Operational Mobile Sources

5.9.1. Unmitigated

Land Use Type	Trips/Weekday	Trips/Saturday	Trips/Sunday	Trips/Year	VMT/Weekday	VMT/Saturday	VMT/Sunday	VMT/Year
Automobile Care Center	299	781	173	127,691	95.1	85.9	19.0	30,271
Parking Lot	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

5.10. Operational Area Sources

5.10.1. Hearths

5.10.1.1. Unmitigated

5.10.2. Architectural Coatings

Residential Interior Area Coated (sq ft)	Residential Exterior Area Coated (sq ft)	Non-Residential Interior Area Coated (sq ft)	Non-Residential Exterior Area Coated (sq ft)	Parking Area Coated (sq ft)
0	0.00	29,928	9,976	3,476

5.10.3. Landscape Equipment

Season	Unit	Value
Snow Days	day/yr	0.00
Summer Days	day/yr	250

5.11. Operational Energy Consumption

5.11.1. Unmitigated

Electricity (kWh/yr) and CO2 and CH4 and N2O and Natural Gas (kBTU/yr)

Land Use	Electricity (kWh/yr)	CO2	CH4	N2O	Natural Gas (kBTU/yr)
Automobile Care Center	191,394	349	0.0330	0.0040	853,984
Parking Lot	50,751	349	0.0330	0.0040	0.00

5.12. Operational Water and Wastewater Consumption

5.12.1. Unmitigated

Land Use	Indoor Water (gal/year)	Outdoor Water (gal/year)
Automobile Care Center	1,877,106	63,506
Parking Lot	0.00	0.00

5.13. Operational Waste Generation

5.13.1. Unmitigated

Land Use	Waste (ton/year)	Cogeneration (kWh/year)
Automobile Care Center	76.2	—
Parking Lot	0.00	—

5.14. Operational Refrigeration and Air Conditioning Equipment

5.14.1. Unmitigated

Land Use Type	Equipment Type	Refrigerant	GWP	Quantity (kg)	Operations Leak Rate	Service Leak Rate	Times Serviced
Automobile Care Center	Other commercial A/C and heat pumps	R-410A	2,088	< 0.005	4.00	4.00	18.0
Automobile Care Center	Supermarket refrigeration and condensing units	User Defined	150	26.5	16.5	16.5	18.0

5.15. Operational Off-Road Equipment

5.15.1. Unmitigated

Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor

5.16. Stationary Sources

5.16.1. Emergency Generators and Fire Pumps

Equipment Type	Fuel Type	Number per Day	Hours per Day	Hours per Year	Horsepower	Load Factor

5.16.2. Process Boilers

Equipment Type	Fuel Type	Number	Boiler Rating (MMBtu/hr)	Daily Heat Input (MMBtu/day)	Annual Heat Input (MMBtu/yr)

5.17. User Defined

Equipment Type	Fuel Type

5.18. Vegetation

5.18.1. Land Use Change

5.18.1.1. Unmitigated

Vegetation Land Use Type	Vegetation Soil Type	Initial Acres	Final Acres

5.18.1. Biomass Cover Type

5.18.1.1. Unmitigated

Biomass Cover Type	Initial Acres	Final Acres

5.18.2. Sequestration

5.18.2.1. Unmitigated

Tree Type	Number	Electricity Saved (kWh/year)	Natural Gas Saved (btu/year)

6. Climate Risk Detailed Report

6.1. Climate Risk Summary

Cal-Adapt midcentury 2040–2059 average projections for four hazards are reported below for your project location. These are under Representation Concentration Pathway (RCP) 8.5 which assumes GHG emissions will continue to rise strongly through 2050 and then plateau around 2100.

Climate Hazard	Result for Project Location	Unit
Temperature and Extreme Heat	8.66	annual days of extreme heat
Extreme Precipitation	3.25	annual days with precipitation above 20 mm
Sea Level Rise	—	meters of inundation depth
Wildfire	0.00	annual hectares burned

Temperature and Extreme Heat data are for grid cell in which your project are located. The projection is based on the 98th historical percentile of daily maximum/minimum temperatures from observed historical data (32 climate model ensemble from Cal-Adapt, 2040–2059 average under RCP 8.5). Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.
Extreme Precipitation data are for the grid cell in which your project are located. The threshold of 20 mm is equivalent to about ¾ an inch of rain, which would be light to moderate rainfall if received over a full day or heavy rain if received over a period of 2 to 4 hours. Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.
Sea Level Rise data are for the grid cell in which your project are located. The projections are from Radke et al. (2017), as reported in Cal-Adapt (Radke et al., 2017, CEC-500-2017-008), and consider inundation location and depth for the San Francisco Bay, the Sacramento-San Joaquin River Delta and California coast resulting different increments of sea level rise coupled with extreme storm events. Users may select from four scenarios to view the range in potential inundation depth for the grid cell. The four scenarios are: No rise, 0.5 meter, 1.0 meter, 1.41 meters
Wildfire data are for the grid cell in which your project are located. The projections are from UC Davis, as reported in Cal-Adapt (2040–2059 average under RCP 8.5), and consider historical data of climate, vegetation, population density, and large (> 400 ha) fire history. Users may select from four model simulations to view the range in potential wildfire probabilities for the grid cell. The four simulations make different assumptions about expected rainfall and temperature are: Warmer/drier (HadGEM2-ES), Cooler/wetter (CNRM-CM5), Average conditions (CanESM2), Range of different rainfall and temperature possibilities (MIROC5). Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.

6.2. Initial Climate Risk Scores

Climate Hazard	Exposure Score	Sensitivity Score	Adaptive Capacity Score	Vulnerability Score
Temperature and Extreme Heat	1	0	0	N/A
Extreme Precipitation	N/A	N/A	N/A	N/A
Sea Level Rise	1	0	0	N/A
Wildfire	1	0	0	N/A
Flooding	N/A	N/A	N/A	N/A

Drought	N/A	N/A	N/A	N/A
Snowpack Reduction	N/A	N/A	N/A	N/A
Air Quality Degradation	0	0	0	N/A

The sensitivity score reflects the extent to which a project would be adversely affected by exposure to a climate hazard. Exposure is rated on a scale of 1 to 5, with a score of 5 representing the greatest exposure.
The adaptive capacity of a project refers to its ability to manage and reduce vulnerabilities from projected climate hazards. Adaptive capacity is rated on a scale of 1 to 5, with a score of 5 representing the greatest ability to adapt.
The overall vulnerability scores are calculated based on the potential impacts and adaptive capacity assessments for each hazard. Scores do not include implementation of climate risk reduction measures.

6.3. Adjusted Climate Risk Scores

Climate Hazard	Exposure Score	Sensitivity Score	Adaptive Capacity Score	Vulnerability Score
Temperature and Extreme Heat	1	1	1	2
Extreme Precipitation	N/A	N/A	N/A	N/A
Sea Level Rise	1	1	1	2
Wildfire	1	1	1	2
Flooding	N/A	N/A	N/A	N/A
Drought	N/A	N/A	N/A	N/A
Snowpack Reduction	N/A	N/A	N/A	N/A
Air Quality Degradation	1	1	1	2

The sensitivity score reflects the extent to which a project would be adversely affected by exposure to a climate hazard. Exposure is rated on a scale of 1 to 5, with a score of 5 representing the greatest exposure.
The adaptive capacity of a project refers to its ability to manage and reduce vulnerabilities from projected climate hazards. Adaptive capacity is rated on a scale of 1 to 5, with a score of 5 representing the greatest ability to adapt.
The overall vulnerability scores are calculated based on the potential impacts and adaptive capacity assessments for each hazard. Scores include implementation of climate risk reduction measures.

6.4. Climate Risk Reduction Measures

7. Health and Equity Details

7.1. CalEnviroScreen 4.0 Scores

The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.

Indicator	Result for Project Census Tract
Exposure Indicators	—
AQ-Ozone	50.5
AQ-PM	54.2
AQ-DPM	36.9
Drinking Water	31.9
Lead Risk Housing	40.7
Pesticides	0.00
Toxic Releases	82.7
Traffic	76.0
Effect Indicators	—
CleanUp Sites	51.6
Groundwater	77.9
Haz Waste Facilities/Generators	87.3
Impaired Water Bodies	90.1
Solid Waste	80.0
Sensitive Population	—
Asthma	11.5
Cardio-vascular	8.39
Low Birth Weights	23.3
Socioeconomic Factor Indicators	—
Education	5.10
Housing	47.6
Linguistic	5.64
Poverty	16.8
Unemployment	3.21

7.2. Healthy Places Index Scores

The maximum Health Places Index score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state.

Indicator	Result for Project Census Tract
Economic	—
Above Poverty	90.51713076
Employed	86.15424099
Median HI	93.89195432
Education	—
Bachelor's or higher	92.46759913
High school enrollment	100
Preschool enrollment	91.13306814
Transportation	—
Auto Access	58.83485179
Active commuting	27.46054151
Social	—
2-parent households	84.58873348
Voting	80.07185936
Neighborhood	—
Alcohol availability	51.10997049
Park access	81.35506224
Retail density	79.28910561
Supermarket access	29.41100988
Tree canopy	40.07442577
Housing	—
Homeownership	70.96111895
Housing habitability	64.17297575
Low-inc homeowner severe housing cost burden	11.86962659

Low-inc renter severe housing cost burden	65.09688182
Uncrowded housing	96.93314513
Health Outcomes	—
Insured adults	88.56666239
Arthritis	21.6
Asthma ER Admissions	81.3
High Blood Pressure	18.7
Cancer (excluding skin)	6.6
Asthma	69.3
Coronary Heart Disease	34.0
Chronic Obstructive Pulmonary Disease	59.8
Diagnosed Diabetes	82.1
Life Expectancy at Birth	84.3
Cognitively Disabled	82.5
Physically Disabled	77.4
Heart Attack ER Admissions	94.9
Mental Health Not Good	87.0
Chronic Kidney Disease	55.3
Obesity	84.3
Pedestrian Injuries	55.7
Physical Health Not Good	81.0
Stroke	58.2
Health Risk Behaviors	—
Binge Drinking	17.1
Current Smoker	87.7
No Leisure Time for Physical Activity	91.2
Climate Change Exposures	—

Wildfire Risk	0.0
SLR Inundation Area	57.6
Children	48.8
Elderly	19.2
English Speaking	90.3
Foreign-born	14.8
Outdoor Workers	91.9
Climate Change Adaptive Capacity	—
Impervious Surface Cover	51.7
Traffic Density	62.9
Traffic Access	23.0
Other Indices	—
Hardship	2.6
Other Decision Support	—
2016 Voting	86.9

7.3. Overall Health & Equity Scores

Metric	Result for Project Census Tract
CalEnviroScreen 4.0 Score for Project Location (a)	15.0
Healthy Places Index Score for Project Location (b)	94.0
Project Located in a Designated Disadvantaged Community (Senate Bill 535)	No
Project Located in a Low-Income Community (Assembly Bill 1550)	No
Project Located in a Community Air Protection Program Community (Assembly Bill 617)	No

a: The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.
b: The maximum Health Places Index score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state.

7.4. Health & Equity Measures

No Health & Equity Measures selected.

7.5. Evaluation Scorecard

Health & Equity Evaluation Scorecard not completed.

7.6. Health & Equity Custom Measures

No Health & Equity Custom Measures created.

8. User Changes to Default Data

Screen	Justification
Land Use	Total Project site is 1.79 acres.
Construction: Construction Phases	x
Operations: Vehicle Data	Trip Rates taken from the Trip Generation 0.11 on-site travel distance for Operational LSTs
Operations: Refrigerants	As of 1 January 2022, new commercial refrigeration equipment may not use refrigerants with a GWP of 150 or greater. Further, R-404A (the CalEEMod default) is unacceptable for new supermarket and cold storage systems as of 1 January 2019 and 2023, respectively.

Attachment No. CD 4

Resolution No. PC2024-004

RESOLUTION NO. PC2024-004

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH UPHOLDING THE ZONING ADMINISTRATOR'S APPROVAL OF A MINOR USE PERMIT, MINOR SITE DEVELOPMENT REVIEW, MODIFICATION PERMIT, AND TENTATIVE PARCEL MAP FOR A NEW TWO-STORY AUTOMOBILE DEALERSHIP FOR GENESIS AUTOMOBILE LOCATED AT 320, 400, 410, 500, AND 600 WEST COAST HIGHWAY (PA2023-0094)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Gen Newport Beach, LLC (Applicant), with respect to properties located at 320, 400, 410, 500, and 600 West Coast Highway, and legally described as Lots 7 through 17 of Tract Map No. 1210 (Property) requesting approval of a minor use permit, minor site development review, modification permit, and tentative parcel map.

2. The Applicant requests a minor use permit, minor site development review, modification permit, and tentative parcel map to allow the demolition of the existing on-site structures, and the construction and operation of an automobile dealership. The proposed automobile dealership consists of an approximately 19,044 square-foot two-story building that includes a showroom, sales office, storage area, electric vehicle (EV) lab, and employee areas. Parking is provided within a surface parking lot and at-grade parking structure at the rear of the Property. The request includes a modification permit to allow a portion of the structure to encroach 6-inches into the 5-foot rear yard setback. The tentative parcel map is requested to merge 11 underlying legal lots into one lot. Lastly, the Project includes improvements to the West Coast Highway right-of-way (Project).

3. The Property is designated General Commercial (CG) by the General Plan Land Use Element and is located within the Commercial General (CG) Zoning District.

4. The Property is not located within the coastal zone.

5. A public hearing before the Zoning Administrator was scheduled on January 25, 2024, online via Zoom. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code (NBMC). The Zoning Administrator continued the item to February 1, 2024, based on staff's request for a continuance.

6. A public hearing before the Zoning Administrator was held on February 1, 2024, online via Zoom. A notice of time, place, and purpose of the hearing was given in accordance with the NBMC. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

7. The Zoning Administrator adopted Resolution No. ZA2024-005 approving PA2023-0094 to allow a minor use permit, minor site development review, modification permit, and tentative parcel map.

8. On February 15, 2024, Maryam Parman c/o Newmeyer & Dillion, LLP filed an appeal of the Zoning Administrator's decision objecting to the Project's exemptions from the California Environmental Quality Act (CEQA).

9. A public hearing was held by the Planning Commission on March 7, 2024, in the City Council Chambers at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with California Government Code Section 54950 *et seq*. (Ralph M. Brown Act) and Chapter 20.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is exempt from CEQA pursuant to Section 15332 under Class 32 (In-Fill Development Projects), Section 15301 under Class 1 (Existing Facilities,) Section 15303 under Class 3 (New Construction or Conversion of Small Structures), and Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because the Project has no potential to have a significant effect on the environment.

2. The Class 32 exemption reflects a determination by the California Office of Planning and Research (OPR) that projects that meet the Class 32 criteria will not have a significant environmental effect and, therefore, are exempt from CEQA. (*Berkeley Hillside Preservation v. City of Berkeley,* (2015) 60 Cal.4th 1086, 1102.) To apply, a project must be an in-fill development and meet the following criteria: (1) is consistent with the applicable General Plan designation and applicable policies, as well as applicable zoning designations and regulations, (2) would occur on a site less than five acres, (3) the project site must have no habitat value, (4) the project would not result in significant traffic, noise, air quality, or water quality effects, and (5) the site can be adequately served by all required utilities and public services. The Class 32 exemption reflects the understanding that "the majority of private projects for which a government permit or similar entitlement is necessary are minor in scope …and hence, in the absence of unusual circumstances, have little or no effect on the public environment." (*Pacific Palisades Residents Association, Inc. v. City of Los Angeles,* (2023) 88 Cal.App.5th 1338, 1363.) If a project meets the criteria and qualifies for the Class 32 exemption, the project is categorically exempt from CEQA unless one of the exceptions to exemptions apply. The exemption is not limited to any use type and may apply to residential, commercial, industrial, public facility, and/or mixed-use projects.

   The Project meets all the requirements and is exempt under Class 32, as supported by substantial evidence which is a differential standard that, when a city approves a proposed development as consistent with its general plan, reviewing courts defer to that

approval as an extension of the entity's unique competence to interpret its own policies. Id. at 1365.

a. General Plan and Zoning Consistency: The Property is designated General Commercial (CG) by the General Plan Land Use Element. The CG designation provides for a wide variety of commercial activities to serve citywide or regional needs such as retail sales and services. The Project proposes an automobile dealership that will provide retail services and uses to residents and visitors to the City. The Property is located within the CG Zoning District, which provides for areas appropriate for a wide variety of commercial activities oriented primarily to citywide and regional needs, including retail sales and services.

b. Less Than 5 Acres: The Project includes a tentative parcel map to merge 11 lots that will total approximately 1.79 acres, which is less than five acres.

c. No Habitat Value: The Property is currently developed, and the Project includes the demolition of six existing commercial retail and service use buildings totaling approximately 14,500 square feet and associated site improvements. Because of the existing site's developed nature in a highly urban environment (along West Coast Highway), the Property has no value as habitat for endangered, rare, or threatened species nor is it specified as a Property with Biological Resources on General Plan Figure NR1 (Biological Resources) of the Natural Resources Element of the General Plan. There is no sensitive vegetation or habitat on-site. The Project would not encroach into any jurisdictional waters or areas that support native and/or sensitive habitat. The Property does not contain any wetland area.

d. No Significant Traffic, Noise, Air Quality or Water Quality Effects: The net daily trip generation rate has been reviewed by the City's Traffic Engineer based on the average daily trips of the existing commercial uses on-site and the proposed automobile dealership. The Project will generate a net increase of 299 daily trips. Therefore, the Project would result in a net increase of fewer than 300 daily trips and no impacts related to vehicle miles traveled (VMT) are anticipated based on City Council Policy K-3.

The primary source of noise within the Property's vicinity is traffic noise from Coast Highway as shown on General Plan Figures N-1 and N-4 (Noise Contours) of the Noise Element of the General Plan. The addition of 299 daily trips would not significantly contribute volume to Coast Highway such that it would increase vehicular noise. The automobile dealership specializes in sales and repair of EVs that produce less noise than conventional automobiles. The Project has been designed with enclosed parking at the rear of the Property adjoining the residential zoning district to limit operational noise, such as vehicle doors closing. The EV Lab itself will also be fully enclosed and high noise generating activities (such as use of pneumatic lifts) is prohibited. All stationary noise sources (air conditioning, trash enclosures) must comply with the NBMC and remain below

applicable standards. The noise generated by the Project is anticipated to be consistent with the Coast Highway urban environment.

As discussed above, the ultimate volume of vehicles accessing the Property would be a net increase of 299 trips over existing conditions. That increase in trips is negligible compared to existing vehicular volumes on Coast Highway, a high-travel corridor through the city. It would not contribute significantly to an increase in emissions from existing conditions. Moreover, as to the Project's service operations, compared to traditional internal combustion engines, EVs eliminate tailpipe pollution such as nitrogen oxides (NOx), carbon monoxide (CO) and hydrocarbons (HC) because there is no combustion process. As such, air quality emissions associated with the sale of EVs is considerably less compared to cars with internal combustion engines. All service areas are located indoors, which minimize the exposure of any emissions associated with vehicle servicing. Condition of Approval No. 14 limits the service of vehicles to EVs only, further ensuring that the Project would not generate emissions in significant quantities such that a significant air quality impact would occur.

The Project will not produce a significant effect related to water quality. The Project would not result in changes in site drainage that cannot be addressed through standard conditions such as best management practices (BMPs) to prevent erosion and construction pollutants from contacting stormwater. A Water Quality Management Plan (WQMP) was prepared by Commercial Development Resources dated August 2, 2023, and reviewed by the City's Geotechnical Engineer. The Property will be re-graded to collect and treat onsite stormwater flows to the maximum extent possible. Runoff from the proposed building roof, surface parking area, and landscape area will be directed to onsite inlets and conveyed by the proposed storm drain system to the Modular Wetland System (MWS) BMP for pre-treatment and treatment. Runoff is then conveyed to the new underground retention system prior to discharge into the City's storm drain system. The WQMP concludes that the Property is located outside of areas susceptible to erosion and the downstream channels and conveyance system will not be at risk of increased erosion due to the Project's development.

e. Utilities and Public Services: All required utilities, including sewer, water, energy, existing within the Property. A Water and Sewer Demand analysis was prepared by Commercial Development Resources dated October 16, 2023, and reviewed by the City's Public Works division. All public services, including police and fire protection, are adequate to accommodate the Project. As conditioned and designed, the Project will be adequately served by all required utilities and public services.

3. Class 1 exempts projects involving the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. Specifically, Section 15301(c) exempts work on existing highways and streets, sidewalks, gutters, bicycle, and pedestrian trails, and similar facilities. The Project includes

improvements to West Coast Highway to realign the curb line, extend the existing transition area, and allow for the construction of a bike lane.

4. Class 3 exempts construction and location of limited numbers of new, small facilities or structures. Examples of this exemption includes, but is not limited to, a store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances that are, in urban areas, generally not exceeding 10,000 square feet in floor area and where public services and facilities are available and the surrounding area is not environmentally sensitive.

   As discussed above, the Property is within an urban, developed area of Newport Beach. The Property is also served by all required public facilities, the area is not environmentally sensitive, and significant amounts of hazardous substances would not be used. The Project's proposed buildings would exceed 10,000 square feet (at 19,044 square feet). However, the Project includes the demolition and replacement of existing commercial retail and service use buildings totaling approximately 14,500 square feet. Accounting for that demolition of similar uses, the Project increases total square footage by only approximately 5,000 square feet, well within the 10,000 square feet identified by the Class 3 exemption. (See *Walters v. City of Redondo Beach,* (2016) 1 Cal.App.5th 809, 817 [an approximately 4,000 square-foot car wash and coffee shop project that was to be located in an urban area was properly found to be exempt under Class 3 because car washes are similar to stores, motels, offices, and restaurants in that they are commercial businesses that serve customers].) Nearly three-quarters of the Project's total square footage is replacement square footage, which reflects the nominal increase in daily vehicular trips associated with the Project (299) over existing conditions.

5. The provisions of State CEQA Guidelines Section 15183 are applicable to the Project. The Project is not subject to further environmental review pursuant to CEQA Guidelines Section 15183 because the Project does not change the underlying land use or zoning designations of any specific parcels; and would not result in new significant impacts or a substantial more adverse impact than addressed in 2006 General Plan Update EIR (SCH: 2006011119).

   CEQA Guidelines Section 15183 provides, in relevant part:

   (a) CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.

   (b) In approving a project meeting the requirements of this section, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:

(1) Are peculiar to the project or the parcel on which the project would be located,
(2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent,
(3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or
(4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

(c) If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, as contemplated by subdivision (e) below, then an additional EIR need not be prepared for the project solely on the basis of that impact.

(d) This section shall apply only to projects which meet the following conditions:

(1) The project is consistent with:

(A) A community plan adopted as part of a general plan,
(B) A zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development, or
(C) A general plan of a local agency, and

(2) An EIR was certified by the lead agency for the zoning action, the community plan, or the general plan.

As part of its decision-making process, the City is required to review and consider whether the Project would create new significant impacts or significant impacts that would be substantially more severe than those disclosed in the *2006 General Plan Update EIR*. Additional CEQA review is only triggered if the Project's new significant impacts or impacts that are more severe than those disclosed in 2006 General Plan Update EIR such that major revisions to the EIR would be required.

In this case, the Project does not revise the land use designation, density or development standards applicable to Mariners' Mile. The General Plan and Zoning designation for the Property is General Commercial (CG) which is intended to provide for a wide variety of commercial activities oriented primarily to serve Citywide or regional needs such as retail sales and services, restaurants, personal services, vehicles rental, sales, and services, and other similar commercial uses. The project is for an automobile dealership with automobile sales and limited service as defined above, that will provide a retail and service use to residents and visitors to the City.

The Property is located within the CG Zoning District which is intended to provide for areas appropriate for a wide variety of commercial activities oriented primarily to serve Citywide or regional needs such as retail sales and services, restaurants, personal services, vehicles rental, sales, and services, and other similar commercial uses.

The Newport Beach Municipal Code (NBMC) defines "Vehicle/Equipment Repair, limited" as minor repair of automobiles, motorcycles, recreational vehicles, or light trucks, vans, or similar size vehicles. Examples of uses include brake adjustments and repairs; installation of electronic equipment; servicing of cooling, electrical, fuel, and exhaust systems; oil and lube shops; and wheel alignment and balancing. This project includes minor repair and maintenance as defined and does not include services such as a full-service motor vehicle repair garage, machine shop, alarms, stereos, paint shop, tire sales and installation, towing services, or a transmission shop that would classify the automobile service as a more intense use. Furthermore, this use is permitted in the CG Zoning District subject to approval of a minor use permit.

The NBMC defines "Vehicle/Equipment Sales", limited as the sale of automobiles, including display, storage, minor maintenance, and incidental rental. It does not include maintenance and/or repair requiring pneumatic lifts. The automobile dealership offers luxury automobiles that are purely electric and does not include any maintenance and/or repair services that would require pneumatic lifts. This use is permitted in the CG Zoning District by right.

Moreover, the Project is consistent with the development density authorized for the Property. The Project is located within Statistical Area H-4 under the Newport Beach General Plan Land Use Element which tracks increases in density that require a General Plan amendment. Although a General Plan amendment is not required, Statistical Area H-4 is relevant because it accounts for the development density analyzed in the 2006 General Plan Update EIR. Currently, there is approximately 39,859 square feet available in this Statistical Area. With the Project increasing density by approximately 5,000 square feet which is well within the development density analyzed in the 2006 General Plan Update EIR.

The Project is consistent with the development density established by General Plan for which the 2006 General Plan Update EIR was certified, therefore, the Project is exempt under Section 15183.

6. The exceptions to these categorical exemptions under Section 15300.2 are not applicable. The Property does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

SECTION 3. REQUIRED FINDINGS.

Minor Site Development Review

In accordance with Section 20.52.080(F) (Site Development Reviews – Findings and Decision) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

A. *The proposed development is allowed within the subject zoning district;*

Facts in Support of Finding:

1. The Property is located within the Commercial General (CG) Zoning District which is intended to provide for areas appropriate for a wide variety of commercial activities oriented primarily to serve Citywide or regional needs. The Project includes the construction of a new automobile dealership, specifically categorized as "Vehicle/Equipment Repair, limited" and "Vehicle/Equipment Sales, limited" land use. The Vehicle/Equipment Repair, limited land use requires approval of a minor use permit and the Vehicle/Equipment Sales, limited land use is allowed by right.

2. Section 20.70.020 (Definitions of Specialized Terms and Phrases) of the NBMC defines Vehicle/Equipment Repair, limited as minor repair of automobiles, motorcycles, recreational vehicles, or light trucks, vans, or similar size vehicles. Examples of uses include brake adjustments and repairs; installation of electronic equipment (e.g., alarms, stereos, etc.); servicing of cooling, electrical, fuel, and exhaust systems; oil and lube shops; wheel alignment and balancing. This Project, however, includes minor repair and maintenance as described and does not include services such as a full-service motor vehicle repair garage, machine shop, alarms, stereo, paint shop, tire sales and installation, towing services, or a transmission shop that would classify the automobile dealership as a more intense land use.

3. Section 20.70.020 (Definitions of Specialized Terms and Phrases) of the NBMC defines Vehicle/Equipment Sales, limited as the sale of automobiles, including display, storage, minor maintenance, and incidental rental. The land use definition does not include maintenance and/or repair requiring pneumatic lifts. The automobile dealership offers luxury automobiles that are purely electric and does not include any maintenance and/or repair services that would require pneumatic lifts.

4. The Property has a maximum floor area to land ratio (FAR) of 0.30. The Property consists of 11 lots to be merged and is approximately 78,001 square feet (1.79 acres). The Project consists of 19,044 square feet of gross floor area; therefore, the Project has a proposed FAR of 0.25, which complies with the maximum 0.30 FAR limit.

Finding:

B. *The proposed development is in compliance with all of the following applicable criteria;*

i. Compliance with this section, the General Plan, Title 20 (Planning and Zoning) of the NBMC, any applicable specific plan, and other applicable criteria and policies related to the use or structure;

ii. The efficient arrangement of structures on the site and the harmonious relationship of the structures to one another and to other adjacent developments; and whether the relationship is based on standards of good design;

iii. The compatibility in terms of bulk, scale, and aesthetic treatment of structures on site and adjacent developments and public areas;

iv. The adequacy, efficiency, and safety of pedestrian and vehicular access, including drive aisles, driveways, and parking and loading spaces;

v. The adequacy and efficiency of landscaping and open space areas and the use of water efficient plant and irrigation materials; and

vi. The protection of significant views from public right(s)-of-way and compliance with Section 20.30.100 (Public View Protection) of the NBMC.

Facts in Support of Finding:

1. The Property is categorized as General Commercial (CG) by the General Plan Land Use Element, which is intended to provide for a wide variety of commercial activities oriented primarily to serve citywide or regional needs. The Project includes the construction of an automobile dealership that specializes in purely electric vehicles. EV services will be provided in a fully enclosed environment. This section of West Coast Highway includes several existing automobile dealerships. However, Genesis Automobile will offer specialized EV cars and will provide an additional offering for the residents of the City.

2. Land Use Policy LU 5.2.2 (Buffering Residential Areas) of the Land Use Element of the General Plan requires that commercial uses adjoining residential neighborhoods be designed to be compatible and minimize impacts through incorporation of landscaping, attractive architectural treatment of elevations facing residential neighborhoods, and location of automobile and truck access to prevent impacts on neighborhood traffic and privacy. The building will be constructed with basalt grey and matte black aluminum composite metal with a multi-pane glass frontage. The building will incorporate a modern design with a flat, non-reflective roof to reduce the visual impacts on the residential neighborhood behind the Property. The multi-pane glass frontage of the showroom will be set back from the roof, providing visual interest, and the EV Lab and enclosed parking are further setback, providing appropriate architectural relief as viewed from the residential neighborhood of Bayshores across West Coast Highway. Parking lot light fixtures will be directed downward and will have back shields to prevent the spillage of light onto residential properties. Test drives through residential neighborhoods are prohibited to prevent impacts on neighborhood traffic. To address privacy concerns

related to adjacent residential areas, parking behind the building will be enclosed, and no roof-top uses are proposed.

3. The Noise Element of the General Plan requires residential land uses and other sensitive receptors to be protected from excessive noise from motor vehicles. One of the major sources of traffic noise in the City is along Coast Highway which is considered to be a major arterial roadway. The Project includes vehicle repair as classified as the Vehicle/Equipment Repair, Limited land use of the NBMC that includes minor repair of automobiles such as brake adjustments and repairs, installation of electronic equipment; servicing of cooling, electrical, fuel, and exhaust systems; oil and lube shops; and wheel alignment and balancing. Full-service vehicle repair, painting services, towing services, and transmissions shops are not offered at this location and pneumatic lifts are not proposed which ensures the Project will not create noise impacts. The EV Lab is entirely enclosed, which will further ensure the Project will not create noise impacts. Finally, EVs are quieter than conventional vehicles by nature, and will not create noise impacts during routine operation.

4. Section 2.51 (A Design Framework for Mariners' Mile) of the Mariners' Mile Strategic Vision and Design Framework encourages development of multiple lots and shared access agreements in order to consolidate curb cuts, thereby reducing potentially hazardous turning movements on and off Coast Highway. The Project includes a tentative parcel map to merge 11 individual underlying legal lots into a single lot which is compatible with the Vision and Design Framework. The Project will demolish several vacant buildings with individual uses to construct an automobile dealership across the merged lots.

5. Section 2.71 (Land Use Considerations – Sensitivity to Existing Neighborhoods) of the Mariners' Mile Strategic Vision and Design Framework encourages sensitivity to the adjacencies of the existing neighborhoods with proposed new uses and development projects. Mitigation of potential impacts to existing residents should be considered and may be accomplished through landscaping, equipment screening, limitations on signage, lighting and glare spill-off, building colors, or other appropriate measures. The maximum height of the building is 26-feet with an allowed 6-inch increase for skylights. The roof will be a solid, non-reflective color to mitigate impacts to the residential neighborhood located at a significantly higher grade behind the Property. All roof top equipment will be screened from view from all five sides. Parking lot lighting will be directed downward and will include back shields to prevent the spill of light on both up-slope residential properties as well as those across Coast Highway.

6. Section 3.21 (Pacific Coast Highway Edge Landscape) of the Mariners' Mile Strategic Vision and Design Framework encourages Washington Robusta (Mexican Fan Palm) to be planted across the entire frontage of the Property. Additionally, landscaping is provided towards the rear of the Property along the existing sloping landscaping area that is to remain. Prior to the issuance of building permits, a final landscape plan will be reviewed to ensure the Project complies with Section 3.21 of the Vision and Design Framework, incorporates non-invasive plant species and water-efficient irrigation

designs, and complies with Caltrans standards for plantings within or near the right-of-way.

7. The Project includes a surface parking lot with indoor and outdoor parking spaces for customers, employees, and inventory parking. Appropriate drive aisles are provided for cars being serviced as well as customer parking for prospective buyers. The Project has been reviewed by the Public Works Department and conditions of approvals are provided to ensure adequate queueing and loading space is provided on-site to prevent any queueing or stacking of cars onto West Coast Highway.

8. An EV Lab Service and Vehicle Queuing technical memorandum dated January 16, 2024, was provided by CAA Planning that addresses concerns regarding potential queueing into West Coast Highway. The Project includes services by appointment only to ensure no more than four vehicles are arriving at the EV Lab at any one time. Additionally, vehicle technicians will be on-site to monitor the queue and direct vehicles to the enclosed parking area should the driveway reach capacity. EVs require less maintenance compared to conventional vehicles and Genesis is able to provide software updates via wireless communication to its customers eliminating the need to bring vehicles to the site for certain repairs. Furthermore, Genesis offers complimentary Service Valet for up to three years or 36,000 miles for vehicle pick-ups which will also contribute to the reduction of anticipated vehicles arriving to the EV Lab for service. Prior to building permit issuance, a final Queuing Analysis shall be reviewed and approved by Public Works Department.

9. Facts in support of Finding A are hereby incorporated by reference.

10. Pursuant to Land Use Policy 6.19.13 (Lot Consolidation on Inland Side of Coast Highway) of the Land Use Element of the General Plan, the FAR may be increased to 0.5 where parcels are consolidated to accommodate larger commercial development projects that provide sufficient parking. The Project proposes sufficient parking and is compliant with the current FAR of 0.3 as the proposed FAR is 0.25. While the Project includes lot consolidation, an increase in FAR to 0.5 is not proposed.

11. Pursuant to Section 20.30.100 (Public View Protection), the nearest public viewpoint is approximately 1,300 feet away at Castaways Park and the Project is not expected to obstruct this public viewpoint, or any other public viewpoint.

12. The Property is not located within a specific plan area.

Finding:

C. *Not detrimental to the harmonious and orderly growth of the City, nor endangers, jeopardizes, or otherwise constitutes a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed development.*

Facts in Support of Finding:

1. Facts 4 and 8 in support of Finding B are hereby incorporated by reference.

2. A test drive route was provided by the Applicant to ensure that all test driving will occur on West Coast Highway. Additionally, a condition of approval is included to ensure that no test driving will occur in residential neighborhoods.

3. The Project will be conditioned to ensure that new vehicles are driven individually to the Property and will not be delivered via car hauler on West Coast Highway. Any other delivery vehicles would be required to stage within the project site (e.g. FedEx, UPS, etc.).

4. The Applicant has submitted a Fire Master Plan which has been reviewed and preliminarily approved by the Life and Safety Division (Fire Department). The plans have been reviewed to ensure adequate access to fire hydrants, hose pull, and building coverage is provided and any changes shall be reviewed and approved by the Fire Department.

5. The Project has been designed to enclose the parking areas nearest residential uses and does not propose roof-top parking or other roof-top uses beyond mechanical equipment that will be screened.

6. As part of the development, the power lines behind the Property will be eliminated.

Minor Use Permit

In accordance with Section 20.52.020(F) (Conditional Use Permits and Minor Use Permit – Findings and Decision) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

D. *The use is consistent with the General Plan and any specific plan;*

Facts in Support of Finding:

1. Facts 1-3 in support of Finding B are hereby incorporated by reference.

2. The Property is not located within a Specific Plan area.

Finding:

E. *The use is allowed within the applicable zoning district and complies with all other applicable provisions of the Zoning Code and Municipal Code;*

Facts in Support of Finding:

1. Facts in support of Finding A are hereby incorporated by reference.

2. Section 20.30.120(D) (Solid Waste and Recyclable Materials Storage – Nonresidential Projects) of the NBMC requires 96 square feet of storage area for refuse and recycling for up to 25,000 square feet of structure. The total square footage of the proposed structure is 19,044 square feet. The Project proposes 142 square feet of storage area for refuse and recycling in compliance with this requirement. The trash enclosure is situated in the middle of the Property near the entrance to the enclosed parking and away from residential uses.

Finding:

F. *The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity;*

Facts in Support of Finding:

1. Fact 2, 5, and 6 in support of Finding B are hereby incorporated by reference.

2. The EV Lab will be approximately 2,500 square feet within the total 19,044 square-foot building and will include eight service areas, a storage room for parts, a general storage room, and employee areas. The EV services will be conducted in a fully enclosed building and will not use pneumatic lifts or other heavy repair equipment such as bodywork or painting. Additionally, EV batteries will not be stored on-site, but will rather be brought to the site on an as-needed basis with corresponding appointments for battery replacement. A condition of approval is included to ensure that no batteries are to be stored on-site and any future changes to the operational characteristics to propose on-site storage of batteries must be reviewed by the Fire Department.

3. The existing uses along West Coast Highway consist of several automobile dealerships and the project proposes similar hours of operation as these existing automobile dealerships and other retail and service uses along Mariners' Mile. The proposed hours of operation for sales will be between 9:00 a.m. and 8:00 p.m., Monday through Friday, between 9:00 a.m. and 7:00 p.m. on Saturday, and between 10:00 a.m. and 6:00 p.m. on Sunday. The proposed hours of operation for services in the EV Lab will be between 8:00 a.m. and 6:00 p.m., Monday through Friday. Limited hours of service will be provided on Saturday and no services will be provided on Sunday. The adjacent McDonald's Restaurant drive thru is open 6:00 a.m. to 11:00 PM Sunday through Thursday and 6:00 a.m. to 1:00 a.m. Friday and Saturday.

Finding:

G. *The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities;*

Facts in Support of Finding:

1. The Project includes a tentative parcel map to merge 11 lots that will total approximately 1.79 acres and provide adequate space for the automobile dealership including all required parking spaces.

2. The Project has been reviewed by the City's Fire, Public Works, and Building Departments. Adequate public and emergency vehicle access, public services, and utilities are provided to the Property.

3. Fact 8 in support of Finding B is hereby incorporated by reference.

4. Facts 2 and 3 in support of Finding F are hereby incorporated by reference.

Finding:

H. *Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare or persons residing or working in the neighborhood of the proposed use;*

Facts in Support of Finding:

1. The Project has been reviewed by all relevant City Divisions and includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, and areas surrounding the Property and adjacent properties during business hours, if directly related to the patrons of the establishment.
2. The Project has been designed to be harmonious with persons residing or working in the neighborhood by enclosing the parking area behind the building and enclosing the EV Lab to ensure that project operations (e.g., parking cars, opening and closing of car doors, employee conversations, etc.) area not detrimental to said persons. Additionally, the Project does not propose roof-top parking or any other roof-top uses which might generate noise or privacy concerns.

3. Facts in support of Finding C are hereby incorporated by reference.

Modification Permit

In accordance with Section 20.52.050(E) (Modification Permits – Required Findings) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

I. *The requested modification will be compatible with existing development in the neighborhood;*

Facts in Support of Finding:

1. The Property requires a 5-foot rear setback when the property is adjacent to residential zoning districts. The Zoning District to the rear of the property is within the R-1 (Single-Unit Residential Zoning District). The Project requests a modification permit to allow a 10%, or 6-inch, deviation from the required setback. The request does not include an encroachment within an alley setback or bluff setback, which are not allowed pursuant to Section 20.52.050(2)(a) (Modification Permits – Setback Modifications) of the NBMC.

2. The residential neighborhood adjacent to the rear of the Property is located at a substantially higher grade where the rear yard of these residential developments are approximately 30-40 feet above the elevation of the Property. The height of the proposed structure is 26-feet with a flat roof and is not expected to obstruct or impede on any views for the residential neighborhood above.

3. The Property is also adjacent to the shopping center located at 100 West Coast Highway to the east that is constructed within the five-foot rear setback along the rear property line. The proposed structure will only encroach 6-inches into the required setback and will maintain 4-feet 6-inches from the rear property line, which is greater than 100 West Coast Highway, which was constructed with a 0-foot setback.

Finding:

J. *The granting of the modification is necessary due to the unique physical characteristic(s) of the property and/or structure, and/or characteristics of the use;*

Facts in Support of Finding:

1. The Property is located in the CG Zoning District. The Project is designed with an automobile dealership, surface parking for employees, customers, and inventory vehicles, and landscaping. The Property also has existing landscaping on a hillside slope that is to remain. The Project proposes new landscaping along the street frontage of Coast Highway that is compatible with the Mariners' Mile Strategic Vision and Design Framework to maintain and improve the visual aesthetic of Mariners' Mile.

2. The Property is a long shallow lot that is approximately 140-feet in depth. Additionally, the Caltrans initiated improvements to West Coast Highway will require the curb line to be relocated and the depth of the property will be reduced by 12-feet. The 6-inch encroachment in the rear setback is negligible in size compared to the 12-foot reduction at the front of the Property and will allow the proposed building to have additional space to fit within the confines of the Property after the reduction in lot depth.

3. The Property is a shallow lot and the reduction in lot size after realigning the curb line will create a physical hardship in constructing the building with adequate space to accommodate the parking of vehicles as well as provide adequate drive aisles for cars to be serviced. The 6-inch encroachment allows the EV Lab parking to be enclosed, designed with adequate parking spaces, as well as a 26-foot drive aisle as required by

Table 3-13 (Standard Vehicle Space Requirements) of Section 20.40.070(C) (Development Standards for Parking Areas – Parking Space and Lot Dimensions) of the NBMC.

4. The requested 6-inch encroachment is for the dealership building that extends across approximately one-third of the site. Approximately two-thirds of the site will not exceed the required setback. In the middle of the Property, the setback to the rear property line will be approximately 50-feet, and along the western portion of the site the setback will be approximately 85-feet from the rear property line.

Finding:

K. *The granting of the modification is necessary due to practical difficulties associated with the property and that the strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code;*

Facts in Support of Finding:

1. Section 20.30.110 (Setback Regulations and Exceptions) of the NBMC establishes setback standards to ensure the provision of open areas around structures for various reasons such as safety, privacy, and separation of incompatible uses. The Property is in the CG Zoning District where the rear setback would be zero feet unless the Property is abutting a residential zoning district; and in this instance would require a 5-foot setback. The purpose and intent of this 5-foot rear setback would be to separate commercial uses from the nearby residential uses. However, the commercial properties along Coast Highway are separated from this residential neighborhood by a substantial grade difference (30 to 40 feet) with sloping hillside landscaping.

2. Facts 2 and 3 in support of Finding J is hereby incorporated by reference.

Finding:

L. *There are no alternatives to the modification permit that could provide similar benefits to the applicant with less potential detriment to surrounding owners and occupants, the neighborhood, or to the general public; and*

Facts in Support of Finding:

1. The automobile dealership requires a parking rate of one parking space per 1,000 square feet of lot area. The property requires 79 parking spaces, and the Project proposes a total of 80 parking spaces with a combination of indoor and outdoor surface parking spaces. The proposed drive aisle within the facility is also required to ensure proper ingress/egress for cars being serviced in the facility and to allow for areas for vehicles to queue and park on-site without creating a detriment from cars stacking on Coast Highway.

2. The area where the structure encroaches 6-inches into the rear setback is enclosed parking, which is proposed to increase compatibility with the up-slope residential

properties. An alternative design is not possible while still providing the same level of compatibility.

3. Fact 8 in support of Finding B is hereby incorporated by reference.

Finding:

M. *The granting of the modification would not be detrimental to public health, safety, or welfare, to the occupants of the property, nearby properties, the neighborhood, or the City, or result in a change in density or intensity that would be inconsistent with the provisions of this Zoning Code.*

Facts in Support of Finding:

1. The 6-inch encroachment into the rear setback will not result in a change of density to the Property nor will it allow for an intensity in proposed use that is inconsistent with the provisions of the Zoning Code.

2. The CG Zoning Designation allows 0.30 FAR and the automobile dealership proposes 0.25 FAR and adequate parking will be provided as required. The automobile dealership will be distanced from the residential neighborhood above by the existing hillside landscaping. The grade difference and the limited services provided in the enclosed EV Lab are not expected to create a noise detriment to the residential neighborhood above as compared to a typical general vehicle repair service station that is not enclosed and that has more intense vehicle service.

3. Compliance with Title 20 (Planning and Zoning) of the NBMC and the attached conditions of approval are required and will further ensure that the proposed use will not be detrimental to the occupants of the Property, nearby properties, the neighborhood, or the City.

Tentative Parcel Map

In accordance with Section 19.12.070 (Required Findings for Action on Tentative Maps) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

N. *That the proposed map and the design or improvements of the subdivision are consistent with the General Plan and any applicable specific plan, and with applicable provisions of the Subdivision Map Act and this Subdivision Code;*

Facts in Support of Finding:

1. Facts 1-3 in support of Finding B are hereby incorporated by reference.

2. The Project proposes to merge 11 lots into one single contiguous lot. The tentative parcel map will not constitute a division of land or create any new lots.

3. The Property is not located within a specific plan area.

Finding:

O. *That the site is physically suitable for the type and density of development;*

Facts in Support of Finding:

1. The Property was previously developed with six separate structures for various commercial retail and service uses. The proposed Project will be developed as a single commercial use with surface parking areas that will further reduce the amount of potentially hazardous turning movements on and off West Coast Highway.

2. The Property is accessible from West Coast Highway.

Finding:

P. *That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision-making body may nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report;*

Facts in Support of Finding:

1. The Property is located within an existing commercial area that does not contain any sensitive vegetation or habitat on-site.

2. The Project is exempt from CEQA pursuant to Section 15332 under Class 32 (In-Fill Development Projects), Section 15301 under Class 1 (Existing Facilities), and Section 15303 under Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines. Section 2 of this Resolution is hereby incorporated by reference.

Finding:

Q. *That the design of the subdivision or the type of improvements is not likely to cause serious public health problems;*

Facts in Support of Finding:

1. The tentative parcel map is to merge 11 lots into one contiguous lot. All improvements associated with the Project will comply with all Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. Public improvements will be required of the developer per NBMC Section 19.28.010 (General Improvement Requirements) of the Subdivision Map Act. All ordinances of the City and all Conditions of Approval will be complied with.

2. Fact 2 in support of Finding N is hereby incorporated by reference.

Finding:

R. *That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the decision-making body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these easements will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision;*

Facts in Support of Finding:

1. The Public Works Department has reviewed the proposed Tentative Parcel Map and has determined that the design of the development will not conflict with easements acquired by the public at large, for access through, or use of property within the proposed development.
2. The Project includes a request to encroach 6 inches in the 5-foot rear setback area which includes the 5-foot Southern California Edison easement located in the rear of the property. A condition of approval is included to require the Applicant to receive approval for the encroachment from the easement holder.

Finding:

S. *That, subject to the detailed provisions of Section 66474.4 of the Subdivision Map Act, if the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act), the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use or the subdivision will result in residential development incidental to the commercial agricultural use of the land;*

Facts in Support of Finding:

1. The Property is not subject to the Williamson Act because the property is not designated as an agricultural preserve and is less than 100 acres in area.

2. The Property is in the CG Zoning District, which is intended for commercial uses. The CG Zoning District is not intended for residential development that is incidental to commercial agricultural uses.

Finding:

T. *That, in the case of a "land project" as defined in Section 11000.5 of the California Business and Professions Code: (1) There is an adopted specific plan for the area to be included within the land project; and (2) the decision-making body finds that the proposed land project is consistent with the specific plan for the area;*

Facts in Support of Finding:

1. California Business and Professions Code Section 11000.5 has been repealed by the Legislature. However, this Project site is not considered a "land project" as previously defined in Section 11000.5 of the California Business and Professions Code because the project site does not contain 50 or more parcels of land.

2. The Project is not located within a specific plan area.

Finding:

U. *That solar access and passive heating and cooling design requirements have been satisfied in accordance with Sections 66473.1 and 66475.3 of the Subdivision Map Act;*

Fact in Support of Finding:

1. The tentative parcel map and automobile dealership are subject to Title 24 of the California Building Code which requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The City's Building Division enforces Title 24 compliance through the plan check and inspection process.

Finding:

V. *That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City's share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City's residents and available fiscal and environmental resources;*

Fact in Support of Finding:

1. The proposed Project is an automobile dealership consistent with the CG Zoning District for commercial uses. The Property does not allow for residential uses nor is it identified as a housing opportunity site in the Housing Element of the General Plan. The demolition of the existing structures on-site does not include the demolition of any residential structures.

Finding:

W. *That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board; and*

Fact in Support of Finding:

1. A condition of approval is included to require new sewer laterals and cleanouts to be installed per City Standard 406 and for sewer cleanouts to be placed adjacent to the property line within the public right-of-way.

Finding:

X. *For subdivisions lying partly or wholly within the Coastal Zone, that the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter Three of the Coastal Act.*

Fact in Support of Finding:

1. The Property is not located within the Coastal Zone.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby finds this Project is categorically exempt from the California Environmental Quality Act pursuant to Section 15332 under Class 32 (In-Fill Development Projects), Section 15301 under Class 1 (Existing Facilities), Section 15303 under Class 3 (New Construction or Conversion of Small Structures), and Section 15183 under Class 1 (Projects Consistent with a Community Plan, General Plan, or Zoning) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.

2. The Planning Commission of the City of Newport Beach hereby upholds and affirms the Zoning Administrator's approval of a Minor Use Permit, Minor Site Development Review, Modification Permit, and Tentative Parcel Map (PA2023-0094), subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.

3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 7TH DAY OF MARCH, 2024.

AYES: Ellmore, Langford, Lowrey, and Salene

NOES: None

ABSTAIN: None

ABSENT: Barto, Harris, and Rosene

BY:_____
Curtis Ellmore, Chair

BY: Seimone Jurjis
Seimone Jurjis, Ex-Officio Secretary

EXHIBIT "A"

CONDITIONS OF APPROVAL

(Project-specific conditions are in italics)

Planning Division

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval). The structure shall not exceed 19,999 square feet without subsequent review by the Planning Division and, potentially, an amendment to this Site Development Review or a new site development review.

2. The Project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.

3. The Applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of Minor Site Development Review, Minor Use Permit, Modification Permit, and Tentative Parcel Map.

4. *All proposed signs shall be in conformance with the provisions of Chapter 20.42 (Sign Standards) of the Newport Beach Municipal Code.*

5. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 Planning and Zoning of the Newport Beach Municipal Code.

6. *Prior to the issuance of building permits, a Traffic Fair Share Fee for the change in use to the automobile dealership shall be paid in accordance with the fee effective at the time of payment.*

7. *Test driving of vehicles shall be prohibited on all residential and local streets, including but not limited to, the streets in the Newport Heights and Cliff Haven communities.*

8. *Vehicle service shall be performed entirely within the designated service areas of the building. No vehicle service or repair shall take place in any designated parking space, drive aisle, or outdoor area.*

9. *No vehicles shall be displayed with open hoods, doors, trunks, or tailgates outside.*

10. *Full-sized vehicles shall not be stored or displayed in parking spaces such that they extend into traffic aisles.*

11. *The Applicant shall receive approval for any encroachments in the Southern California Edison utilities easement from the easement holder.*

12. *The hours of operation for vehicle service shall be limited to between 8 a.m. and 6 p.m., Monday through Saturday. No vehicle service shall occur on Sundays.*

13. This Minor Site Development Review, Minor Use Permit, Modification Permit, and Tentative Parcel Map may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.

14. *Any change in operational characteristics, including changes that would add service of automobiles with internal combustion engines, expansion in area, or other modification to the approved plans, shall require an amendment to this Minor Site Development Review, Minor Use Permit, and Modification Permit or the processing of a new Minor Site Development Review, Minor Use Permit, and Modification Permit.*

15. A copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.

16. *Prior to the issuance of a building permit, the Applicant shall submit a landscape and irrigation plan prepared by a licensed landscape architect. These plans shall incorporate drought tolerant plantings and water efficient irrigation practices, and the plans shall be approved by the Planning Division. No invasive species shall be permitted, and the plans shall comply with the Mariners' Mile Strategic Vision and Design Framework to the extent feasible.*

17. All landscape materials and irrigation systems shall be maintained in accordance with the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.

18. The site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if in the opinion of the Director of Community Development, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.

19. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 (Community Noise Control) and other applicable noise control requirements of the Newport Beach Municipal Code. The maximum noise shall be limited to no more than depicted below for the specified time periods unless the ambient noise level is higher:

	Between the hours of 7:00AM and 10:00PM		Between the hours of 10:00PM and 7:00AM	
Location	Interior	Exterior	Interior	Exterior
Residential Property	45dBA	55dBA	40dBA	50dBA
Residential Property located within 100 feet of a commercial property	45dBA	60dBA	45dBA	50dBA
Mixed Use Property	45dBA	60dBA	45dBA	50dBA
Commercial Property	N/A	65dBA	N/A	60dBA

20. Should the Property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, Property owner or the leasing agent.

21. Construction activities shall comply with Section 10.28.040 (Construction Activity – Noise Regulations) of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday, and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.

22. No outside paging system shall be utilized in conjunction with this establishment.

23. All trash shall be stored within the building or within dumpsters stored in the trash enclosure (three walls and a self-latching gate) or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies. The trash enclosure shall have a decorative solid roof for aesthetic and screening purposes.

24. Trash receptacles for patrons shall be conveniently located both inside and outside of the establishment, however, not located on or within any public property or right-of-way.

25. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.

26. The Applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).

27. *Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and Saturdays and between the hours of 10:00 p.m. and 9:00 a.m. on Sundays and Federal holidays, unless otherwise approved by the Director of Community Development, and may require an amendment to this Use Permit. All deliveries shall be accommodated onsite and no delivery staging is permitted within the Coast Highway right-of-way.*

28. Storage outside of the building in the front or at the rear of the property shall be prohibited, with the exception of the required trash container enclosure.

29. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.

30. To the fullest extent permitted by law, Applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of **Genesis Automobile Dealership including, but not limited to, a minor site development review, minor use permit, modification permit, and tentative parcel map (PA2023-0094).** This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by Applicant, City, and/or the parties initiating or bringing such proceeding. The Applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The Applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Fire Department

31. Automatic fire sprinklers shall be required for all new construction. The sprinkler system shall be monitored by a UL certified alarm service company.

32. *Batteries for electric vehicles shall not be stored on-site. Any changes to the operational characteristics that would require batteries to be stored on-site must be reviewed and approved by the Fire Department.*

Building Division

33. The Applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required prior to the issuance of a building permit.

34. The Applicant shall employ the following best available control measures ("BACMs") to reduce construction-related air quality impacts:

Dust Control
- Water all active construction areas at least twice daily.
- Cover all haul trucks or maintain at least two feet of freeboard.
- Pave or apply water four times daily to all unpaved parking or staging areas.
- Sweep or wash any site access points within two hours of any visible dirt deposits on any public roadway.
- Cover or water twice daily any on-site stockpiles of debris, dirt or other dusty material.
- Suspend all operations on any unpaved surface if winds exceed 25 mph.

Emissions
- Require 90-day low-NOx tune-ups for off road equipment.
- Limit allowable idling to 30 minutes for trucks and heavy equipment.

Off-Site Impacts
- Encourage carpooling for construction workers.
- Limit lane closures to off-peak travel periods.
- Park construction vehicles off traveled roadways.
- Wet down or cover dirt hauled off-site.
- Sweep access points daily.
- Encourage receipt of materials during non-peak traffic hours.
- Sandbag construction sites for erosion control.

Fill Placement
- The number and type of equipment for dirt pushing will be limited on any day to ensure that SCAQMD significance thresholds are not exceeded.
- Maintain and utilize a continuous water application system during earth placement and compaction to achieve a 10% soil moisture content in the top 6-inch surface layer, subject to review/discretion of the geotechnical engineer.

35. A list of “good housekeeping” practices will be incorporated into the long-term post-construction operation of the site to minimize the likelihood that pollutants will be used, stored or spilled on the site that could impair water quality. These may include frequent parking area vacuum truck sweeping, removal of wastes or spills, limited use of harmful fertilizers or pesticides, and the diversion of storm water away from potential sources of pollution (e.g., trash receptacles and parking structures). The Stage 2 WQMP shall list and describe all structural and non-structural BMPs. In addition, the WQMP must also identify the entity responsible for the long-term inspection, maintenance, and funding for all structural (and if applicable Treatment Control) BMPs.

36. *Prior to issuance of building permit, the Applicant shall identify the occupancies of the building and provide occupancy separation or analysis as non-separated occupancy.*

37. *Prior to issuance of building permit, the Applicant shall provide the required number of accessible EV parking separate from accessible parking.*

38. *Prior to issuance of building permit, the Applicant shall provide the accessible route from outdoor parking and the public right-of-way to the building.*

39. *Prior to issuance of building permit, the Applicant shall provide the required number of accessible outdoor and indoor parking.*

40. *Prior to issuance of building permit, the Applicant shall provide ventilation for enclosed parking garage.*

41. *Prior to issuance of building permit, the Applicant shall provide detectable warning in compliance with Section 11B-247 of the 2022 California Building Code. Detectable warning cannot be on the drive aisle and door maneuvering clearance.*

42. *Prior to issuance of building permit, the Applicant shall provide, an egress court in compliance with Section 1029 of the 2022 California Building Code.*

43. *Prior to issuance of building permit, the Applicant shall provide curb ramps on the exterior change in elevation towards the building.*

Public Works Department

44. *All improvements shall be constructed as required by Ordinance and the Public Works Department.*

45. *An encroachment permit shall be required for all work activities within the public right-of-way on City Facilities.*

46. *A Caltrans encroachment permit is required for all work within Caltrans right-of- way.*

47. *Prior to building permit issuance, the final Parking Management Plan shall be reviewed and approved by the Community Development Director and City Traffic Engineer, including the operation of the proposed tandem parking.*

48. *Parking layout shall comply with the City Parking Lot Standard 805. Dead-end drive aisle in public areas and/or unassigned parking areas shall provide a dedicated turn around space and minimum 5-foot drive aisle extension.*

49. *Loading and unloading of vehicles shall occur entirely on-site and shall be prohibited from loading and unloading within the West Coast Highway public right-of-way.*

50. *Vehicles waiting for service shall be prohibited from encroaching into the public right-of-way, including the sidewalk area. Vehicle queueing shall be monitored at all times. Applicant shall implement operation defined in Genesis-EV Lab Service and Vehicle Queueing Memorandum dated January 16, 2024, to ensure queue does not impact the public right-of-way including the sidewalk and Coast Highway areas. Should vehicle queueing become an issue, as determined by the City, Applicant shall propose new operation procedures to the Community Development Director and City Traffic Engineer for review and approval. Applicant shall implement the revised operation immediately upon approval.*

51. *The Applicant shall provide a full 12-foot-wide dedication along West Coast Highway right-of-way in fee to the City of Newport Beach. The Applicant shall be responsible to design and construct the full width curb relocation on West Coast Highway along the entire property frontage per the Preliminary Striping Plan. The Applicant shall also be responsible to design and construct the transitions on the adjacent property frontages as required (which shall be the minimum feasible length required to achieve the conceptual design depicted in the Preliminary Striping Plan). The Applicant will be responsible for 100% of the cost of the curb relocation along the project frontage and transition at adjacent property frontages. Plans shall be reviewed and approved by the City of Newport Beach and Caltrans. The City will support the Applicant in acquiring all necessary permits from Caltrans and construction access from neighboring properties. The curb relocation improvements shall be constructed with the initial project construction to the extent practicable to limit disruption to West Coast Highway. The Applicant may also work with Caltrans, for Caltrans to physically construct the curb relocation plans, at the Applicant's expense, if so agreed by Caltrans.*

52. *Prior to the recordation of the final parcel map, the Applicant shall provide separate performance improvement bond and labor/materials improvement bond in the form and amount acceptable to the Public Works Director and City Attorney for 100% of the estimated improvement costs, as prepared by a Registered Civil Engineer and approved by the Public Works Director, for each of the following, but not limited to, street improvements, monuments, sidewalk, striping, signage, street lights, sewer systems, water systems, storm drain and water quality management systems, erosion control, landscaping and irrigation in the public right-of-way.*

53. *A parcel map (Map) shall be recorded prior to the issuance of building permit for new construction. The Map shall be prepared on the California coordinate system (NAD83). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital- graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18.* ***The Map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.***

54. *Prior to recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Section s 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set <u>On Each Lot</u> <u>Corner</u> unless otherwise approved by the City Engineer. Monuments shall be protected in place if installed prior to completion of construction project.*

55. *All unused water services shall be abandoned at the water main.*

56. *All unused sewer laterals to be abandoned shall be capped at the property line. If the sewer lateral to be abandoned has an existing cleanout, abandonment shall include*

removal of the cleanout riser, the "4TT" box and "wye". Sewer laterals shall then be capped where the "wye" used to be.

57. *New sewer laterals and cleanouts shall be installed per City Standard 406 and sewer cleanouts shall be placed adjacent to the property line within the public right-of-way.*

58. *The Applicant is responsible for all improvements to the City's water and sewer systems necessary to accommodate the proposed Project.*

59. *Caltrans is scheduled to repave West Coast Highway in Spring 2024 and any repaved trenching or damage to West Coast Highway as part of the proposed project will require street repair per the City's Moratorium Roadway Trench Resurfacing Standard 106-D.*

60. *Parking along the project frontage of West Coast Highway shall be prohibited. No vehicles shall be parked, staged, stored or placed in the public right-of-way for any duration of time. Vehicle deliveries are prohibited within public right-of-way.*

61. *Prior to submittal to Caltrans, roadway improvements plans, including, but not limited to, widening, drainage, signing, striping, curb markings and other related design items shall be reviewed by the Public Works Department. Applicant shall make revisions noted by the Public Works Department and resubmit prior to submittal to Caltrans.*

62. *Remove and required replacement of existing City trees along West Coast Highway is subject to further review and approval by the City Arborist.*

63. *Final design of the realigned City water main along the entire West Coast Highway project frontage is subject to final approval by the Public Works and Utilities Departments. Project is responsible for the cost and installation of the new water main.*

64. *All Project driveways shall comply with the City Sight Distance Standard 105. All structures and landscaping shall comply with the height restrictions within the limited use area.*

65. *Final construction management plan shall be reviewed and approved by the City Traffic Engineer and Community Development Director prior to building permit issuance. Locations of construction fencing, and gates shall not impact the line of sight per City Standard. Final construction schedule shall be provided as part of the final construction management plan.*