# CEQA Initial Study
# Residences at Newport Center

*Development Agreement No. DA2020-001*
*General Plan Amendment No. GP2020-001*
*Zoning Code Amendment No. CA2020-008*
*Planned Community Development Plan No. PC2020-001*
*Major Site Development Review No. SD2020-001*
*Tentative Tract Map No. NT2020-001*
*(PA2020-020)*


Lead Agency
City of Newport Beach
Community Development Department
Planning Division
100 Civic Center Drive
Newport Beach, California 92660
Contact: Liz Westmoreland

CEQA Consultant
T&B Planning, Inc.
3200 El Camino Real, Suite 100
Irvine, California 92602


DATE: November 5, 2020

# TABLE OF CONTENTS

Section Number/Title — Page

**1.0 Introduction ..... 1**
1.1 Purpose and Scope of This CEQA Initial Study ..... 1
1.2 Potential Environmental Effects of the Proposed Project ..... 1
**2.0 Environmental Setting ..... 2**
2.1 Project Location ..... 2
2.2 Existing Site and Area Conditions ..... 2
*2.2.1 Existing Site Conditions ..... 2*
*2.2.2 Surrounding Land Uses and Development ..... 3*
2.3 Local Planning Context ..... 3
*2.3.1 On-Site General Plan Designations and Zone Classifications ..... 3*
*2.3.2 Surrounding Land Use Designations and Zone Classifications ..... 4*
*2.3.3 Airport Environs Land Use Plan For John Wayne Airport ..... 4*
**3.0 Project Description ..... 10**
3.1 Project Overview ..... 10
3.2 Project Design Components ..... 10
*3.2.1 Site Plan ..... 10*
*3.2.2 Vehicle Access/Parking ..... 10*
*3.2.3 Building Mass and Architectural Features ..... 11*
*3.2.4 Landscaping and Lighting ..... 11*
3.3 Project Construction Components ..... 11
*3.3.1 Demolition ..... 11*
*3.3.2 Grading and Excavation Plan ..... 12*
*3.3.3 Anticipated Construction Schedule ..... 12*
3.4 Proposed Discretionary Approvals ..... 12
*3.4.1 Development Agreement No. DA2020-001 ..... 12*
*3.4.2 General Plan Amendment No. GP2020-001 ..... 13*
*3.4.3 Zoning Code Amendment No. CA2020-008 ..... 13*
*3.4.4 Planned Community Development Plan No. PC2020-001 ..... 13*
*3.4.5 Major Site Development Review No. SD2020-001 ..... 14*
*3.4.6 Tentative Tract Map No. NT2020-001 ..... 14*
*3.4.7 Approvals Required from Other Agencies ..... 14*
**4.0 Environmental Checklist and Analysis ..... 21**

# TABLE OF CONTENTS

Section Number/Title — Page

4.1 Project Information ..... 21
4.2 Environmental Factors Potentially Affected ..... 23
4.3 Determination: (To be completed by the Lead Agency) ..... 23
4.4 Evaluation of Environmental Impacts: ..... 24
4.5 Environmental Checklist Summary ..... 26
4.6 Evaluation of Environmental Impacts ..... 38
*4.6.1 Aesthetics ..... 38*
*4.6.2 Agriculture and Forestry Resources ..... 40*
*4.6.3 Air Quality ..... 41*
*4.6.4 Biological Resources ..... 44*
*4.6.5 Cultural Resources ..... 46*
*4.6.6 Energy ..... 47*
*4.6.7 Geology and Soils ..... 50*
*4.6.8 Greenhouse Gas Emissions ..... 54*
*4.6.9 Hazards and Hazardous Materials ..... 54*
*4.6.10 Hydrology and Water Quality ..... 57*
*4.6.11 Land Use and Planning ..... 61*
*4.6.12 Mineral Resources ..... 62*
*4.6.13 Noise ..... 63*
*4.6.14 Population and Housing ..... 64*
*4.6.15 Public Services ..... 65*
*4.6.16 Recreation ..... 67*
*4.6.17 Transportation ..... 69*
*4.6.18 Tribal Cultural Resources ..... 70*
*4.6.19 Utilities and Service Systems ..... 71*
*4.6.20 Wildfire ..... 75*
*4.6.21 Mandatory Findings of Significance ..... 75*
**5.0 References ..... 77**

## LIST OF FIGURES


| Figure Number/Title | | Page |
|---|---|---|
| Figure 2-1 | Regional Location Map | 5 |
| Figure 2-2 | Vicinity Map | 6 |
| Figure 2-3 | USGS Topographic Map | 7 |
| Figure 2-4 | Aerial Photograph | 8 |
| Figure 2-5 | Existing and Surrounding Land Uses | 9 |
| Figure 3-1 | Conceptual First Floor / Site Plan | 16 |
| Figure 3-2 | Conceptual Architectural Elevation | 17 |
| Figure 3-3 | Conceptual Grading Plan | 18 |
| Figure 3-4 | Proposed General Plan Amendment No. GP2020-001 | 19 |
| Figure 3-5 | Proposed Zoning Code Amendment No. CA2020-008 | 20 |

## ACRONYMS, ABBREVIATIONS AND UNITS OF MEASURE

| Acronym | Definition |
|---|---|
| AB | Assembly Bill |
| ACM | Asbestos-Containing Material |
| AELUP | Airport Environs Land Use Plan |
| ALUC | Airport Land Use Commission |
| amsl | above mean sea level |
| AQMP | Air Quality Management Plan |
| APN | Assessor's Parcel Number |
| BMPs | Best Management Practices |
| CalEEMod | California Emissions Estimator Model |
| CBSC | California Building Standards Code |
| CDC | California Department of Conservation |
| CDFW | California Department of Fish and Wildlife |
| CEQA | California Environmental Quality Act |
| CMP | Congestion Management Program |
| CNEL | Community Noise Equivalent Level |
| CO | Carbon Monoxide |
| CO-R | Regional Commercial Office |
| dBA | A-weighted decibels |
| DOF | Department of Finance |
| EIR | Environmental Impact Report |
| EOP | Emergency Operations Plan |
| EPA | Environmental Protection Agency |
| FAA | Federal Aviation Administration |
| FEMA | Federal Emergency Management Agency |
| GHG | Greenhouse Gas(es) |
| gpd | gallons per day |
| HCP | Habitat Conservation Plan |
| HOA | Homeowners Association |
| JWA | John Wayne Airport |
| LOS | Level of Service |
| mgs | million gallons per day |
| MND | Mitigated Negative Declaration |
| MRZs | Mineral Resources Zones |
| MS4 | Municipal Separate Storm Sewer System |
| MTCO2e | Metric Ton of Carbon Dioxide Equivalent |
| NAHC | Native American Heritage Commission |
| ND | Negative Declaration |
| NMUSD | Newport-Mesa Unified School District |
| $NO_X$ | Oxides of Nitrogen |

## ACRONYMS, ABBREVIATIONS AND UNITS OF MEASURE

| Acronym | Definition |
|---|---|
| NPDES | National Pollutant Discharge Elimination System |
| OCALUC | Orange County Airport Land Use Commission |
| OCHCA | Orange County Health Care Agency |
| OCSD | Orange County Sanitation District |
| OCTA | Orange County Transportation Authority |
| OHP | California State Parks Office of Historic Preservation |
| OR | Office Regional |
| PC | Planned Community Zoning District |
| PC-56 | North Newport Center Planned Community 56 |
| PC | Planned Community |
| $PM_{2.5}$ | Fine Particulate Matter |
| $PM_{10}$ | Inhalable Particulate Matter |
| pph | person(s) per household |
| RHNA | Regional Housing Needs Assessment |
| RM | Multiple Unit Residential |
| RWQCB | Santa Ana Regional Water Quality Control Board |
| SB | Senate Bill |
| SCAB | South Coast Air Basin |
| SCAG | Southern California Association of Governments |
| SCAQMD | South Coast Air Quality Management District |
| $SO_X$ | Sulfur Oxides |
| sq. ft. | square feet |
| SR-1 | State Route 1/Pacific Coast Highway |
| SR-73 | State Route 73 |
| SWPPP | Stormwater Pollution Prevention Plan |
| USFWS | United States Fish and Wildlife Service |
| UST | Underground Storage Tank |
| VOCs | Volatile Organic Compounds |
| WQMP | Water Quality Management Plan |

# 1.0 INTRODUCTION

## 1.1 PURPOSE AND SCOPE OF THIS CEQA INITIAL STUDY

The California Environmental Quality Act (CEQA) is a statewide environmental law contained in Public Resources Code Sections (§) §§ 21000-21177. CEQA applies to most public agency decisions to carry out, authorize, or approve actions that have the potential to adversely affect the environment. CEQA requires that public agencies analyze and acknowledge the environmental consequences of their discretionary actions and consider alternatives and mitigation measures that could avoid or reduce significant adverse impacts when avoidance or reduction is feasible. The CEQA compliance process also gives other public agencies and the general public an opportunity to comment on a proposed project's environmental effects.

This Initial Study is an informational document that provides an objective assessment of the potential environmental impacts that could result from implementing the proposed Residences at Newport Center Project (herein, "Project"). As part of the City of Newport Beach's discretionary permit review process, the Project is required to undergo an initial environmental review pursuant to CEQA Guidelines § 15063. This Initial Study is a preliminary analysis prepared by the City of Newport Beach's Planning Division, acting in its capacity as the CEQA Lead Agency, to determine the level of environmental review and scope of analysis that will be required for the Project under CEQA. This Initial Study presents and substantiates the City of Newport Beach's determination to prepare an Environmental Impact Report (EIR) for the proposed Project.

## 1.2 POTENTIAL ENVIRONMENTAL EFFECTS OF THE PROPOSED PROJECT

The analysis presented in this Initial Study indicates that the proposed Project has the potential to result in one or more significant direct, indirect, and/or cumulative environmental effects under the following environmental factors:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Land Use and Planning
- Noise
- Transportation
- Tribal Cultural Resources
- Mandatory Findings of Significance

Accordingly, and pursuant to CEQA Guidelines § 15063(b)(1), the City will prepare an Environmental Impact Report (EIR) for the proposed Project.

# 2.0 ENVIRONMENTAL SETTING

## 2.1 PROJECT LOCATION

At the regional level, the approximately 1.26-acre Project site is in Section 36 of Township 6 South, Range 10 West, San Bernardino Baseline and Meridian on Assessor Parcel Number (APN) 442-231-12 at the physical address of 150 Newport Center Drive in the City of Newport Beach, Orange County, California. As shown on Figure 2-1 *Regional Location Map,* Orange County abuts San Diego County to the south, Los Angeles County to the north, San Bernardino County to the northeast, and Riverside County to the east. The Project site is located in the western portion of the City of Newport Beach, to the south of the City of Costa Mesa and to the west of the City of Irvine. John Wayne Airport (JWA) is located approximately 3.6 miles north/northeast of the Project site and is the nearest public airport to the Project site. State Route 1 (SR-1), also known as Pacific Coast Highway, is located approximately 0.31-mile south of the Project site. MacArthur Boulevard is located approximately 0.3-mile east of the Project site and provides access to California State Route 73 (SR-73), located approximately 2.0 miles northeast of the Project site. Newport Harbor is located approximately 0.71-mile to the southwest of the Project site and the Pacific Ocean is located approximately 1.4 miles to the south of the Project site.

At the local level, as shown on Figure 2-2, *Vicinity Map*, the Project site is located immediately south of Newport Center Drive, immediately west of Anacapa Drive, and immediately northeast of an existing office park (Gateway Plaza). The Project site is located south of a regional shopping center (Fashion Island) which is located north of Newport Center Drive. According to the City's General Plan Figure LU3, *Statistical Area Map*, the Project site is within the City of Newport Beach's Newport Center/Fashion Island Sub-Area (Statistical Area L1) (City of Newport Beach, 2006a).

## 2.2 EXISTING SITE AND AREA CONDITIONS

### 2.2.1 EXISTING SITE CONDITIONS

As shown on Figure 2-3, *USGS Topographic Map,* the Project site is relatively flat, gently sloping toward the southwest. Project site elevations vary from a low of approximately 158.5 feet above mean sea level (amsl) in the southwest corner to a high elevation of 170.3 feet amsl in the northeast corner. Slopes and retaining walls are located along the northern and eastern perimeter of the site, ascending up to Newport Center Drive and Anacapa Drive, varying in height from 2 to 8 feet. (NMG, 2020, pp. 1-2).

Under existing conditions, the Project site is the location of the "Newport Beach Car Wash" and contains an approximately 8,500 square foot single-story building that is operating as a car wash facility with associated convenience market and gas station with ancillary lighting, signage, and associated improvements. The car wash building includes an indoor waiting area and an outdoor waiting area with a sound amplification system that broadcasts music. Advertised business hours are 8:00 AM to 6:00 PM seven days per week. Car wash services include the hand-washing of vehicles within the wash facility, which uses several mechanical components such as car dryers and vacuums, and vehicle detailing services.

All portions of the Project site are fully developed with the car wash and ancillary gas station and convenience market. There are approximately 28 ornamental trees on the property. A paved parking area is located along the western edge of the Project site, and ornamental landscaping areas occur primarily along the perimeter of the site. Street trees, shrubs, groundcover, and curb-adjacent sidewalks are located along the Project site's frontage with Newport Center Drive and Anacapa Drive. Streetlights are located near the intersection of Anacapa Drive and Newport Center Drive and along Newport Center Drive and Anacapa Drive. Additionally, the Project site contains three 12,000-gallon underground storage tanks (USTs) within the central portion of the site and a private catch basin in the southwest corner of the Project site that collects stormwater.

Access to the Project site is provided from Anacapa Drive via the shared driveway to Gateway Plaza and then via a direct ingress/egress driveway to the gas station facility. Because the site's existing use is a fully operating commercial use, the use consumes energy and domestic water and generates air quality and greenhouse gas emissions, daily traffic, traffic-related noise, and noise related to the operation of the car wash and gas station.

### 2.2.2 Surrounding Land Uses and Development

As shown on Figure 2-4, *Aerial Photograph,* the Project site is within an urbanized portion of the City of Newport Beach that is fully developed with a variety of office, residential, retail, and service commercial land uses. As shown on Figure 2-5, *Existing and Surrounding Land Uses,* the Project site is fronted on the north by Newport Center Drive, on the east by Anacapa Drive, on the south by an existing office building with underground parking, and on the west by Gateway Plaza and an existing parking facility that services Gateway Plaza. The Gateway Plaza office complex is comprised of eight low-rise office buildings, and associated surface parking. Muldoon's Irish Pub and a commercial office building are located east of the Project site and east of Anacapa Drive at the southeast corner of the Newport Center Drive/Anacapa Drive intersection. To the north of the Project site, and north of Newport Center Drive, is Fashion Island, a regional shopping center. Two restaurant buildings currently occupied by Red O and Fig & Olive are located at the southern edge of the Fashion Island parking lot, north of Newport Center Drive.

## 2.3 Local Planning Context

### 2.3.1 On-Site General Plan Designations and Zone Classifications

At the time this Initial Study was prepared, the City of Newport Beach was in the process of updating their General Plan. Currently, the City of Newport Beach is in Phase 1 of 3 of the Newport Beach General Plan Update process, which the City approximates to be a three-year process. Because the Newport Beach General Plan Update was under the early stages of preparation and not adopted at the time this Initial Study was prepared, the prevailing planning document for the Project site and surrounding area is the currently-adopted City of Newport Beach General Plan (hereafter, "General Plan").

The General Plan identifies the Project site as being within Statistical Area L1 and designates the Project site for "Regional Commercial Office (CO-R)" land uses, subject to the development limits established for Anomaly 35, which limits development square footage within the Anomaly area to 199,095 sq. ft. (City of

Newport Beach, 2006a, Figure LU1, Table LU2). The CO-R land use designation is intended to provide for administrative and professional offices that serve local and regional markets, with limited accessory retail, financial, service, and entertainment uses (City of Newport Beach, 2006a, p. 3-13).

The Project site is within the "Office - Regional (OR)" Zoning District (City of Newport Beach, 2019). According to the City of Newport Beach Zoning Code, the OR Zoning District is intended to provide for areas appropriate for corporate offices, administrative and professional offices that serve local and regional markets, with limited accessory financial, retail, service, and entertainment uses. (City of Newport Beach, 2020a, Title 20)

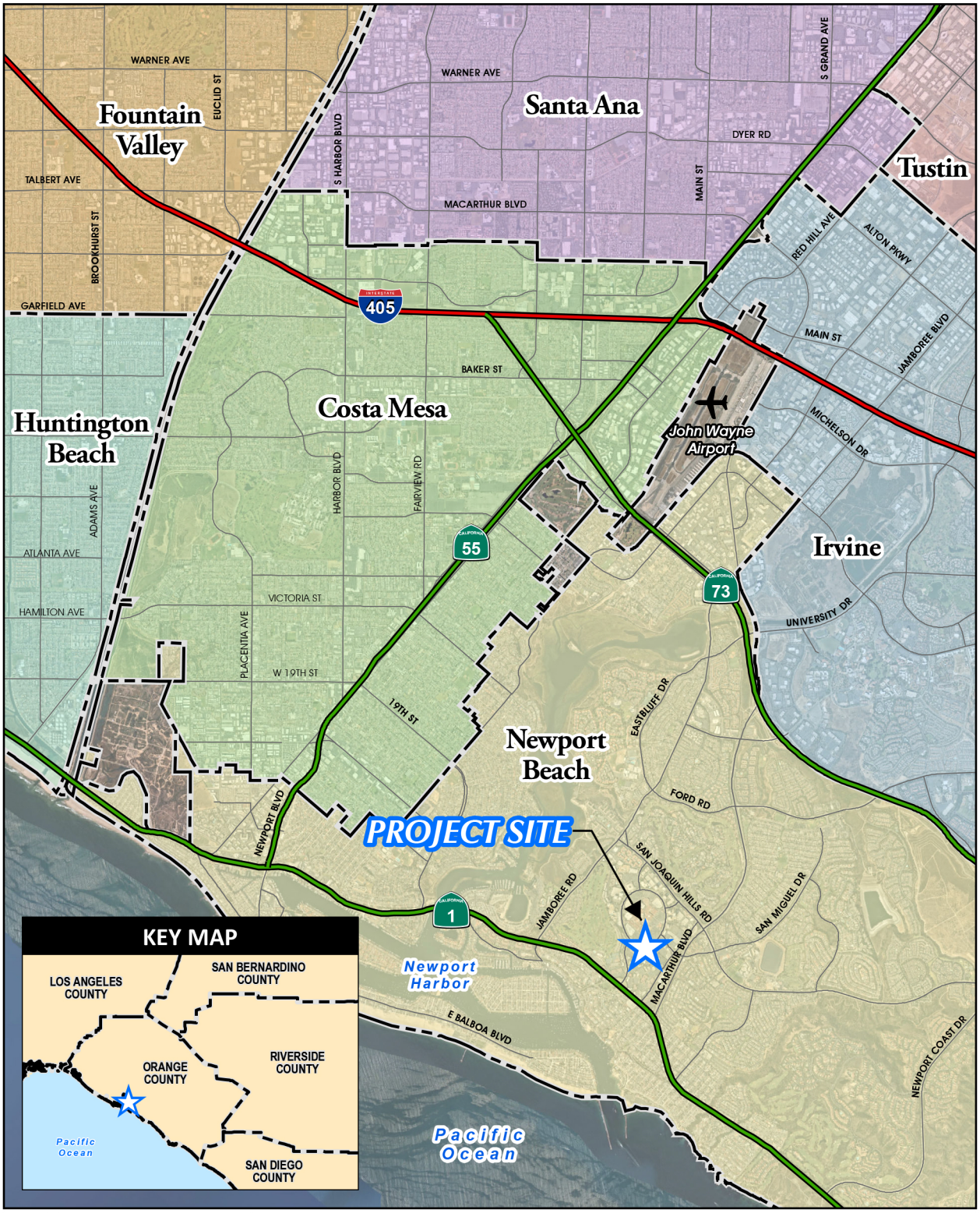
### 2.3.2 Surrounding Land Use Designations and Zone Classifications

As shown in the City's General Plan Figure LU13, *Statistical Areas F1, L1, L2, M1-M5*, the L1 Statistical Area is comprised of several land use categories including: Regional Commercial (CR), Mixed-Use Horizontal (MU-H), Multiple Unit Residential (RM), General Commercial (CG), Public Facilities (PF), Open Space (OS), Parks and Recreation (PR), Visitor Serving Commercial (CV), General Commercial Office (CO-G), Medical Commercial Office (CO-M), and Regional Commercial Office (CO-R). The General Plan designations surrounding the Project site include Regional Commercial (CR) to the north and CO-R to the south, east, and west (City of Newport Beach, 2006a, Figure LU1).

Zoning designations surrounding the Project site include Planned Community Zoning District (PC) PC-56 (North Newport Center Planned Community) to the north and west and OR (Office Regional) Zoning District to the east and south (City of Newport Beach, 2019). The PC Zoning District is intended to provide for the development of coordinated, comprehensive projects that result in a superior environment; to allow diversification of land uses as they relate to each other in a physical and environmental arrangement while maintaining the spirit and intent of the City's Zoning Code (Title 20 of the City of Newport Beach Municipal Code); and to include a variety of land uses, consistent with the General Plan, through the adoption of a development plan and related text that provides land use relationships and associated development standards (City of Newport Beach, 2020a, Title 20).

### 2.3.3 Airport Environs Land Use Plan For John Wayne Airport

John Wayne Airport (JWA) is located approximately 3.6 miles north/northeast of the Project site and is the nearest public airport. The Airport Land Use Commission (ALUC) for Orange County prepared a land use compatibility plan for JWA, the Airport Environment Land Use Plan (AELUP), which is the 20-year planning document for the airport. Specifically, the AELUP establishes requirements for notifying the Orange County ALUC and the Federal Aviation Administration (FAA) of certain construction activities and alterations to existing structures within the AELUP Part 77 Notification Area, to ensure there are no obstructions to navigable airspace. The FAA uses the 100:1 ratio notification surface to help identify projects that may interfere with airport operations. A Project exceeding the 100:1 notification surface would require that the FAA be notified. The northern portion of the Project site is located approximately 19,200 feet from JWA and is within the AELUP Part 77 Notification Area; the southerly portion of the Project site is located outside the AELUP Part 77 Notification Area. (OCALUC, 2008, pp. 8,13).

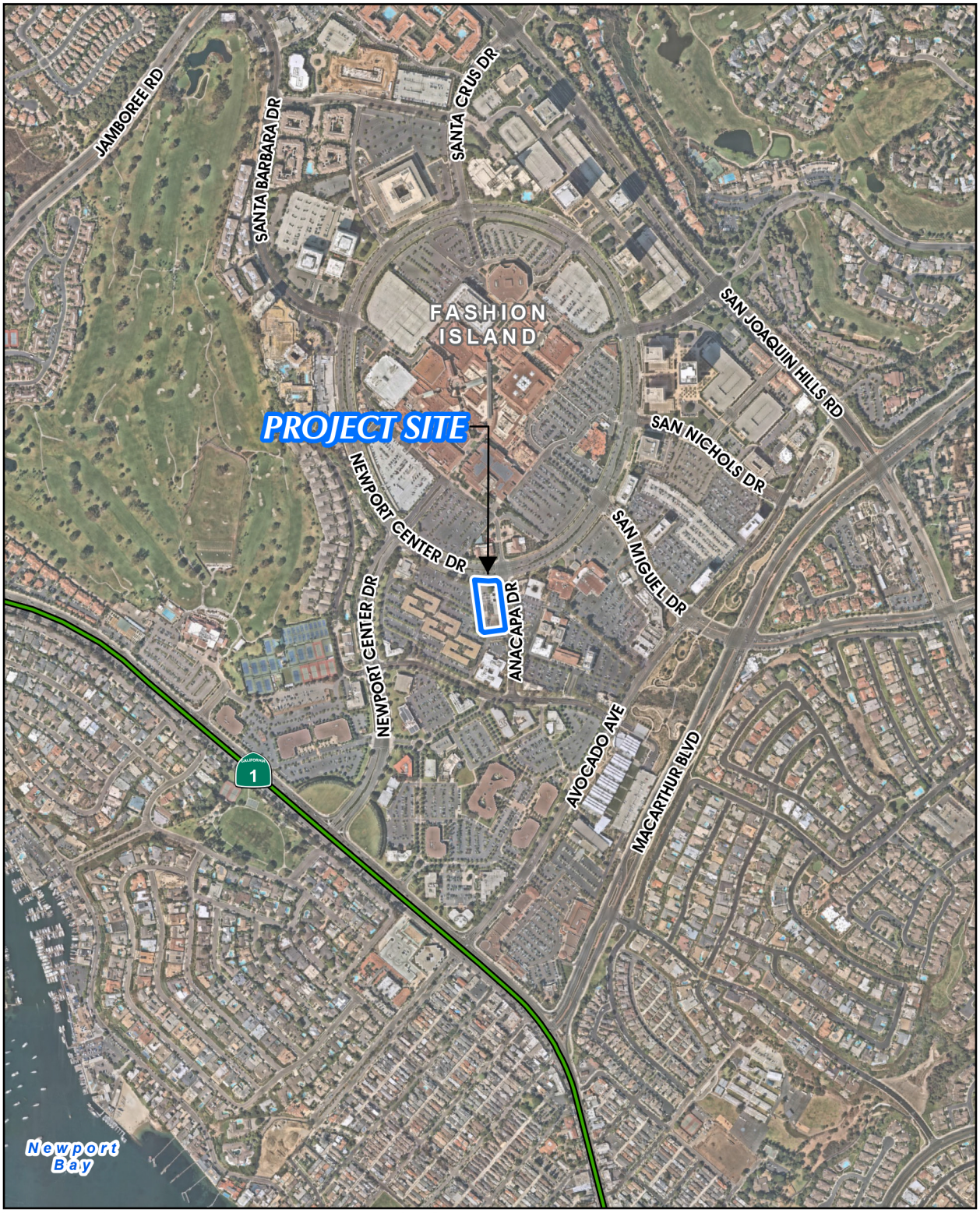



*Source(s): ESRI, Nearmap Imagery (2020), OC Public Works (2019)*

Figure 2-1

0 0.375 0.75 1.5 Miles

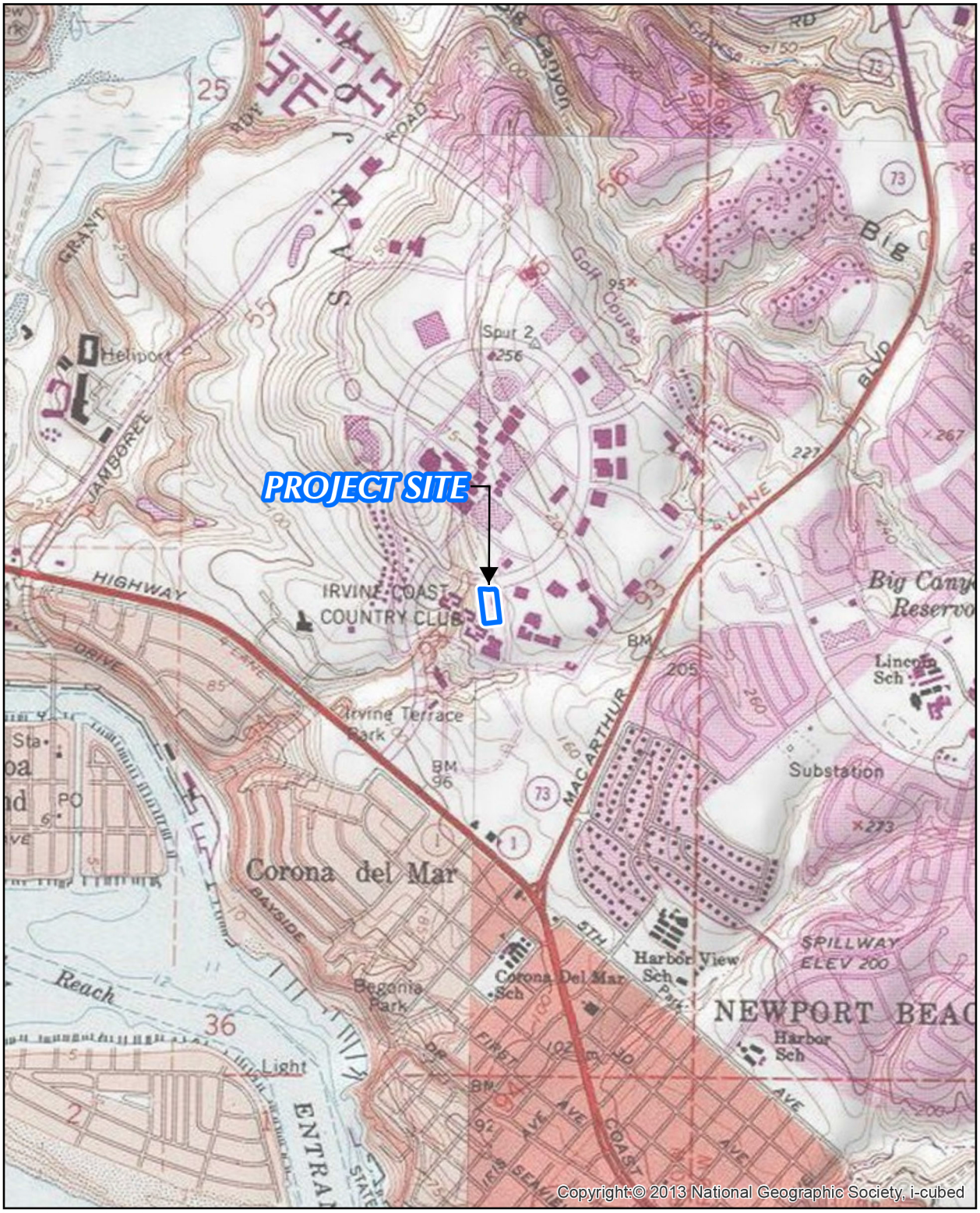
## Regional Location Map




*Source(s): City of Newport Beach (2020), ESRI, Nearmap Imagery (2020)*

Figure 2-2

## Vicinity Map




*Source(s): USGS (2013)*

Figure 2-3

0 375 750 1,500 Feet

## USGS Topographic Map


*Source(s): City of Newport Beach (2020), ESRI, Nearmap Imagery (2020)*

Figure 2-4

0 50 100 200 Feet

**Aerial Photograph**


*Source(s): City of Newport Beach (2020), ESRI, Nearmap Imagery (2020)*

Figure 2-5

0 87.5 175 350 Feet

## Existing and Surrounding Land Uses

# 3.0 PROJECT DESCRIPTION

## 3.1 PROJECT OVERVIEW

The City of Newport Beach received applications from Newport Center Anacapa Associates, LLC (hereafter "Project Applicant") for the development of a four-story structure that would contain 28 luxury condominium units and common space areas over a two-level below-grade parking garage. Specifically, the Project Applicant submitted applications for Development Agreement No. DA2020-001, General Plan Amendment No. GP2020-001, Zoning Code Amendment No. CA2020-008, Planned Community Development Plan No. PC2020-001 (referred to as the Residences at Newport Center Planned Community Development Plan (PCDP)), Major Site Development Review No. SD2020-001, and Tentative Tract Map No. NT2020-001. These applications are collectively referred to by the City as file number PA2020-020. These applications (hereafter "Project") would involve the demolition and removal of "The Newport Beach Car Wash," which consists of an approximately 8,500 square foot single-story building that operates as a car wash facility with associated convenience market and gas station and the redevelopment of the site with the proposed 28-unit residential condominium building with subterranean parking.

## 3.2 PROJECT DESIGN COMPONENTS

### 3.2.1 SITE PLAN

As shown on Figure 3-1*, Conceptual First Floor / Site Plan,* the Project Applicant proposes the construction and operation of a four-story residential building having 28 luxury condominium units on a building footprint (i.e. first floor) of approximately 27,006 sq. ft. The residential units, interior circulation, lobbies, fitness areas, and other communal gathering areas would collectively result in a total gross building area of 103,158 gross sq. ft. The below-grade parking areas would comprise approximately 71,456 gross sq. ft. The podium wall (the outside wall that forms the foundation of the structure) would provide physical separation between the proposed residential units and the adjacent commercial developments to the south and west of the Project site. The podium wall is designed to maintain privacy for the residential tenants.

### 3.2.2 VEHICLE ACCESS/PARKING

The main Project entry would be from Anacapa Drive, where a driveway would lead to the building's motor court and drop off area that would also lead to a ramp down to the subterranean garage. This main building entrance facing Anacapa Drive would primarily service guest, residential valet, deliveries, and emergency vehicles. A second access driveway would be located on the south side of the building with direct access to parking level B-1, serving residents, visitors, moving vans, service vehicles, emergency vehicles, and trash pickup. The Project is designed for two levels of parking. Level B-1 would be partially at grade on the southern edge of the property to allow resident and visitor access. Each residential unit would have a designated private 2-car subterranean garage and storage area. The Project would provide a total of 85 parking stalls consisting of 57 residential parking stalls (56 required) 24 guest parking stalls (14 required), and 4 accessible parking stalls (4 required). The guest parking spaces are designed to be accessed by the valet via a one-way internal ramp at the southern end of the entry driveway and the

parking spaces are designated to occur at the B-1 level. Valet service would return the vehicles to the front entrance via the main entrance on Anacapa Drive.

### 3.2.3 Building Mass and Architectural Features

Aesthetically, the Project's building design breaks the building mass in to two buildings linked together by a distinctive structure of glass and stone with a water element at the main entrance. The central building link steps down in height revealing a series of terraced residential amenities that fully breaks the building mass. The proposed PCDP provides for a 52.5-foot building height limit. The height, bulk, and scale of the residential building elements are comparable to building forms and heights of surrounding properties in the southern half of Newport Center. The façades facing Anacapa Drive and Newport Center Drive include both vertical and horizontal offsets and utilize a variation of building material of stone and glass. Refer to Figure 3-2, *Conceptual Architectural Elevation*.

A podium wall would function as the base of the structure and physically separate the proposed residential units and the adjacent commercial developments to the south and west of the Project site. Along the Project site's western edge, the grade would fall from north to south which would expose a portion of the parking garage wall and allow landscaping. The podium deck is designed with a planter for landscaping and walkway, with open guard rails at the edge. In addition to the 2- and 3-bedroom condominium units, proposed amenities include five elevators, a pool, spa, fitness center, club room and a lounge.

### 3.2.4 Landscaping and Lighting

New street trees are proposed along Newport Center Drive, Anacapa Drive, and in the Anacapa Drive center median paralleling the Project site frontage. On the site, landscaping would be provided on the perimeter of the site and throughout the site in open areas. All setback areas are proposed to be landscaped with a variety of ornamental groundcover, vines, shrubs, and trees meeting City Municipal Code Title 14, Chapter 14.17, *Water-Efficient Landscaping*, which requires water use reduction associated with landscaping. Also proposed is a series of common outdoor living areas that include a dog run, open plazas, and landscaped seating area adjacent to the building's lobby and pool area. All of the residential units would include private outdoor living space in the form of private patios and balconies.

Proposed exterior site lighting would be installed as necessary for safety, security, and ambiance, including lighting for parking areas, pedestrian walkways, architectural elements, and landscape features. The lighting design would consist of building wall-mounted light fixtures that would provide the required light level to provide adequate security pursuant to the City's Municipal Code without encroaching beyond the site boundary.

## 3.3 Project Construction Components

### 3.3.1 Demolition

To construct the Project, the existing structures and associated site improvements would be demolished and removed from the site. On-site demolition activities would occur over a period of approximately one

month and are projected to be comprised of approximately 80 tons of construction debris, 240 cubic yards of concrete, and 620 cubic yards of asphalt. Demolition debris and excavated soils would be disposed of at the Frank R. Bowerman Sanitary Landfill, located at 11002 Bee Canyon Access Road in Irvine (approximately 15 roadway miles from the Project site). Existing steel fuel tanks used by the existing gas station would be conveyed to a metal scrapping facility and any remnant liquids, including fuel, would be pumped out and disposed of in compliance with all applicable State of California hazardous materials procedures. The Project would be subject to the City's Recycling Service Fee pursuant to Municipal Code Title 2, Chapter 2.30 (Recycle Service Fee), which assists the City in meeting its solid waste diversion objective.

### 3.3.2 Grading and Excavation Plan

Figure 3-3, *Conceptual Grading Plan*, identifies proposed elevations for the lower level garage, the proposed building outline at grade level, as well as the boundary for the proposed below-grade levels. The plan indicates that the Project's grading operation would excavate approximately 33,000 cubic yards of raw cut, all of which would be exported from the Project site to the Frank R. Bowerman Landfill in the City of Irvine.

### 3.3.3 Anticipated Construction Schedule

Construction of the Project would occur over an approximate 19-month duration, expected to commence in the first quarter of 2022. Demolition, grading, and excavation would occur first over an approximate period of seven months, followed by construction of the subterranean parking levels over the next seven months, followed by vertical construction of the residential building that will take approximately five months. The Project Applicant's Preliminary Construction Management Plan is on file with the City of Newport Beach, which contains details including but not limited to the expected construction hours, construction equipment fleet, number of construction workers, locations of off-site parking areas for construction worker and equipment parking, the anticipated shuttling schedule for construction workers to and from the Project site, and requirements for secured materials storage. Periodic and temporary sidewalk and vehicle lane closures may be required along Newport Center Drive and Anacapa Drive adjacent to the Project site during short periods of the Project's construction period and to connect the proposed Project to the existing utility facilities within the roadways. However, Project construction would not require the complete closure of these or any other any public or private streets during construction. For all temporary closures, the Project Applicant would be required to obtain a Temporary Street and Sidewalk Closure Permit from the City of Newport Beach.

## 3.4 Proposed Discretionary Approvals

The Project Applicant has submitted the following discretionary permit applications to the City of Newport Beach.

### 3.4.1 Development Agreement No. DA2020-001

The Project Applicant and the City of Newport Beach propose to enter into a Development Agreement for the proposed Project. California Government Code Sections 65864-65869.5 authorizes the use of

development agreements between any city, county, or city and county, with any person having a legal or equitable interest in real property for the development of the property. The Development Agreement would provide the Project Applicant with the assurance that the development of the Project may proceed subject to the rules and regulations in effect at the time of Project approval. The Development Agreement also would provide the City of Newport Beach with the assurance that certain obligations of the Project Applicant will be met, including but not limited to, how the Project will be phased, the required timing of public improvements, the Applicant's contribution toward funding community improvements, and other conditions.

### 3.4.2 General Plan Amendment No. GP2020-001

The Project Applicant's proposed General Plan Amendment No. GP2020-001 would change the Project site's existing land use designation from Regional Commercial Office (CO-R) to Multi-Unit Residential (RM). Refer to Figure 3-4, *Proposed General Plan Amendment No. GP2020-001*. As stated in the General Plan, the RM land use designation is intended to provide primarily for multi-family residential development containing attached or detached dwelling units. (City of Newport Beach, 2006a, p. 3-12). An amendment to the General Plan Table LU2 (Anomaly Locations), would be required to authorize a maximum development density of 28 units in Statistical Area L1 for the Project site. The new Anomaly would be created to accommodate the increase in dwelling units within the Statistical Area.

### 3.4.3 Zoning Code Amendment No. CA2020-008

The City of Newport Beach Zoning Code is contained as Title 20 "Planning and Zoning" of the City's Municipal Code. Under existing conditions, the Project site is located within the "OR (Office Regional) Zoning District." The on-site gas station is an ancillary use to the car wash, which is permitted via a use permit in the OR zone (Use Permit No. UP1461). The Project Applicant's proposed Zoning Code Amendment No. CA2020-008 seeks to change the site's existing zoning classification from OR to the "PC (Planned Community District)" zoning classification as shown in Figure 3-5, *Proposed Zoning Code Amendment No. CA2020-008*. According to City Municipal Code Section 20.26.010(B) (Planned Community Zoning District), the PC Zoning District is intended to provide for areas appropriate for the development of coordinated, comprehensive projects that result in a superior environment (City of Newport Beach, 2020a).

### 3.4.4 Planned Community Development Plan No. PC2020-001

The Project Applicant proposes a Planned Community (PC) Development Plan (PCDP) to ensure broader coordination and consistency with the surrounding neighborhood, including a higher level of architectural quality supporting the Newport Center environment. Chapter 20.56 (Planned Community Development District Procedures) of the City of Newport Beach Zoning Code regulates the establishment of a PC. The ordinance allows for the diversification of uses as they relate to each other in a physical and environmental arrangement while ensuring substantial compliance with the spirit, intent, and provisions of the Zoning Code. Section 20.56.020 (Area Requirements) of the Zoning Code identifies a minimum acreage requirement of 10 acres of improved land area for the establishment of a PC District. As allowed by this

Zoning Code Section, the Project Applicant is requesting City Council to waive the minimum acreage requirement to establish the proposed PC, because the Project site is 1.26 acres in size.

The PC District is a designation given to land for which a PC has been prepared and the PC is the document that identifies land use relationships and associated development standards for that PC District. (City of Newport Beach, 2020a). The Project Applicant's proposed PCDP includes a specific set of standards and procedures for implementation and continuation of dwelling units within Statistical Area L1 while ensuring substantial compliance with the spirit, intent, and provisions of the Zoning Code. The Project's proposed PCDP text identifies general conditions and regulations and provides for land use and development regulations for the Project site. The proposed PC Development Plan Text is under review with the City of Newport Beach. Where the standards of the PC Development Plan Text conflict with the regulations of the Newport Beach Municipal Code, the regulations contained in the PC Development Plan Text would take precedence. The Newport Beach Municipal Code would continue to regulate all development within the PCDP when such regulations are not provided within the PCDP Text.

### 3.4.5 Major Site Development Review No. SD2020-001

Because the Project would consist of a residential development with five or more dwelling units with a tentative map, Major Site Development Review No. SD2020-001 is required to fulfill the requirements of Newport Beach Municipal Code Section 20.52.080 (Site Development Reviews). The purpose of the site development review is to review the Project plans for compliance with the proposed PCDP text. As part of Major Site Development Review No. SD2020-001, the City would review the Project's Plans, inclusive of the Tentative Tract Map and Site Plan.

### 3.4.6 Tentative Tract Map No. NT2020-001

The applicant proposes a condominium subdivision map to establish a 28-unit residential condominium tract on the 1.26-acre Project site. Tentative Tract Map No. NT2020-001 provides a legal description for the Project site and shows the location of proposed and existing sewer lines, sewer lateral, existing driveway easements, fire hydrants, domestic and irrigation water lines, fire water lines, electric vaults, and the location of the existing building on-site to be demolished.

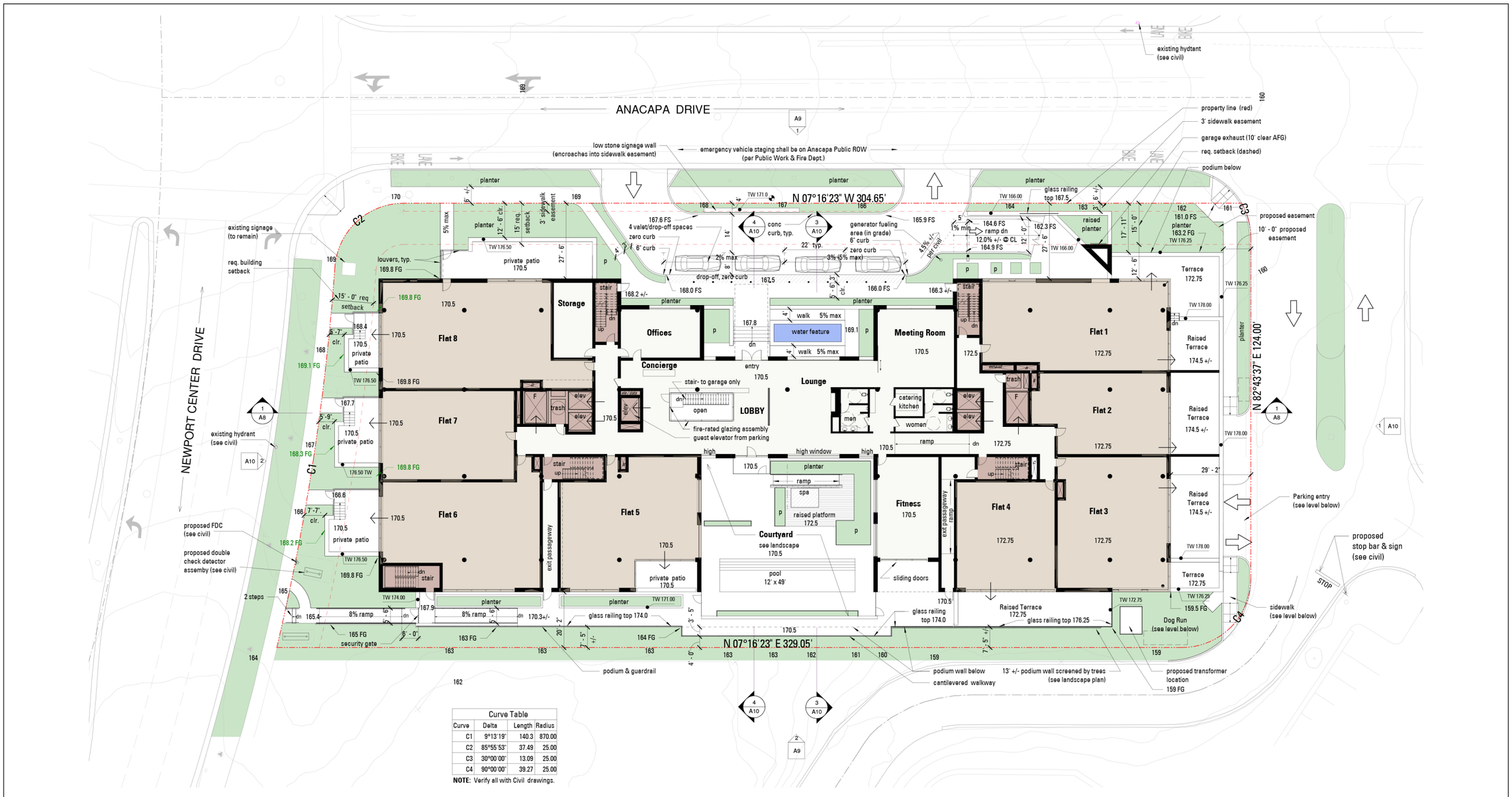
### 3.4.7 Approvals Required from Other Agencies

The following are the known approvals that would be required by other agencies:

- *Santa Ana Regional Water Quality Control Board (RWQCB), National Pollutant Discharge Elimination System (NPDES) Permit*. NPDES permits apply to construction sites of one acre or more. Project construction would disturb more than one acre of land; therefore, a NPDES Permit from the Santa Ana RWQCB would be required.

- *Orange County Health Care Agency (OCHCA), Approvals for Underground Storage Tank Removal.* The Project would require approval from the OCHCA, which oversees the underground storage tank (UST) inspection program throughout Orange County, including the City of Newport Beach.

The purpose of the OCHCA UST inspection program is to ensure that hazardous materials stored in USTs are not released into the environment. The Project entails the removal of three existing 12,000-gallon USTs during the construction process; therefore, to ensure no hazardous materials are released during the removal process, the OCHCA would be required to approve the removal.




*Source(s): Stearns Architecture (10-29-2020)*

Figure 3-1

Not to Scale

## Conceptual First Floor / Site Plan


1 East. Elevation
1/16" = 1'-0"


2 West. Elevation
1/16" = 1'-0"


3 Courtyard looking South
1/16" = 1'-0"


1 South. Elevation
1/16" = 1'-0"

NOTE:
All Spot Elevations Shown In Nav88, typ.


SECTION 4/A10

4 Section_Courtyard looking North
1/16" = 1'-0"

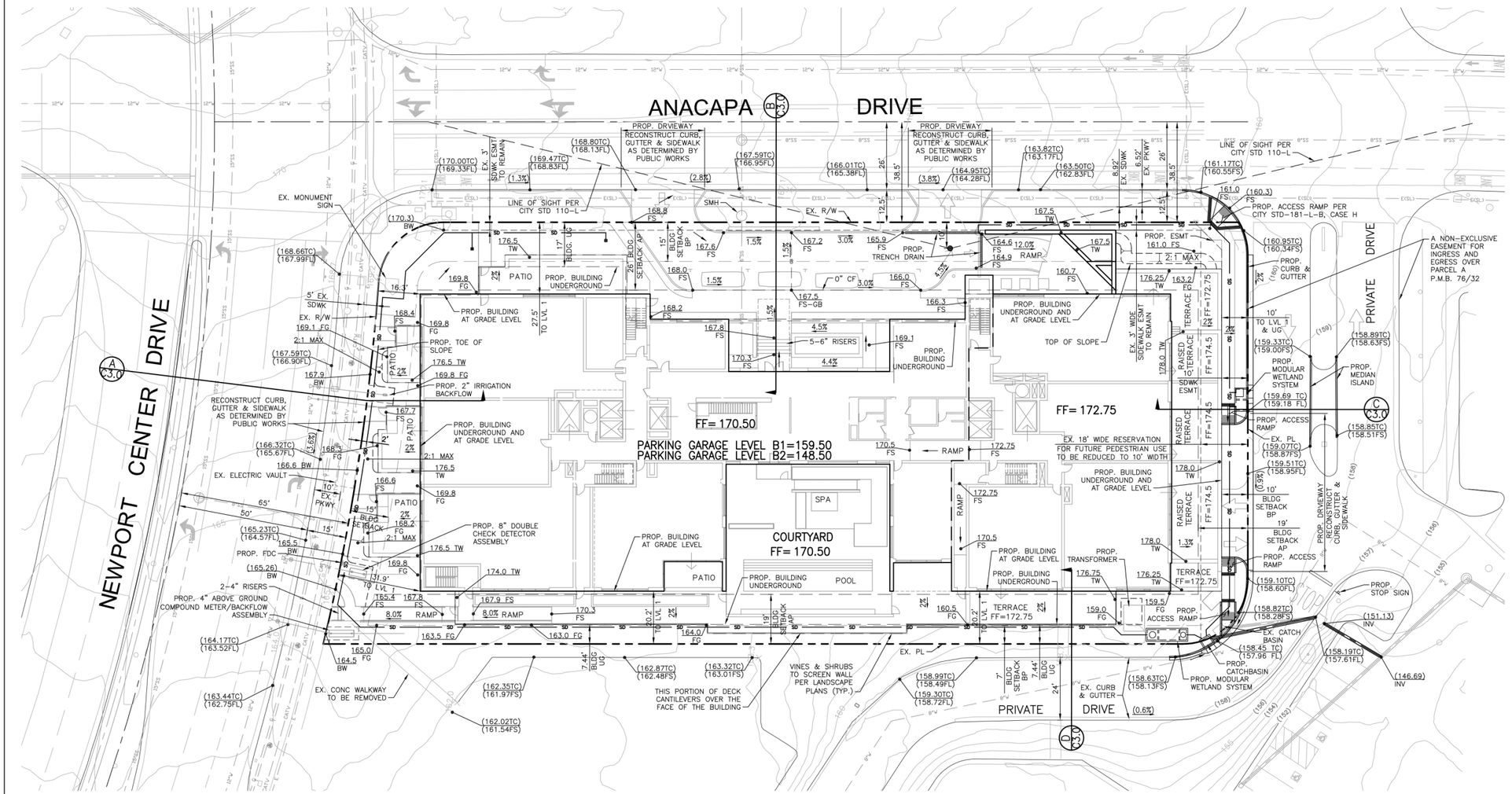
2 North. Elevation
1/16" = 1'-0"

*Source(s): Stearns Architecture (10-29-2020)*

Figure 3-2

Not to Scale

## Conceptual Architectural Elevation




NOTES:
1. ANACAPA DRIVE STREET IMPROVEMENTS PLANS TO BE PREPARED DURING CONSTRUCTION DOCUMENT PHASE
2. CURB, GUTTER & SIDEWALK ALONG NEWPORT CENTER DRIVE AND ANACAPA DRIVE TO BE RECONSTRUCTED AS DETERMINED BY PUBLIC WORKS
3. ANACAPA DRIVE AND NEWPORT CENTER DRIVE EAST ARE ON THE CITY'S STREET-CUT MORATORIUM LIST. TRENCHING/DAMAGE TO SAID STREET WILL REQUIRE EXTENSIVE STREET REPAIR PER CITY STANDARD STD-105-L-F
4. APPLICANT SHALL ESTABLISH SURVEY POINTS WITHIN THE PUBLIC RIGHT-OF-WAY ALONG THE PROJECT FRONTAGES OF ANACAPA DRIVE AND NEWPORT CENTER DRIVE EAST TO MONITOR MOVEMENT OF CITY FACILITIES (UTILITIES, SIDEWALK, STREET, ETC) DUE TO THE CONSTRUCTION OF THE PROPOSED PROJECT. ANY DAMAGE TO SAID CITY FACILITIES SHALL BE REPAIRED AT THE PROJECT SOLE EXPENSE.

## LEGEND:

| | |
|---|---|
| AP | ABOVE PODIUM |
| BLDG | BUILDING |
| BP | BELOW PODIUM |
| BW | BACK OF WALK |
| CF | CURB FACE |
| CONC | CONCRETE |
| ESMT | EASEMENT |
| EX. | EXISTING |
| FDC | FIRE DEPARTMENT CONNECTION |
| FL | FLOW LINE |
| FF | FINISH FLOOR |
| FG | FINISH GROUND |
| FS | FINISH SURFACE |
| GB | GRADE BREAK |
| H | HEIGHT |
| INV | INVERT |
| LVL | LEVEL |
| MAX | MAXIMUM |
| MIN | MINIMUM |
| PD | PODIUM |
| PKWY | PARKWAY |
| PL | PROPERTY LINE |
| POC | POINT OF CONNECTION |
| PROP | PROPOSED |
| R/W | RIGHT OF WAY |
| SDWK | SIDEWALK |
| SMH | SEWER MANHOLE |
| TC | TOP OF CURB |
| TW | TOP OF WALL |
| TGR | TOP OF GUARDRAIL |
| TYP | TYPICAL |
| UG | UNDERGROUND |

## BENCHMARK

BENCHMARK DESIGNATION: ORANGE COUNTY SURVEYOR BENCH MARK "3S-45-79" ADJ. ELEV. = 281.761'

MONUMENT RECOVERY: FD. 3 3/4" OCS ALUMINUM BENCHMARK DISK STAMPED "3S-45-99" SET IN THE TOP NORTHERLY CORNER OF A 4' BY 8' CONCRETE CATCH BASIN. MONUMENT IS LOCATED IN THE EASTERLY CORNER OF THE INTERSECTION OF MACARTHUR BOULEVARD AND SAN JOAQUIN HILLS ROAD, 70' SOUTHEASTERLY OF THE CENTERLINE OF MACARTHUR BOULEVARD AND 135' NORTHEASTERLY OF THE CENTERLINE OF SAN JOAQUIN HILLS ROAD. MONUMENT IS SET LEVEL WITH THE SIDEWALK.

## EARTHWORK:

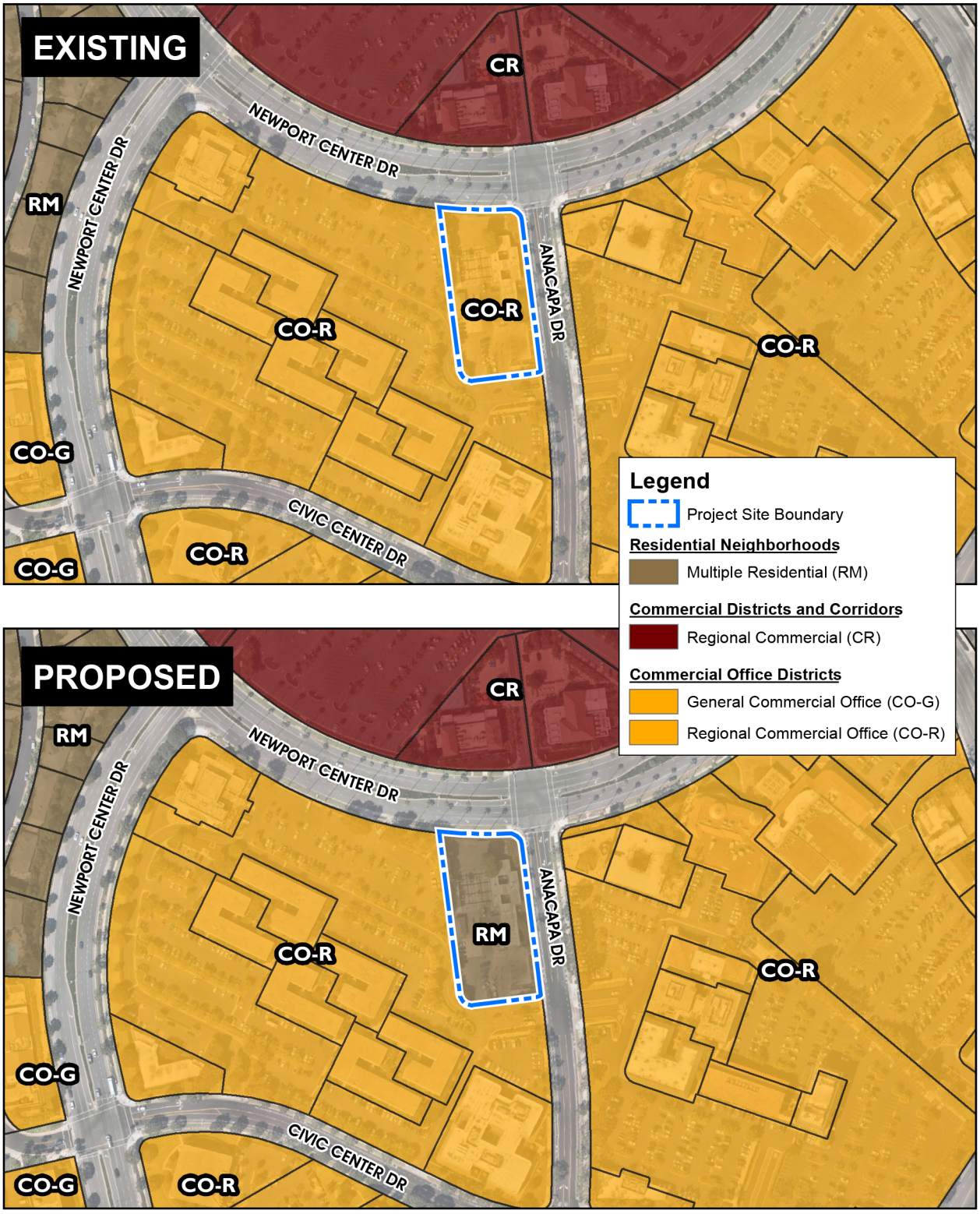
| | |
|---|---|
| RAWCUT | 33,000 CY |
| RAWFILL | 0 CY |
| EXPORT | 33,000 CY |

*Source(s): Fuscoe Engineering (10-29-2020)*

Figure 3-3

Not to Scale

## Conceptual Grading Plan

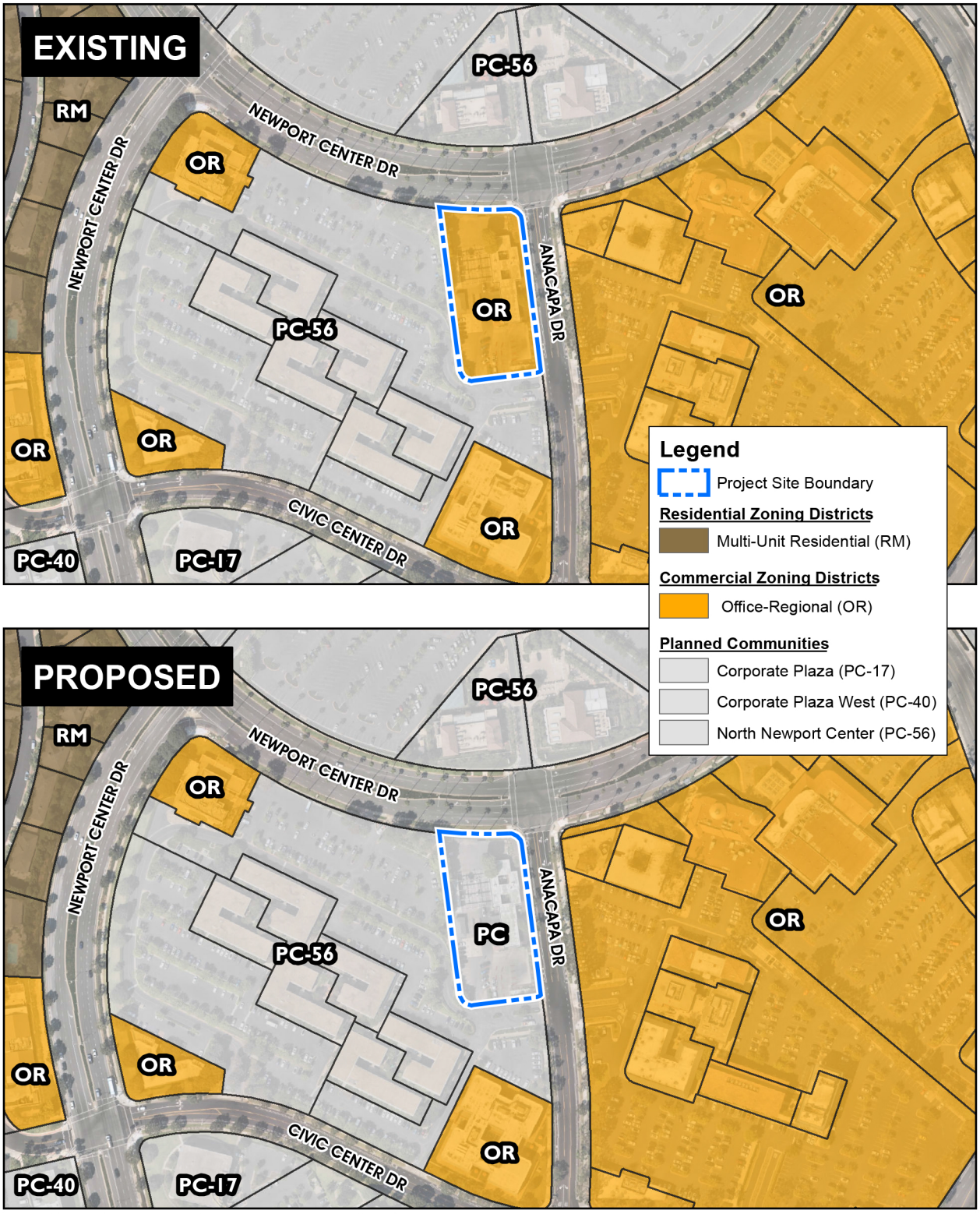



*Source(s): City of Newport Beach, ESRI, Nearmap Imagery (2020)*

Figure 3-4

0 75 150 300 Feet

**Proposed General Plan Amendment No. GP2020-001**




*Source(s): City of Newport Beach, ESRI, Nearmap Imagery (2020)*

Figure 3-5

0 75 150 300 Feet

**Proposed Zoning Code Amendment No. CA2020-008**

# 4.0 ENVIRONMENTAL CHECKLIST AND ANALYSIS

Provided on the following pages is an Environmental Checklist, based on Technical Appendix G of the State CEQA Guidelines. The Checklist evaluates the Project's potential to result in significant adverse effects on the physical environment. As concluded by the Checklist, the Project has the potential to result in significant environmental effects. Accordingly, and pursuant to CEQA Guidelines § 15063(b)(1), an **Environmental Impact Report (EIR)** will be prepared for the Project.

## 4.1 PROJECT INFORMATION

### 1. Project Title

Residences at Newport Center

### 2. Lead Agency Name and Address

City of Newport Beach
Community Development Department
Planning Division
100 Civic Center Drive
Newport Beach, CA 92660

### 3. Contact Person and Phone Number

Liz Westmoreland, Associate Planner
City of Newport Beach Planning Division
Phone: 949-644-3234

### 4. Project Location

The Project site consists of a 1.26-acre site bounded by Newport Center Drive to the north and Anacapa Drive to the east, within the City of Newport Beach's Newport Center/Fashion Island Sub-Area (Statistical Area L1). The site's existing address is 150 Newport Center Drive, Newport Beach, CA 92660.

### 5. Project Sponsor's Name and Address

Newport Center Anacapa Associates, LLC
901 Dove Street, Suite 270
Newport Beach, CA 92660

### 6. General Plan Designation

Regional Commercial Office (CO-R)

**7. Zoning**

OR (Office Regional) Zoning District

**8. Description of Project**

Development of a 4-story residential condominimum building that would include 28 condominium units and open space areas over a two-level subterranean mechanically vented parking garage. Please refer to Section 3.0 of this Initial Study for a detailed description of the Project.

**9. Surrounding Land Uses and Setting**

The Project site is located in the Newport Center area of the City of Newport Beach, south of Fashion Island. Newport Center is an urbanized portion of the City of Newport Beach that is built out with a variety of office, residential, retail, and service commercial land uses. The Project site is fronted on the north by Newport Center Drive, on the east by Anacapa Drive, on the south by an existing office building with underground parking, and on the west by Gateway Plaza and an existing parking facility that services Gateway Plaza. The adjacent Gateway Plaza office complex is comprised of seven two-story low-rise office buildings, and associated parking.

**10. Other Public Agencies Whose Approval is Required (e.g., permits, financing approval, or participation agreement**

Santa Ana Regional Water Quality Control Board (RWQCB) - National Pollutant Discharge Elimination System (NPDES) Permit.

Orange County Health Care Agency (OCHCA) - Approvals for Underground Storage Tank Removal.

## 4.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

| | | | | | |
|---|---|---|---|---|---|
| ☒ | Aesthetics | ☐ | Agriculture and Forestry Resources | ☒ | Air Quality |
| ☒ | Biological Resources | ☒ | Cultural Resources | ☐ | Energy |
| ☒ | Geology/Soils | ☒ | Greenhouse Gas Emissions | ☒ | Hazards & Hazardous Materials |
| ☐ | Hydrology/Water Quality | ☒ | Land Use / Planning | ☐ | Mineral Resources |
| ☒ | Noise | ☐ | Population / Housing | ☐ | Public Services |
| ☐ | Recreation | ☒ | Transportation | ☒ | Tribal Cultural Resources |
| ☐ | Utilities / Service Systems | ☐ | Wildfire | ☒ | Mandatory Findings of Significance |

## 4.3 DETERMINATION: (TO BE COMPLETED BY THE LEAD AGENCY)

On the basis of this initial evaluation:

| | |
|---|---|
| I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. | ☐ |
| I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared. | ☐ |
| I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. | ☒ |
| I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed. | ☐ |
| I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing fully is required. | ☐ |

Liz Westmoreland, Associate Planner, Newport Beach — 11-3-20 Date

## 4.4 EVALUATION OF ENVIRONMENTAL IMPACTS:

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

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
    a. the significance criteria or threshold, if any, used to evaluate each question; and
    b. the mitigation measure identified, if any, to reduce the impact to less than significance

## 4.5 ENVIRONMENTAL CHECKLIST SUMMARY

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| **I. AESTHETICS.** Except as provided in Public Resources Code Section 21099, would the Project: | | | | |
| a) Have a substantial adverse effect on a scenic vista? | ☒ | ☐ | ☐ | ☐ |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | ☐ | ☐ | ☐ | ☒ |
| c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views the site and its surroundings (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? | ☒ | ☐ | ☐ | ☐ |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | ☒ | ☐ | ☐ | ☐ |
| **II. AGRICULTURE AND FORESTRY RESOURCES.** | | | | |
| Would the Project: | | | | |
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | ☐ | ☐ | ☐ | ☒ |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | ☐ | ☐ | ☐ | ☒ |

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | ☐ | ☐ | ☐ | ☒ |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☒ |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☒ |
| **III. AIR QUALITY** | | | | |
| Would the Project: | | | | |
| a) Conflict with or obstruct implementation of the applicable air quality plan? | ☒ | ☐ | ☐ | ☐ |
| b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? | ☒ | ☐ | ☐ | ☐ |
| c) Expose sensitive receptors to substantial pollutant concentrations? | ☒ | ☐ | ☐ | ☐ |
| d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people? | ☐ | ☐ | ☒ | ☐ |

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| **IV. BIOLOGICAL RESOURCES** | | | | |
| Would the Project: | | | | |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? | ☒ | ☐ | ☐ | ☐ |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? | ☐ | ☐ | ☐ | ☒ |
| c) Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | ☐ | ☐ | ☐ | ☒ |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impeded the use of native wildlife nursery sites? | ☐ | ☐ | ☐ | ☒ |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☐ | ☒ | ☐ |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | ☐ | ☐ | ☐ | ☒ |

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| **V. CULTURAL RESOURCES** | | | | |
| Would the Project: | | | | |
| a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? | ☒ | ☐ | ☐ | ☐ |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | ☒ | ☐ | ☐ | ☐ |
| c) Disturb any human remains, including those interred outside of formal cemeteries? | ☐ | ☐ | ☒ | ☐ |
| **VI. ENERGY** | | | | |
| Would the Project: | | | | |
| a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? | ☐ | ☐ | ☒ | ☐ |
| b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency? | ☐ | ☐ | ☒ | ☐ |
| **VII. GEOLOGY AND SOILS** | | | | |
| Would the Project: | | | | |
| a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42? | ☐ | ☐ | ☒ | ☐ |
| ii) Strong seismic ground shaking? | ☐ | ☐ | ☒ | ☐ |
| iii) Seismic-related ground failure, including liquefaction? | ☐ | ☐ | ☒ | ☐ |
| iv) Landslides? | ☐ | ☐ | ☒ | ☐ |

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| b) Result in substantial soil erosion or the loss of topsoil? | ☐ | ☐ | ☒ | ☐ |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | ☒ | ☐ | ☐ | ☐ |
| d) Be located on expansive soil, as defined in Table 18- 1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property? | ☒ | ☐ | ☐ | ☐ |
| e) Have soils incapable of adequately supporting the use septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | ☐ | ☐ | ☐ | ☒ |
| f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | ☒ | ☐ | ☐ | ☐ |
| **VIII. GREENHOUSE GAS EMISSIONS** | | | | |
| Would the Project: | | | | |
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | ☒ | ☐ | ☐ | ☐ |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | ☒ | ☐ | ☐ | ☐ |
| **IX. HAZARDS AND HAZARDOUS MATERIALS** | | | | |
| Would the Project: | | | | |
| a) Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials? | ☒ | ☐ | ☐ | ☐ |

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | ☒ | ☐ | ☐ | ☐ |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | ☐ | ☐ | ☐ | ☒ |
| d) Be located on a site which is included on a list of hazardous materials sites which complied pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | ☐ | ☐ | ☐ | ☒ |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | ☐ | ☐ | ☒ | ☐ |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☐ | ☒ |
| g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? | ☐ | ☐ | ☐ | ☒ |
| **X. HYDROLOGY AND WATER QUALITY** | | | | |
| Would the Project: | | | | |
| a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? | ☐ | ☐ | ☒ | ☐ |

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? | ☐ | ☐ | ☒ | ☐ |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: | | | | |
| i. Result in substantial erosion or siltation on- or off-site; | ☐ | ☐ | ☒ | ☐ |
| ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; | ☐ | ☐ | ☒ | ☐ |
| iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or | ☐ | ☐ | ☒ | ☐ |
| iv. impede or redirect flood flows? | ☐ | ☐ | ☒ | ☐ |
| d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? | ☐ | ☐ | ☐ | ☒ |
| e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? | ☐ | ☐ | ☐ | ☒ |
| **XI. LAND USE AND PLANNING** | | | | |
| Would the Project: | | | | |
| a) Physically divide an established community? | ☐ | ☐ | ☐ | ☒ |
| b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? | ☒ | ☐ | ☐ | ☐ |

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| **XII. MINERAL RESOURCES** | | | | |
| Would the Project: | | | | |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | ☐ | ☐ | ☐ | ☒ |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? | ☐ | ☐ | ☐ | ☒ |
| **XIII. NOISE** | | | | |
| Would the Project result in: | | | | |
| 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 groundborne vibration or groundborne noise levels? | ☒ | ☐ | ☐ | ☐ |
| c) For a project located within the vicinity of a private airstrip or an airport land use 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? | ☒ | ☐ | ☐ | ☒ |
| **IVX. POPULATION AND HOUSING** | | | | |
| Would the Project: | | | | |
| a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | ☐ | ☐ | ☒ | ☐ |

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| b) Displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ |
| **XV. PUBLIC SERVICES** | | | | |
| Would the Project: | | | | |
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | | | | |
| Fire protection? | ☐ | ☐ | ☒ | ☐ |
| Police protection? | ☐ | ☐ | ☒ | ☐ |
| Schools? | ☐ | ☐ | ☒ | ☐ |
| Parks? | ☐ | ☐ | ☒ | ☐ |
| Other public facilities? | ☐ | ☐ | ☒ | ☐ |
| **XVI. RECREATION** | | | | |
| Would the Project: | | | | |
| a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | ☐ | ☐ | ☒ | ☐ |
| b) Does the project include recreational facilities or require the construction of or expansion of recreational facilities which might have an adverse physical effect on the environment? | ☐ | ☐ | ☒ | ☐ |
| **XVII. TRANSPORTATION** | | | | |
| Would the Project: | | | | |
| a) Conflict with an applicable program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? | ☒ | ☐ | ☐ | ☐ |
| b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)? | ☒ | ☐ | ☐ | ☐ |

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | ☐ | ☐ | ☒ | ☐ |
| d) Result in inadequate emergency access? | ☐ | ☐ | ☒ | ☐ |
| **XVIII. TRIBAL CULTURAL RESOURCES** | | | | |
| Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defines in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: | | | | |
| a) Listed or eligible for listing in the California Register of Historical resources or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)? | ☒ | ☐ | ☐ | ☐ |
| b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying for the criteria set forth in (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe? | ☒ | ☐ | ☐ | ☐ |
| **XIX. UTILITIES AND SERVICE SYSTEMS** | | | | |
| Would the Project: | | | | |
| a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? | ☐ | ☐ | ☒ | ☐ |

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? | ☐ | ☐ | ☒ | ☐ |
| c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | ☐ | ☐ | ☒ | ☐ |
| d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? | ☐ | ☐ | ☒ | ☐ |
| e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? | ☐ | ☐ | ☒ | ☐ |
| **XX. WILDFIRE** | | | | |
| If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project: | | | | |
| a) Substantially impair an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☐ | ☒ |
| b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? | ☐ | ☐ | ☐ | ☒ |
| c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? | ☐ | ☐ | ☐ | ☒ |

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? | ☐ | ☐ | ☐ | ☒ |
| **XXI. MANDATORY FINDINGS OF SIGNIFICANCE** | | | | |
| a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major period of California history or prehistory? | ☒ | ☐ | ☐ | ☐ |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) | ☒ | ☐ | ☐ | ☐ |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | ☒ | ☐ | ☐ | ☐ |

## 4.6 EVALUATION OF ENVIRONMENTAL IMPACTS

### 4.6.1 AESTHETICS

**a) *Would the Project have a substantial adverse effect on a scenic vista?***

Finding: Potentially Significant Impact. The Project warrants more detailed study to determine if it has the potential to adversely affect scenic public views towards the Pacific Ocean or Newport Bay.

The City of Newport Beach General Plan EIR does not officially designate any scenic vistas (City of Newport Beach, 2006b, p. 4.1-16); however, many natural features such as the Pacific Ocean and Newport Bay provide open coastal views. Figures 4.1-1 through 4.1-3 in the City's General Plan EIR show prominent coastal viewing locations throughout the City as identified through public viewpoints and coastal view roads (City of Newport Beach, 2006b, p. 4.1-2). Additionally, Figure NR 3, Coastal Views, of the Natural Resources Element of the City's General Plan shows that the closest Coastal View Road to the Project site is a portion of Newport Center Drive that runs parallel to Anacapa Drive, about 800 feet west of the Project site. In addition to Newport Center Drive, Figure NR 3 identifies segments of MacArthur Boulevard, (located approximately 0.3 miles east of the Project site) and Avocado Avenue (located approximately 0.2 miles east of the Project site) as Coastal View Roads. Additionally, Civic Center Park, located between MacArthur Boulevard and Avocado Avenue, approximately 0.2-mile east of the Project site, affords public views of the Pacific Ocean (Google Earth, 2020). As depicted in General Plan EIR Figure 4.1-4, Coastal Views Map (Harbor Area), the Project site is not located at or near a designated public viewpoint or adjacent to a Coastal View Road. Regardless, because the Project site is located in the foreground of public views toward the Pacific Ocean and Newport Bay, additional analysis is needed to determine if the proposed Project has the potential to adversely affect scenic public views of the Pacific Ocean and Newport Bay from nearby roadways and public viewpoints; therefore, potential impacts associated with scenic vistas will be evaluated in more detail in the required EIR.

**b) *Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?***

Finding: No Impact. The Project has no potential to substantially damage scenic resources within a State scenic highway.

According to the California Department of Transportation's (Caltrans) List of Eligible and Officially Designated Scenic Highways, there are no Officially Designated State scenic highways in the City of Newport Beach. Portions of SR-1 are identified as "Eligible" for State Scenic Highway designation, including the segment of SR-1 located approximately 0.31-mile south of the Project site. Due to intervening development and topography, no portion of the Project site is visible from SR-1 under existing conditions; however, given that the Project's building would be four stories tall, the upper floor of the proposed structure has the potential to be visible from portions of SR-1, in the viewshed looking north toward Fashion Island. The Project site is located north of SR-1 in a highly urbanized area near other similarly sized buildings in and around Fashion Island and south Newport Center. Because the Project site and its existing features are not currently visible from SR-1, the demolition and removal of existing

features would have no effect on the viewshed of SR-1. When the Project is developed as proposed, the residential condominium structure would be a compatible height to other nearby structures in Newport Center and has no reasonable potential to damage scenic resources visible from SR-1. Further, because SR-1 is not an Officially Designated State scenic highway corridor, the Project would have no potential impact to scenic resources visible from a State scenic highway. As such, no impact to scenic resources visible from a State scenic highway would occur and no additional analysis is needed on this topic.

**c)** ***Would the Project, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?***

Finding: Potentially Significant Impact. Because the proposed Project would require a General Plan Amendment and Zoning Code Amendment, more detailed study is warranted to determine if the Project has the potential to conflict with applicable zoning and other regulations governing scenic quality.

The Project site is located in an urbanized area of the City of Newport Beach. As such, the potential impacts under this threshold are assessed based on whether the Project would conflict with applicable zoning and other regulations governing scenic quality. The Project Applicant proposes a General Plan Amendment (GP2020-001), Zoning Code Amendment (CA2020-008), and a Planned Community Development Plan (PC2020-001) to allow for a proposed 28-unit residential condominimum building, whereas the Project site is currently zoned and designated for regional commercial office use. Due to the proposed change in land use and zoning designations, the Project warrants a detailed evaluation in the required EIR to determine consistency with applicable zoning and other regulations governing scenic quality.

**d)** ***Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views?***

Finding: Potentially Significant Impact. The Project would intensify lighting on the site as compared to existing conditions and therefore warrants more detailed study to determine if Project-related light or glare has the potential to adversely affect day or nighttime views.

The Project site is fully developed as a car wash with ancillary convenience market and gas station under existing conditions, which includes exterior lighting. Street lighting also exists along Anacapa Drive and Newport Center Drive, as well as lighting sources that emanate from adjacent and surrounding uses. Exterior lighting fixtures associated with the proposed Project would primarily include lights installed on the building face to illuminate the exterior of the building and lights installed along sidewalks and along Anacapa Drive and Newport Center Drive. All development in the City of Newport Beach is required to comply with Section 20.30.070 (Outdoor Lighting) of the City's Zoning Code, and the City requires the preparation of a photometric study prior to the issuance of building permits to ensure Code compliance. Regardless, because the lighting intensity on the Project site is expected to increase from what occurs on

the site under existing conditions, the Project warrants a more detailed evaluation in the required EIR to determine if it has the potential to result in adverse light or glare effects.

### 4.6.2 AGRICULTURE AND FORESTRY RESOURCES

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

Finding: No Impact. The Project site does not contain any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance; therefore, the Project has no potential to convert Farmland to non-agricultural use.

According to the California Department of Conservation's California Important Farmland Finder, the Project site and immediately surrounding areas do not contain any lands that are mapped by the California Resources Agency as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance ("Important Farmland") (DOC, 2016). The Project site is designated as "Urban and Built-Up Land" (DOC, 2016). Therefore, the Project has no potential to convert Farmland to non-agricultural use. No impact would occur and no additional analysis is needed on this topic.

**b) *Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?***

Finding: No Impact. The Project site is not zoned for agricultural use and is not under Williamson Act contract; therefore, the proposed Project has no potential to conflict with existing zoning for agricultural use, or a Williamson Act Contract.

Under existing conditions, the Project site is zoned "OR (Office Regional) Zoning District," is not zoned for agricultural use, and is not under a Williamson Act contract. Zoning classifications surrounding the Project site include PC-56 (North Newport Center Planned Community) to the north, PC-56 and OR to the south and east, and OR to the west and do not include lands zoned for agricultural use (City of Newport Beach, 2019). Because the Project site is not zoned for agricultural use, is not under a Williamson Act contract, and is not surrounded by lands zoned for agricultural use, the Project has no potential to conflict with existing zoning for agricultural use or a Williamson Act contract. No impact would occur and no additional analysis is needed on this topic.

**c) *Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?***

Finding: No Impact. The Project has no potential to conflict with existing forest land, timberland, or timberland zoned Timberland Production acres.

There are no lands within the City of Newport Beach, including the Project site and properties surrounding the Project site, that are zoned for forest land, timberland, or timberland zoned Timberland Production (City of Newport Beach, 2019). Therefore, the Project has no potential to conflict with existing zoning for,

or cause rezoning of, forest land or timberland zoned Timberland Production. No impact would occur and no additional analysis is needed on this topic.

**d) *Would the Project result in the loss of forest land or conversion of forest land to non-forest use?***

Finding: No Impact. The Project has no potential to result in the loss of forest land or the conversion of forest land to non-forest use.

The City of Newport Beach, including the Project site and properties surrounding the Project site, do not contain any forest lands (City of Newport Beach, 2006b, Table 3-2). Therefore, the Project has no potential to result in the loss of forest land or the conversion of forest land to non-forest use. No impact would occur and no additional analysis is needed on this topic.

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

Finding: No Impact. The Project has no potential to involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or the conversion of forest land to a non-forest use.

As indicated in the analysis presented above under the discussion and analysis of Thresholds a) through d) of this section, because the Project site and surrounding areas do not contain any lands that are used for farmland or forest land, the proposed Project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to a non-forest use. No impact would occur and no additional analysis is needed on this topic.

### 4.6.3 AIR QUALITY

**a) *Would the Project conflict with or obstruct implementation of the applicable air quality plan?***

Finding: Potentially Significant Impact. Because the proposed Project involves a General Plan Amendment and Zoning Code Amendment, more detailed study is warranted to determine if the Project has the potential to conflict with or obstruct the implementation of the South Coast Air Quality Management District's 2016 Air Quality Management Plan.

The Project site is located in the South Coast Air Basin (SCAB) and air quality within the SCAB is regulated by the South Coast Air Quality Management District (SCAQMD). Standards for air quality are documented in the SCAQMD's 2016 Air Quality Management Plan (AQMP). Because the AQMP replies on long range planning forecasts contained in General Plans, and the Project involves a proposed General Plan Amendment and Zoning Code Amendment, more detailed study is warranted to determine if the Project would conflict with the SCAQMD's AQMP. In addition, air quality emission calculations are needed to determine if construction and operational activities associated with the Project have the potential to violate daily air pollutant emission significance thresholds established by the SCAQMD's AQMP. An air quality emissions assessment shall be prepared and Project-related air emissions will be modeled using

the SCAQMD's California Emissions Estimator Model (CalEEMod™). The purpose of this model is to calculate estimated air quality emissions for criteria pollutants from direct and indirect sources. The required EIR will quantify the Project's expected pollutant levels and evaluate the proposed Project's potential to violate local air quality standards and/or contribute substantially to an existing or projected air quality violation.

**b) *Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?***

Finding: Potentially Significant Impact. The Project warrants more detailed study to determine if construction and operation of the Project could result in a cumulatively considerable net increase of criteria pollutants for which the Project region is non-attainment.

The SCAB has a non-attainment status under both State and federal designations for ozone and 2.5 micron and smaller particulate matter ($PM_{2.5}$) and is considered non-attainment under State of California criteria for 10 micron and smaller particulate matter ($PM_{10}$). Cessation of the existing car wash, gas station, and convenience market that operate on the site today and the replacement of those uses with a 28-unit residential condominium building would reduce air pollutant emissions generated by uses on the Project site, including volatile organic compounds (VOCs), nitrogen oxides (NOx), and carbon monoxide (CO) emissions (all of which are ozone precursors), and sulfur dioxide ($SO_X$), $PM_{10,}$ and $PM_{2.5}$. Calculations quantifying the comparison will be provided in the required EIR. The Project's demolition and construction activities would generate short-term emissions, which need to be calculated to confirm whether or not the emissions would result in a cumulatively considerable net increase of criteria pollutants. Calculations will be provided in the required EIR.

**c) *Would the Project expose sensitive receptors to substantial pollutant concentrations?***

Finding: Potentially Significant Impact. The Project warrants more detailed study to determine if the Project's construction process has the potential to expose sensitive receptors to substantial pollutant concentrations.

The Project site is a 1.26-acre property that has been developed as a car wash with ancillary gas station and convenience market since approximately 1970. The replacement of these uses with a 28-unit residential condominium building would result in less pollutant exposure to surrounding receptors in the long-term, particularly associated with removal of the gas station. Although unlikely due to the predominantly commercial nature of surrounding land uses, the Project's construction activity needs more detailed study to confirm if the Project's 19-month construction period has any potential to expose sensitive receptors to substantial pollutant concentrations. Sensitive receptors can include land uses such as residential homes, schools, playgrounds, child care centers, athletic facilities, long-term health care facilities, rehabilitation centers, and retirement homes. The Project's potential to expose sensitive receptors to substantial pollutant concentrations will be fully evaluated in the required EIR.

**d) *Would the Project result in other emissions (such as those leading to odors adversely affecting a substantial number of people?***

Finding: Less than Significant Impact. There is no reasonable potential that the Project's construction or operation would result in other emissions or odors that would adversely affect a substantial number of people.

The Project site is a 1.26-acre property that has been developed as a car wash with ancillary gas station and convenience market since approximately 1970. The replacement of these uses with a 28-unit residential condominium building would result in fewer air emissions and odor potential in the long-term, particularly associated with removal of the gas station. A residential structure is a land use that is not typically associated with emitting objectionable air pollutants and odors.

The potential for adverse odor sources associated with the Project is limited to demolition and construction equipment exhaust and the application of asphalt and architectural coatings during construction activities and the temporary storage of typical municipal solid waste (refuse) during the Project's lifetime. Construction-related odors would be temporary, short-term, and intermittent and would cease upon completion of the respective phases of construction activity. These odors are common in urban and suburban areas (such as from construction equipment exhaust, paving, and painting) and are generally not objectionable to a large majority of the population. The Project's application materials and associated Construction Management Plan on file with the City of Newport Beach do not indicate any atypical construction processes, equipment, or materials that would result in unusual air emissions or odor. For these reasons, temporary and intermittent construction-related odors would be less than significant. Further, compliance with SCAQMD Rule 402 is mandatory in the SCAB. Rule 402 prohibits the discharge of air contaminants and other materials which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property. The SCAQMD enforces compliance with Rule 402 in response to nuisance complaints.

During long-term Project operation, the only potential for odor generation is from temporary refuse storage. However, according to City Municipal Code Chapter 6.04, *Garbage, Refuse, and Cuttings*, the City of Newport Beach requires all refuse containers to be covered with a lid or sufficient cover to prevent odors from escaping the container (City of Newport Beach, 2020a). The Project also would be required to comply with Municipal Code Section 20.30.120 (*Solid Waste and Recyclable Materials Storage*), which mandates that all multi-unit projects with five or more dwelling units "…provide enclosed refuse and recyclable material storage areas with solid roofs." (City of Newport Beach, 2020a) The Project's building design proposes a trash room on parking garage level B1 within a separate trash area. The potential for objectionable odors to emanate from the Project's refuse containers would be very slight and no different than the potential for refuse-related odors from other residential land uses in the City of Newport Beach. Therefore, impacts associated with odors from Project operation would be less than significant and no additional analysis is needed on this topic.

### 4.6.4 BIOLOGICAL RESOURCES

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

Finding: Potentially Significant Impact. The proposed removal of existing trees has the potential to result in significant impacts to migratory birds if active nests are present when the trees are removed.

The site has been fully developed with a car wash and ancillary services since 1970. Vegetation located on and near the Project site consists of ornamental landscaping; no candidate, sensitive, or special status species are known to be present on the site under existing conditions. The only potential for sensitive biological species to be present is the potential for migratory birds to nest in trees that would be removed to construct the Project. Migratory birds are protected under the federal Migratory Bird Treaty Act (MBTA). For this reason, the Project's potential to result in impacts to migratory birds will be evaluated in the required EIR.

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

Finding: No Impact. The Project site does not contain any riparian habitat or other sensitive natural community, as the Project site is fully developed with a car wash facility and ancillary uses. The Project would have no potential to result in a substantial adverse effect on any riparian habitat or other sensitive natural community.

The Project site has been fully developed with a car wash and ancillary services since 1970. Vegetation located on and near the Project site is ornamental landscaping. As shown in Figure NR1, *Biological Resources*, of the City of Newport Beach's General Plan, the Project site and surrounding area do not contain any riparian habitat or other sensitive natural community (City of Newport Beach, 2006a). Implementation of the proposed Project would have no reasonable potential to result in substantial adverse effects on riparian habitat or other sensitive natural community. No impact would occur and no additional analysis is needed on this topic.

**c) *Would the Project have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?***

Finding: No Impact. The Project site is fully developed and does not contain any wetlands or other naturally occurring water features. No impact would occur.

The Project site has been fully developed with a car wash and ancillary services since 1970. Vegetation located on and near the Project site is ornamental landscaping. The Project site does not contain any wetland habitat or any other naturally occurring water features; therefore, because no State or federally

protected wetlands occur on the site, the proposed Project has no potential to result in a substantial adverse effect on wetlands through direct removal, filling, hydrological interruption, or other means. No impact would occur and no additional analysis is needed on this topic.

**d) *Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impeded the use of native wildlife nursery sites?***

Finding: No Impact. The Project site is fully developed and does not serve as a wildlife corridor, nursery, or otherwise facilitate the movement of wildlife species. No impact would occur.

The Project site has been fully developed with a car wash and ancillary services since 1970 and is completely surrounded by public roads and office and commercial development. The Project site does not serve as a wildlife corridor, nursery, or otherwise facilitate the movement of native resident or migratory fish or wildlife species. There is no reasonable potential for the Project to substantially interfere with wildlife movement. The only potential for migratory species to be present is the potential for migratory birds to nest in trees that would be removed to construct the Project. Nesting habitat would be replaced as part of Project implementation with the planting of new trees as part of the Project's landscaping plan. Migratory birds are protected under the federal Migratory Bird Treaty Act (MBTA), and are addressed above under Threshold a).

**e) *Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?***

Finding: Less than Significant Impact. The proposed Project would comply with the City of Newport Beach Council Policy G-1, which addresses tree removals and plantings. No other local policies or ordinances regarding the protection biological resources are applicable to the Project because the site lacks sensitive biological resources.

Project implementation would require tree removals and the planting of new trees. Tree removals would entail 28 existing on-site trees and trees in the Anacapa Drive and Newport Center Drive right-of-way segments fronting the Project site. As part of the Project's landscaping plan, the street trees would be replaced with new trees and new trees also would be planted on the Project site around the perimeter of the building in open areas. The Project is in compliance with City Council Policy G-1. The purpose of Council Policy G-1 is to "establish and maintain appropriate diversity in tree species and age classes to provide a stable and sustainable urban forest with an inventory that the City can reasonably maintain in a healthy and non-hazardous condition." (City of Newport Beach, N.D) Pursuant to Council Policy G-1 provisions for "All Other City Trees," (i.e. those not designated as Special or Problem Trees) it is the policy of the City Council to review and approve the Project's landscaping plan during public hearings for the Project. Because the Project Applicant proposes to replace the removed trees, including trees in the Anacapa Drive and Newport Center Drive rights-of-way, and because the City Council will have the authority to review and approve the Project's landscaping plan to ensure overall consistency with City Council Policy G-1, impacts associated with this issue would be less than significant.

The Project site is not located within or contiguous to any of the Environmental Study Areas (ESAs) identified by the Newport Beach General Plan EIR Figure 4.3-2. No other local policies addressing biological resources apply to the Project. Due to the Project's location within a highly urbanized portion of the City of Newport Beach and because the site contains no natural habitat, Chapter 7.26 of the City's Municipal Code (Protection of Natural Habitat for Migratory and Other Waterfowl) is not applicable. Similarly, General Plan Policy NR 10.1, which requires future development to cooperate with State and federal agencies and private organizations in the protection of biological resources, is not applicable due to the lack of natural habitat and biological resources on the Project site. The Project site does not contain any terrestrial or marine resources that require protection, as the Project site is fully developed under existing conditions. Accordingly, the Project would not involve nor require any consultation with state and federal resource protection agencies or private organizations concerned with the protection of sensitive biological resources. The Project would not conflict with any of the City's other General Plan Policies related to biological resources for the same reason of lack of on-site sensitive biological resources. Less-than-significant impacts would occur and no additional analysis is needed on this topic.

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

Finding: No Impact. Project implementation would not conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or state habitat conservation plan.

The Project site is within the Central and Coastal Orange County NCCP/HCP, which does not identify the Project site and surrounding areas for conservation (Orange County, 1996, Figure 11). Due to the developed nature of the Project site, the site also does not contain any habitat or any of the plant or animal species addressed by the NCCP/HCP. Accordingly, the Project has no potential to conflict with the NCCP/HCP. There are no additional Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans applicable to the Project site or vicinity. Accordingly, no impact would occur and no additional analysis is needed on this topic.

### 4.6.5 CULTURAL RESOURCES

**a) *Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?***

Finding: Potentially Significant Impact. The Project would include the demolition of an existing car wash facility and ancillary uses. Although it is unlikely that the structure is historically significant, because the structure is at least 50 years of age, additional analysis is warranted to address the Project's potential to cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5.

The Project site contains one existing building (car wash with an ancillary gas station and convenience market) that would be demolished and removed from the property as part of the Project. A review of building permits for the Project site indicates that the existing improvements were constructed in 1970;

therefore, the existing structure is 50+ years old. Accordingly, a historical evaluation of the structure will be conducted as part of the required EIR using the criteria given for eligibility for listing in the California Register of Historic Resources.

**b) *Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?***

Finding: Potentially Significant Impact. The Project has the potential to result in a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 if resources are unearthed during Project construction.

Although the Project site is fully disturbed and developed, excavation is required for the proposed subterranean parking structure; therefore, there is a potential that previously undiscovered archeological resources may be encountered if excavation depths exceed the depth of previous construction activities. If archeological resources are unearthed during Project excavation that meet the CEQA Guidelines § 5064.5 definition of a significant resource, potentially significant impacts to archaeological resources could occur. Therefore, the Project's potential to cause a substantial adverse change in the significance of an archaeological resource would be potentially significant and will be fully evaluated in the required EIR.

**c) *Would the Project disturb any human remains, including those interred outside of formal cemeteries?***

Finding: Less than Significant Impact In the unlikely event that Project construction activities unearth human remains, mandatory compliance with California Health and Safety Code Section 7050.5 would ensure that impacts would be less than significant.

The Project site is a 1.26-acre property that has been developed as a car wash with ancillary gas station and convenience market since approximately 1970. The Project site is not known to have ever been used as a cemetery and the possibility of uncovering human remains during site grading activities is remote due to the previous development at the site. However, in the unlikely event that human remains are encountered, compliance with California Health and Safety Code Section 7050.5 would be required. Mandatory compliance with these provisions of California state law would ensure that impacts to human remains, if unearthed during construction activities, would be appropriately treated and ensure that potential impacts are less than significant. Potential impacts associated with potential inadvertent discoveries of human remains would be reduced to less than significant through mandatory compliance with California Health and Safety Code Section 7050.5.

### 4.6.6 ENERGY

**a) *Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?***

Finding: Less than Significant Impact. There is no reasonable potential that the Project would result in environmental impacts associated with the wasteful, inefficient, or unnecessary

consumption of energy, or wasteful use of energy resources, during construction or operation.

*Energy Use During Construction*

The Project's construction process would consume electricity and fuel. Project-related construction activities would represent a "single-event" demand and would not require on-going or permanent commitment of energy resources. Fuel consumed by construction equipment and construction worker and vendor trips would be the primary energy resource expended over the course of Project-related construction. The equipment used for Project construction would be required to conform to California Air Resources Board (CARB) regulations and California emissions standards. For example, California Code of Regulations (CCR) Title 13, Motor Vehicles, Section 2449(d)(3) Idling, limits idling times of construction vehicles to no more than five minutes, thereby precluding unnecessary and wasteful consumption of fuel due to unproductive idling of construction equipment. Project-related construction activities are not materially different than other construction projects that occur in Orange County and there are no unusual Project characteristics or construction processes that would require the use of equipment that would be more energy-intensive than is used for comparable construction projects. The expected construction equipment fleet is listed in the Project's Construction Management Plan on file with the City of Newport Beach. All Project-related construction equipment would be required to conform to current emissions standards (and related fuel efficiencies). As supported by the preceding discussion, the Project's construction-related energy consumption would not be considered inefficient, wasteful, or otherwise unnecessary.

*Energy Use During Operation*

Energy consumption in support of or related to Project operations would include transportation energy demands (energy consumed by passenger car and trucks accessing the Project site) and facilities energy demands (energy consumed by building operations and site maintenance activities). The Project does not propose uses or operations that would inherently result in excessive and wasteful energy use. Residents and visitors would travel to and from the Project by passenger vehicles, and occasional trucks are assumed for deliveries and to service the building (large item deliveries, trash pickup, etc.) All vehicles are required by law to have enhanced vehicle fuel economies pursuant to federal and State laws, and the transition of passenger vehicles and trucks to alternative energy sources (e.g., electricity, natural gas, bio fuels, hydrogen cells) are expected to decrease gasoline fuel demands in the future. In June 2020, the California Air Resources Board (CARB) adopted a new Advanced Clean Truck Regulation Rule requiring truck manufacturers to transition from diesel trucks and vans to electric zero-emission trucks beginning in 2024. By 2045, every new truck sold in California will be required to be zero-emission electric. In September 2020, California Governor Newsom issued Executive Order N-70-20, which states that it is a goal of the State that 100 percent of in-state sales of new passenger cars and trucks will be zero-emission by 2035. Based on the Project's location with shopping, restaurant, entertainment, personal service, and office uses all within a 0.25-mile radius, the provision of electric vehicle (EV) capability in the building's garages and guest spaces, and the transition to zero-emission vehicles in California, Project transportation-related energy consumption would not be considered inefficient, wasteful, or otherwise unnecessary.

The Project would not cause or result in the need for additional energy facilities or an additional or expanded energy delivery system; existing utility connections are site-adjacent. Building operations and site maintenance activities associated with the Project would consume electricity and potentially natural gas. Natural gas would be supplied to the Project by Southern California Gas Company (SoCalGas) and electricity would be supplied by Southern California Edison (SCE). For new development, compliance with California Building Standards Code, Title 24, Part 6, Energy Efficiency Standards and California Green Building Standards Code (CALGreen) is considered demonstrable evidence of efficient use of energy. The proposed building would be required to promote and provide for energy efficiencies as required by CALGreen, and in so doing would meet all California Building Standards Code Title 24 standards. There is no reasonable potential that the Project's operation would result in environmental impacts associated with the wasteful, inefficient, or unnecessary consumption of energy, or the wasteful use of energy resources. Less-than-significant impacts would occur and no additional analysis is needed on this topic.

**b) *Would the Project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?***

Finding: Less than Significant Impact. The Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

There are no adopted State plans for renewable energy or energy efficiency that are directly applicable to the proposed Project. Thus, the Project would have no potential to conflict with such plans, and no impact would occur. The Project would be consistent with or otherwise would not conflict with policies and requirements related to energy conservation.

The City of Newport Beach's Energy Action Plan (EAP) focuses on reducing energy usage by City facilities and conducting community-wide energy awareness and outreach programs. The Project is required to be energy-efficient per the California Building Standards Code Title 24, Part 6, Energy Efficiency Standards (California Energy Code), and thereby consistent with the City's EAP. (Digital Energy, Inc., 2013) California Code of Regulations Title 24 Part 6: California's Energy Efficiency Standards for Residential and Nonresidential Buildings, was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The 2019 version of Title 24 was adopted by the California Energy Commission (CEC) and became effective on January 1, 2020 and is applicable to the Project. Compliance with the applicable Title 24 requirements is enforced through the City of Newport Beach Municipal Code Chapter 15.17, Energy Code. Thus, Project consistency with Title 24 requirements would occur as part of the City's review of building permit applications. The Project's building shell and components, such as windows; roof systems: electrical and lighting systems: and heating, ventilating, and air conditioning systems would be required to meet applicable Title 24 Standards. Because the Project is required by State law and City Municipal Code standards to be designed, constructed, and operated to meet or exceed all applicable energy efficiency standards, the Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Accordingly, impacts would be less than significant and no further analysis is needed on this topic.

### 4.6.7 GEOLOGY AND SOILS

**a)** ***Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:***

***i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?***

***ii) Strong seismic ground shaking?***

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

***iv) Landslides?***

Finding: Less than Significant Impact. The Project site is not subject to seismically-induced rupture, liquefaction ground failure, or landslides. With mandatory compliance to the California Building Standards Code and City of Newport Beach Municipal Code Title 15, Buildings and Construction, impacts related to seismic ground shaking would be less than significant.

As with much of the southern California region, the Project site is in a seismically active area. The Project site is not located within an Alquist-Priolo Earthquake Fault Zone and no known faults underlie the site; therefore, there is no potential of ground rupture. According to the Project site's Geotechnical Feasibility Study prepared by NMG Geotechnical, Inc. (NMG), the Project site is not located in an area classified by the State as having soils that are potentially liquefiable or in an area mapped as susceptible to seismically induced landslides (NMG, 2020, p. 6). Moreover, the Project site is not located in an area that is subject to potential liquefaction hazards. Accordingly, impacts due to seismic-related ground failure (including liquefaction) would be less than significant. Additionally, due to the relatively flat gently sloping nature of the Project site and immediately surrounding areas, the Project site has no potential to be affected by landslides. No impacts would occur and no further analyses are needed on these topics.

As with most structures in southern California, the proposed Project could be subject to ground shaking during seismic events along local and regional faults that would occur during the lifetime of the proposed Project. Construction of the Project is required to comply with the California Building Standards Code (CALGreen) and the City of Newport Beach Municipal Code Title 15, Buildings and Construction, and the Project Applicant would be required by the City of Newport Beach as part of its grading and building permits to implement the recommendations identified in the Project's Geotechnical Feasibility Study prepared by NMG, which is on file with the City. State law requires that all cities and counties in California enforce the building codes as mandated by the California Building Standards Commission. With the Project's mandatory compliance with these standard and site-specific design and construction measures, potential impacts related to seismic ground shaking would be less than significant and no further analysis is needed on this topic.

**b)** ***Would the Project result in substantial soil erosion or the loss of topsoil?***

Finding: Less than Significant Impact. The Project's construction would adhere to NPDES Permit requirements, a SWPPP, and applicable City of Newport Beach Municipal Code requirements, which would preclude the potential for substantial soil erosion and loss of topsoil. After construction, the Project would be fully developed with impervious surfaces and landscaping, with stormwater discharged into the City's stormwater drainage system, offering no reasonable potential for substantial erosion to occur.

The proposed demolition and grading activities associated with the Project would temporarily expose underlying soils to water and air, which would increase erosion susceptibility while the soils are exposed. Exposed soils would be subject to erosion during rainfall events or high winds due to the removal of structures, pavement, and/or stabilizing vegetation and exposure of these erodible materials to wind and water. Erosion by water would be greatest during the first rainy season after grading and before the Project's foundation is constructed and paving and landscaping occur. Erosion by wind would be highest during periods of high wind speeds when soils are exposed. The Project Applicant would be required to obtain coverage under a National Pollutant Discharge Elimination System (NPDES) permit for construction activities. The NPDES permit is required by the Santa Ana Regional Water Quality Control Board (RWQCB) for all projects that include construction activities, such as clearing, grading, and/or excavation that disturb at least one acre of total land area. Additionally, during grading and other construction activities, the Project would be subject to the requirements established in City of Newport Beach Municipal Code, Chapter 23.35, *Water Quality Control*, and the Project Applicant also would be required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) that would identify the erosion control measures, such as construction fencing, sandbags, and other erosion-control features, that would be implemented during the construction phase to reduce the potential for soil erosion or the loss of topsoil. In addition, construction activities associated with the Project would be required to comply with SCAQMD Rule 403-Fugitive Dust, which would minimize wind-related erosion hazards during construction activities. Mandatory compliance with the Project's NPDES permit, SWPPP, and the regulatory requirements of the City of Newport Beach and the SCAQMD would ensure that water and wind erosion are minimized and not substantial. As such, construction of the Project would result in a less-than-significant impact, and no further analysis is needed on this topic.

After construction, the Project would be fully developed with impervious surfaces and landscaping, offering no reasonable potential for substantial erosion to occur. The Project's storm water is proposed to drain towards the southwest portion of the site into a catch basin, and then discharge into the City's municipal separate storm sewer system (MS4). All development within the City of Newport Beach, including the Project, is subject to the provisions of the City's NPDES MS4 Permit and the Orange County Drainage Area Master Plan (DAMP). DAMP provisions include the implementation of appropriate best management practices (BMPs) including a range of methods that minimize off-site erosion, including but not limited to hydrodynamic devices, swales/biofilters, basins, and various filters. The Project would comply with the DAMP by installing Project design features, as specified in the Project's required Preliminary Water Quality Management Plan (WQMP) prepared by Fuscoe Engineering, which is on file at the City of Newport Beach (Fuscoe, 2020). The Project would result in a nominal increase in the runoff rate and/or runoff volume as compared to the existing condition, which would not result in any significant

siltation or erosional effects associated with water discharge. As such, implementation of the Project would result in a less-than-significant impact, and no further analysis is needed on this topic.

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

Finding: Potentially Significant Impact. More detailed study of the Project's construction process is warranted to determine if the Project has the potential to result in temporary stability impacts associated with excavation of the Project's proposed subterranean parking levels.

According to the Project's Geotechnical Feasibility Study, Project site is not located in an area classified by the State as having soils that are potentially liquefiable or in an area mapped as susceptible to seismically induced landslides (NMG, 2020, p. 6). Moreover, the Project site is not located in an area that is subject to potential liquefaction hazards and due to the relatively flat gently sloping nature of the Project site and surrounding areas, the Project site has no potential to be affected by landslides. As such, no further analysis is needed on these topics.

As a mandatory condition of Project approval, the Project's building, including the subterranean garage, would be required to be constructed in accordance with the California Building Standards Code and City of Newport Beach Municipal Code Title 15, Buildings and Construction. Furthermore, the City will require as part of grading and building permit issuance that the Project's construction complies with the site-specific grading and construction recommendations contained in the Project's Geotechnical Feasibility Study prepared by NMG and that is on file with the City of Newport Beach (NMG, 2020). A more detailed assessment of the Project's construction process and the measures that will be undertaken to assure stability during and after excavation of the subterranean parking levels will be included in the required EIR.

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

Finding: Potentially Significant Impact. Soils with high expansion potential are likely to be encountered during the Project's construction. As such, more detailed study is warranted to determine if the Project has the potential to result in direct or indirect impacts.

According to the Project's Geotechnical Feasibility Study prepared by NMG, the Project site is geotechnically suitable for the proposed development (NMG, 2020). According to NMG, onsite soils with the exception of expansive clays are considered suitable as fill materials below the building slab and footings. The clay soils are proposed to be excavated and removed from the site, or mixed to provide a uniform blend of material composed of sands and clays (NMG, 2020). A more detailed assessment of the Project's construction process and the measures that will be undertaken to treat expansive soils will be included in the required EIR.

**e) *Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?***

Finding: No Impact. No septic tanks or alternative wastewater disposal systems are located on-site or proposed as part of the Project. No impacts due to incapable soils would occur.

Under existing conditions, the City's municipal sewer system serves the Project site. The Project would include facilities that would also connect to the City's municipal sewer system. No septic tanks or alternative wastewater disposal systems are proposed as part of the Project; therefore, no impact would occur and no further analysis is needed on this topic.

**f) *Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?***

Finding: Potentially Significant Impact. There is a potential for the Project site to contain paleontological resources below the ground surface. As such, construction of the Project has the potential to directly or indirectly destroy a unique paleontological resource.

There are no known unique geologic features present on the property. The Project site has been fully developed with a car wash and ancillary services since 1970. Based on review of a prior geotechnical report prepared for the site by W.A. Whaler in 1970, there is between 9 to 14 feet of existing artificial fill across the Project site (NMG, 2020, p. 2). As such, in regards to geologic features, no further analysis is needed.

Pertaining to paleontology, according to the City of Newport Beach General Plan EIR, the presence of aquatic fossils throughout the region indicates that Orange County, for much of its geological history, was underwater. During the Miocene Epoch (26 million years ago [may] to 7 may), tectonic forces produced uplifts that resulted in the formation of mountains and initiated movement on the nascent San Andreas Fault system, forming numerous coastal marine basins, including the Los Angeles Basin, of which Orange County is a part. As the sea retreated, the County became a shallow bay surrounded by jungle and savannah areas, as indicated by the mix of aquatic and terrestrial fossils found in rocks of Miocene age. Below the Project site's 9 to 14 feet of artificial fill, the site is underlain by rock associated with the Monterey Formation, which is known to have yielded fossils in other locations within the City of Newport Beach (Newport Beach, 2006b, p. 4.4-3 through 4.4-4 ).

Although the Project site is not located in a portion of the City of Newport Beach that is known to contain fossil-bearing soils or rock formations (Newport Beach, 2006b, p. 4.4-17) and the site is fully disturbed under existing conditions, there is a remote potential that due to the depth of the excavation required for the proposed subterranean parking structure, previously undiscovered paleontological resources may be encountered where excavation depths exceed the depth of previous construction activities. The Project's construction activity thus has the potential to result in a significant impact if paleontological resources are discovered and not appropriately treated. Therefore, the Project's potential to impact a unique paleontological resource will be fully evaluated in the required EIR.

### 4.6.8 GREENHOUSE GAS EMISSIONS

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

Finding: Potentially Significant Impact. The Project warrants more detailed study to quantify the paleontological Project's greenhouse gas emissions and determine the level of impact on the environment.

The Project site is a 1.26-acre property that has been developed as a car wash with ancillary gas station and convenience market since approximately 1970. The replacement of these uses with a 28-unit residential condominium building would likely result in fewer greenhouse gas emissions generated by on site uses, particularly associated with removal of the gas station. More detailed analysis is warranted, however, including a quantification of the Project's greenhouse gas emissions in the required EIR.

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

Finding: Potentially Significant Impact. The Project warrants more detailed study to quantify the paleontological Project's greenhouse gas emissions and determine if there are any conflicts with applicable plans, policies, or regulations adopted for the purpose of reducing greenhouse gas emissions.

The City of Newport Beach has an adopted Energy Action Plan (EAP), which is the City's roadmap to reduce greenhouse gas emissions through reductions in energy used in City facility buildings and operations. The Project's potential impacts due to greenhouse gas emissions will be assessed in the required EIR based on consistency with the City's EAP, State Assembly Bill 32 (AB 32) and Senate Bill 32 (SB 32), which are the primary policies/regulations adopted in the State of California to reduce greenhouse gas emissions.

### 4.6.9 HAZARDS AND HAZARDOUS MATERIALS

**a) *Would the Project create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?***

**b) *Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?***

Finding: Potentially Significant Impact. Demolition of the Project site's existing improvements would include the removal of underground fuel storage tanks and the removal of a building that could contain asbestos containing materials. More detailed analysis is warranted to determine if these activities have the potential to expose the public or environment to significant hazards.

Due to the presence of underground storage tanks (USTs) on the site associated with the gas station component of the car wash, a potentially significant impact may occur during the demolition of the existing facility. This issue will be further analyzed in the EIR. Also, due to the age of the car wash and

convenience mart structure, it is possible that asbestos-containing materials (ACMs) are present in some of the building materials, such as flooring or roofing materials. Therefore, during the demolition of the building, there is a potential for exposure to ACMs. Additional analysis of the regulatory requirements associated with the removal of the existing on-site uses is warranted in the required EIR.

After Project construction, there is no reasonable potential that hazardous materials would be stored or transported to the site in any quantities that would cause significant impacts to the environment or the public. The Project is a proposed residential building, and it is not reasonably foreseeable that any acutely hazardous materials would be transported to or stored on the property in quantity to cause an adverse environmental effect. Household goods are typically low in concentration and limited in amount; therefore, there is no significant risk to humans or the environment from the use of such household goods. Residents are required to make arrangements with CR&R Environmental Services to dispose of household hazardous waste including pesticides, batteries, old paint, solvents, used oil, antifreeze, and other chemicals (CR&R, 2020). Accordingly, there would be a less-than-significant impact during long-term operation of the Project and no further analysis is needed on this topic.

**c) *Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?***

Finding: No Impact. The Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substance, or waste within one-quarter mile of an existing or proposed school.

The nearest school facility to the Project site is the Harbor View Elementary School, which is located approximately 0.61-mile southeast of the Project site; therefore there are no existing or proposed schools within one-quarter mile of the site (Google Earth, 2020). The Project entails development of the site with residential land uses, which is a use not associated with hazardous emissions or the storage or use of acutely hazardous materials, substances, or waste. Therefore, the Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. No impact would occur and no further analysis is needed on this topic.

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

Finding: No Impact. The Project site is not identified on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; therefore, the Project has no potential to create a significant hazard to the public or environment as the result of listed properties.

A review of the California Environmental Protection Agency's (Cal EPA's) Cortese List Data Resources (which lists the facilities/sites identified as meeting the "Cortese List" requirements) indicates that the Project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (CalEPA, 2020). Therefore, the Project has no potential to create a significant hazard to

the public or the environment due to the presence of an existing hazardous materials site identified on a list compiled pursuant to Government Code Section 65962.5. No impact would occur and no further analysis is needed on this topic.

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

Finding: Less than Significant Impact the Project would not expose people residing or working in the area to safety hazards associated with operations at John Wayne Airport.

John Wayne Airport (JWA) is located approximately 3.6 miles north/northeast of the Project site and is the nearest public airport to the Project site. Within the Notification Area boundary, ALUC must be notified of any proposed construction or structural alterations involving a land use or legislative amendment in the AELUP Planning Area, development that exceeds 200 feet above ground level, and all heliports or helistops. In addition, projects that surpass 200 feet above ground level must also file Form 7460-1 with the Federal Aviation Administration (FAA). (OCALUC, 2008, p. 4)

Based on the AELUP, the Project would not result in a safety hazard for people residing or working in the area. The Project site is located approximately 19,200 feet south from the nearest point of the JWA runway (Google Earth, 2020). As detailed in the AELUP for JWA, the northern portion of the Project site is located within the AELUP Part 77 Notification Area for JWA. The Project Applicant is proposing to construct a four-story building that would be built up to 52.5 feet tall; therefore, because the Project's proposed building would not exceed 200 feet in height, FAA notification would not be required and the Project's proposed building would not pose an obstruction. (OCALUC, 2008)

Additionally, according to the AELUP Appendix D, the Project site is not within the 60 A-weighted decibel (dB) Community Noise Equivalent Level (CNEL) contour, within Runway Protection Zones, or within Safety Zones (OCALUC, 2008). Therefore, the Project would not result in a safety hazard for people residing or working in the area. No impact would occur and no further analysis is needed on this topic.

**f) *Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?***

Finding: No Impact. The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

The City of Newport Beach adopted the City of Newport Beach Emergency Operations Plan (EOP), prepared by the City of Newport Beach Fire Department (NBFD), in September 2011 (NBFD, 2011). The EOP does not identify any specific requirements for the Project site, nor is the site identified by the EOP as being part of an emergency evacuation route, nor is the site directly adjacent to an emergency evacuation route (NBFD, 2011, p. 102). McArthur Boulevard, located 0.3-mile east of the Project site, is the nearest designated tsunami evacuation route identified in the City's Emergency Operations Plan (NBFD, 2011, p. 101).

Although temporary lane closures on surrounding streets may be required during short periods of the Project's construction period in order to construct the Project and connect the Project to the existing utility facilities within the existing roadways, the construction of the Project would not require the complete closure of any public or private streets or roadways during construction. For all temporary closures, which may include single lanes and sidewalk segments, the Project Applicant would be required to obtain a Temporary Street and Sidewalk Closure Permit from the City of Newport Beach Public Works Department. Therefore, there is no potential for the Project to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No impact would occur and no further analysis is needed on this topic.

**g) *Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?***

Finding: No Impact. The Project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires.

Figure S4, *Wildfire Hazards*, of the City of Newport Beach General Plan Safety Element indicates that the Project site and surrounding areas are considered to have a low or no susceptibility to wildland fire hazards (City of Newport Beach, 2006a). The Project site is surrounded by highly urbanized uses and is not located adjacent to wildland areas. Therefore, the Project's potential to expose people or structures to a significant risk of loss, injury, or death involving wildland fires would not occur. No impact would occur and no further analysis is needed on this topic.

### 4.6.10 HYDROLOGY AND WATER QUALITY

**a) *Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?***

Finding: Less than Significant Impact With compliance to a Project-specific SWPPP and WQMP, the Project would not violate any water quality standards, waste discharge requirements, or otherwise substantially degrade surface or groundwater quality.

Construction of the proposed Project would involve the demolition of the existing car wash structure with an ancillary gas station, convenience mart and associated improvements. Pursuant to the requirements of the Santa Ana RWQCB and the City of Newport Beach, the Project Applicant would be required to obtain a NPDES Municipal Storm Water Permit for construction activities. The NPDES permit is required for all projects that include construction activities, such as clearing, grading, and/or excavation that disturb at least one acre of total land area. In addition, the Project would be required to comply with the Santa Ana RWQCB's Santa Ana River Basin Water Quality Control Program. Compliance with the NPDES permit and the Santa Ana River Basin Water Quality Control Program involves the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) for construction-related activities. The SWPPP would specify the Best Management Practices (BMPs) that the Project would be required to implement during construction activities to ensure that all potential pollutants of concern (including sediment) are prevented, minimized, and/or otherwise appropriately treated prior to being discharged from the subject

property. Mandatory compliance with the SWPPP would ensure that the Project does not violate any water quality standards or waste discharge requirements during construction activities. Therefore, water quality impacts associated with construction activities would be less than significant and no further analysis is needed on this topic.

Mandatory compliance with the Project's Water Quality Management Plan (WQMP) would ensure that the Project does not violate any water quality standards or waste discharge requirements during long-term operation. Additionally, the Project and its WQMP are required to comply with provisions set forth in the Orange County Drainage Area Management Plan (DAMP), including the implementation of appropriate BMPs identified in the DAMP, to control stormwater runoff on-site so as to prevent any deterioration of water quality that would impair subsequent or competing beneficial uses of the water (City of Newport Beach, 2006b, p. 4.7-31). As detailed in the Project's Preliminary WQMP on file with the City and prepared by Fuscoe Engineering, the Project would not substantially alter the chemical composition of storm water runoff discharged from the subject property as compared to existing conditions (Fuscoe, 2020). Storm water pollutants commonly associated with residential land uses include suspended solids/sediments, nutrients, pathogens (bacteria/viruses), pesticides, and trash/debris (Fuscoe, 2020, p. 8). These urban types of storm water pollutants are also characteristic of the land uses that occupy the Project site under existing conditions (i.e., car wash, ancillary gas station, and surface parking lot). As detailed in the Project's Preliminary WQMP, the Project would not result in a substantial increase in the potential for polluted storm water runoff to occur compared to the existing condition. As also detailed in the Project's Preliminary WQMP, under the proposed conditions, the runoff will continue to drain towards the southwest portion of the site where a new area storm drain section will be constructed on the south, east and northern sections of the site. The new storm drain lines will tie into the existing 10" storm drain and catch basin at the southwest most end of the site. The storm drain system would discharge into the City's MS4 along Civic Center Drive towards SR-1, where it is conveyed west to the Lower Newport Bay where it is ultimately discharged (Fuscoe, 2020, p. 9). Thus, the additional runoff from the Project site would be accommodated by the new storm drain section that will be constructed as part of the Project.

Mandatory compliance with the WQMP would ensure that the Project does not violate any water quality standards or waste discharge requirements during long-term operation. With mandatory regulatory compliance, impacts would be less than significant and no further analysis is needed on this topic.

**b)** ***Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?***

Finding: Less than Significant Impact. The Project site is not located within a groundwater recharge basin and the Project does not entail the installation or use of groundwater wells on-site. As such, the implementation of the Project would not result in a substantial decrease in groundwater supplies or interfere with groundwater recharge.

No groundwater wells are located on the Project site or proposed as part of the Project. Therefore, implementation of the Project would not deplete groundwater supplies associated with water well withdrawal. For these reasons, no impact associated with groundwater supply depletion would occur.

Additionally, as shown in Figure 4.7-1, *Water Resources*, of the City General Plan EIR, the Project site is not located within a groundwater recharge basin and therefore cannot contribute to the recharge of any regional aquifer or local water table with beneficial potable water uses (City of Newport Beach, 2006b, pp. 4.7-32 - 4.7-33). Implementation of the Project would nominally increase the amount of impervious surfaces on-site from 80% under existing conditions to 85% under proposed conditions. However, given that the Project site is already developed with impervious surfaces since 1970, implementation of the Project would not interfere with groundwater recharge. Moreover, according to the WQMP, due to the geographical conditions on-site, the excavated depth of the proposed building, and the anticipated presence of perched groundwater between the marine terrace deposits and bedrock, infiltration of runoff on-site is considered infeasible (Fuscoe, 2020, p. 12). A less than significant impact would occur and no further analysis is needed on this topic.

**c) *Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:***

***i) result in substantial erosion or siltation on- or off-site;***
***ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site;***
***iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or***
***iv) impede or redirect flood flows?***

Finding: Less than Significant Impact. The Project would not substantially alter the existing drainage pattern of the site, substantially increase the amount of surface runoff, create or contribute runoff that would exceed existing or planned stormwater drainage systems, or impede or redirect flood flows.

The Project site is located in an urbanized area and there are no streams or rivers on the site or adjacent to the site. The Project site is generally flat and under existing conditions drains towards the southwest portion of the site. Under existing conditions, storm water runoff generally sheet flows towards the south-southwest, where an existing 10-inch storm drain line and catch basin intercepts the drainage (Fuscoe, 2020, p. 11). With the implementation of the Project, the site's existing hydrological characteristics would not be substantially altered; under the proposed conditions, the runoff would continue to drain towards the southwest portion of the site and the new on-site storm drain lines would tie into the existing 10-inch storm drain and catch basin at the southwest end of the site. The storm drain system then discharges into the City Municipal Separate Storm Sewer System (MS4) facility along Civic Center Drive towards East Coast Highway, where it is conveyed west to the Lower Newport Bay for discharge as occurs under existing conditions (Fuscoe, 2020, p. 11). Therefore, with the buildout of the Project, there would be no significant alteration of the site's existing drainage pattern.

As detailed in the Preliminary WQMP prepared for the Project, the amount of impermeable surfaces on-site would increase by about 5%, from approximately 80% to 85% (Fuscoe, 2020, p. 11). Low-flows and first flush runoff would drain through a proposed biotreatment system to remove water pollutants and sediment prior to discharge at the southwest end of the site. Because the Project would not substantially alter the drainage pattern of the subject property or immediately surrounding area, would install best management practices (BMPs) including but not limited to a biotreatment system as part of its required WQMP, and would not substantially increase the rate or amount of storm water runoff discharged from the site, implementation of the Project would not result in or increase water pollutant discharges or flood hazard risks on- or off-site. Because the existing 10-inch storm drain has sufficient capacity to convey runoff from the Project site under existing conditions, and because the rate and volume of runoff would not substantially increase with the buildout of the Project, the Project also would not create or contribute runoff which would exceed the capacity of any existing or planned storm water drainage system. Impacts would be less than significant and no further analysis is needed on this topic.

The entire Project site is located within Federal Emergency Management Agency (FEMA) Flood Zone "X (Unshaded)," indicating that the subject property is located outside of the 100-year floodplain and outside the 500-year floodplain (greater than 0.2% annual chance of flooding) (FEMA, 2019). Additionally, as shown as Figure S3, *Flood Hazards*, of the City of Newport General Plan, no portion of the Project site is located within a designated 100-year flood hazard area (City of Newport Beach, 2006a). Therefore, the Project would have no potential to impede or redirect flood flows.

**d) *Would the Project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?***

Finding: No Impact. The Project site has no potential to be inundated with water from a flood, tsunami, or seiche, and therefore has no potential to release pollutants in water due to Project inundation.

The City of Newport Beach is a coastal city and, therefore, is at risk for tsunami induced inundation. The City provides a tsunami inundation map titled Tsunami Run Up Area City of Newport Beach. According to the City of Newport Beach's Tsunami Run Up Map, the Project site and surrounding area are located within an area that is at 100 feet above mean sea level (amsl) or greater and not subject to tsunami run-up. The City of Newport Beach identifies tsunami run-up areas as areas of elevation that are 32-feet or less. (City of Newport Beach, 2007a) The site is not located adjacent to a confined body of water; therefore, the potential for the seismic hazard of a seiche (an oscillation of a body of water in an enclosed basin) is considered very low to nil. Additionally, as previously stated, the Project site is located in an area with no reasonable potential of flooding. Based on the foregoing, the Project would not pose a risk of releasing water pollutants due to water inundation and no further analysis is needed on this topic.

**e) *Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?***

Finding: No Impact. The Project would not conflict with or obstruct the implementation of a water quality control plan or a sustainable groundwater management plan. No impacts would occur.

Because the Project site is within the Santa Ana River Basin, the Project's related construction and operational activities would be required to comply with the Santa Ana RWQCB's Santa Ana River Basin Water Quality Control Plan by preparing and adhering to a SWPPP and WQMP. With the implementation of the Project-specific SWPPP and WQMP, the Project would not result in any conflicts with the Santa Ana River Basin Plan and no further analysis is needed on this topic.

In regards to groundwater management planning, the Project site is within the Coastal Plain of Orange County Basin (Basin 8-1). The California Department of Water Resources (DWR), classifies this basin as a medium-priority basin. According to the Sustainable Groundwater Management Act (SGMA), signed into law by Governor Jerry Brown on September 16, 2014, local public agencies and Groundwater Sustainability Agencies (GSAs) in "high"- and "medium"-priority basins are required to develop and implement Groundwater Sustainability Plans (GSPs) or Alternatives to GSPs (DWR, 2020). GSPs are detailed road maps for how groundwater basins will reach long term sustainability. The GSA for Basin 8-1 is comprised of the OCWD, City of La Habra, and Irvine Ranch Water District (IRWD). These agencies collaborated and submitted an Alternative to a GSP titled Basin 8-1 Alternative on January 1, 2017, to the DWR. This Alternative documents the basin conditions; basin management is based on measurable objectives and minimum thresholds defined to prevent significant and unreasonable impacts on the sustainability indicators defined in the Alternative. The Project is not a water-intensive use and the Project site is not located within a groundwater recharge area. Thus, the Project would have no potential to conflict with or obstruct implementation of the Basin 8-1 Alternative. No impacts would occur and no further analysis is needed on this topic.

### 4.6.11 LAND USE AND PLANNING

**a) *Would the Project physically divide an established community?***

Finding: No Impact. The Project site is developed under existing conditions and is surrounded by public roads and urban development; as such, the Project has no potential to physically divide an established community.

The Project site is bounded on two sides by existing roadways to the north and to the east (Newport Center Drive and Anacapa Drive), by a parking lot to the west, and by a complex of low-rise office buildings to the south. Other land uses within the Project vicinity consist of commercial/office land uses, with Fashion Island shopping mall located north of the Project site, and north of Newport Center Drive. No residential uses are located adjacent to the Project site under existing conditions. The nearest existing residential land use to the Project site is the Granville Private Residential Community, which is a gated community located approximately 0.15-mile to the west. The Project would establish a new residential building on a site that is currently used for a car wash and ancillary gas station. As such, the Project has no potential to physically divide an established community. No impact would occur and no further analysis is needed on this topic.

**b) *Would the Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?***

Finding: Potentially Significant Impact. Because the proposed Project involves a General Plan Amendment and Zoning Code Amendment, more detailed study is warranted to determine if the Project has the potential to conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

The Project Applicant proposes a General Plan Amendment (GP2020-001), Zoning Code Amendment (CA2020-008), and a Planned Community Development Plan (PC2020-001) to allow for a proposed 28-unit residential condominimum building, whereas the Project site is currently zoned and designated for regional commercial office use. Due to the proposed change in land use and zoning designations, the Project warrants a detailed evaluation in the required EIR to determine if implementation of the Project would have the potential to conflict with policies identified in the City's General Plan or with other policies or regulations adopted to avoid or mitigate an environmental effect.

### 4.6.12 MINERAL RESOURCES

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

Finding: No Impact. The Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State.

The Project site is fully developed with urban uses. No mines, wells, or other resource extraction activity occurs on the property or is known to have ever occurred on the property. According to the City's General Plan EIR, Figure 4.5-4, *Mineral Resource Zones*, which relies on mapping conducted by the California Geological Survey for areas known as Mineral Resources Zones (MRZs), the Project site is mapped as being on the boundary between MRZ-1 and MRZ-3. Areas mapped MRZ-1 are defined as "areas where available geologic information indicates that there is little or no likelihood for the presence of significant mineral resources." Areas mapped MRZ-3 are defined as "areas containing mineral deposits of undetermined significance." (City of Newport Beach, 2006b) Accordingly, implementation of the Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State. No impact would occur and no further analysis is needed on this topic.

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

Finding: No Impact. The Project would not result in the loss of availability of a locally-important mineral resource recovery site.

The Project site is not identified as a locally-important mineral resource recovery site delineated on the City's General Plan, a specific plan, or other land use plan (City of Newport Beach, 2006b, Figure 4.5-4). Accordingly, no impact would occur and no further analysis is needed on this topic.

### 4.6.13 NOISE

**a) *Would the Project result in the 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?***

Finding: Potentially Significant Impact. The Project warrants more detailed study to determine if it has the potential to result in substantial temporary or permanent increases in ambient noise levels.

Under existing conditions, the Project site generates noise in relation to the existing vehicle traffic, as well as noise from the car wash facility, such as the dryer for the vehicles and compressed air that is used to detail the vehicles. The Project would remove the existing car wash and ancillary uses and would construct a multi-story residential building in its place. Demolition of the existing structure and improvements on-site and construction of the Project would involve the use of heavy construction equipment that has the potential to result in a substantial temporary increase in ambient noise levels. Construction noise is explicitly exempted from the noise standards specified in Newport Beach Municipal Code Section 10.26.035(D), provided such activities adhere to the timing restrictions specified in Newport Beach Municipal Code Section Chapter 10.28.040. Compliance with Municipal Code will be analyzed in the required EIR.

Residential land uses are not typically associated with the generation of substantial stationary noise. Any unusual noise generated by individual residents would be regulated by Chapter 10.28 (Loud and Unreasonable Noise) of the Municipal Code, and any future residents that violate the provisions of Chapter 10.28 would be subject to penalties as set forth in the ordinance. Although the Project would generate fewer daily traffic trips to/from the Project site as compared to the site's existing use as a car wash with ancillary uses, vehicles traveling to and from the Project have the potential to increase ambient noise levels along roadways. Therefore, the Project's vehicular noise levels will be fully evaluated in the required EIR.

**b) *Would the Project result in the generation of excessive groundborne vibration or groundborne noise levels?***

Finding: Potentially Significant Impact More detailed study of the Project's construction process is warranted to determine if the Project has the potential to result in vibration impacts during construction.

The only potential source of ground-borne vibration associated with the Project would occur because of construction activities, during which large machinery would be utilized in support of Project excavation and grading activities. However, construction activities associated with the Project would not require the use of pile drivers, rock crushers, or blasting, which are the primary sources of vibration-related impacts during construction. Nonetheless, the Project's potential to result in the generation of excessive groundborne vibration or groundborne noise level will be fully evaluated in the required EIR.

**c) *For a project located within the vicinity of a private airstrip or an airport land use 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?***

Finding: No Impact. The Project would not expose people residing or working in the Project area to excessive airport-related noise levels.

The only airport in the vicinity of the Project site is John Wayne Airport, which is located approximately 3.6 miles north/northeast of the Project site. There are no private airstrips within the vicinity of the Project site. As shown on Figure N4 of the Newport Beach General Plan, and as similarly presented on the Airport Impact Zones exhibit of the AELUP, the Project site is not subject to airport-related noise levels exceeding 60 A-weighted decibels (dBA) community noise equivalent level (CNEL) (City of Newport Beach, 2006a; OCALUC, 2008). Because the Project would not expose people residing or working in the Project area to excessive airport-related noise levels, no impacts would occur and no further analysis is needed on this topic.

### 4.6.14 POPULATION AND HOUSING

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

Finding: Less than Significant Impact. The Project would provide 28 condominium units in Newport Center on a site that was not previously planned for residential development but there is no reasonable potential that the Project would induce unplanned population growth on other properties that would affect the physical environment.

The City of Newport Beach has an average household size of 2.19 persons per household (DOF, 2020). The Project Applicant proposes to redevelop the site with 28 new condominium units, which would result in a population increase of approximately 62 persons. According to the United States Census Bureau (USCB), as of July 2019, the City was estimated to have a population of 84,534 people (USCB, 2020). The Project's proposed 62-person increase would represent an approximately 0.07% ([62 people / 84,534 people] x 100 = 0.07%) increase in the City's population, the effects of which are evaluated throughout this Initial Study. None of the improvements proposed as part of the Project would foster an indirect increase in the City's population because the surrounding area is fully developed and the Project is connecting to existing infrastructure systems. The vicinity of the Project site is an urbanized area that already includes a variety of land uses, including office, retail (Fashion Island), restaurant, entertainment, and commercial land uses. The approximately 62-person population that the Project would accommodate is not substantial and would not adversely affect the surrounding physical environment. As such, population growth impacts would be less than significant and no further analysis is needed on this topic.

**b) *Would the Project displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere?***

Finding: No Impact. Implementation of the Project would not displace any existing housing, necessitating the construction of replacement housing elsewhere.

Because there are no residences on the Project site under existing conditions, implementation of the Project would not displace housing or people and would not necessitate the construction of replacement housing elsewhere. No impact would occur and no further analysis is needed on this topic.

### 4.6.15 PUBLIC SERVICES

a) ***Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: a) Fire protection; b) Police protection; c) Schools; or d) Other public facilities?***

Finding: Less than Significant Impact The construction or physical alteration of public service facilities, such as fire protection facilities, police protection facilities, schools, or libraries would not be required to service the Project.

*Fire Protection Facilities*

The Newport Beach Fire Department (NBFD) provides fire protection services in the City of Newport Beach. Based on the most recently available information from 2020, the NBFD's average response time is four minutes and 22 seconds (City of Newport Beach, 2020b). The nearest fire station to the Project site is NBFD Station No. 3 at 868 Santa Barbara Drive, one roadway mile northwest. Implementation of the Project could result in an increase in the site's existing demand for fire protection services (due to medical emergencies and fire protection needs associated with residential uses). Due to the limited scale of the Project being 28 condominium units in one building, the Project is not expected to measurably impact average response times because, under existing conditions, the Project site's existing car wash and ancillary uses are already in the NBFD service area and are adequately served by the existing NBFD service facilities.

The proposed building would be constructed in accordance with current fire codes and would replace the older on-site building that was constructed in 1970. Older buildings prior to the enactment of current fire codes have fewer fire protection features than do buildings of more modern construction. Due to the Project's location approximately one mile from NBFD Station No. 3 in Newport Center, the Project would be adequately served by existing fire services and no new or expanded facilities are warranted. The Project would be required to comply with City of Newport Beach Fire Department Project conditions of approval including the provision of fire alarm systems, fire sprinklers, emergency power outlets, etc. The emergency access staging area on Anacapa Drive would be marked for exclusive use by the Fire Department. Thus, the Project would comply with all required conditions of approval from the City's Fire Department. Accordingly, implementation of the Project would be adequately served by the City's existing fire protection facilities, and the Project would not result in nor require the expansion or construction of any new fire protection facilities. Therefore, a less-than-significant impact would occur and no further analysis is needed on this topic.

*Police Protection Facilities*

Under existing conditions, the Project site's existing car wash and an ancillary gas station are served by the Newport Beach Police Department (NBPD) for police protection services (City of Newport Beach, 2006b, p. 4.10-3). Based on the most recently available information from 2020, the NBPD's average response time for top priority calls (Priority 1) is two minutes and 51 seconds, for emergency calls (Priority 2) is four minutes and 53 seconds, and for non-emergency calls (Priority 3) is six minutes and 38 seconds (Rasmussen, 2020). Due to the limited scale of the Project being 28 condominium units in one building, the Project is not expected to measurably impact average response times because, under existing conditions, the Project site's existing car wash and ancillary uses are already in the NBPD service area and are adequately served by the existing NBPD service facilities. Therefore, a less-than-significant impact would occur and no further analysis is needed on this topic.

*School Facilities*

Under existing conditions, the Project site is occupied by a car wash and ancillary uses, which does not generate any demand for school services. The Project would result in the construction of 28 condominium units anticipated to generate an approximate 62-person increase in the City's population. The Project site is located within the Newport-Mesa Unified School District (NMUSD). The Project has the potential to generate school-aged children who would require school services. Based on the student generation rates assumed in the General Plan EIR, the Project's 28 condominiums would generate approximately 12 school-aged children consisting of six new elementary school students, three middle school students, and three high school students[1] (City of Newport Beach, 2006bp. 4.11-23)

Based on the school district's school locator application, students from the Project would attend Corona Del Mar High School and Lincoln Elementary School (NMUSD, 2020). The most recent information from the California Department of Education (DOE) shows that the most current (2019-2020) school year enrollment at Corona Dela Mar High School is 2,416 students and at Lincoln Elementary School is 416 students (DOE, 2020). The Project's expected student generation is calculated to increase the student enrollment by approximately 0.24% at Corona Del Mar High School and by approximately 1.4% at Lincoln Elementary School. Accordingly, the Project would result in a nominal increase in student enrollment.

The General Plan EIR notes that policies within the General Plan would assure the provision of appropriate school facilities as necessary to serve the City's growing population. The Project Applicant would be required to pay school fees in accordance with Public Education Code Section 17072.10-18. The provision of school fees would assist the NMUSD in meeting the Project's incremental demand for school services. Although it is possible that the NMUSD may ultimately need to construct new school facilities in the region

[1] The General Plan EIR assumes that the 14,215 dwelling unit increase associated with the General Plan Update would result in 6,230 new students, consisting of 3,115 elementary school students, 1,557 middle school students, and 1,558 high school students. This was calculated using Department of Finance population projections, and if approximately 20% of the potential increase in population would represent children attending grades K through 12. The number of elementary, middle, and high school students, respectively, was divided by the dwelling unit increase of 14,215 to obtain the following student generation ratios for each grade level: 0.219135 elementary students 0.109532 middle school students, and 0.109603 high school students per household. These student generation ratios were used to estimate the number of students that the proposed Project would generate.

to serve the growing population within their service boundaries, such facility planning is conducted by the NMUSD and is not the responsibility of the Project. Mandatory payment of school impact fees would reduce the Project's impacts on school facilities to a level below significant and no further analysis is needed on this topic.

*Library Facilities*

Under existing conditions, the Project site's existing car wash and ancillary uses do not generate demand for library facilities. Upon implementation of the Project, the existing uses would be demolished and replaced with a 28-unit condominium building accommodating approximately 62 persons. As such, the demand for library services within the City would be incrementally increased because of the Project's resident population increase. The General Plan Arts and Cultural Element does not establish any quantitative standards for determining the amount of physical library space needed to serve the City's population. Additionally, given changes in technology (i.e., the use of electronic media in lieu of hard copy media), the demand for physical library space based on population-based projections is speculative. The Newport Beach Central Library underwent an approximately 17,000-square-foot expansion in 2013 to service the City's population and the addition of approximately 62 persons to the City's population associated with the Project has no potential to directly or indirectly create the need to construct a new future library or physically expand an existing library facility. According to the City of Newport Beach Municipal Code Section 3.08.020, library services receive funding from property tax. As such, a portion of the Project's tax assessment would be dedicated to the City's Library Fund (City of Newport Beach, 2020a). Impacts would be less than significant and no further analysis is needed on this topic.

### 4.6.16 RECREATION

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

Finding: Less than Significant Impact Adequate park land exists within Service Area 9 (Newport Center) to meet the needs of existing and projected residents, including residents generated by the Project. Accordingly, the Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of facilities would occur or be accelerated.

As detailed in the City's General Plan EIR, the City of Newport Beach contains 12 service areas for parkland and the Project site is within Service Area 9. When the General Plan was last prepared, its Recreation Element and Figure R11 indicated the following for Service Area 9 (which includes the Project site). (Of note, the Civic Center Park was subsequently constructed).

> *Service Area 9—Newport Center. There is a park surplus within this service area. The Back Bay View Park was completed in the summer of 2005, and a new passive park, Civic Center Park, is planned for development sometime after 2006.*

The Project site has been in use as a car wash with ancillary uses since the 1970s and generates little if any demand on park land because it is not a residential use. Future residents of the Project site are likely to mostly utilize the two closest public parks - Civic Center Park and Irvine Terrace Park. Civic Center Park is located adjacent to Newport Beach City Hall and Library, which is located approximately 0.25-mile northwest of the Project site. This 14-acre park was constructed in 2013 and has a Civic Green, a viewing platform, walking trails, and a dog park. Irvine Terrace Park is located approximately 0.40-mile southwest of the Project site on the west side of East Coast Highway. Irvine Terrace Park has a soccer field, a basketball court, two tennis courts, a tot lot, a sidewalk, and grassy areas. The use of Civic Center Park and/or Irvine Terrace Park by the Project's estimated 62 residents would not result in substantial deterioration to these existing facilities due to the small increase in population associated with the Project. Additionally, the Project includes common and private open space areas as part of the Project design to help meet the recreation needs of future residents. As identified on the Project's Plans, the Project would include approximately 3,600 sq. ft. of common open space including a dog run, pool, hot tub, fitness center, and private open space on residential patios, which would fully help to meet the leisure and recreational needs of future Project residents.

Based on the City's Parkland Standard of five acres of parkland per 1,000 residents, the Project's estimated population increase of 62 persons would result in a demand for approximately 0.31-acre of parkland. In accordance with General Plan Recreation Element Policy R 1.1, the Project Applicant would be required to contribute in-lieu park fees pursuant to the City's Park Dedication Fee Ordinance and City Resolution No. 2007-30 (City of Newport Beach, 2007b), which is used in part by the City to develop parks and recreational facilities. The Project site is located in Service Area 9 which is one of the two service areas identified within the City as having a park surplus (City of Newport Beach, 2006b, Figure 4.12-1). The surplus, combined with the fact that the Project will provide on-site private recreational amenities and contribute in-lieu park fees, demonstrates that there is no reasonable potential that the Project's projected 62 residents would increase the use of public recreational facilities such that physical deterioration of the facilities would occur. The Project would have a less-than-significant impact and no further analysis is needed on this topic.

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

Finding: Less than Significant Impact. The Project would not directly or indirectly result in the need for new or expanded recreational facilities off-site that could have an adverse physical effect on the environment. Impacts would be less than significant.

As previously discussed, there are sufficient existing park facilities to serve Service Area 9 because there is an excess of parkland in the Project area. Because the Project would not directly or indirectly result in the need for new or expanded recreational facilities that could have an adverse physical effect on the environment, impacts would be less than significant.

### 4.6.17 TRANSPORTATION

**a) *Would the Project conflict with an applicable program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?***

Finding: Potentially Significant Impact. More detailed study of the Project's design is warranted to determine if the Project is consistent with applicable plans, ordinances and policies that address the circulation system.

The property is located across Newport Center Drive from the Fashion Island shopping mail and nearby various other shopping, restaurant, entertainment, personal service, and office uses within walking distance. Sidewalks front the Project site along its Anacapa Drive and Newport Center Drive frontages. More detailed analysis is warranted in the required EIR to determine Project consistency with the City's General Plan policies and SCAG's Connect SoCal policies addressing transportation.

The Project entails the removal of an existing car wash and ancillary uses and redevelopment of the property with 28 residential condominium units. Based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, midrise multi-family housing units generate 5.44 trips per day. Therefore, the proposed Project with 28 condominium units is expected to generate 152 average daily trips, with 10 trips generated during the AM peak hour and 12 trips generated during the PM peak hour (Urban Crossroads, Inc., 2020). City Municipal Code Section 15.40.030, Standards for Approval-Findings-Exemptions of the City's Traffic Phasing Ordinance (TPO) Guidelines, indicates any project that generates fewer than 300 average daily trips and increases trips by fewer than 1% on any leg of any primary intersection during the morning and evening peak period are exempt from further study. Because the Project would generate fewer than 300 vehicles per day with no more than 12 peak hour trips (during the PM peak hour), which is less than a 1% level of impact based on the sum of critical volume of 1,700 vehicles/hour, additional traffic analysis beyond the trip generation assessment is not required for the Project based on the City's TPO guidelines and no further analysis is needed on the topic of trip generation.

**b) *Would the Project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?***

Finding: Potentially Significant Impact. Calculation of the Project's vehicle miles traveled (VMT) is needed to determine if the Project would conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

This threshold was added to the CEQA Guidelines as part of the December 2018 CEQA Guidelines update in order to require an analysis of a project's consistency with the provisions of SB 743. SB 743 is intended to require that the significance of a project's transportation impacts be based on whether a project would result in impacts associated with vehicle miles traveled (VMT) instead of a standard that is based on Level of Service (LOS). Calculation of the Project's vehicle miles traveled (VMT) will be presented in the required EIR to determine Project consistency with CEQA Guidelines Section 15064.3, subdivision (b).

**c) *Would the Project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?***

Finding: Less than Significant Impact. More detailed study of the Project's design is warranted to determine if the Project is consistent with applicable plans, ordinances and policies that address the circulation system.

Apart from the potential installation of utility tie-backs along the Project site's frontage, the Project does not involve any improvements to off-site roadways or intersections and complete street closures would not occur during the Project's construction phase. There may be the need to temporarily close a lane in Newport Center Drive and/or Anacapa Drive during the construction of tie-backs. However, due to the temporary nature of the lane closures, and the required implementation of mandatory traffic control measures during lane closures, less-than-significant impacts would occur. Similarly, the location of driveway access points on-site would comply with City roadway standards and the proposed driveways would provide for adequate sight distance. The City of Newport Beach's Transportation Engineer will review the access points regarding adequate site distance so that the Project would conform to City codes. Accordingly, the Project would not increase hazards due to a design feature and less than significant impacts associated with this issue would occur.

**d) *Would the Project result in inadequate emergency access?***

Finding: No Impact. The Project would provide adequate emergency access to and from the Project site. As such no impacts would occur.

The Project Applicant proposes adequate emergency access to the site via compliance with various conditions of approval from the City Fire Department, including the provision of a marked staging area on Anacapa Drive for exclusive use by the Fire Department. Additionally, the Project would not require the complete closure of any public or private streets or roadways during construction; therefore, any construction within public roadways would not impede use of roads for emergencies or access for emergency response vehicles because emergency vehicles would be able to access the Project site and adjacent properties during construction should a lane be closed. Therefore, the Project would not result in inadequate emergency access, and no impact would occur.

### 4.6.18 TRIBAL CULTURAL RESOURCES

**a) *Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defines in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: Listed or eligible for listing in the California Register of Historical resources or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?***

Finding: Potentially Significant Impact. The Project has the potential to result in a substantial adverse change in the significance of tribal cultural resources if such resources are unearthed during Project construction.

Although the Project site is fully disturbed and developed, excavation is required for the proposed subterranean parking structure; therefore, there is a potential that previously undiscovered tribal cultural

resources may be encountered if excavation depths exceed the depth of previous construction activities. If tribal cultural resources are unearthed during Project excavation that meet the Public Resources Code § 5020.1(k) definition of a significant resource, potentially significant impacts to tribal cultural resources could occur. Therefore, the Project's potential to cause a substantial adverse change in the significance of a tribal cultural resource would be potentially significant and will be fully evaluated in the required EIR.

**b)** ***Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defines in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying for the criteria set forth in (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?***

Finding: Potentially Significant Impact. The Project has the potential to result in a substantial adverse change in the of significance tribal cultural resources if such resources are unearthed during Project construction.

The Project is subject to the provisions of Assembly Bill 52 (AB 52) and Senate Bill (SB 18) that require the City of Newport Beach to extend invitations to Native American tribes with cultural affiliation to the area to consult regarding the Project's potential effects on tribal cultural resources. Although the Project site is fully disturbed and developed, excavation is required for the proposed subterranean parking structure; therefore, there is a potential that previously undiscovered tribal cultural resources may be encountered if excavation depths exceed the depth of previous construction activities. If tribal cultural resources are unearthed during Project excavation, potentially significant impacts to tribal cultural resources could occur. Therefore, the Project's potential to cause a substantial adverse change in the significance of a tribal cultural resource would be potentially significant and will be fully evaluated in the required EIR.

### 4.6.19 Utilities and Service Systems

**a)** ***Would the Project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?***

Finding: Less than Significant Impact. Due to the relatively small scale of the Project, the Project is not anticipated to result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities. Impacts would be less than significant.

*Water Facilities*

The City of Newport Beach provides domestic water to the Project site and would continue to serve the Project site upon the implementation of the Project. The existing car wash and ancillary uses are currently served by a 2" domestic water service line that connects to a 12" main located on Newport Center Drive. The proposed Project is designed to be serviced by a proposed 6" domestic water service, 2" irrigation

service, and 8" fire service connection to the same 12" main installed beneath Newport Center Drive. The water connection is an inherent part of the Project evaluated in this Initial Study and no significant environmental effects would result particular to the later water line installations. The Project Applicant proposes to redevelop the Project site with a multi-family residential structure, which is a less water-intensive use as compared to the site's existing carwash use. The Project is anticipated to result in a decrease in demand for domestic water to the site as compared to existing conditions. As such, the Project is not anticipated to require the need for new or expanded water facilities. Impacts would be less than significant and no further analysis is needed on this topic.

*Wastewater Treatment Facilities*

The Orange County Sanitation District provides wastewater conveyance and treatment to the Project site and would continue to serve the Project site upon the implementation of the Project. The existing car wash and ancillary uses sanitary sewer are currently served by an 8" lateral that connects to a 15" main line in Newport Center Drive, and a 6" lateral that connects to an 8" main line in Anacapa Drive. The proposed Project is designed to be serviced by 6" lateral connections to the existing main lines. The sanitary sewer connections are an inherent part of the Project evaluated in this Initial Study and no significant environmental effects would result particular to the lateral sewer line installations. The Project Applicant proposes to redevelop the Project site with a multi-family residential structure, which would generate less wastewater compared to the site's existing use. As such, the Project is not anticipated to require the need for new or expanded wastewater treatment facilities. Impacts would be less than significant and no further analysis is needed on this topic.

*Stormwater Drainage Facilities*

Under existing conditions, storm water runoff generally sheet flows towards the south-southwest, where an existing 10-inch storm drain line and catch basin intercepts the drainage (Fuscoe, 2020, p. 11). With the implementation of the Project, the site's existing drainage pattern would not change. Runoff would continue to drain towards the southwest portion of the site and the new on-site storm drain lines would tie into the existing 10-inch storm drain and catch basin at the southwest end of the site. The storm drain system then discharges into the City Municipal Separate Storm Sewer System (MS4) facility along Civic Center Drive towards East Coast Highway (Fuscoe, 2020, p. 11). The stormwater drainage system is an inherent part of the Project evaluated in this Initial Study and no significant environmental effects would result particular to the drainage system. Impacts would be less than significant and no further analysis is needed on this topic.

*Dry Utilities*

Under existing conditions, the Project site is served by Southern California Edison (SCE) for electricity and Southern California Gas Company (SCGC) for natural gas. Several internet/cable providers also service the area via the existing fiber optic system. The Project would connect to existing dry utility lines within Newport Center Drive and Anacapa Drive. The dry utility connections are an inherent part of the Project evaluated in this Initial Study and no significant environmental effects would result particular to the line installations. Impacts would be less than significant and no further analysis is needed on this topic.

**b) *Would the Project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?***

Finding: Less than Significant Impact. The Project is anticipated to result in a decrease in potable water demand as compared to existing conditions. As such, the City has sufficient water supplies from available existing entitlements and resources to serve the Project and existing commitments.

Under existing conditions, the Project site is developed with a car wash facility with an ancillary gas station and convenience market. The Project's existing use consumes more domestic water than would the proposed Project. The site's existing uses are considered in the City's Urban Water Management Plan (UWMP) (hereby incorporated by reference), which concludes that the City's existing entitlements have sufficient water supplies to serve its existing and projected demand. More specifically, according to the City's UWMP, the City of Newport Beach can meet the water demands of its customers in normal, single dry, and multiple dry years between 2020 and 2040 (City of Newport Beach, 2018). As the Project would result in a reduced water demand compared to the existing car wash and ancillary uses, the Project would have a less than significant impact on water supply sufficiency. Impacts would be less than significant and no further analysis is needed on this topic.

**c) *Would the Project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?***

Finding: Less than Significant Impact The Project is anticipated to generate less wastewater as compared to the site's existing use. As such, implementation of the Project would result in a reduction in demand for wastewater treatment services and impacts would be less than significant.

The Orange County Sanitation District (OCSD) provides wastewater treatment for the City of Newport Beach via 2 reclamation plants: Reclamation Plant No. 1 in Fountain Valley and Treatment Plant No. 2 in Huntington Beach. Reclamation Plant No. 1 has a total rated primary capacity of 108 million gallons per day (mgd) and a secondary treatment capacity of 80 mgs. Treatment Plant No. 2 has a total rated primary capacity of 168 mgs and a secondary treatment capacity of 90 mgs. (Carollo, 2020)

Under existing conditions, the Project site is developed with approximately 8,500 sq. ft. of building area for the existing car wash with an ancillary gas station, parking lot, landscape, and hardscape areas. The Project Applicant would demolish the existing structure and redevelop the site with an approximately 174,614 gross sq. ft. residential structure (103,158 gross sq. ft. of floor area + 71,456 gross sq. ft. of parking garage area = 174,614 gross sq. ft. residential structure). Although the Project Applicant would redevelop the Project site with a larger building and use not anticipated for in the City's General Plan and UWMP, the Project's proposed use would result in a decrease in demand for wastewater treatment services as compared to existing conditions. As such, the OCSD's existing wastewater treatment facilities have adequate capacity to serve the Project's project demand in addition to its existing commitments. Impacts would be less than significant and no further analysis is needed on this topic.

**d) *Would the Project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?***

Finding: Less than Significant Impact. A majority of the Project's construction and operational waste would be disposed of at the Frank R. Bowerman Landfill, which has sufficient permitted capacity to accommodate the Project's solid waste disposal needs.

To construct the Project, the existing car wash and gas station building and associated site improvements located on the property would be demolished and cleared from the site. In total, approximately 8,500 square feet of building area for the existing car wash with an ancillary gas station, parking lot, landscape, and hardscape areas would be removed to prepare the site for redevelopment. Most of the demolition debris generated as part of the Project is anticipated to go to the Frank R. Bowerman Sanitary Landfill located at 11002 Bee Canyon Access Road in Irvine. According to Cal Recycle, the Frank R. Bowerman Landfill is permitted to accept 11,500 tons of solid waste per day and has enough projected capacity to serve residences and businesses until approximately 2053 (OC Wate & Recycling, 2020). Some demolition materials may also go to Dan Copp Crushing, located at 1120 N. Richfield Road in Anaheim (approximately 21 roadway miles from the Project site). Debris would be disposed of during Project construction and demolition. Based on the estimated amount of construction and demolition debris that would be generated by the Project, the Frank R. Bowerman Sanitary Landfill's permitted capacity of 11,500 tons per day can accommodate the projected amount of debris estimated to be generated by the Project during the demolition and construction phases, resulting in a less-than-significant impact to landfill capacity.

Based on the solid waste generation rates presented in General Plan EIR Table 4.14-14 for multi-family residential uses, the 28 units proposed on the site would result in the long-term generation of approximately 179.5 pounds per day of solid waste (at a rate of 6.41 pounds per unit per day [28 units x 6.41 pounds/unit]) (City of Newport Beach, 2006b). The Project's estimated solid waste would represent approximately 0.005% of the permitted daily tonnage at the Frank R. Bowerman Sanitary Landfill. This amount of solid waste would result in a nominal increase in the amount of solid waste conveyed to the Frank R. Bowerman Sanitary Landfill and that would be met by the landfill's permitted capacity. Therefore, with the implementation of the Project, there would be a less than significant impact on the landfill's permitted capacity of 11,500 tons per day and no further analysis is needed on this topic.

**e) *Would the Project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?***

Finding: Less than Significant Impact. The Project would be required to comply with all applicable statutes and regulations regarding solid waste disposal reduction.

Public Resources Code Section 40000 et seq. requires that local jurisdictions divert at least 50% of all solid waste generated. The Project would be subject to the City's Recycling Service Fee pursuant to Municipal Code Chapter 2.30, which is intended to assist the City in meeting the 50% diversion objective. Commercial waste haulers within the City are subject to Municipal Code Section 12.63.120 (Recycling Requirement), which states, "No person providing commercial solid waste handling services or conducting a solid waste enterprise shall deposit fifty (50) percent or more of the solid waste collected by the person

in the City at any landfill." Furthermore, the Project would be required to comply with Municipal Code Section 20.30.120 (Solid Waste and Recyclable Materials Storage), which mandates that all multi-unit projects with five or more dwelling units "…provide enclosed refuse and recyclable material storage areas with solid roofs." (City of Newport Beach, 2020a) Accordingly, the Project would be fully compliant with all applicable federal, State, and local statutes and regulations related to solid waste, resulting in a less than significant impact.

### 4.6.20 WILDFIRE

If located in or near state responsibility areas (SRA) or lands classified as very high fire hazard severity zones would the Project:

a) ***Substantially impair an adopted emergency response plan or emergency evacuation plan?***

b) ***Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?***

c) ***Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?***

d) ***Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?***

Finding: No Impact. The Project site is not within or near a State responsibility area or lands classified as very high fire hazard severity zones. As such, no impacts would occur.

According to the California Department of Forestry and Fire Protection (CalFire), the Project site and area is within a local responsibility area and is not within proximity to a very high fire hazard severity zone (CalFire, 2020). Additionally, according to the City's General Plan Figure S4, *Wildfire Hazards*, the Project site is within a low/none fire susceptibility zone (City of Newport Beach, 2006a). As such, because the Project site is not within an SRA or lands classified as a very high fire hazard severity zone, the Project would result in no impacts related to wildfire.

### 4.6.21 MANDATORY FINDINGS OF SIGNIFICANCE

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

Finding: Potentially Significant Impact. The Project has no potential to substantially impact fish or wildlife species. Related to history and prehistory, although it is unlikely that the car wash structure that would be demolished on the Project site is historically significant, because the structure is at least 50 years of age, additional analysis is warranted to address the

Project's potential to cause a substantial adverse change in the significance of a historical resource. Also, the Project has the potential to result in a substantial adverse change in the significance of an archaeological resource if resources are unearthed during Project construction.

As indicated under the discussion of Biological Resources, the Project would comply with the MBTA to ensure that there are no impacts to possible nesting migratory birds that could occupy the existing ornamental trees that would be removed as part of the Project's construction. The ornamental trees would be replaced with new trees as part of the Project's landscaping plan. As indicated in the discussion and analysis of Cultural Resources in this Initial Study, additional analysis is warranted in the required EIR to address the Project's potential to cause a substantial adverse change in the significance of a historical resource or impact an archaeological resource if such resources are unearthed during Project-related construction.

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

Finding: Potentially Significant Impact. The Project could result in impacts that are individually limited, but cumulatively considerable. The cumulative impacts of the Project will be analyzed in an EIR.

The potential cumulative impacts of the Project will be analyzed in the required EIR.

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

Finding: Potentially Significant Impact. Due to the Project's potential to result in significant impacts, the Project could potentially have environmental effects that would cause substantial adverse effects on a human being, either directly or indirectly.

This issue will be addressed in the required EIR.

# 5.0 REFERENCES


| Cited As | Reference |
|---|---|
| CalEPA, 2020 | California Environmental Protection Agency (CalEPA). 2020. *EnviroSource*. Retrieved August 24, 2020. https://www.envirostor.dtsc.ca.gov/public/map/?global_id=60001509 |
| CalFire, 2020 | California Department of Forestry and Fire Protection (CalFire). *Fire Hazard Severity Map*. Retrieved August 25, 2020. https://egis.fire.ca.gov/FHSZ/ |
| Caltrans, 2019 | California Department of Transportation (Caltrans). 2019. *List of Officially Designation and Eligible Scenic Highways*. Retrieved August 17, 2020. https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways |
| Carollo, 2020 | Carollo Engineers, Inc. 2020 *Upgrades to Plants Nos. 1 and 2*. Retrieved August 25, 2020. https://www.carollo.com/projects/ocsd-upgrades-to-plant-nos-1-and-2 |
| City of Newport Beach, 2006a | City of Newport Beach. 2006a. *City of Newport Beach General Plan*. Retrieved August 17, 2020. https://www.newportbeachca.gov/PLN/General_Plan/COMPLETE_FEB_2019/General_Plan_2006_Complete.pdf |
| City of Newport Beach, 2006b | City of Newport Beach. 2006b. *City of Newport Beach General Plan EIR.* Retrieved. August 17, 2020. https://www.newportbeachca.gov/government/departments/community-development/planning-division/general-plan-codes-and-regulations/general-plan/general-plan-environmental-impact-repor |
| City of Newport Beach, 2007a | City of Newport Beach. 2007a. *Tsunami Run Up Map*. Retrieved August 24, 2020. https://www.newportbeachca.gov/Home/ShowDocument?id=1093 |
| City of Newport Beach, 2007b | City of Newport Beach. 2007b. *Resolution 2007-30*. Retrieved August 25, 2020. https://www.newportbeachca.gov/Modules/ShowDocument.aspx?documentid=131 |
| City of Newport Beach, 2018 | City of Newport Beach. 2018. *2015 Urban Water Management Plan (Amended 2018)*. Retrieved August 25, 2020. https://www.newportbeachca.gov/home/showdocument?id=58831 |
| City of Newport Beach, 2019 | City of Newport Beach. 2019. *Zoning Map*. Retrieved August 17, 2020. https://www.newportbeachca.gov/Pln/Zoning_Code_Adopted/Zoning_Map.pdf |

| Cited As | Reference |
|---|---|
| City of Newport Beach, 2020a | City of Newport Beach. 2020a. *Municipal Code*. Retrieved August 17, 2020. https://www.codepublishing.com/CA/NewportBeach/#!/NewportBeach20/NewportBeach20.html |
| City of Newport Beach, 2020b | City of Newport Beach. 2020b. *Emergency Medical Services*. Retrieved August 24, 2020. https://www.newportbeachca.gov/government/departments/fire-department/emergency-medical-services-division#:~:text=Each%20day%20there%20are%20eight,four%20minutes%20and%2022%20seconds. |
| City of Newport Beach, 2020c | City of Newport Beach. 2020c. *City of Newport Beach Facility Information*. Retrieved August 25, 2020. http://nbgis.newportbeachca.gov/gispub/recreation/facilities/facility_info.aspx?TAG=FACIL_072 |
| City of Newport Beach, N.D. | City of Newport Beach. N.D. *Retention, Removal, and Maintenance of City Trees*. Retrieved September 4, 2020. https://www.newportbeachca.gov/home/showdocument?id=2464 |
| CR&R, 2020 | CR&R Environmental Services (CR&R). *Hazardous Waste*. Retrieved September 4, 2020. http://crrwasteservices.com/cities/california/county-of-orange/newport-beach/residents/ |
| (Digital Energy, Inc., 2013) | Digital Energy, Inc. 2013. City of Newport Beach Energy Action Plan (EAP). July 2013. Retrieved: September 8, 2020. https://www.newportbeachca.gov/home/showdocument?id=16576 |
| DOC, 2016 | California Department of Conservation (DOC). 2016. *California Important Farmland Finder*. Retrieved August 17, 2020. https://maps.conservation.ca.gov/dlrp/ciff/ |
| DOE, 2020 | California Department of Education (DOE). 2020. *Data Quest*. Retrieved August 25, 2020. https://dq.cde.ca.gov/dataquest/ |
| DOF, 2020 | California Department of Finance (DOF). 2020. *E-5 Population and Housing Estimates for Cities, Counties, and the State 2011-2020 with 2010 Census Benchmark.* Retrieved August 14, 2020. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/ |
| DWR, 2020 | California Department of Water Resources (DWR). *Groundwater Sustainability Plans*. Retrieved August 25, 2020. https://water.ca.gov/Programs/Groundwater-Management/SGMA-Groundwater-Management/Groundwater-Sustainability-Plans |

| Cited As | Reference |
|---|---|
| EPA, 2019 | United States Environmental Protection Agency (EPA). 2019. *National Pollutant Discharge Elimination System (NPDES)*. Retrieved August 17, 2020. https://www.epa.gov/npdes/final-modification-2017-construction-general-permit-cgp |
| FEMA, 2019 | Federal Emergency Management Agency. *National Flood Hazard Layer FIRMette – Newport Beach*. Retrieved August 25, 2020. https://msc.fema.gov/arcgis/rest/directories/arcgisjobs/nfhl_print/mscprint_gpserver/j9d540fe52cc94f30bd4e30a46c0724c9/scratch/FIRMETTE_67418b83-80f9-4a4d-b23d-64fe9d911892.pdf |
| Fero, 2013 | Fero Environmental Engineering, Inc. (Fero). 2013. *Phase I Environmental Site Assessment*. 2013 |
| Fero, 2014 | Fero Environmental Engineering, Inc. (Fero). 2014. *Phase II Environmental Site Assessment*. 2014. |
| Fuscoe, 2020 | Fuscoe Engineering, Inc. (Fuscoe). 2020. *Preliminary Water Quality Management Plan*. July 2020. |
| Google Earth, 2020 | Google Earth. 2020. *Google Earth Pro*. |
| NBFD, 2011 | Newport Beach Fire Department (NBFD). *City of Newport Beach Emergency Operations Plan*. Retrieved August 24, 2020. https://www.newportbeachca.gov/home/showdocument?id=17901 |
| NMG, 2020 | NMG Engineering, Inc. (NMG). 2020. *Geotechnical Feasibility Study*. 2020. |
| NMUSD, 2020 | Newport-Mesa Unified School District (NMUSD). *Newport-Mesa Unified School District School Locator*. Retrieved August 25, 2020. from https://5share.com/5maps/public/kmlMap.html?a=nmusd |
| OC Waste & Recycling, 2020 | Orange County Waste & Recycling. 2020. *Frank R. Bowerman Landfill*. Retrieved August 25, 2020. https://www.oclandfills.com/landfills/active-landfills/frank-r-bowerman-landfill |
| OCALUC, 2008 | Orange County Airport Land Use Commission (OCALUC). 2008. *Airport Environs Land Use Plan for John Wayne Airport*. Retrieved August 17, 2020. https://www.ocair.com/Commissions/ALUC/docs/JWA_AELUP-April-17-2008.pdf |
| OCHCA, 2020 | Orange County Health Care Agency (OCHCA), 2020. *CUPA Underground Storage Tank*. Retrieved August 17, 2020. https://www.occupainfo.com/programs/ust |

| Cited As | Reference |
|---|---|
| Orange County, 1996 | Orange County. 1996. *Natural Community Conservation Plan & Habitat Conservation Plan County of Orange & Costal Subregion*. Retrieved August 25, 2020. https://occonservation.org/wp-content/uploads/2015/04/NCCP-Parts-I-II-Plan.pdf |
| Rasmussen, 2020 | Rasmussen, Steve Lieutenant. Personal Communication. Email from Christhi Mrosla (T&B Planning) to Newport Beach Police Department entitled "Newport Beach Police Department Response Times." |
| Urban Crossroads, 2020 | Urban Crossroads, 2020. *Residences at Newport Center Trip Generation Assessment.* September 2, 2020. |
| USCB, 2020 | United States Census Bureau. 2020. *Quick Facts – Newport Beach*. Retrieved August 25, 2020. https://www.census.gov/quickfacts/newportbeachcitycalifornia |