INITIAL STUDY FOR:

UPTOWN NEWPORT

(PA 2011-134)

prepared for:

CITY OF NEWPORT BEACH

Contact:
Rosalinh Ung
Associate Planner

prepared by:

THE PLANNING CENTER|DC&E

Contact:
JoAnn Hadfield
Director, Environmental Services

DECEMBER 2011

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3300 Newport Boulevard
Newport Beach, CA 92663
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CNB-13.0E

DECEMBER 2011

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1. Introduction

The project applicant, Uptown Newport LP, is seeking approval from the City of Newport Beach for development of the Uptown Newport mixed-use development. The proposed project would develop 1,244 residential units and 11,500 square feet of retail on a 25.05-acre site currently occupied by the Jazz Semiconductor, Inc., facility.

The proposed project is part of the Airport Area Integrated Conceptual Development Plan (ICDP) that was approved by the City in September 2010. The ICDP provides a framework for residential development on both the Koll and Shopoff (formerly Conexant) properties. The Koll Center Newport Residential project is proposed by The Koll Company and is proceeding on a different timeline. Separate CEQA documentation is under preparation for the Koll Center project.

Project implementation would require approval of a Planned Community Development Plan, adoption of a Development Agreement, a traffic study pursuant to the City's Traffic Phasing Ordinance (TPO), Tentative Tract Maps, and an affordable housing implementation plan.

1.1 PROJECT LOCATION

The project site is in the City of Newport Beach in Orange County. The site is in the Airport Area of the City, and is approximately 0.6 mile southeast of John Wayne Airport. Regional access to the site is from State Route 73 (SR-73) via Jamboree Road, as shown in Figure 1, *Regional Location*. The project site is bounded by Jamboree Road on the east, Birch Street on the north, and Von Karman Avenue and MacArthur Boulevard on the west. Vehicular access to the site is from Jamboree Road and Birch Street. MacArthur Boulevard and Von Karman Avenue pass west of the site, and Birch Street passes to the north (see Figures 2, *Local Vicinity*, and 3, *Aerial Photograph*).

1.2 ENVIRONMENTAL SETTING

1.2.1 Existing Land Use

Existing site conditions are depicted in Figure 4, *Site Photographs*. The site is currently developed with two industrial buildings, which are leased to Jazz Semiconductor. The building at 4311 Jamboree Road, in the southwestern part of the project site, is one story and 135,975 square feet; the building at 4321 Jamboree Road is four stories and 311,452 square feet. The balance of the site is developed with landscaped areas and surface parking lots; the parking lots are in the eastern and northern part of the site. Vehicular access to the project site is via two driveways from Jamboree Road, one of which is named Fairchild Road, and one driveway from Birch Street.

1.2.2 Surrounding Land Use

Surrounding land uses are depicted in Figures 3, *Aerial Photograph*, and 5, *Surrounding Uses – Photographs*. The site is surrounded to the north, west, and south by the Campus Office Park development within the Koll Center. To the north are clusters of office buildings ranging from one to fifteen stories in height, and three restaurants. To the west are office buildings ranging from one to four stories high, landscaped areas, and two man-made lakes. To the south are two 20-story office buildings, surface parking, and a fast-food

restaurant. Jamboree Road forms the eastern boundary of the project site, and beyond Jamboree Road is undeveloped open space within the North Campus of the University of California, Irvine. The San Joaquin Freshwater Marsh Reserve is 150 feet east of Jamboree Road (see Figure 3, *Aerial Photograph*).

1.3 PROJECT DESCRIPTION

1.3.1 Proposed Land Use

The project would redevelop the existing industrial uses with a mix of residential, commercial, and open space uses. The proposed site plan is shown in Figure 6, *Site Plan and Phasing Plan.* Up to 1,244 residential units, 11,500 square feet of neighborhood-serving commercial space, and two acres of park space are proposed. Proposed buildings would range from 30 feet to 75 feet high, with residential towers up to 150 feet high (13 stories). Residential product types would be for-sale products with a mix of townhomes, mid-rise and high-rise condominiums, and affordable housing. An upscale, sit-down restaurant would be a part of the 11,500 square feet of neighborhood-serving commercial development.

Two parks totaling 2.05 acres would be developed, as well as landscaped areas surrounding the proposed buildings. Parks and landscaped areas would be accessible to the public but privately owned.

A new street system would be developed for vehicular and pedestrian circulation within the project site (see Figure 6). Vehicular access to the site would be from Jamboree Road, Birch Street, and Von Karman Avenue.

1.3.2 Project Phasing

The project would be developed in two phases as summarized in Table 1.

Table 1
Project Phasing Summary

	Phase 1	*Phase 2*	*Total*
Number of Units	680	564	1,244
Developable Area (acres)	8.65	10.02	18.67
Park Area (acres)	1.03	1.02	2.05
Right-of-Way Area (acres)	2.61	1.72	4.33
Total Area (acres)	12.29	12.76	25.05

Phase 1 would include demolition of the existing single-story office building at 4311 Jamboree and development of the westerly portion of the property, including the frontage along Jamboree Road. The first phase would also include development of the 680 residential units, 11,500 square feet of neighborhood commercial use, a 1.03-acre park, and roadways for access and internal circulation. The Jazz Semiconductor fabrication facility at 4321 Jamboree Road, on the site of Phase 2 of the project, would continue operating during construction and initial operation of Phase 1. Development of Phase 1 is projected to start in 2014 and be completed in 2017.

Phase 2 would include demolition of the remaining Jazz Semiconductor fabrication building and development of approximately 564 residential units, a 1.02-acre park, and internal roadways. Development of Phase 2 is anticipated to begin in 2017 and be completed in 2021.

Development within both project phases would be subject to the Uptown Newport Design Regulations, which expand upon the regulations set forth in the Planned Community Development Plan. Subsequent to approval of the overall project, individual developer/builders would provide more detailed site plans subject to compliance with the design regulations.

1.4 EXISTING GENERAL PLAN AND ZONING

The project site has a General Plan designation of Mixed-Use Horizontal-2 (MU-H2), which provides for a horizontal intermixing of uses that may include regional commercial office, multifamily residential, vertical mixed-use buildings, industrial, hotel rooms, and ancillary neighborhood commercial uses. The MU-H2 designation applies to properties in the Airport Area. The zoning designation of the project site is Koll Center Planned Community (PC-15). Permitted uses in the PC-15 designation include commercial and light industrial.

1.5 CITY ACTION REQUESTED

The following discretionary approvals by the City of Newport Beach are required to approve the project:

- Planned Community Development Plan Amendment and Adoption
- Development Agreement
- Traffic Study Approval
- Tentative Tract Maps
- Affordable Housing Implementation Plan

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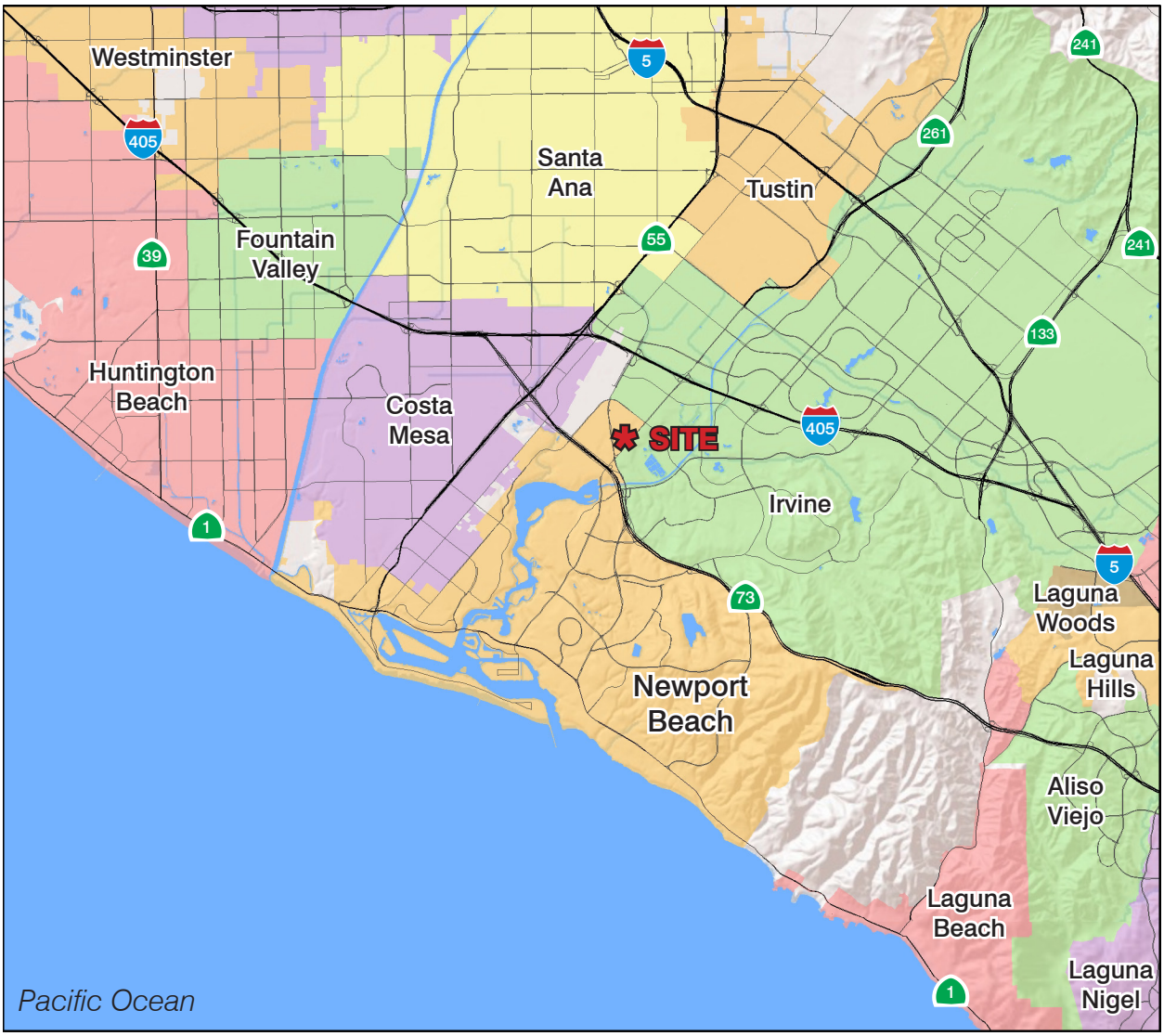
Regional Location



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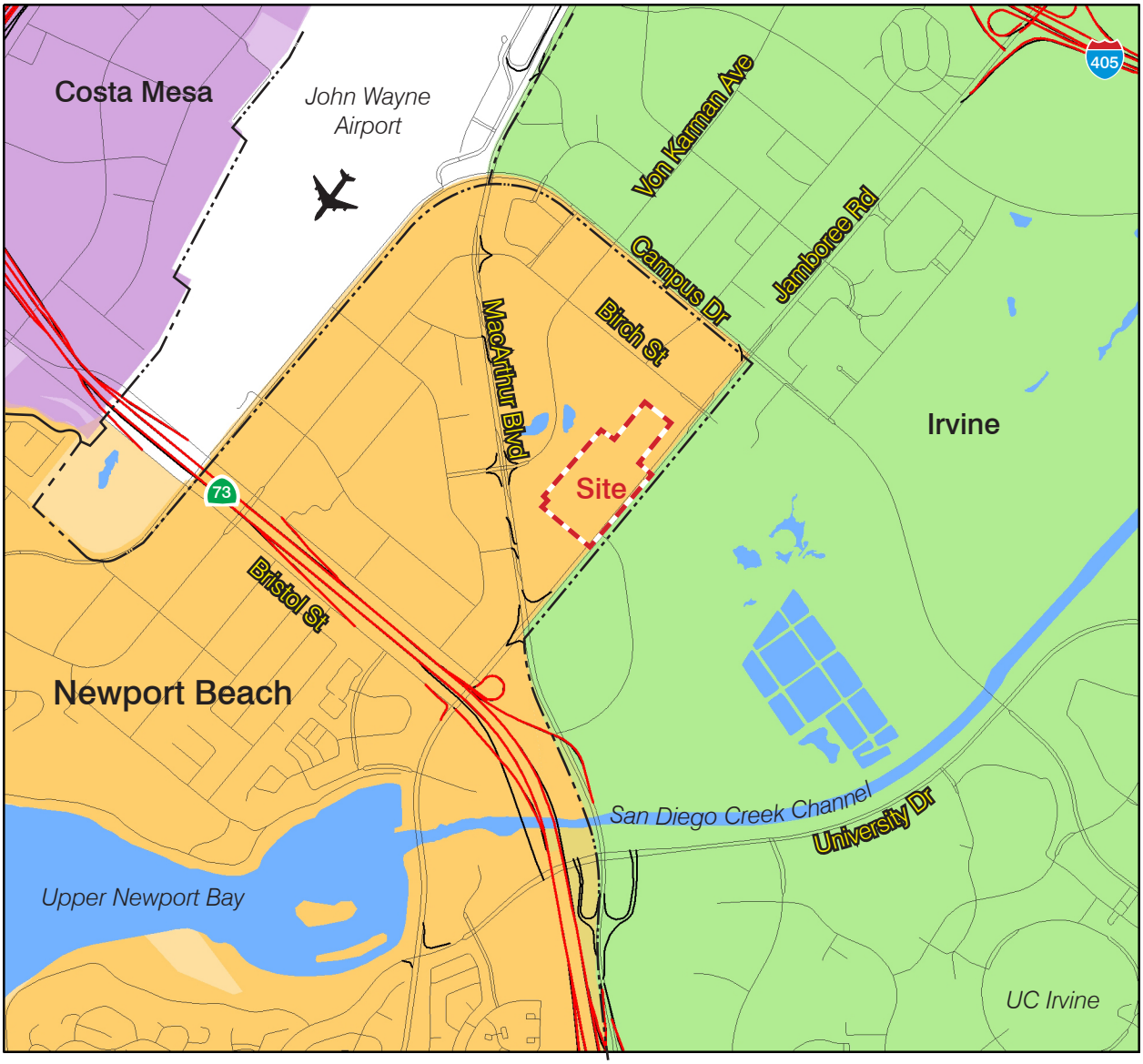
Local Vicinity



Site Boundary

City Boundary

0 2,000

Scale (Feet)

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Aerial Photograph

Site Boundary

0 600
Scale (Feet)

Source: Google Earth 2011

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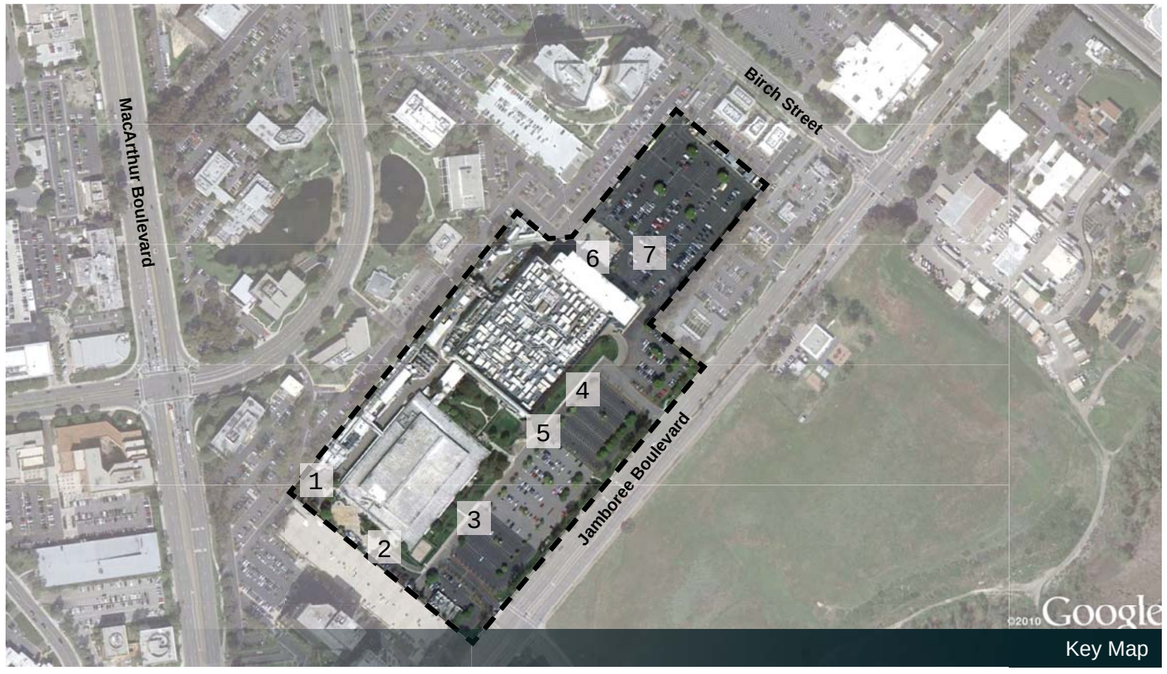
Site Photographs

Mechanical Equipment 1

Front Drop-off Area 4



Key Map

Basketball Court 2

Main Building 5

Secondary Entrance 3

Loading Docks 6

Parking Lot 7

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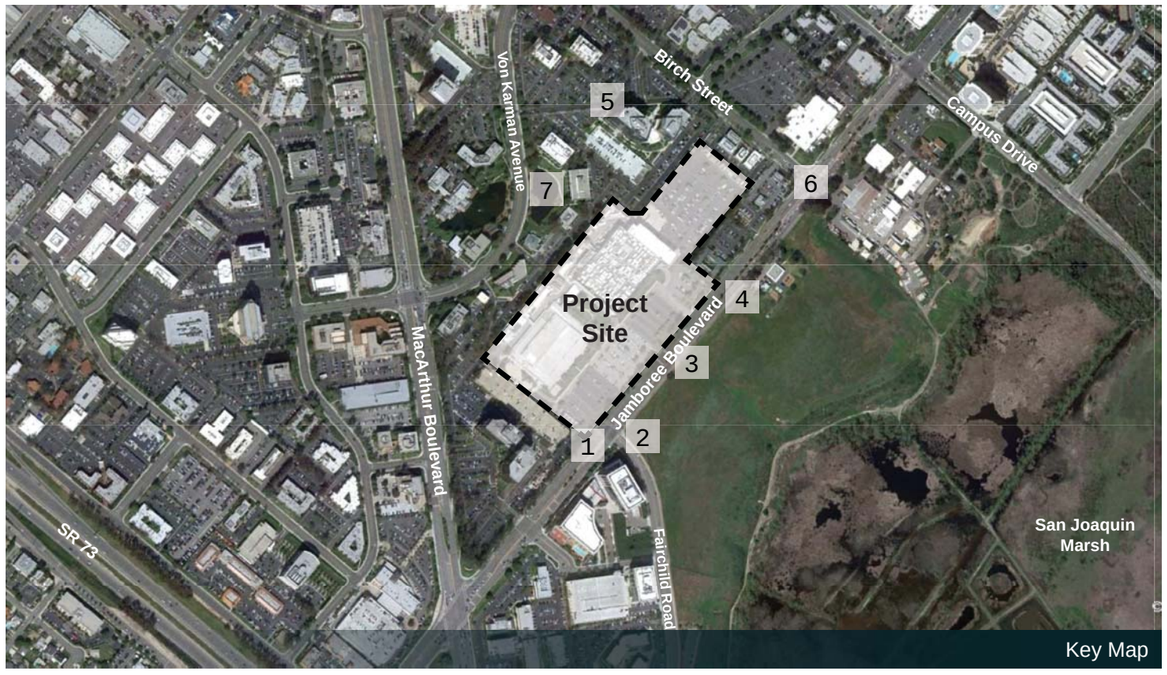
Surrounding Uses - Photographs


Jamboree and Fairchild 1


Child Development Center 4



Key Map


Fairchild Rd. (Looking east) 2


Jamboree Blvd. (Looking north) 3


Mid-rise Office Complex 5


Burger King at Birch Street 6


Office Complex and Pond 7

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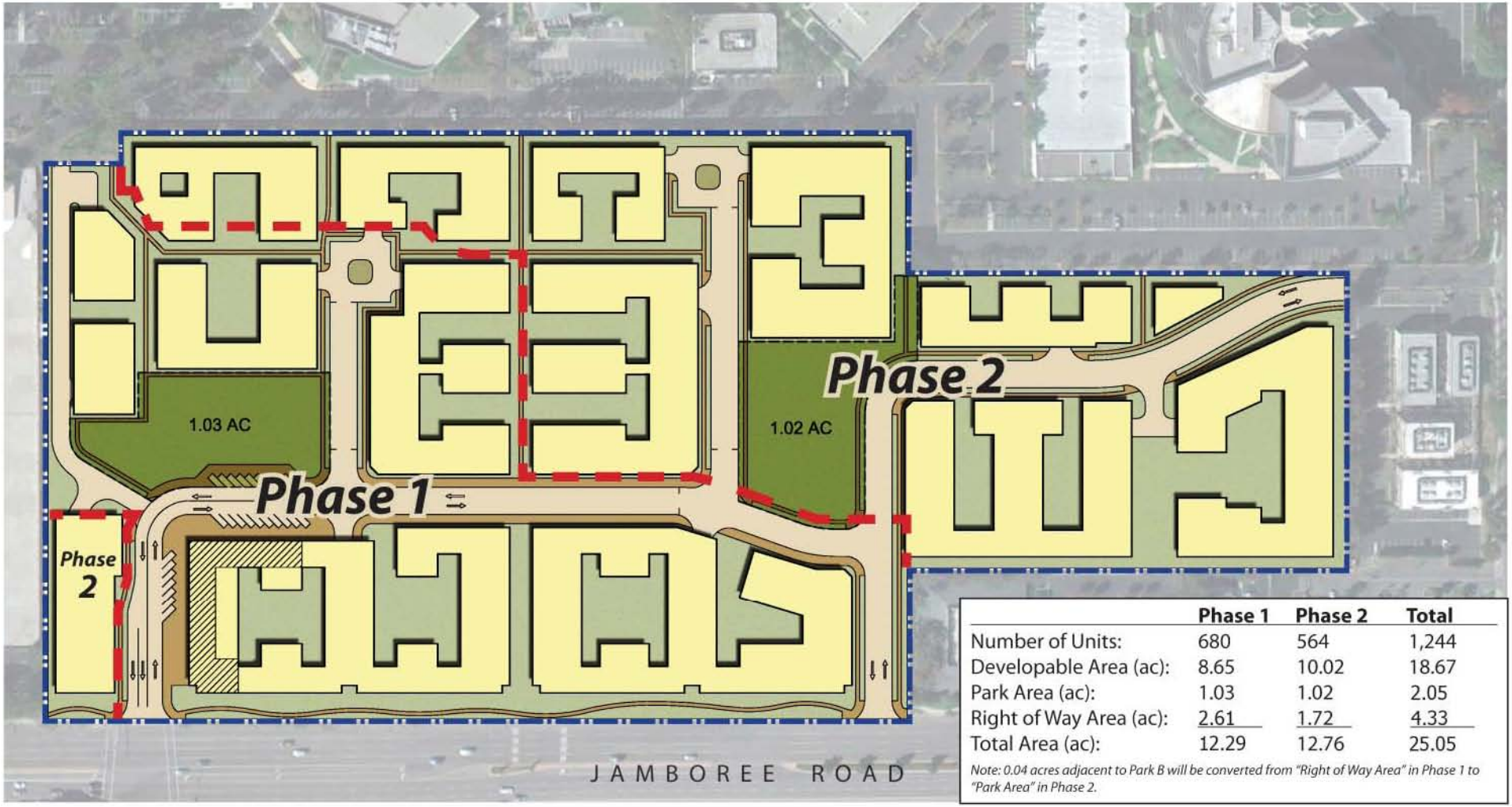
Site Plan and Phasing Plan



	Phase 1	Phase 2	Total
Number of Units:	680	564	1,244
Developable Area (ac):	8.65	10.02	18.67
Park Area (ac):	1.03	1.02	2.05
Right of Way Area (ac):	2.61	1.72	4.33
Total Area (ac):	12.29	12.76	25.05

Note: 0.04 acres adjacent to Park B will be converted from "Right of Way Area" in Phase 1 to "Park Area" in Phase 2.

Site Boundary

Phasing Boundary

Ground-Level Neighborhood-Serving Retail

0 200
Scale (Feet)

Source: Shopoff Management, Inc. 2011

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2. Environmental Checklist

2.1 BACKGROUND

1. **Project Title:** Uptown Newport

2. **Lead Agency Name and Address:**
City of Newport Beach
3300 Newport Boulevard
Newport Beach, CA 92663

3. **Contact Person and Phone Number:**
Rosalinh Ung, Associate Planner
949.644.3208

4. **Project Location:**
The project site is in the Airport Area of the City of Newport Beach. It consists of 25.05 acres and is bounded by Jamboree Road on the east, Birch Street on the north, and Von Karman Avenue and MacArthur Boulevard on the west.

5. **Project Sponsor's Name and Address:**
Uptown Newport, LP, c/o Shopoff Management, Inc.
2 Park Plaza, Suite 700
Irvine, CA 92614

6. **General Plan Designation:**
Mixed-Use Horizontal-2 (MU-H2)

7. **Zoning:** Koll Center Planned Community (PC-15)

8. **Description of Project**:
Mixed uses include up to 1,244 residential units, 11,500 square feet of neighborhood-serving commercial uses, and approximately 2 acres of parks. Residential units would include condominiums, townhomes, and affordable housing. The project would be developed in two phases. Required approvals include a Planned Community Development Plan Amendment and adoption, Development Agreement, Tentative Tract Maps, Traffic Study, and an Affordable Housing Implementation Plan.

9. **Surrounding Land Uses and Setting**:
The site is surrounded to the north, west, and south by the Campus Office Park development within the Koll Center. To the north are clusters of office buildings ranging from one to fifteen stories in height, and three restaurants. To the west are office buildings ranging from one to four stories high, landscaped areas, and two man-made lakes. To the south are two 20-story office buildings, surface parking, and a fast-food restaurant. Jamboree Road forms the eastern boundary of the project site, and beyond

Jamboree Road is undeveloped open space within the North Campus of the University of California, Irvine.

10. Other Public Agencies Whose Approval Is Required

Santa Ana Regional Water Quality Control Board: Site remediation and Water Quality Management Plan
South Coast Air Quality Management District: Permit to Construct
Airport Land Use Commission: Land use consistency determination
Department of Toxic Substances Control: Site remediation and storing and disposal of hazardous materials
Federal Aviation Administration: Building height clearance for residential towers

2.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

☒ Aesthetics	☐ Agricultural and Forest Resources	☒ Air Quality
☒ Biological Resources	☒ Cultural Resources	☒ Geology / Soils
☒ Greenhouse Gas Emissions	☒ Hazards & Hazardous Materials	☒ Hydrology / Water Quality
☒ Land Use / Planning	☐ Mineral Resources	☒ Noise
☒ Population / Housing	☒ Public Services	☒ Recreation
☒ Transportation / Traffic	☒ Utilities / Service Systems	☒ Mandatory Findings of Significance

2.3 DETERMINATION (TO BE COMPLETED BY THE LEAD AGENCY)

On the basis of this initial evaluation:

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

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

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

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

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

Rosalinh Ung — *Signature*

12/7/11 — *Date*

ROSALINH UNG — *Printed Name*

CITY OF NEWPORT BEACH — *For*

2.4 EVALUATION OF ENVIRONMENTAL IMPACTS

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors, as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

   a) **Earlier Analyses Used.** Identify and state where they are available for review.

   b) I**mpacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   c) **Mitigation Measures.** For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

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 significant.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	X			
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	X			
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	X			
II. AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	X			
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	X			
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	X			

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Expose sensitive receptors to substantial pollutant concentrations?	X			
e) Create objectionable odors affecting a substantial number of people?	X			
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	X			
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	X			
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	X			
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	X			
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	X			
d) Disturb any human remains, including those interred outside of formal cemeteries?	X			
VI. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?	X			
iii) Seismic-related ground failure, including liquefaction?	X			
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?	X			
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	X			
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	X			
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
VII. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	X			
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	X			
VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	X			
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	X			
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	

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

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

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?	X			
b) Police protection?	X			
c) Schools?	X			
d) Parks?	X			
e) Other public facilities?	X			
XV. RECREATION.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	X			
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	
XVI. TRANSPORTATION/TRAFFIC. Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	X			
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	X			
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?			X	
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	X			
g) Result in inadequate parking capacity? (OPTIONAL: Removed from 2010 CEQA Guidelines.)	X			

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

3. Environmental Analysis

Section 2.3 provided a checklist of environmental impacts. This section provides an evaluation of the impact categories and questions contained in the checklist and identifies mitigation measures, if applicable.

3.1 AESTHETICS

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

Potentially Significant Impact. Scenic vistas are panoramic views of features such as mountains, forests, the ocean, or urban skylines. The project site is within an urbanized area with minimal potential to impact scenic vistas. There are limited existing views of the San Gabriel Mountains to the north, the Santa Ana Mountains to the east, and vacant, undeveloped land to the east of Jamboree Road. The San Joaquin Marsh is visible from portions of the project site as well as from Jamboree Road. The project would introduce buildings up to 150 feet high that could potentially obstruct some views from uses within the adjacent commercial buildings, but would not have the potential to impact public views of scenic vistas.

Project implementation has the potential to result in substantial effects on scenic vistas. Although City policies do not protect private views, the viewshed impact of introducing high-rise residential buildings to the project site from surrounding land uses will be disclosed in the EIR. The EIR will also confirm whether any public views may be impacted by the proposed project.

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

Less Than Significant Impact. There are no rock outcroppings or any other scenic resources onsite. The two industrial buildings onsite were built in the 1960s and neither is identified as a historic resource in the City's General Plan Historic Resources Element (City of Newport Beach 2006a). There are some ornamental trees in onsite landscaped areas and throughout the parking areas, but the trees are not considered scenic resources. The trees are typical of landscaped ornamental trees in urban areas of southern California, and the project landscape plan includes additional ornamental trees. Therefore, the removal of some of the trees onsite would not substantially damage scenic resources, and impacts would be less than significant. Additionally, there are no state scenic highways adjacent to or near the project site. The State of California Department of Transportation designates scenic highway corridors. The project site is not within a state scenic highway; nor is the project site visible from any (officially designated or eligible) scenic highway. State Route 1 (SR-1), also known as Pacific Coast Highway and located over 4 miles south of the project site, is eligible for state scenic highway designation, but is not officially designated (Caltrans 2011). SR-73, located to the south of the subject property, is not a designated state scenic highway. The project would not damage scenic resources in a state scenic highway. This topic will not be addressed in the EIR.

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

Potentially Significant Impact. The site is developed with industrial uses, including surface parking lots and landscaping as well as two industrial buildings. Development of the proposed mixed-use project would substantially alter the visual character of the site by introducing several multiple-story buildings with towers up to 150 feet high, a new street system, landscaped areas, and parks. Development within both project

phases would be subject to the Uptown Newport Design Regulations, which would expand upon the regulations set forth in the Planned Community Development Plan. The design guidelines will address the master plan framework, and include vehicle and pedestrian circulation, parking, building setbacks, architectural guidelines, and landscaping. Subsequent to approval of the overall project, individual developer/builders would provide more detailed site plans subject to compliance with the design regulations. The EIR will describe the character of existing development and provide a detailed description, including graphics, to disclose the potential project impacts to visual resources. The analysis will include a description of the design regulations, landscape plan, and lighting guidelines for the project. The potential visual impacts by project phase will also be addressed.

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

Potentially Significant Impact. The proposed project would introduce several multiple-story buildings and related lighting that could increase existing sources of light and glare. The EIR will analyze the potential impacts and provide applicable information regarding architectural treatments and lighting plans.

A shade and shadow study will also be prepared and summarized in the EIR. Mitigation measures as necessary will be recommended to minimize light, glare, and shade/shadow impacts.

3.2 AGRICULTURE AND FORESTRY RESOURCES

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

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

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

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

No Impact. The project site and surrounding development are not zoned for agricultural purposes. The project site is zoned PC-15. Under Williamson Act contracts, private landowners voluntarily restrict their land to agricultural land and compatible open-space uses; in return, their land is taxed based on actual use rather than potential market value. There are no Williamson Act contracts in effect on or adjacent to the site, and the project would not conflict with such a contract. No impact would occur.

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

No Impact. Forest land is defined as "land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits" (California Public Resources Code Section 12220[g]). Timberland is defined as "land…which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees" (California Public Resources Code Section 4526). The site is zoned Planned Community (PC), and there is no zoning on the site for forest land, timberland, or timberland production. No impact would occur.

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

No Impact. The site is developed with industrial uses and surrounded by similar uses. There is not forest land onsite. The project would not convert forest land to nonforest use, and no impact would occur.

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

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

3.3 AIR QUALITY

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

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

Potentially Significant Impact. The project site is in the South Coast Air Basin (SoCAB) and is subject to the Air Quality Management Plan (AQMP) prepared by the South Coast Air Quality Management District (SCAQMD). Construction of the proposed project would generate exhaust from construction equipment and vehicle trips, fugitive dust from demolition and ground disturbing activities, and off-gas emissions from architectural coatings and paving. Implementation of the proposed project would convert existing industrial land uses to residential land uses, resulting in an increase in development intensity and associated increase in criteria air pollutants. The EIR will evaluate the proposed project for consistency with regional growth forecasts and any impacts the planning program may have on the attainment of regional air quality objectives. Mitigation measures will be recommended as needed.

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

Potentially Significant Impact. Construction and operation of the project would have the potential to generate fugitive dust, stationary-source emissions, and mobile-source emissions. Air pollutant emissions associated with the project could occur over the short term for site preparation and construction activities. In addition, emissions could result from the long-term operation of the completed project. An air quality analysis

will be conducted for the project to determine if the resulting project's short- or long-term emissions would exceed the SCAQMD's regional significance thresholds. This topic will be addressed in the EIR, and mitigation measures will be recommended as needed.

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

Potentially Significant Impact. The project site is in the SoCAB, and is designated under the California and National ambient air quality standards (AAQS) as nonattainment for ozone (O_3), coarse inhalable particulate matter (PM_{10}), nitrogen oxides (NO_x) (California standard only), and lead (Los Angeles County only) (CARB 2011). Implementation of the proposed project may increase existing levels of criteria pollutants and contribute to the nonattainment status for these criteria pollutants in the SoCAB. As mentioned above, air pollutant emissions associated with the proposed project could occur over the short term for site preparation and construction activities to support the proposed land uses. In addition, emissions could result during long-term operation of the completed project. An air quality analysis will be prepared to determine if the project would result in a cumulatively considerable net increase in any criteria air pollutant. This topic will be addressed in the EIR, and mitigation measures will be recommended, as appropriate.

d) Expose sensitive receptors to substantial pollutant concentrations?

Potentially Significant Impact. An impact is also potentially significant if emission levels exceed the state or federal ambient air quality standards, thereby exposing sensitive receptors to substantial pollutant concentrations. Sensitive receptors are locations where uses or activities result in increased exposure of persons more sensitive to the unhealthful effects of emissions (such as children and the elderly). However, there are no existing sensitive receptors to air pollutants directly abutting the project site. The EIR will evaluate the potential for construction and operation of the proposed project to exceed SCAQMD's localized significance thresholds (LSTs) in accordance with SCAQMD's guidance methodology. Mitigation measures will be incorporated, as necessary.

Development of the proposed project may also expose proposed residences to substantial concentrations of toxic air contaminants (TACs) during Phase I and Phase II operational phases. During Phase I, the Jazz Semiconductor fabrication building would remain in operation. A Health Risk Assessment (HRA) will be conducted for the project to identify airborne TACs that may adversely affect proposed sensitive land uses based on the siting guidelines released by the California Air Resources Board and the California Air Pollution Control Officer's Association. This topic will be addressed in the EIR, and mitigation measures will be recommended as appropriate.

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

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

> A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property. The provisions of this rule

shall not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.

The type of facilities that are considered to have objectionable odors include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities. The project would involve construction and initial operation of residential uses in Phase I while the semiconductor manufacturing facility at 4321 Jamboree Road remained operating. The existing facility is not anticipated to generate objectionable odors that could affect residents of Phase I of the project. Research will be conducted for the EIR, however, to confirm that odors will not be an issue, and if determined to be a potential impact, mitigation measures will be recommended as appropriate.

3.4 BIOLOGICAL RESOURCES

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

Potentially Significant Impact. The project site contains landscaped areas, including trees, that could be used for foraging by birds and bats, and for nesting by birds. There are occurrences of 13 sensitive bird species and two sensitive bat species documented in the Tustin topographic quadrangle, in which the project site is located, by the California Natural Diversity Database (CNDDB; CDFG 2011). A biological resources assessment of the site will be prepared. Impacts to sensitive species, and to vegetation that could be used by sensitive species, will be discussed in the EIR. Mitigation measures will be recommended as needed.

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

No Impact. Riparian habitats are those along banks of rivers or streams. Sensitive natural communities are natural communities that are considered rare in the region by the US Fish and Wildlife Service (USFWS), California Department of Fish and Game (CDFG), or local regulatory agencies; that are known to provide habitat for sensitive animal or plant species; or are known to be important wildlife corridors. There are no streams and no riparian habitat on the project site. The nearest US Geological Survey (USGS) water bodies to the site are duck ponds in the San Joaquin Freshwater Marsh approximately 900 feet southeast of the site. There is no natural habitat, and no sensitive natural communities, on the site. No impact would occur.

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

No Impact. Wetlands are defined under the federal Clean Water Act as land that is flooded or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that normally does support, a prevalence of vegetation adapted to life in saturated soils. Wetlands include areas such as swamps, marshes, and bogs. There are no wetlands onsite, given that the entire site is in a highly urbanized area of the City and consists of buildings, paved areas, and ornamental landscaped areas. No impact would occur.

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

Potentially Significant Impact. The site is developed with industrial uses and therefore is not available for overland wildlife movement or migration. However, ornamental trees and shrubs onsite could be used for nesting by migratory birds. Project development could impact migratory birds, including nesting birds that may use trees on and near the site. Project impacts to migratory birds will be addressed in the EIR, and mitigation measures will be recommended as needed.

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

Less Than Significant Impact. The City of Newport Beach does not have a tree preservation ordinance applicable to trees on private property. Chapter 13.09 (Parkway Trees) of the City's Municipal Code requires new development to plant trees no less than thirty-six inch box of the type, variety and/or species determined by the City in accordance with the Street Tree Designation List, in the parkway abutting the building site. The proposed project would include parkway trees consistent with requirements in Chapter 13.09. Impacts would be less than significant.

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

No Impact. The project site is in the plan area of the Orange County Central-Coastal Natural Communities Conservation Plan (NCCP). However, the site is not in an area designated as a preserve under the NCCP. The closest designated NCCP preserve is next to the San Diego Creek approximately 0.4 mile south of the project site (NROC 2005). The project site is not in the plan areas of any habitat conservation plans other than the NCCP (USFWS 2011). No impact would occur.

3.5 CULTURAL RESOURCES

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

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

i) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

ii) Is associated with the lives of persons important in our past;

iii) Embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual, or possesses high artistic values;

iv) Has yielded, or may be likely to yield, information important in prehistory or history.

Both of the industrial buildings onsite were built in the 1960s. A cultural resources assessment of the site will be conducted. Findings of the assessment regarding historic resources will be discussed in the EIR. Mitigation measures will be recommended as needed.

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

Potentially Significant Impact. While the project site is developed with industrial uses, the proposed project would include residential towers up to 150 feet high. The existing buildings onsite are one and four stories high. Therefore, the project could involve grading and excavation to greater depths than previously required for the existing development. Grading and excavation for the proposed project could disturb archaeological resources buried in site soils. The cultural resources assessment to be prepared for the project will include a search of archaeological records at the South Central Coastal Information Center. Findings of the cultural resources assessment will be discussed in the EIR, and mitigation measures will be recommended as needed.

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

Potentially Significant Impact. The project site is flat and developed with industrial uses. There are no unique geological resources onsite, and no impact to such resources would occur. However, the proposed project would involve grading and excavation to greater depths than were done for the existing development onsite. Proposed grading and excavation could damage fossils if buried in site soils. The cultural resources assessment to be prepared for the project will include a paleontological records overview by the Natural History Museum of Los Angeles County, and findings of the overview will be discussed in the EIR. Mitigation measures will be recommended as needed.

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

Potentially Significant Impact. The project site is in a highly urbanized area of the City. No known traditional Native American sites exist within the project area or surrounding area, nor have any resources been identified. Nonetheless, construction activities associated with the proposed project would have the potential to unearth undocumented resources and result in a significant impact. A Sacred Lands File review will be conducted to determine the need for monitoring the presence of human remains during project construction. A summary of the search results and a more detailed analysis of potential impacts to human remains will be included in the EIR.

3.6 GEOLOGY AND SOILS

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

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

No Impact. An active fault is a fault that has had surface displacement within the last 11,000 years. The nearest active fault to the project site is a branch of the Newport-Inglewood Fault approximately 5.4 miles southwest of the project site (CGS 2011). The Alquist-Priolo Earthquake Fault Zoning Act was passed to prevent construction of buildings used for human occupancy on the surface of active faults, in order to

minimize the hazard of surface rupture of a fault to people and buildings. Before cities and counties can permit development within Alquist-Priolo Earthquake Fault Zones, geologic investigations are required to show that the sites are not threatened by surface rupture from future earthquakes. The nearest Alquist-Priolo Earthquake Fault Zone to the project site is approximately six miles west of the site and also along a branch of the Newport-Inglewood Fault (CDMG 1986). There are no known active faults on or next to the site, and project development would not cause hazards arising from surface rupture of an active fault.

ii) Strong seismic ground shaking?

Potentially Significant Impact. A geotechnical investigation will be prepared for the project and will estimate seismic design parameters for the site in accord with requirements in the 2010 California Building Code. Hazards related to strong ground shaking will be discussed in the EIR. Mitigation measures will be recommended as needed.

iii) Seismic-related ground failure, including liquefaction?

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

iv) Landslides?

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

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

Potentially Significant Impact. Erosion is the movement of rock and soil from place to place, and is a natural process. Common agents of erosion in the project region include wind and flowing water. Erosion can be increased greatly by earthmoving activities if erosion-control measures are not used. The project would be required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) per requirements of the General Construction Permit (Order No. 2009-0009-DWQ) issued by the State Water Resources Control Board. The project SWPPP would specify Best Management Practices (BMPs) for reducing or eliminating soil erosion from the site during project construction. BMPs for reducing erosion due to project construction will be discussed in the EIR.

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

Potentially Significant Impact. The primary cause of ground subsidence is withdrawal of groundwater; withdrawal of oil can also result in subsidence.

A collapsible soil shrinks considerably when wetted, when a load is placed atop the soil, or under both conditions. Such shrinkage can damage structures built on the soil; or structures such as pipelines built within the soil.

Lateral spreading is the downslope movement of surface sediment due to liquefaction in a subsurface layer. Such movement can occur on slope gradients of as little as one degree. Lateral spreading typically damages pipelines, utilities, bridges, and structures.

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

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

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

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

No Impact. The project site has sewer connections maintained by the City of Newport Beach Municipal Operations Department. Wastewater treatment for the site is provided by the Orange County Sanitation District. The project would not use alternative wastewater disposal systems such as septic tanks, and no impact would occur.

3.7 GREENHOUSE GAS EMISSIONS

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

Potentially Significant Impact. Global climate change is not confined to a particular project area and is generally accepted as the consequence of global industrialization over the last 200 years. A typical project, even a very large one, does not generate enough greenhouse gas (GHG) emissions on its own to influence global climate change significantly; hence, the issue of global climate change is, by definition, a cumulative environmental impact. The State of California, through its governor and legislature, has established a comprehensive framework for the substantial reduction of GHG emissions over the next 40-plus years. This will occur primarily through the implementation of Assembly Bill 32 (AB 32, 2006) and Senate Bill 375 (SB 375, 2008), which will address GHG emissions on a statewide, cumulative basis. The EIR will evaluate the potential for the project to generate a substantial increase in GHG emissions. Mitigation measures will be incorporated as necessary.

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

Potentially Significant Impact. The California Air Resources Board's (CARB) Scoping Plan is California's GHG reduction strategy to achieve the state's GHG emissions reduction target, established by AB 32, of 1990 emission levels by year 2020. The EIR will evaluate consistency with applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions. Mitigation measures will be incorporated as necessary.

3.8 HAZARDS AND HAZARDOUS MATERIALS

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

Less Than Significant Impact. Hazardous materials such as fuels, greases, paints, and cleaning materials would be used during project construction. Onsite construction equipment might require routine or emergency maintenance that could result in the release of oil, diesel fuel, transmission fluid, or other materials. However, the materials used would not be in such quantities or stored in such a manner as to pose a significant safety hazard. These activities would also be short term or one time in nature. Additionally, the project applicant and construction contractor would be required to comply with existing federal, state, and local regulations of several agencies, including the Department of Toxic Substances Control (DTSC), the US Environmental Protection Agency (EPA), the Occupational Safety & Health Administration (OSHA), Caltrans, the Newport Beach Fire Department (NBFD), and the Orange County Environmental Health Division (OCEMD).[1] Compliance with applicable laws and regulations governing the use, storage, and transportation of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner, and would minimize the potential for safety impacts to occur. Therefore, hazards to the public or the environment arising from the routine use, transport, or storage of hazardous materials during project construction would not occur, and no significant impacts would occur.

Operation of the proposed residences would involve use of only small amounts of hazardous materials for cleaning and maintenance purposes. Operation of the proposed neighborhood-serving commercial uses would involve use of small amounts of hazardous materials. The types of commercial uses, and thus the types of hazardous materials to be used, have not yet been specified. However, commercial-grade chemicals would be required to be transported, used, and disposed of consistent with current local, state and federal laws and regulations of several agencies, including DTSC, EPA, OSHA, NBFD, and OCEMD. Compliance with applicable laws and regulations governing the use, storage, and transportation of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner, and would minimize the potential for safety impacts to occur. Therefore, hazards to the public or the environment arising from the routine use, transport, or storage of hazardous materials during project operation would not occur, and no significant impacts would occur.

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?

Potentially Significant Impact.

Existing Hazardous Materials on the Project Site

Jazz Semiconductor, Inc., formerly Conexant Systems, Inc., and Rockwell International Semiconductor Division, located onsite at 4311 Jamboree Road, is listed as a Leaking Underground Storage Tank (LUST) site on the GeoTracker database maintained by the State Water Resources Control Board (SRWCB). Potential contaminants of concern are solvents, acetone, alcohols, other acids or corrosives, and toluene. Cleanup action was underway in July 2010, and the case remains active (SWRCB 2010). A Phase I Environmental Site Assessment has been conducted for the project site, and the findings of the assessments will be discussed in the EIR. Mitigation measures will be recommended as needed.

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

Asbestos

Asbestos is the name of a group of silicate minerals that are heat resistant, and thus were commonly used as insulation and fire retardant. Inhaling asbestos fibers has been shown to cause lung disease (asbestosis) and lung cancer (mesothelioma; DTSC 2008). Given the age of the industrial structures onsite (one built in 1961, the other in the 1960's), there likely are asbestos-containing materials (ACM) in the buildings. South Coast Air Quality Management District (SCAQMD) Rule 1403 requires an inspection of the buildings for ACM before the start of demolition; and specifies procedures for abatement, containment, and disposal of ACM for demolitions of structures containing 100 square feet or more of ACM.

Lead-Based Paint

Lead was formerly used as an ingredient in paint (before 1978) and as a gasoline additive; both of these uses have been banned. Lead is listed as a reproductive toxin and a cancer-causing substance; it also impairs the development of the nervous system and blood cells in children (DTSC 2008). Those demolishing a structure the age of the industrial buildings (1960's) may presume the structures contain lead-based paint (LBP) without having an inspection for LBP. Lead must be contained during demolition activities (California Health & Safety Code sections 17920.10 and 105255).

Title 29, Code of Federal Regulations (CFR) Section 1926.62 (OSHA) and Title 8, California Code of Regulations (CCR) Section 1532.1 (Cal/OSHA) establish standards for occupational health and environmental controls for lead exposure in the construction industry, regardless of the lead content of paints and other materials. The standard includes requirements addressing exposure assessment, methods of compliance, respiratory protection, protective clothing and equipment, hygiene facilities and practices, medical surveillance, medical removal protection, employee information and training, signs, recordkeeping, and observation and monitoring.

The project would comply with existing laws and regulations regarding ACM and LBP; therefore, hazards arising from accidental release of ACM or LBP would be less than significant.

Hazardous Materials to Be Used by the Project

Hazardous materials such as fuels, greases, paints, and cleaning materials would be used during project construction. The project applicant would be required to comply with existing local, state, and federal regulations as detailed above, which would reduce potential impacts arising from accidental releases of hazardous materials. For example, all spills or leakage of petroleum products during construction activities are required to be immediately contained, the hazardous material identified, and the material remediated in compliance with applicable state and local regulations regarding the cleanup and disposal of the contaminant released. All contaminated waste encountered would be required to be collected and disposed of at an appropriately licensed disposal or treatment facility. Additionally, the proposed project would be constructed and operated with strict adherence to all emergency response plan requirements set forth by the City of Newport Beach and the OCEMD. Impacts would be less than significant.

Health Risk Assessment

A health risk assessment (HRA) will be conducted for the project to determine if onsite sensitive receptors would be exposed to excessive concentrations of toxic air contaminants. The HRA will assess emissions from the Jazz Semiconductor facility and any other potentially significant facilities. The HRA will be conducted in accordance with agency-recommended protocols and will describe potential impacts (cancer

risk, chronic health risk, and/or acute health risk) from proximity to major stationary sources within 1,000 feet of the residential buildings and outdoor recreation areas.

The analysis will include the potential impacts to residences of the first phase of the proposed project, since interim industrial uses of the site would be permitted subsequent to development of this first phase.

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

No Impact. There are no schools within 0.25 mile of the project site. UCI is the closest school to the project site; however, it is more than 0.25 mile from the site. No impact would occur.

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

Potentially Significant Impact. California Government Code Section 65962.5 requires the compiling of lists of the following types of hazardous materials sites: hazardous waste facilities; hazardous waste discharges for which the State Water Quality Control Board has issued certain types of orders; public drinking water wells containing detectable levels of organic contaminants; underground storage tanks with reported unauthorized releases; and solid waste disposal facilities from which hazardous waste has migrated.

According to the Phase I Environmental Site Assessment (ESA) prepared for the project, Jazz Semiconductor, at 4311 Jamboree Road, is listed as a Leaking Underground Storage Tank (LUST) site on the GeoTracker database maintained by the State Water Resources Control Board (SRWCB). Potential contaminants of concern with LUSTs are solvents, acetone, alcohols, other acids or corrosives, and toluene. Cleanup action (remediation) was underway in July 2010, and the case remains active (SWRCB 2010). Per the Phase I ESA, the site was also listed on several other lists of hazardous materials sites, including the Resources Conservation and Recovery Action (RCRA) Small Quantity Generation (SQG) database as a small quantity generator of hazardous waste (primarily associated with waste from remediation activities); the UST database due to historical existence of USTs at the site; and the Hazardous Waste and Substance Site (Cortese) database, which is no longer updated, related to historical LUST issues at the site. The findings of the Phase I ESA will be discussed in detail in the EIR. Mitigation measures will be recommended as needed.

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

Less Than Significant Impact. The project site is approximately 0.6 mile east of John Wayne Airport, and is within the airport environs land use plan (AELUP) for the Airport. The site is within the area where building heights are regulated per Federal Aviation Administration (FAA) Part 77 regulations. The highest building permitted onsite is 206 feet above mean sea level (amsl; OCALUC 2008). The ground level onsite is approximately 50 feet; therefore, the highest building permitted is approximately 156 feet above ground level. The project would involve towers up to 150 feet high and would comply with the AELUP and with Part 77 regulations. Project development would not cause substantial safety hazards for people living or working on or near the site, and impacts would be less than significant.

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

Less Than Significant Impact.. The project site is not in the immediate vicinity of a private airstrip. The private airstrip nearest to the project site is Atrium Heliport located at 19100 Von Karman Avenue in the City of Irvine, approximately 0.4 mile north of the project site (Airnav 2011). Except during takeoff and landing, helicopters over congested areas are required to maintain a minimum altitude of 1,000 feet above the highest obstacle (Code of Federal Regulations, Title 14, Section 91.119). Additionally, helicopter takeoffs and landings are at a sufficient distance from the project site and would not pose a hazard. Furthermore, helicopter takeoffs and landings at this private airstrip are infrequent. Project development would not cause substantial hazards related to helicopters operating to or from the Atrium Heliport, and impacts would be less than significant.

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

Less Than Significant Impact. The City of Newport Beach has an Emergency Response Plan; the Newport Beach Fire Department is the lead department for coordinating all emergency management activity in the City. Storage of construction materials and construction equipment such as construction office trailers, cranes, storage containers, and trailers detached from vehicles is prohibited on City property, including City streets, without a permit from the City Public Works Department. Project construction and operation would comply with City requirements regarding storage on City property, including City streets. Construction material and equipment would not be staged or stored on City roadways. The project would not interfere with emergency access to, or evacuation from, surrounding properties. Impacts would be less than significant.

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

Less Than Significant Impact. There is no native habitat susceptible to burning in wildland fires on the site. Project development would not place buildings or structures at substantial risk from wildland fires, and impacts would be less than significant.

3.9 HYDROLOGY AND WATER QUALITY

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

Potentially Significant Impact. Two permits, each issued pursuant to National Pollutant Discharge Elimination System (NPDES) regulations issued by the EPA, contain water pollution control requirements applicable to the project. The construction of each project phase would be required to prepare and implement a SWPPP per the General Construction Permit issued by the SWRCB. The SWPPP would specify BMPs to be used by the construction phases of the project to minimize or avoid water pollution. Each project phase would also be required to prepare and implement a Water Quality Management Plan (WQMP) specifying BMPs to be used in project design and project operation. Preparation and implementation of a WQMP is required under the Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges, Order No. R8-2009-0030, issued by the Santa Ana Regional Water Quality Control Board in 2009. The project-related SWPPP and WQMP, and BMPs included in both documents, will be discussed in the EIR.

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

Less Than Significant Impact. Implementation of the project would not deplete groundwater supplies or interfere substantially with groundwater recharge. The project would increase the amount of pervious surfaces onsite and would thus increase groundwater recharge and reduce runoff from the site. Additionally, the increase in groundwater recharge due to the increase in impervious surface would be consistent with Policy HB 8.20 (Impervious Surfaces) of the Newport Beach General Plan Harbor and Bay Element, which requires new development to minimize the creation of and increase of impervious surfaces. Furthermore, the project site is not in a designated groundwater recharge area and does not serve as a primary source of groundwater recharge. Impacts would be less than significant.

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

Potentially Significant Impact. Project implementation is not anticipated to substantially change the drainage pattern onsite. At project construction the entire site would be covered with buildings, landscaped areas, and streets; no bare soil would be left vulnerable to erosion. During project construction the project would implement BMPs for reducing or avoiding soil erosion in compliance with the General Construction Permit. Hydrology and drainage studies of the project will be prepared and will be discussed in the EIR.

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

Potentially Significant Impact. Hydrology and drainage studies of the project will be prepared and will be discussed in the EIR.

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

Potentially Significant Impact. Project impacts on existing and planned storm drainage systems will be analyzed in the project drainage and hydrology studies and will be addressed in the EIR. BMPs to be incorporated in the project SWPPP and WQMP will be discussed in the EIR. Mitigation measures will be recommended as needed.

f) Otherwise substantially degrade water quality?

Potentially Significant Impact. BMPs to be implemented by the project for water quality protection will be discussed in the EIR, and mitigation measures will be recommended as needed.

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

No Impact. The project site is in flood zone X designated by the Federal Emergency Management Agency, meaning that it is outside of 100-year and 500-year flood zones (FEMA 2009). No impact would occur.

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

No Impact. The project site is outside of 100-year and 500-year flood zones; no impact would occur.

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

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

j) Inundation by seiche, tsunami, or mudflow?

No Impact.

Seiche

A seiche is a surface wave created when an inland water body is shaken, usually by an earthquake. There are no inland bodies of water near the project site that could pose a seiche hazard to the site. The San Joaquin Freshwater Marsh is approximately 900 feet east and approximately 35 feet lower than the project site; thus, a seiche in the San Joaquin Freshwater Marsh would not pose a flood hazard to the site.

Tsunami

A tsunami is a series of ocean waves caused by a sudden displacement of the ocean floor, most often due to earthquakes. The project site is at an elevation of approximately 50 feet and is 4.6 miles inland from the Pacific Ocean and, thus, is not at risk of flooding due to tsunami. The site is outside of areas that would be flooded by a 30-foot tsunami as mapped by the California Geological Survey (CGS 2009).

Mudflow

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

No hazard would occur due to any of the three types of inundations specified in this section.

3.10 LAND USE AND PLANNING

a) Physically divide an established community?

No Impact. The project site is not surrounded by an established residential community. Surrounding land uses include office uses, restaurants, roadways, landscaped areas, and vacant land. The project site would not divide an established community, and no impact would occur.

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

Potentially Significant Impact. The existing zoning district onsite is PC18, which permits development of a variety of land uses. The existing General Plan designation is Mixed-Use Horizontal-2 (MU-H2), which provides for a horizontal intermixing of uses that may include regional commercial office, multifamily

residential, vertical mixed-use buildings, industrial, hotel rooms, and ancillary neighborhood commercial uses. The MU-H2 designation applies to properties in the Airport Area. The first phase of the project would involve construction and occupancy of some of the proposed residential uses while industrial operations remained ongoing at the Jazz Semiconductor facility at 4321 Jamboree Road. Compatibility between the proposed residential uses and ongoing industrial uses will be addressed in the EIR. Additionally, project development would require the adoption of a Planned Community Development Plan. The EIR will address potential land use impacts, and mitigation measures will be recommended as needed.

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

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

3.11 MINERAL RESOURCES

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

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

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

No Impact. The project site is not in or near a mining or oil or gas field site identified in the City of Newport Beach General Plan Natural Resources Element. Two oil and gas fields are identified in the Natural Resources Element: the Newport Oil Field offshore of the City, and the West Newport Oil Field near the southwest corner of the City and approximately 5.8 miles southwest of the project site. There are no active mines in the City (City of Newport Beach 2006b). The project would not cause a loss of availability of mining sites or oil or gas fields identified in the City's General Plan, and no impact would occur.

3.12 NOISE

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

Potentially Significant Impact. Development of the proposed mixed-use project would have the potential to increase noise levels in the vicinity of the site due to vehicle trips generated by the project as well as from onsite operational activities, such as outdoor use of proposed parks, and stationary sources, including mechanical systems. In addition, the semiconductor fabrication building at 4321 Jamboree Road would continue operating and then be demolished during construction and initial operation of the project's Phase I development. Thus, operation and demolition of the semiconductor facility could generate substantial noise affecting residents at Phase I of the project. The EIR will evaluate this phased noise environment as well as the potential for project-generated noise to substantially increase existing noise levels at surrounding land uses. The EIR will assess project-related noise environments with respect to applicable noise standards and, where possible, mitigation measures will be recommended that would reduce potentially significant noise impacts.

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

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

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

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

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

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

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Potentially Significant Impact. John Wayne Airport is approximately 0.6 mile west of the project site. The site is in the airport environs land use plan (AELUP) for the Airport. The southern and easternmost parts of the site are within the 60 dB community noise equivalent level (CNEL) contours for John Wayne Airport. Airport noise impacts on project residents and workers will be analyzed in the EIR, and mitigation measures will be recommended as needed.

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

Less Than Significant Impact. There is one heliport within 0.5 mile of the project site. Atrium Heliport at 19100 Von Karman Avenue in the City of Irvine is approximately 0.4 mile north of the project site (Airnav.com 2011). Except during take-off and landing, helicopters over congested areas are required to maintain a minimum altitude of 1,000 feet above the highest obstacle (Code of Federal Regulations, Title 14, Section 91.119). Project development would not expose residents or workers on the project site to excessive noise levels generated by helicopters operating to or from the Atrium Heliport. Impacts would be less than significant, and this topic will not be analyzed in the EIR.

3.13 POPULATION AND HOUSING

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

Potentially Significant Impact. The project would introduce up to 1,244 residential units consisting of townhomes, condominiums, and affordable housing into the project area. The residential use and number of units is consistent with the City's General Plan and Airport Area Integrated Conceptual Development Plan, and is therefore anticipated for the project site. The EIR will address the potential population growth-related impacts associated with implementation of the proposed project. Mitigation measures will be recommended as needed.

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

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

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

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

3.14 PUBLIC SERVICES

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

a) Fire protection?

Potentially Significant Impact. Fire protection and emergency medical services are provided to the City by the Newport Beach Fire Department (NBFD). The nearest fire station to the project site is Fire Station No. 7 located at 20401 Acacia Street, one mile southwest of the project site. The second-closest is Orange County Fire Authority (OCFA) Station 28 located at 17862 Gillette Avenue in the City of Irvine, approximately 1.6 miles north of the site. Newport Beach, Costa Mesa, and the OCFA have automatic aid agreements that allow for the closest resource to be dispatched in case of emergencies (Hernandez 2011).

The project would develop up to 1,244 housing units and 11,500 square feet of commercial uses; therefore, the project could result in an increase in calls for fire protection and emergency medical services. NBFD will be consulted regarding existing firefighting resources available to the Airport Area and whether project development would require additional firefighting resources and facilities, including new or expanded fire stations. Fire protection impacts will be discussed in the EIR.

b) Police protection?

Potentially Significant Impact. The Newport Beach Police Department (NBPD) provides police protection to the City of Newport Beach. The project site is within NBPD Area #1, which extends from the northern end of the City to Balboa Island, bounded generally by Irvine Avenue on the west and MacArthur Boulevard on the east. The project would develop up to 1,244 housing units and 11,500 square feet of commercial uses; thus, the project could generate an increase in calls for police services. The Newport Beach Police Department will be consulted respecting existing police resources in the City and potential impacts to services. This topic will be discussed in the EIR.

c) Schools?

Potentially Significant Impact. The project site is in the Santa Ana Unified School District (SAUSD), and is in the attendance area of schools listed below in Table 2.

Table 2
Santa Ana USD Schools Serving Project Site

School	*Grade Levels*	Address
James Monroe Elementary	K–5	417 E. Central Ave, Santa Ana
McFadden Intermediate	6–8	2701 S. Raitt St Santa Ana
Century High School	9–12	1401 S. Grand Ave Santa Ana

The project would develop up to 1,244 housing units consisting of townhomes, condominiums, and affordable housing. The project would increase the numbers of students attending SAUSD schools. The SAUSD will be consulted regarding student generation rates, current enrollments and capacities at schools that would serve the project, and project impacts on those schools. Project impacts on school facilities and services will be addressed in the EIR, and mitigation measures will be recommended as required.

d) Parks?

Potentially Significant Impact. Park facilities and recreation services are provided by the City Recreation and Senior Services Department. There are no existing City parks in the Airport Area; the nearest City park to the project site is Bayview Park next to the intersection of Bay View Avenue and Mesa Drive, approximately 0.75 mile southwest of the project site. Bayview Park is equipped with barbecues, one basketball court, and play equipment (City of Newport Beach 2011). Upper Newport Bay Ecological Preserve (UNBEP), abutting Bayview Park on the park's south and east sides, spans 1,000 acres of Upper Newport Bay and shores and bluffs next to the bay. UNBEP, operated by OCParks, provides bike and equestrian trails, a classroom, hiking trails, and an interpretive/visitor's center and gift shop (OCParks 2011).

The project would allow up to 1,244 housing units and an estimated 2,741 persons to the project site. Therefore, the project would increase usage of parks in the surrounding community. The Newport Beach Recreation and Senior Services Department will be consulted respecting existing park facilities in the community and project impacts on demands for park facilities and services. This topic will be discussed in the EIR.

e) Other public facilities?

Potentially Significant Impact. Library services are provided to the City of Newport Beach by the Newport Beach Public Library (NBPL); the nearest NBPL facility to the project site is the Mariner's Branch Library at 1300 Irvine Avenue, approximately 3 miles southwest of the project site. Newport Beach Central Library is at 1000 Avocado Avenue, approximately 3.6 miles south of the site. The project would generate up to 2,741 additional residents in the City of Newport Beach, thus increasing demands for library services. The Newport Beach Public Library will be consulted respecting existing library resources in the community and estimated project impacts on library resources and services. This topic will be addressed in the EIR, and mitigation measures will be recommended as needed.

3.15 RECREATION

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

Potentially Significant Impact. The project would increase use of neighborhood and regional parks and could have a significant impact on parks. Information provided by the Newport Beach Recreation and Senior Services Department regarding project impacts on park facilities and services will be discussed in the EIR. Mitigation measures will be recommended as needed.

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

Less than Significant Impact. The project would include two acres of park space that would be open to the public but privately owned. As shown in Figure 6, *Site Plan and Phasing Plan*, one of the parks would be provided on the west end and the other would be more centrally located. The project applicant is also required to provide onsite recreational amenities in accordance with Policy LU6.15.16 of the General Plan Land Use Element. Potential impacts associated with development of the onsite parks will be addressed in the respective topical sections of the EIR. No potential significant impacts would occur other than those disclosed in other sections of this Initial Study that will be addressed in the EIR.

3.16 TRANSPORTATION/TRAFFIC

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

Potentially Significant Impact. The project would increase vehicle, pedestrian, and bicycle trips at the project site and on surrounding roadways. Project construction would also temporarily increase vehicle trips on nearby roadways. A traffic impact analysis (TIA) will be prepared and will:

- Inventory existing roadway lane and intersection configurations and existing sidewalks and bicycle lanes
- Assess existing traffic conditions

- Forecast project-generated traffic volumes and distribution
- Forecast traffic conditions in the project buildout year in without-project conditions
- Estimate existing plus project traffic conditions
- Estimate traffic conditions in the project buildout year in with-project conditions
- Evaluate project impacts to pedestrian and bicycle facilities

Methods and findings of the TIA will be discussed in the EIR. Mitigation measures will be recommended as needed.

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

Potentially Significant Impact. The congestion management program (CMP) in effect in Orange County was issued by the Orange County Transportation Authority in December 2009. All freeways and tollways and selected arterial roadways in the county are part of the CMP Highway System. The nearest freeway to the project site is SR-73; the nearest arterial CMP roadway to the site is Jamboree Road next to the east site boundary. Analysis of project traffic impacts to CMP roadways is required for all development projects adjacent to a CMP roadway that would generate 2,400 or more daily trips and all development projects providing direct access to a CMP roadway that would generate 1,600 or more daily trips (OCTA 2009). Two proposed streets would intersect Jamboree Road; therefore, the 1,600 daily trips threshold for required traffic analysis would apply. Project traffic impacts to Jamboree Road and to SR-73 will be assessed in the TIA and discussed in the EIR; mitigation measures will be recommended as needed.

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

Less Than Significant Impact. The project would develop residential towers up to 150 feet high. Buildings of that height are permitted under FAA Part 77 regulations governing building heights near John Wayne Airport. Thus, the project would not require relocation of air traffic patterns. John Wayne Airport is a regional airport serving much of the air travel demand in Orange County. Project-generated residents and jobs would not result in substantial increase in air traffic levels at John Wayne Airport or other airports in the region. Impacts would be less than significant.

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

Less Than Significant Impact. The project would not introduce incompatible uses to area roadways. All intersections between proposed roadways, and between proposed roadways and existing roadways, would be perpendicular; the design of project roadways and intersections would not cause substantial hazards. Impacts would be less than significant.

e) Result in inadequate emergency access?

Less Than Significant Impact. All proposed streets would meet requirements for fire access roads in the 2010 California Fire Code (CFC; California Code of Regulations, Title 24, Part 9), Section 503. Access to each proposed building would be provided in accord with the aforementioned CFC section. Adequate emergency access would be provided, and impacts would be less than significant.

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

Potentially Significant Impact. Project impacts on pedestrian and bicycle facilities and public transit will be evaluated in the TIA and discussed in the EIR. Mitigation measures will be recommended as needed.

g) Result in inadequate parking capacity?

Potentially Significant Impact. Proposed parking supply relative to off-street parking required by the City of Newport Beach Zoning Code will be evaluated in the TIA and discussed in the EIR. A parking study will be prepared to evaluate and determine the required parking for the entire project. Parking standards formulated in the parking study would be integrated into the Planned Community Development Plan. Mitigation measures will be recommended as needed.

3.17 UTILITIES AND SERVICE SYSTEMS

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

Potentially Significant Impact. The project would not include land uses such as industrial or large agricultural uses that would require wastewater treatment separate from municipal wastewater treatment. The project would prepare and implement a WQMP specifying BMPs to be incorporated into the project to minimize or avoid water pollution. The WQMP would be prepared per requirements of the Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges, Order No. R8-2009-0030, issued by the Santa Ana Regional Water Quality Control Board in 2009. BMPs for compliance with waste discharge requirements will be discussed in the EIR.

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

Potentially Significant Impact.

Water treatment facilities filter and/or disinfect water before it is delivered to customers. The Irvine Ranch Water District (IRWD) provides water to the site and would provide water to the project. IRWD prepared a Water Supply Assessment (WSA) for the project in March 2011 that includes projections of IRWD water demands relative to supplies in without-project and with-project conditions through 2031. The WSA will be discussed in the EIR. Mitigation measures will be recommended as needed.

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

Potentially Significant Impact. The project would include development of drainage facilities; such facilities will be described in the project hydrology and drainage studies and will be discussed in the EIR. .

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

Potentially Significant Impact. The IRWD would supply water to the project and prepared a WSA for the project in March 2011. The WSA will be discussed in the EIR. Mitigation measures will be recommended as needed.

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

Potentially Significant Impact. Wastewater treatment would be provided for the proposed project by the Orange County Sanitation District (OCSD). The OCSD will be consulted regarding existing wastewater treatment capacity available in the region and project impacts on treatment capacity. This topic will be discussed in the EIR, and mitigation measures will be recommended as needed.

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

Potentially Significant Impact. Solid waste from the proposed project that is not recycled would be disposed of at landfills operated by OC Waste & Recycling. OC Waste & Recycling will be consulted regarding existing landfill capacity in the region and project impacts on landfill capacity. Solid waste disposal capacity will be discussed in the EIR, and mitigation measures will be recommended as needed.

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

No Impact.

Federal

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

State

AB 939, the Integrated Waste Management Act of 1989 (California Public Resources Code Sections 40000 et seq.) requires all local governments to develop source reduction, reuse, recycling, and composting programs to reduce tonnage of solid waste going to landfills. Cities must divert at least 50 percent of their solid waste generation into recycling. Compliance with AB 939 is measured for each jurisdiction, in part, as actual disposal amounts compared to target disposal amounts. Actual disposal amounts at or below target amounts comply with AB 939. Target solid waste disposal amounts for the City of Newport Beach are 9.6 pounds per person per day (ppd) for residences and 11 ppd for businesses. Actual disposal rates for Newport Beach in 2009, the latest year for which data are available, are 5.5 ppd for residences and 7 ppd for businesses, that is, below target rates.

AB 1327, the California Solid Waste Reuse and Recycling Access Act of 1991 (California Public Resources Code Sections 42900 et seq.) required the California Integrated Waste Management Board (CIWMB) to develop a model ordinance requiring adequate areas for the collection and loading of recyclable materials in development projects. Local agencies were then required to adopt and enforce either the model ordinance

or an ordinance of their own by September 1, 1993. Space for recyclable material storage is required by Section 20.30.120 of the City of Newport Beach Municipal Code, in conformance with AB 1327.

The project would comply with laws and regulations governing solid waste disposal, and no adverse impact would occur.

3.18 MANDATORY FINDINGS OF SIGNIFICANCE

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

Potentially Significant Impact. The project would remove ornamental trees and shrubs that could be used by sensitive species of birds and bats, including nesting use by birds. The project would not substantially reduce the habitat, range, or population of a fish or wildlife species or rare or endangered species of plant or animal. The project would demolish two industrial buildings built in the 1960s. Project ground-disturbing activities could damage historic, archaeological, and/or paleontological resources. Impacts to biological resources and cultural resources are potentially significant and will be analyzed in the EIR. Mitigation measures will be recommended as needed.

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

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

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

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

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