

From: Public Comment - Koll Residences <info@protectnb.org>
Sent: Friday, January 18, 2019 4:28 PM
To: Dixon, Diane; Herdman, Jeff; Avery, Brad; Duffield, Duffy;
Brenner, Joy; Zak, Peter; Weigand, Erik; Ellmore, Curtis;
Koetting, Peter
Cc: Ung, Rosalinh
Subject: Opposed to Koll Residences

We have enough high rise towers popping up all over orange county. We don't need this eye-sore in Newport Beach. It's a beautiful beach community that will be ruined all for the greed of builders.

Carol Knaeps

1127 Berkshire Lane

Newport Beach, CA 92660

***aeps@sbcglobal.net

From: Public Comment - Koll Residences <info@protectnb.org>
Sent: Friday, January 18, 2019 5:25 AM
To: Dixon, Diane; Herdman, Jeff; Avery, Brad; Duffield, Duffy;
Brenner, Joy; Zak, Peter; Weigand, Erik; Ellmore, Curtis;
Koetting, Peter
Cc: Ung, Rosalinh
Subject: Opposed to Koll Residences

Because it will overcrowd an area with traffic that is already quite intense at peak times.

Marco Loures

2921 Cassia Street

Newport Beach, CA 92660

***resm@yahoo.com

From: Public Comment - Koll Residences <info@protectnb.org>
Sent: Sunday, January 20, 2019 6:27 PM
To: Dixon, Diane; Herdman, Jeff; Avery, Brad; Duffield, Duffy;
Brenner, Joy; Zak, Peter; Weigand, Erik; Ellmore, Curtis;
Koetting, Peter
Cc: Ung, Rosalinh
Subject: Koll Center Towers

I urge the Planning Commission to reject the current plan for residential towers at Koll Center. The proposed project brings with it additional traffic as well as a look all too familiar in Los Angeles. While I think the present Koll Center is well done, the addition of the proposed towers destroys that look and feel. Newport Beach does NOT need this project in addition the the monstrosity Shopoff is developing along Jamboree.

Michael Smith
1807 Bayadere Terrace
Corona del Mar, CA 92625
***cdm@gmail.com

From: Public Comment - Koll Residences <info@protectnb.org>
Sent: Sunday, January 20, 2019 10:50 AM
To: Dixon, Diane; Herdman, Jeff; Avery, Brad; Duffield, Duffy;
Brenner, Joy; Zak, Peter; Weigand, Erik; Ellmore, Curtis;
Koetting, Peter
Cc: Ung, Rosalinh
Subject: Opposed to Koll Residences

We do not need any more traffic congestion, we are losing our community character and quality of life in NB because of greedy developers!!

Mark Zigner

20 Coventry

Newport Beach, CA 92660

***zigner@yahoo.com

From: Public Comment - Koll Residences <info@protectnb.org>
Sent: Monday, January 21, 2019 1:58 PM
To: Dixon, Diane; Herdman, Jeff; Avery, Brad; Duffield, Duffy;
Brenner, Joy; Zak, Peter; Weigand, Erik; Ellmore, Curtis;
Koetting, Peter
Cc: Ung, Rosalinh
Subject: Opposed to Koll Residences

The quality and standard of living that keeps Newport charming and not West Hollywood with more traffic and high density living.

Leslie Long
419 Prospect Street
Newport Beach, CA 92663
***wcox@mac.com

From: Public Comment - Koll Residences <info@protectnb.org>
Sent: Tuesday, January 22, 2019 2:23 PM
To: Dixon, Diane; Herdman, Jeff; Avery, Brad; Duffield, Duffy;
Brenner, Joy; Zak, Peter; Weigand, Erik; Ellmore, Curtis;
Koetting, Peter
Cc: Ung, Rosalinh
Subject: Opposed to Koll Residences

Too big, too much.


Sally Corngold

2241 Donnie Rd

Newport Beach, CA 92660

***corngold@gmail.com

From: Ramirez, Brittany
Sent: Tuesday, January 22, 2019 8:14 AM
To: Ung, Rosalinh
Subject: FW: Koll Center Residences


FYI...

BRITTANY RAMIREZ
Community Development Department
Administrative Analyst
bramirez@newportbeachca.gov
949-644-3239

From: Charles Davison [mailto:Chas@originsgolfdesign.com]
Sent: Monday, January 21, 2019 10:41 AM
To: Planning Commissioners <PlanningCommissioners@newportbeachca.gov>
Subject: Koll Center Residences

Dear Planning Commissioners, first I would like to make it very clear that I have no dog in this fight and whether this project is approved or not has no impact on me. I have lived in Newport since 1970, am very proud to call it my home. I love the city and all it has to offer. I am just as concerned as anybody about traffic, density, water usage and such.

This being said however, it is beyond my imagination, how there can be any question about this project, when apparently it is in full compliance with the City's General Plan. California is short of housing and I can't think of a better place for density in the City of Newport than the airport area. It seems to me that a lot of time, resources and money is being spent in an attempt to scuttle a project, that if in fact is compliant, by all rights should be approved. If the General Plan falls short of the vision of the City of Newport's populous, then change the General Plan, but in the meantime we should be precluded from picking and choosing what compliant projects should go forward.

I would strongly encourage the Planning Commission to approve this project and then proceed with the current evaluation of the General Plan.

W. Charles Davison
CEO/CFO



www.originsgolfdesign.com

18022 Cowan, Suite 200, Irvine, CA 92614 U.S.A.

949.476.6878 – 949.476.6875 Fax – 949.285.2658 Cell

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From: Public Comment - Koll Residences <info@protectnb.org>
Sent: Wednesday, January 23, 2019 9:09 AM
To: Dixon, Diane; Herdman, Jeff; Avery, Brad; Duffield, Duffy;
Brenner, Joy; Zak, Peter; Weigand, Erik; Ellmore, Curtis;
Koetting, Peter
Cc: Ung, Rosalinh
Subject: Opposed to Koll Residences

Not in best interest of Newport Beach.

Charles Wessler

20 Seascape Dr.

Newport Beach, CA 92663

***wessler@hotmail.com

From: Ramirez, Brittany
Sent: Wednesday, January 23, 2019 1:50 PM
To: Ung, Rosalinh
Subject: FW: I DO NOT want the proposed new Koll Center high rise composed of three towers

FYI...

BRITTANY RAMIREZ
Community Development Department
Administrative Analyst
bramirez@newportbeachca.gov
949-644-3239

-----Original Message-----

From: Pat Wright [mailto:ptwright40@gmail.com]
Sent: Wednesday, January 23, 2019 12:23 PM
To: Planning Commissioners <PlanningCommissioners@newportbeachca.gov>; Ramirez, Brittany <bramirez@newportbeachca.gov>; Dept - City Council <CityCouncil@newportbeachca.gov>; City Clerk's Office <CityClerk@newportbeachca.gov>; info@spon-newportbeach.org
Subject: I DO NOT want the proposed new Koll Center high rise composed of three towers

Off Von Karman near MacArthur.

I would like you to consider the emergent impact on your voting citizens....and ask you to vote NO.

Thank you...

Patricia Wright
33 Mainsail Drive
Corona Del Mar, CA

From: Rieff, Kim
Sent: Wednesday, January 23, 2019 2:54 PM
To: Lippman, Tiffany; Ung, Rosalinh
Subject: FW: Koll project

From: Cindy Powell [mailto:palboa@gmail.com]
Sent: Wednesday, January 23, 2019 11:26 AM
To: Planning Commissioners <PlanningCommissioners@newportbeachca.gov>; Ramirez, Brittany <bramirez@newportbeachca.gov>; Dept - City Council <CityCouncil@newportbeachca.gov>; City Clerk's Office <CityClerk@newportbeachca.gov>; info@spon-newportbeach.org
Subject: Koll project

Please deny the permit for the huge project they are requesting.
Thank you,
Cindy Powell

From: Ramirez, Brittany
Sent: Wednesday, January 23, 2019 3:58 PM
To: Ung, Rosalinh
Subject: FW: Study Session: Knoll Project

FYI...

BRITTANY RAMIREZ
Community Development Department
Administrative Analyst
bramirez@newportbeachca.gov
949-644-3239

-----Original Message-----

From: Kathleen Pace [mailto:pacepediatric@yahoo.com]
Sent: Wednesday, January 23, 2019 3:46 PM
To: Planning Commissioners <PlanningCommissioners@newportbeachca.gov>; Ramirez, Brittany <bramirez@newportbeachca.gov>; Dept - City Council <CityCouncil@newportbeachca.gov>; City Clerk's Office <CityClerk@newportbeachca.gov>; info@spon-newportbeach.org
Subject: Study Session: Knoll Project

Please do not approve the changes in the Knoll project. I also object to the whole project. This development will change our city and harm our environment. This type of expansion is ruining our city.
K Pace
92625 home owner

Sent from my iPhone

From: Rieff, Kim
Sent: Wednesday, January 23, 2019 2:55 PM
To: Lippman, Tiffany; Ung, Rosalinh
Subject: FW: Study Session Public Comments: Koll Project

From: Spg1505 [<mailto:spg1505@aol.com>]
Sent: Wednesday, January 23, 2019 11:58 AM
To: Planning Commissioners <PlanningCommissioners@newportbeachca.gov>; Ramirez, Brittany <bramirez@newportbeachca.gov>; Dept - City Council <CityCouncil@newportbeachca.gov>; City Clerk's Office <CityClerk@newportbeachca.gov>; info@spon-newportbeach.org
Subject: Study Session Public Comments: Koll Project

PLEASE, PLEASE, PLEASE do not allow this additional residential property to happen. The density in Newport Beach is at capacity as far as I am concerned. The increased traffic alone would be intolerable.

Ilona Galant

From: Rieff, Kim
Sent: Wednesday, January 23, 2019 2:54 PM
To: Lippman, Tiffany; Ung, Rosalinh
Subject: FW: Study Session Public Comments: Koll Project

From: Alan Miller [mailto:alanmiller@pacbell.net]
Sent: Wednesday, January 23, 2019 11:41 AM
To: Planning Commissioners <PlanningCommissioners@newportbeachca.gov>; Ramirez, Brittany <bramirez@newportbeachca.gov>; Dept - City Council <CityCouncil@newportbeachca.gov>; City Clerk's Office <CityClerk@newportbeachca.gov>; info@spon-newportbeach.org
Subject: Study Session Public Comments: Koll Project

Hello,
I am writing to urge you to not approve the Koll project. It is not appropriate for Newport Beach.
Thank you,
Alan Miller
Newport Beach

From: Rieff, Kim
Sent: Wednesday, January 23, 2019 2:56 PM
To: Lippman, Tiffany; Ung, Rosalinh
Subject: FW: Study Session Public Comments: Koll Project

From: John Petry [mailto:johncpetry@hotmail.com]
Sent: Wednesday, January 23, 2019 1:59 PM
To: Planning Commissioners <PlanningCommissioners@newportbeachca.gov>; Ramirez, Brittany <bramirez@newportbeachca.gov>; Dept - City Council <CityCouncil@newportbeachca.gov>; City Clerk's Office <CityClerk@newportbeachca.gov>; info@spon-newportbeach.org
Subject: Study Session Public Comments: Koll Project

I will be out of town on the 31st but would otherwise have spoken at the Planning Commission. The scope and scale of the proposed project are bound to cause traffic and other logistics problems not just in the immediate area but throughout all of Newport Beach. Since the City is preparing to review the General Plan in its entirety, any projects like this should be put on hold until that process is commenced. Zoning, traffic and other density issues will be part of the overall review and projects such as this one can be submitted for consideration at the appropriate time. It would be premature to do anymore spot-zoning until then. Thank you for your consideration.

From: Devin Doyle <info@kollresidences.com>
Sent: Wednesday, January 23, 2019 5:27 PM
To: Ung, Rosalinh
Subject: Support for the Koll Center Residences

Dear Honorable Mayor, City Council Members and Planning Commissioners:

I am writing in SUPPORT of The Koll Center Residences, a mixed-use village proposed in the Airport Area. This project upholds our City's General Plan and will help our community prosper. Additionally, I appreciate how The Koll Center Residences is part of a broader urban village that replaces existing uses. This will neutralize issues like traffic.

Newport Beach is a beautiful place, created through a history of thoughtful planning. We finally have a project that upholds our vision for the City. Please say YES to The Koll Center Residences.

Devin Doyle
devin@responsefiresupply.com
333 E Bay Front

From: Ramirez, Brittany
Sent: Wednesday, January 23, 2019 1:50 PM
To: Ung, Rosalinh
Subject: FW: Study Session Public Comments: Koll Project LACKS NEARBY FACILITIES



FYI...

BRITTANY RAMIREZ
Community Development Department
Administrative Analyst
bramirez@newportbeachca.gov
949-644-3239

From: Steve Leonard [mailto:steveleonard@legalarmy.com]
Sent: Wednesday, January 23, 2019 12:22 PM
To: Planning Commissioners <PlanningCommissioners@newportbeachca.gov>; Ramirez, Brittany <bramirez@newportbeachca.gov>; Dept - City Council <CityCouncil@newportbeachca.gov>; City Clerk's Office <CityClerk@newportbeachca.gov>; info@spon-newportbeach.org
Subject: Study Session Public Comments: Koll Project LACKS NEARBY FACILITIES

I am strongly against this Koll Condo Towers residential project. There are insufficient service facilities close by for this project which will mean more traffic on MacArthur in jamboree into the Newport Beach.

This area should remain office use, not residential use.

Thank you for considering my concerns.

Steve Leonard
2501 Salt Air Cir.
Corona Del Mar, 92625

From: Ramirez, Brittany
Sent: Thursday, January 24, 2019 5:18 PM
To: Ung, Rosalinh
Subject: FW: City Plan Compliant Koll Center Residences



FYI...

BRITTANY RAMIREZ
Community Development Department
Administrative Analyst
bramirez@newportbeachca.gov
949-644-3239

From: Ken Dufour [mailto:kendufour44@gmail.com]
Sent: Thursday, January 24, 2019 4:56 PM
To: Planning Commissioners <PlanningCommissioners@newportbeachca.gov>
Subject: City Plan Compliant Koll Center Residences

Dear Chair and Planning Commission, Newport Beach, CA:

As a long time , 45+years, resident of Newport Beach I would like to express my support for Koll Center Residences. I am looking forward to sharing my support at your workshop January 31. I went to City Hall twice last year to express my support and am pleased this project is finally being heard.

I want to be clear; I do not support all new development in our City, as I have concerns about traffic, density and, most importantly, character. I support this Shopoff proposed plan at the airport area, because it makes sense. There is already high rise building in the airport area and it can handle the increased density because of the roads, freeways, etc. It also makes sense because it fits the surrounding area and does not disrupt an established neighborhood. This is important to me, but it is what is called for in our City's General Plan. The General Plan reflects the need to increase housing in our City, while protecting the character of our neighborhoods.

Even though some residents want to reject this proposal because they oppose high-rise development anywhere in Newport Beach. I disagree! This type of planning is specifically zoned for in the airport area in our General Plan. Our City, like many other cities in California are mandated to provide more housing by the State. And, our General Plan reflects that requirement and provides for building thousands more homes in the airport area of Newport Beach.

This project also reflects smart planning and will repurpose a sprawling parking lot to provide hundreds of luxury condominiums. It will also generate millions of dollars in revenue for our City which can address numerous city needs, specifically, I hope, our pension liability.

This project will be a major benefit to my City, Newport Beach. I strongly urge the Planning Commission to approve this project.

Ken Dufour

From: Public Comment - Koll Residences <info@protectnb.org>
Sent: Thursday, January 24, 2019 10:16 AM
To: Dixon, Diane; Herdman, Jeff; Avery, Brad; Duffield, Duffy;
Brenner, Joy; Zak, Peter; Weigand, Erik; Ellmore, Curtis;
Koetting, Peter
Cc: Ung, Rosalinh
Subject: Opposed to Koll Residences

Traffic gridlock problem and want to maintain character of community.

Tammy Lyda

76 Ocean Vista

Newport Beach, CA 92660

***yda@gmail.com

From: Public Comment - Koll Residences <info@protectnb.org>
Sent: Thursday, January 24, 2019 9:10 AM
To: Dixon, Diane; Herdman, Jeff; Avery, Brad; Duffield, Duffy;
Brenner, Joy; Zak, Peter; Weigand, Erik; Ellmore, Curtis;
Koetting, Peter
Cc: Ung, Rosalinh
Subject: Opposed to Koll Residences

Newport Beach is choking on density caused by continued construction of high density living spaces. Enough is enough.

Mary Bacon

11 Rue St Cloud

Newport Beach, CA 92660

***bacon0227@gmail.com

From: Nelson, Jennifer
Sent: Friday, January 25, 2019 8:07 AM
To: Lippman, Tiffany; Ung, Rosalinh
Subject: FW: Koll CenterTowers

Jennifer Nelson
Assistant City Clerk
City of Newport Beach
100 Civic Center Drive, Newport Beach, CA 92660
949-644-3006
jnelson@newportbeachca.gov

-----Original Message-----

From: Elaine Linhoff [mailto:elinhoff555@gmail.com]
Sent: Thursday, January 24, 2019 8:29 PM
To: Planning Commissioners <PlanningCommissioners@newportbeachca.gov>; Ramirez, Brittany <bramirez@newportbeachca.gov>; Dept - City Council <CityCouncil@newportbeachca.gov>; City Clerk's Office <CityClerk@newportbeachca.gov>; info@spon-newportbeach.org
Cc: Dorothy Kraus <dorothyjkraus@gmail.com>
Subject: Koll CenterTowers

I am opposed to the Koll Center Towers development for several reasons.

It his incompatible with the surrounding area.

It will increase traffic . Already on a Wednesday afternoon in January I sat through two signal changes. Imagine what it will be like on a Saturday in July. We can't widen most of our streets. Prevention is easier than a cure.

At some point this City is going to have to stop relying on building fees and learn to budget without them. We are almost built out , so the obvious way to go is up. I do not want to live in a metropolitan area surrounded by skyscrapers. I believe the majority of citizens of Newport Beach feel the same way. The overwhelming support for the Museum Tower petition is evidence of that. I had people running down the street after me to sign that petition opposing the Museum House.

Laguna Beach is a beach city too and they are managing to run their

city without skyscrapers. There is no reason why Newport can't do the same. The time to stop the trend is NOW.

Elaine Linhoff
1760 E.Ocean Blvd.
New[port Beach CA 92661

From: Nelson, Jennifer
Sent: Friday, January 25, 2019 8:08 AM
To: Lippman, Tiffany; Ung, Rosalinh
Subject: FW: Study Session Public Comments: Koll Project

Jennifer Nelson
Assistant City Clerk
City of Newport Beach
100 Civic Center Drive, Newport Beach, CA 92660
949-644-3006
jnelson@newportbeachca.gov



From: Jackie Smiley [mailto:jackiesmileybyc@aol.com]
Sent: Thursday, January 24, 2019 6:01 PM
To: Planning Commissioners <PlanningCommissioners@newportbeachca.gov>; Ramirez, Brittany <bramirez@newportbeachca.gov>; Dept - City Council <CityCouncil@newportbeachca.gov>; City Clerk's Office <CityClerk@newportbeachca.gov>; info@spon-newportbeach.org
Subject: Study Session Public Comments: Koll Project

I am very much against this Koll Project, as I feel it is out of keeping with the surrounding buildings, is too dense and will cause a great increase in traffic.

Jacqueline Smiley
Corona del Mar

From: Mary Ann Mendoza <MMendoza@murphyevertz.com>
Sent: Friday, January 25, 2019 1:09 PM
To: Planning Commissioners
Cc: Dept - City Council; Ung, Rosalinh; Doug Evertz
Subject: Supplemental Comments in response to Koll Residences Environmental Impact Report (State Clearinghouse No. 2017011002;PA 2015-024)
Attachments: COMAC -- Letter to P. Zak Re Supplemental Comments on EIR- Koll FEIR Comments- Attachment A-Figures (00140458xBEBE4).PDF

Dear Mr. Zak and Members of the Planning Commission,

On behalf of Douglas J. Evertz, please see the attached correspondence, Comments on the Final Environmental Impact Report and Attachment A with regard to the above referenced matter. The original will follow via overnight delivery.

Regards,
Mary Ann

Mary Ann Mendoza
Legal Assistant
650 Town Center Drive • Suite 550 • Costa Mesa, CA 92626
Voice: (714) 277-1716 | Fax: (714) 277-1777
www.MurphyEvertz.com

MURPHY & EVERTZ
A t t o r n e y s a t L a w



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DOUGLAS J. EVERTZ, PARTNER
DIRECT DIAL NUMBER: 714.277.1702
EMAIL ADDRESS: DEVERTZ@murphyevertz.com

January 25, 2019

OUR FILE NO.
40136.00001

VIA OVERNIGHT MAIL AND E-MAIL

Mr. Peter Zak, Chair
and Members of the Planning Commission
City of Newport Beach
Community Development Department
100 Civic Center Drive
Newport Beach, CA 92660
planningcommissioners@newportbeachca.gov

*Re: Supplemental Comments in response to Koll Residences Environmental Impact
Report (State Clearinghouse No. 2017011002; PA 2015-024)*

Dear Chair Zak and Members of the Planning Commission:

We represent COMAC America Corporation ("CAC"), owner of real property located at 4350 Von Karman Avenue, Newport Beach, California ("Property"). The Property is located within the Koll Center Newport ("Center"), a planned business/office development in the City of Newport Beach ("City"). CAC is a wholly owned subsidiary of Commercial Aircraft Corporation of China, which functions as the main vehicle in implementing large passenger aircraft programs in China.

CAC submits the following in connection with the Environmental Impact Report ("EIR") for the Proposed Koll Center Residences Project ("Project.") The Project consists of three 13-story residential buildings and a parking structure immediately adjacent to the Property. As previously and repeatedly expressed, CAC has significant concerns about this Project, as it is entirely inconsistent with surrounding integrated business and office uses—uses carefully considered and previously approved by the City.

On November 17, 2017, we submitted detailed comments on the Draft EIR. Our submittal included the report of Environmental Audit Inc., which also included detailed comments on the Draft EIR. On January 18, 2018, the City provided written responses to comments on the Draft EIR. We now submit the attached January 2019 supplemental comments of Environmental Audit, Inc.

As set forth in the attached, the Draft EIR, and the City's responses to comments, are deficient in the coverage of various environmental impacts, including aesthetics, air quality, greenhouse gas impacts, land use, noise, traffic, alternatives and cumulative impacts. CAC hopes that its comments and concerns resonate with the City. CAC and other owners and tenants within



Mr. Peter Zak, Chair
and Members of the Planning Commission
City of Newport Beach
Community Development Department
January 25, 2019
Page 2

the Center have made substantial investments in their properties and businesses -- investments that will be significantly and irreversibly damaged by converting the comprehensively planned office and business land uses within the Center to a new high density residential development. The Project will have major adverse financial impacts on vested property rights. We ask that the City carefully evaluate the environmental impacts of the Project, as well as the need for and utility of the Project within the Center.

Best regards,

A handwritten signature in blue ink, appearing to read "Doug Evertz".

Douglas J. Evertz of
MURPHY & EVERTZ LLP

DJE/mm
Enclosure

cc: City of Newport Beach Mayor and City Council (citycouncil@newportbeachca.gov)
Rosalinh Ung, Senior Planner (rung@newportbeachca.gov)

COMMENTS ON THE FINAL ENVIRONMENTAL IMPACT REPORT

Koll Center Residences

State Clearinghouse No. 2017011002

Prepared for:

Murphy & Evertz

**650 Town Center Drive, Suite 550
Costa Mesa, CA 92626**

January 2019

{00140137.2 }

Prepared by:



ENVIRONMENTAL AUDIT, INC.®

1000-A Ortega Way

Placentia, CA 92870-7162

(714) 632-8521 = Phone

(714) 632-6754 = Fax

1.0 INTRODUCTION

Environmental Audit, Inc. (EAI) has reviewed the response to its comments on the Draft Environmental Impact Report ("DEIR") for the Koll Center Residences, prepared by the City of Newport Beach, dated January 18, 2018. An EIR must disclose all potentially significant adverse environmental impacts of a project (Public Resources Code §21100(b)(1)). Our review of the responses to comments indicates that some of our concerns have been addressed, while others have not been addressed. The DEIR must be revised to address these impacts and recirculated for public review. CEQA requires recirculation of a DEIR when significant new information is added to the DEIR following public review but before certification (Public Resources Code §21092.1). New information is significant if the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project (CEQA Guidelines §15088.5). The following provides our review of the response to comments on the DEIR, including potentially new significant environmental impacts, which must be addressed in a revised DEIR that is recirculated for public review. The numbers refer to the numbered response to comments in the January 18, 2018 City of Newport Beach staff report.

Response 8

Project objectives should be based on the perspective of the lead agency (e.g., City or public agency) and not the perspective of the applicant (e.g., developer). Based on the response to comments provided, we would suggest that the fifth objective be revised to: "Increase pervious surface area as much as reasonably feasible from existing conditions as a result of Project implementation." This is the appropriate objective for the City (as opposed to the developer). Limiting the objective to create pervious surfaces to 0.83 acre or 7% is unreasonably narrow as a project objective. The goal of the City should be to increase pervious surfaces as much as possible.

Responses 9 through 12

With respect to cumulative impacts, the project applicant has provided Topical Response 3.1.1. The DEIR indicated that a list of cumulative projects was prepared and used in the DEIR (Section 4.1 of the EIR). Topical Response 3.1.1 indicates that a combination of the "list approach" and the "projection approach" were used in the DEIR. CEQA Guidelines §15130(b)(1) states that "the following elements are necessary to an adequate discussion of significant cumulative impacts: Either:

- (A) A list of past, present and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or (emphasis added)
- (B) A summary of projections contained in an adopted local, regional or statewide plan, or related planning document that describes or evaluates conditions contributing to the cumulative effect . . . Any such document shall be referenced and made available to the public at a location specified by the lead agency."

Substantial evidence must be provided regarding why the reasonable combination of the two approaches is sufficient to provide an adequate cumulative impact analysis and what environmental resources were analyzed using a list approach and which were analyzed using a "projection approach."

COMMENTS ON FINAL ENVIRONMENTAL IMPACT REPORT
The Koll Center Residences

The DEIR indicates that it is using a list approach to analyzing cumulative impacts. CEQA requires analysis of "past, present and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the (lead) agency." (CEQA Guidelines § 15130(b)(1)). The list of cumulative projects in the DEIR does not include a number of large projects which have been proposed in the City of Newport Beach, including Newport Crossings, Banning Ranch, Mariner's Mile Revitalization Master Plan, and the General Plan Amendment. Substantial evidence shows that it is reasonably foreseeable that a number of other projects could occur in the Newport Beach/Airport Area.

Based on Topical Response 3.1.1, the DEIR arbitrarily limited the cumulative analysis to known projects at the time the Koll Center Residences Project Notice of Preparation was published on January 4, 2017. There is nothing in the CEQA Guidelines or statutes that limit the cumulative analysis to the date the NOP was published. The Koll Center Residences project has not yet been approved and the administrative record is still open as no decision has been made regarding the project. Therefore, limiting the cumulative analysis to January 4, 2017 ignores projects that have been proposed since that time, ignoring a number of "present and probable future projects producing related or cumulative impacts." In fact, CEQA requires analysis of "past, present and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the (lead) agency." (CEQA Guidelines § 15130(b)(1)). The analysis is a failure to provide an analysis as required by law. Some of the projects that were arbitrarily ignored in the preparation of the cumulative analysis are identified below.

Newport Crossings Mixed Use Project. This project is located approximately 1,500 feet west of the Koll Project and would consist of 350 residential dwelling units, 2,000 square feet of "casual-dining" restaurant space, 5,500 square feet of commercial space, and a 0.5-acre public park. The proposed buildings would be approximately 55 feet high for livable spaces, with limited ancillary structures to 77 feet high for architectural features, elevator shafts, and mechanical equipment. A six-story parking structure (one level subterranean and five levels above ground) is proposed in the center of the site to be surrounded and screened from public views by the residential and commercial buildings on all sides¹. Cumulative traffic, air quality, noise, etc. associated with this project, which is a reasonably foreseeable project is not included in the EIR for the Koll Center Project. Based on the DEIR for the Newport Crossing Project, the total daily trips associated with a 350 condominium/townhouse development would be about 2,326 trips per day (an increase of 1,077 trips per day over the existing uses). Further, the additional air quality and noise impacts associated with this project and other cumulative projects have not been analyzed or disclosed to the public.

City of Irvine Luxury Hotel: The City of Irvine approved a mixed use project with two 15-story buildings in Irvine, across the street from John Wayne Airport in November 2017. The project includes a 386-room luxury hotel, an office building, ground-level shops and restaurants, as well as a parking structure. Based on the ITE Trip Generation Rates (9th Edition), the total daily trips associated with a 386-room hotel be about 8.17 trip per room or over 3,000 trips per day (3,154)

¹Draft EIR for the Newport Crossings Mixed Use Project Available at:
https://www.newportbeachca.gov/pln/CEQA_REVIEW/Newport%20Crossings/DEIR/DEIR_Final.pdf

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for the hotel portion of the development alone. This project was not included as a cumulative project and is located approximately one mile north of the Koll Center Project.²

The limited cumulative analysis shows that over 5,000 additional average daily trips would be associated with cumulative projects that were not analyzed in the DEIR. Further, the magnitude of the cumulative impacts associated with other environmental resources, including noise and air quality have been completely ignored in the DEIR. No where did the DEIR disclose the potential for overlapping air quality and noise impacts associated with the Uptown Newport development, located adjacent to the Koll Project during construction or operational activities. Table 1 shows the potential overlap in construction air emissions associated with the Koll, Uptown Newport, and Newport Crossings projects.

TABLE 1
Cumulative Construction Air Quality Impacts
(Koll, Uptown Newport, and Newport Crossings)

PROJECT	POLLUTANT (pounds per day)					
	Reactive Organic Gases (ROG)	Nitrogen Oxide (NOx)	Carbon Monoxide (CO)	Sulfur Dioxide (SO ₂)	Coarse Particulate Matter (PM ₁₀)	Fine Particulate Matter (PM _{2.5})
Koll Center ⁽¹⁾	11.06	113.15	135.09	0.40	22.11	9.5
Uptown Newport ⁽²⁾	72	335	249	1	37	12
Newport Crossing ⁽³⁾	36	217	88	<1	28	9
Total Emissions	119.06	665.15	3472.09	2.40	87.1	30.5
Significance Threshold	75	100	550	150	150	55
Significant?	Yes	Yes	No	No	No	No

(1) Koll Center Residences Project, Response to Comments, Revised Table 4.2-7.

(2) Uptown Newport EIR, Table 5.2-9.

(3) Newport Crossings EIR, Table 5.2-9

Based on Table 1, cumulative regional air quality impacts would be expected to occur for both ROG and NOx from the Uptown Newport, Koll, and Newport Crossings projects alone. The Koll Project DEIR only disclosed the potential for NOx to be cumulatively significant. However, the Koll Project would also contribute to cumulatively significant ROG impacts. The DEIR cumulative analysis remains flawed, must be revised to disclose all potential cumulative impacts, and the DEIR recirculated for public review.

Table 2 shows the potential overlap in localized air emissions during construction activities for the Koll Project and the Uptown Newport Project. Based on Table 2, cumulative localized air quality impacts during construction activities would be expected to occur for both NOx, PM₁₀ and PM_{2.5}. The DEIR only disclosed the potential for PM₁₀ and PM_{2.5} to be significant. However, when the impacts are

² <https://www.ocregister.com/2017/11/28/irvine-approves-15-story-hotel-office-project-near-john-wayne-airport/>
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combined with other on-going projects, cumulative impacts are expected for other pollutants (NOx) as well. Further, the analyses in Tables 1 and 2 only include the Koll Project and Uptown Newport and must be expanded to include other cumulative projects. The DEIR cumulative analysis remains flawed, must be revised to disclose all potential cumulative impacts including the magnitude of those cumulative impacts, and the DEIR recirculated for public review because new significant impacts not previously disclosed have been identified.

TABLE 2
Cumulative Localized Air Quality Impacts
(Koll and Uptown Newport)

PROJECT	Pollutant (pounds per day)			
	Nitrogen Oxide (NOx)	Carbon Monoxide (CO)	Coarse Particulate Matter (PM10)	Fine Particulate Matter (PM2.5)
Koll Center ⁽¹⁾	153.37	193.20	15.66	11.03
Uptown Newport	126	142	6.3	6.3
Total Emissions	279.37	435.2	21.96	17.33
Significance Threshold	197	1,711	14	9
Significant?	Yes	No	Yes	Yes

(1) Koll Center Residences Project, DEIR, Table 4.2-8.

(2) Uptown Newport Final EIR, Table 5.2-17.

As required by CEQA Guidelines section 15130(b)(1), cumulative impacts include “past, present and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the (lead) agency.” Therefore, the cumulative analysis must also include probable future projects including Newport Crossings, the Irvine Luxury Hotel by JWA, Banning Ranch, Mariner’s Mile Revitalization, and the General Plan Amendment. Further, based on comments from City Staff and Council at the Corona Del Mar Residents Association meeting on May 17, 2018, the new owner of the Ardell property on Mariner’s Mile has submitted applications to the City for 600,000 square feet of mixed used commercial and residential development³. Therefore, portions of the Mariner’s Mile development are not on hold, and are not speculative but are reasonably foreseeable future projects and must be included in the cumulative analysis.

Response 13

As stated previously, CEQA requires the analysis of past, present and probable future projects producing related or cumulative impacts. A recent flyer from the City outlined the General Plan Update and indicates that the City intends to review its vision for the Airport Area and Newport Center because of community comments related to recent development applications. Further, the City is now holding study sessions for the General Plan, and is launching a Steering Committee to solicit public input on the General Plan update. Therefore, the City has acknowledged that the planning in the Airport area is an

³ <https://www.ocregister.com/2018/03/05/771150/>

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important component of the General Plan Update and the impacts associated with the General Plan update must be included in the DEIR.

Response 14

Please see the discussion under Responses 8 through 12 above which demonstrate that the cumulative analysis for the Koll Center, Uptown Newport, and Newport Crossings projects are potentially significant and those impacts must be disclosed. The EIR for the Koll Center has failed to do a cumulative analysis for most of the environmental resources and the potential cumulative impacts on air quality would generate additional significant impacts that were not disclosed in the DEIR. Therefore, the DEIR must be revised and recirculated for public review.

Response 15 and 17

Responses 15 and 17 do not respond to the comments raised in our November 8, 2017 comment letter. (Population and Housing, cumulative impacts, page 4.11-8.) The DEIR states that the projects identified in Table 4-1 would result in an additional 3,766 residents. The cumulative projects identified including Newport Crossings, Banning Ranch, Mariner's Mile Revitalization Master Plan, and the General Plan Amendment also must be included to provide an adequate estimate of the cumulative population/housing impacts. The same is true for the cumulative utilities and service systems impacts (page 4.15-28 of the DEIR).

Response 19

Response 19 is nonresponsive to the comment that current, past, and probable future development projects along Jamboree and the Airport Area have greatly changed the aesthetic environment of the area. The increased intensity of the Koll property along with other cumulative projects, contributes to this significant cumulative impact. The DEIR has not provided any information on how the cumulative projects have changed the aesthetic environment. Aesthetics is one of the resources required to be evaluated under CEQA and therefore, requires an adequate evaluation. Attachment A provides a picture of the Jamboree corridor in December 2008 and another one in January 2018. By comparing these two pictures, the increased development along Jamboree is apparent. The Koll Project, in association with the Uptown Newport Project (and other proposed projects such as Newport Crossings), increase the intensity of development within the Airport Area and along the Jamboree corridor in the cities of Newport Beach and Irvine and has negatively changed the visual character of the area. Additional development in the Koll Center would continue this trend and result in significant cumulative aesthetic impacts.

Response 20

Response 20 does not address our comment raised that diesel particulate matter is considered to be a toxic air contaminant ("TAC") but no health risk assessment ("HRA") has been prepared for TAC emissions from construction sources emitted from the proposed project. The reference to the 2014 John Wayne Airport EIR addresses the impact of the airport on the surrounding environment, but does not address the impact of TAC emissions from the Koll development construction activities on the environment (including adjacent commercial and residential areas). Construction activities are expected to last 54 months or for over 4.5 years. Construction equipment, including graders, pavers, cranes, etc.,

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predominantly uses diesel fuel and generates diesel particulate matter (DPM), a known carcinogen. The increase exposure of workers and residents to DPM from the Koll site, as well as Uptown Newport and Newport Crossings sites are likely significant, especially when construction activities at the two to three of the sites occur at the same time (overlap). As noted in Response 20, the airport already generates a cancer risk in the range of 2.4 to 5.9. Additional diesel particulate and other emissions from the existing roads and freeways contribute to the existing cancer burden. The additional contribution of DPM from construction activities at the Koll project and other cumulative projects on the existing environment must be considered and evaluated in the EIR.

Response 21

The response indicates that the analysis for the EIR was initiated and completed prior to the release of the 2016 ambient air quality monitoring data from the South Coast Air Quality Management District ("SCAQMD") (May 2017). While the environmental analysis for the Koll project may have begun prior to the release of the SCAQMD 2016 ambient air quality data, the EIR process is still not finished and the EIR has not been approved. The completion of the DEIR does not complete the EIR process. The public then has the opportunity to comment and responses to those comments are required. The decision makers then also have an opportunity to review the entire administrative record, which does not close until the EIR is certified by the lead agency. Therefore, per the requirements of CEQA Guidelines §15125(a), the lead agency is required to include a description of the physical environmental conditions in the vicinity of a project as they exist at the time environmental review commences (CEQA Guidelines §15125(a)). The description of the environmental setting constitutes the baseline physical conditions by which a lead agency may assess the significance of a project's impacts. The most recent ambient air quality data must be used in the DEIR to adequately describe the existing air quality in the project vicinity. The 2016 ambient air quality monitoring data are available from the SCAQMD at the following link: <http://www.aqmd.gov/docs/default-source/air-quality/historical-data-by-year/2016-air-quality-data-tables.pdf?sfvrsn=14>

Response 23

The commenter did not "incorrectly" state that the DEIR's mitigation is inadequate. The Koll DEIR states that construction emissions are potentially significant. CEQA requires that feasible mitigation measures be used to reduce potentially significant impacts. Comment 23 in our letter dated November 8, 2017 (and transmitted by Murphy & Evertz on November 10, 2017) states that Tier 4 equipment has been determined to be feasible, is available for certain types of equipment, and must be used when it is available, subject to the same requirements and exemptions identified by the SCAQMD in recent documents that the SCAQMD has approved. EIRs prepared by the SCAQMD⁴, the air district with jurisdiction over southern California, have determined that mitigation measures for significant construction emissions are feasible using Tier 4 equipment. On May 11, 2004, the U.S. EPA approved the final rule that established Tier 4 emission standards, which are phased-in over the period of 2008-2017. The Tier 4 standards require that emissions of PM and NOx be further reduced by about 90%. Such emission reductions can be achieved through the use of control technologies—including advanced

⁴ See page 4-37 of the Final EIR for the Tesoro Los Angeles Refinery Integration and Compliance Project, SCH No. 2014091020, Certified by the SCAQMD in May 2017. Available at: <http://www.aqmd.gov/home/library/documents-support-material/lead-agency-permit-projects>.

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exhaust gas after treatment—similar to those required by the 2007-2010 standards for highway engines⁵.

Lead agencies other than the SCAQMD have also recognized that Tier 4 equipment is available for off-road construction equipment. The City of Los Angeles has also required the use of Tier 4 equipment for development projects where significant construction air quality impacts may occur.⁶ The air quality mitigation measure for the Koll Project must be modified to require Tier 4 equipment, when it is available, and not limit the mitigation measure to Tier 3 equipment only.

It should be noted that, the Mitigation Monitoring Program (dated January 18, 2018) indicates under MM 4.2-1 that “all internal combustion engines/construction equipment operating on the project site shall meet EPA-Certified **Tier 4** emission standards, or higher . . .” (emphasis added). The mitigation measure then indicates that “all off-road diesel-powered construction equipment greater than 50 horsepower shall meet **Tier 3** off-road emissions.” (emphasis added). Therefore, the response to comments, the DEIR, and the Mitigation Monitoring Program provide conflicting information on the requirements MM 4.2-1. As indicated in our comments, MM4.2-1 must be modified to require Tier 4 equipment.

Response 24

Cumulative air quality impacts were not fully analyzed in the DEIR. In our comments on Responses 9 through 12 above, we have provided additional analyses which demonstrate that the cumulative air quality impacts are greater than discussed in the DEIR (see Tables 1 and 2 above). Further, the SCAQMD 2003 article referenced in Response 24 provides the reasoning that the cumulative and project-specific air quality significance thresholds are the same. CEQA requires analysis of “past, present and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the (lead) agency.” (CEQA Guidelines 15130(b)(1)). In EIRs prepared by the SCAQMD as lead agency, a cumulative air quality analyses is provided which analyzes the potential overlapping emissions for cumulative projects and the potential magnitude of those cumulative emissions.⁷ The cumulative air quality impact analysis remains inadequate and needs to be fully analyzed in a revised EIR.

Response 25

We appreciate that the California Emissions Estimator Model (“CalEEMod”) has been rerun to correct modeling errors. However, in correcting the errors in the DEIR, additional errors have been added in the Response to Comments. Response 25 summarizes the results of the revised CalEEMod in Tables 4.6-3 and 4.6-4 for greenhouse gas (“GHG”) emissions only. The revised CalEEMod modeling runs, also revised the criteria pollutant emissions. The response also must include the changes to the criteria

⁵ Non-Road Diesel engines. Available at: <https://www.dieselnet.com/standards/us/nonroad.php>

⁶ City of Los Angeles, January 2018. Mount Saint Mary’s University Draft EIR, Appendix B, Air Quality and Greenhouse Gas Emissions Technical Report. Available at: https://planning.lacity.org/eir/MSMU_Chalon_Campus/Deir/Appendix%20B%20Air%20Quality%20GHG%20Technical%20Report.pdf

⁷ Final EIR for the Tesoro Los Angeles Refinery Integration and Compliance Project, SCH No. 2014091020, Certified by the SCAQMD in May 2017. Available at: <http://www.aqmd.gov/home/library/documents-support-material/lead-agency-permit-projects>

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pollutant emissions associated with construction and operation due to the revisions to CalEEMod modeling runs. Also, the “refinements to operations emissions” that incorporated improvements from regulatory requirements such as the Renewable Portfolio Standards, and accounting for the Project’s density and proximity to jobs need to be explained to the public as well as the decisionmakers. The CalEEMod modeling runs were included as part of the DEIR Appendix B – Air Quality report. Therefore, Appendix B of the DEIR needs to be revised to incorporate the revised assumptions and modeling runs. Upon request, we obtained the revised CalEEMod modeling runs from the City and compared the original CalEEMod modeling runs to the revised modeling runs. We have the following comments on the revised modeling assumptions.

- The land use has been corrected to include the additional parking structure.
- The paved area increased by approximately 7 acres.
- Most of the construction equipment is the same. Approximately four pumps have been excluded. The daily operating hours of tractor/backhoe/loaders have been reduced from 8 hours to 7 hours in a few phases. The EIR needs to explain why the inclusion of the construction of an additional parking structure would result in a decrease in the number of pumps, and decrease in hours of the tractor/backhoe/loaders operation.
- The power rating of mixers has been reduced from 172 to 9 HP. According to Grainger, a supplier of concrete equipment, an 8 hp concrete mixer has a capacity of 6 to 12 cubic feet.⁸ Concrete mixers for a project the size of the Koll development, that would install concrete foundations for three, 13 story buildings, would need mixers much larger than 9 hp. Therefore, the emissions from the concrete mixers are underestimated.
- The VMT mitigation in the original model showed approximately a 15% reduction in VMT (3,966,730 vs 3,365,228). The revised CalEEMOD model shows a 44% reduction in VMT (3,937,602 vs 2,218,454). Assumptions used in CalEEMod, are based on the California Air Pollution Control Officer’s Association’s (“CAPCOA’s”) Quantifying GHG Mitigation Measures.⁹ Based on assumptions appropriate for CalEEMod, VMT mitigation should be capped at 15% for suburban centers (page 61 of CAPCOA, 2010). The additional 29% reduction from mitigation measures in the revised model overstate the criteria and GHG emission benefits from mitigation, and must be revised to align with the original analysis.
- The revised CalEEMod modeling runs have used incorrect assumptions for energy usage associated with the proposed project as discussed below. Table 3 summarizes the GHG emissions from energy usage in the revised CalEEMod model.

As shown in Table 3, based on the revised CalEEMod model, residential land use will generate 373 MT/yr of unmitigated GHG emissions. The mitigated GHG emissions for residential land use is 295 MT/yr, which is a 21% reduction in GHG emissions to standard mitigation measures in the CalEEMod model, Exceeding the Title 24 Energy Efficiency Standards (referred as BE-1 in the CalEEMod model) and Energy Efficient Appliances (referred to as BE-4 in the CalEEMod model).¹⁰ No mitigation measures have been included in the EIR to enforce the estimated emission

⁸ <https://www.grainger.com/category/concrete-mixers/concrete-mixing-and-preparation/outdoor-equipment/ecatalog/N-lgh>

⁹ CAPCOA, Quantifying Greenhouse Gas Mitigation Measures, August 2010. Available at: https://www.arb.ca.gov/cc/capandtrade/auctionproceeds/capcoa_quantifying_ghg_measures.pdf

¹⁰ BE-1 and BE-4 are mitigation measures recommended by CAPCOA and outlined in CAPCOA’s Quantifying GHG Mitigation Measures which provides the basis for the assumptions regarding mitigation measures in CalEEMod.

reductions. CAPCOA's Quantifying GHG Mitigation Measures document (CAPCOA, 2010) provides the background assumptions for the mitigation measures included in the CalEEMod model. The CAPCOA document indicates that the maximum allowable GHG emission reductions from the use of energy efficient appliances (BE-4) is 4% (see Table 6-1 of CAPCOA, 2010). Therefore, up to 17% reduction in GHG emissions must be covered by exceeding Title 24 energy efficiency standards (BE-1). Exceeding Title 24 requirements reduces GHG emissions by 0.09% for every 1% above and beyond the Title 24 energy standards for residential land use (Table BE-1.2 of CAPCOA, 2010). In order for the project to achieve the additional 17% reduction in GHG emissions for exceeding Title 24 standards, the project would need to be nearly 190% more efficient than the current Title 24 standards, which is not possible to achieve at this time. Therefore, the model needs to be revised using achievable GHG emissions reductions, i.e., about a 4% reduction using energy efficient appliances and something more reasonable than 190% for exceeding Title 24 requirements. Note that even a 10% reduction in GHG emissions would require that the project be 11% more efficient than Title 24 requirements.

TABLE 3

**Revised GHG Emission Estimates and GHG Emission Reductions
Associated with Mitigation Measures**

CalEEMod Land Use Designation	Class	Unmitigated CO₂e (MT/yr)	Mitigated CO₂e (MT/yr)	Reduction
Condo/Townhome	Residential	373.3	295.2	21%
Parking w/Elevator 1	Public Area	422.4	329.3	22%
Parking w/Elevator 2	Public Area	685.4	203	70%
Parking Lot	Public Area	13.4	3.3	75%
Strip Mall	Retail	11.2	5.9	47%

As shown in Table 3, revised GHG emissions from public areas will be reduced between 22% and 75% as a result of installing high efficiency lighting (referred to as LE-1 in the CalEEMod model) and by exceeding Title 24 standards (BE-1, discussed above). The maximum allowable reduction from the use of high efficiency lighting (LE-1) is 40% (Table 6-1 of CAPCOA, 2010). Since the parking with elevator 1 is mitigated by 22%, it is conceivable that the mitigation could be covered under LE-1 alone. However, the parking with elevator 2 and the parking lot would need an additional 30% to 35% reduction beyond LE-1. The additional mitigation would come from BE-1. For miscellaneous land use, exceeding Title 24 requirements reduces GHG emissions by 0.22% for every 1% above and beyond the Title 24 energy standards (Table BE-1.1 of CAPCOA, 2010). In order for the project to achieve the additional 30% to 35% reduction in GHG emissions for exceeding Title 24 standards, the parking with elevator 2 and parking lot would need to be between 136% and 159% more efficient than the current Title 24 standards. Therefore, the model needs to be revised using achievable and enforceable GHG emissions reductions.

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As shown in Table 3, revised GHG emissions from retail land use will be reduced by 47% as a result of exceeding Title 24 standards (BE-1, discussed above). BE-1 can reduce GHG emissions by 0.28% for every 1% above and beyond the Title 24 energy standards for retail land use (Table BE-1.1 of CAPCOA, 2010). In order for the project to achieve the 47% reduction in GHG emissions for exceeding Title 24 standards, the project would need to be nearly 168% more efficient than the current Title 24 standards.

Based on the above, the CalEEMod modeling needs to be revised using achievable and enforceable GHG emissions reductions. Alternatively, the Mitigation Monitoring Program must be revised to ensure that the assumptions used in the revised CalEEMod model for GHG emission reductions are enforced, i.e., the residential land uses must be 190% more efficient than the current Title 24 standards, outdoor lighting associated with the parking lot must be at least 136% more efficient than the current Title 24 standards, and retail land use must be 168% more efficient than current Title 24 standards.

Response 28

The accepted methodology for determining health risk is established by the Office of Environmental Health Hazards Assessment (OEHHA) and was adopted in 2015. The guidelines were outlined in the *Air Toxics Hot Spots Program Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments* (OEHHA, 2015). The OEHHA guidelines explicitly state that the methodology only fails for projects that are shorter than two months, and is acceptable and accurate for any projects that last longer than two months (Section 8.2.10 of the OEHHA guidance). Based on guidance for OEHHA, two months is considered to be short-term, not four years. Since the construction of the proposed project will last longer than two months, the methodology must be used to determine health risk associated with exposure to DPM during construction activities. Also, please note that the OEHHA methodology does not use a 70-year exposure duration for indirect health risks – the current OEHHA guidance uses a 25-year exposure duration for workers and a 30-year exposure duration for residents. The 70-year exposure is reserved for population-wide health risks, such as cancer burden analyses. The Koll project will be under construction for 4.5 years, which is 15% of the exposure duration (30 years) for residents and 18% of the exposure duration for workers (25 years). Therefore, the exposure duration is not insignificant especially since the workers and residents of the area will be exposed to construction activities associated with other cumulative projects including the Koll Project, Uptown Newport, and Newport Crossings, among others.

Response 31

The modeling runs for GHGs have been revised and were included as part of the Appendix F – Greenhouse Gas Emissions. Therefore, Appendix F needs to be revised to incorporate the revised assumptions and modeling runs.

Response 33

Response 33 is nonresponsive to the concerns raised in the comment that luxury dwelling units do not reduce VMT. Response 33 references Comment 20 (which raised concerns regarding toxic air contaminants) and Comment 21 (which requested that the appropriate baseline air quality data be used). Neither of those comments discussed the VMT associated with luxury apartments. Comment 33 indicated that Shopoff representatives reported that the proposed project consists of 260 luxury units

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that would range from \$1,500,000 to \$2,000,000. Studies completed by Caltrans¹¹ show that programs to put more affordable homes near transit would result in GHG emission reductions. The study found two main conclusions: (1) Lower income households drive 25-30 percent fewer miles when living within ½ mile of transit than those living in non-transit-oriented development areas. When living within ¼ mile of frequent transit they drove nearly 50 percent less. However, the study also showed that higher income households drive more than twice as many miles and own more than twice as many vehicles as extremely low-income households living within ¼ mile of frequent transit. It is clear that luxury dwelling units cannot make the claim that they will result in a reduction in VMT. Further, the DEIR and Response to Comment No. 33 provided no evidence for the statement that project features (distance to transit stops and location to several major employers) would result in a reduction in VMT for luxury units.

Response 35

Ambient noise levels in the DEIR were based on 10-minute measurements taken between 11 am and 12:30 pm and “are considered representative of the noise levels throughout the day.” The 10-minute sample covers less than one percent of a 24-hour period (0.7 percent), is wholly inadequate for estimating ambient noise levels, and does not include peak noise periods. As stated on page 4.10-9 noise most commonly in the project vicinity is produced by automotive vehicles including cars, trucks, buses and motorcycles and is likely highest when traffic is highest. As indicated in Response 35, a 24-hour measurement would be expected to be higher than the noise estimates provided in the DEIR (about 0.5 dBA). Ambient noise levels must be based on a minimum of 24-hour noise monitoring. For comparison purposes, the Uptown Newport Final EIR included both short-term (10-20 min) and long-term (24 and 48 hour) noise monitoring¹². The long-term noise monitoring was used to establish the existing Community Noise Equivalent Level (“CNEL”) in the vicinity of the Uptown Newport site and similar monitoring is required as part of the Koll Development to establish the existing/baseline ambient noise levels and to determine cumulative noise impacts..

Response 42

The project is inconsistent with the existing zoning of the site as the zoning does not allow for residential uses and the DEIR should acknowledge this as a significant impact. The fact that the project applicant is requesting a zone change indicates that the project is not consistent with the existing zoning.

Please see Response 19 and Attachment A. The project would result in an increased in building intensity versus the existing site. This increased density (three more 13-story buildings up to 160 feet in height) are generally considered to degrade the visual quality of an area versus less development. This is a significant visual impact.

¹¹ California Housing Partnership Corporation, Mary 2014, Why Creating and Preserving Affordable Homes Near Transit is a Highly Effective Climate Protection Strategy. Available at: <http://www.transformca.org/transform-report/why-creating-and-preserving-affordable-homes-near-transit-highly-effective-climate>

¹² Final Environmental Impact Report for Uptown Newport, SCH No. 2010051094, February 2013. Available at: http://www.newportbeachca.gov/pln/CEQA_REVIEW/Uptown%20Newport/Final_EIR_February_2013/Final%20EIR_2-2013.pdf.

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Regarding affordability, please see Response 33. Shopoff representatives indicated that the Koll luxury units would range from \$1,500,000 to \$2,000,000. Studies completed by Caltrans¹³ showed that higher income households drive more than twice as many miles and own more than twice as many vehicles as extremely low-income households living within ¼ mile of frequent transit. It is clear that luxury dwelling units cannot make the claim that they will result in a reduction in VMT. Further, the EIR itself is required to provide substantial evidence of the assumptions used in the EIR, including the trip reduction assumptions related to the luxury units in close proximity to transportation centers.

In conclusion, CEQA requires recirculation of a DEIR when significant new information is added to the DEIR following public review but before certification (Public Resources Code §21092.1). Significant new information available for the project includes the revised CalEEMod modeling runs and the cumulative air emissions which are expected to result in significant impacts that were not evaluated in the DEIR. To move forward with consideration of this project with a DEIR that is known to be deficient based on the new information and changed sections/studies would be a failure to proceed in a manner required by law.

Additional Comment

In response to Senate Bill 743 which was codified in Public Resources Code Section 21099, the Office of Planning and Research (OPR) has made changes to the analysis for transportation impacts. OPR has concluded that vehicle miles traveled (VMT) is the most appropriate metric to evaluate a project's transportation impacts and should be used to determine whether or not traffic impacts are significant. The Koll EIR continues to use the "level of service" analysis which is no longer appropriate for determining traffic impacts. Threshold 4.14-2 in the Draft EIR must be revised to use a VMT metric and eliminate the "level of service" standards and travel demand measures." Using the ITE Trip Generation Manual (9th Edition), the total trips associated with a 260 condominium/townhouse development would be about 5.81 trips per unit or approximately 1,511 trips per day. The VMT associated with the proposed project is determined using a weighted average of the default trip lengths used in the CalEEMod model for home-to-school, home-to-work, and home-to-other destinations. The weighted average for trips is 10.63 miles. Therefore, the estimate VMT associated with the Koll project would be approximately 16,062 vehicle miles travelled per day. It should be noted that this does not include delivery trucks (e.g., UPS), ride services (Uber, Lyft, etc.) and other trips which may be associated with the site.

¹³ California Housing Partnership Corporation, May 2014, Why Creating and Preserving Affordable Homes Near Transit is a Highly Effective Climate Protection Strategy. Available at: <http://www.transformca.org/transform-report/why-creating-and-preserving-affordable-homes-near-transit-highly-effective-climate>

Attachment A

Figures

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Attachment A

Jamboree and Michelson - 2008



Figure 1

Image capture: Dec 2008 © 2018 Google

Attachment A

Jamboree and Michelson - 2018

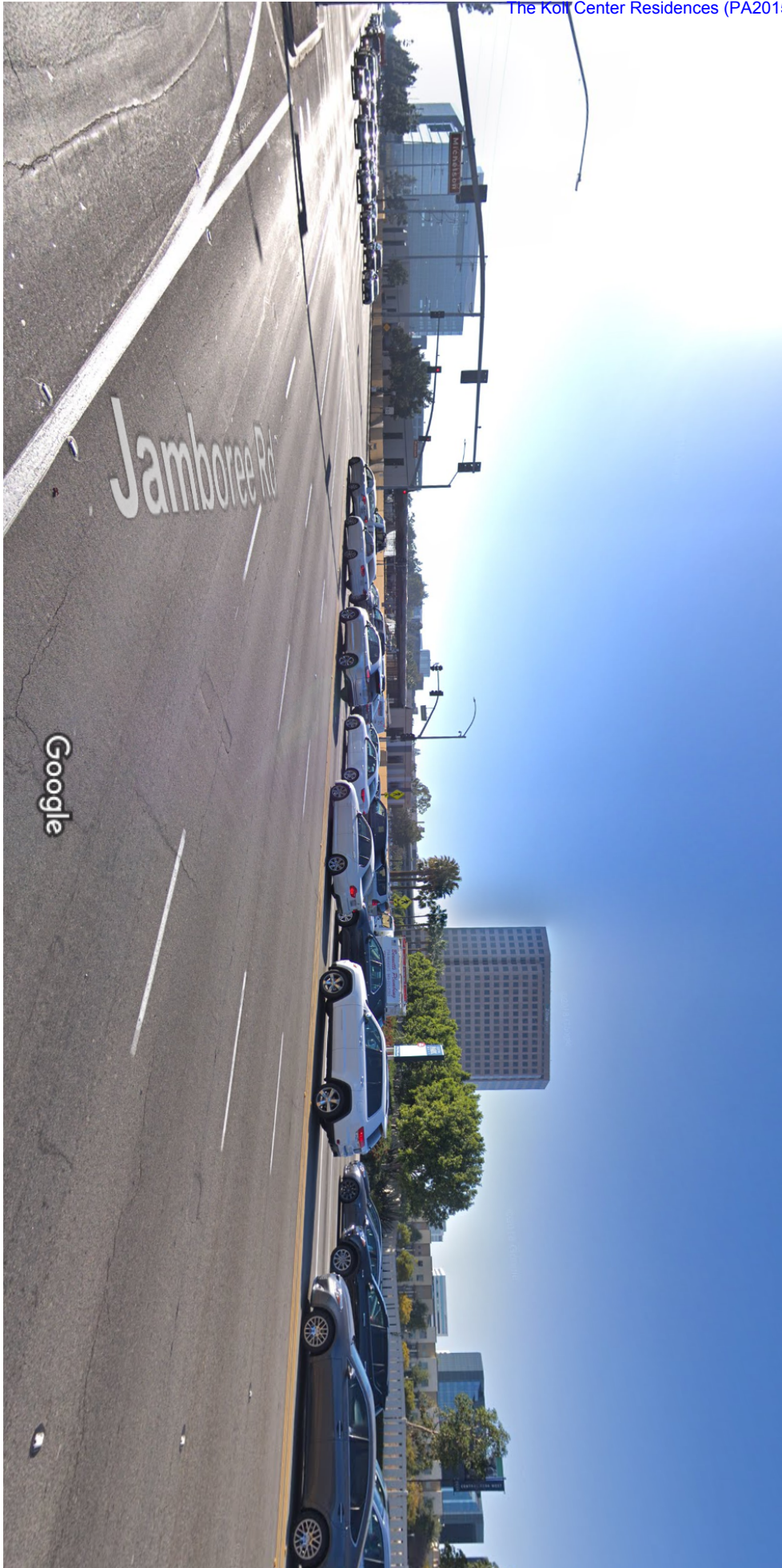


Figure 2

From: Joan <joanfallison@netscape.net>
Sent: Friday, January 25, 2019 3:29 PM
To: Planning Commissioners; Ramirez, Brittany; Dept - City Council; City Clerk's Office;
info@spon-newportbeach.org
Subject: Again

Here we go again. There will be a lot of money spent and always the argument of more tax dollars for Newport. Already the village atmosphere has all but disappeared. Fashion Island, once a place to go for gifts and clothing, is not a regional center. Parking is tight from two points of view: few available spaces along with actual smaller spaces.

Where do these developers come from? New York a la Trump??I think there should be a moratorium on all building until we are certain we have the water (remember the shortage),school space, and more open space.

Joan F. Allison
Newport Beach, CA