

DRAFT PROGRAM ENVIRONMENTAL IMPACT
REPORT
THE CITY OF NEWPORT BEACH GENERAL PLAN
HOUSING IMPLEMENTATION PROGRAM
(SCH No. 2023060699)

PA2022-0245

Prepared for | City of Newport Beach
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1.0 EXECUTIVE SUMMARY

1.1 INTRODUCTION

The environmental impact report (EIR) process, as defined by the California Environmental Quality Act (CEQA) (*California Public Resources Code* [PRC] §§21000 et seq.), requires the preparation of an objective, full-disclosure document in order to (1) inform agency decision-makers and the general public of the direct and indirect potentially significant environmental effects of a proposed action; (2) identify feasible or potentially feasible mitigation measures to reduce or eliminate potentially significant adverse impacts; and (3) identify and evaluate reasonable alternatives to a project. In accordance with Section 15168 of the State CEQA Guidelines (Title 14 of the *California Code of Regulations* [CCR] Chapter 3, §§15000 et seq.), this Program Environmental Impact Report (EIR) has been prepared for the City of Newport Beach General Plan Housing Implementation Program (proposed Project or Project).

This Program EIR has been prepared by the City of Newport Beach to evaluate the potential environmental effects of the implementing actions associated with the City's 6th Cycle Housing Element for 2021-2029 (referred herein as the "2021-2029 Housing Element"). To fulfill its share of regional housing needs and facilitate the future development of housing on identified housing sites, the Project requires a General Plan Amendment and amendments to the Newport Beach Municipal Code (Municipal Code) and Local Coastal Program.

1.2 PROJECT OVERVIEW

The City of Newport Beach is located in coastal Orange County, California. The project area encompasses housing sites throughout the City of Newport Beach and its Sphere of Influence (collectively referred to herein as the City). The City includes approximately 31,472 acres of land area generally northwest of the City of Laguna Beach, southeast of the City of Costa Mesa, east of the City of Huntington Beach, and southwest of the City of Irvine. Newport Beach is bordered to the west by the Pacific Ocean.

The Housing Element is one of the state-mandated elements of the General Plan and must be updated every eight years to address existing and projected housing needs across all segments of the community. The 2021-2029 Housing Element was adopted by the City Council on September 13, 2022, and was subsequently found in compliance with State housing law (certified) by the State of California Department of Housing and Community Development (HCD) on October 5, 2022.

The Regional Housing Needs Assessment (RHNA) is a State Housing law requirement that is part of the periodic process of updating local General Plan Housing Elements. It is a process that determines the existing and projected housing need (i.e., RHNA allocation) for all jurisdictions (cities and unincorporated county areas) with the intent to provide opportunities for a mix of unit types, tenure, and affordability. Each jurisdiction must demonstrate that its Housing Element can accommodate its RHNA allocation at all income levels. The City's 6th Cycle RHNA allocation is 4,845 housing units, including 1,456 Very-Low-Income units and 930 Low-Income units.

In addition to the 6th Cycle RHNA allocation, this Program EIR analysis accounts for additional housing units as a buffer to address future "no net loss" to preclude the need to identify replacement sites during

6th Cycle implementation.¹ Therefore, this Program EIR conservatively analyzes a total development capacity of 9,914 units including future development capacity of up to 9,649 units (4,845 RHNA plus a 5,069-unit buffer) on 247 housing sites, 25 units of pipeline projects, and 240 ADUs. However, only a portion of the housing units identified on housing sites will be necessary to accommodate the City’s RHNA planning obligation of 4,845 housing units.

The City is not required to build housing units in order to meet its RHNA allocation, only to identify potential sites and create the framework to allow the market the opportunity to develop these units. The proposed Project would not directly construct new housing but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element.

The 2021–2029 Housing Element identifies six Focus Areas in the City that have sufficient capacity to meet its RHNA allocation for the 6th Cycle. The six Focus Areas in the 2021–2029 Housing Element are:

- Airport Area
- West Newport Mesa
- Dover-Westcliff
- Newport Center
- Coyote Canyon
- Banning Ranch

As a part of the proposed Project, amendments to the General Plan Land Use Element goals and policies are proposed, including proposed modifications to land use goals and policies, as well as new policies. These changes further the implementation of the 2021–2029 Housing Element. Amendments are also proposed to the City’s Local Coastal Program Coastal Land Use Plan including proposed modifications to existing policies, as well as new policies. To facilitate future development of housing within the identified Focus Areas, five corresponding “Housing Overlay Zones” are proposed to increase the maximum allowable density for future housing projects on identified housing sites within each Focus Area. A Housing Overlay Zone is not proposed for Banning Ranch. A sixth Housing Overlay Zone is applicable to 5th Cycle housing sites. In addition to the Housing Overlay Zones, the Municipal Code would also be amended to add Multi-Unit Objective Design Standards, and Zoning maps would be amended to identify the Housing Overlay Zoning Districts.

1.3 PROJECT OBJECTIVES

In accordance with State CEQA Guidelines Section 15124, the following primary objectives support the Project’s purpose, assist the Lead Agency in developing a reasonable range of alternatives to be evaluated in this Program EIR, and ultimately aid decision-makers in preparing findings and overriding considerations, if necessary.

The adopted and statutorily compliant (certified) 2021–2029 Housing Element provides the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing for all within the City. The 2021–2029 Housing Element was prepared to ensure the City establishes policies, procedures, and incentives in its land use planning and development activities that

¹ State Housing laws require cities and counties to identify RHNA obligations by income category. A future housing applicant is not required to meet affordability goals. The City is obligated to ensure there is no net loss when projects are developed such that there are adequate opportunities for the City to meet its RHNA obligations. If there is a net loss, the City has 120 days to provide rezoning that accommodates the net loss. Therefore, Newport Beach includes a buffer to avoid the net loss scenario.

result in maintenance and expansion of the housing supply to adequately accommodate households currently living and expected to live in the City.

The objective of the proposed Project is to ensure compliance with State housing law and implementation of the 2021–2029 Housing Element, including an update to the City’s Land Use Element and rezoning of housing opportunity sites.

1.4 ALTERNATIVES TO THE PROJECT

State CEQA Guidelines Section 15126.6(a) requires an EIR to “describe the range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but will avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives.”

The State CEQA Guidelines emphasize that the selection of project alternatives be based primarily on the ability to reduce impacts relative to a proposed project, “...even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.”² The State CEQA Guidelines further direct that the range of alternatives be guided by a “rule of reason,” such that only those alternatives necessary to permit a reasoned choice are addressed.³

The following alternatives are evaluated in **Section 6.0: Alternatives to the Proposed Project**.

1.4.1 Alternative A: No Project Alternative

Alternative A is the “No Project” alternative required by the State CEQA Guidelines Section 15126.6(e) which allows the decision-makers to compare the potential impacts of the proposed Project with the potential impacts of not approving the proposed Project. CEQA Guidelines Section 15126.6(e)(3)(A) states “When the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the ‘no project’ alternative will be the continuation of the existing plan, policy or operation into the future. Typically this is a situation where other projects initiated under the existing plan will continue while the new plan is developed. Therefore, the projected impacts of the proposed plan or alternative plans would be compared to the impacts that would occur under the existing plan.”

Following certification by HCD, the City is required to ensure the continued and effective implementation of the 2021-2029 Housing Element programs including, but not limited to, the provision of sufficient adequately zoned land to accommodate its share of the regional growth and its required share of lower income dwelling units consistent with the General Plan and RHNA obligations. The No Project Alternative is the circumstance under which the actions required to implement the 2021-2029 Housing Element would not occur. Although the City would continue to have an approved and certified housing element, the City would not provide adequate opportunities to implement the 2021-2029 Housing Element because the City would not approve and/or amend (1) General Plan goals and policies; (2) Housing Opportunity Overlay zoning districts for the focus areas, including housing sites in the Coastal Zone; and (3) Local Coastal Program policies.

² State CEQA Guidelines Section 15126.6(b).

³ State CEQA Guidelines Section 15126.6(f).

1.4.1 Alternative B: RHNA with Reduced Buffer

Alternative B assumes a reduced buffer, representing a range of units between the City's RHNA allocation (4,845 units) and the proposed Project (9,914 units). The City is obligated to ensure there is no net loss when projects are developed such that there are adequate opportunities for the City to meet its RHNA obligations, particularly in order to demonstrate that Low-Income and Very-Low-Income units are being constructed. Because future housing projects on the identified housing sites would occur incrementally over time, largely based on economic conditions, market demand, and other planning considerations, it is speculative to know how many of the housing sites will be developed, the number of housing units on a housing site, or the affordability characteristics of the projects. Therefore, all sites may be developed or developed at their full capacity. However, should the City have an insufficient number of remaining sites to meet its RHNA obligations in the income categories resulting in a net loss, the City has 120 days to provide rezoning that accommodates the net loss. Alternative B does not assume a quantitative reduction in the number of housing sites or number of housing units because of residential development would occur at the individual property owners' discretion.

1.4.2 Alternative C: RHNA Only

Alternative C assumes a maximum development capacity of 4,845 housing units, which is the City's 6th Cycle RHNA allocation. This alternative would not provide any buffer to address future "no net loss" to preclude the need to identify replacement sites during 6th Cycle implementation. This alternative would represent an approximate 50 percent reduction in overall development capacity as compared to the proposed Project. This alternative would still require amendments/updates to the General Plan Land Use Element policies, Municipal Code, and Local Coastal Program. It is not possible to know which combination of housing sites would be developed at what densities.

1.5 SUMMARY OF EFFECTS WITH NO IMPACT

Throughout preparation of the Program EIR, the CEQA Environmental Checklist was used to determine the impact categories that would require evaluation to determine the potentially significant environmental effects of the proposed Project. The following includes a discussion of the impact categories where the Project would have "no impact" and a summary discussion of why this determination was reached. There is no further evaluation of these Environmental Checklist questions in the Program EIR.

1.5.1 Aesthetics

The State CEQA Guidelines ask for an evaluation of the following:

- Would the project substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

There are no State designated scenic highways within the City. According to the Scenic Highway System List, State Route 1, otherwise known as Pacific Coast Highway, is eligible for the State Scenic Highway System but is not designated as a State scenic highway. A State scenic highway changes from "eligible" to "officially designated" when the local jurisdiction adopts a scenic corridor protection program, applies to Caltrans for scenic highway approval, and receives notification from Caltrans that the highway has been designated as a Scenic Highway. The City must also adopt ordinances to preserve the scenic quality of the corridor or document that such regulation already exists in local codes. If in the future, the City decides

to pursue these actions, it would also be required to take actions to preserve views within the corridor. However, these procedures are beyond the scope of this Project. For this reason, no impact would occur and this topic is not addressed in the Program EIR.

1.5.2 Agriculture and Forestry Resources

The State CEQA Guidelines ask for an evaluation of the following:

- Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
- Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?
- Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code §12220(g)), timberland (as defined by Public Resources Code §4526), or timberland zoned Timberland Production (as defined by Government Code §51104(g))?
- Would the project result in the loss of forest land or conversion of forest land to non-forest use?
- Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

None of the housing sites contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.⁴ No portion of the City is covered by a Williamson Act Contract. Additionally, the City does not include forest resources, including timberlands. With respect to zoning, the City has a Residential-Agricultural (R-A) Zoning District. Title 20, Planning and Zoning, of the City of Newport Beach Municipal Code (Municipal Code) states that the R-A Zoning District "...is intended to provide for areas appropriate for detached single-family residential dwelling units and light farming uses, each located on a single legal lot." None of the housing sites has this zoning designation.⁵ For these reasons, no impacts would occur and these topics are not addressed in the Program EIR.

1.5.3 Geology and Soils

The State CEQA Guidelines ask for an evaluation of the following:

- Would the project 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?

The City is almost entirely built out with established utility services. Further, a majority of housing sites are developed and connected with existing wastewater infrastructure. For the few housing sites which are currently undeveloped, there is existing infrastructure within the vicinity that could support future growth and development. The use of septic tanks or alternative wastewater disposal systems is not assumed. For this reason, no impact would occur and this topic is not addressed in the Program EIR.

⁴ California Department of Transportation. (ND). *California Important Farmland Finder*. Retrieved from: <https://maps.conservation.ca.gov/DLRP/CIFF/>

⁵ *City of Newport Beach 2021-2029 Housing Element*, Appendix B.

1.6 SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION PROGRAM

Table 1-1: Summary of Impacts and Mitigation Program provides a summary of the potential environmental effects of the proposed Project, the Mitigation Program recommended to ensure that the effects of future housing development associated with the proposed Project are mitigated to the extent feasible, and the expected status of effects following the implementation of the Mitigation Program. The more detailed evaluation of these issues, as well as the full text of the Mitigation Program, is presented in Program EIR Sections 4.1 through 4.18.

Given the length of some measures in the Mitigation Program, some measures are summarized in the table. Each measure is identified by a number that can be used to reference the full text of the measure in the applicable Program EIR section. Where a measure applies to more than one topic, it is presented (either summarized or full text) in the primary section to which it applies, and is then cross-referenced.

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
Section 4.1: Aesthetics			
Applicable General Plan and Coastal Land Use Plan Policies	General Plan Policies		
	<ul style="list-style-type: none"> ▪ Policy LU 3.2 ▪ Policy LU 5.1 ▪ Policy LU 5.1.2 ▪ Policy LU 5.1.6 ▪ Policy LU 5.1.7 ▪ Policy LU 5.1.9 ▪ Policy LU 5.3 ▪ Policy LU 5.3.1 ▪ Policy LU 5.3.3 ▪ Policy LU 5.3.5 ▪ Policy LU 5.3.6 ▪ Policy LU 5.6.1 ▪ Policy LU 5.6.2 ▪ Policy LU 5.6.3 ▪ Policy LU 6.3.1 ▪ Policy LU 6.5.4 ▪ Policy LU 6.5.5 ▪ Policy LU 6.10.2 ▪ Policy LU 6.14.4 ▪ Policy LU 6.14.5 ▪ Policy LU 6.14.6 ▪ Policy LU 6.14.7 		
	Coastal Land Use Plan Policies		
	<ul style="list-style-type: none"> ▪ Policy LU 6.15.3 ▪ Policy LU 6.15.6 ▪ Policy LU 6.15.27 ▪ Policy LU 6.15.22 ▪ Policy LU 6.15.27 ▪ Policy LU 6.16.6 ▪ Policy LU 6.17.3 ▪ Policy LU 6.18.3 ▪ Policy LU 6.19.7 ▪ Policy LU 6.19.8 ▪ Policy LU 6.19.9 ▪ Policy LU 6.19.12 ▪ Policy NR 20.1 ▪ Policy NR 20.2 ▪ Policy NR 20.3 ▪ Policy NR 20.4 ▪ Policy NR 21.1 ▪ Policy NR 23.1 ▪ Policy NR 23.2 ▪ Policy NR 23.3 ▪ Policy NR 23.6 ▪ Policy NR 23.7 		
	<ul style="list-style-type: none"> ▪ Policy 4.4.1-2 ▪ Policy 4.4.1-3 ▪ Policy 4.4.1-4 ▪ Policy 4.4.1-5 ▪ Policy 4.4.1-7 		
	<ul style="list-style-type: none"> ▪ Policy 4.4.1-8 ▪ Policy 4.4.2-4 ▪ Policy 4.4.3-1 ▪ Policy 4.4.4-1 ▪ Policy 4.4.4-6 		

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
Threshold 4.1-1 Have a substantial adverse effect on a scenic vista.	While housing sites are in the vicinity of public view points around the City, none of the housing sites are located immediately in front of or adjacent to view points. Therefore, future development on housing sites would not have the potential to obstruct views or degrade visual quality of scenic vistas within the City. Less Than Significant Impact.	No mitigation is required.	Less Than Significant Impact
Threshold 4.1-2 Conflict with applicable zoning and other regulations governing scenic quality.	Future housing development would be required to adhere to General Plan policies that govern scenic quality. The proposed Project includes Land Use Element policy amendments, including updates to policies that would support the City's goal to maintain scenic quality and minimize potential impacts from future housing development. Future projects would be subject to compliance with adopted citywide design guidelines, intended to ensure that future projects provide well-designed corridors, community subareas, buildings, streets, and public spaces that contribute to a strong sense of place. Compliance with applicable City policies, the Municipal Code, including the proposed Objective Design Standards, and LCP requirements would minimize impacts to scenic quality. Less Than Significant Impact.	No mitigation is required.	Less Than Significant Impact
Threshold 4.1-3 Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.	The General Plan EIR found that the introduction of new sources of lighting associated with development of Banning Ranch would be significant and unavoidable. Consistent with the Newport Beach General Plan EIR, if housing development occurs	Concerning Banning Ranch, there are no feasible mitigation measures to reduce this impact to a less than significant level. No mitigation is required for the other Focus Area sites.	Significant and Unavoidable Impact

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
	within the Banning Ranch Focus Area, impacts would be significant and unavoidable. Potentially Significant Impact.		
Section 4.2: Air Quality			
Applicable General Plan and Coastal Land Use Plan Policies		General Plan Policies	
		<ul style="list-style-type: none"> ▪ Policy NR 6.1 ▪ Policy NR 6.2 ▪ Policy NR 6.3 ▪ Policy NR 6.4 ▪ Policy NR 6.8 	<ul style="list-style-type: none"> ▪ Policy NR 6.9 ▪ Policy NR 7.1 ▪ Policy NR 7.2 ▪ Policy NR 7.3 ▪ Policy NR 8.1
Threshold 4.2-1 Conflict with or obstruct implementation of the applicable air quality plan.	The proposed Project would not be consistent with the land planning growth strategies set forth in the 2022 Air Quality Management Plan (AQMP) and would exceed the South Coast Air Quality Management District (SCAQMD) daily emissions thresholds during short-term construction and long-term operations. The Project would result in a significant and unavoidable impact concerning consistency with the AQMP. Significant and Unavoidable Impact.	There are no feasible mitigation measures to reduce this impact to a less than significant level.	Significant and Unavoidable Impact
Threshold 4.2-2 Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or State ambient air quality standard.	Buildout of the proposed Project would result in construction and long-term operational emissions that would exceed the SCAQMD thresholds. Therefore, a significant and unavoidable impact would occur. Significant and Unavoidable Impact.	At a programmatic level of analysis, there are no feasible mitigation measures to reduce long-term emissions to levels below the SCAQMD's thresholds of significance.	Significant and Unavoidable Impact

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
<p>Threshold 4.2-3 Expose sensitive receptors to substantial pollutant concentrations.</p>	<p>It is not feasible to conclude that air pollutant emissions from future development projects would be reduced to levels below the SCAQMD localized significance thresholds (LST) thresholds because LSTs are applicable at the project-specific level and are not applicable to long-term planning documents such as Housing Elements. It is not feasible to conclude that air pollutant emissions from future projects would be reduced to levels below the SCAQMD LST thresholds. Significant and Unavoidable Impact.</p> <p>The Project could expose sensitive receptors to substantial pollutant concentrations associated with diesel particulate matter emissions from heavy trucks which could result in health effects. Eight housing sites are located within the California Air Resources Board (CARB) specified buffer distances for freeways. The proximity of housing sites to SR-73 could potentially expose of future development to toxic air contaminants (TACs) from these sources. This impact would be less than significant level with MM AQ-1. Less Than Significant Impact.</p>	<p>Mitigation Measures MM AQ-1 would require a Health Risk Assessment for future residential development proposed within 500 feet of the SR-73 freeway right-of-way which would reduce impacts to less than significant level as impacts related to substantial pollutant concentrations would be less than significant.</p>	<p>Significant and Unavoidable Impact</p>
<p>Threshold 4.2-4 Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.</p>	<p>Odors may be perceived during construction, but these are a temporary, short-term impact, typical of construction operations. Less Than Significant Impact.</p>	<p>No mitigation is required.</p>	<p>Less Than Significant Impact</p>

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
Section 4.3: Biological Resources			
Applicable General Plan and Coastal Land Use Plan Policies		<p style="text-align: center;">General Plan Policies</p> <ul style="list-style-type: none"> ▪ Policy NR 10.1 ▪ Policy NR 10.2 ▪ Policy NR 10.3 ▪ Policy NR 10.4 ▪ Policy NR 10.5 ▪ Policy NR 10.6 ▪ Policy NR 10.7 ▪ Policy NR 10.8 <ul style="list-style-type: none"> ▪ Policy NR 10.9 ▪ Policy NR 13.1 ▪ Policy NR 13.2 ▪ Policy LU 6.5.4 ▪ Policy S 6.3 ▪ Policy S 6.4 ▪ Policy S 6.5 <p style="text-align: center;">Coastal Land Use Plan Policies</p> <ul style="list-style-type: none"> ▪ Policy 2.1.7-2 ▪ Policy 2.2.1-2 ▪ Policy 2.8.8-1 ▪ Policy 2.8.8-2 ▪ Policy 2.8.8-4 ▪ Policy 4.1.1-2 ▪ Policy 4.1.1-3 ▪ Policy 4.1.1-6 ▪ Policy 4.1.1-13 ▪ Policy 4.1.14-17 ▪ Policy 4.3-8 	
Threshold 4.3-1 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 CDWG or USFWS.	Sites with sensitive biological resources could result in direct impacts to special status wildlife and plant species. Additionally, the Project could potentially have direct impacts on nesting birds during construction or operation. This impact would be mitigated to a less than significant level with SC BIO-1 and MM BIO-1. Potentially Significant Impact.	<p>Standard Conditions of Approval</p> <p>SC BIO-1 requires a pre-construction bird survey to identify any active nests in and adjacent to a project site.</p> <p>Mitigation Measures</p> <p>MM BIO-1 requires that future development facilitated by the Project on housing sites would require biological studies and mitigation if applicable based on site-specific review of future development applications.</p>	Less Than Significant Impact
Threshold 4.3-2 Have a substantial adverse effect on any riparian habitat or other sensitive natural community	Future housing projects facilitated by the Project could directly impact sensitive vegetation communities. Disturbance or removal of these vegetation communities if	<p>Mitigation Measures</p> <p>MM BIO-1 requires that future development facilitated by the Project on housing sites would</p>	Less Than Significant Impact

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife Service or U.S. Fish and Wildlife Service.	associated with future development on a site containing these resources could result in a significant impact. Additionally, an indirect impact to riparian habitats could result from the future development of existing vacant sites. This impact would be mitigated to a less than significant level with MM BIO-1. Potentially Significant Impact.	require biological studies and mitigation if applicable based on site-specific review of future development applications.	
Threshold 4.3-3 Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.	While the Project does not propose alteration of a State or federally protected wetland on any housing sites, it is possible that potential future development facilitated by the Project could directly or indirectly impact wetlands through activities such as vegetation removal and grading activities. Adherence to federal and State laws and regulations and General Plan policies ensures that any future development facilitated by the Project would result in less than significant impacts on State or federally protected wetlands. Less Than Significant Impact.	No mitigation is required.	Less Than Significant Impact
Threshold 4.3-4 Interfere substantially with the movement of any native or migratory fish or wildlife species; inhibit established native resident or migratory fish or wildlife corridors; or impede the use of native wildlife nursery sites.	Future housing development facilitated by the Project has the potential to impact nesting birds. With compliance with the established regulatory framework, future housing development impacts would be less than significant. Less Than Significant Impact.	No mitigation is required.	Less Than Significant Impact
Threshold 4.3-5 Conflict with any local policies or ordinances protecting biological	Future development facilitated by the Project would be subject to the City’s development review process and required to comply with	No mitigation is required.	No Impact

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
resources, such as a tree preservation policy or ordinance.	relevant federal, State, and local regulations protecting biological resources. General Plan policies and City Council Policy G-1 would ensure that future development would not conflict with any local policies or ordinances protecting biological resources, and therefore no impact would occur. No Impact.		
Threshold 4.3-6 Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.	Future development facilitated by the Project would be subject to the City’s development review process and required to comply with the provisions of the Central-Coastal NCCP/HCP. The Central-Coastal NCCP/HCP is included as part of the General Plan policies. The General Plan policies ensure that future development would not conflict with the provisions of the Central-Coastal NCCP/HCP, and therefore no impact would occur. No Impact.	No mitigation is required.	No Impact
Section 4.4: Cultural Resources			
Applicable General Plan and Coastal Land Use Plan Policies	<p style="text-align: center;">General Plan Policies</p> <ul style="list-style-type: none"> ▪ Policy HR 1.2 ▪ Policy HR 1.4 ▪ Policy HR 1.5 ▪ Policy HR 1.6 ▪ Policy HR 1.7 ▪ Policy HR 2.3 ▪ Policy LU 6.8.6 <p style="text-align: center;">Coastal Land Use Plan Policies</p> <ul style="list-style-type: none"> ▪ Policy 4.5-3 ▪ Policy 4.5-1 ▪ Policy 4.5-2 		<ul style="list-style-type: none"> ▪ Policy HR 2.1 ▪ Policy HR 2.2 ▪ Policy HR 2.4 ▪ Policy NR 18.1 ▪ Policy NR 18.3 ▪ Policy NR 18.4

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
<p>Threshold 4.4-1 Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.</p>	<p>Future housing development could cause a substantial adverse change in the significance of a historical resource on the housing sites. The developed housing sites could be (now or in the future) occupied by historic (≥50 years) buildings. Because the demolition of a historic significant resource would be a physical effect on the environment and neither the City’s General Plan or CEQA statutes precludes this demolition or alteration, the potential loss of historically significant structures and resources would be a significant unavoidable impact. This impact would not be mitigated to a less than significant level with MM CUL-1. Potentially Significant Impact.</p>	<p>Mitigation Measures MM CUL-1 requires the applicant to retain a qualified professional historian to determine whether the affected buildings or structures are historically significant. Despite compliance with MM CUL-1, there are no feasible mitigation measures to reduce this impact to a less than significant level.</p>	<p>Significant and Unavoidable Impact</p>
<p>Threshold 4.4-2 Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.</p>	<p>The Project would potentially have direct impacts on archaeological and cultural resources. Future development facilitated by the Project would be subject to City Council Policy K-5, which requires preservation of significant archeological and tribal cultural resources (see SC CUL-1). This impact would be mitigated to a less than significant level with MM CUL-2. Potentially Significant Impact.</p>	<p>Standard Conditions of Approval SC CUL-1 requires preservation of significant archeological and tribal cultural resources, as set forth in City Council Policy K-5. Mitigation Measures MM CUL-2 requires the preparation of an archaeological survey where deemed necessary by the City.</p>	<p>Less Than Significant Impact</p>
<p>Threshold 4.4-3 Disturb any human remains, including those interred outside of dedicated cemeteries.</p>	<p>The Project would not directly construct new housing but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. Human remains could be uncovered during future grading activities facilitated by the Project. Following compliance with the established regulatory</p>	<p>Standard Conditions of Approval SC CUL-2 requires compliance with California Health and Safety Code Section 7050.5, CEQA Guidelines Section 15064.5, and Public Resources Code Section 5097.98 which mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.</p>	<p>Less Than Significant Impact</p>

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
	framework and SC CUL-2, future development would have a less than significant impact concerning human remains. Less Than Significant Impact.		
Section 4.5: Energy			
Applicable General Plan and Coastal Land Use Plan Policies		General Plan Policies	
		<ul style="list-style-type: none"> ▪ Policy Action 5G ▪ Policy LU 6.15 	
Threshold 4.5-1 Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation.	Fuel consumption during construction of future housing development facilitated by the Project would not be any more inefficient, wasteful, or unnecessary than other similar residential developments. The energy consumption associated with Project operations would occur from building energy (electricity and natural gas) use, water use, and transportation-related fuel use. Project operations would not substantially affect existing energy or fuel supplies or resources. The Project would be required to adhere to all federal, State, and local requirements for energy efficiency, including the latest Title 24 standards. As such, implementation of the proposed Project would not use large amounts of fuel or energy in an unnecessary, wasteful, or inefficient manner. Less Than Significant Impact.	No mitigation is required.	Less Than Significant Impact
Threshold 4.5-2 Conflict with or obstruct a State or Local plan for renewable energy or energy efficiency	The future housing development facilitated by the Project would be required to comply with these existing energy standards. Compliance with State and local energy efficiency standards would ensure that the Project meets all applicable energy	No mitigation is required.	Less Than Significant Impact

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
	conservation policies and regulations. As such, the Project would not conflict with applicable plans for renewable energy or energy efficiency. Less Than Significant Impact.		
Section 4.6: Geology and Soils			
Applicable General Plan and Coastal Land Use Plan Policies		<p style="text-align: center;">General Plan Policies</p> <ul style="list-style-type: none"> ▪ Policy S 3.9 ▪ Policy S 3.10 ▪ Policy S 3.11 ▪ Policy S 3.12 ▪ Policy S 4.3 ▪ Policy S 4.7 ▪ Policy NR 3.4 ▪ Policy NR 3.9 ▪ Policy NR 3.11 ▪ Policy NR 3.12 <p style="text-align: center;">Coastal Land Use Plan Policies</p> <ul style="list-style-type: none"> ▪ Policy 4.5.1-2 	
Threshold 4.6-1 Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving 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.	The Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, because there are no delineated Alquist-Priolo Earthquake Fault zones in the City. No Impact.	No mitigation is required.	No Impact

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
Threshold 4.6-2 Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.	The City is within a seismically active area that could be subject to strong seismic ground shaking with the highest risks originating from the Newport-Inglewood fault zone, the Whittier fault zone, the San Joaquin Hills fault zone, and the Elysian Park fault zone. Future residential development would be subject to the City's development review process and would be required to demonstrate consistency with General Plan policies, Municipal Code requirements, and seismic design standards required by the current California Building Code (CBC). Less Than Significant Impact.	No mitigation is required.	Less Than Significant Impact
Threshold 4.6-3 Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction, and landslides.	The housing sites are in a seismically active area and there are housing sites located in liquefaction and landslide hazard areas. Following compliance with all regulations and requirements for avoiding seismic impacts from development including compliance with the CBC, the Project would result in a less than significant impact concerning adverse effects involving seismic-related ground failure; no mitigation is required. Less Than Significant Impact.	No mitigation is required.	Less Than Significant Impact
Threshold 4.6-4 Result in substantial soil erosion or the loss of top soil.	Future residential development facilitated by the Project could result in grading activities that would disrupt soil profiles, and thereby result in potential increased exposure of soils to wind and rain. However, future residential development would be required to comply with applicable General Plan and Municipal Code policies and regulations, the CBC,	No mitigation is required.	Less Than Significant Impact

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
	NPDES permits, and the RWQCB Water Quality Control Plan and therefore would not result in substantial soil erosion or loss of topsoil. Less Than Significant Impact.		
Threshold 4.6-5 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.	Some areas of the City are susceptible to earthquake-induced landslides, lateral spreading, subsidence, liquefaction, and/or collapse. However, adherence to the CBC, City’s codes, and General Plan policies would ensure the maximum practicable protection available for users of buildings and infrastructure and associated trenches, slopes, and foundations. Therefore, the Project would result in a less than significant impact concerning potential substantial adverse effects involving exposure to unstable geological units or soils. Less Than Significant Impact.	No mitigation is required.	Less Than Significant Impact
Threshold 4.6-6 Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.	The City contains surficial soils and bedrock with fine-grained components that are moderately to highly expansive. The City’s Building Code adopts the latest CBC regulations, which also requires geotechnical investigations that identifies potentially unsuitable soil conditions and contains appropriate recommendations for foundation type and design criteria that conform to the analysis and implementation criteria described in Municipal Code Title 15 Building and Construction. General Plan Safety Element Policy S 4.7 requires that development not be located on unstable soils or geologic units. Through compliance with	No mitigation is required.	Less Than Significant Impact

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
	applicable provisions of the CBC, General Plan Policy 4.7 and Municipal Code Title 15 requirements, the Project would not create substantial direct or indirect risks to life or property due to a project located on expansive soils. Less Than Significant Impact.		
Section 4.7: Greenhouse Gas Emissions			
Applicable General Plan and Coastal Land Use Plan Policies		General Plan Policies	
		<ul style="list-style-type: none"> ▪ Policy NR 6.1 ▪ Policy NR 7.2 ▪ Policy NR 8.1 	
Threshold 4.7-1 Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	The proposed Project would generate increases in GHG emissions from both the construction and operation of new housing. Projects would need to demonstrate compliance with the City’s GHG thresholds. Due to the forecast population growth and GHG emissions associated with future development, and the lack of specificity of future development, program-level GHG emissions impacts would be potentially significant. This impact would not be mitigated to a less than significant level with MM GHG-1. Potentially Significant Impact.	Mitigation Measure MM GHG-1: Prior to demolition, grading, or building permit approval, and in accordance with SCAQMD’s guidance, a project-specific Greenhouse Gas Emissions Assessment shall be prepared for residential developments that would exceed SCAQMD’s 3,000 MTCO ₂ e proposed threshold of significance (or those in place at the time of the development application). Future development shall mitigate GHG emissions to below SCAQMD’s thresholds of significance to the extent feasible. Despite compliance with MM GHG-1 , there are no feasible mitigation measures to reduce this impact to a less than significant level.	Significant and Unavoidable Impact
Threshold 4.7-2 Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gas.	The proposed Project would be consistent with the California Renewables Portfolio Standard Program, SB 100, Title 24 of the CCR (Energy Code and CALGreen), SB 375, RTP/SCS and recommendations of the State Attorney General, California Office of Planning and Research, and Climate Action Team. The	There are no feasible mitigation measures to reduce this impact to a less than significant level.	Significant and Unavoidable Impact

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
	proposed Project would be consistent with applicable plans, policies, and regulations. However, due to the magnitude of the Project’s GHG emissions, at a programmatic level of analysis, impacts would be significant and unavoidable. Significant and Unavoidable Impact.		
Section 4.8: Hazards and Hazardous Materials			
Applicable General Plan and Coastal Land Use Plan Policies		<p align="center">General Plan Policies</p> <ul style="list-style-type: none"> ▪ Policy LU 6.15.3 ▪ Policy S 6.2 ▪ Policy S 6.4 ▪ Policy S 6.5 ▪ Policy S 6.7 ▪ Policy S 7.1 ▪ Policy S 7.2 ▪ Policy S 7.6 ▪ Policy S 8.6 <p align="center">Coastal Land Use Plan Policies</p> <ul style="list-style-type: none"> ▪ Policy 2.8.1-1 ▪ Policy 2.8.1-2 ▪ Policy 2.8.1-3 ▪ Policy 2.8.8-1 ▪ Policy 2.8.8-2 ▪ Policy N 1.1 ▪ Policy N 1.2 ▪ Policy N 1.3 ▪ Policy N 1.4 ▪ Policy N 1.5 ▪ Policy N 1.5A ▪ Policy N 3.1 ▪ Policy N 3.2 ▪ Policy 2.8.8-3 ▪ Policy 2.8.8-4 ▪ Policy 2.8.8-5 ▪ Policy 2.8.8-6 ▪ Policy 4.3.1-8 	
Threshold 4.8-1 Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	Exposure of the public or the environment to hazardous materials can occur through transportation accidents; environmentally unsound disposal methods; improper handling of hazardous materials or hazardous wastes. As a part of Project operations, hazardous materials would be limited to those associated with common household	No mitigation is required.	Less Than Significant Impact

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
	fertilizers, pesticides, paint, solvents, and petroleum products. Through compliance with applicable laws, regulations, and General Plan policies, the Project would not create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Less Than Significant Impact.		
Threshold 4.8-2 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.	Implementation of the Project could potentially create a hazard to the public or the environment through exposure to contaminated materials, as a result of a previous hazardous material incident at a housing site or through the presence of asbestos-containing materials or lead-based paint. Compliance with the existing regulatory framework including General Plan policies would reduce Project impacts of creating a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Less Than Significant Impact.	No mitigation is required.	Less Than Significant Impact
Threshold 4.8-3 emit hazardous emissions or handle hazardous or acutely hazardous material, substances, or waste within one-quarter mile of an existing or proposed school.	Residential development is typically not associated with the handling of hazardous materials, substances, or waste in significant quantities that would have an impact to surrounding schools, aside from construction activities. Compliance with applicable laws and regulations governing the use, storage, and transportation of hazardous materials would ensure that potentially hazardous materials are used and handled in an	No mitigation is required.	Less Than Significant Impact

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
	appropriate manner and would minimize the potential for safety impacts to occur. Less Than Significant Impact.		
Threshold 4.8-4 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.	None of the housing sites are included on a hazardous site list compiled pursuant to California Government Code Section 65962.5. No Impact.	No mitigation is required.	No Impact
Threshold 4.8-5 Be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area	There are housing sites located within the safety zones identified in the AELUP for John Wayne Airport. Housing in AELUP Safety Zone 3 would be restricted to low-density residential uses consistent with the AELUP and residential uses in Safety Zone 6 and Safety Zone 4 are considered less than significant. While future housing development and non-residential development in the City, inclusive of the Airport Area, would increase the number of residents and non-residents proximate to John Wayne Airport, individual projects would be subject to development review by the City and where a General Plan amendment, Specific Plan or PC amendment, or a rezone is required, the project would also be subject to the review of the ALUC. Less Than Significant Impact.	No mitigation is required.	Less Than Significant Impact
Threshold 4.8-6	Future development would increase housing density in certain areas of the City, resulting	No mitigation is required.	Less Than Significant Impact

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan	in greater population concentrations within certain areas. However, the Project would not result in changes to the City's existing circulation network. No land uses are proposed that would impair the implementation of, or physically conflict with, the City's Emergency Management Plan. Less Than Significant Impact.		
Threshold 4.8-7 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.	Future residential development facilitated by the Housing Implementation Program in VHFHSZ would consequently result in higher fire-related risks to people and structures. Compliance with the regulatory framework including the California Fire Code, and California Building Code would reduce impacts to a less than significant level. Less Than Significant Impact.	No mitigation is required.	Less Than Significant Impact
Section 4.9: Hydrology and Water Quality			
Applicable General Plan and Coastal Land Use Plan Policies	General Plan Policies		
	<ul style="list-style-type: none"> ▪ Policy NR 1.1 ▪ Policy NR 3.4 ▪ Policy NR 3.5 ▪ Policy NR 3.7 ▪ Policy NR 3.9 ▪ Policy NR 3.11 ▪ Policy NR 3.14 ▪ Policy NR 3.15 ▪ Policy NR 3.16 ▪ Policy NR 3.19 ▪ Policy NR 3.20 ▪ Policy NR 4.1 ▪ Policy NR 4.3 ▪ Policy NR 4.4 ▪ Policy LU 6.4.10 ▪ Policy S 2.7 ▪ Policy S 3.9 ▪ Policy S 3.10 ▪ Policy S 3.11 ▪ Policy S 3.12 ▪ Policy S 5.1 ▪ Policy S 5.3 		

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
		<p align="center">Coastal Land Use Plan Policies</p> <ul style="list-style-type: none"> ▪ Policy 4.3.1-5 ▪ Policy 4.3.1-6 ▪ Policy 4.3.1-7 ▪ Policy 4.3.1-8 ▪ Policy 4.3.2-1 ▪ Policy 4.3.2-2 ▪ Policy 4.3.2-6 ▪ Policy 4.3.2-7 ▪ Policy 4.3.2-8 ▪ Policy 4.3.2-9 ▪ Policy 4.3.2-10 ▪ Policy 4.3.2-11 ▪ Policy 4.3.2-12 ▪ Policy 4.3.2-13 ▪ Policy 4.3.2-14 ▪ Policy 4.3.2-15 ▪ Policy 4.3.2-17 ▪ Policy 4.3.2-22 ▪ Policy 4.3.2-23 ▪ Policy 4.3.2-24 	
Threshold 4.9-1 Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.	Future residential development facilitated by the Project could result in potential impacts related to water quality during the earthwork and construction, following construction, and after completion. Future projects would be subject to implement post-construction best management practices (BMPs) in project design to capture and treat runoff. Projects would be required to demonstrate consistency with General Plan, Municipal Code, and LCP requirements, including those intended to protect water quality. Less Than Significant Impact.	No mitigation is required.	Less Than Significant Impact
Threshold 4.9-2 Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable	Future housing development facilitated by the Project would result in an incrementally increased demand for groundwater as supplied by the City, Irvine Ranch Water District, and Mesa Water District. Future housing projects would be required to incorporate features that would reduce	No mitigation is required.	Less Than Significant Impact

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
groundwater management of the basin	impervious area, as feasible, and promote water infiltration and groundwater recharge. Compliance with General Plan Natural Resources policies would ensure water conservation and reduce potential impacts to groundwater supply. Less Than Significant Impact.		
Threshold 4.9-3 Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: i) result in substantial erosion or siltation on-or off-site; ii) increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; iii) create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or iv) impede or redirect flood flows.	Compliance with the existing regulatory framework and General Plan policies would reduce, prevent, or minimize soil erosion from project-related grading and construction activities. Future housing development would be required to adhere to all federal, State, and local requirements for avoiding construction and operations impacts that could substantially alter the existing drainage pattern or alter the course of a stream or river, including the City’s Erosion Control requirements codified under Municipal Code Section 15.10.130. Compliance with General Plan policies identified above and Municipal Code sections would minimize storm water runoff and would not exceed the capacity of existing or planned storm water drainage systems. Compliance with General Plan policies and Municipal Code regulations would reduce impacts related to flood flows. Less Than Significant Impact.	No mitigation is required.	Less Than Significant Impact
Threshold 4.9-4 In flood hazard, tsunami, or seiche zones, risk release of	Three housing sites (sites 133, 134, and 334), all of which are within the Dover-Westcliff Focus Area, are in tsunami evacuation areas The General Plan Safety Element establishes	No mitigation is required.	Less Than Significant Impact

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
pollutants due to Project inundation.	goals to minimize adverse effects of coastal hazards including tsunamis. Future housing projects within tsunami evacuation areas would be covered by the established evacuation plan, including routes along the Balboa Peninsula and Mariner’s Mile. Additionally, future projects would be required to adhere to all federal, State, and local requirements for avoiding and minimizing impacts related to flood hazards, tsunami, or seiches, including General Plan policies and Municipal Code regulations. Less Than Significant Impact.		
Threshold 4.9-5 Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan	The City is under the jurisdiction of the Santa Ana Regional Water Quality Control Board (RWQCB), which establishes water quality objectives and standards for both surface and groundwater of the region, and water quality discharge requirements. Under the Santa Ana RWQCB’s NPDES permit system, all existing and future municipal discharges to surface waters within the City would be subject to these regulations. Future development would be required to comply with NPDES standards and implement environmentally sustainable practices including but not limited to water-efficient landscaping; energy efficient water fixtures; and water quality BMPs to treat surface runoff from the future development sites. Less Than Significant Impact.	No mitigation is required.	Less Than Significant Impact

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
Section 4.10: Land Use and Planning			
Applicable General Plan and Coastal Land Use Plan Policies		<p style="text-align: center;">General Plan Policies</p> <ul style="list-style-type: none"> ▪ Policy LU 2.3 ▪ Policy LU 3.2 ▪ Policy LU 3.8 ▪ Policy LU 5.1.2 ▪ Policy LU 5.3.3 ▪ Policy LU 5.6.1 <p style="text-align: center;">Coastal Land Use Plan Policies</p> <ul style="list-style-type: none"> ▪ Policy 2.1.1-1 ▪ Policy 2.2.1-1 ▪ Policy 2.2.1-2 ▪ Policy 2.2.1-3 ▪ Policy LU 6.2.1 ▪ Policy LU 6.2.3 ▪ Policy LU 6.2.5 ▪ Policy LU 6.14.2 ▪ Policy LU 6.15.3 ▪ Policy 2.2.2-1 ▪ Policy 2.7-1 ▪ Policy 2.7-2 ▪ Policy 2.7-5 	
Threshold 4.10-1 Physically divide an established community.	The Project would not result in the division of an established community because housing sites are located throughout the City, rather than in a single, concentrated area, and the Project does not propose any major roadways that would traverse an existing community or neighborhood. Less Than Significant Impact.	No mitigation is required.	Less Than Significant Impact
Threshold 4.10-2 Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.	The Project does not propose any changes to the existing General Plan land use categories that govern land uses within the City, including the five land use designations that solely accommodate residential development. No change is proposed to the designations' densities or housing types. The Project does propose amendments to the General Plan Land Use Element goals and policies. Upon approval of the Project's discretionary actions, the Project would result in less than significant impacts related to conflicts with	No mitigation is required.	Less Than Significant Impact

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
	Municipal Code plans and standards adopted for the purpose of avoiding or mitigating an environmental effect. The Project would be consistent with applicable existing and proposed General Plan goals and policies and applicable existing and proposed policies of the Local Coastal Program. Less Than Significant Impact.		
Section 4.11: Noise			
Applicable General Plan and Coastal Land Use Plan Policies		General Plan Policies	
		<ul style="list-style-type: none"> ▪ Policy N 1.1 ▪ Policy N 1.2 ▪ Policy N 1.3 ▪ Policy N 1.4 ▪ Policy N 1.5 ▪ Policy N 1.5A ▪ Policy N 1.6 ▪ Policy N 1.7 ▪ Policy N 1.8 ▪ Policy N 2.1 ▪ Policy N 2.2 ▪ Policy N 2.3 ▪ Policy N 3.1 ▪ Policy N 3.2 ▪ Policy N 4.1 ▪ Policy N 4.6 ▪ Policy N 5.1 ▪ Policy LU 6.15.3 	
Threshold 4.11-1 Result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	Construction Noise: Municipal Code Section 10.26.035(D) exempts construction noise from the City’s exterior and interior noise limits, acknowledging that construction activity is a normalized function of typical urban and suburban activities during daytime hours. Construction is required to comply with the City’s allowable construction hours and provisions of the Municipal Code. Less Than Significant Impact. Operational Noise: Future residential development would generate increased traffic noise levels throughout the City. Only	No mitigation is required.	Significant Unavoidable Impact (Roadway Noise)

Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
	<p>one of the roadway segments (Campus Drive from MacArthur Boulevard to Von Karman Avenue) would exceed the City’s noise increase standards with project implementation. The change in traffic noise along this roadway segment would be 1.2 dBA and would exceed the City’s 1 dBA threshold for existing noise levels between 65 and 70 dBA CNEL. Potentially Significant Impact.</p> <p>Stationary Noise: Operational stationary noise sources (e.g., heating, ventilation, and air conditioning [HVAC]) are anticipated to increase incrementally from increased residential development as a result of the Project. The noise standards in Municipal Code Section 10.26.025 (Exterior Noise Standards) and Section 10.26.030 (Interior Noise Standards) would be used to evaluate noise from stationary sources at future residential developments. Impacts from operational stationary noise would be less than significant following individual development and design review and compliance with the City’s noise standards and General Plan policies. Less Than Significant Impact.</p>		
<p>Threshold 4.11-2 Result in the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.</p>	<p>Construction: Future construction activities for new residential development would require the use of heavy equipment, power tools, generators, and other vibration sources. Short-term construction activities could result in groundborne vibration impacts at noise sensitive receptors in the City</p>	<p>Mitigation Measures MM NOI-1 requires that pile driving within a 50-foot radius of vibration sensitive land uses use alternative installation methods. Additionally, the preexisting condition of all vibration sensitive land uses within a 50-foot radius of proposed pile driving shall be documented during a preconstruction</p>	<p>Less Than Significant Impact</p>

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
	<p>depending on the site location, duration of construction activities, and equipment used at the construction site. This impact would be mitigated to a less than significant level with MM NOI-1. Potentially Significant Impact.</p> <p>Operation: Residential uses are not expected to generate excessive groundborne vibration or groundborne noise, and the Project does not include changes related to industrial or commercial uses that would generate ongoing groundborne vibration. Potentially Significant Impact.</p>	<p>survey. The preconstruction survey shall determine conditions that exist before construction begins for use in evaluating damage caused by pile driving. All damage shall be repaired/restored to its preexisting condition.</p>	
<p>Threshold 4.11-3 For a Project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels.</p>	<p>There are housing sites located within the 65-70 dBA CNEL noise contour for John Wayne Airport. Section 3.2.3 of AELUP requires residential uses be developed with advanced insulation systems to bring the sound attenuation to no more than 45 dB interior and also requires uses to be “indoor oriented”. Project compliance with City policies N 1.5, N 1.5A, N2.2, N3.1, N3.2, LU 6.15.3, and Municipal Code Section 20.30.080.F would result in less than significant impacts with respect to housing development proximate to the airport. Less Than Significant.</p>	<p>No mitigation is required.</p>	<p>Less Than Significant Impact</p>
Section 4.12: Population and Housing			
Applicable General Plan and Coastal Land Use Plan Policies		General Plan Policies	
		<ul style="list-style-type: none"> ▪ Policy LU 1.4 ▪ Policy LU 3.2 ▪ Policy LU 6.2.3 	

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
		<p align="center">Coastal Land Use Plan Policies</p> <ul style="list-style-type: none"> ▪ Policy 2.1.1-1 ▪ Policy 2.1.10-1 ▪ Policy 2.2.1-1 ▪ Policy 2.2.1-2 ▪ Policy 2.2.1-3 ▪ Policy 2.2.2-1 ▪ Policy 2.7-1 ▪ Policy 2.7-2 ▪ Policy 2.7-5 	
<p>Threshold 4.12-1 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)</p>	<p>Future residential development facilitated by the Project could to increase the City's existing 2023 housing stock by approximately 18 percent (9,914 additional dwelling units). This estimated housing growth could increase the City's existing 2023 population by approximately 26.1 percent (21,811 additional persons). General Plan policies and Municipal Code regulations help to guide new residential development. Planning for the increase in housing is necessary to comply with the state-mandated 6th Cycle RHNA. The Project would not induce substantial growth, but rather would accommodate projected growth in the region. Less Than Significant Impact.</p>	<p>No mitigation is required.</p>	<p>Less Than Significant Impact</p>
<p>Threshold 4.12-2 Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere or displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.</p>	<p>A majority of the housing sites are developed with non-residential uses. Future housing development facilitated by the proposed Project would occur such that there is no net loss of residential unit capacity. The proposed Project would be consistent with State and local land use plans and would not displace a substantial number of housing units that would require replacement. Less Than Significant Impact.</p>	<p>No mitigation is required.</p>	<p>Less Than Significant Impact</p>

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
Section 4.13: Public Services			
Applicable General Plan and Coastal Land Use Plan Policies		<p style="text-align: center;">General Plan Policies</p> <ul style="list-style-type: none"> ▪ Policy LU 2.1 ▪ Policy LU 2.8 ▪ Policy LU 3.2 ▪ Policy LU 4.1 ▪ Policy LU 6.1.1 ▪ Policy LU 6.1.2 ▪ Policy LU 6.1.4 ▪ Policy LU 6.2.5 ▪ Policy S 6.7 ▪ Policy S 6.9 	
<p>Threshold 4.13-1 Result in substantial adverse physical impacts associated with the provision of 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 fire protection.</p>	<p>Future housing development facilitated by the proposed Project could result in population growth of approximately 21,811 persons. Future housing would incrementally increase the demand for fire protection and emergency services. All future housing development would be subject to the City's development review process. At the program-level of review, the Project would not result in a need for expanded or newly constructed facilities, and impacts associated with fire services would be less than significant. Should construction of new facilities be required in the future, each would undergo site-specific environmental review. Less Than Significant Impact.</p>	No mitigation is required.	Less Than Significant Impact
<p>Threshold 4.13-2 Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios,</p>	<p>Based on the City's current ratio of officers to residents, implementation of the Project with 21,811 persons would result in the demand for approximately 26 additional police officers. General Plan policies require that adequate public services and infrastructure be provided as new development occurs. All future housing development would be subject to the City's development review process and</p>	No mitigation is required.	Less Than Significant Impact

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
response times or other performance objectives for police protection.	would need to demonstrate that adequate police protection services can be provided for new housing and continue to be provided for existing land use. Therefore, police staffing, and facilities would be expanded commensurately to serve the needs of new development. Less Than Significant Impact.		
Threshold 4.13-3 Result in substantial adverse physical impacts associated with the provision of 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 schools.	Population growth resulting from future housing associated with the Housing Implementation Program would increase the number of students within Newport-Mesa Unified School District and Santa Ana Unified School Districts. Due to the existing capacities within Newport-Mesa Unified School District, it is expected that the increase in school-aged children could be accommodated within existing school facilities. If new facilities would need to be constructed at a future date to accommodate increased demand on schools, further environmental review separate from the EIR prepared would be required as project-specific plans are developed to determine which school districts and schools' specific development proposals would have the potential to impact. Less Than Significant Impact.	No mitigation is required.	Less Than Significant Impact
Threshold 4.13-4 Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could	Future housing development facilitated by the Housing Implementation Program would generate population growth, which could incrementally increase the demand for library services at the Newport Beach Library System's facilities. New development would	No mitigation is required.	Less Than Significant Impact

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for libraries.	also be required to comply with Municipal Code Section 3.12 (Property Development Tax), which imposes an excise tax upon the construction and occupancy of each residential unit, commercial unit, and industrial unit. Housing facilitated by the Project would occur incrementally over time and as market conditions allow. Similarly, the tax proceeds from future development would be collected over time, allowing library improvements and expansions to occur as needed. Less Than Significant Impact.		
Section 4.14: Recreation			
Applicable General Plan and Coastal Land Use Plan Policies		<p style="text-align: center;">General Plan Policies</p> <ul style="list-style-type: none"> ▪ Policy LU 6.15.13 ▪ Policy LU 6.15.16 ▪ Policy R 1.1 <p style="text-align: center;">Coastal Land Use Plan Policies</p> <ul style="list-style-type: none"> ▪ Policy 3.2.1-3 ▪ Policy 3.2.1-4 	
<p>Threshold 4.14-1 Increase the use of existing neighborhood, community and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated</p> <p>Threshold 4.14-2: Include recreational facilities or require the construction or</p>	An increase in City residents associated with the future development of housing sites within the Focus Areas would result in an increased demand for recreational facilities. Individual housing developments and the location of the housing in the City would occur over time. Where a future housing project includes the subdivision of land, the housing project would be required to provide land or in lieu fees for parks or recreation purposes to bear a reasonable relationship to the use of the park and recreational facilities	No mitigation is required.	Less Than Significant Impact

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
expansion of recreational facilities which might have an adverse physical effect on the environment.	by future inhabitants (Municipal Code Section 19.52.030: (Use of Park Dedications and Fees. While there would be an increased use of parkland and recreational facilities resulting from the increase in residential population, the City provides for the maintenance and enhancement of parks and recreational facilities through various funding sources. Because of the City’s commitment to the maintenance and enhancement of such facilities and exploration of potential future funding sources, increased use of existing parks and recreational facilities would not result in substantial physical degradation. Less Than Significant Impact.		
Section 4.15: Transportation			
Applicable General Plan and Coastal Land Use Plan Policies		General Plan Policies	
		<ul style="list-style-type: none"> ▪ Policy CE 1.1.1 ▪ Policy CE 1.1.2 ▪ Policy CE 2.1.2 ▪ Policy CE 2.2.5 ▪ Policy CE 2.2.7 ▪ Policy CE 2.2.8 ▪ Policy CE 2.3.3 ▪ Policy CE 2.5.6 ▪ Policy CE 2.5.7 ▪ Policy CE 5.2.11 ▪ Policy CE 5.4.1 ▪ Policy CE 5.4.2 ▪ Policy CE 5.4.6 ▪ Policy CE 7.1.1 ▪ Policy CE 7.1.2 ▪ Policy EC 7.1.4 ▪ Policy CE 7.1.5 ▪ Policy CE 7.1.7 ▪ Policy CE 8.1.1 ▪ Policy CE 8.1.9 ▪ Policy CE 8.1.10 ▪ Policy CE 8.1.13 ▪ Policy CE 8.1.14 ▪ Policy CE 9.1.9 ▪ Policy CE 9.1.10 ▪ Policy CE 9.1.12 ▪ Policy LU 6.15.18 ▪ Policy LU 6.15.19 ▪ Policy LU 6.15.20 	

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
		<p align="center">Coastal Land Use Plan Policies</p> <ul style="list-style-type: none"> ▪ Policy 2.9.1-2 ▪ Policy 2.9.1-3 ▪ Policy 2.9.1-10 ▪ Policy 2.9.2-4 ▪ Policy 2.9.3-1 ▪ Policy 2.9.3-3 ▪ Policy 2.9.3-5 ▪ Policy 2.9.3-6 ▪ Policy 2.9.3-7 ▪ Policy 2.9.3-10 ▪ Policy 2.9.3-11 ▪ Policy 2.9.3-14 	
Threshold 4.15-1 Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.	SCAG and the City have adopted programs, plans, ordinances, and policies that establish the planning framework to achieve a safe, accessible, and sustainable transportation system for all users. Following compliance with Circulation Element policies and Municipal Code regulations, the Project’s potential to conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle, and pedestrian facilities would be less than significant. Less Than Significant Impact.	No mitigation is required.	Less Than Significant Impact
Threshold 4.15-2 Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).	The Existing Citywide VMT per Service Population (VMT/SP) for Newport Beach is 30.9, whereas the proposed Project’s VMT/SP is 30.3, a decrease of 0.6 VMT/SP from existing conditions. This suggests that the proposed Project would decrease the amount of travel per individual that is forecast to occur in comparison the existing conditions and in comparison to 2006 General Plan Buildout VMT. This is because the proposed Project would develop more housing proximate to where employment is located, reducing Citywide VMT/SP in comparison to	Mitigation Measures MM TRANS-1 outlines VMT-reduction measures for future projects that are not able to be screened out from VMT analysis process such that the development’s VMT is below the low VMT thresholds recommended by the Office of Planning and Research or adopted by the City of Newport Beach at the time of the development application.	Less Than Significant Impact

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
	<p>the 2006 General Plan Baseline (Buildout Land Use). While Project implementation would decrease the Citywide VMT/SP, the VMT/SP varies for each individual Traffic Analysis Zones (TAZ).</p> <p>Future projects would evaluate to determine if the VMT screening criteria is met. Potential VMT impacts could be mitigated through compliance with MM TRANS-1. Potentially Significant Impact.</p>		
<p>Threshold 4.15-3 Increase hazards due to a geometric design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)</p> <p>Threshold 4.15-3 Result in inadequate emergency access.</p>	<p>The Project does not propose any changes to the existing roadway network. Future site-specific development would be subject to the City’s development review process, which would include both design and engineering review to ensure roads and access is configured consistent with established roadway design standards. Future housing development would be required to comply with applicable building and fire safety regulations required for the design of new housing and emergency access; and would be required to adhere to applicable State and local requirements. Less Than Significant Impact.</p>	No mitigation is required.	Less Than Significant Impact
Section 4.16: Tribal Cultural Resources			
Applicable General Plan and Coastal Land Use Plan Policies		General Plan Policies	
		<ul style="list-style-type: none"> ▪ Policy HR 2.1 ▪ Policy HR 2.2 ▪ Policy HR 2.3 ▪ Policy HR 2.4 ▪ Policy NR 18.1 ▪ Policy NR 18.3 ▪ Policy NR 18.4 	

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
		<p align="center">Coastal Land Use Plan Policies</p> <ul style="list-style-type: none"> ▪ Policy 4.5-1 ▪ Policy 4.5-2 ▪ Policy 4.5-3 ▪ Policy 4.5-4 ▪ Policy 4.5-5 	
<p>Threshold 4.16-1 Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: a) listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k) or b) a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the</p>	<p>In compliance with SB 18, AB 52, and the State Native American Heritage Commission, the City sent letters to the multiple Native American tribal representatives that may have knowledge regarding tribal cultural resources in the City. The City received one response. The Gabrieleño Band of Mission Indians – Kizh Nation responded on April 13, 2023 noting their concurrence with the Project but would request consultation on future projects. Future development facilitated by the Project would be subject to City Council Policy K-5, which requires preservation of significant archeological and tribal cultural resources, as set forth in SC CUL-1. Additionally, compliance with these City policies would ensure that future development facilitated by the Project would protect and preserve archaeological and tribal resources from destruction during new development construction facilitated by the Project. This impact would be mitigated to a less than significant level with MMs TCR-1 and TCR-2. Potentially Significant Impact.</p>	<p>Standard Conditions of Approval SC CUL-1 requires preservation of significant archeological and tribal cultural resources, as set forth in City Council Policy K-5. SC CUL-2 requires compliance with California Health and Safety Code Section 7050.5, CEQA Guidelines Section 15064.5, and Public Resources Code Section 5097.98 which mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. Mitigation Measures MM TCR-1 requires project-specific applicants to retain a qualified professional and, if necessary, appropriate Native American monitors identified by the applicable tribe (e.g., the Gabrielino Tongva Nation) and/or the NAHC, prior to any earth-disturbing activities to determine if the project would cause a substantial adverse change in the significance of a tribal cultural resources. MM TCR-2 requires all earth-disturbing activity within 100 feet of a tribal cultural resources discovery/find to be halted, the City to be notified, and impacts to any significant resources be mitigated to a less than significant level through data recovery or other methods determined adequate by the appropriate Native American monitors.</p>	<p>Less Than Significant Impact</p>

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
significance of the resource to a California Native American tribe.			
Section 4.17: Utilities			
Applicable General Plan and Coastal Land Use Plan Policies		General Plan Policies	
		<ul style="list-style-type: none"> ▪ Policy LU 2.8 ▪ Policy LU 3.2 ▪ Policy LU 6.1.2 ▪ Policy LU 6.4.10 	<ul style="list-style-type: none"> ▪ Policy NR 3.4 ▪ Policy NR 3.11 ▪ Policy NR 3.15
Threshold 4.17-1 Require or result in the relocation or construction of new or expanded water facilities, the construction of which could cause significant environmental effects.	Future housing development facilitated by the Project and the resulting population growth of approximately 21,811 persons would incrementally increase the demand for utility and service systems. If improvements to the existing water system are required or additional facilities are needed, the property developer would be required to pay its fair share of the cost of all or portions of the needed improvements. All future housing development would be subject to the City's development review process and would be assessed on a case-by-case basis for potential effects concerning the secondary effects of population growth, including but not limited to the need for infrastructure improvements. Less Than Significant Impact.	No mitigation is required.	Less Than Significant Impact
Threshold 4.17-2 Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years	Future housing development facilitated by the Project and the resulting population growth of approximately 21,811 persons and would incrementally increase the demand for water. The 2020 UWMP's for the City, IRWD, and Mesa Water identify sufficient water supplies during normal, single-dry, and	There are no feasible mitigation measures to reduce this impact to a less than significant level.	Significant and Unavoidable Impact

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
	multiple-dry year scenarios from 2025 through 2045 for both imported and groundwater supplies. However, the UWMPs for the respective water districts do not account for the 6 th Cycle RHNA for the municipalities they serve. Because the UWMPs did not account for the 6th Cycle RHNA, it cannot be substantiated that there will be sufficient water supplies available to serve future development facilitated by the Project and reasonably foreseeable future development during normal, dry and multiple dry years. Potentially Significant Impact.		
<p>Threshold 4.17-3 Require or result in the relocation or construction of new or expanded wastewater treatment facilities, the construction of which could cause significant environmental effects.</p> <p>Threshold 4.17-4 Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments</p>	Future housing development facilitated by the Project would incrementally increase wastewater generation in the City. All future housing projects would be subject to the City's development review process including site-specific evaluation of the respective sanitation districts' existing infrastructure and treatment capacity to serve the development. Projects would need to demonstrate that adequate sewer infrastructure and treatment capacity is available or can be provided for new housing and continue to be provided for existing land uses. The City levies connection fees for new or expanded sewer connections, including those to new development. These connection fees help fund the costs associated with providing wastewater facility capacity to new users requiring new connections and existing users requiring additional capacity. Projects would be	No mitigation is required.	Less Than Significant Impact

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
	<p>required to adhere to all federal, State, and local requirements related to wastewater treatment during construction and operations, including the Municipal Code Chapter 21.35 (Water Quality Control), Municipal Code Chapter 14.36 (Water Quality), and the Construction Permit. Additionally, all future housing development would be required to be designed, constructed, and operated in accordance with the respective service providers including OC San Ordinance Nos. 40 and 48, and all wastewater discharges into OC San facilities would be required to comply with the discharge standards set forth to protect the public sewage system and Waters of the United States. Less Than Significant Impact.</p>		
<p>Threshold 4.17-5 Require or result in the relocation or construction of new or expanded storm water drainage facilities, the construction of which could cause significant environmental effects</p>	<p>Future housing development facilitated by the Project and the resulting population growth would incrementally increase the demand for new or expanded storm water drainage facilities, the construction of which could cause significant environmental effects. All storm water infrastructure from future development, including on-site and off-site improvements, would connect to the City's existing storm water infrastructure. As a part of the site-specific development review process through the City, applicants would be required to demonstrate that drainage facilities would be designed and constructed as necessary for the removal of surface water from the site, and to protect off-site</p>	<p>Standard Conditions of Approval SC UTIL-1 requires to comply with the City of Newport Beach Municipal Code Chapter 14.16 related to water conservation and supply level regulations in effect during the construction and operation of the project, and Municipal Code Chapter 14.17 with respect to water-efficient landscaping.</p>	<p>Less Than Significant Impact</p>

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
	properties from a project's water runoff. Less Than Significant Impact.		
Threshold 4.17-6 Require or result in the relocation or construction of new or expanded electric power, natural gas, or telecommunication facilities, the construction of which could cause significant environmental effects.	All housing sites except 20 sites (19 within the Banning Ranch Focus Area and 1 within the Coyote Canyon Focus Area) are developed and have infrastructure in place to serve the existing land uses. Housing sites that are located in or near developed areas would connect to existing electric power provided by SCE, natural gas provided by SoCalGas, and telecommunications facilities provided by a variety of service providers. Thus, future housing developments may require the construction or expansion of electric power, natural gas, and telecommunication facilities. The construction of dry utility infrastructure would be evaluated as a part of site-specific development proposals. Less Than Significant Impact.	No mitigation is required.	Less Than Significant Impact
Threshold 4.17-7 Generate solid waste in excess of State and local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Threshold 4.17-8 Comply with federal, State, and local management and reduction statutes and regulations related to solid waste.	Future housing development facilitated by the Project would incrementally increase solid waste generation in the City. It is anticipated that solid waste would be disposed of at the Frank R. Bowerman Landfill in the City of Irvine. Solid waste services can be provided to the Project without significantly impacting existing and planned development within the City and County. Future housing development would be subject to the City's development review process and be required to adhere to all federal, State, and local requirements for solid waste reduction and recycling. In addition, all future housing development	No mitigation is required.	Less Than Significant Impact

Table 1-1: Summary of Significant Impacts and Mitigation Program				
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation	
	would be required to comply with the Green Building Code, which implements design and construction measures that act to reduce construction-related waste through material conservation measures and other construction-related efficiency measures. Less Than Significant Impact.			
Section 4.18: Wildfire				
Applicable General Plan and Coastal Land Use Plan Policies		<p align="center">General Plan Policies</p> <ul style="list-style-type: none"> ▪ Policy LU 5.6.4 ▪ Policy S 6.2 ▪ Policy S 6.3 <p align="center">Coastal Land Use Plan Policies</p> <ul style="list-style-type: none"> ▪ Policy 2.8.1-1 ▪ Policy 2.8.1-2 ▪ Policy 2.8.1-3 ▪ Policy 2.8.8-1 ▪ Policy 2.8.8-2 	<ul style="list-style-type: none"> ▪ Policy S 6.4 ▪ Policy S 6.5 	
Threshold 4.18-1 If located in or near State Responsibility Areas (SRAs) or lands classified as Very High Fire Hazard Severity Zones (VHFHSZ), would the Project substantially impair an adopted emergency response plan or emergency evacuation plan.	Of the 247 housing sites, there are 2 housing sites within a Very High Fire Hazard Safety Zone (VHFHSZ) area. The remainder of the sites are not in or proximate to a VHFHSZ area. These housing sites would be required to go through the City’s development review and permitting process and would be required to comply with the regulations and measures described above to maintain adequate availability of emergency services during an emergency response or an emergency evacuation. Future residential development in VHFHSZs would be subject to Section 4908 of the 2022 CFC, which requires	Mitigation Measures MM W-1 requires the preparation of a Fire Protection Plan for sites located within or adjacent to VHFHSZ. The Fire Protection Plan shall be subject to the review and approval from the Fire Department and shall assess the Project’s compliance with current regulatory codes and ensure that impacts resulting from wildland fire hazards have been adequately mitigated.	Less Than Significant Impact	

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
	compliance with the SRA Fire Safe Development Regulations as specified in Title 14. This impact would be mitigated to a less than significant level with MM W-1. Potentially Significant Impact.		
Threshold 4.18-2 If located in or near State Responsibility Areas (SRAs) or lands classified as Very High Fire Hazard Severity Zones (VHFHSZ), would the Project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.	Development within or adjacent to areas designated as VHFHSZ has the potential to exacerbate wildfire risk, particularly if it occurs in areas with steep topography and/or prevailing winds as these conditions contribute to the spread of wildfires. Adherence to mandatory fire prevention requirements and regulations, including the California Fire Code Chapter 49, Requirements for WUI Fire Areas, would require applicants to prepare a fire protection plan for any sites located in the VHFHSZ or WUI areas. This impact would be mitigated with MM W-1. Potentially Significant Impact.	Mitigation Measures MM W-1 requires the preparation of a Fire Protection Plan for sites located within or adjacent to VHFHSZ. The Fire Protection Plan shall be subject to the review and approval from the Fire Department and shall assess the Project’s compliance with current regulatory codes and ensure that impacts resulting from wildland fire hazards have been adequately mitigated.	Less Than Significant Impact
Threshold 4.18-3 If located in or near State Responsibility Areas (SRAs) or lands classified as Very High Fire Hazard Severity Zones (VHFHSZ), would the Project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.	The need for installation and maintenance of new infrastructure (such as roads, fuel breaks, emergency water resources, power lines, or other utilities) would be evaluated as part of the development permit review process. Potential impacts associated with infrastructure improvements including any required measures to address fire safety would identified. Applicants would be required to address wildfire exposure by complying with the wildfire protection building construction requirements contained in the then-current California Building Codes, including the California Building Code,	No mitigation is required.	Less Than Significant Impact

Table 1-1: Summary of Significant Impacts and Mitigation Program			
Thresholds Applied	Environmental Impacts/ Level of Significance Before Mitigation	Summary of Mitigation Program	Level of Significance After Mitigation
	Chapter 7A, California Residential Code, Section R327, and California Referenced Standards Code, Chapter 12-7A. Less Than Significant Impact.		
Threshold 4.18-4 If located in or near State Responsibility Areas (SRAs) or lands classified as Very High Fire Hazard Severity Zones (VHFHSZ), would the Project expose people or structures, to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.	The natural environment of the Wildland-Urban Interface (WUI) sites indicates people and structures are highly prone to wildfires and downslope or downstream flooding as a result of runoff, post-fire instability or drainage. Future housing development would be subject to development review by the City and each development would be engineered and constructed to maximize stability and preclude safety hazards to on site and adjacent areas. Adherence to State and City codes and emergency and evacuation plans set by the City and County would prevent impacts to people or structures from significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Less Than Significant Impact.	No mitigation is required.	Less Than Significant Impact

2.0 INTRODUCTION

2.1 PURPOSE OF THIS ENVIRONMENTAL IMPACT REPORT

This Program Environmental Impact Report (EIR; State Clearinghouse [SCH] No. 202306099) has been prepared to evaluate the potential environmental impacts associated with the proposed City of Newport Beach General Plan Housing Implementation Program (proposed Project or Project). This Program EIR has been prepared in conformance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. The EIR has also been prepared in accordance with Newport Beach City Council Policy K-3, “Implementation Procedures for the California Environmental Quality Act.”

The City of Newport Beach (City) is the “public agency which has the principal responsibility for carrying out or approving the project” and, as such, is the “Lead Agency” for this Project under CEQA (Title 14 California Code of Regulations [CCR] §15367). CEQA requires the Lead Agency to consider the information contained in an EIR prior to taking any discretionary action. This Program EIR is intended to provide information to the Lead Agency and other public agencies, the public, and decision-makers regarding the potential environmental impacts associated with future housing development as set forth in the 6th Cycle General Plan Housing Element for 2021-2029 (referred herein as the “2021-2029 Housing Element”). Therefore, this Program EIR includes analysis of governmental approvals to be taken by the City to implement the Housing Element. The City, as the Lead Agency, will review and consider this Program EIR in its decision to approve, revise, or deny the Project.

Pursuant to CEQA, “[t]he purpose of the environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the proposed project, and to indicate the manner in which significant environmental effects can be mitigated or avoided” (Public Resources Code [PRC] §21002.1[a]). An EIR is the most comprehensive form of environmental documentation identified in CEQA and the State CEQA Guidelines, and provides the information needed to assess the environmental consequences of a project to the extent feasible. EIRs are intended to provide an objective, factually supported, full-disclosure analysis of the environmental consequences associated with a project that may have the potential to result in significant adverse environmental impacts.

2.2 PROGRAM ENVIRONMENTAL IMPACT REPORT

This Program EIR analyzes the potential environmental impacts related to the proposed Project, which is described in **Section 3.0: Project Description**. In accordance with Section 15168 of the State CEQA Guidelines:

A Program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:

- (1) Geographically;
- (2) As logical parts in the chain of contemplated actions;
- (3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or
- (4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

The 2021–2029 Housing Element was adopted by the City Council on September 13, 2022, as part of the 6th Cycle Housing Element process and was subsequently found to be in compliance with State housing law (certified) by the State of California Department of Housing and Community Development (HCD) on October 5, 2022. This Program EIR evaluates the potential environmental effects of the implementing actions associated with the 2021–2029 Housing Element. To fulfill its share of regional housing needs and facilitate the future development of housing on identified housing sites, the Project requires amendments to the General Plan, Municipal Code, and Local Coastal Program.

Because the Project includes policies and actions that will apply to future development proposals and this Program EIR includes a mitigation framework that would be implemented by future development projects, a programmatic approach to environmental review is deemed appropriate.

In accordance with State CEQA Guidelines Section 15168(c), this Program EIR may serve as the environmental document for later activities or implementing actions, including implementation of the housing projects, provided it contemplates and adequately analyzes the potential environmental impacts of those subsequent activities. No new environmental document is required where the future activity is within the scope of the project covered by the Program EIR, and no new environmental document would be required unless otherwise required by Section 21166 of the CEQA Statutes and Section 15162 of the State CEQA Guidelines. Whether a later activity is within the scope of a Program EIR is a factual question that the lead agency determines based on substantial evidence in the record.

Section 21166 of the CEQA Statutes states:

When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:

- (a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report;
- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report; and/or
- (c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

Section 15162 of the State CEQA Guidelines states that:

- (a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
 - (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.
- (b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.
- (c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

If additional analysis is required, it can be streamlined by tiering from this Program EIR pursuant to State CEQA Guidelines Sections 15152, 15153, 15168, and 15183 (e.g., through preparation of a Mitigated Negative Declaration, Addendum, or Supplemental or Subsequent EIR).

2.3 STANDARDS OF ADEQUACY UNDER CEQA

While Sections 15120 to 15132 of the State CEQA Guidelines generally describe the content of an EIR, CEQA does not contain specific, detailed, quantified standards for the content of environmental documents. Section 15151 of the State CEQA Guidelines states:

An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information that enables them to make a decision that intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have not looked for perfection but for adequacy, and a good faith effort at full disclosure.

The intent of this Program EIR is to address any potential impacts associated with implementation of the Project using available information known at the time of its preparation. The candidate housing sites inventory and proposed policies of the 2021-2029 Housing Element were evaluated at a programmatic level based on information available to the City where reasonably foreseeable direct and indirect physical changes in the environment could be considered. As is typical of Program EIRs, site-specific analysis was not conducted for certain environmental topics (e.g., air quality construction emissions) where information was not available or would be too speculative on which to base an analysis of potential impacts. As such, potential changes beyond those that were analyzed are considered speculative.

2.4 PUBLIC OUTREACH AND SCOPE OF THE PROGRAM EIR

In compliance with the State CEQA Guidelines, the City has taken steps to maximize opportunities for the public and other public agencies to participate in the environmental review process. The scope of this Program EIR includes issues identified in consultation with the City during the Notice of Preparation (NOP) comment period; EIR scoping meeting; and environmental issues raised by agencies and the public in response to the scoping process.

2.4.1 Notice of Preparation (NOP)

State CEQA Guidelines Section 15063 provides that if a lead agency determines that an EIR will clearly be required for a project, an Initial Study is not required. Therefore, pursuant to Section 15082 of the CEQA Guidelines, the City prepared and circulated a Notice of Preparation (NOP) to affected agencies and interested parties for a 30-day public review period beginning on June 27, 2023, and ending on July 27, 2023.

The NOP and written responses received on the NOP are included in Appendix A of this Program EIR. **Table 2-1: Summary of Written Comments on the Notice of Preparation** summarizes the comments received from agencies/persons during the NOP process and provides a reference, as applicable, to the section(s) of this Program EIR where the issues are addressed. This table identifies areas of controversy/unresolved issues and issues to be addressed in the EIR.

Table 2-1: Summary of Written Comments on the Notice of Preparation	
Commenter	Summary of Comment and Where Addressed
Federal Agencies	
U.S. Fish and Wildlife Service, Carlsbad Fish and Wildlife Office (letters dated July 17, 2023 and April 26, 2021)	<ul style="list-style-type: none"> – Discourages the City from including Banning Ranch and Coyote Canyon as candidate sites. – Federally listed species could potentially be affected by residential development of the Banning Ranch property. – 385 acres of the Banning Ranch property have been acquired for permanent conservation purposes. – Coyote Canyon property is included within the Habitat Reserve created by 1996 Orange County Central and Coastal Subregions NCCP/HCP. <p>See Section 4.3: Biological Resources</p>
State Agencies	
Native American Heritage Commission (NAHC) (letter dated June 30, 2023)	<ul style="list-style-type: none"> – Recommends consultation with California Native American tribes in compliance with AB 52 and SB 18. <p>See Section 4.4: Cultural Resources and Section 4.16: Tribal Cultural Resources</p>
California Department of Transportation (Caltrans), District 12 (letter dated July 27, 2023)	<ul style="list-style-type: none"> – Provide discussion regarding City’s Multimodal mobility strategies and opportunities for local and regional transit services. – Identify existing transit service for local and regional bus services and connectivity to rail services from nearest train stations provided by Metrolink and Amtrack Pacific Surfliner. – Consider encouraging use of transit among future residents, visitors and workers (reduce congestion and VMT and improve air quality). – Provide adequate wayfinding signage to transit stops. <p>See Section 4.15: Transportation</p>
California Department of Fish and Wildlife (CDFW) (letter received July 26, 2023)	<ul style="list-style-type: none"> – Recommends providing a complete assessment and impact analysis of the native/naturalized vegetation communities, flora, and fauna within and adjacent to the Project area with an emphasis upon identifying endangered, threatened, sensitive, regionally, and locally unique species. – The PEIR should include provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. – Recommends that measures be taken to avoid Project impacts to nesting birds. – Recommends that a range of feasible alternatives to the Project location and design features are fully considered and evaluated. – Recommends that the PEIR should include an analysis of the Project’s direct, indirect, and cumulative impacts on hydrologic features, including impacts as they pertain to Fish and Game Code Section 1600 et seq. – Recommends the PEIR stipulate that no invasive plant material shall be used. – Requests that any special status species and natural communities detected during project surveys be reported to the CNDDDB. – Payment of the environmental document filing fee is required. <p>See Section 4.3: Biological Resources</p>
Southern California Association of Governments (SCAG) (letter dated July 26, 2023)	<ul style="list-style-type: none"> – Send environmental documentation to SCAG upon release and provide the full public comment period to review. – Provided 10 goals in Connect SoCal may be pertinent to the proposed Project.

Table 2-1: Summary of Written Comments on the Notice of Preparation	
Commenter	Summary of Comment and Where Addressed
	<ul style="list-style-type: none"> – Encourages a side-by-side comparison of SCAG goals with discussions of the consistency, non-consistency, or non-applicability of the goals and supportive analysis in a table format. – Provide information regarding jurisdictional level growth estimates for years 2020 through 2045. – Recommends that the City reviews the Final Program Environmental Impact Report (Final PEIR) for Connect SoCal for guidance, as appropriate, which includes a list of project-level performance standards-based mitigation measures that may be considered for adoption and implementation, as applicable and feasible. <p>See Section 4.10: Land Use and Planning</p>
Local Agencies, Special Districts	
South Coast Air Quality Management District (letter dated July 26, 2023)	<ul style="list-style-type: none"> – Send the Program EIR and all appendices, technical documents, and calculation and modeling files related to air quality analyses to SCAQMD upon its completion and public release. – Use SCAQMD’s CEQA Air Quality Handbook and website as Air Quality and GHG analysis guidance. – Use CalEEMod software for emissions analyses. – Quantify criteria pollutant emissions and compare the emissions to SCAQMD’s CEQA emissions thresholds. – Analyze potential adverse air quality impacts from all phases. – Refer to CARB’s <i>Air Quality and Land Use Handbook: A Community Health Perspective</i>. – Refer to SCAQMD’s <i>Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning</i>. – Identify mitigation to minimize significant adverse air quality impacts. <p>See Section 4.2: Air Quality and Section 4.7: Greenhouse Gas Emissions</p>
Orange County Local Agency Formation Commission (letter dated July 26, 2023)	<ul style="list-style-type: none"> – Recommends the City include the potential development and annexation of Banning Ranch to the City. – OC LAFCO identified the City of Newport Beach as the most logical service provider to Banning Ranch. – Request that OC LAFCO continue to be notified of activities related to the Project including all CEQA, public meetings, and hearing notices. <p>See Section 3.0: Project Description and Section 4.10: Land Use and Planning</p>
Airport Land Use Commission (letter dated August 9, 2023)	<ul style="list-style-type: none"> – Draft Housing Element raises potentially significant land use compatibility impact concerns related to the Airport Area. – There are potential noise impacts because the Draft Housing Element proposes 23 housing sites within the 60 dB CNEL to 65 dB CNEL contour and 28 sites within the 65 dB CNEL to 70 dB CNEL contour. – Address impacts related to incompatible development within these contours and address the California Airport Noise Regulations and Airport Land Use Commission (ALUC) policies contained in the Airport Environs Land Use Plan (AELUP) for John Wayne Airport. – Recommends that residential units in the 60 dB CNEL be limited or excluded unless the sound attenuation is sufficient to comply with noise levels identified in the John Wayne Airport Master Plan and subsequent Settlement Agreement Amendments.

Table 2-1: Summary of Written Comments on the Notice of Preparation	
Commenter	Summary of Comment and Where Addressed
	<ul style="list-style-type: none"> – Address noise impacts of airport operations on proposed sensitive land uses. – Locating residential uses within the 65 dB CNEL noise contour is contrary to the City’s current General Plan Land Use and Noise Element (specifically LU 6.15.3 Airport Compatibility and Policy N3.2 Residential Development). – Address the proposed focus areas that are in the Federal Aviation Regulations (FAR) Part 77 Obstruction Imaginary Surfaces for John Wayne Airport and the AELUP Notification Area for the airport. – Address height restrictions for the John Wayne Airport Planning Area. – Address safety concerns related to proposing housing sites within the Safety Zones for John Wayne Airport. <p>See Section 4.8: Hazards and Hazardous Materials, Section 4.10: Land Use, and Section 4.11: Noise</p>
Interested Parties	
Phillip F. Bettencourt (letter dated July 10, 2023)	<ul style="list-style-type: none"> – Suggests analysis of permitted average daily trips in the existing General Plan for Newport Center property to establish a baseline for City charter constraint on new trips. – Analyze the number of new trips that could result from full build out of opportunity sites. – Analyze building block heights on potential new housing under the 60 foot height limitation used in the Housing Element opportunity sites forecast to address concerns about blockage of public views. <p>See Section 4.1: Aesthetics and Section 4.15: Transportation</p>
Patricia Martz, California Cultural Resource Preservation Alliance, Inc. (letter dated July 12, 2023)	<ul style="list-style-type: none"> – Newport Beach is culturally and archeologically sensitive. – Recommends advanced planning is done in order to avoid and preserve existing archeological sites that may be affected by the Project. – Structures constructed prior to 1907 have the potential for the presence of buried archeological resources. – Recommends a record search at the South Central Coastal Information Center at Cal State University, Fullerton, followed by monitoring during construction by a qualified archaeologist and culturally related Native American. – Suggests that areas of Open Space would require literature and records search and an archeological survey. – If human remains are discovered, compliance with Section 7050.5 of the Health and Safety Code is required. <p>See Section 4.4: Cultural Resources and Section 4.16: Tribal Cultural Resources</p>
Jim Mosher (letter dated July 27, 2023)	<ul style="list-style-type: none"> – EIR should identify mitigation measures and alternatives. – EIR should clearly state the goals of the Project in order to suggest alternatives. – EIR should explain why a different unit count, buffer count, and development capacity is being analyzed instead of what is in the Housing Element. – EIR should analyze housing overlays and explain how they work.

Commenter	Summary of Comment and Where Addressed
	<ul style="list-style-type: none"> – Suggested potential alternatives that the EIR could analyze including a smaller housing unit buffer, increased reliance on ADUs, and alternative ways to implement housing overlays. – Suggests the EIR should analyze applicability of Charter Section 423, conflicts with the Local Coastal Program, consistency with General Plan policies, consequences of housing not being built including impacts on City’s obligations in 7th RHNA Cycle, and the amount of unbuilt capacity allowed by current General Plan. <p>See Section 2.0: Introduction, Section 4.10: Land Use and Planning, and Section 6.0: Alternatives to the Proposed Project</p>
Irvine Company (letter dated July 27, 2023)	<ul style="list-style-type: none"> – Suggests analysis of policies allowing for planning principles relative to the implementation of housing allocations. <p>See Section 4.10: Land Use and Planning</p>

2.4.2 Scoping Meeting

Pursuant to Section 21083.9 of the CEQA Statute, the lead agency is required to conduct at least one scoping meeting for all projects of statewide, regional, or area-wide significance. A scoping meeting is for jurisdictional agencies and interested persons or groups to provide comments regarding, but not limited to, the range of actions, alternatives, and environmental effects to be analyzed. The City hosted a Scoping Meeting on July 10, 2023, at 5:00 PM, at the City of Newport Beach Central Library Friends Room, 1000 Avocado Avenue, Newport Beach, California 92660. **Table 2-2: Scoping Meeting Comment Summary** summarizes the issues identified at the Scoping Meeting, along with a reference to the section(s) of this Program EIR where the issues are addressed.

Meeting Attendees	Comment Topics and Where Addressed
Charles Klobe, Jim Mosher, Kathe Morgan, and Nancy Scarbrough	<ul style="list-style-type: none"> – Housing Element focus areas – Subsequent environmental review – Transportation section scope – Airport Area map – Density for environmental analysis – Program EIR scope – State requirements – HCD Certification Process – Environmental thresholds – Transfer of development rights – RHNA – Alternatives analysis – ADUs <p>See sections including Section 3.0: Project Description, Section 4.0: Environmental Analysis, Section 4.12: Population and Housing, Section 4.15: Transportation, and Section 6.0: Alternatives to the Proposed Project</p>

2.4.3 Native American Tribal Consultation

Senate Bill (SB) 18 - Traditional Tribe Cultural Places Act requires cities and counties to contact and consult with California Native American tribes before adopting or amending general plans and specific plans. The

intent of SB 18 is to establish meaningful consultation between tribal governments and local governments at the earliest possible point in the planning process, to avoid potential conflicts, and to allow tribes to manage and act as caretakers of cultural places.

Assembly Bill (AB) 52 establishes that “A project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment” (PRC §21084.2). AB 52 also establishes a formal consultation process for California tribes regarding those resources. Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the Lead Agency.

Under SB 18 and AB 52, consultation may include discussing the type of environmental review necessary, the significance of tribal cultural resources, the significance of a project’s potential impacts on the tribal cultural resources, and alternatives and mitigation measures recommended by the tribe. The parties must consult in good faith, and consultation is deemed concluded when either the parties agree on measures to mitigate or avoid a significant effect on a tribal cultural resource (if such a significant effect exists) or when a party concludes that mutual agreement cannot be reached. Please refer to **Section 4.16: Tribal Cultural Resources**, regarding the findings of the consultation process.

2.5 INCORPORATION BY REFERENCE

Pertinent documents relating to this Program EIR are cited in accordance with State CEQA Guidelines Section 15148 or have been incorporated by reference in accordance with State CEQA Guidelines Section 15150, which encourages incorporation by reference as a means of reducing redundancy and the length of environmental reports. The following documents are hereby incorporated by reference into this Program EIR. Information contained within these documents is used for various sections of this Program EIR.

City of Newport Beach 2021-2029 Housing Element. The 2021-2029 Housing Element was adopted by the City Council on September 13, 2022. On October 5, 2022, the State of California Department of Housing and Community Development (HCD) found the adopted Housing Element to be in full compliance with State Housing Element Law (Government Code Article 10.6). This document is available for viewing on the City’s website at:

- [Final Adopted and Certified 6th Cycle Housing Element | \(www.newportbeachca.gov\)](http://www.newportbeachca.gov)

City of Newport Beach General Plan 2006 Update. The City’s General Plan was adopted on July 25, 2006, and serves as the major framework for directing growth within the City. The General Plan presents a comprehensive plan to accommodate the City’s growing needs and includes goals and policies related to ten elements: Land Use, Harbor and Bay, Housing, Historical Resources, Circulation, Recreation, Arts and Cultural, Natural Resources, Safety, and Noise. Each element of the General Plan Update includes goals, policies, and policy actions that create a roadmap for new housing and job growth, provide guidance for decision makers on allocating resources, and describe the utilization, management, and conservation of natural resources, public services, and infrastructure. This document is available for viewing on the City’s website at:

- [General Plan | \(www.newportbeachca.gov\)](http://www.newportbeachca.gov)

Newport Beach Municipal Code. The Newport Beach Municipal Code regulates land use and activities within the City’s jurisdiction including through the Planning and Zoning Code (codified in Title 20). The

Planning and Zoning Code is the primary tool for implementing the City's General Plan policies. The Municipal Code is referenced in this Program EIR to establish the baseline requirements according to the City's Municipal Code regulations. The Newport Beach Municipal Code can be accessed online at:

- [Newport Beach Municipal Code \(codepublishing.com\)](https://www.newportbeachca.gov/codepublishing.com)

Newport Beach Local Coastal Program. The California Coastal Act mandates the creation of Local Coastal Programs (LCPs) which act as planning tools with which local governments can guide development in the coastal zones. LCPs contain development standards and regulations focused on protecting coastal resources. The flexibility of an LCP allows the local agency to seek out their own unique way of protecting their coastal lands. Once approved, a local agency assumes permitting authority over most new coastal developments while the California Coastal Commission (Coastal Commission) retains jurisdiction over the granting of permanent coastal permits for tidelands, submerged lands, and public trust lands. Any amendment to established, or certified, LCPs is required to be reviewed and certified by the Coastal Commission.

The City of Newport Beach has a certified Local Coastal Program, which is divided into two components:

1. Coastal Land Use Plan
2. Local Implementation Program

The Coastal Land Use Plan includes a land use plan and goals and policies to be used by decision-makers when reviewing coastal related issues and proposed development within the Coastal Zone boundary. The Newport Beach LCP land use plan was initially certified by the CCC in 1982 and last comprehensively updated in 2004. Documents pertaining to the City's Coastal Land Use Plan are available for viewing at:

- [Coastal Land Use Plan | City of Newport Beach \(newportbeachca.gov\)](https://www.newportbeachca.gov/land-use-plan)

The Local Implementation Program (Newport Beach Municipal Code Title 21) is the primary tool used by the City to carry out the goals, objectives, and policies of the Coastal Land Use Plan. It is intended that all provisions of this Implementation Plan be consistent with the Coastal Land Use Plan and that any development, land use, or subdivision approved in compliance with these regulations will also be consistent with the Coastal Land Use Plan. Documents pertaining to the City's Local Coastal Program are available for viewing at:

- [Local Implementation Program | City of Newport Beach \(newportbeachca.gov\)](https://www.newportbeachca.gov/local-implementation-program)

Southern California Association of Governments (SCAG). As the metropolitan planning organization for the region's six counties and 191 cities, SCAG is mandated by law to develop a long-term regional transportation and sustainability plan every four years. On September 3, 2020, SCAG's Regional Council approved and fully adopted *Connect SoCal: 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy (2020-2045 RTP/SCS)*. The Draft *Connect SoCal 2024* has not been adopted as of release of this Program EIR. The RTP/SCS is a long-range visioning plan that builds upon and expands land use and transportation strategies established over several planning cycles to increase mobility options and achieve a more sustainable growth pattern. It identifies ten goals that fall into four categories: economy, mobility, environment, and healthy/complete communities. The goals are as follows:

1. Encourage regional economic prosperity and global competitiveness;
2. Improve mobility, accessibility, reliability, and travel safety for people and goods;

3. Enhance the preservation, security, and resilience of the regional transportation system;
4. Increase person and goods movement and travel choices within the transportation system;
5. Reduce greenhouse gas emissions and improve air quality;
6. Support healthy and equitable communities;
7. Adapt to a changing climate and support an integrated regional development pattern and transportation network;
8. Leverage new transportation technologies and data-driven solutions that result in more efficient travel;
9. Encourage development of diverse housing types in areas that are supported by multiple transportation options; and
10. Promote conservation of natural and agricultural lands and restoration of habitats.

The 2020-2045 RTP/SCS can be accessed online at:

- [Adopted Final Connect SoCal 2020 | \(www.scag.ca.gov\)](http://www.scag.ca.gov)

2.6 PROJECT SPONSOR AND CONTACT PERSONS

The City of Newport Beach is the Lead Agency for preparation of this EIR. Inquiries regarding the EIR should be directed to the City.

Lead Agency: City of Newport Beach
Community Development Department
100 Civic Center Drive, Bay 1B
Newport Beach, California 92660
Contact: Benjamin Zdeba, AICP, Principal Planner
949-644-3253
bzdeba@newportbeachca.gov

2.7 AVAILABILITY OF THE DRAFT PROGRAM EIR

Notice of the availability of the Draft Program EIR has been provided to agencies, organizations, and interested groups and persons for comment during a 45-day review period in accordance with Section 15087 of the CEQA Guidelines. The Notice of Completion for the Draft EIR has also been distributed as required by CEQA. The Draft Program EIR including technical studies is available for review during normal business hours at the City of Newport Beach Community Development Department. Copies of the Draft Program EIR are available at the reference desk of the following libraries and is on the City's website.

Balboa Branch

100 East Balboa Boulevard
Newport Beach, CA 92661

Central Library

1000 Avocado Avenue
Newport Beach, CA 92660

Corona del Mar Branch

410 Marigold Avenue
Corona del Mar, CA 92625

Crean Mariners Branch

1300 Irvine Avenue
Newport Beach, CA 92660

The Draft Program EIR and technical appendices can also be accessed at the City's website: <http://www.newportbeachca.gov/CEQA>. The City will subsequently respond to environmental comments on the Draft Program EIR received in writing during the public review period through the preparation of a Responses to Comments document for the Final EIR. All persons who commented on the Draft Program EIR will be notified of the availability of the Final EIR and the dates of public hearings before the City of Newport Beach Planning Commission and City Council.

3.0 PROJECT DESCRIPTION

3.1 INTRODUCTION

The purpose of the Project Description is to describe the City of Newport Beach General Plan Housing Implementation Program (proposed Project or Project) to allow for meaningful review by reviewing agencies, decision-makers, and interested parties. Section 15124 of the California Environmental Quality Act (CEQA) Guidelines (Title 14 California Code of Regulations §15124) requires that a project description for an environmental impact report (EIR) contain: (1) the precise location and boundaries of a project site; (2) a statement of objectives sought by a project including the underlying purpose of the project; (3) a general description of a project’s characteristics; and (4) a statement briefly describing the intended uses of the EIR, including a list of the agencies that are expected to use the EIR in their decision making, a list of the permits and other approvals required to implement the project, and a list of related environmental review and consultation requirements required by federal, State, and local laws, regulations, or policies. An adequate project description need not be exhaustive but should supply the detail necessary for project evaluation.

California State law requires each city and county to adopt a General Plan “for the physical development of the county or city, and any land outside its boundaries which in the planning agency’s judgment bears relation to its planning” (Government Code §65300). The General Plan expresses the community’s development goals and embodies public policy relative to the distribution of future land uses, both public and private. California law also requires each General Plan to address the mandated elements listed in Government Code Section 65302. The mandatory elements for all jurisdictions are land use, circulation, housing, conservation, open space, noise, and safety. Jurisdictions that have identified disadvantaged communities must also address environmental justice in their General Plans, including air quality.

The *City of Newport Beach General Plan 2006 Update* (General Plan) is the long-range guide for growth and development in the City. The City of Newport Beach General Plan contains the following elements: Land Use; Harbor and Bay; Housing; Historical Resources; Circulation; Recreation; Arts and Cultural; Natural Resources; Safety; and Noise. On July 25, 2006, the General Plan was adopted and the General Plan Final EIR was certified by the Newport Beach City Council. At the General Municipal Election held on November 7, 2006, the City’s electorate approved increased density and intensity of development and associated increased peak hour traffic trips provided in the Land Use Element of the General Plan, pursuant to City Charter Section 423.

The Housing Element is one of the state-mandated elements of the General Plan and must be updated every eight years to address existing and projected housing needs across all segments of the community. The City’s 2013–2021 Housing Element was adopted in September 2013 as part of the 5th Cycle Housing Element process and was subsequently found in compliance with State housing law (certified) by the State of California Department of Housing and Community Development (HCD) in October 2013. The City’s 6th Cycle Housing Element for 2021–2029 (referred herein as the “2021–2029 Housing Element”) was adopted by the City Council on September 13, 2022, as part of the 6th Cycle Housing Element process and was subsequently certified by HCD on October 5, 2022.

On October 25, 2022, the General Plan Circulation Element was approved by the City Council to comply with State law mandates including “Complete Streets” and Vehicle Miles Traveled (VMT) legislation. The

updated Circulation Element includes new and revised goals and policies to provide for a balanced transportation network that will support and encourage walking, bicycling, and transit ridership.

On November 28, 2023, the City Council adopted changes to the General Plan and Municipal Code to reflect the noise contours identified by the 2014 John Wayne Airport Settlement Agreement Amendment EIR No. 617, as well as updated General Plan Land Use and Noise Element policies and additional noise attenuation measures for future housing units proximate to John Wayne Airport.

This Program EIR evaluates the potential environmental effects of the implementing actions associated with the adopted and certified 2021-2029 Housing Element for the 6th Cycle planning period. To fulfill its share of regional housing needs and facilitate the future development of housing on identified housing sites, the Project requires a General Plan Amendment and amendments to the Newport Beach Municipal Code (Municipal Code) and Local Coastal Program.

3.2 PROJECT LOCATION AND SETTING

The Project area encompasses housing sites throughout the City of Newport Beach and its Sphere of Influence (collectively referred to herein as the “City”). Located in coastal Orange County, Newport Beach includes approximately 31,472 acres of land area. It is generally northwest of the City of Laguna Beach, southeast of the City of Costa Mesa, east of the City of Huntington Beach, and southwest of the City of Irvine. Newport Beach is bordered to the west by the Pacific Ocean. **Figure 3-1: Regional and Local Vicinity Map** shows the boundaries of the City in relationship to surrounding communities.

Regional access to the City is provided by State Route 73 (SR-73) that roughly comprises the City’s northwest border in a northwest-southeast orientation, State Route 55 (SR-55) that runs in a northeast-southwest orientation to the southwestern portion of the City, and Highway 1 (Pacific Coast Highway) that runs in a northwest-southeast orientation along the City’s coastline.

The environmental setting, including descriptions of the physical conditions and plans and policies applicable to the environmental issue area, is provided in each environmental topical section of this Program EIR. Pursuant to CEQA Guidelines Section 15125, the baseline environmental conditions for purposes of establishing the setting of an EIR is normally the environment as it exists at the time an EIR’s Notice of Preparation (NOP) was circulated for public review. Therefore, the existing setting is generally defined as the condition of the City and surrounding area at the approximate date this Program EIR’s NOP was released for public review on June 27, 2023.

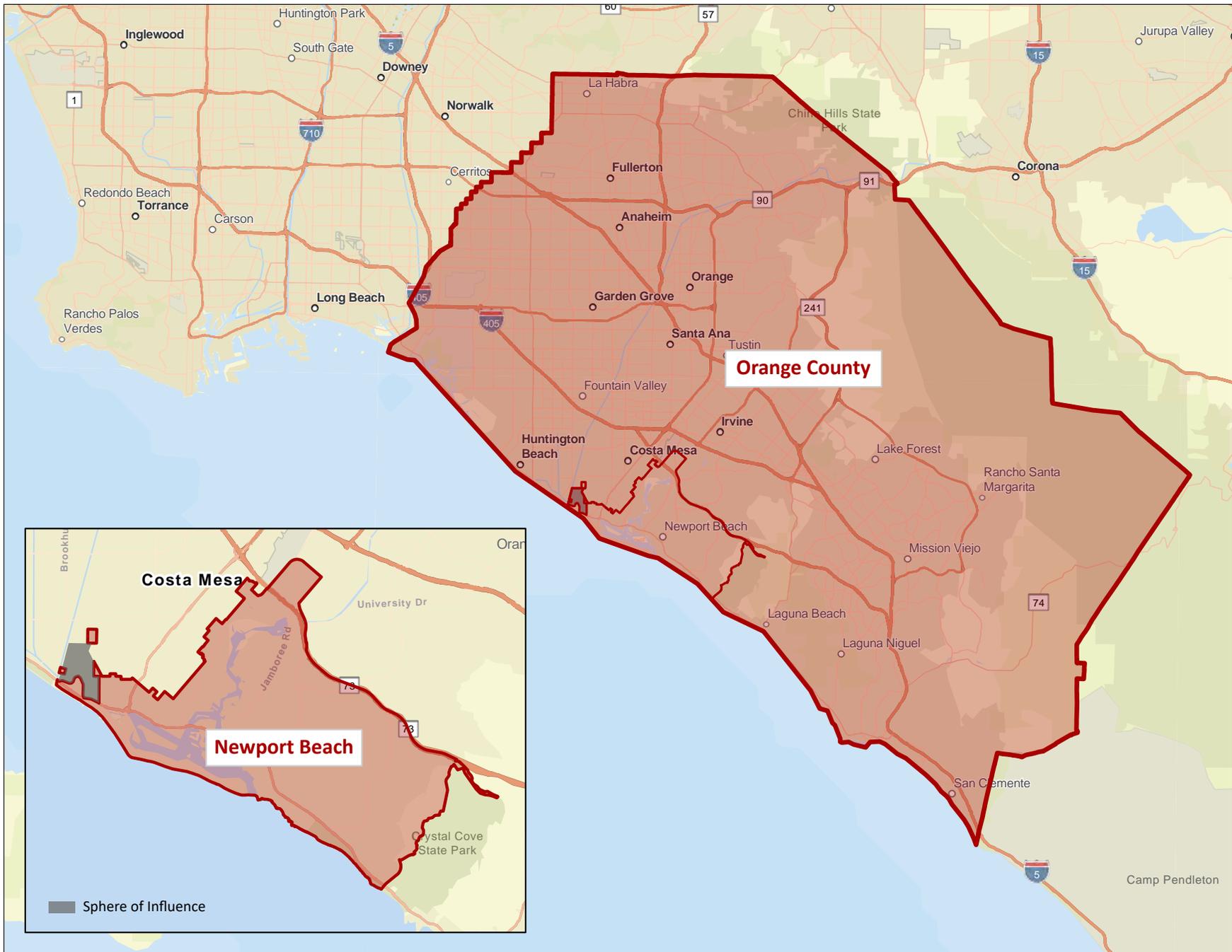


Figure 3-1: Regional and Local Vicinity Map
 City of Newport Beach General Plan Housing Implementation
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3.3 PROJECT OBJECTIVES

In accordance with State CEQA Guidelines Section 15124, the following primary objectives support the Project's purpose, assist the Lead Agency in developing a reasonable range of alternatives to be evaluated in this Program EIR, and ultimately aid decision-makers in preparing findings and overriding considerations, if necessary.

The adopted and statutorily compliant (certified) 2021–2029 Housing Element provides the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing for all within the City. The 2021–2029 Housing Element was prepared to ensure the City establishes policies, procedures, and incentives in its land use planning and development activities that result in maintenance and expansion of the housing supply to adequately accommodate households currently living and expected to live in the City.

The objective of the proposed Project is to ensure compliance with State housing law and implementation of the 2021–2029 Housing Element, including an update to the City's Land Use Element and rezoning of housing opportunity sites.

3.4 HOUSING ELEMENT BACKGROUND

The Housing Element is one of the state-mandated General Plan elements. California Government Code Section 65583 details the content and process by which a Housing Element is prepared. Among other requirements, a Housing Element must identify, analyze, and make adequate provision for the existing and projected housing needs of all economic segments of the community. The California State Legislature has identified the attainment of decent and suitable living as a major housing goal. California Government Code Sections 65580–65589.8 require that jurisdictions evaluate their Housing Elements in eight-year cycles.

The City's 2021–2029 Housing Element was adopted by the City Council on September 13, 2022, as part of the State's 6th Cycle Housing Element update process and was subsequently certified by HCD on October 5, 2022. Following certification by HCD, the City is required to ensure the continued and effective implementation of the Housing Element programs including, but not limited to, the provision of sufficient adequately zoned land to accommodate its share of the regional growth and its required share of lower income dwelling units consistent with the General Plan and RHNA obligations. The City is not required to build housing units in order to meet its RHNA allocation, only to identify potential sites and create the framework to allow the market to develop these units.

3.4.1 Regional Housing Needs Assessment

The RHNA is a State Housing law requirement that is part of the periodic process of updating local General Plan Housing Elements. It is a process that determines the existing and projected housing need (i.e., RHNA allocation) for all jurisdictions (cities and unincorporated county areas) with the intent to provide opportunities for a mix of unit types, tenure, and affordability; and to help achieve greenhouse gas emission reductions from cars and light trucks. By providing housing proximate to employment and commercial and service uses, vehicular travel distances and reliance on passenger vehicles can be reduced. The RHNA allocation process is currently conducted by regional planning agencies in eight-year cycles. The Southern California Association of Governments (SCAG) is the regional Council of Governments (COG) representing Orange, Los Angeles, Riverside, San Bernardino, Imperial, and Ventura counties. SCAG is designated as a COG, a Regional Transportation Planning Agency, and a Metropolitan Planning

Organization (MPO) for the aforementioned counties. SCAG is responsible for issuing the RHNA for the six counties and 191 cities within the region, inclusive of the City of Newport Beach. Newport Beach is a member agency of SCAG.

The RHNA quantifies the housing need within each jurisdiction for all economic segments of the community in four income categories: Very-Low, Low, Moderate, and Above-Moderate. Each jurisdiction must demonstrate that its Housing Element can accommodate its RHNA allocation at all income levels.

Table 3-1: Household Income identifies the household income categories used for the City’s RHNA.

	Income Levels	Number of Households¹	% of Total
Extremely-Low (30% MFI or less)	<= \$36,813	3,855	10.15%
Very-Low (31 to 50% MFI)	\$36,814 - \$61,355	3,270	8.61%
Low (51 to 80% MFI)	\$61,356 - \$98,167	4,470	11.77%
Moderate or Above (over 80% MFI)	>\$98,167	26,380	69.5%
	Total	37,970	100%

MFI = Median Family Income
 1. U.S. Department of Housing and Urban Development (HUD) income limits are based on a household size of 4.
 Source: City of Newport Beach 2021–2029 Housing Element.

3.4.2 City of Newport Beach RHNA Allocation and Sites Inventory

The RHNA identified the projected number of dwelling units needed to accommodate estimated future growth during the 6th Cycle planning period (2021-2029) at specified levels of affordability. **Table 3-2: City of Newport Beach 2021–2029 RHNA Allocation** identifies the RHNA allocation for the City of Newport Beach. The City’s 6th Cycle RHNA allocation is 4,845 housing units, including 1,456 Very-Low-Income units and 930 Low-Income units.

Income Category	6th Cycle RHNA
Very-Low	1,456
Low	930
Moderate	1,050
Above-Moderate	1,409
Total	4,845

Source: City of Newport Beach 2021–2029 Housing Element.

The City’s adopted and certified 2021–2029 Housing Element demonstrates compliance with its RHNA obligations for the identification of housing sites through a combination of housing strategies. **Table 3-3: RHNA Status and Housing Development Capacity** summarizes the City’s RHNA obligations, existing capacity, and development capacity on identified housing sites.

As described in the 2021–2029 Housing Element and summarized in **Table 3-3**, the City can take credit for the existing capacity of 2,229 housing units: 1,662 units currently within the planning process (“pipeline projects”), 240 units of anticipated accessory dwelling units (ADUs), and 327 units of 5th Cycle Housing Element sites being projected at existing buildout capacity. These three categories of existing capacity are equal to 2,229 units. However, the City can only take credit for 2,138 units, as the additional 91 units are a surplus within the Above-Moderate-Income category and would not address the remaining need within

the Lower- and Moderate-Income categories. As such, the remaining need considered within this Program EIR is 2,707 units.

For the purposes of this Program EIR, no 5th Cycle Housing Element sites are evaluated because the 5th Cycle Housing Element notes that the opportunity sites identified and evaluated as part of the 2006 General Plan and General Plan EIR, respectively, did not change. Similarly, this Program EIR analyzes only 25 units of the 1,662 units of pipeline projects as the potential impacts of the remaining units have been previously analyzed during project-specific environmental review.

Table 3-3: RHNA Status and Housing Development Capacity					
	Extremely Low and Very Low Income	Low-Income	Moderate Income	Above Moderate Income	Total Housing Units
2021–2029 RHNA Obligations	1,456	930	1,050	1,409	4,845
Sites Available: Dwelling Units					
Pipeline Projects ¹	175		32	1,455	1,662
Accessory Dwelling Units	163		72	5	240
5 th Cycle Sites	0		287	40	327
<i>Existing Capacity</i>	338		391	1,500	2,229
Remaining RHNA	2,048		659	0²	2,707²
Focus Area Development Capacity: Dwelling Units³					
Airport Area	773		258	1,546	2,577
West Newport Mesa	332		111	664	1,107
Dover-Westcliff	156		52	312	521
Newport Center	732		244	1,463	2,439
Coyote Canyon	383		153	995	1,530
Banning Ranch	443		148	885	1,475
<i>Focus Area Capacity</i>	<i>2,818</i>		<i>965</i>	<i>5,866</i>	<i>9,649</i>
Total Potential Development Unit Capacity⁴	3,156		1,356	7,366	11,878
Housing Unit Surplus/Shortfall (+/-)	+770		+306	+5,957	+7,033
Percentage Buffer	32%		29%	423%	145%
<ol style="list-style-type: none"> 1. Pipeline Projects: Projects in or that have completed the entitlement process, which are likely to be developed and/or first occupied during the planning period and count as credit towards the 2021-2029 RHNA allocation (Source: City of Newport Beach 2021–2029 Housing Element). 2. The City exceeds its Above-Moderate Income RHNA by 91 units through existing capacity. However, there is a remaining need in the Lower- and Moderate-Income categories that would not be met. Therefore, the remaining RHNA represents the total of Low- and Moderate- Income units, as credit cannot be taken for surplus units within the Above-Moderate Income category. 3. The Focus Area Development Capacity provided herein represents the total capacity on candidate housing sites identified in the 2021–2029 Housing Element and the 5 housing sites identified subsequent to Housing Element adoption, collectively referred herein as housing sites. 4. Total Potential Development Capacity represents the sum of Existing Capacity and Focus Area capacity. 					

3.4.3 Total Proposed Development Capacity

As noted above, the City can take credit for the existing capacity of 2,229 units, including, 338 units within the Lower-Income categories, 391 units within the Moderate-Income category, and 1,409 units within the Above-Moderate-Income category through projects currently in planning process (pipeline projects), 5th

Cycle sites being projected at existing buildout capacity, and ADUs. The City has identified an adequate amount of land that is “Feasible” or “Potentially Feasible” for future development.

To meet the “remaining need,” the adopted and certified 2021–2029 Housing Element located candidate housing sites in six Focus Areas of the City. Subsequent to the adoption of the 2021–2029 Housing Element, five additional potential housing sites were identified, as summarized in **Table 3-4**.

Focus Area	ID	APN(s)
Airport Area	A	427 111 08
Newport Center	B	050 442 05
	C	440 251 05
	D	442 082 13
	E	442 091 12, -16

The identified housing sites, including both 2021–2029 Housing Element candidate sites and five additional housing sites (collectively referred herein as housing sites), are shown in **Figure 3-2: City of Newport Beach Housing Sites**. This Program EIR analyzes a total of 247 housing sites within six Focus Areas of the City; see **Table 3-5**.

In addition to the 6th Cycle RHNA allocation, this Program EIR analysis accounts for additional housing units as a buffer to address future “no net loss” to preclude the need to identify replacement sites during 6th Cycle implementation.¹ Therefore, this Program EIR conservatively analyzes a total development capacity of 9,914 units including future development capacity of up to 9,649 units on 247 housing sites, 25 units of pipeline projects, and 240 ADUs. However, only a portion of the housing units identified on housing sites are necessary to accommodate the City’s RHNA planning obligation of 4,845 housing units.

As mandated by State law and set forth in Municipal Code Chapter 20.32, density bonuses are granted where affordable housing for Moderate- to Very-Low-Income households and special housing needs is provided as a percentage of the proposed development. A density bonus is a density increase over the maximum allowable residential density under the applicable zoning and Land Use Element of the General Plan as of the date of application (Municipal Code 20.32.020). Density bonus percentages are based on the percentage of Very-Low-Income, Low-Income, Moderate-Income units, or types of special housing needs proposed. Density bonuses range from 5 percent to 100 percent depending on the types and combination of housing affordability provided. Because this Program EIR evaluates potential impacts associated with a conservative total development capacity of 9,914 units, which exceeds the RHNA by 5,069 housing units, and it is speculative to identify which sites may be associated with a density bonus, the total number of housing units evaluated in this Program EIR can be reasonably assumed to accommodate potential density bonus units. Further, this Program EIR does not account for the removal of and replacement of existing development on the housing sites to accommodate redevelopment as a housing project (no net change).

¹ State Housing laws require cities and counties to identify RHNA obligations by income category. A future housing applicant is not required to meet affordability goals. The City is obligated to ensure there is no net loss when projects are developed such that there are adequate opportunities for the City to meet its RHNA obligations. If there is a net loss, the City has 120 days to provide rezoning that accommodates the net loss. Therefore, Newport Beach includes a buffer to avoid the net loss scenario.



Figure 3-2: City of Newport Beach Housing Sites
 City of Newport Beach General Plan Housing Implementation
 Program Environmental Impact Report

3.4.4 2021–2029 Focus Areas

The 2021–2029 Housing Element identifies six Focus Areas in the City that have sufficient capacity to meet its RHNA allocation for the 6th Cycle. The six Focus Areas in the 2021–2029 Housing Element are:

- Airport Area
- West Newport Mesa
- Dover-Westcliff
- Newport Center
- Coyote Canyon
- Banning Ranch

To facilitate future development of housing within the identified Focus Areas, five corresponding “Housing Overlay Zones” are proposed to increase the maximum allowable density for future housing projects on identified housing sites within each Focus Area. A Housing Overlay Zone is not proposed for Banning Ranch. A sixth Housing Overlay Zone is applicable to 5th Cycle housing sites. These 5th Cycle housing sites are those previously identified in the prior 5th Cycle Housing Element that have not yet been redeveloped with housing projects. Other than to establish the by-right approval process, these sites will not benefit from rezoning for additional density. Based on the understanding that not every housing site would develop with residential uses during the 2021–2029 planning period, each Focus Area has a redevelopment percentage applied to it. This means that while the identified housing sites have the potential to accommodate more than the anticipated “Total Net Units,” the proposed Project analyzes the anticipated development considering redevelopment assumptions. Once the anticipated “Total Net Units” is reached within a Focus Area during the planning period, housing development would only be allowed at the underlying base densities if a site’s underlying zoning district permits residential uses.

Table 3-5: Focus Area Strategies describes the characteristics of and contribution to the housing stock of each Focus Area, upon adoption of the proposed Housing Overlay Zones.

Focus Area	Housing Sites	Inventory Area (buildable acres)	Redevelopment Percentage ¹	Assumed Density (du/ac)
Airport Area	100	176	30%	50
West Newport Mesa	26	47	55%	50
Dover-Westcliff	15	20	59%	50
Newport Center	85	230	24%	50
Coyote Canyon	2	34	58%	60
Banning Ranch	19	30	100%	50
Total	247	537	-	-

du/ac = dwelling units per acre

¹ Redevelopment percentages reflect redevelopment assumptions from the 2021–2029 Housing Element and the most recent assumptions for the 5 housing sites identified subsequent to adoption of the 2021–2029 Housing Element.

Airport Area Focus Area

As depicted in **Figure 3-3: Airport Area Focus Area Sites**, the Airport Area is in the northern part of Newport Beach north of the Upper Newport Bay Nature Reserve, primarily around the John Wayne Airport, and borders the City of Irvine. This area is primarily characterized by a mix of high-density residential development and professional office uses. This Focus Area includes 100 housing sites on 176 acres.

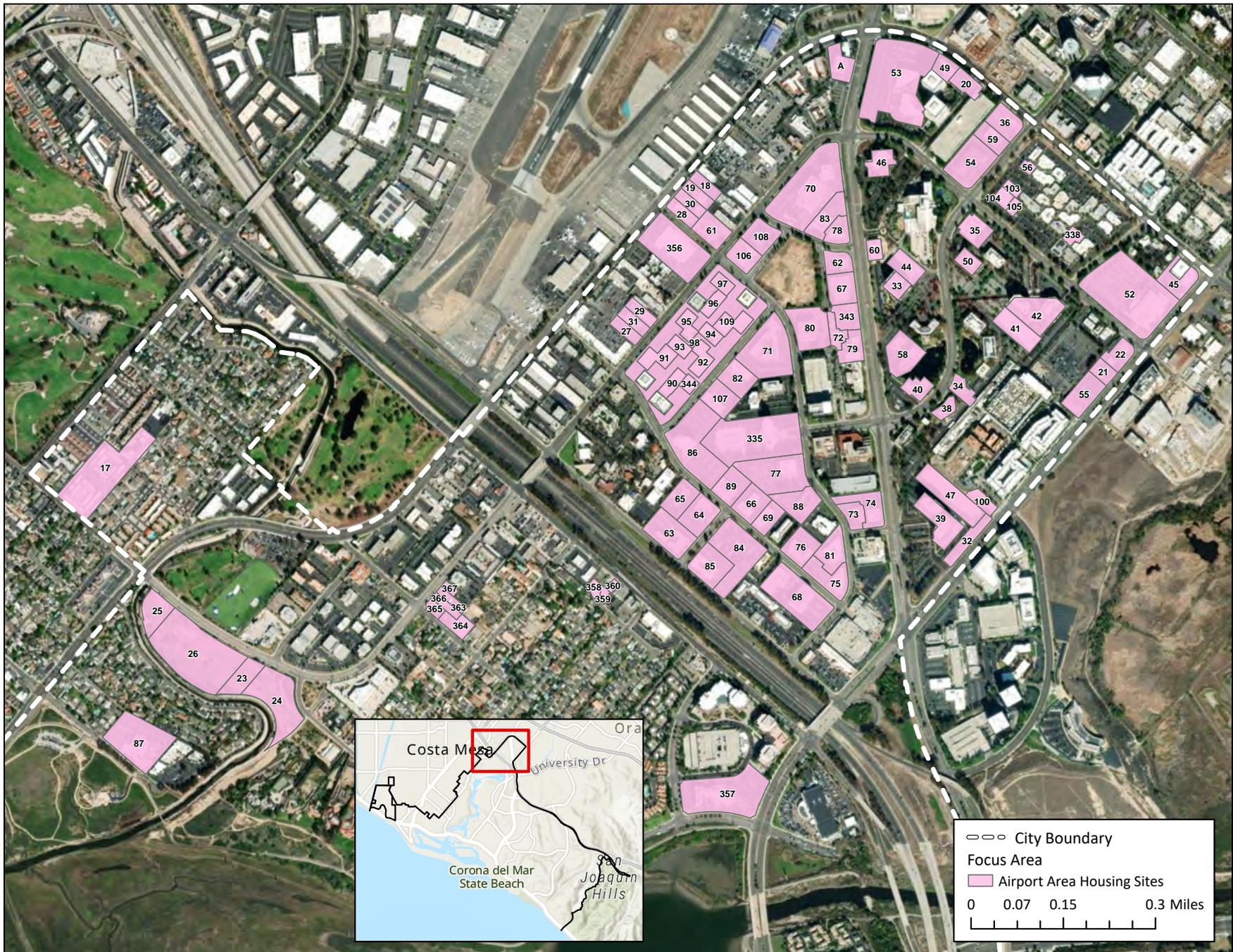


Figure 3-3: Airport Area Focus Area Sites
 City of Newport Beach General Plan Housing Implementation
 Program Environmental Impact Report

Buildout assumptions provided herein represent a “net” development capacity, adjusted to consider existing residential development on housing sites, rounding on a site-by-site basis, and the addition of one housing site within the Airport Area after the adoption of the 2021-2029 Housing Element. Further, assumptions incorporate input from developers to more accurately account for development plans.

Although the sites have the capacity to accommodate approximately 8,483 housing units (at an assumed unit yield of 50 dwelling units per acre [du/ac]), the assumed buildout is projected at 2,577 units, including 773 units of which are projected to be developed for Low- and Very-Low-Income households, taking into account development history, economic factors, and Affirmatively Furthering Fair Housing (AFFH) requirements; see **Table 3-6: Airport Area Focus Area**.

Table 3-6: Airport Area Focus Area				
Buildable Acres	Net Units			
	Low and Very Low	Moderate	Above Moderate	Total
176 acres	773 units	258 units	1,546 units	2,577 units

West Newport Mesa Focus Area

As depicted in **Figure 3-4: West Newport Mesa and Banning Ranch Focus Areas Sites**, the West Newport Mesa Focus Area is in the southwest part of the City. Coast Highway generally runs in an east-west orientation through this area. This area is characterized by single-unit and multi-unit residential uses with older industrial uses along 16th Street, Production Place, and 15th Street, as well as Hoag Hospital and supportive medical-related uses. This Focus Area includes 26 housing sites on 47 acres.

Buildout assumptions provided herein represent a “net” development capacity, adjusted to consider existing residential development on housing sites, rounding on a site-by-site basis, and input from developers to more accurately account for development plans.

Although the sites have the capacity to accommodate approximately 2,000 housing units (at an assumed unit yield of 50 du/ac), the assumed buildout is 1,107 units, 332 units of which are projected to be developed for Low- and Very-Low-Income households, taking into consideration development history, economic factors, and AFFH requirements; see **Table 3-7: West Newport Mesa Focus Area**.

Table 3-7: West Newport Mesa Focus Area				
Buildable Acres	Net Units			
	Low and Very Low	Moderate	Above Moderate	Total
47 acres	332 units	111 units	664 units	1,107 units

Dover-Westcliff Focus Area

As depicted in **Figure 3-5: Dover-Westcliff Focus Area Sites**, the Dover-Westcliff Focus Area is in the southern part of the City on both sides of West Coast Highway and west of Dover Drive, proximate to Newport Bay. Properties in the Lido Village area are included. This area contains a mix of single-unit and multi-unit residential uses and commercial/retail uses. This Focus Area includes 15 sites on 20 acres.

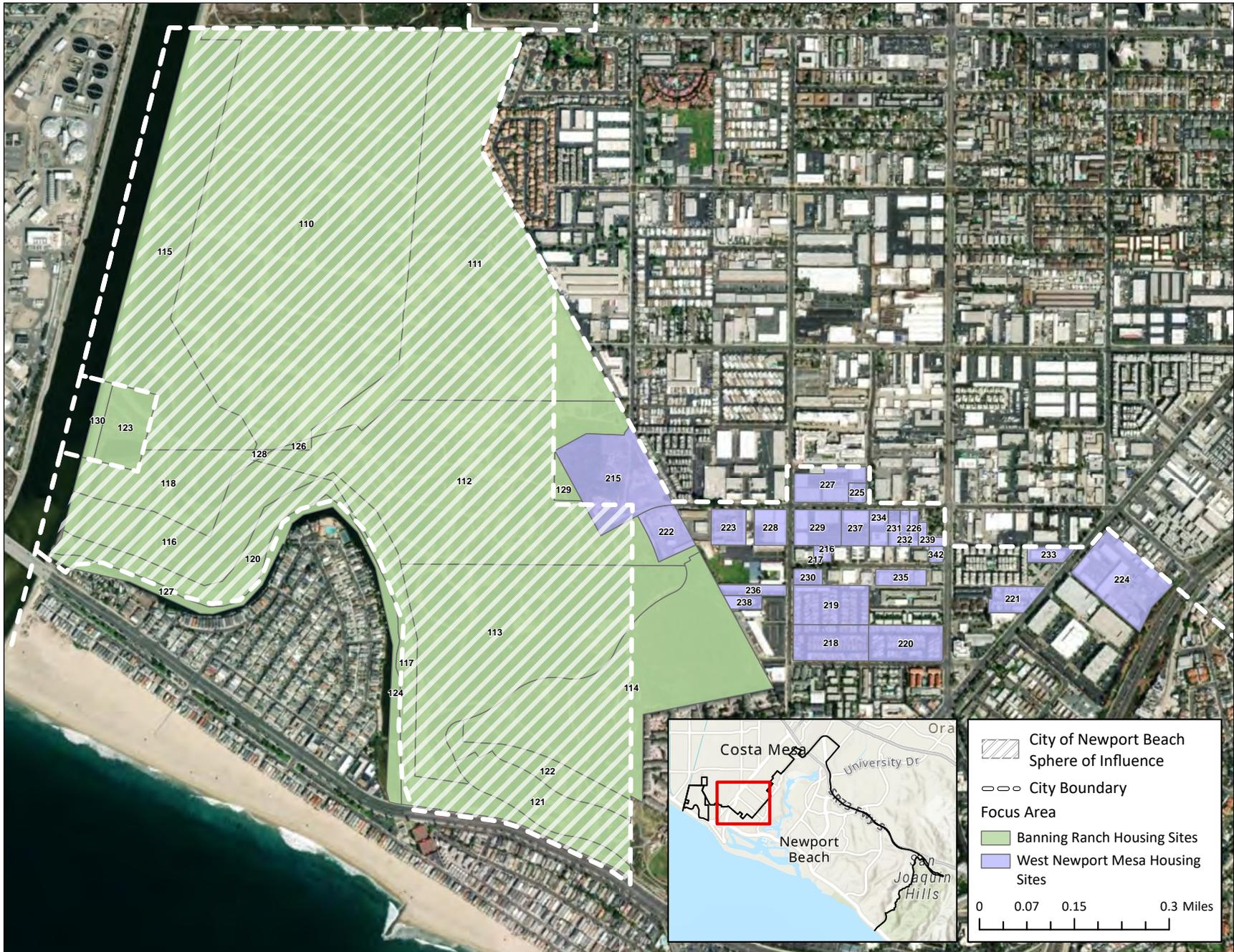


Figure 3-4: West Newport Mesa and Banning Ranch Focus Area Sites
 City of Newport Beach General Plan Housing Implementation
 Program Environmental Impact Report



Figure 3-5: Dover-Westcliff Focus Area Sites
 City of Newport Beach General Plan Housing Implementation
 Program Environmental Impact Report

Buildout assumptions provided herein represent a “net” development capacity, adjusted to consider existing residential development on housing sites, rounding on a site-by-site basis, and input from developers to more accurately account for development plans.

Although the sites have the capacity to accommodate approximately 889 housing units (at an assumed unit yield of 50 du/ac), the assumed buildout is 521 units, 156 units of which are projected to be developed for Low- and Very-Low-Income households, taking into consideration development history, economic factors, and AFFH requirements; see **Table 3-8: Dover-Westcliff Focus Area**.

Table 3-8: Dover-Westcliff Focus Area				
Buildable Acres	Net Units			
	Low and Very Low	Moderate	Above Moderate	Total
20 acres	156 units	52 units	312 units	521 units

Newport Center Focus Area

As depicted in **Figure 3-6: Newport Center Focus Area Sites**, the Newport Center Focus Area is in the central portion of the City, north of Coast Highway. This Focus Area is generally bordered by San Joaquin Hills Road, MacArthur Boulevard, Coast Highway, and Jamboree Road and is characterized primarily by commercial/retail uses in Fashion Island, but includes office and high-density residential development. This Focus Area includes 85 housing sites on 230 acres.

Buildout assumptions provided herein represent a “net” development capacity, adjusted to consider existing residential development on housing sites, rounding on a site-by-site basis, and the addition of four housing sites within the Newport Center Focus Area after the adoption of the 2021-2029 Housing Element. Further, assumptions incorporate input from developers to more accurately account for development plans.

Although the sites have the capacity to accommodate approximately 10,013 housing units (at an assumed unit yield of 50 du/ac), assumed buildout is 2,439 units, 732 units of which are projected to be developed for Low- and Very-Low-Income households, taking into consideration development history, economic factors, and AFFH requirements; see **Table 3-9: Newport Center Focus Area**.

Table 3-9: Newport Center Focus Area				
Buildable Acres	Net Units			
	Low and Very Low	Moderate	Above Moderate	Total
230 acres	732 units	224 units	1,463 units	2,439 units

Coyote Canyon Focus Area

As depicted in **Figure 3-7: Coyote Canyon Focus Area Sites**, the Coyote Canyon Focus Area is in the northeastern part of the City, on the south side of SR-73, at the junction of Newport Coast Drive. The surrounding area is characterized by residential uses, including predominantly single-unit residences and limited multi-unit residential development. The Coyote Canyon Focus Area includes a closed County landfill with limited opportunities for active uses. The landfill was operational from 1963 to 1990. However, a portion of the property is not subject to these restrictions and provides an opportunity for future residential development. This Focus Area includes 2 housing sites on 44 acres.

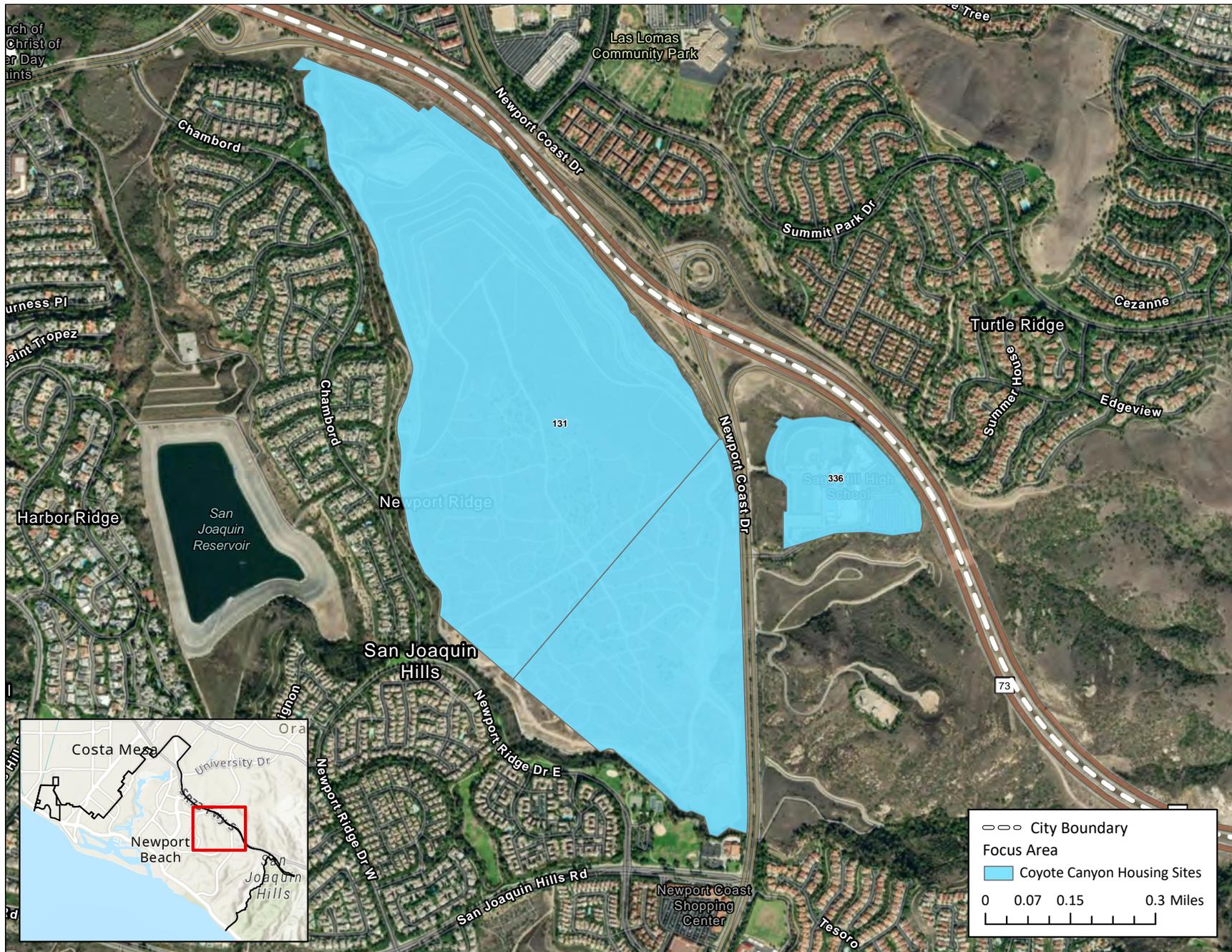


Figure 3-7: Coyote Canyon Focus Area Sites
 City of Newport Beach General Plan Housing Implementation
 Program Environmental Impact Report

Buildout assumptions provided herein represent a “net” development capacity, adjusted to consider existing residential development on housing sites, rounding on a site-by-site basis, and input from developers to more accurately account for development plans.

Although the sites have the capacity to accommodate 2,630 housing units (at an assumed unit yield of 60 du/ac), assumed buildout is 1,530 units, 383 units of which are projected to be developed for low- and Very-Low-Income households, taking into consideration site history, economic factors, and AFFH requirements; see **Table 3-10: Coyote Canyon Focus Area**.

Table 3-10: Coyote Canyon Focus Area				
Buildable Acres	Net Units			
	Low and Very Low	Moderate	Above Moderate	Total
44 acres	383 units	148 units	885 units	1,530 units

Banning Ranch Focus Area

The Banning Ranch Focus Area is included in the 2021–2029 Housing Element’s sites inventory but is not assumed in order to accommodate the City’s 2021–2029 RHNA growth need. Banning Ranch is considered as additional dwelling unit opportunity beyond that needed to accommodate the RHNA.

The Banning Ranch Focus Area (**Figure 3-4: West Newport Mesa and Banning Ranch Focus Areas Sites**) is in the western part of the City and is characterized by open space. The Banning Ranch Focus Area includes 19 housing sites on 30 acres.

The housing sites have the potential to accommodate 1,475 housing units (at an assumed unit yield of 50 du/ac), 443 units of which are projected to develop for Low- and Very-Low-Income households; see **Table 3-11: Banning Ranch Focus Area**. Buildout assumptions provided herein represent a “net” development capacity, adjusted for rounding on a site-by-site basis.

Table 3-11: Banning Ranch Focus Area				
Buildable Acres	Net Units			
	Low and Very Low	Moderate	Above Moderate	Total
30 acres	443 units	148 units	884 units	1,475 units

3.5 HOUSING SITES INVENTORY

Table 3-12: Housing Sites Inventory includes a parcel-specific listing of housing sites that are available to accommodate the City’s full share of the regional housing need (i.e., RHNA allocation) by income level during the planning period. These represent the currently identified housing sites and additional sites may be identified in the future consistent with General Plan Land Use Policy LU 4.2. Sites located in the coastal zone are in **bold** and shown on **Figure 3-8: Housing Sites Within the Coastal Zone**. There are 48 sites in the coastal zone. Sites denoted with an asterisk (*) are vacant and are depicted in **Figure 3-9: Vacant Housing Sites Within Banning Ranch and West Newport Mesa Focus Areas** and **Figure 3-10: Vacant Housing Sites Within Coyote Canyon**. There are 21 vacant sites. **Table 3-13** and **Table 3-16**, respectively, describe the existing General Plan land use and zoning designations applicable to the housing sites.

Table 3-12: Housing Sites Inventory				
ID	APN	Acres	Existing General Plan Category	Existing Zoning District
Airport Area Focus Area (Figure 3-3)				
17	439 241 20	5.88	RM	SP-7
18	427 121 24	0.67	AO	OA
19	427 121 24	0.67	AO	OA
20	445 121 17	0.91	CO-G	PC
21	445 161 03	0.69	MU-H2	PC
22	445 161 03	1.04	MU-H2	PC
23	119 300 17	1.38	PR	SP-7
24	119 310 04	3.70	PR	SP-7
25	119 300 15	1.52	PR	SP-7
26	119 300 16	7.30	PR	SP-7
27	427 131 16	0.67	AO	OA
28	427 121 01	0.73	AO	OA
29	427 131 14	0.67	AO	OA
30	427 121 02	0.67	AO	OA
31	427 131 15	0.67	AO	OA
32	445 131 26	1.10	MU-H2	PC
33	445 122 13	0.71	MU-H2	PC
34	445 133 06	0.75	MU-H2	PC
35	445 131 21	1.19	MU-H2	PC
36	445 121 11	1.38	CG	PC
38	445 131 23	0.53	MU-H2	PC
39	445 131 15	2.01	MU-H2	PC
40	445 122 05	0.80	MU-H2	PC
41	445 131 18	1.61	MU-H2	PC
42	445 131 19	2.30	MU-H2	PC
44	445 122 12	1.17	MU-H2	PC
45	445 151 09	1.35	MU-H2	PC
46	445 122 09	1.03	MU-H2	PC
47	445 131 31	2.58	MU-H2	PC
49	445 121 05	0.74	CO-G	PC
50	445 131 09	0.66	MU-H2	PC
52	445 151 01	7.78	MU-H2	PC
53	445 121 14	7.81	CO-G	PC
54	445 121 18	2.65	CG	PC
55	445 161 04	1.69	MU-H2	PC
56	445 141 04	0.26	MU-H2	PC
58	445 122 17	1.95	MU-H2	PC
59	445 121 09	1.00	CG	PC
60	445 122 19	0.51	MU-H2	PC
61	427 121 27	1.41	AO	OA
62	427 173 01	1.00	MU-H2	PC
63	427 332 02	2.38	CO-G	PC
64	427 332 04	1.70	CO-G	PC

ID	APN	Acres	Existing General Plan Category	Existing Zoning District
65	427 332 03	1.41	CO-G	PC
66	427 221 14	1.50	MU-H2	PC
67	427 181 01	1.45	MU-H2	PC
68	427 241 13	3.95	CG	PC
69	427 221 13	1.00	MU-H2	PC
70	427 174 04	6.32	MU-H2	PC
71	427 221 01	3.99	MU-H2	PC
72	427 181 08	0.72	MU-H2	PC
73	427 222 05	0.90	MU-H2	PC
74	427 222 06	1.56	MU-H2	PC
75	427 221 10	1.71	MU-H2	PC
76	427 221 11	1.52	MU-H2	PC
77	427 221 06	3.59	MU-H2	PC
78	427 174 06	0.94	MU-H2	PC
79	427 181 07	1.10	MU-H2	PC
80	427 181 03	2.49	MU-H2	PC
81	427 221 09	1.51	MU-H2	PC
82	427 221 02	1.46	MU-H2	PC
83	427 174 05	1.50	MU-H2	PC
84	427 342 02	3.70	MU-H2	PC
85	427 342 01	1.97	MU-H2	PC
86	427 221 16	4.76	CO-G	PC
87	439 401 01	4.03	PF	PF
88	427 221 07	1.75	MU-H2	PC
89	427 221 15	1.47	MU-H2	PC
90	427 141 14	0.64	CO-G	PC
91	936 790 44	0.97	CO-G	PC
92	936 790 50	0.86	CO-G	PC
93	427 141 04	0.52	CO-G	PC
94	427 141 11	0.52	CO-G	PC
95	936 790 48	0.72	CO-G	PC
96	427 141 07	0.58	CO-G	PC
97	427 141 08	0.51	CO-G	PC
98	427 141 16	8.61	CO-G	PC
100	445 134 22	0.67	MU-H2	PC
103	445 141 11	0.29	MU-H2	PC
104	445 141 12	0.48	MU-H2	PC
105	445 141 13	0.29	MU-H2	PC
106	427 171 02	1.20	CG	PC
107	427 221 03	1.46	CO-G	PC
108	427 171 03	1.40	CG	PC
109	936 790 46	0.97	CO-G	PC
335	427 221 17	6.46	CO-G	PC
338	445 141 31	0.40	MU-H2	PC
343	427 181 09	0.72	MU-H2	PC

Table 3-12: Housing Sites Inventory				
ID	APN	Acres	Existing General Plan Category	Existing Zoning District
344	427 141 13	0.37	CO-G	PC
356	427 131 09	4.19	AO	OA
357	442 282 02	5.23	CV	PC
358	439 021 13	0.31	CO-G	SP-7
359	439 021 12	0.17	CO-G	SP-7
360	439 021 03	0.16	CO-G	SP-7
363	439 352 21	0.44	CO-G	SP-7
364	439 341 01	0.87	CO-G	SP-7
365	439 352 17	0.37	RS-D	SP-7
366	439 352 20	0.44	CO-G	SP-7
367	439 352 22	0.21	CO-G	SP-7
A	427 111 08	1.18	AO	OA
West Newport Mesa Focus Area (Figure 3-4)				
215*	114 170 51	11.56	OS(RV)	PF
216	424 141 17	0.23	IG	IG
217	424 141 17	0.23	IG	IG
218	892 080 02	4.34	RM	RM
219	424 151 01	4.77	IG	IG
220	892 090 55	4.27	RM	RM
221	892 109 03	1.90	RM	RM
222	114 170 82	3.05	OS(RV)	PC
223	424 401 12	2.00	PF	PF
224	425 171 01	7.95	PF	PF
225	424 111 05	0.55	IG	IG
226	424 141 06	0.52	IG	IG
227	424 111 06	3.23	IG	IG
228	424 401 04	1.86	IG	IG
229	424 141 01	2.73	IG	IG
230	424 142 14	0.74	IG	IG
231	424 141 04	0.69	IG	IG
232	424 141 05	0.53	IG	IG
233	424 131 16	1.07	CO-M	OM
234	424 141 03	1.08	IG	IG
235	424 142 11	1.31	IG	IG
236	424 401 06	1.14	OS(RV)	PC
237	424 141 02	1.61	IG	IG
238	424 401 08	0.76	OS(RV)	PC
239	424 141 09	0.56	IG	IG
342	424 141 10	0.37	IG	IG
Dover-Westcliff Focus Area (Figure 3-5)				
132	049 122 03	0.14	MU-H1	MU-MM
133	047 041 05	0.11	MU-H4	MU-CV/15 th St
134	047 041 25	0.06	MU-H4	MU-CV/15 th St
135	117 631 12	2.15	MU-H1	MU-DW

Table 3-12: Housing Sites Inventory				
ID	APN	Acres	Existing General Plan Category	Existing Zoning District
136	117 631 22	1.67	MU-H1	MU-DW
137	117 631 17	1.30	MU-H1	MU-DW
138	117 631 18	1.10	MU-H1	MU-DW
139	117 631 11	0.87	MU-H1	MU-DW
142	117 811 18	1.51	CO-G	OG
143	117 811 19	0.79	CO-G	OG
144	049 271 30	1.64	CO-G	OG
334	423 111 01	4.82	CG	CG
337	050 391 12	1.45	CM	CM
355	117 631 21	0.86	MU-H1	MU-DW
361	049 191 30	1.55	RM	RM
Newport Center Focus Area (Figure 3-6)				
141	458 361 10	1.29	PF	PF
145	440 281 02	7.60	PR	PC
146	458 341 02	3.03	PI	PI
147	458 341 01	3.60	PI	PI
148	442 271 30	0.75	CO-R	PC
149	442 271 30	1.08	CO-R	PC
152	442 021 47	0.54	CR	PC
153	442 021 47	1.76	CR	PC
154	440 132 40	1.79	PR	PR
155	442 231 08	1.17	CO-R	OR
157	442 082 11	2.72	CO-M	PC
158	442 082 14	4.05	CO-M	PC
159	442 082 08	3.46	CO-M	PC
160	442 082 12	1.17	CO-M	PC
162	442 271 17	1.04	CO-R	PC
163	442 271 23	0.55	CO-R	PC
164	442 271 12	0.76	CO-R	PC
165	442 271 05	0.89	CO-R	PC
166	442 271 03	0.89	CO-R	PC
167	442 271 32	0.98	CO-R	PC
168	442 271 16	1.02	CO-R	PC
169	442 271 15	0.68	CO-R	PC
170	442 271 01	0.84	CO-R	PC
172	442 271 34	0.51	CO-R	PC
173	442 271 14	0.88	CO-R	PC
174	442 271 04	0.97	CO-R	PC
175	442 271 13	0.76	CO-R	PC
176	442 271 19	1.13	CO-R	PC
178	442 271 31	3.00	CO-R	PC
179	442 271 33	0.98	CO-R	PC
180	442 271 24	0.70	CO-R	PC
181	442 011 53	2.98	CG	PC

ID	APN	Acres	Existing General Plan Category	Existing Zoning District
182	442 011 64	2.96	MU-H3/PR	PC
184	440 132 48	2.80	PR	PR
185	442 231 09	0.51	CO-R	PC
186	442 161 17	7.17	CO-R	OR
187	442 231 13	0.61	CO-R	PC
188	442 491 02	9.54	CV	CV
189	442 082 05	4.10	CO-M	PC
190	442 021 28	1.74	CR	PC
191	442 021 26	2.50	CR	PC
192	442 231 11	2.83	CO-R	PC
193	442 021 13	1.73	CR	PC
194	442 021 08	0.80	CR	PC
195	442 021 32	0.63	CR	PC
196	442 021 29	4.09	CR	PC
197	442 021 30	1.24	CR	PC
198	442 021 27	1.17	CR	PC
199	442 021 40	0.87	CR	PC
200	442 021 46	4.11	CR	PC
201	442 021 35	0.56	CR	PC
202	442 021 33	4.03	CR	PC
203	442 231 14	4.10	CO-R	OR
204	442 101 27	5.37	MU-H3	PC
205	442 021 31	8.25	CR	PC
206	442 021 11	0.56	CR	PC
207	442 021 17	1.74	CR	PC
208	442 021 43	5.43	CR	PC
209	442 021 45	0.99	CR	PC
210	442 021 44	1.25	CR	PC
211	442 021 42	4.16	CR	PC
212	442 411 01	1.12	CG	PC
213	442 261 21	2.23	MU-H3	PC
240	442 011 65	1.72	MU-H3/PR	PC
257	442 011 65	1.18	MU-H3/PR	PC
339	442 011 37	1.21	CO-G	OG
340	442 161 06	0.33	CO-R	OR
341	442 161 07	0.20	CO-R	OR
345	442 091 06	0.32	CO-R	OR
346	442 091 01	0.44	CO-R	OR
347	442 091 08	0.39	CO-R	OR
348	442 091 02	0.25	CO-R	OR
349	442 091 15	3.54	CO-R	OR
350	442 091 04	0.38	CO-R	OR
351	442 091 03	0.36	CO-R	OR
352	442 091 07	0.13	CO-R	OR
353	442 011 52	0.84	PR	PC

Table 3-12: Housing Sites Inventory				
ID	APN	Acres	Existing General Plan Category	Existing Zoning District
354	442 011 52	0.72	PR	PC
362	442 261 07	3.99	PF	PF
368	442 014 22	2.43	PF	PC
B	050 442 05	4.03	RM	PC
C	440 251 05	6.00	RM	PC
D	442 082 13	0.50	CO-M	PC
E	442 091 12	1.76	CO-R	OR
Coyote Canyon Focus Area (Figure 3-7)				
131*	120-571-12	243.23	PR	PR
336	478-031-56	28.41	PI	PI
Banning Ranch Focus Area (Figure 3-4)				
110*	114 170 72	130.87	OS(RV)	PC
111*	114 170 52	74.64	OS(RV)	PC
112*	114 170 50	65.05	OS(RV)	PC
113*	114 170 52	51.00	OS(RV)	PC
114*	114 170 83	44.78	OS(RV)	PC
115*	114 170 71	41.20	OS	OS
116*	114 170 76	19.35	OS(RV)	PC
117*	No APN	15.76	OS(RV)	OS
118*	114 170 74	14.32	OS(RV)	PC
120*	114 170 78	11.48	OS(RV)	OS
121*	424 041 04	10.81	OS(RV)	PC
122*	114 170 43	6.52	OS(RV)	PC
123*	114 170 65	5.79	OS	OS
124*	114 170 80	3.86	OS(RV)	OS
126*	114 170 24	0.37	OS(RV)	PC
127*	114 170 81	5.33	OS(RV)	OS
128*	114 170 75	0.21	OS(RV)	PC
129*	114 170 49	1.10	OS(RV)	PC
130*	114 170 66	1.49	OS	OS
Pipeline Project				
8	425 471 27	9.5	MU-H1	MU-MM
Notes: Sites bolded are in the coastal zone. * Denotes the site is vacant. Total number of Housing Sites: 247 Total acreage of housing sites: 537 Total number of vacant sites: 21 Total coastal zone sites: 48				



Figure 3-8: Housing Sites Within Coastal Zone Boundary
 City of Newport Beach General Plan Housing Implementation
 Program Environmental Impact Report

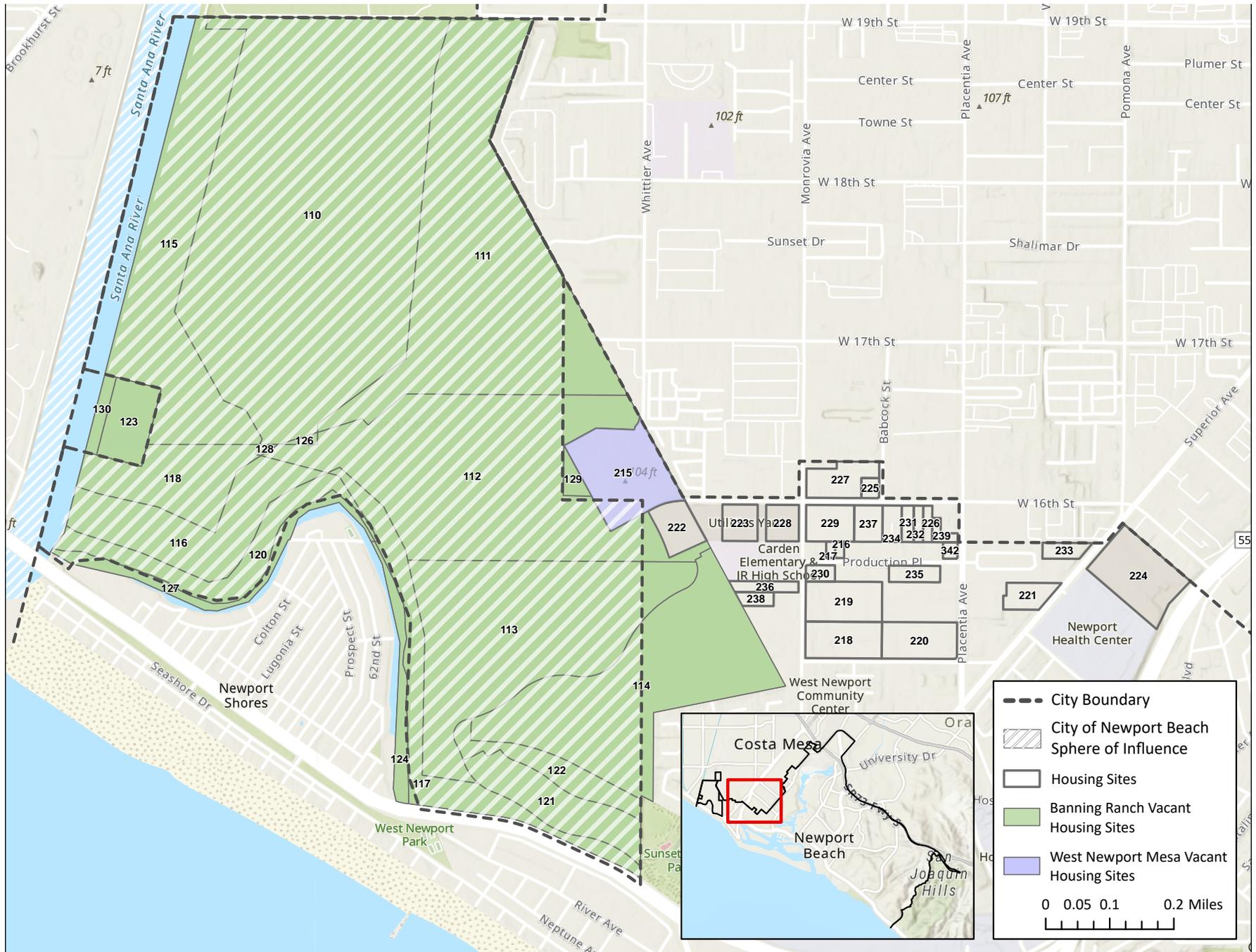


Figure 3-9: Vacant Housing Sites Within Banning Ranch and West Newport Mesa Focus Areas
 City of Newport Beach General Plan Housing Implementation
 Program Environmental Impact Report

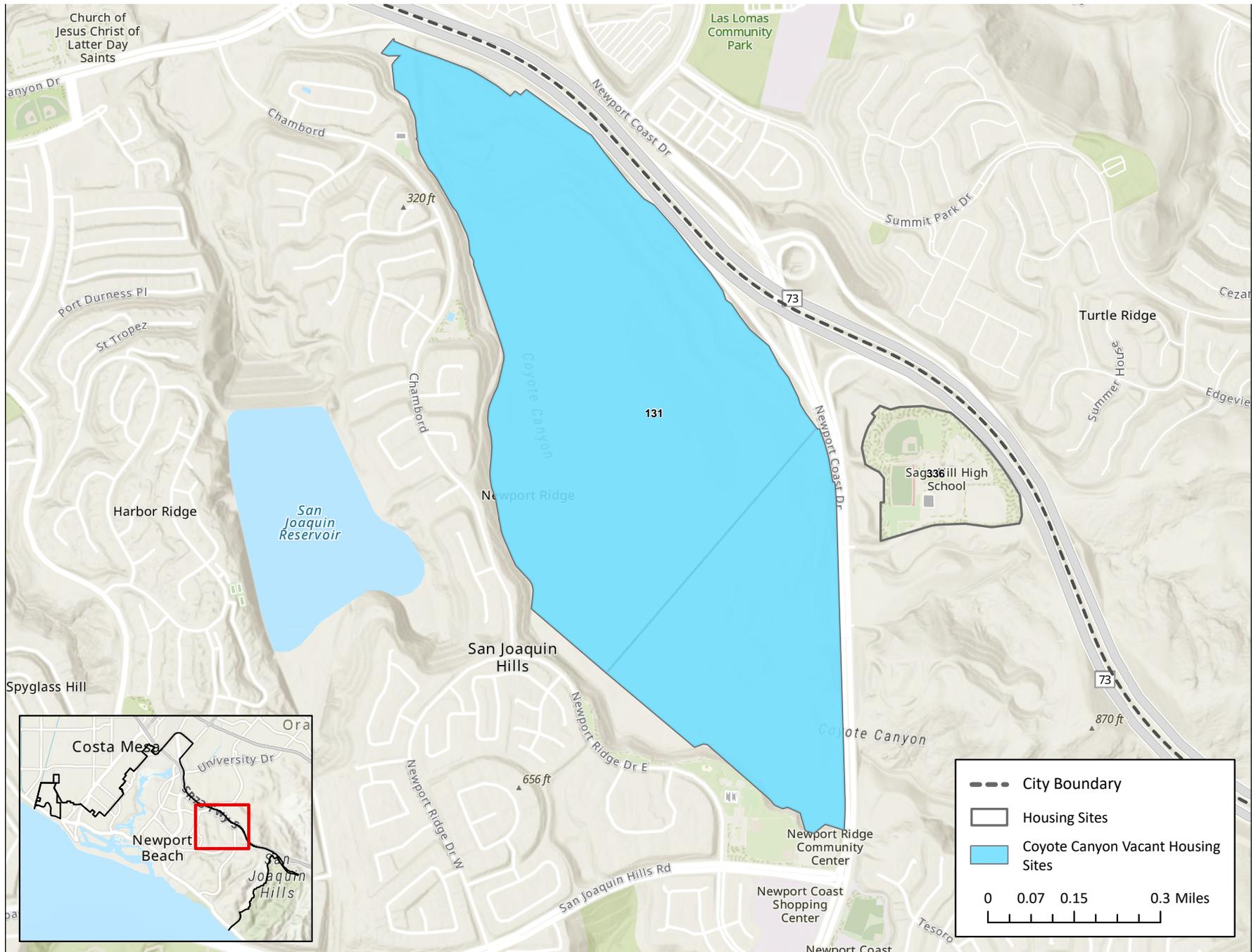


Figure 3-10: Vacant Housing Sites Within Coyote Canyon Focus Area
 City of Newport Beach General Plan Housing Implementation
 Program Environmental Impact Report

3.5.1 City of Newport Beach General Plan

Existing General Plan Land Use Categories

The General Plan Land Use Element describes the City’s existing land use characteristics and development patterns, and establishes a plan for future development and redevelopment. The housing sites’ and additional sites’ existing General Plan land use designations are described in **Table 3-13: Housing Sites – Existing General Plan Land Use Categories**.

Land Use Categories	Description
Airport Office and Supporting Uses (AO)	The AO category is intended to provide for the development of properties adjoining the John Wayne Airport for uses that support or benefit from airport operations. These may include professional offices, aviation retail, automobile rental, sales, and service, hotels, and ancillary retail, restaurant, and service uses.
General Commercial (CG)	The CG category is intended to provide for a wide variety of commercial activities oriented primarily to serve citywide or regional needs.
Recreational and Marine Commercial (CM)	The CM category is intended to provide for commercial development on or near the bay in a manner that will encourage the continuation of coastal-dependent and coastal-related uses, maintain the marine theme and character, encourage mutually supportive businesses, encourage visitor-serving and recreational uses, and encourage physical and visual access to the bay on waterfront commercial and industrial building sites on or near the bay.
General Commercial Office (CO-G)	The CO-G category is intended to provide for administrative, professional, and medical offices with limited accessory retail and service uses. Hotels, motels, and convalescent hospitals are not permitted.
Medical Commercial Office (CO-M)	The CO-M category is intended to provide primarily for medical-related offices, other professional offices, retail, short-term convalescent and long-term care facilities, research labs, and similar uses.
Regional Commercial Office (CO-R)	The CO-R category is intended to provide for administrative and professional offices that serve local and regional markets, with limited accessory retail, financial, service, and entertainment uses.
Regional Commercial (CR)	The CR category is intended to provide retail, entertainment, service, and supporting uses that serve local and regional residents. Typically, these are integrated into a multi-tenant development that contains one or more “anchor” uses to attract customers. Automobile sales, repair, and service facilities, professional offices, single-destination, and other highway-oriented uses are not permitted.
Visitor Serving Commercial (CV)	The CV category is intended to provide for accommodations, goods, and services intended to primarily serve visitors to the City of Newport Beach.
General Industrial (IG)	The IG category is intended to provide for a wide range of moderate to low intensity industrial uses, such as light manufacturing and research and development, and limited ancillary commercial and office uses.
Mixed-Use Horizontal 1 (MU-H1)	The MU-H1 category provides for a horizontal intermixing of uses. For properties located on the inland side of Coast Highway in the Mariners’ Mile Corridor, (a) the Coast Highway frontages shall be developed for marine-related and highway-oriented general commercial uses in accordance with CM and CG categories; and (b) portions of properties to the rear of the commercial frontage may be developed for free-standing neighborhood-serving retail, multi-family residential units, or mixed-use buildings

Land Use Categories	Description
	that integrate residential with retail uses on the ground floor in accordance with the CN, RM , CV, or MU-V designations respectively. Properties located in the Dover Drive/Westcliff Drive area may also be developed for professional offices or mixed-use buildings that integrate residential with retail or office uses on the ground floor in accordance with the CO and MU-V categories, respectively.
Mixed Use Horizontal 2 (MU-H2)	The MU-H2 category applies to properties located in the Airport Area. It provides for a horizontal intermixing of uses that may include regional commercial office, multi-family residential, vertical mixed-use buildings, industrial, hotel rooms, and ancillary neighborhood commercial uses.
Mixed Use Horizontal 3 (MU-H3)	The MU-H3 category applies to properties located in Newport Center. It provides for the horizontal intermixing of regional commercial office, hotel, multi-family residential and ancillary commercial uses. Within the Tennis Club, residential uses may be developed as single-family units.
Mixed Use Horizontal 4 (MU-H4)	The MU-H4 category applies to properties where it is the intent to establish the character of a distinct and cohesively developed district or neighborhood containing multi-family residential with clusters of mixed-use and/or commercial buildings in such locations as the interior parcels of Cannery Village and 15 th Street on the Balboa Peninsula. Permitted uses include (a) Multi-Family Residential, (b) General or Neighborhood Commercial, and/or (c) Mixed-Use structures, where the ground floor shall be restricted to non-residential uses along the street frontage such as retail sales and restaurants and the rear and upper floors used for residential including seniors units and overnight accommodations (comparable to MU-V). Mixed-use or commercial buildings shall be required on parcels at street intersections and are permissible, but not required, on other parcels.
Public Facilities (PF)	The PF category is intended to provide public facilities, including public schools, cultural institutions, government facilities, libraries, community centers, public hospitals, and public utilities.
Private Institutions (PI)	The PI category is intended to provide for privately owned facilities that serve the public, including places for religious assembly, private schools, health care, cultural institutions, museums, yacht clubs, congregate homes, and comparable facilities.
Parks and Recreation (PR)	The PR category applies to land used or proposed for active public or private recreational use. Permitted uses include parks (both active and passive), golf courses, marina support facilities, aquatic facilities, tennis clubs and courts, private recreation, and similar facilities.
Multiple Residential (RM)	The RM category is intended to provide primarily for multi-family residential development containing attached or detached dwelling units. The RM permits a density range from 0.0 to 52.0 du/ac.
Single Unit Residential Detached (RS-D)	The RS-D category applies to a range of detached single-family residential dwelling units on a single legal lot and does not include condominiums or cooperative housing. The RS-D category permits a density range from 0.0 to 29.9 du/ac.
Source: City of Newport Beach. 2022 (Sept). <i>City of Newport Beach 2021–2029 Housing Element</i> https://nbgis.newportbeachca.gov/NewportHTML5Viewer/?viewer=publicsite . Accessed August 10, 2023.	

Proposed General Plan Amendments

As a part of the proposed Project, amendments to the General Plan Land Use Element goals and policies are proposed. **Table 3-14: Proposed Land Use Element Policy Amendments** identifies existing and proposed modifications to land use goals and policies, as well as new policies. These changes further the implementation of the 2021–2029 Housing Element.

Table 3-14: Proposed Land Use Element Policy Amendments	
Existing Goals and Policies	Revised Goals and Policies
<p>Goal LU 1 (no change) A unique residential community with diverse coastal and upland neighborhoods, which values its colorful past, high quality of life, and community bonds, and balances the needs of residents, businesses, and visitors through the recognition that Newport Beach is primarily a residential community.</p>	
<p>Policy LU 1.1 Unique Environment Maintain and enhance the beneficial and unique character of the different neighborhoods, business districts, and harbor that together identify Newport Beach. Locate and design development to reflect Newport Beach’s topography, architectural diversity, and view sheds. (Imp 1.1)</p>	<p>Policy LU 1.1 Unique Environment Maintain and enhance the beneficial and unique character of the different <u>villages</u>, neighborhoods, business districts, and harbor that together identify define Newport Beach <u>through neighborhood preservation</u>. Locate and design development to in a way that <u>reflects</u> Newport Beach’s topography, <u>and</u> architectural diversity, and view sheds <u>while emphasizing the City’s coastal orientation, including public views</u>. (Imp 1.1)</p>
<p>Policy LU 1.2 Citywide Identity While recognizing the qualities that uniquely define its neighborhoods and districts, promote the identity of the entire City that differentiates it as a special place within the Southern California region. (Imp 1.1)</p>	<p>Policy LU 1.2 Citywide Identity While recognizing Recognize <u>and support</u> the qualities that uniquely define its <u>Newport Beach’s</u> neighborhoods and districts, that promote the identity of the entire City that differentiates it as a special place within a <u>citywide identity unique to</u> the Southern California region. (Imp 1.1)</p>
<p>Policy LU 1.5 Economic Health Encourage a local economy that provides adequate commercial, office, industrial, and marine-oriented opportunities that provide employment and revenue to support high-quality community services. (Imp 1.1, 24.1)</p>	<p>Policy LU 1.5 Economic Health Encourage a <u>Support the</u> local economy that provides <u>through the identification and development of housing opportunities, as well as</u> adequate commercial, office, <u>medical</u>, industrial, and marine- oriented opportunities <u>uses</u> that provide employment and local revenue opportunities to support high- quality community services <u>for residents, businesses, and visitors</u>. (Imp 1.1, 24.1)</p>
<p>Goal LU 2 (no change) A living, active, and diverse environment that complements all lifestyles and enhances neighborhoods, without compromising the valued resources that make Newport Beach unique. It contains a diversity of uses that support the needs of residents, sustain and enhance the economy, provide job opportunities, serve visitors that enjoy the City’s diverse recreational amenities, and protect its important environmental setting, resources, and quality of life.</p>	
<p>Policy LU 2.2 Complete Community Emphasize the development of uses that enable Newport Beach to continue as a self-sustaining community and minimize the need for residents to travel outside of the community for retail, goods and services, and employment. (Imp 1.1, 24.1)</p>	<p>Policy LU 2.2 Complete Community Emphasize <u>and support</u> the development of uses that enable allow Newport Beach to continue as a self-sustaining be a <u>complete</u> community and minimize the need for residents to travel outside of the community that maintains the <u>ability to provide locally accessible opportunities</u> for retail, goods and services, and employment. (Imp 1.1, 24.1)</p>

Table 3-14: Proposed Land Use Element Policy Amendments	
Existing Goals and Policies	Revised Goals and Policies
<p>Policy LU 2.5 Harbor and Waterfront Uses Preserve the uses of the Harbor and the waterfront that contribute to the charm and character of Newport Beach and provide needed support for recreational and commercial boaters, visitors, and residents, with appropriate regulations necessary to protect the interests of all users as well as adjoining residents. (Imp 1.1, 2.5, 5.1, 21.4, 24.1)</p>	<p>Policy LU 2.5 Harbor and Waterfront Uses Preserve the uses of the Harbor and the waterfront that contribute to the charm and character of Newport Beach and provide needed support for <u>residents, recreational and commercial boaters, and visitors, and residents,</u> with appropriate regulations necessary to protect the interests of all users as well as adjoining residents. (Imp 1.1, 2.5, 5.1, 21.4, 24.1)</p>
<p>Goal LU 3 A development pattern that retains and complements the City’s residential neighborhoods, commercial and industrial districts, open spaces, and natural environment.</p>	
<p>Policy LU 3.3 Opportunities for Change Provide opportunities for improved development and enhanced environments for residents in the following districts and corridors, as specified in Polices 6.3.1 through 6.22.7:</p> <ul style="list-style-type: none"> ▪ West Newport: consolidation of retail and visitor-serving commercial uses, with remaining areas developed for residential units ▪ West Newport Mesa: re-use of underperforming commercial and industrial properties for offices and other uses that support Hoag Hospital’s medical activities, improvement of remaining industrial properties adjoining the City of Costa Mesa, accommodation of nonwater marine-related industries, and development of residential in proximity to jobs and services ▪ Santa Ana Heights: use of properties consistent with the adopted Specific Plan and Redevelopment Plan ▪ John Wayne Airport Area: re-use of underperforming industrial and office properties and development of cohesive residential neighborhoods in proximity to jobs and services ▪ Fashion Island/Newport Center: expanded retail uses and hotel rooms and development of residential in proximity to jobs and services, while limiting increases in office development ▪ Balboa Peninsula: more efficient patterns of use that consolidate the Peninsula’s visitor-serving and mixed uses within the core commercial districts; encourage marine-related uses especially along the bay front; integrate residential with retail and visitor-serving uses in Lido Village, 	<p>Policy LU 3.3 – Transition of Land Uses Provide <u>Support</u> opportunities for <u>improved-new</u> development and <u>enhanced improved physical</u> environments for residents, <u>businesses, and visitors</u> in the following districts and corridors, as specified in Policies 6.3.1 through 6.22.7:</p> <ul style="list-style-type: none"> ▪ West Newport: <u>support</u> consolidation of retail and visitor-serving commercial uses, <u>with remaining areas developed for and new residential opportunities</u> ▪ West Newport Mesa: re-use of underperforming commercial and industrial properties for offices and other uses that support Hoag Hospital’s medical activities, improvement of remaining industrial properties adjoining the City of Costa Mesa, accommodation of nonwater marine-related industries, and development of residential in proximity to jobs and services ▪ Santa Ana Heights: use of properties consistent with the adopted Specific Plan and Redevelopment Plan <u>support continued implementation of the adopted Specific Plan</u> ▪ John Wayne Airport Area: re-use of underperforming industrial and office properties and development of cohesive residential neighborhoods in proximity to jobs and services ▪ Fashion Island/Newport Center: <u>expanded support balanced expansion and enhancement of</u> retail uses, <u>and hotel rooms, and offices,</u> and development of residential uses in proximity to jobs and services, <u>while limiting increases in office development</u>

Table 3-14: Proposed Land Use Element Policy Amendments	
Existing Goals and Policies	Revised Goals and Policies
<p>McFadden Square, Balboa Village, and along portions of the Harbor frontage; re-use interior parcels in Cannery Village for residential and limited mixed-use and live/work buildings; and redevelop underperforming properties outside of the core commercial</p> <ul style="list-style-type: none"> ▪ Mariners' Mile: vitalization of underperforming properties for retail, visitor-serving, and marine-related uses, integrated with residential ▪ Corona del Mar: enhancement of public improvements and parking (Imp 1.1, 2.1, 5.1) 	<ul style="list-style-type: none"> ▪ Balboa Peninsula: more efficient <u>support</u> patterns of use that consolidate the Peninsula's visitor-serving and mixed uses within the core commercial districts; encourage marine-related uses especially along the bay front; integrate residential with retail and visitor-serving uses in Lido Village, McFadden Square, Balboa Village, and along portions of the Harbor frontage; re-use interior parcels in Cannery Village for residential and limited mixed-use and live/work buildings; and redevelop underperforming properties outside of the core commercial <u>along the Balboa Boulevard corridor for residential. Infill development shall be designed and sited to preserve historical and architectural fabric of these districts</u> ▪ Mariners' Mile: <u>support revitalization of underperforming existing properties</u> for retail, visitor-serving, and marine-related uses, integrated with residential ▪ Corona del Mar: <u>support</u> enhancement of public improvements and parking (Imp 1.1, 2.1, 5.1) <p><u>Study, create, and consider the adoption of specific plans or other appropriate land use guidance for the following areas:</u></p> <ul style="list-style-type: none"> ▪ West Newport Mesa: <u>This area is generally bounded by the City of Costa Mesa to the north, Banning Ranch to the west, State Route 55 to the east, and Hospital Road to the south. The area may be expanded subject to land use amendments (if required). The intent is to support a cohesive strategy that enhances existing land use or repurpose underperforming commercial and industrial uses or activities while facilitating new and varied housing, including workforce housing proximate to jobs, transportation, and services. Future land uses are intended to be appropriately located and sized to accommodate local community needs.</u> ▪ Airport Area: <u>This area is generally bound by Jamboree Road to the east, Campus Drive to the north and west, and State Route 73 to the south. The area may be expanded subject to land use amendments (if required). This area must support flexible land use planning for the reuse and repurposing of existing nonresidential uses while allowing for a variety of housing opportunities inclusive of workforce housing proximate to jobs,</u>

Table 3-14: Proposed Land Use Element Policy Amendments	
Existing Goals and Policies	Revised Goals and Policies
	<p><u>transportation, supporting commercial, and services. The intent is to support and provide neighborhood parks or other recreational opportunities, and other public services. Development in this area should contribute to a cohesive urban, mixed-use character where residents and visitors can live, work, shop, access services, and play.</u></p> <ul style="list-style-type: none"> ▪ <u>Coyote Canyon Landfill: This approximately 375-acre open space area is generally bound by Newport Coast Drive to the east, State Route 73 to the north, and the Newport Ridge Planned Community to the west and south. The intent for this area is to support a comprehensive vision that balances future land uses with environmental stewardship and public access. Future development should adapt the closed landfill as an area that supports a variety of outdoor recreational uses such as golf, hiking, and nature interpretation alongside housing opportunities with complementary nonresidential uses.</u>
<p>Goal LU 4 (existing goal) Management of growth and change to protect and enhance the livability of neighborhoods and achieve distinct and economically vital business and employment districts, which are correlated with supporting infrastructure and public services and sustain Newport Beach’s natural setting.</p> <p>Goal LU 4 (revised goal) Manage growth and change to:</p> <ul style="list-style-type: none"> ▪ Support the livability of existing neighborhoods. ▪ Support residential opportunities that accommodate the City’s share of the Regional Housing Needs Assessment. ▪ Promote new uses that are complimentary to already existing neighborhoods and uses. ▪ Achieve distinct and economically vital business and employment districts. ▪ Correlate with supporting infrastructure and public services. ▪ Sustain Newport Beach’s natural setting. 	
<p>Policy LU 4.1 Land Use Diagram Support land use development consistent with the Land Use Plan. Figure LU1 depicts the general distribution of uses throughout the City and Figure LU2 through Figure LU15 depict specific use categories for each parcel within defined Statistical Areas. Table LU1 (Land Use Plan Categories) specifies the primary land use categories, types of uses, and, for certain categories, the densities/intensities to be permitted. The permitted densities/intensities or amount of development for land use categories for which this is not included in Table LU1, are specified on the Land Use Plan, Figure LU4 through Figure</p>	<p>Policy LU 4.1 Land Use Diagram Support land use development consistent with the Land Use Plan. Figure LU1 depicts the general distribution of uses throughout the City and Figure LU2 through Figure LU15 depict specific use categories for each parcel within defined Statistical Areas. Table LU1 (Land Use Plan Categories) specifies the primary land use categories, types of uses, and, for certain categories, the densities/intensities to be permitted. The permitted densities/intensities or amount of development for land use categories for which this is not included in Table LU1, are specified on the Land Use Plan, Figure LU4 through Figure</p>

Table 3-14: Proposed Land Use Element Policy Amendments	
Existing Goals and Policies	Revised Goals and Policies
<p>LU15. These are intended to convey maximum and, in some cases, minimums that may be permitted on any parcel within the designation or as otherwise specified by Table LU2 (Anomaly Locations).</p> <p>The density/intensity ranges are calculated based on actual land area, actual number of dwelling units in fully developed residential areas, and development potential in areas where the General Plan allows additional development.</p> <p>To determine the permissible development, the user should:</p> <ol style="list-style-type: none"> Identify the parcel and the applicable land use designation on the Land Use Plan, Figure LU4 through Figure LU15 Refer to Figure LU4 through Figure LU15 and Table LU1 to identify the permitted uses and permitted density or intensity or amount of development for the land use classification. Where densities/intensities are applicable, the maximum amount of development shall be determined by multiplying the area of the parcel by the density/intensity. For anomalies identified on the Land Use Map by a symbol, refer to Table LU2 to determine the precise development limits. For residential development in the Airport Area., refer to the policies prescribed by the Land Use Element that define how development may occur. (Imp 2.1, 5.1, 10.2) 	<p>LU15. These are intended to convey maximum and, in some cases, minimums that may be permitted on any parcel within the designation or as otherwise specified by Table LU2 (Anomaly Locations).</p> <p>The density/intensity ranges <u>exclude increases allowed through the application of density bonus laws and</u> are calculated based on actual land area, actual number of dwelling units in fully developed residential areas, and development potential in areas where the General Plan allows additional development.</p> <p>To determine the permissible development, the user should:</p> <ol style="list-style-type: none"> Identify the parcel and the applicable land use designation on the Land Use Plan, Figure LU4 through Figure LU15 Refer to Figure LU4 through Figure LU15 and Table LU1 to identify the permitted uses and permitted density or intensity or amount of development for the land use classification. Where densities/intensities are applicable, the maximum amount of development shall be determined by multiplying the area of the parcel by the density/intensity. For anomalies identified on the Land Use Map by a symbol, refer to Table LU2 to determine the precise development limits. For residential development in the Airport Area. refer to the policies prescribed by the Land Use Element that define how development may occur. (Imp 2.1, 5.1, 10.2)
None	<p><u>Policy LU 4.2 – Rezoning to Accommodate Housing Opportunities (new)</u> <u>Accommodate housing opportunities through the adoption of housing opportunity overlay zoning districts or other land use regulatory policy. The following areas are intended to be consistent with the Housing Element’s focus areas. Properties within each overlay district should include, but are not limited to, sites identified in the Housing Element; however, not all sites must be included, and other sites may be identified in the future through rezoning unless precluded by state law. The goal is to ensure an adequate number of sites Citywide to accommodate the City’s allocation of the Regional Housing Needs Assessment:</u></p>

Table 3-14: Proposed Land Use Element Policy Amendments	
Existing Goals and Policies	Revised Goals and Policies
	<ul style="list-style-type: none"> ▪ <u>Airport Environs Area:</u> the intent is to support a density between 30 and 50 dwelling units per gross acre to accommodate up to 2,577 total dwelling units within the area. ▪ <u>West Newport Mesa:</u> the intent is to support a density between 20 and 50 dwelling units per gross acre to accommodate up to 1,107 total dwelling units within the area. ▪ <u>Newport Center:</u> the intent is to support a density between 20 and 50 dwelling units per gross acre to accommodate up to 2,439 total dwelling units within the area. units per gross acre. ▪ <u>Dover / Westcliff:</u> the intent is to support a density between 20 and 50 dwelling units per gross acre to accommodate up to 521 total dwelling units within the area. ▪ <u>Coyote Canyon:</u> the intent is to allow a density between 20 and 60 dwelling units per gross acre of viable land to accommodate up to 1,530 total dwelling units within the area.
None	<p><u>Policy LU 4.4 – Residential Uses and Residential Densities (new)</u> <u>Residential use of any property included within an established housing opportunity overlay zoning district is allowed regardless of the underlying land use category or density limit established through Policy LU 4.1, Table LU 1 and Table LU 2. A general plan amendment is not required to develop a residential use within an established housing opportunity zoning overlay district. The maximum density specified for the various overlay districts specified in Policy LU 4.2 is an average over the entire property or project site. For example, a portion of a development site may be developed at a higher density than specified by Policy 4.2 provided other portions of the site are developed at lower densities such that the average does not exceed the maximum. Density calculations and total units do not include units permitted pursuant to State density bonus law.</u></p>
None	<p><u>Policy LU 4.5 – Continuation of Existing Development (new)</u> <u>Residential opportunities are in addition to existing uses allowed by the General Plan. Properties within the established overlay zones are not required to be developed for mixed-use or residential. Existing uses may continue to operate provided they are legally established and consistent with policies and</u></p>

Table 3-14: Proposed Land Use Element Policy Amendments	
Existing Goals and Policies	Revised Goals and Policies
	<u>regulations related to legal nonconforming uses. The adoption of housing opportunity overlay districts shall not affect existing rights to use the property.</u>
None	<u>Policy LU 4.6 – Consistency Required (new)</u> <u>If residential or mixed-use projects pursuant to a housing opportunity overlay district are developed, projects shall be consistent with applicable overlay or Zoning Code requirements unless modified consistent with an established procedure to grant relief from standards (e.g., Planned Development Permit, Variance, Conditional Use Permit, Modification Permit, or the application of Density Bonus regulations).</u>
None	<u>Policy LU 4.7 – Redevelopment and Transfer of Development Rights (new)</u> <u>Within an established housing opportunity overlay zone and notwithstanding Policy LU 6.15.5, the intensity of existing allowed uses of a site may be reconstructed on the site as part of a mixed-use development provided the gross floor area allowed by the General Plan is not increased, unless it is increased through a General Plan amendment or density bonus concession. The intensity of existing uses may be converted to other uses allowed by the underlying General Plan land use category provided that average daily trips and peak hour traffic trips are not increased above the trips from the existing allowed use. For example, office intensity may be converted to retail or service commercial, restaurants, or other nonresidential uses provided the General Plan land use category allows these uses. Nonresidential intensity not included as a component of a future residential project will remain within the General Plan allocations on a statistical area-wide basis. The City Council may transfer the intensity of a use to another site within the Statistical Area consistent with Policy LU 4.3 or Policy LU 6.15.3.</u>
None	<u>Policy LU 4.8 – Housing Opportunity Overlay Zones (new)</u> <u>The housing opportunity overlay zones identified in LU 4.2 shall accomplish the following:</u> <ul style="list-style-type: none"> ▪ <u>Allow owner-occupied and rental multifamily uses by-right without discretionary review for developments in which 20 percent or more of the units are affordable to lower-income households;</u> ▪ <u>Allow a minimum of 16 units per site;</u>

Table 3-14: Proposed Land Use Element Policy Amendments	
Existing Goals and Policies	Revised Goals and Policies
	<ul style="list-style-type: none"> ▪ <u>Require developments to include a minimum density of 20 units per acre;</u> ▪ <u>Require that at least 50 percent of the lower-income need be accommodated on sites designated for residential use only or on sites zoned for mixed uses that accommodate all of the very low and low-income housing need, if those sites: to allow 100 percent residential use, and to require residential use occupy 50 percent of the total floor area of a mixed-use project.</u>
<p>Goal LU 5.1 – Residential Neighborhoods (no change) Residential neighborhoods that are well-planned and designed contribute to the livability and quality of life of residents, respect the natural environmental setting, and sustain the qualities of place that differentiate Newport Beach as a special place in the Southern California region.</p>	
<p>Policy LU 5.1.3 Neighborhood Identification (All Neighborhoods) Encourage and support the identification of distinct residential neighborhoods. (Imp 1.1, 1.3)</p>	<p>Policy LU 5.1.3 Neighborhood Identification (All Neighborhoods) Encourage and support the identification of distinct residential neighborhoods. <u>identity through the establishment of objective design and development standards that will distinguish neighborhoods from others in the City.</u> (Imp 1.1, 1.3)</p>
<p>Goal LU 6.2 – Residential Neighborhoods (no change) Residential neighborhoods that contain a diversity of housing types and supporting uses to meet the needs of Newport Beach’s residents and are designed to sustain livability and a high quality of life.</p>	
<p>Policy LU 6.2.4 Accessory Units Permit conditionally the construction of one granny unit (accessory age-restricted units for one or two adult persons who are sixty years of age or older) per single-family residence within single-family districts, provided that such units meet set back, height, occupancy, and other applicable regulations set forth in the Municipal Code. (Imp 2.1)</p>	<p>Policy LU 6.2.4 Accessory Dwelling Units Permit conditionally the construction of one granny unit (accessory age-restricted units for one or two adult persons who are sixty years of age or older) per single-family residence within single-family districts, provided that such units meet set back, height, occupancy, and other applicable regulations set forth in the Municipal Code. <u>Support and promote the development of accessory dwelling units and junior accessory dwellings units in all zones that allow residential units, to provide a more affordable housing option that helps the City meet its housing production goals while minimizing the need to rezone for additional future capacity.</u> (Imp 2.1)</p>

Table 3-14: Proposed Land Use Element Policy Amendments	
Existing Goals and Policies	Revised Goals and Policies
<p>Goal LU 6.4– Banning Ranch (no change) If acquisition for open space is not successful, a high-quality residential community with supporting uses that provides revenue to restore and protect wetlands and important habitats.</p>	
<p>Policy LU 6.4.2 Residential Accommodate a maximum of 1,375 residential units, which shall consist of a mix of single-family detached, attached, and multi-family units to provide a range of choices and prices for residents. (Imp 2.1)</p>	<p>Policy LU 6.4.2 Residential Accommodate a maximum of 1,375 <u>1,475</u> residential units, which shall consist of a mix of single-family detached, attached, and multi-family units to provide a range of choices and prices for residents. (Imp 2.1)</p>
<p>Goal LU 6.6 – West Newport Center (no change) A medical district with peripheral medical services and research facilities that support the Hoag Hospital campus within a well-planned residential neighborhood, enabling residents to live close to their jobs and reducing commutes to outlying areas.</p>	
<p>Policy LU 6.6.2 Residential Types (West Newport Mesa) Promote the development of a mix of residential types and building scales within the densities permitted by the “RM” (Figure LU18, Sub-Area C) designation, which may include single-family attached, townhomes, apartments, flats, and comparable units. Residential densities may be increased on a property as a means of promoting a variety of housing types within Newport Mesa, provided that the overall average density of 18 units per acre is not exceeded. (Imp 2.1)</p>	<p>Policy LU 6.6.2 Residential Types (West Newport Mesa) Promote <u>Support</u> the development of a mix of residential types and building scales within consistent with the densities permitted by the “<u>RM</u>” General Plan (Figure LU18, Sub-Area C) designation, which may include single-family attached, townhomes, apartments, flats, and comparable units. Residential densities may be increased on a property as a means of promoting a variety of housing types within Newport Mesa, provided that the overall average <u>project</u> density of 18 <u>30 to 50 dwelling</u> units per acre is not exceeded (consistent with Policy LU 4.2). (Imp 2.1)</p>
<p>Goal LU 6.15 (no change) A mixed-use community that provides jobs, residential, and supporting services in close proximity, with pedestrian-oriented amenities that facilitate walking and enhance livability.</p>	
<p>Policy LU 6.15.4 Priority Uses (Airport Area – Mixed-Use Districts [Subarea C, “MU-H2” designation]) Accommodate office, research and development, and similar uses that support the primary office and business park functions such as retail and financial services, as prescribed for the “CO-G” designation, while allowing for the re-use of properties for the development of cohesive residential villages that are integrated with business park uses. (Imp 2.1)</p>	<p>Policy LU 6.15.4 Priority Uses (Airport Area – Mixed-Use Districts [Subarea C, “MU-H2” designation]) Accommodate office, research and development, and similar uses that support the primary office and business park functions such as retail and financial services, as prescribed for the “CO-G” designation, while allowing for the re-use of properties for the development of cohesive <u>mixed-use and residential villages developments</u> that are integrated with business park uses. (Imp 2.1)</p>

Table 3-14: Proposed Land Use Element Policy Amendments	
Existing Goals and Policies	Revised Goals and Policies
<p>Policy LU 6.15.28 Priority Uses (Airport Area – Commercial Nodes [“CG” designation Sub-Area C—part]) Encourage the development of retail, financial services, dining, hotel, and other uses that support the John Wayne Airport, the Airport Area’s office uses, and as developed, its residential neighborhoods, as well as automobile sales and supporting uses at the MacArthur Boulevard and Bristol Street node. (Imp 2.1, 24.1)</p>	<p>Policy LU 6.15.28 Priority Uses (Airport Area – Commercial Nodes [“CG” designation Sub-Area C—part]) Encourage the development of retail, financial services, dining, hotel, and other uses that support the John Wayne Airport, the Airport Area’s office uses and as developed <u>or redeveloped</u>, its residential neighborhoods, as well as automobile sales and supporting uses at the MacArthur Boulevard and Bristol Street node. (Imp 2.1, 24.1)</p>
<p>Policy LU 6.15.29 Priority Uses (Airport Area – Commercial Office District [“CO-G” designation Sub-Area C—part]) Encourage the development of administrative, professional, and office uses with limited accessory retail and service uses that provide jobs for residents and benefit adjoining mixed-use districts. (Imp 2.1, 24.1)</p>	<p>Policy LU 6.15.29 Priority Uses (Airport Area – Commercial Office District [“CO-G” designation Sub-Area C—part]) Encourage the development of administrative, professional, and office uses <u>that are proximate or adjacent to residential uses</u>; with limited-accessory retail and service uses that provide jobs for residents and benefit adjoining mixed-use districts. (Imp 2.1, 24.1)</p>

3.5.2 City of Newport Beach Local Coastal Program

City of Newport Beach Local Coastal Program: Coastal Land Use Plan

The California Coastal Act requires each local jurisdiction wholly or partly within the coastal zone to prepare a Local Coastal Program (LCP), which is used to carry out the policies and requirements of the Coastal Act. An LCP includes: (1) a coastal element consisting of a Coastal Land Use Plan (CLUP) and policies for development and conservation within the coastal zone, and (2) an Implementation Plan consisting of ordinances, maps, and implementing actions for the land use plan and policies. The City received certification of its LCP with an effective date of January 30, 2017.² Certification of the LCP allows the City to issue Coastal Development Permits (CDPs), in most circumstances. The Coastal Commission retains CDP authority in “Original Jurisdiction Areas,” which includes submerged lands and tidelands (areas below the mean high tide line), and on certain public trust lands. The Coastal Commission also serves as an appellate authority in certain areas.

The CLUP is derived from the Land Use Element of the General Plan and is intended to identify the distribution of land uses in the coastal zone. The General Plan Land Use Element may contain more precise development limits for specific properties. In no case do the policies of the CLUP allow a development to exceed a development limit established by the General Plan or its implementing ordinances. As a part of the proposed Project, amendments to the CLUP policies are proposed. **Table 3-15: Proposed City of Newport Beach Local Coastal Program Policy Amendments** identifies existing and proposed modifications to CLUP policies, as well as new policies.

City of Newport Beach Local Coastal Program Amendment: Implementation Plan

The second portion of the City’s LCP, the Implementation Plan, is the primary tool used by the City to carry out the goals, objectives, and policies of the Coastal Plan and applies to most development of land and water in the coastal zone within the City and its Sphere of Influence. The Implementation Plan is a part of the City’s Municipal Code (Title 21).³ The certified LCP and proposed modifications to the Implementation Plan are addressed in this Project Description under Zoning.

² City of Newport Beach. *Local Coastal Program Frequently Asked Questions (FAQ)*. <https://www.newportbeachca.gov/government/departments/community-development-/planning-division/local-coastal-program-launch-page/faq#Q3>. Accessed August 9, 2023.

³ City of Newport Beach (Feb 2023). *City of Newport Beach Local Coastal Program Implementation Plan*. <https://www.codepublishing.com/CA/NewportBeach/html/pdfs/NewportBeach21.pdf>. Accessed August 9, 2023.

Table 3-15: Proposed City of Newport Beach Local Coastal Program Policy Amendments	
Existing Policies	Revised Policies
<p>Policy LU 2.1.2-1 Development in each district and corridor shall adhere to policies for land use type and density/intensity contained in Table 2.1.1-1, except as modified in Sections 2.1.3 to 2.1.8.</p>	<p>Policy LU 2.1.2-1 Development in each district and corridor shall adhere to policies for land use type and density/intensity contained in Table 2.1.1-1, except as modified in Sections 2.1.3 to 2.1.8, <u>and 2.1.11.</u></p>
<p>Policy LU 2.1.10-1 Land uses and new development in the coastal zone shall be consistent with the Coastal Land Use Plan Map and all applicable LCP policies and regulations.</p>	<p>Policy LU 2.1.10-1 Land uses and new development in the coastal zone shall be consistent with the Coastal Land Use Plan Map and all applicable LCP policies and regulations, <u>except as modified by all Policies in the 2.1.11 series.</u></p>
<p>None</p>	<p><u>Policy LU 2.1.11-1</u> <u>Accommodate housing opportunities through the adoption of housing opportunity overlay zoning districts or other land use regulatory policy. The following areas are intended to be consistent with the Housing Element’s focus areas. Properties within each overlay district should include, but are not limited to, sites identified in the Housing Element; however, not all sites must be included, and other sites may be identified in the future through rezoning unless precluded by state law. The goal is to ensure an adequate number of sites Citywide to accommodate the City’s allocation of the Regional Housing Needs Assessment:</u></p> <ul style="list-style-type: none"> ▪ <u>Airport Environs: the intent is to support a density between 30 and 50 dwelling units per gross acre to accommodate up to 2,577 total dwelling units within the entire area, inclusive of those properties in the Coastal Zone.</u> ▪ <u>West Newport Mesa: the intent is to support a density between 20 and 50 dwelling units per gross acre to accommodate up to 1,107 total dwelling units within the entire area, inclusive of those properties in the Coastal Zone.</u> ▪ <u>Newport Center: the intent is to support a density between 20 and 50 dwelling units per gross acre to accommodate up to 2,439 total dwelling units within the entire area, inclusive of those properties in the Coastal Zone.</u> ▪ <u>Dover / Westcliff: the intent is to support a density between 20 and 50 dwelling units per gross acre to accommodate up to 521 total dwelling units within the entire area, inclusive of those properties in the Coastal Zone.</u>

Table 3-15: Proposed City of Newport Beach Local Coastal Program Policy Amendments	
Existing Policies	Revised Policies
None	<u>Policy LU 2.1.11-2</u> <u>Residential use of any property included within an established housing opportunity overlay zoning district is allowed regardless of the underlying land use category or density limit established herein. An amendment to the Coastal Land Use Plan is not required to develop a residential use within an established housing opportunity zoning overlay district. The maximum density specified for the various overlay districts specified in Policy 2.1.11-1 is an average over the entire property or project site. For example, a portion of a development site may be developed at a higher density than specified by Policy 2.1.11-1 provided other portions of the site are developed at lower densities such that the average does not exceed the maximum. Density calculations and total units do not include units permitted pursuant to State density bonus law.</u>
None	<u>Policy LU 2.1.11-3</u> <u>Residential opportunities are in addition to existing uses allowed by the Coastal Land Use Plan. Properties within the established overlay coastal zones are not required to be developed for mixed-use or residential. Existing uses may continue to operate provided they are legally established and consistent with policies and regulations related to legal nonconforming uses. The adoption of housing opportunity overlay coastal zoning districts shall not affect existing rights to use the property.</u>
None	<u>Policy LU 2.1.11-4</u> <u>If residential or mixed-use projects pursuant to a housing opportunity overlay district are developed, projects shall be consistent with applicable overlay or Implementation Plan requirements unless modified consistent with an established procedure to grant relief from standards (e.g., Coastal Modification or Variance, or the application of Density Bonus regulations).</u>

3.5.3 City of Newport Beach Zoning Code

Existing Zoning Districts

The City’s Zoning Code is defined in Municipal Code Title 20 – Zoning Code. The Zoning Code defines the City’s allowed land uses and establishes development standards for each zone. The Zoning Code is adopted to regulate the use of real property and the buildings, structures, and improvements located thereon to implement the provisions of the General Plan and carry out its objectives. Development standards provide density, floor area, setbacks, height, development intensity, and other such standards that help maintain the City’s vision within the General Plan for a parcel. The existing zoning designations for the housing sites are described in **Table 3-16: Housing Sites — Existing Zoning Designations**.

Zone	Description
Multiple Residential (RM)	Multiple Residential is intended to provide for area appropriate for multi-unit residential developments containing attached or detached dwelling units.
Medium Density Residential (RMD)	Medium Density Residential is intended to provide for areas appropriate for medium density residential developments containing attached or detached units.
Mixed-Use Dover/Westcliff (MU-DW)	This zoning designation applies to properties located in the Dover Drive/Westcliff Drive area. Properties may be developed for professional office or retail uses, or as horizontal or vertical mixed-use projects that integrate multi-unit residential dwelling units with retail and/or office uses.
Mixed-Use Vertical (MU-V)	Mixed-Use Vertical is intended to provide for area appropriate for the development of mixed-use structures that vertically include residential dwelling units. Residential dwelling units are located above the ground floor, which includes office, restaurant, retail, and similar non-residential uses.
Mixed-Use Mariners’ Mile (MU-MM)	Mixed-Use Mariners’ Mile is intended to provide for areas appropriate for commercial and residential uses. Mariners’ Mile is located on the inland side of Coast Highway in the Mariners’ Mile Corridor. Properties that front Coast Highway may only be developed for non-residential purposes. Properties to the rear of the commercial frontage may be developed for freestanding non-residential uses, multi-unit residential dwelling units, or mixed-use structures that integrate residential above the ground floor with non-residential uses on the ground floor.
Mixed-Use Cannery Village and 15 th Street (MU-CV/15 th St.)	Mixed-Use Cannery Village and 15 th Street is intended to establish a cohesive district or neighborhood containing multi-unit residential dwelling units with clusters of mixed-use and/or commercial structures on interior lots of Cannery Village and 15 th Street on Balboa Peninsula. Allowed uses include multi-unit dwelling units; non-residential uses; and/or mixed-use structures, where the ground floor is restricted to non-residential uses along the street frontage. Residential uses and overnight accommodations are allowed above the ground floor and to the rear of uses along the street frontage. Mixed-use or non-residential structures are required on lots at street intersections and are allowed, but not required, on other lots.
Mixed-Use Water (MU-W1)	Mixed-Use Water is intended to be applied to waterfront properties along the Mariners’ Mile Corridor in which non-residential uses and residential dwelling units may be intermixed. A minimum of 50 percent of the allowed square footage in a mixed-use development shall be used for non-residential uses in which marine-related and victor-serving land uses are mixed. An approved site development review is required prior to any development to ensure uses are fully integrated and that potential impacts from their differing activities are fully mitigated. Design of non-residential space to facilitate marine-related uses is encouraged.

Table 3-16: Housing Sites — Existing Zoning Designations	
Zone	Description
Mixed-Use Water (MU-W2)	This second Mixed-Use Water designation is intended to apply to waterfront properties in which marine-related uses may be intermixed with general commercial, visitor-related commercial and residential dwelling units on the upper floors.
Office – Airport (OA)	Office – Airport is intended to provide for areas appropriate for the development of properties adjoining the John Wayne Airport for uses that support or benefit from airport operations. These may include corporate and professional offices; automobile sales, rental, and service; aviation sales and service; hotels; and accessory retail, restaurant, and service uses.
Office – General (OG)	Office – General is intended to provide for areas appropriate for administrative, professional, and medical offices with limited accessory retail and service uses.
Office – Medical (OM)	Office – Medical is intended to provide for areas appropriate primarily for medical-related offices, other professional offices, retail, short-term convalescent and long-term care facilities, research labs, and similar uses.
Office – Regional (OR)	Office – Regional is intended to provide for areas appropriate for corporate offices, administrative and professional offices that serve local and regional markets, with limited accessory financial, retail, service, and entertainment uses.
Commercial General (CG)	Commercial General is intended to provide for areas appropriate for a wide variety of commercial activities oriented primarily to serve Citywide or regional needs.
Commercial Recreational and Marine (CM)	Commercial Recreational and Marine is intended to provide for areas appropriate for commercial development on or near the waterfront that will encourage the continuation of coastal-dependent and coastal-related uses, maintain the marine theme and character, encourage mutually supportive businesses, encourage visitor-serving and recreational uses, and encourage physical and visual access to the bay on sites located on or near the bay.
Commercial Visitor-Serving (CV)	Commercial Visitor-Serving is intended to provide for areas appropriate for accommodations, goods, and services intended to serve primarily visitors to the City.
Industrial (IG)	Industrial is intended to provide for areas appropriate for a wide range of moderate to low intensity industrial uses (e.g., light manufacturing and research and development) and limited accessory commercial and office uses.
Open Space (OS)	Open Space is intended to (1) Provide areas to maintain and protect the community’s natural open space resources; and (2) Maintain and protect landscaped open space areas located within residential and non-residential developments, where no further development is allowed.
Planned Community (PC)	Planned Community is intended to provide for areas appropriate for the development of coordinated, comprehensive projects that result in a superior environment; to allow diversification of land uses as they relate to each other in a physical and environmental arrangement while maintaining the spirit and intent of this Zoning Code; and to include a variety of land uses, consistent with the General Plan, through the adoption of a development plan and related text that provides land use relationships and associated development standards.
Public Facilities (PF)	Public Facilities is intended to provide for areas appropriate for public facilities, including community centers, cultural institutions, government facilities, libraries, public hospitals, public utilities, and public schools.
Private Institutions (PI)	Private Institutions is intended to provide for areas appropriate for privately owned facilities that serve the public, including places for assembly/meeting facilities (e.g., religious assembly), congregate care homes, cultural institutions, health care facilities, marinas, museums, private schools, yacht clubs, and comparable facilities.

Zone	Description
Parks and Recreation (PR)	Parks and Recreation is intended to provide for areas appropriate for land used or proposed for active public or private recreational use. Allowed uses include aquatic facilities, golf courses, marina support facilities, parks (both active and passive), private recreational facilities, tennis clubs and courts, and similar recreational facilities.
Santa Ana Heights Specific Plan (SP-7)	Santa Ana Heights Specific Plan is to provide for the orderly and balanced development of the community consistent with the Specific Plan’s adopted land use plan and with the stated goals and policies of the Land Use Element of the General Plan.

Sources: City of Newport Beach. 2021. Title 20 – Planning and Zoning. Retrieved from <https://www.codepublishing.com/CA/NewportBeach/#!/NewportBeach20/NewportBeach20.html>. Accessed August 1, 2023.

Proposed Housing Opportunity Overlay Zoning Districts

An overlay district is a regulatory tool that adds special provisions and regulations to an area in the City. An overlay district may be added to a neighborhood or corridor on a map or it may apply to the City as whole and be applied under certain circumstances. An overlay district may be initiated as a Zoning Map amendment. All proposed developments within the overlay district must comply with the district’s applicable development standards in addition to the Zoning Code standards.

As a part of the proposed Project, Municipal Code Chapter 20.28, Overlay Zoning Districts, would be amended to include Section 20.28.050: Housing Opportunity (HO) Overlay Zoning Districts. The HO Overlay Zoning Districts are intended to accommodate housing opportunities consistent with the 2021–2029 Housing Element’s Focus Areas and to ensure the City can meet its RHNA allocation. The provisions of Municipal Code Section 20.28.050 are applicable to the following Focus Areas:

- HO-1: Airport Area
- HO-2: West Newport Mesa
- HO-3: Dover-Westcliff
- HO-4: Newport Center
- HO-5: Coyote Canyon

To be eligible for the provisions of proposed Municipal Code Chapter 20.28.050, the property must be listed on the HO area map as an “Opportunity Site.” As proposed, the following uses are permitted in the Housing Opportunity (HO) Overlay Zoning Districts:

- Any use that is permitted or conditionally permitted in the base zone;
- Multiple-unit development that meets the density requirements of Municipal Section 20.28.050;
- Mixed-use development that includes a residential component which complies with the minimum density requirements of Municipal Code Section 20.28.050;
- Residential supporting uses such as leasing/sales/property management offices, fitness facilities, recreation facilities, etc.

In addition, the HO Overlay Zoning District includes HO-6: 5th Cycle Housing Element Sites, which only affords those sites a by-right approval process for housing development projects, as specified in proposed Section 20.28.050(E), without additional density through rezoning. In other words, the allowed uses are those permitted in the base zoning district.

As identified in **Table 3-17: Development Standards for Housing Opportunity Overlay Zones**, the following development standards would apply to residential or mixed-use projects pursuant to proposed Municipal Code Section 20.28.050. Unless otherwise modified by Municipal Code Section 20.28.050, all applicable development standards, including any adopted objective design standards, would apply.

Table 3-17: Development Standards for Housing Opportunity Overlay Zones							
Development Feature	Housing Opportunity Subarea						
	HO-1	HO-2	HO-3	HO-4	HO-5	HO-6	
Development Limit (units)	2,577	1,107	458	2,374	1,530	N/A	
Lot Size/Dimension	Per Base Zone						
Lot area required per unit (sf) ¹	Minimum 1,452 (30 du/ac) Maximum: 871 (50 du/ac)	Minimum: 2,178 (20 du/ac) Maximum: 871 (50 du/ac)			Minimum: 2,178 (20 du/ac) Maximum: 726 (60 du/ac) ⁹	All Standards Per Base-Zone	
Setbacks							
Front	0 ft ²	10 ft ²	10 ft ^{2,3}	0 ft ²	10 ft ²		
Rear	0 ft	20 ft	20 ft	0 ft	20 ft		
Side	0 ft ⁴						
Street Side	0 ft ²	10 ft ²	10 ft ²	0 ft ²	10 ft ²		
Height	Per Base Zone unless otherwise identified on the HO area map	65 ft	65 ft ⁵	Per Base Zone ⁶	65 ft		
Building Separation	10 ft						
Floor Area Ratio (FAR)	No restriction ⁷						
Common Open Space ⁸	Minimum 75 sf/du. (The minimum dimension [length and width] shall be 15 feet.)						
Private Open Space	5% of the gross floor area for each unit. (The minimum dimension [length and width] shall be 6 ft)						
Fencing	See Section 20.30.040 (Fences, Hedges, Walls, and Retaining Walls)						
Landscaping	See Chapter 20.36 (Landscaping Standards)						
Lighting	See Section 20.30.070 (Outdoor Lighting)						
Outdoor Storage/Display	See Section 20.48.140 (Outdoor Storage, Display, and Activities)						
Parking	See Subsection (D)(3) ¹⁰ of Municipal Code Chapter 20.28.050 and Chapter 20.40 (Off-Street Parking)						
Satellite Antennas	See Section 20.48.190 (Satellite Antennas and Amateur Radio Facilities)						
Signs	See Chapter 20.42 (Sign Standards)						
<ol style="list-style-type: none"> 1. Minimum/maximum allowable density range may be based on an average density of the entire project site, excluding density bonus units. 2. Any portion of the building that is over 20 feet in height shall be setback a minimum 20 feet from the street right-of-way. 							

Table 3-17: Development Standards for Housing Opportunity Overlay Zones

3. Except in the Mixed-Use Mariners Mile (MU-MM) Zoning District wherein residential uses are only allowed beginning 100 feet north of Coast Highway.
4. The combined total from both sides shall be 15 feet.
5. The height shall be limited to 35 feet in the Shoreline Height Limit Area, as identified in Map H-1.
6. "Base Zone" includes all height limitations established by the Sight Plane Ordinance (Ordinance No. 1371 and Ordinance No. 1596).
7. The FAR in this table only applies to residential floor area, including any supporting facilities. In mixed-use developments, the FAR for nonresidential is still applicable.
8. For purposes of this section, common open space in HO-1 may include enclosed amenities such as a clubhouse, swimming pool, tennis court, basketball court, racquetball court, weightlifting facility children's playground equipment, sauna, jacuzzi, day care facility, or any other recreational amenities/facilities as deemed appropriate by the Community Development Director.
9. This density is intended for the former Coyote Canyon Landfill site only. The Sage Hill School site is limited to a maximum of 20 dwelling units.
10. Subsection (D)(3) outlined in Table 3-18 below.

Source: Draft Municipal Code Section 20.28.050.

The following development standards would apply to all future projects within all HO Overlay Zones, with exception of HO-6:

Mixed-use developments. All mixed-use developments shall comply with Section 20.48.130 (Standards for Mixed-Use Projects). In addition, a minimum of 50 percent of the floor area of mixed-use developments shall be dedicated to residential uses. For purposes of proposed Municipal Code Section 20.28.050, floor area is defined as all enclosed floor space, but exclude parking garages/spaces, utility areas, and storage areas that are not directly accessible from the interior of a dwelling unit.

Landscaped Setbacks. All front and street side setbacks shall be landscaped, except for areas that provide vehicle and pedestrian access to the right-of-way.

Residential Off-Street Parking Requirements. Residential parking requirements for projects within the Housing Opportunity Overlay Zones would be provided as identified in **Table 3-18: Residential Off-Street Parking for Housing Opportunity Overlay Zones**. Parking for all other uses not included in this table would be provided in accordance with Municipal Code Chapter 20.40 (Off-Street Parking Requirements).

Table 3-18: Residential Off-Street Parking for Housing Opportunity Overlay Zones

Land Use	Subtype	Parking Requirement
Residential (Rental)	Studio	1.1 spaces per dwelling unit
	1 Bedroom	1.5 spaces per dwelling unit
	2 Bedrooms	1.8 spaces per dwelling unit
	3 Bedrooms	2.0 spaces per dwelling unit
	Visitor Parking	0.3 spaces per dwelling unit
Residential (Ownership)	Studio	1.4 spaces per dwelling unit
	1 Bedroom	1.8 spaces per dwelling unit
	2 Bedrooms	1.8 spaces per dwelling unit
	3 Bedrooms	2.0 spaces per dwelling unit
	Visitor Parking	0.3 spaces per dwelling unit

In addition to the development standards identified in **Table 3-17**, the following standards apply only to proposed future residential projects in the Airport Area Focus Area (HO-1), West Newport Mesa Focus Area (HO-2), and Coyote Canyon Focus Area (HO-5):

Airport Area Focus Area (HO-1)

Sound Mitigation. The interior ambient noise level of all new residential dwelling units shall meet applicable standards of the Section 10.26.030 (Interior Noise Standards). An acoustical analysis report, prepared by an acoustical engineer, shall be submitted describing the acoustical design features of the structure that will satisfy the interior noise standard. The residential units shall be constructed, and noise attenuated in compliance with the report.

Advanced Air Filtration. The design of all new residential and mixed-use residential developments shall include advanced air filtration systems to promote cleaner air within living environments.

Notification to Owners and Tenants. A written disclosure statement shall be prepared prior to sale, lease, or rental of a residential unit within the development. The disclosure statement shall indicate that the occupants will be living in an urban type of environment adjacent to an airport and that the noise, odor, and outdoor activity levels may be higher than a typical suburban residential area. The disclosure statement shall include a written description of the potential impacts to residents of both the existing environment (e.g., noise from planes, commercial activity on the site and vehicles streets) and potential nuisances based upon the allowed uses in the zoning district. Each and every buyer, lessee, or renter shall sign the statement acknowledging that they have received, read, and understand the disclosure statement. A covenant shall also be included within all deeds, leases or contracts conveying any interest in a residential unit within the development that requires: (1) the disclosure and notification requirement stated herein; (2) an acknowledgment by all grantees or lessees that the property is located within an urban type of environment and that the noise, odor, and outdoor activity levels may be higher than a typical suburban residential area; and (3) acknowledgment that the covenant is binding for the benefit and in favor of the City of Newport Beach.

West Newport Mesa Area Focus Area (HO-2)

West Newport Mesa Streetscape Master Plan. Any residential or mixed-use residential development shall implement applicable components of the adopted West Newport Mesa Streetscape Master Plan.

Coyote Canyon Area Focus Area (HO-5)

Public Park. Any future residential development within this subarea shall include a public park that is no less than 3.5 acres, in aggregate. As part of the review for the overall project, the developer shall provide a detailed description of the public park, including timing, dimensions, and location within the project site.

Public Trails. Any future residential development shall include public trails for the entire subarea that accommodate multiple modes of transit (i.e., walking and bicycling) and connect to nearby community resources, as well as the existing trail system. As part of the review for the overall project, the developer shall provide a detailed description of the trail system, including timing, dimensions, alignment, and location within the project site.

City of Newport Beach Local Coastal Program Amendment: Implementation Plan

The second portion of the City's LCP, the Implementation Plan, is the primary tool used by the City to carry out the goals, objectives, and policies of the Coastal Plan and applies to most development of land and water in the coastal zone within the City and its Sphere of Influence. The Implementation Plan is a part of the City's Municipal Code (Title 21).⁴ The certified LCP includes the following zoning regulations associated with land uses:

- Chapter 21.18 Residential Coastal Zoning Districts
- Chapter 21.22 Mixed-Use Coastal Zoning Districts
- Chapter 21.26 Special Purpose Coastal Zoning Districts
- Chapter 21.28 Overlay Coastal Zoning Districts

As a part of the Project, the LCP Implementation Plan would be amended for consistency with the provisions of proposed Municipal Code Section 20.28.050. Municipal Code Chapter 21.28, Overlay Coastal Zoning Districts, would be amended to include Section 21.28.070: Housing Opportunity (HO) Overlay Coastal Zoning Districts. The HO Overlay Coastal Zoning Districts are intended to accommodate housing opportunities consistent with the 2021–2029 Housing Element's Focus Areas and to ensure the City can meet its allocation of the RHNA. The provisions of Municipal Code Section 21.28.070 are applicable to the following Focus Areas:

- HO-1: Airport Area Environs Area
- HO-2: West Newport Mesa Area
- HO-3: Dover-Westcliff Area
- HO-4: Newport Center Area

As identified in **Table 3-19: Coastal Zone – Development Standards for Housing Opportunity Overlay Zones**, the following development standards would apply to any residential or mixed-use projects permitted pursuant to the section. Unless otherwise modified by Municipal Code Section 21.28.070, all applicable development standards, including any adopted design standards, would apply.

The following development standards would apply to all future coastal zone projects within the HO Overlay Zones, regardless of Focus Area:

- **Residential Off-Street Parking Requirements.** See **Table 3-18**.
- **Landscape Setbacks.** All front and street side setbacks shall be landscaped, except for areas that provide vehicle and pedestrian access to the right-of-way.

⁴ City of Newport Beach (Feb 2023). *City of Newport Beach Local Coastal Program Implementation Plan*. Retrieved from: <https://www.codepublishing.com/CA/NewportBeach/html/pdfs/NewportBeach21.pdf>. Accessed August 9, 2023.

Table 3-19: Coastal Zone – Development Standards for Housing Opportunity Overlay Zones				
Development Feature	Housing Opportunity Subarea			
	HO-1	HO-2	HO-3	HO-4
Lot Size/Dimension	Per Base Zone			
Lot area required per unit (sq. ft.) ¹	Minimum: 1,452 (30 du/ac) Maximum: 871 (50 du/ac)		Minimum: 2,178 (20 du/ac) Maximum: 871 (50 du/ac)	
Setbacks				
Front	0 ft ²	10 ft ²	10 ft ^{2, 3}	0 ²
Rear	0	20 ft	20 ft	0
Side	0 ft ⁴			
Street Side	0 ²	10 ft ²	10 ft ²	0 ft ²
Height	Per Base Zone unless otherwise identified on the map	65 ft	65 ft ⁵	Per Base Zone ⁶
Building Separation	10 ft			
Floor Area Ratio (FAR)	No Restriction ⁶			
Common Open Space ⁷	Minimum 75 square feet/dwelling unit. (The minimum dimension [length and width] shall be 15 feet.)			
Private Open Space	5% of the gross floor area for each unit. (The minimum dimension [length and width] shall be 6 feet.)			
Fencing	See Section 21.30.040 (Fences, Hedges, Walls, and Retaining Walls).			
Landscaping	See Section 21.30.075 (Landscaping) and 21.30.085 (Water Efficient Landscaping).			
Lighting	See Section 21.30.070 (Outdoor Lighting).			
Parking	See Subsection (D)(2) below and Chapter 21.40 (Off-Street Parking).			
Signs	See Chapter 21.30.065 (Sign Standards).			
<ol style="list-style-type: none"> 1. Minimum/maximum allowable density range may be based on an average density of the entire project site, excluding density bonus units. 2. Any portion of the building that is over 20 feet in height shall be setback a minimum 20 feet from the street right-of-way. 3. Except in the Mixed-Use Mariners Mile (MU-MM) Zoning District wherein residential uses are only allowed beginning 100 feet north of Coast Highway. 4. The combined total from both sides shall be 15 feet. 5. The height shall be limited to 35 feet in the Shoreline Height Limit Area, as identified in Map H-1. 6. The FAR in this table only applies to residential floor area, including any supporting facilities. In mixed-use developments, the FAR for nonresidential is still applicable. 7. For purposes of this section, common open space in HO-1 may include enclosed amenities such as a clubhouse, swimming pool, tennis court, basketball court, racquetball court, weightlifting facility, children’s playground equipment, sauna, jacuzzi, day care facility, or any other recreational amenities/facilities as deemed appropriate by the Community Development Director. 				
Source: Draft Municipal Code Section 21.28.070.				

Housing Overlay Review Process

Notwithstanding Municipal Code Sections 20.48.130(A) and 20.52.080, any residential or mixed-use development in a HO Overlay zone that includes a minimum of 20 percent of the units reserved for Low- and Very-Low-Income residents would not require a Site Development Review, but would require an Affordable Housing Implementation Plan (AHIP) and would be required to meet all the following criteria:

1. All units designated as affordable to Very-Low-Income and/or Low-Income residents would be subject to a minimum 30-year affordability covenant;
2. Affordable units must reflect the range of numbers of bedrooms provided in the residential development project as a whole, but may be smaller and have different interior finishes and features than market-rate units;
3. Affordable units must be comparable in the facilities provided (e.g., laundry, recreation, etc.) and in the quality of construction and exterior design to the market-rate units; and
4. Affordable units must be dispersed throughout the residential development.

With respect to housing sites in an overlay zone that is located within the coastal zone, development projects are subject to review and require a CDP, as set forth in Municipal Code Chapter 21.52 (Coastal Development Review Procedures).

City of Newport Beach Multi-Unit Objective Design Standards

State Housing law includes various exemptions for projects with an affordable housing component, which limits the City's ability to apply discretionary design review requirements to certain residential projects. State Housing law specifies having objective design standards available to apply to housing projects where the City's discretion over design review is otherwise preempted per State law. Objective design standards are defined under State law as "standards that involve no personal or subjective judgement by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal" (California Government Code §65913.4). The 2021-2029 Housing Element Policy Action 3A requires the preparation and adoption of objective design standards. Policy Action 3A notes that the City will review existing entitlement processes for housing development and will eliminate discretionary review for all housing development proposals that include a minimum affordable housing component. It further notes that the City will review the appropriateness of its current development standards to ensure that it reasonably accommodates the type and density of housing it is intended to support. The City will also amend existing development standards to replace or remove all subjective standards for projects with a minimum affordable housing component with objective standards that do not impede the type and density of housing it is intended to allow.

In compliance with the 2021-2029 Housing Element Policy Action 3A, the intent of the Draft *City of Newport Beach Multi-Unit Objective Design Standards* is to ensure the highest possible design quality and to provide a baseline standard while streamlining the approval process for all new multi-unit development in Newport Beach, including by-right and discretionary actions. Residential and mixed-use development projects that include a density of 20 du/acre must demonstrate compliance with all the standards contained in the Multi-Unit Objective Design Standards, or they must seek approval through a

discretionary site development review process as discussed in Municipal Code Chapter 20.52.080 (Site Development Reviews).

As part of the proposed Project, the City would adopt the City of Newport Beach Multi-Unit Objective Design Standards; see **Appendix B: City of Newport Beach Multi-Unit Objective Design Standards**.

3.6 BUILDOUT PROJECTIONS FOR FUTURE SITE DEVELOPMENT

The Project does not propose any site development on housing sites evaluated in this Program EIR. Rather, it provides capacity for future development consistent with 2021–2029 Housing Element. Future development would occur on these sites in incremental phases over time depending upon numerous factors such as market conditions, and economic and planning considerations, and at the individual property owners’ discretion. Therefore, while not all sites may be developed, or developed at their full capacity, this Program EIR conservatively evaluates the environmental impacts for development of 9,914 housing units, with a development footprint that includes each housing site in its entirety. The housing sites are evaluated in this Program EIR at a programmatic level based on information available to the City where reasonably foreseeable, direct, and indirect physical changes in the environment could be considered.

Foundational to this Program EIR’s analysis is that growth projections represent a theoretical development capacity, which is estimated to be achieved by 2040. The Project does not propose any site development on the housing sites evaluated in this Program EIR. Rather it proposes implementation actions – amendments to the General Plan and Municipal Code – to accommodate and encourage housing development at all income levels in the City.

The buildout development capacity and planning period are both based on theoretical conditions used to conduct a thorough and conservative analysis of potential environmental impacts that would result from future development accommodated through Project implementation. Buildout does not consider factors that influence the timing of development, such as economics and market forces, among others. Individual projects would occur incrementally over time, largely based on economic conditions, market demand, and other planning considerations. Therefore, while the Project’s development capacity is 9,914 dwelling units, it is unknown whether the anticipated development would occur within the 2021–2029 Housing Element’s planning horizon.

3.7 INTENDED USES OF THE PROGRAM EIR

In accordance with State CEQA Guidelines Section 15050 and Section 15367, the City of Newport Beach is the Lead Agency for the Project and as such, has principal authority and jurisdiction for the CEQA actions and Project approval. Responsible agencies are agencies that have jurisdiction or some authority over one or more aspects of a project and/or identified mitigation measures. Trustee Agencies are State agencies that have jurisdiction over natural resources affected by a project.

3.7.1 City of Newport Beach

As the Lead Agency, the City has jurisdiction over the following legislative and discretionary actions associated with the Project.

- **Certification of the City of Newport Beach General Plan Housing Implementation Program Final Program Environmental Impact Report.**

- **General Plan Amendment.** Amend the General Plan Land Use Element to include changes to goals and policies consistent with the adopted and certified 2021–2029 Housing Element.
- **Municipal Code Amendment:** (1) Amend Newport Beach Municipal Code Chapter 20.28, Overlay Zoning Districts, to include Section 20.28.050: Housing Opportunity (HO) Overlay Zoning Districts. (2) Amend Zoning Maps to identify the HO Overlay Zoning Districts. (3) Adopt City of Newport Beach Multi-Unit Objective Design Standards.
- **Local Coastal Program Amendment** (subject to certification by the California Coastal Commission) for rezoning program implementation for those sites located in the Coastal Zone.
- **City Charter Section 423.** Approval of a ballot measure for a major amendment to the General Plan in compliance with City Charter Section 423.

3.7.2 Other Project Actions

- **Orange County Airport Land Use Commission (ALUC).** The City of Newport Beach will refer the Project to the ALUC for determination of Project consistency with the Airport Environs Land Use Plan (AELUP) for John Wayne Airport.
- **California Coastal Commission.** Changes to the Local Coastal Program require certification by the California Coastal Commission.

Future housing projects may tier from this Program EIR or a finding may be made that sufficient environmental clearance occurred with this Program EIR (State CEQA Guidelines §§15152, 15162 and 15168). This Program EIR comprehensively considers a series of related projects with the intent to streamline subsequent review of future housing development projects consistent with the 2021–2029 Housing Element’s intent.

Future development facilitated by the 2021–2029 Housing Element would be subject to subsequent site development review by the City. For purpose of this Program EIR “site development review” or “development review process” refers to review by the City for both ministerial and discretionary housing projects.

Residential projects where at least 20 percent of the units are affordable to lower income households are considered Use By Right projects (Government Code §65583.2 (i)). “By right” means the jurisdiction shall not require a conditional use permit; a planned unit development permit; site development review, or other discretionary, local-government review or approval that would constitute a “project” as defined in Section 21100 of the Public Resources Code (CEQA). If the project requires a subdivision, the project is subject to all laws, including CEQA. This does not preclude the City from imposing objective design review standards. However, the review and approval process must remain non-discretionary (Public Resources Code §21100).

4.0 ENVIRONMENTAL ANALYSIS

4.1 INTRODUCTION

Sections 4.1 through 4.18 of this Program Environmental Impact Report (EIR) provide an impact analysis for those environmental impact categories where it was determined that the proposed Project could result in “potentially significant impacts”. Each topical EIR section includes the following information: summary of applicable federal, State, and local regulations; description of the existing environmental setting; identification of thresholds of significance; analysis of potential Project effects; identification of a Mitigation Program to reduce the identified significant impacts; and identification of the level of significance of impacts after mitigation, including any unavoidable significant adverse impacts. The impact analysis is formatted to analyze the potential impacts of the Project related to each identified threshold of significance set forth in Sections 4.1 through 4.18.

4.2 SECTION CONTENT AND DEFINITION OF TERMS

The environmental setting, potential environmental impacts, and mitigation measures related to each environmental resource area are described in the following sections:

- Section 4.1: Aesthetics
- Section 4.2: Air Quality
- Section 4.3: Biological Resources
- Section 4.4: Cultural Resources
- Section 4.5: Energy
- Section 4.6: Geology and Soils
- Section 4.7: Greenhouse Gas Emissions
- Section 4.8: Hazards and Hazardous Materials
- Section 4.9: Hydrology and Water Quality
- Section 4.10: Land Use and Planning
- Section 4.11: Noise
- Section 4.12: Population and Housing
- Section 4.13: Public Services
- Section 4.14: Recreation
- Section 4.15: Transportation
- Section 4.16: Tribal Cultural Resources
- Section 4.17: Utilities and Service Systems
- Section 4.18: Wildfire

Pursuant to State CEQA Guidelines Section 15128, “An EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR.” The City determined that the proposed Project would have no impact on the following CEQA environmental topic: Agriculture and Forestry Resources. Therefore, as addressed in Section 1.6 of this EIR, this topic is not addressed in the EIR.

To assist reviewers in understanding this EIR, the following terms are defined.

Project means the whole of an action that has the potential for resulting in a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

Environment means the physical conditions that exist in the area and which would be affected by a project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. The area involved is where significant direct or indirect impacts would occur as a result of the project. The environment includes both natural and man-made (artificial) conditions.

Impacts analyzed under CEQA must be related to a physical change. Impacts are:

- Direct or primary impacts that would be caused by a proposed project and would occur at the same time and place; or
- Indirect or secondary impacts that would be caused by a proposed project and would be later in time or farther removed in distance but would still be reasonably foreseeable. Indirect or secondary impacts may include growth-inducing impacts and other effects related to induced changes in the pattern of land use; population density or growth rate; and related effects on air and water and other natural systems.

Significant impact on the environment means a substantial, or potentially substantial, adverse change in any of the physical conditions in the area affected by a proposed project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. An economic or social change by itself is not considered a significant impact on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant. Impacts may also be beneficial.

Mitigation measures “describe feasible measures which could minimize significant adverse impacts” as required by State CEQA Guidelines Section 15126.4. The State CEQA Guidelines define feasibility as “capable of being accomplished in a successful manner within a reasonable period of time taking into account economic, legal, social, technological, or other considerations.”

Cumulative impacts are two or more individual impacts that, when considered together, are considerable or that compound or increase other environmental impacts. The following statements also apply when considering cumulative impacts:

- The individual impacts may be changes resulting from a single project or separate projects.
- The cumulative impact from several projects is the change in the environment that results from the incremental impact of the project when added to other closely related present and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over time.

Sections 4.1 through 4.18 are organized as follows:

- **Regulatory Setting** identifies the plans, policies, laws, and regulations that are relevant to each resource area and describes permits and other approvals that may be necessary to implement future housing projects. Applicable federal, State, regional and local plans, policies, and regulations are identified. This subsection summarizes or lists the potentially relevant policies and regulations, such as from the City of Newport Beach General Plan, Newport Beach Municipal Code, Newport Beach Local Coastal Program, and regional plans applicable to the environmental issue area. Compliance with these applicable laws and regulations is mandatory unless otherwise noted. Therefore, as it relates to the impact analysis, compliance is assumed because the laws in effect require it, and mitigation would generally not be required when compliance with an existing law or regulation would either avoid or reduce a significant impact to a level below significance.
- **Environmental Setting** provides an overview of the existing physical environmental conditions in the study area that could be affected by implementation of the Project (i.e., the “affected environment”). In accordance with State CEQA Guidelines Section 15125, each environmental resource section will include a description of the existing physical environmental conditions in the

vicinity of the housing sites to provide the “baseline condition” against which project-related impacts are compared. Typically, the baseline condition is the physical condition that exists when the Notice of Preparation (NOP) is published; however, a different baseline may be used in specific cases where it is deemed appropriate. Unless otherwise noted in a specific EIR section, the environmental setting is based on data and known conditions at the date of the NOP was published on June 27, 2023.

- **Thresholds of Significance** provides the thresholds criteria used in this EIR to define the level at which an impact would be considered significant in accordance with CEQA based on the type, amount, and/or extent of impact that would be considered a significant adverse change in the environment. Significance criteria are based on factual or scientific information and data and regulatory standards of federal, State, and local agencies. For some resource areas, the thresholds are quantitative (e.g., transportation), while for other resource areas, the thresholds are qualitative (e.g., aesthetics). The thresholds of significance are intended to assist the reader in understanding how an impact is determined to be significant or less than significant.
- **Project Impacts and Mitigation.** State CEQA Guidelines Section 15126.2(a) states that direct, indirect, short-term, long-term, on-site, and/or off-site impacts must be addressed, as appropriate, for the environmental issue being analyzed. This EIR uses the following terms to describe the level of significance of impacts identified by the environmental analysis:
 - **No Impact.** This term is used when the Project would have no adverse effect on an environmental resource.
 - **Less than Significant Impact.** An impact that is adverse but that does not exceed the defined thresholds of significance. Less than significant impacts do not require mitigation.
 - **Significant Impact.** An impact that exceeds the defined thresholds of significance and would or could cause a substantial adverse change in the environment. For impacts that exceed a threshold of significance, measures are identified to prevent the impact, eliminate the impact, or reduce it to a level that is considered less than significant.
 - **Significant Unavoidable Impact.** An impact that exceeds the defined thresholds of significance and cannot be eliminated or reduced to a less than significant level through the implementation of mitigation.
- **Cumulative Impacts** identifies potential environmental impacts of past, present and reasonably foreseeable future projects, in combination with implementation of the Project;
- **Level of Significance After Mitigation** identifies the findings of the environmental analysis after the application of mitigation.
- **References** are the primary public information and/or technical studies that were used to write the impact analysis for each environmental resource.

4.3 BASIS FOR CUMULATIVE ANALYSIS

4.3.1 Introduction

Section 15064 of the State CEQA Guidelines establishes the criteria for determining the significance of environmental effects caused by a project. Subsection 15064(h)(1) directs the preparation of an EIR “if the cumulative impact may be significant and the project’s incremental effect, though individually limited,

is cumulatively considerable. ‘Cumulatively considerable’ means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects”.

Section 15355 of the State CEQA Guidelines defines cumulative impacts as:

Two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

- (a) The individual effects may be changes resulting from a single project or a number of separate projects.
- (b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

Pursuant to Section 15130(b) of the CEQA Guidelines:

The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness, and should focus on the cumulative impacts to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact.

A project’s cumulative impact is “an impact to which that project contributes and to which other projects contribute as well. The project must make some contribution to the impact; otherwise, it cannot be characterized as a cumulative impact of that project.”¹ Section 15130(b) of the State CEQA Guidelines identifies two basic methods for establishing the cumulative environment in which the project is to be considered:

- (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
- (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. Such plans may include: a general plan, regional transportation plan, or plans for the reduction of greenhouse gas emissions. A summary of projections may also be contained in an adopted or certified prior environmental document for such a plan. Such projections may be supplemented with additional information such as a regional modeling program. Any such document shall be referenced and made available to the public at a location specified by the lead agency.

Because of the long-term scope of a General Plan, inclusive of a Housing Element, the appropriate method for cumulative impact analysis is the projection method. This method is appropriate because the

¹ *Sierra Club v. West Side Irrigation Dist.* (2005) 128 Cal.App.4th 690, 700.

projections will serve as a guide to determine if implementation actions required for the 2021-2029 Housing Element are consistent with the long-term population and household projections.

A key concept is that growth projections reflect a theoretical buildout of the proposed Project, which includes the City's 6th Cycle RHNA allocation of 4,845 housing units and additional housing units as a buffer to address future "no net loss" to preclude the need to identify replacement sites during 6th Cycle implementation.² Therefore, this Program EIR conservatively analyzes a total development capacity of 9,914 units including future development capacity of up to 9,649 units on 247 housing sites, 25 units of pipeline projects, and 240 ADUs. However, only a portion of the housing units identified on housing sites will be necessary to accommodate the City's RHNA planning obligation of 4,845 housing units. In addition, the Program EIR analysis does not account for the removal and replacement of existing development to accommodate redevelopment of the sites for housing (no "net change").

It is also important to note that the 2021-2029 6th Cycle planning period is a state-mandated planning period for housing needs. The actual rate of housing development would not be under the City's control, and rather would be driven by the factors that influence development. The City is not required to construct housing but rather to provide the capacity (e.g., zoning, etc.) for the housing market to adequately address housing needs for all income groups and direct that capacity where planned growth is best suited to occur.

This EIR assesses the cumulative impacts for each applicable environmental issue, and does so to a degree that reflects each impact's severity and likelihood of occurrence. State CEQA Guidelines Section 15130(b)(2) notes that an EIR should define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used. As discussed in Sections 4.1 through 4.18, the geographic areas considered for the cumulative analyses vary according to environmental issue area and were determined based upon the Project's scope and anticipated area in which the Project could contribute to an incremental increase in cumulatively considerable impacts. Certain issues areas are most appropriately addressed at the local level, while other issue areas necessitate the consideration of regional, State, and/or national-scale implications. For example, the air quality considers the South Coast Air Basin. The Project's operational effects also have geographic scopes that are global, such as greenhouse gases, and local, such as noise.

² State Housing laws require cities and counties to identify RHNA obligations by income category. A future housing applicant is not required to meet affordability goals. The City is obligated to ensure there is no net loss when projects are developed such that there are adequate opportunities for the City to meet its RHNA obligations. If there is a net loss, the City has 120 days to provide rezoning that accommodates the net loss. Therefore, Newport Beach includes a buffer to avoid the net loss scenario.

4.1 AESTHETICS

4.1.1 Introduction

This section of the Program EIR assesses the Project’s potential impacts on aesthetic quality and visual resources. The analysis is based on existing aesthetic conditions present in the City and its Sphere of Influence (collectively the “City”) as well as applicable regulations. Potential aesthetic impacts from future development on housing sites facilitated by the Project are evaluated at a programmatic level where reasonably foreseeable, direct, and indirect physical changes in the environment could be considered.

4.1.2 Regulatory Setting

State

California Scenic Highway Program

The California Scenic Highway Program created in 1963 is managed by the California Department of Transportation (Caltrans) for the purpose of protecting the aesthetic significance of the State’s scenic highways. The California Scenic Highways Program was created through the adoption of the Streets and Highways Code (§§2260 through 2263). A highway may be designated as scenic based on certain criteria, including how much of the natural landscape can be seen by travelers, the landscape’s scenic quality, and the extent to which development intrudes on the traveler’s enjoyment of the view. The California Scenic Highway Program’s Scenic Highway System List identifies scenic highways that are either eligible for designation or have already been designated as such. The California Scenic Highway Program also includes provisions for the Corridor Protection Program, which includes ordinances and planning policies required by jurisdictions in order to maintain lands visible from the designated scenic highways. According to Caltrans’ California State Scenic Highway System Map¹, the City does not have any roads or highways that are designated within the California Scenic Highway Program. A portion of Pacific Coast Highway (Coast Highway) from over the Santa Ana River to near Crystal Cove State Park that runs through the City is eligible for “scenic” status. A State scenic highway changes from eligible to officially designated when the local jurisdiction adopts a scenic corridor protection program, applies to Caltrans for scenic highway approval, and receives notification from Caltrans that the highway has been designated as a Scenic Highway. A city must also adopt ordinances to preserve the scenic quality of the corridor or document such regulations that already exist in local codes.

California Coastal Act Policy 30251

The 1976 California Coastal Act (Coastal Act) established policies for resource preservations applicable to lands within the Coastal Zone, which encompasses approximately 3 square miles of bay and harbor and over 30 miles of bay and ocean waterfront, or about 63 percent of the total area of the City.² Coastal Act policies addressing aesthetics and public scenic views are applicable to the proposed Project. According to the California Coastal Act Policy 30251, “scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance” (Public Resources Code [PRC] Division 20, Chapter 3, Article 6, §30251). In addition, it is noted that development “shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be

¹ California Department of Transportation. (2018). *California State Scenic Highway System Map*. [California State Scenic Highway System Map \(arcgis.com\)](https://arcgis.com). Accessed December 2023.

² City of Newport Beach (2019). *Local Coastal Program, Coastal Land Use Plan*. Pages 1-1 – 1-9. https://www.newportbeachca.gov/PLN/LCP/Internet%20PDFs/CLUP_Part%201_Introduction.pdf. Accessed December 2023.

visually compatible with the character of surrounding areas and where feasible, to restore and enhance visual quality in visually degraded areas.”³ The City’s certified Local Coastal Program (LCP; divided into two components: a Coastal Land Use Plan and an Implementation Program) includes policies or regulations for the preservation, enhancement, and restoration of visual resources. Goals, objectives, and policies related to the certified LCP are described further in the local regulatory setting below.

Objective Design Standards

California Government Code Sections 65913.4 and 66300(a)(7) define “objective design standards” as “standards that: involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal.” Certain qualifying residential projects may only be denied by local governments if they do not comply with these objective standards, which must be verifiable and measurable. Several State housing laws rely upon objective standards include Senate Bill (SB) 35, SB 330, SB 6, and Assembly Bill (AB) 2011. Under new state housing laws, the City is prevented from enforcing subjective development standards and is required to permit certain housing development projects meeting minimum affordability criteria by right.

Local

City of Newport Beach General Plan

The *City of Newport Beach General Plan 2006 Update* (General Plan) contains the following elements: Land Use; Harbor and Bay; Housing; Historical Resources; Circulation; Recreation; Arts and Cultural; Natural Resources; Safety; and Noise. The General Plan includes goals and policies to preserve the City’s significant visual resources. The Natural Resources Element of the General Plan identifies policies related to visual resources such that (1) significant scenic and visual resources from public vantage points are protected and enhanced; (2) new development restores and enhances the visual quality in visually degraded areas, where feasible; and (3) public view corridors are enhanced and protected from roadway impacts.

The following list includes General Plan goals and policies that have been adopted by the City for the purpose of avoiding or mitigating an environmental effect are applicable to future development projects associated with the proposed Project.

Land Use Element

Goal LU 5.1 **Residential neighborhoods that are well-planned and designed contribute to the livability and quality of life of residents, respect the natural environmental setting, and sustain the qualities of place that differentiate Newport Beach as a special place in the Southern California region.**

Policy LU 5.1.2 **Compatible Interfaces.** Require that the height of development in nonresidential and higher density residential areas transition as it nears lower density residential areas to minimize conflicts at the interface between the different types of development.

³ State of California (1976). *PRC Division 20, Chapter 3, Article 6 30251 – California Coastal Act*. https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=PRC&division=20.&title=&part=&chapter=3.&article=6. Accessed December 2023.

Policy LU 5.1.6 Character and Quality of Residential Properties. Require that residential front setbacks and other areas visible from the public street be attractively landscaped, trash containers enclosed, and driveway and parking paving minimized.

Policy LU 5.1.9 Character and Quality of Multi-Family Residential. Require that multi-family dwellings be designed to convey a high quality architectural character in accordance with the following principles (other than the Newport Center and Airport Area, which are guided by Goals 6.14 and 6.15, respectively, specific to those areas):

Building Elevations

- Treatment of the elevations of buildings facing public streets and pedestrian ways as the principal façades with respect to architectural treatment to achieve the highest level of urban design and neighborhood quality
- Architectural treatment of building elevations and modulation of mass to convey the character of separate living units or clusters of living units, avoiding the appearance of a singular building volume
- Provide street- and path-facing elevations with high-quality doors, windows, moldings, metalwork, and finishes

Ground Floor Treatment

- Where multi-family residential is developed on large parcels such as the Airport Area and West Newport Mesa:
 - Set ground-floor residential uses back from the sidewalk or from the right-of-way, whichever yields the greater setback to provide privacy and a sense of security and to leave room for stoops, porches and landscaping
 - Raise ground-floor residential uses above the sidewalk for privacy and security but not so much that pedestrians face blank walls or look into utility or parking spaces
 - Encourage stoops and porches for ground-floor residential units facing public streets and pedestrian ways
 - Where multi-family residential is developed on small parcels, such as the Balboa Peninsula, the unit may be located directly along the sidewalk frontage and entries should be setback or elevated to ensure adequate security.

Roof Design

- Modulate roof profiles to reduce the apparent scale of large structures and to provide visual interest and variety.

Parking

- Design covered and enclosed parking areas to be integral with the architecture of the residential units' architecture.

Open Space and Amenity

- Incorporate usable and functional private open space for each unit.
- Incorporate common open space that creates a pleasant living environment with opportunities for recreation.

Goal LU 5.3 **Districts where residents and businesses are intermixed that are designed and planned to ensure compatibility among the uses, that they are highly livable for residents, and are of high quality design reflecting the traditions of Newport Beach.**

Policy LU 5.3.1 **Mixed-Use Buildings.** Require that mixed-use buildings be designed to convey a high level of architectural and landscape quality and ensure compatibility among their uses in consideration of the following principles:

- Design and incorporation of building materials and features to avoid conflicts among uses, such as noise, vibration, lighting, odors, and similar impacts
- Visual and physical integration of residential and nonresidential uses
- Architectural treatment of building elevations and modulation of their massing
- Separate and well-defined entries for residential units and nonresidential businesses
- Design of parking areas and facilities for architectural consistency and integration among uses
- Incorporation of extensive landscape appropriate to its location; urbanized streetscapes, for example, would require less landscape along the street frontage but integrate landscape into interior courtyards and common open spaces

Policy LU 5.3.3 **Parcels Integrating Residential and Nonresidential Uses.** Require that properties developed with a mix of residential and nonresidential uses be designed to achieve high levels of architectural quality in accordance with policies LU 5.1.9 and LU 5.2.1⁴ and planned to ensure compatibility among the uses and provide adequate circulation and parking. Residential uses should be seamlessly integrated with nonresidential uses through architecture, pedestrian walkways, and landscape. They should not be completely isolated by walls or other design elements.

Policy LU 5.3.5 **Pedestrian-Oriented Architecture and Streetscapes.** Require that buildings located in pedestrian-oriented commercial and mixed-use districts (other than the Newport Center and Airport Area, which are guided by Goals 6.14 and 6.15, respectively, specific to those areas) be designed to define the public realm, activate sidewalks and pedestrian paths, and provide “eyes on the street” in accordance with the following principles:

- Location of buildings along the street frontage sidewalk, to visually form a continuous or semi-continuous wall with buildings on adjacent parcels
- Inclusion of retail uses characterized by a high level of customer activity on the ground floor; to insure successful retail-type operations, provide for transparency, elevation of the first floor at or transitioning to the sidewalk, floor-to-floor height, depth, deliveries, and trash storage and collection
- Articulation and modulation of street-facing elevations to promote interest and character

⁴ Policy LU 5.2.1 applies to commercial development.

- Inclusion of outdoor seating or other amenities that extend interior uses to the sidewalk, where feasible
- Minimization of driveways that interrupt the continuity of street facing building elevations, prioritizing their location to side streets and alleys where feasible

Policy LU 5.3.6 Parking Adequacy and Location. Require that adequate parking be provided and is conveniently located to serve tenants and customers. Set open parking lots back from public streets and pedestrian ways and screen with buildings, architectural walls, or dense landscaping.

Goal LU 5.6 Neighborhoods, districts, and corridors containing a diversity of uses and buildings that are mutually compatible and enhance the quality of the City’s environment.

Policy LU 5.6.1 Compatible Development. Require that buildings and properties be designed to ensure compatibility within and as interfaces between neighborhoods, districts, and corridors.

Policy LU 5.6.2 Form and Environment. Require that new and renovated buildings be designed to avoid the use of styles, colors, and materials that unusually impact the design character and quality of their location such as abrupt changes in scale, building form, architectural style, and the use of surface materials that raise local temperatures, result in glare and excessive illumination of adjoining properties and open spaces, or adversely modify wind patterns.

Policy LU 5.6.3 Ambient Lighting. Require that outdoor lighting be located and designed to prevent spillover onto adjoining properties or significantly increase the overall ambient illumination of their location.

Policy LU 6.10.2 Cannery Village Residential Character and Architecture. Require that residential buildings be designed to contribute to an overall neighborhood character, locating buildings along the street frontage to form a continuous or semi-continuous building wall.

Goal LU 6.14 Newport Center/Fashion Island. A successful mixed-use district that integrates economic and commercial centers serving the needs of Newport Beach residents and the subregion, with expanded opportunities for residents to live close to jobs, commerce, entertainment, and recreation, and is supported by a pedestrian-friendly environment.

Policy LU 6.14.4 Newport Center/Fashion Island Development Scale. Reinforce the original design concept for Newport Center by concentrating the greatest building mass and height in the northeasterly section along San Joaquin Hills Road, where the natural topography is highest and progressively scaling down building mass and height to follow the lower elevations toward the southwesterly edge along East Coast Highway.

Goal LU 6.15 Airport Area. A mixed-use community that provides jobs, residential, and supporting services in close proximity, with pedestrian-oriented amenities that facilitate walking and enhance livability.

Policy LU 6.15.3 Airport Compatibility. Require that all development be constructed in conformance with the height restrictions set forth by the Federal Aviation Administration (FAA),

Federal Aviation Regulations (FAR) Part 77, and Caltrans Division of Aeronautics, and that residential development shall be allowed only on parcels with noise levels of less than John Wayne Airport 65 dBA CNEL noise contour area *as shown in Figure N5 of the Noise Element of the General Plan unless and until the City determines, based on substantial evidence, that the sites wholly within the 65 dBA CNEL noise contour shown in Figure N5 are needed for the City to satisfy its Sixth Cycle RHNA mandate. Nonresidential uses are, however, encouraged on parcels located wholly within the 65 dBA CNEL contour area.*

Policy LU 6.15.6 Airport Area – Size of Residential Villages. Allow development of mixed-use residential villages, each containing a minimum of 10 acres and centered on a neighborhood park and other amenities (as conceptually illustrated in Figure LU23). The first phase of residential development in each village shall encompass at least 5 gross acres of land, exclusive of existing rights-of-way. This acreage may include multiple parcels provided that they are contiguous or face one another across an existing street. At the discretion of the City, this acreage may also include part of a contiguous property in a different land use category, if the City finds that a sufficient portion of the contiguous property is used to provide functionally proximate parking, open space, or other amenity. The “Conceptual Development Plan” area shown on Figure LU22 shall be exempt from the 5-acre minimum, but a conceptual development plan described in Policy LU 6.15.11 shall be required.

Policy LU 6.15.27 Airport Area Site Planning and Architecture. Encourage and, when property improvements are subject to discretionary review, require property owners within the Campus Tract to upgrade the street frontages of their properties with landscape, well-designed signage, and other amenities that improve the area’s visual quality.

Policy LU 6.15.22 Airport Area Building Massing. Require that high-rise structures be surrounded with low- and mid-rise structures fronting public streets and pedestrian ways or other means to promote a more pedestrian scale.

Policy LU 6.15.27 Airport Area Site Planning and Architecture. Encourage and, when property improvements are subject to discretionary review, require property owners within the Campus Tract to upgrade the street frontages of their properties with landscape, well-designed signage, and other amenities that improve the area’s visual quality.

Policy LU 6.16.6 Airport Area Design Compatibility with Adjoining Residential Neighborhoods. Require that building elevations facing adjoining residential units be designed to convey a high-quality character and ensure privacy of the residents, and that properties be developed to mitigate to the maximum extent feasible impacts of lighting, noise, odor, trash storage, truck deliveries, and other business activities. Building elevations shall be architecturally treated and walls, if used as buffers, shall be well-designed and landscaped to reflect the area’s residential village character.

Goal LU 6.17 West Newport Corridor. A corridor that includes a gateway to the City with amenities that support the Orange Coast River Park, as well as commercial clusters that serve local residents and coastal visitors at key intersections, interspersed with compatible residential development.

- Policy LU 6.17.3 West Newport Corridor Streetscape.** Require that upgraded and redeveloped properties incorporate landscaped setbacks along arterial streets to improve their visual quality and reduce impacts of the corridor’s high traffic volumes.
- Goal LU 6.18 Old Newport Boulevard – A corridor of uses and services that support Hoag Hospital and adjoining residential neighborhoods.**
- Policy LU 6.18.3 Old Newport Boulevard – Property Design.** Require that buildings be located and designed to orient to the Old Newport Boulevard frontage, while the rear of parcels on its west side shall incorporate landscape and design elements that are attractive when viewed from Newport Boulevard.
- Goal LU 6.19 Mariners Mile. A corridor that reflects and takes advantage of its location on the Newport Bay waterfront, supports and respects adjacent residential neighborhoods and exhibits a quality visual image for travelers on Coast Highway.**
- Policy LU 6.19.7 Mariners Mile Architecture and Site Planning.** While a diversity of building styles is encouraged, the form, materials, and colors of buildings located along the harbor front should be designed to reflect the area’s setting and nautical history.
- Policy LU 6.19.8 Mariners Mile Integrating Residential-Site Planning Principles.** Permit properties developed for residential to locate the units along the Harbor frontage provided that portions of this frontage are developed for (a) retail, restaurant, or other visitor-serving uses and (b) plazas and other open spaces that provide view corridors and access from Coast Highway to the Harbor. The amount of Harbor frontage allocated for each use shall be determined by the City during the Development Plan review process.
- Policy LU 6.19.9 Mariners Mile Harbor and Bay Views and Access.** Require that buildings be located and sites designed to provide clear views of and access to the Harbor and Bay from the Coast Highway and Newport Boulevard rights-of-way in accordance with the following principles, as appropriate:
- Clustering of buildings to provide open view and access corridors to the Harbor
 - Modulation of building volume and masses
 - Variation of building heights Inclusion of porticoes, arcades, windows, and other “see-through” elements in addition to the defined open corridor
 - Minimization of landscape, fencing, parked cars, and other nonstructural elements that block views and access to the Harbor
 - Prevention of the appearance of the public right-of-way being walled off from the Harbor
 - Inclusion of setbacks that in combination with setbacks on adjoining parcels cumulatively form functional view corridors
 - Encouragement of adjoining properties to combine their view corridors that achieve a larger cumulative corridor than would have been achieved independently

Policy LU 6.19.12 Mariners Mile Properties Abutting Bluff Faces. Require that development projects locate and design buildings to maintain the visual quality and maintain the structural integrity of the bluff faces.

Natural Resources Element

Goal NR 20 Preservation of significant visual resources.

Policy NR 20.1 Enhancement of Significant Resources. Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points, as shown in Figure NR3.

Policy NR 20.2 New Development Requirements. Require new development to restore and enhance the visual quality in visually degraded areas, where feasible, and provide view easements or corridors designed to protect public views or to restore public views in developed areas, where appropriate.

Policy NR 20.3 Public Views. Protect and enhance public view corridors from the following roadway segments (shown in Figure NR3), and other locations may be identified in the future:

- Avocado Avenue from San Joaquin Hills Road to Coast Highway
- Back Bay Drive
- Balboa Island Bridge
- Bayside Drive from Coast Highway to Linda Island Drive
- Bayside Drive at Promontory Bay
- Coast Highway/Santa Ana River Bridge
- Coast Highway/Newport Boulevard Bridge and Interchange
- Coast Highway from Newport Boulevard to Marino Drive (Bayshores)
- Coast Highway/Newport Bay Bridge
- Coast Highway from Jamboree Road to Bayside Drive
- Coast Highway from Pelican Point Drive to city limits
- Eastbluff Drive from Jamboree Road to Backbay Drive
- Irvine Avenue from Santiago Drive to University Drive
- Jamboree Road from Eastbluff Drive/University Drive to Bayview Way
- Jamboree Road in the vicinity of the Big Canyon Park
- Jamboree Road from Coast Highway to Bayside Drive
- Lido Isle Bridge
- MacArthur Boulevard from San Joaquin Hills Road to Coast Highway
- Marguerite Avenue from San Joaquin Hills Road to Fifth Avenue
- Newport Boulevard from Hospital Road/Westminster Avenue to Via Lido
- Newport Center Drive from Newport Center Drive E/W to Farallon Drive/Granville Drive
- Newport Coast from Pelican Hill Road North to Coast Highway
- Ocean Boulevard

- Pelican Hills Road South
- San Joaquin Hills Road from Newport Ridge Drive to Spyglass Hill Road
- San Miguel Drive from San Joaquin Hills Road to MacArthur Boulevard
- State Route 73 from Bayview Way to the easterly City limit
- Superior Avenue from Hospital Road to Coast Highway
- University Drive from Irvine Avenue to the Santa Ana—Delhi Channel
- Vista Ridge Road from Ocean Heights to Altezza Drive

Policy NR 20.4 **Public View Corridor Landscaping.** Design and site new development, including landscaping, on the edges of public view corridors, including those down public streets, to frame, accent, and minimize impacts to public views.

Goal NR 21 **Minimized visual impacts of signs and utilities.**

Policy NR 21.1 **Signs and Utility Siting and Design.** Design and site signs, utilities, and antennas to minimize visual impacts.

Goal NR 23 **Development respects natural landforms such as coastal bluffs.**

Policy NR 23.1 **Maintenance of Natural Topography.** Preserve cliffs, canyons, bluffs, significant rock outcroppings, and site buildings to minimize alteration of the site's natural topography and preserve the features as a visual resource.

Policy NR 23.2 **Bluff Edge Setbacks.** Maintain approved bluff edge setbacks for the coastal bluffs within the communities of Castaways, Eastbluff, Park Newport, Newporter North (Harbor Cove), and Bayview Landing and neighborhoods from Jamboree Road to Corona del Mar, north of Bayside Drive, to ensure the preservation of scenic resources and geologic stability.

Policy NR 23.3 **Open Space Dedication or Preservation for New Planned Communities.** Require new planned communities to dedicate or preserve as open space the coastal bluff face and an area inland from the edge of the coastal bluff adequate to provide safe public access and to avoid or minimize visual impacts.

Policy NR 23.6 **Canyon Development Standards.** Establish canyon development setbacks based on the predominant line of existing development for Buck Gully and Morning Canyon. Do not permit development to extend beyond the predominant line of existing development by establishing a development stringline where a line is drawn between nearest adjacent corners of existing structures on either side of the subject property. Establish development stringlines for principle structures and accessory improvements.

Policy NR 23.7 **New Development Design and Siting.** Design and site new development to minimize the removal of native vegetation, preserve rock outcroppings, and protect coastal resources.

City of Newport Beach Local Coastal Program

The California Coastal Act requires each local jurisdiction wholly or partly within the coastal zone to prepare a Local Coastal Program (LCP), which is used to carry out the policies and requirements of the Coastal Act. Approximately 47 percent of the City's land area is in the coastal zone. An LCP includes a Coastal Land Use Plan (CLUP) and Implementation Plan. The City received certification of its LCP with an effective date of January 30, 2017.⁵ Certification of the LCP allows the City to issue Coastal Development Permits (CDPs) in most circumstances. The Coastal Commission retains CDP authority in "Original Jurisdiction Areas," which includes submerged lands and tidelands (areas below the mean high tide line), and on certain public trust lands. The Coastal Commission also serves as an appellate authority in certain areas.

Coastal Land Use Plan (CLUP)

The CLUP includes the following policies applicable to aesthetic resources, which can avoid or mitigate an environmental effect of future development projects associated with the proposed Project.

Scenic and Visual Resources

- Policy 4.4.1-2** Design and site new development, including landscaping, so as to minimize impacts to public coastal views.
- Policy 4.4.1-3** Design and site new development to minimize alterations to significant natural landforms, including bluffs, cliffs and canyons.
- Policy 4.4.1-4** Where appropriate, require new development to provide view easements or corridors designed to protect public coastal views or to restore public coastal views in developed areas.
- Policy 4.4.1-5** Where feasible, require new development to restore and enhance the visual quality in visually degraded areas.
- Policy 4.4.1-7** Design and site new development, including landscaping, on the edges of public coastal view corridors, including those down public streets, to frame and accent public coastal views.
- Policy 4.4.1-8** Require that buildings be located and sites designed to provide clear views of and access to the Harbor and Bay from the Coast Highway and Newport Boulevard rights-of-way in accordance with the following principles, as appropriate:
- Clustering of buildings to provide open view and access corridors to the Harbor.
 - Modulation of building volume and masses.
 - Variation of building heights.
 - Inclusion of porticoes, arcades, windows, and other "see-through" elements in addition to the defined open corridor.
 - Minimization of landscape, fencing, parked cars, and other nonstructural elements that block views and access to the Harbor.

⁵ City of Newport Beach. *Local Coastal Program Frequently Asked Questions (FAQ)*. <https://www.newportbeachca.gov/government/departments/community-development-/planning-division/local-coastal-program-launch-page/faq#Q3>. Accessed December 2023.

- Prevention of the appearance of the public right-of-way being walled off from the Harbor.
- Inclusion of setbacks that in combination with setbacks on adjoining parcels cumulatively form functional view corridors.
- Encouragement of adjoining properties to combine their view corridors that achieve a larger cumulative corridor than would have been achieved independently.
- A site-specific analysis shall be conducted for new development to determine the appropriate size, configuration, and design of the view and access corridor that meets these objectives, which shall be subject to approval in the coastal development plan review process.

Policy 4.4.2-4 Prohibit projections associated with new development to exceed the top of curb on the bluff side of Ocean Boulevard. Exceptions for minor projections may be granted for chimneys and vents provided the height of such projections is limited to the minimum height necessary to comply with the Uniform Building Code.

Policy 4.4.3-1 Require new planned communities to dedicate or preserve as open space the coastal bluff face and an area inland from the edge of the coastal bluff adequate to provide safe public access and to avoid or minimize visual impacts.

Policy 4.4.4-1 Design and site signs, utilities, and antennas to minimize visual impacts to coastal resources.

Policy 4.4.4-6 Continue to require new development to underground utilities.

Implementation Plan

The second part of the City's LCP, the Implementation Program, is the primary tool used by the City to carry out the goals, objectives, and policies of the CLUP and applies to most development of land and water in the coastal zone within the City and its Sphere of Influence, with the exception of Newport Coast and Banning Ranch. Newport Coast is governed by the previously certified and currently effective Newport Coast segment of the Orange County LCP. Banning Ranch is a Deferred Certification Area (DCA).

Shoreline Height Limitation Zone. Concern over the intensity of development around Lower Newport Bay led to the adoption of a series of ordinances in the early 1970s that established more restrictive height and bulk development standards around the bay. The intent was to regulate the visual and physical mass of structures consistent with the character and visual scale of Newport Beach. As a result, new development within the Shoreline Height Limitation Zone is limited to a height of 35 feet. Residential development is limited to a base height of 24 to 28 feet and non-residential development is limited to a base height of 26 to 35 feet. Outside of the Shoreline Height Limitation Zone, heights up to 32 feet are permitted in the planned community districts. One property, the Newport Beach Marriott Hotel in Newport Center, which is in the coastal zone and also within the High Rise Height Limitation Zone, which permits heights up to 375 feet.

Floor Area Ratios. In the coastal zone, residential development is limited to floor areas ranging from 1.5 to 2.0 times the buildable area of the parcel (the land minus required setback yards), which typically translates to actual floor area ratios of 0.95 to 1.35. Non-residential development floor area ratios range from 0.30 to 1.25.

Signs and Utilities. The City’s sign regulations include limitations on freestanding signs and prohibit roof signs, which have the greatest potential to impact coastal and scenic visual resources. In some of the older neighborhoods, electrical, telephone, and other utility lines are still located above ground. The City requires utilities to be placed underground in all new developments and has ongoing programs to remove and underground overhead utilities through the establishment of underground utility assessment districts.

City of Newport Beach Municipal Code

Chapter 20.30: Property Development Standards.⁶ The Newport Beach Municipal Code (Municipal Code) notes that the “purpose of this chapter is to ensure that development is consistent with the General Plan, complies with the standards of this chapter, produces an environment that is harmonious with existing and future development, and protects the use and enjoyment of neighboring properties.” The standards apply to all zoning districts and are considered in combination with the standards for each zoning district. Development standards applicable to aesthetics are provided for:

- 20.30.020: Buffering and Screening
- 20.30.040: Fences, Hedges, Walls, and Retaining Walls
- 20.30.050: Grade Establishment
- 20.30.060: Height Limits and Exceptions
- 20.30.070: Outdoor Lighting
- 20.30.100: Public View Protection
- 20.30.110: Setback Regulations and Exceptions
- 20.30.120: Solid Waste and Recyclable Materials Storage

Chapter 20.52 (Permit Review Procedures), Section 20.52.080.⁷ Municipal Code Section 52.080 provides a process for the review of specific development projects in order to: ensure a project’s consistency with General Plan policies related to the preservation of established community character and expectations for high quality development; respect the physical and environmental characteristics of the site; ensure safe and convenient access and circulation for pedestrians and vehicles; allow for and encourage individual identity for specific uses and structures; encourage the maintenance of a distinct neighborhood and/or community identity; minimize or eliminate negative or undesirable visual impacts, and ensure protection of significant views from public right(s)-of-way. As applicable to future housing development, a site development review is required before the issuance of a building or grading permit for residential construction with five or more dwelling units; residential construction on a bluff (an increase in the boundaries of a development area); mixed-use projects with residential development; height limit increases; and all new development in the Mixed-Use Water (MU-W1) Zoning District, which applies to waterfront properties along Mariners Mile.

With respect to public views, Municipal Code Section 20.30.100 (Public View Protection) includes regulations to preserve significant visual resources (public viewpoints) from public viewpoints and

⁶ City of Newport Beach (2021). *Newport Beach Municipal Code – Chapter 21.30 Property Development Standards*. [Chapter 20.30 PROPERTY DEVELOPMENT STANDARDS \(codepublishing.com\)](#). Accessed October 2023.

⁷ City of Newport Beach (2021). *Newport Beach Municipal Code – Chapter 20.52 Permit Review Procedures*. <https://www.codepublishing.com/CA/NewportBeach#1/html/NewportBeach20/NewportBeach2052.html>. Accessed October 2023.

corridors, but it not the intent of the Zoning Code to protect views from private property. View impact analysis is required where a proposed development has a potential to obstruct a public view from an identified public view point or corridor on General Plan Figure NR 3 (Coastal Views). The analysis shall include recommendations to minimize impacts to public views while allowing the project to proceed and maintain development rights. Landscaping, signage, rooftop equipment, and antennas shall be designed and sited to ensure they minimize impacts to public views.

Chapter 21.30 Scenic and Visual Quality Protection.⁸ Municipal Code Section 21.30.100 aims to ensure that development shall be sited and designed to protect and, where feasible, enhance the scenic and visual qualities of the coastal zone, including public views to and along the ocean, bay, and harbor and to coastal bluffs and other scenic coastal areas. Any coastal development permit application for development involving the construction of a new building or the expansion of an existing building shall be reviewed and may be required to conduct a Visual Impact Analysis to evaluate the development's impact to the scenic and visual qualities of the coastal zone. All new development will adhere to relevant development standards pursuant to Municipal Code Section 30.015 – General Site Planning and Development Standards.

4.1.3 Existing Conditions

Visual Resources

The City of Newport Beach is sited on a coastal plain and is bordered by the Pacific Ocean and on three sides by predominately developed land uses in the cities of Huntington Beach, Costa Mesa, and Irvine. As noted in the General Plan EIR, scenic features in the City include water bodies – the Pacific Ocean, bays, and the harbor – as well as open space, the canyons, hillsides, and bluff areas.

*Topographic Features*⁹

As described in the General Plan EIR, Newport Beach, particularly the coastal zone, contains distinctive topographic features such as bluffs, cliffs, hillsides, canyons, and other significant natural landforms, which play an important part of the scenic and visual qualities of the City. The central and northwestern portions of the City are situated on a broad mesa that extends southeastward to join the San Joaquin Hills, commonly known as Newport Mesa. This upland area has moderate to steep bluffs along the Upper Newport Bay estuary, which has biologically diverse and natural topographical features. The nearly flat-topped mesa rises from about 50 to 75 feet above mean sea level at the northern end of the estuary in the Santa Ana Heights area to about 100 feet above mean sea level in the Newport Heights, Westcliff, and Eastbluff areas.

In the southwestern area of the City, sediments flowing from the Santa Ana River and San Diego Creek, the two major drainage courses that transect the Newport Mesa, have formed the beaches, sandbars, and mudflats of Newport Bay and West Newport. The coastal platform occupied by Corona del Mar ranges from about 95 to 100 feet above mean sea level.

Mountains and Canyons. The Santa Ana Mountains are located northeast of the City within the Cleveland National Forest and provide long-range views, forming the northern backdrop to the City. Within Newport

⁸ City of Newport Beach (2021). *Newport Beach Municipal Code – 21.30.100 Scenic and Visual Quality Protection*. <https://www.codepublishing.com/CA/NewportBeach/#!/NewportBeach21/NewportBeach2130.html#21.30.100>. Accessed December 2023.

⁹ City of Newport Beach. (2006) *City of Newport Beach General Plan Update Draft EIR - Aesthetics*. Page 4.1-10. https://newportbeachca.gov/PLN/General_Plan/GP_EIR/Volume_1/06_Sec4.1_Aesthetics.pdf. Accessed October 2023.

Beach, the main ridge of the San Joaquin Hills runs southeast from the Upper Newport Bay area, attaining elevations of over 1,000 feet in the inland Newport Coast area. Canyons and gullies have been formed by water courses from the mountains to the ocean. The majority of the undeveloped headlands is located in the eastern portion of the City in Newport Coast. Within the coastal zone, Big Canyon, Buck Gully, and Morning Canyon comprise the three significant canyons with steep slopes and vegetation which provide distinctive features on the shoreline. Big Canyon is protected as a nature park. Buck Gully and Morning Canyon are under private ownership with residential development on the slopes of both canyons. Other topographic landforms of note include Ridge Park, Los Trancos, Muddy Canyon, and Pelican Hill.

Coastal Bluffs.¹⁰ Coastal bluffs are a prominent landform in Newport Beach and are considered significant scenic and environmental resources. There are ocean facing coastal bluffs along the shoreline of Corona del Mar, Shorecliffs, and Cameo Shores. There are also coastal bluffs facing the wetlands of Upper Newport Bay, Semeniuk Slough, and Banning Ranch.

In the lower Newport Bay area, coastal bluffs can be seen along Coast Highway from the Semeniuk Slough to Dover Drive, along Bayside Drive in Irvine Terrace, and in Corona del Mar above the entrance to Newport Harbor. These bluffs are generally separated from the shoreline.

In the Upper Newport Bay area, much of the coastal blufftop has been developed over the years. However, many areas have been preserved as parkland and other open space. Also, most of the coastal bluff surrounding the Upper Newport Bay has been protected by dedication to the Upper Newport Bay Nature Preserve or dedicated as open space as part of planned residential developments. The Eastbluff Remnant, mouth of Big Canyon, Castaways, Newporter North, and Newport Beach Marine Life Refuge are undeveloped open spaces. In other areas, including Newport Heights, Cliff Haven, Irvine Terrace, Corona del Mar, Shorecliffs, and Cameo Shores, the coastal bluffs are adjacent to residential subdivisions. While some development has maintained the natural character of the coastal bluffs, other developments have been larger and more visually prominent, potentially impacting views of those bluffs.

*Undeveloped Land*¹¹

The Irvine Ranch Land Reserve contains more than 50,000 acres of permanently protected open space in Orange County. The reserve includes portions of the Upper Newport Bay and large portions of Newport Coast and Newport Ridge. In addition, Crystal Cove State Park is also located within the reserve area but is publicly-owned as a State park. The protected canyons, hills, and bluffs of the eastern portion of the City are also recognized for their scenic quality. Topographic landforms of the Newport Coast and Newport Ridge region contribute to the area's aesthetic quality. The canyons and hillsides associated with Buck Gully, Morning Canyon, Ridge Park, Los Trancos, Muddy Canyon, and Pelican Hill provide views for visitors and residents. The undeveloped Banning Ranch property is described later in this section.

Scenic Resources

Scenic resources are natural or manmade features that are visual appealing and contribute to the aesthetic characteristics of a community or region. Resources in the City include the following:¹²

- Pacific Ocean

¹⁰ Ibid Pages 4.1-10 – 4.1-11. Accessed October 2023.

¹¹ Ibid Pages 4.1-12. Accessed October 2023.

¹² *ibid.*

- Habitat areas and open space areas
- View corridors to the ocean and bay from many north-south trending streets. **Figure 4.1-1: City of Newport Beach Public View Points** depicts prominent coastal viewing locations from public view points. Locations are identified in General Plan Policy NR 20.3.
- Coastal canyons and gullies
- Coastal bluffs along the shoreline, facing the wetlands, and surrounding Upper Newport Bay
- Parkland and passive open space

*Parks and View Parks*¹³

The City has 58 parks, in addition to ecological preserves and beaches. Recreation and open space are discussed in greater detail in **Section 4.14: Recreation** of this Program EIR. A portion of the Crystal Cove State Park is also in the City and provides open space views for Newport Beach residents. **Table 4.1-1: Public Parks With Bay or Ocean View** identifies public parks that the City has noted as having bay and/or ocean views.

Table 4.1-1: Public Parks with Bay or Ocean Views	
Name	Location
Bay View Parks	
Back Bay View Park	1900 Back Bay Drive
Bayview Park	Mesa Drive and Bay View Avenue
Begonia Park	Begonia Avenue and First Avenue
Big Canyon Park	Back Bay Drive, north of San Joaquin Hills Road
Buck Gully Reserve	Poppy Avenue or San Joaquin Hills Road
Castaways Park	700 Dover Drive
Channel Place Park	4400 Channel Place
Civic Center Park	100 Civic Center Drive
Cliff Drive Park & Community Center	301 Riverside Avenue
Galaxy View Park	1398 Galaxy Drive
Harbor Watch Park	San Joaquin Hills Road, east of Spyglass Hill Road
Irvine Terrace Park	721 Evita Drive
John Wayne Park & Theater Arts Center	2501 Cliff Drive
Kings Road Park	1801 Kings Road
Lido Park	Via Lido and Lafayette Avenue
Lookout Point	Ocean Boulevard and Heliotrope Avenue
Lower Castaways Park	100 Dover Drive
Marina Park	1600 Balboa Boulevard West
Newport Aquatic Center	1 White Cliffs Drive
Newport Island Park	3809 Marcus Avenue
Rhine Wharf Park	Lido Park Drive
Sunset View Park	Superior Avenue, north of Coast Highway West

¹³ ibid. Pages 4.1-11 – 4.1-12. Accessed October 2023.

Table 4.1-1: Public Parks with Bay or Ocean Views	
Name	Location
Upper Newport Bay Regional Park	Irvine Avenue and University Drive
Veteran's Memorial Park	215 15th Street
West Jetty View Park	2300 Channel Road
Westcliff Park	Polaris Drive and Morning Star Lane
Ocean View Parks	
Begonia Park	Begonia Avenue and First Avenue
Buck Gully Reserve	Poppy Avenue or San Joaquin Hills Road
Canyon Watch Park	San Joaquin Hills Road, east of Spyglass Hill Road
Castaways Park	700 Dover Drive
Civic Center Park	100 Civic Center Drive
Corona Del Mar State Beach	3001 Ocean Blvd
Dog Park	Avocado Avenue and San Miguel Drive
Harbor Watch Park	San Joaquin Hills Road, east of Spyglass Hill Road
Inspiration Point	Ocean Blvd and Orchid Avenue
Irvine Terrace Park	721 Evita Drive
Jasmine Creek Park	Harbor View Drive and Marguerite Avenue
John Wayne Park & Theater Arts Center	2501 Cliff Drive
Kings Road Park	1801 Kings Road
Lookout Point	Ocean Blvd and Heliotrope Avenue
Los Trancos Canyon View Park (Lower)	Newport Coast Drive
Peninsula Park	A St and Ocean Front E
Sunset Ridge Park	4850 Coast Hwy W
Sunset View Park	Superior Avenue, north of Coast Hwy W
West Jetty View Park	2300 Channel Road
Source: City of Newport Beach. <i>Newport Beach Parks and Facilities</i> . Retrieved from: Parks and Facilities - Newport Beach (newportbeachca.gov) . Accessed December 2023.	

Visual Characteristics of Focus Areas

Airport Area Focus Area

The Airport Area is in the northern part of Newport Beach and north of the Upper Newport Bay Nature Reserve. It is primarily around the John Wayne Airport and borders the City of Irvine and the City of Costa Mesa (see **Figure 3-3: Airport Area Focus Area Sites**). This area is primarily characterized as an urban environment, which includes a mix of office and retail uses as well as high-density residential development. This Focus Area includes 100 housing sites on 176 acres.

West Newport Mesa Focus Area

The West Newport Mesa Focus Area is in the southwest part of the City. Coast Highway generally runs in an east-west orientation through this area (see **Figure 3-4: West Newport Mesa and Banning Ranch Focus Areas Sites**). This area is characterized by single-unit and multi-unit residential uses with older industrial uses along 16th Street, Production Place, and 15th Street, as well as Hoag Hospital and supportive medical-related uses. This Focus Area includes 26 housing sites on 47 acres.

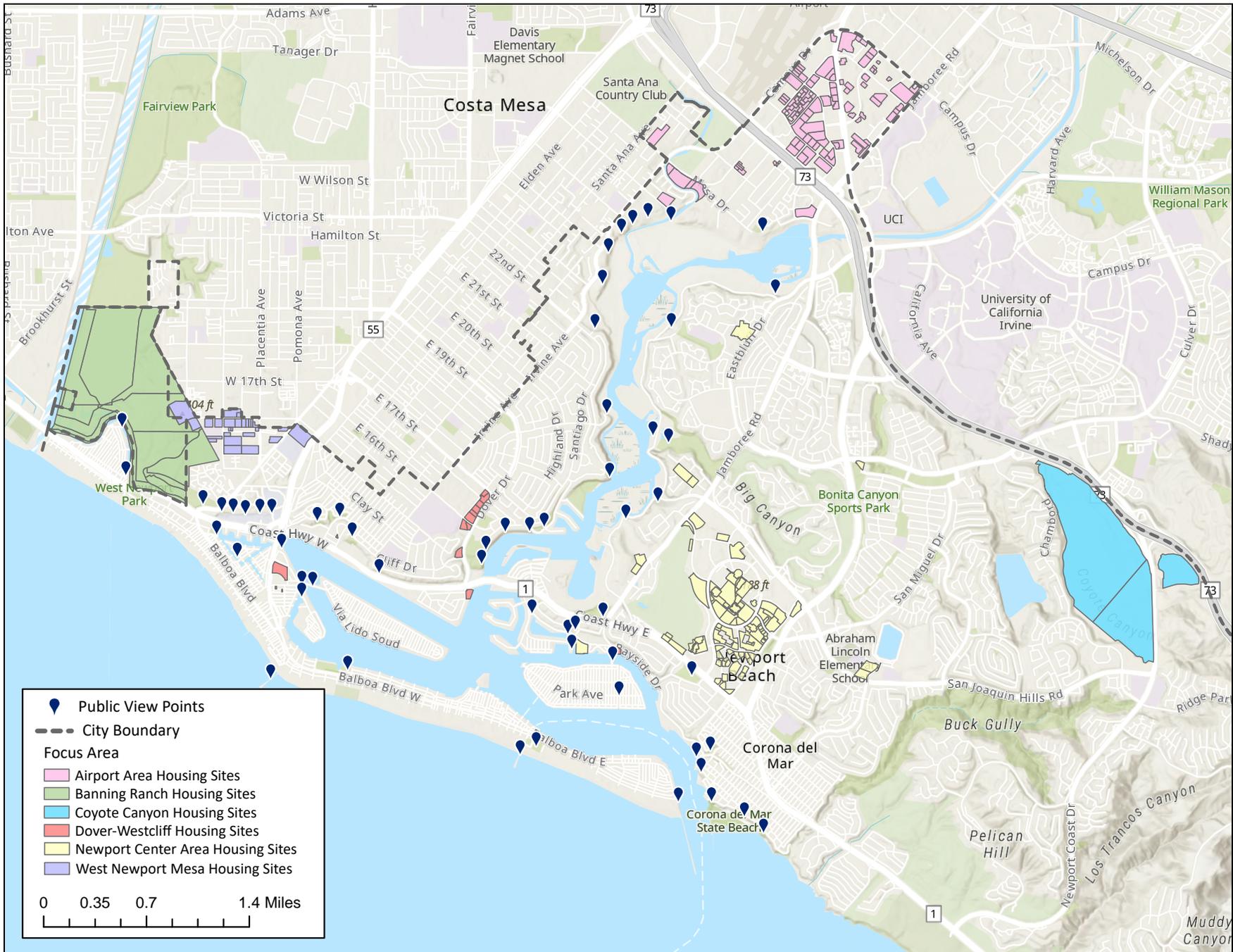


Figure 4.1-1: City of Newport Beach Public View Points
 City of Newport Beach General Plan Housing Implementation
 Program Environmental Impact Report

Dover-Westcliff Focus Area

The Dover-Westcliff Focus Area is in the southern part of the City on both sides of West Coast Highway and west of Dover Drive, proximate to Newport Bay (see **Figure 3-5: Dover-Westcliff Focus Area Sites**). Properties in the Lido Village area are included in the Focus Area. This area contains a mix of single-unit and multi-unit residential and commercial/retail uses. This Focus Area includes 15 sites on 20 acres.

Newport Center Focus Area

The Newport Center Focus Area is in the central portion of the City, north of Coast Highway (**Figure 3-6: Newport Center Focus Area Sites**). This Focus Area is generally bordered by San Joaquin Hills Road, MacArthur Boulevard, Coast Highway, and Jamboree Road and is characterized primarily by commercial/retail uses in Fashion Island and also includes office and high-density residential development. This Focus Area includes 85 housing sites on 230 acres.

Coyote Canyon Focus Area

The Coyote Canyon Focus Area is in the northeastern part of the City, on the south side of SR-73, at the junction of Newport Coast Drive (see **Figure 3-7: Coyote Canyon Focus Area Sites**). The surrounding area is characterized by residential uses, including predominantly single-unit residences and limited medium-density residential development. The Coyote Canyon Focus Area includes the County of Orange Coyote Canyon Landfill, which closed in 1990. However, a portion of the landfill is not subject to development restrictions and provides an opportunity for future residential development. The Coyote Canyon Focus Area also includes Sage Hill School, an independent college preparatory school for students in grades 9 through 12. This Focus Area includes 2 housing sites on 44 acres.

Banning Ranch Focus Area

The Banning Ranch property is located primarily on unincorporated County of Orange land that is bordered by the City of Newport Beach (see **Figure 3-4**). For at least 50 years, the site has been used as an oil production field. The site's topography is characterized by two primary topographic areas: the lowland area in the northwestern portion of the property, and an uplifted mesa on the remainder of the property. The General Plan recognizes the site's mesa area, coastal bluffs, and lowland area (part of the Santa Ana River floodplain) as contributing to the City's scenic resources. The Banning Ranch Focus Area is included in the 2021–2029 Housing Element's sites inventory but is not assumed in order to accommodate the City's 2021–2029 RHNA growth need. Banning Ranch is considered as an additional residential development opportunity beyond those that accommodate the RHNA.

Light and Glare

Light and glare in the City are typical of what can be found in urban environments. Sources of light in the City can be generated from building interiors and exterior sources (i.e., building illumination, security lighting, parking lot lighting, street lighting, and landscape lighting) associated with the City's land uses. Other sources of light and glare include vehicle headlights or streetlights. The City adopted illumination standards described in Municipal Code Section 21.30.070 (Outdoor Lighting). The purpose of Municipal Code Section 21.30.070 is to design parking to be energy-efficient and designed so as not to produce glare on adjacent residential properties.¹⁴

¹⁴ City of Newport Beach. (2021) *City of Newport Beach Municipal Code – 21.30.070 Outdoor Lighting*. <https://www.codepublishing.com/CA/NewportBeach/#!/NewportBeach21/NewportBeach2130.html#21.30.070>. Accessed August 2023.

4.1.4 Thresholds of Significance

The City uses the thresholds of significance specified in the *State CEQA Guidelines Appendix G* which states that the Project could potentially have a significant impact if it would:

- Have a substantial adverse effect on a scenic vista.
- Conflict with applicable zoning and other regulations governing scenic quality.
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

As addressed in **Section 1.5: Summary of Effects with No Impact**, the City has determined that the proposed Project would not have a significant impact on the following threshold for the reasons stated below, and that no further analysis was required:

- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.

There are no State scenic highways in the City. Therefore, no impact would occur.

4.1.5 Methodology

This analysis considers the *State CEQA Guidelines, Appendix G* thresholds, as described above, in determining whether Project implementation would result in impacts concerning aesthetics. The evaluation was based on reviewing the regulations and determining their applicability for the Project. Aesthetics information was acquired through consultation with City staff and review of relevant documents. The determination that the Project would result in "substantial" adverse effects concerning aesthetics considers the relevant policies and regulations established by local and regional agencies and the Project's compliance with such policies.

4.1.6 Project Impacts and Mitigation

Threshold 4.1-1: Would the Project have a substantial effect on a scenic vista?
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Scenic vistas can be defined as views or vistas generally panoramic in nature and identified as viewpoints or vistas (e.g., formal turn-outs along roadways) or as identified in planning documents. A substantial adverse effect on a scenic vista or view would occur where the majority of an existing public view would be blocked or substantially interrupted. Although there are no officially designated scenic vistas in the City, the City has identified the Pacific Ocean, the San Joaquin Corridor, Crystal Cove State Park, and Upper Newport Bay as locally significant scenic vistas. While future development within the City would generally consist of infill and intensification of uses within a primarily built-out area, development under the proposed Project could affect views to the identified vistas. Specifically, if new developments blocked or obscured views from any of the significant public viewpoints, then impacts would be potentially significant. **Figure 4.1-1** depicts prominent coastal viewing locations from public view points and coastal view roads and their relationship to the housing sites. While housing sites are within the vicinity of public view points around the City, none of the housing sites are located immediately in front of or adjacent to view points. Therefore, future development on housing sites would not have the potential to obstruct views or degrade visual quality of scenic vistas within the City.

Further, the proposed Project would not result in direct construction of residential uses. Future development on identified housing sites would be subject to project-specific review, including design review, and would be required to comply with the goals and policies in the City's General Plan and Municipal Code.

The proposed Project includes a number of Land Use Element policy amendments, including updates to policies that would minimize potential impacts to scenic vistas from future housing development. These policies include Policy LU 1.1 which would require future housing developments to be designed in a manner that maintains and enhances neighborhood character and public views.

Impact Summary: **Less Than Significant Impact.** Consistent with the findings of the Newport Beach General Plan EIR, the Project would have a less than significant impact on a scenic vista.

Threshold 4.1-2: Would the Project conflict with applicable zoning and other regulations governing scenic quality?
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The proposed Project would not directly construct new housing but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. Buildings associated with future housing development on the housing sites facilitated by the Project would have the potential to disrupt existing views, including coastal and open space views. A substantial degradation would occur where the majority of an existing public view would be modified or where a distinct landscape (or landform) is evident, and implementation of a project would result in strong visual contrast in existing public views. However, the proposed Project would not result in direct construction of residential or non-residential uses and would instead facilitate and provide a policy framework for future development within the Project Area. Housing development on the housing sites would be spread out across the city, reducing the chance for impacts to scenic resources to be concentrated at specific locations.

The Project would involve rezoning properties within these areas to residential or adding residential overlays, which would not conflict with applicable zoning and other regulations governing scenic quality. A majority of identified housing sites are located within areas of the City with existing development, which consist primarily of residential, commercial, and mixed-use land uses.

Future housing development would be required to adhere to General Plan policies that govern scenic quality including, but not limited to, Policy LU 5.6.1 through LU 5.6.3, Policy NR 20.1 through NR 20.4, and Policy NR 23.1 through 23.7. Further, the proposed Project includes Land Use Element policy amendments, including updates to policies that would support the City's goal to maintain scenic quality and minimize potential impacts from future housing development. Future housing development would also be subject to compliance with adopted citywide Design Guidelines, which would ensure that future individual development projects provide well-designed corridors, community subareas, buildings, streets, and public spaces that contribute to a strong sense of place.

As described in **Section 3.0: Project Description**, the proposed Project would include the adoption of *The City of Newport Beach Multi-Unit Objective Design Standards* (Objective Design Standards) to ensure the highest possible design quality and to provide a baseline standard while streamlining the approval process for all new multi-unit development in Newport Beach, including by-right and discretionary actions.

Residential and mixed-use development projects that include a density of 20 du/acre must demonstrate compliance with all the standards contained in the Multi-Unit Objective Design Standards, or they must seek approval through a discretionary site development review process, as discussed in Municipal Code Chapter 20.52.080 (Site Development Reviews); see **Appendix B**.

Compliance with these applicable City policies, the Municipal Code, including the proposed Objective Design Standards, and LCP requirements would minimize impacts to scenic quality.

Impact Summary: **Less Than Significant Impact.** Following compliance with established City policies and guidelines concerning visual character and quality, a less than significant impact would occur, and no mitigation is required.

Threshold 4.1-3 Would the Project create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

Light pollution, also known as “sky glow”, is an adverse effect of man-made light. It is often used to denote urban sky glow (brightening of the night sky due to man-made lighting) but also includes glare (intense and blinding light) and light trespass (light falling where it is not wanted or needed; spill light). In many cases, sky glow is visible from great distances, particularly in evenings when there is moisture in the air. Minute water droplets in the evening air reflect and scatter light into the atmosphere.

The City is primarily built out, and a significant amount of ambient light from urban uses already exists. Future housing development facilitated by the Project could add new light and glare sources, including exterior nighttime lighting fixtures, parking area lighting, light glow from windows, doors and skylights, and accent lighting. Impacts could occur if future housing development would introduce new sources of light and glare on a housing site or proximate to a housing site. A majority of the housing sites are currently developed and/or located adjacent to developed parcels with existing sources of lighting and/or glare. However, housing sites 23 through 26 within the Airport Area Focus Area, housing site 215 within the West Newport Mesa Focus Area, housing site 131 within the Coyote Canyon Focus Area, and the housing sites within the Banning Ranch Focus Area (Sites 110-118, 120-124, and 126-131) do not contain existing sources of lighting or glare.

All future housing development projects, including development on the aforementioned sites, would be subject to the City’s development review process and would be required to demonstrate consistency with Newport Beach General Plan policies and Municipal Code requirements, including those related to lighting and glare. General Plan Land Use Policy 5.6.3 on ambient lighting requires “that outdoor lighting be located and designed to prevent spillover onto adjoining properties or significantly increase the overall ambient illumination of their location” and Municipal Code Section 20.30.070 which requires that “all outdoor lighting fixtures shall be designed, shielded, aimed, located, and maintained to shield adjacent properties and to not produce glare onto adjacent properties or roadways.” These measures would reduce potential lighting impacts from future housing development to a less than significant level, with the exception of Banning Ranch.

The General Plan EIR found that the introduction of new sources of lighting associated with development of Banning Ranch would be considered significant and unavoidable. With respect to the Banning Ranch Focus Area, this Focus Area includes 19 housing sites on 30 acres with 1,475 dwelling units. As noted in Section 3.0: Project Description, the Banning Ranch Focus area is not assumed in order to accommodate

the City’s 2021–2029 RHNA. Banning Ranch is considered as additional dwelling unit opportunity in addition to those that accommodate the RHNA. Residential and non-residential development, including roadways and a park, would introduce new sources of nighttime lighting, which would affect the existing adjacent uses. In addition, the new sources of nighttime lighting could also affect the sensitive habitat areas associated with Banning Ranch. Retention of the site in open space would not have significant lighting impacts.

Impact Summary: **Significant and Unavoidable Impact.** Consistent with the Newport Beach General Plan EIR, if housing development occurs within the Banning Ranch Focus Area, impacts would be significant and unavoidable.

4.1.7 Cumulative Impacts

As previously stated, the Project does propose development but would increase the City’s housing capacity consistent with State Housing law. The anticipated site-specific impacts of future development facilitated by the Project, in conjunction with cumulative development allowed in the City by existing development regulations, would increase the potential for housing development in an already urbanized area and could result in impacts to aesthetics. Potential impacts are site-specific and would require site-specific evaluation on a case-by-case basis prior to approval of permits at the project level when future development is proposed in accordance with the Project. Each cumulative project would require separate review by the City, which would address potential aesthetics impacts and identify necessary mitigation measures, where appropriate. Consequently, the Project would not result in significant environmental impacts to aesthetics; and the Project would not conflict with or obstruct a state or local plan, ordinance, or standards aimed at avoiding or minimizing impacts to aesthetics. Therefore, with the implementation of mitigation and compliance with applicable regulations, the Project’s contribution to a cumulatively considerable impact on aesthetics would be less than significant.

4.1.8 Mitigation Program

As noted, all future housing development facilitated by the Project would be subject to the City’s development review process, which may include review pursuant to CEQA, and would be assessed on a project-specific basis for potential effects concerning aesthetics. Future housing development would be subject to compliance with relevant federal, State, and local requirements including requirements set forth in the Newport Beach General Plan and Newport Beach Municipal Code.

General Plan Policies

See **Section 4.1.2: Regulatory Setting** for complete policy text.

- Policy LU 3.2
- Policy LU 5.1
- Policy LU 5.1.2
- Policy LU 5.1.6
- Policy LU 5.1.7
- Policy LU 5.1.9
- Policy LU 5.3
- Policy LU 5.3.1
- Policy LU 5.3.3
- Policy LU 5.3.5
- Policy LU 5.3.6
- Policy LU 5.6.1
- Policy LU 5.6.2
- Policy LU 5.6.3
- Policy LU 6.3.1
- Policy LU 6.5.4
- Policy LU 6.5.5
- Policy LU 6.10.2
- Policy LU 6.14.4
- Policy LU 6.14.5
- Policy LU 6.14.6
- Policy LU 6.14.7
- Policy LU 6.15.3
- Policy LU 6.15.6
- Policy LU 6.15.22
- Policy LU 6.15.27
- Policy LU 6.16.6

- Policy LU 6.17.3
- Policy LU 6.18.3
- Policy LU 6.19.7
- Policy LU 6.19.8
- Policy LU 6.19.9
- Policy LU 6.19.12
- Policy NR 20.1
- Policy NR 20.2
- Policy NR 20.3
- Policy NR 20.4
- Policy NR 21.1
- Policy NR 23.1
- Policy NR 23.2
- Policy NR 23.3
- Policy NR 23.6
- Policy NR 23.7

Coastal Land Use Plan Policies

See **Section 4.1.2: Regulatory Setting** for complete policy text.

- Policy 4.4.1-2
- Policy 4.4.1-3
- Policy 4.4.1-4
- Policy 4.4.1-5
- Policy 4.4.1-7
- Policy 4.4.1-8
- Policy 4.4.2-4
- Policy 4.4.3-1
- Policy 4.4.4-1
- Policy 4.4.4-6

Mitigation Measures

No additional mitigation is required.

4.1.9 Level of Significance After Mitigation

Significant and unavoidable. In certifying the General Plan EIR and adopting the General Plan, the City Council approved a Statement of Overriding Considerations, which note that there are specific economic, social, and other public benefits that outweigh the significant unavoidable impacts associated with potential development of Banning Ranch. However, potential impacts associated with aesthetics and visual resources for the remainder of the housing sites would be less than significant.

4.1.10 References

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4.2 AIR QUALITY

4.2.1 Introduction

The section evaluates potential air quality impacts that could result from the Project. The air quality analysis consists of a summary of the existing conditions in the City of Newport Beach and its Sphere of Influence (City) within the South Coast Air Basin (SCAB), the air quality regulatory framework, a discussion of the potential air quality impacts from future development on housing sites, and identification of mitigation that may minimize construction and operational air quality impacts, as needed. Information presented in this EIR section is based on resource information obtained from available public resources including, but not limited to, the *City of Newport Beach General Plan* (General Plan), the Southern California Association of Governments (SCAG) *2020-2045 Regional Transportation Plan/Sustainable Communities Strategy* (RTP/SCS), the South Coast Air Quality Management District (SCAQMD) Air Quality Management Plan (AQMP), the California Air Resources Board (CARB), and U.S. Environmental Protection Agency (U.S. EPA). Air quality modeling data is included in **Appendix C**.

4.2.2 Regulatory Setting

The federal and state governments have been empowered by the Federal Clean Air Act (FCAA) and the California Clean Air Act (CCAA), respectively, to regulate the emission of airborne pollutants and have established ambient air quality standards for the protection of public health. The U.S. Environmental Protection Agency (U.S. EPA) is the federal agency designated to administer air quality regulation, while CARB is the State equivalent. Local control in air quality management is provided by the California Air Resources Control Board (CARB) through county-level or regional (multi-county) air pollution control districts. CARB establishes air quality standards and is responsible for control of mobile emission sources, while the local air pollution control districts are responsible for enforcing standards and regulating stationary sources. CARB has established 14 air basins statewide.

Federal

U.S. Environmental Protection Agency

The U.S. EPA is responsible for setting and enforcing the National Ambient Air Quality Standards (NAAQS) for atmospheric pollutants. It regulates emission sources that are under the exclusive authority of the federal government, such as aircraft, ships, and certain locomotives. The U.S. EPA also maintains jurisdiction over emissions sources outside state waters (outer continental shelf) and establishes various emissions standards for vehicles sold in states other than California.

As part of its enforcement responsibilities, the U.S. EPA requires each state with federal nonattainment areas to prepare and submit a State Implementation Plan (SIP) that demonstrates the means to attain the NAAQS. The SIP must integrate federal, state, and local plan components and regulations to identify specific measures to reduce pollution, using a combination of performance standards and market-based programs within the timeframe identified in the SIP.

Federal Clean Air Act

The Federal Clean Air Act (FCAA), passed in 1970 and last amended in 1990, is the basis for national air pollution control. The U.S. EPA is responsible for implementing most aspects of the Clean Air Act, including setting NAAQS for major air pollutants; setting hazardous air pollutants (HAPs) standards; approving state attainment plans; setting motor vehicle emission standards; issuing stationary source emission standards

and permits; and establishing acid rain control measures, stratospheric ozone (O₃) protection measures, and enforcement provisions. The 1990 FCAA amendments represent the latest in a series of federal efforts to regulate the protection of air quality in the United States. The FCAA allows states to adopt more stringent standards or to include other pollution species.

National Ambient Air Quality Standards

The FCAA requires the U.S. EPA to establish primary and secondary NAAQS for a number of criteria air pollutants. The air pollutants for which standards have been established are considered the most prevalent air pollutants that are known to be hazardous to human health. NAAQS have been established for the following pollutants: O₃, carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), particulate matter less than or equal to 10 microns in diameter (PM₁₀), particulate matter less than or equal to 2.5 microns in diameter (PM_{2.5}), and lead.

Title III of the Federal Clean Air Act

As discussed above, Hazardous Air Pollutants (HAPs) are the air contaminants identified by the U.S. EPA as known or suspected to cause cancer, other serious illnesses, birth defects, or death. The FCAA requires the U.S. EPA to set standards for these pollutants and reduce emissions of controlled chemicals. Specifically, Title III of the FCAA requires the U.S. EPA to promulgate National Emissions Standards for Hazardous Air Pollutants (NESHAP) for certain categories of sources that emit one or more pollutants that are identified as HAPs. The FCAA also requires the U.S. EPA to set standards to control emissions of HAPs through mobile source control programs. These include programs that reformulated gasoline, national low emissions vehicle standards, Tier 2 motor vehicle emission standards, gasoline sulfur control requirements, and heavy-duty engine standards.

HAPs tend to be localized and are found in relatively low concentrations in ambient air. However, they can result in adverse chronic health effects if exposure to low concentrations occurs for long periods. Many HAPs originate from human activities, such as fuel combustion and solvent use. Emission standards may differ between “major sources” and “area sources” of the HAPs/Toxic Air Contaminants (TACs). Under the FCAA, major sources are defined as stationary sources with the potential to emit more than 10 tons per year (tpy) of any one HAP or more than 25 tpy of any combination of HAPs; all other sources are considered area sources. Mobile source air toxics (MSATs) are a subset of the 188 HAPs. Of the 21 HAPs identified by the U.S. EPA as MSATs, a priority list of six HAPs was identified that include: diesel exhaust, benzene, formaldehyde, acetaldehyde, acrolein, and 1, 3-butadiene. While vehicle miles traveled (VMT) in the United States are expected to increase by 31 percent over the period 2020 to 2060, a combined reduction of 76 percent in the total annual emissions for the priority MSAT is projected for the same time period.¹

State

California Air Resources Board

CARB, a part of the California Environmental Protection Agency (CalEPA), is responsible for the coordination and administration of both federal and State air pollution control programs within California. In this capacity, CARB conducts research, sets California Ambient Air Quality Standards (CAAQS), compiles

¹ Federal Highway Administration. (2023). *Updated Interim Guidance on Mobile Source Air Toxic Analysis in NEPA Documents*. https://www.fhwa.dot.gov/environMent/air_quality/air_toxics/policy_and_guidance/msat/fhwa_nepa_msat_memoandum_2023.pdf. Accessed December 2023.

emission inventories, develops suggested control measures, provides oversight of local programs, and prepares the SIP. CARB establishes emissions standards for motor vehicles sold in California, consumer products (such as hair spray, aerosol paints, and barbecue lighter fluid), and various types of commercial equipment. It also sets fuel specifications to further reduce vehicular emissions.

California Clean Air Act

The California Clean Air Act (CCAA), signed into law in 1988, requires all areas of the State to achieve and maintain the California Ambient Air Quality Standards (CAAQS) by the earliest practical date. CARB is the State air pollution control agency and is a part of CalEPA. CARB is the agency responsible for coordination and oversight of State and local air pollution control programs in the State, and for implementing the requirements of the CCAA. CARB oversees local district compliance with State and federal laws, approves local air quality plans, submits the SIPs to U.S. EPA, monitors air quality, determines and updates area designations and maps, and sets emissions standards for new mobile sources, consumer products, small utility engines, off-road vehicles, and fuels.

California Ambient Air Quality Standards

The CCAA requires CARB to establish CAAQS. Similar to the NAAQS, CAAQS have been established for the following pollutants: O₃, CO, NO₂, SO₂, PM_{2.5}, lead, vinyl chloride, hydrogen sulfide, sulfates, and visibility-reducing particulates. In most cases, the CAAQS are more stringent than the NAAQS. The CCAA requires that all local air districts in the State endeavor to achieve and maintain the CAAQS by the earliest practical date. The CCAA specifies that local air districts should focus particular attention on reducing the emissions from transportation and area-wide emission sources and provides districts with the authority to regulate indirect sources. The CAAQS and NAAQS are presented in **Table 4.2-1: California and National Ambient Air Quality Standards**.

Tanner Air Toxics Act and Air Toxics Hot Spots Information and Assessment Act

TACs in California primarily are regulated through the Tanner Air Toxics Act (AB 1807) and the Air Toxics Hot Spots Information and Assessment Act of 1987 (AB 2588, also known as the Hot Spots Act). As discussed above, HAPs/TACs are a broad class of compounds known to cause morbidity or mortality (i.e., cancer risk). HAPs/TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, State, and federal level.

AB 1807 sets forth a formal procedure for CARB to designate substances as TACs. Research, public participation, and scientific peer review are necessary before CARB can designate a substance as a TAC. To date, CARB has identified more than 21 TACs and adopted the U.S. EPA's list of HAPs as TACs. In 1998, diesel particulate matter (DPM) was added to CARB's TACs list. Once a TAC is identified, CARB adopts an Airborne Toxic Control Measure for sources that emit that particular TAC. If a safe threshold exists at which no toxic effect occurs from a substance, the control measure must reduce exposure below that threshold. If no safe threshold exists, the measure must incorporate Best Available Control Technology (BACT) to minimize emissions. The Hot Spots Act requires existing facilities that emit toxic substances above a specified level to prepare a toxic emissions inventory and a risk assessment if the emissions are significant, notify the public of significant risk levels, and prepare and implement risk reduction measures.

Table 4.2-1: California and National Ambient Air Quality Standards				
Pollutant	Averaging Time	California Standards	Federal Standards	
			Primary ²	Secondary ³
O ₃	1 Hour	0.09 ppm (180 µg/m ³)	–	–
	8 Hour	0.070 ppm (137 µm/m ³)	0.070 ppm (137 µg/m ³)	Same as Primary
PM ₁₀	24 Hour	50 µg/m ³	150 µg/m ³	Same as Primary
	Annual Average	20 µg/m ³	–	–
PM _{2.5}	24 Hour	–	35 µg/m ³	Same as Primary
	Annual Average	12 µg/m ³	12.0 µg/m ³	15.0 µg/m ³
CO	1 Hour	20 ppm (23 mg/m ³)	35 ppm (50 mg/m ³)	–
	8 Hour	9.0 ppm (10 mg/m ³)	9 ppm (10 mg/m ³)	–
NO ₂	1 Hour	0.18 ppm (339 µg/m ³)	0.100 ppm (188 µg/m ³)	–
	Annual Average	0.030 ppm (57 µg/m ³)	0.053 ppm (100 µg/m ³)	Same as Primary
SO ₂	1 Hour	0.25 ppm (655 µg/m ³)	0.075 ppm (196 µg/m ³)	–
	3 Hour	–	–	0.5 ppm (1,300 µg/m ³)
	24 Hour	0.04 ppm (105 µg/m ³)	0.14 ppm (365 µg/m ³)	–
	Annual Average	–	0.030 ppm (80 µg/m ³)	–
Lead	30-day Avg.	1.5 µg/m ³	–	–
	Calendar Quarter	–	1.5 µg/m ³	Same as Primary
	Rolling 3-month Avg.	–	0.15 µg/m ³	
Visibility Reducing Particles	8 Hour	Extinction coefficient of 0.23 per km – visibility ≥ 10 miles	No Federal Standards	
Sulfates	24 Hour	24 µg/m ³		
Hydrogen Sulfide (H ₂ S)	1 Hour	0.03 ppm (42 µg/m ³)		
Vinyl Chloride	24 Hour	0.01 ppm (26 µg/m ³)		
ppm = parts per million; µg/m ³ = micrograms per cubic meter; mg/m ³ = milligrams per cubic meter; – = no information available.				
Notes:				
1. California standards for O ₃ , carbon monoxide (except Lake Tahoe), sulfur dioxide (1-hour and 24-hour), nitrogen dioxide, suspended particulate matter - PM ₁₀ , and visibility reducing particles are values that are not to be exceeded. The standards for sulfates, Lake Tahoe carbon monoxide, lead, hydrogen sulfide, and vinyl chloride are not to be equaled or exceeded. If the standard is for a 1-hour, 8-hour or 24-hour average (i.e., all standards except for lead and the PM ₁₀ annual standard), then some measurements may be excluded. Measurements are excluded that CARB determines would occur less than once per year on the average. The Lake Tahoe carbon monoxide standard is 6.0 ppm, a level one-half the national standard and two-thirds the State standard.				
2. National standards shown are the "primary standards" designed to protect public health. National standards other than for O ₃ , particulates and those based on annual averages are not to be exceeded more than once a year. The 1-hour O ₃ standard is attained if, during the most recent three-year period, the average number of days per year with maximum hourly concentrations above the standard is equal to or less than one. The 8-hour O ₃ standard is attained when the 3-year average of the 4th highest daily concentrations is 0.070 ppm or less. The 24-hour PM ₁₀ standard is attained when the 3-year average of the 99th percentile of monitored concentrations is less than 150 µg/m ³ . The 24-hour PM _{2.5} standard is attained when the 3-year average of 98th percentiles is less than 35 µg/m ³ .				
3. Except for the national particulate standards, annual standards are met if the annual average falls below the standard at every site. The national annual particulate standard for PM ₁₀ is met if the 3-year average falls below the standard at every site. The annual PM _{2.5} standard is met if the 3-year average of annual averages spatially-averaged across officially designed clusters of sites falls below the standard. NAAQS are set by the EPA at levels determined to be protective of public health with an adequate margin of safety.				

4. On October 1, 2015, the national 8-hour O₃ primary and secondary standards were lowered from 0.075 to 0.070 ppm. An area will meet the standard if the fourth-highest maximum daily 8-hour O₃ concentration per year, averaged over three years, is equal to or less than 0.070 ppm. EPA will make recommendations on attainment designations by October 1, 2016, and issue final designations October 1, 2017. Nonattainment areas will have until 2020 to late 2037 to meet the health standard, with attainment dates varying based on the O₃ level in the area.
5. The national 1-hour O₃ standard was revoked by the EPA on June 15, 2005.
6. In June 2002, CARB established new annual standards for PM_{2.5} and PM₁₀.
7. The 8-hour California O₃ standard was approved by the CARB on April 28, 2005 and became effective on May 17, 2006.
8. On June 2, 2010, the EPA established a new 1-hour SO₂ standard, effective August 23, 2010, which is based on the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations. The existing 0.030 ppm annual and 0.14 ppm 24-hour SO₂ NAAQS however must continue to be used until one year following EPA initial designations of the new 1-hour SO₂ NAAQS.
9. In December 2012, EPA strengthened the annual PM_{2.5} NAAQS from 15.0 to 12.0 µg/m³. In December 2014, the EPA issued final area designations for the 2012 primary annual PM_{2.5} NAAQS. Areas designated “unclassifiable/attainment” must continue to take steps to prevent their air quality from deteriorating to unhealthy levels. The effective date of this standard is April 15, 2015.
10. CARB has identified lead and vinyl chloride as ‘toxic air contaminants’ with no threshold level of exposure below which there are no adverse health effects determined.
11. National lead standards, rolling 3-month average: final rule signed October 15, 2008. Final designations effective December 31, 2011.

Sources:

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CARB Air Quality and Land Use Handbook

In April 2005, CARB released the final version of its *Air Quality and Land Use Handbook: A Community Health Perspective* (Air Quality and Land Use Handbook). This guidance document is intended to encourage local land use agencies to consider the risks from air pollution before they approve the siting of sensitive land uses (e.g., residences) near sources of air pollution, particularly TACs (e.g., freeway and high traffic roads, commercial distribution centers, rail yards, ports, refineries, dry cleaners, gasoline stations, and industrial facilities). These advisory recommendations include general setbacks or buffers from air pollution sources. However, unlike industrial or stationary sources of air pollution, the siting of new sensitive land use does not require air quality permits or approval by air districts, and as noted above, the CARB handbook provides guidance only rather than binding regulations.

CAPCOA Health Risk Assessments for Proposed Land Use Projects

The California Air Pollution Control Officer’s Association (CAPCOA), which is a consortium of air district managers throughout the State, provides guidance material to addressing air quality issues in the State. As a follow up to CARB’s 2005 Air Quality and Land Use Handbook, CAPCOA prepared the Health Risk Assessments for Proposed Land Use Projects. CAPCOA released this guidance document to ensure that the health risk of projects be identified, assessed, and avoid or mitigated, if feasible, through the CEQA process. The CAPCOA guidance document provides recommended methodologies for evaluating health risk impacts for development projects.

Assembly Bill 117

AB 117 allows local governments to form Community Choice Energy (CCE), also known as Community Choice Aggregation (CCA), programs that offer an alternative electric power option to constituents (i.e., customers) currently served electric power by investor-owned utilities (IOUs), such as Southern California Edison (SCE). Under the CCE model, local governments purchase and manage their community’s electric

power supply by sourcing power from a preferred mix of traditional and renewable generation sources, while the incumbent IOU (SCE) continues to provide distribution service. This gives CCEs the opportunity to design and potentially reduce retail rates for their constituents, provide customer choice, promote local economic development, and offer a cleaner power supply. Please refer to **Section 4.5: Energy**, for a further discussion of AB 117 and potential energy impacts.

California Public Utilities Code Section 366.2

The State Public Utilities Code Section 366.2, or CCA Program, requires an ordinance from participating member agencies authorizing the implementation of a CCA Program for the respective jurisdiction. See **Section 4.5** for a further discussion of the CCA program.

Regional and Local

Southern California Association of Governments

SCAG is the regional planning agency for Orange, Los Angeles, Ventura, Riverside, San Bernardino and Imperial counties, and serves as a forum for regional issues relating to transportation, the economy, community development, and the environment. With respect to air quality planning, SCAG has prepared the Regional Comprehensive Plan and Guide for the region, which includes Growth Management and Regional Mobility chapters that form the basis for the land use and transportation control portions of the 2022 South Coast Air Quality Management District (SCAQMD) Air Quality Management Plan. SCAG is responsible under the CCAA for determining transportation conformity of projects, plans, and programs with the SCAQMD.

South Coast Air Quality Management District

The SCAQMD is one of 35 air districts in California and is the agency principally responsible for comprehensive air pollution control in the SCAB. To that end, the SCAQMD, a regional agency, works directly with SCAG, county transportation commissions and local governments, and cooperates actively with all federal and State government agencies.

The SCAQMD develops rules and regulations, establishes permitting requirements, inspects emissions sources, and enforces such measures through educational programs or fines, when necessary. The SCAQMD is also the lead agency in charge of developing the AQMP, with input from SCAG and CARB. The AQMP is a comprehensive plan that includes control strategies for stationary and area sources, as well as for on-road and off-road mobile sources. SCAG has the primary responsibility for providing future growth projections and the development and implementation of transportation control measures. CARB, in coordination with federal agencies, provides the control element for mobile sources.

The purpose of the AQMP is to set forth a comprehensive and integrated program that would lead the SCAG into compliance with the federal 24-hour PM_{2.5} air quality standard, and to provide an update to the SCAQMD's commitments towards meeting the federal 8-hour O₃ standards. The AQMP incorporates the latest scientific and technological information and planning assumptions, including the RTP/SCS and updated emission inventory methodologies for various source categories. As part of its air quality planning, SCAG has prepared the Regional Comprehensive Plan and Guide and the Connect SoCal – The 2020-2045 RTP/SCS. The 2020-2045 RTP/SCS was determined to conform to the federally mandated SIP for the attainment and maintenance of the NAAQS. Both the Regional Comprehensive Plan and AQMP are based, in part, on projections originating with county and city general plans.

The SCAQMD is required, pursuant to the Clean Air Act, to reduce emissions of criteria pollutants for which the SCAB is in nonattainment of the NAAQS (e.g., O₃ and PM_{2.5}). On October 1, 2015, the U.S. EPA strengthened the NAAQS for ground-level O₃. The 2022 AQMP, adopted by the SCAQMD Governing Board on December 2, 2022, was developed to address the requirements for meeting the 2015 8-hour O₃ standard. The 2022 AQMP builds upon measures already in place from previous AQMPs. It also includes a variety of additional strategies such as regulation, accelerated deployment of available cleaner technologies (e.g., zero emissions technologies, when cost-effective and feasible, and low NO_x technologies in other applications), best management practices, co-benefits from existing programs (e.g., climate and energy efficiency), incentives, and other FCAA measures to achieve the 2015 8-hour ozone standard. The 2022 AQMP incorporates the latest scientific and technological information and planning assumptions, including the 2020-2045 RTP/SCS and updated emission inventory methodologies for various source categories. In addition to the 2022 AQMP, and SCAQMD rules and regulations, the SCAQMD published the CEQA Air Quality Handbook, which provides guidance to assist local government agencies and consultants in developing the environmental documents required by CEQA.

The State and federal attainment status designations for the SCAB are summarized in **Table 4.2-2: South Coast Air Basin Attainment Status**. The SCAB is currently designated as a nonattainment area with respect to the State O₃, PM₁₀, and PM_{2.5} standards, as well as the national 8-hour O₃ and PM_{2.5} standards. The SCAB is designated as attainment or unclassified for the remaining CAAQS and NAAQS.

South Coast Air Quality Management District Rules and Regulations

All projects are subject to SCAQMD rules and regulations in effect at the time of construction. Specific rules that may be applicable include the following:

- Rule 401—Visible Emissions. A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is as dark or darker in shade as that designated No. 1 on the Ringelmann Chart, as published by the U.S. Bureau of Mines, or of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subparagraph (b)(1)(A) of this rule.
- Rule 402—Nuisance. 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 do not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.
- Rule 403—Fugitive Dust. This rule is intended to reduce the amount of particulate matter entrained in the ambient air as a result of man-made fugitive dust sources by requiring actions to prevent, reduce or mitigate fugitive dust emissions. Rule 403 applies to any activity or man-made condition capable of generating fugitive dust.

Table 4.2-2: South Coast Air Basin Attainment Status		
Pollutant	State	Federal
Ozone (O ₃) (1 Hour Standard)	Non-Attainment	Non-Attainment (Extreme)
Ozone (O ₃) (8 Hour Standard)	Non-Attainment	Non-Attainment (Extreme)
Particulate Matter (PM _{2.5}) (24 Hour Standard)	–	Non-Attainment (Serious)
Particulate Matter (PM _{2.5}) (Annual Standard)	Non-Attainment	Non-Attainment (Moderate)
Particulate Matter (PM ₁₀) (24 Hour Standard)	Non-Attainment	Attainment (Maintenance)
Particulate Matter (PM ₁₀) (Annual Standard)	Non-Attainment	–
Carbon Monoxide (CO) (1 Hour Standard)	Attainment	Attainment (Maintenance)
Carbon Monoxide (CO) (8 Hour Standard)	Attainment	Attainment (Maintenance)
Nitrogen Dioxide (NO ₂) (1 Hour Standard)	Attainment	Unclassifiable/Attainment
Nitrogen Dioxide (NO ₂) (Annual Standard)	Attainment	Attainment (Maintenance)
Sulfur Dioxide (SO ₂) (1 Hour Standard)	Attainment	Unclassifiable/Attainment
Sulfur Dioxide (SO ₂) (24 Hour Standard)	Attainment	–
Lead (Pb) (30 Day Standard)	–	Unclassifiable/Attainment
Lead (Pb) (3 Month Standard)	Attainment	–
Sulfates (SO ₄₋₂) (24 Hour Standard)	Attainment	–
Hydrogen Sulfide (H ₂ S) (1 Hour Standard)	Unclassified	–
Sources: South Coast Air Quality Management District. (2017). Air Quality Management Plan, 2016. Retrieved from: https://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2016-air-quality-management-plan/final-2016-aqmp/final2016aqmp.pdf . Accessed December 2023. U.S. EPA. (2023). <i>Nonattainment Areas for Criteria Pollutants (Green Book)</i> . Retrieved from: https://www.epa.gov/green-book . Accessed December 2023.		

- Rule 445—Wood-Burning Devices. This rule prohibits permanently installed wood burning devices in any new development. A wood burning device means any fireplace, wood burning heater, or pellet-fueled wood heater, or any similarly enclosed, permanently installed, indoor or outdoor device burning any solid fuel for aesthetic or space-heating purposes, which has a heat input of less than one million British thermal units per hour.

- Rule 1113—Architectural Coatings. No person shall apply or solicit the application of any architectural coating within SCAQMD, with VOC content in excess of the values specified in a table incorporated in the Rule.
- Rule 1120—Asphalt Pavement Heaters. A person shall not operate an asphalt pavement surface heater or an asphalt heater-remixer for the purpose of maintaining, reconditioning, reconstructing or removing asphalt pavement unless certain criteria are met.
- Rule 1143—Consumer Paint Thinners and Multi-Purpose Solvents. This rule is intended to reduce emissions of volatile organic compounds from the use, storage, and disposal of consumer paint thinners and multi-purpose solvents commonly used in thinning of coating materials, cleaning of coating equipment, and other solvent cleaning operations by limiting their VOC content.

In addition to the rules listed above, SCAQMD has developed an air quality guidance document with suggested measures to reduce the amount of fugitive dust that is re-entrained into the atmosphere from unpaved areas, parking lots, and construction sites.²

City of Newport Beach General Plan

The *City of Newport Beach General Plan 2006 Update* (General Plan) provides policies that are aimed to reduce emissions within the City. These policies are located within the Circulation Element and Land Use Element of the City's General Plan, to support residents, businesses, and visitors. These goals and policies serve to encourage the use of transit, reduce the number of vehicle trips and miles traveled, and create further opportunities for residents and employees to walk and bike to work or to shop, thereby reducing emissions into the air.

The following list includes General Plan goals and policies that have been adopted by the City for the purpose of avoiding or mitigating an environmental effect are applicable to future development projects associated with the proposed Project.

Natural Resources Element - Air Quality

Goal NR 6 Reduced mobile source emissions

Policy NR 6.1 Walkable Neighborhoods. Provide for walkable neighborhoods to reduce vehicle trips by siting amenities such as services, parks, and schools in close proximity to residential areas.

Policy NR 6.3 Vehicle-Trip Reduction Measures. Support measures to reduce vehicle-trip generation such as at-work day care facilities, and on-site automated banking machines.

Goal NR 7 Reduced air pollutant emissions from stationary sources.

Policy NR 7.1 Fuel Efficient Equipment. Support the use of fuel efficient heating equipment and other appliances.

Policy NR 7.2 Source Emission Reduction Best Management Practices. Require the use of Best Management Practices (BMP) to minimize pollution and to reduce source emissions.

² South Coast Air Quality Management District. (2005). *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*. <https://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf>. Accessed December 2023.

Goal NR 8 **Reduced air pollutant emissions from construction activities.**

Policy NR 8.1 Require developers to use and operate construction equipment, use building materials and paints, and control dust created by construction activities to minimize air pollutants.

Land Use Element

Goal LU 6.14 **A successful mixed-use district that integrates economic and commercial centers serving the needs of Newport Beach residents and the subregion, with expanded opportunities for residents to live close to jobs, commerce, entertainment, and recreation, and is supported by a pedestrian-friendly environment.**

Goal LU 6.15 **A mixed-use community that provides jobs, residential, and supporting services in close proximity, with pedestrian-oriented amenities that facilitate walking and enhance livability.**

City of Newport Beach Municipal Code

Title 15, Chapter 15.19 Electric Vehicle Charging Stations.³ Newport Beach Municipal Code (Municipal Code) Chapter 15.19 aims to encourage the use of electric vehicle charging stations by removing unreasonable barriers, minimizing costs to property owners and the City, and expanding the ability of property owners to install electric vehicle charging stations. Pursuant to Municipal Code Section 15.19.060, applications to install electric vehicle charging stations through issuance of a building permit or similar nondiscretionary permit will be administratively reviewed and approved by the Building Division.

4.2.3 Existing Conditions

Criteria Air Pollutants

Criteria air pollutants are defined as pollutants for which the federal and state governments have established ambient air quality standards, or criteria, for outdoor concentrations to protect public health. The NAAQS and CAAQS have been set, with an adequate margin of safety, at levels above which concentrations could be harmful to human health and welfare. These standards are designed to protect the most sensitive persons from illness or discomfort. Pollutants of concern include O₃, NO₂, CO, SO₂, PM₁₀, PM_{2.5}, and lead. These pollutants, as well as TACs, are discussed in the following paragraphs. In California, sulfates, vinyl chloride, hydrogen sulfide, and visibility-reducing particles are also regulated as criteria air pollutants.

Ozone. O₃ is a strong-smelling, pale blue, reactive, toxic chemical gas consisting of three oxygen atoms. It is a secondary pollutant formed in the atmosphere by a photochemical process involving the sun's energy and O₃ precursors. These precursors are mainly oxides of nitrogen (NO_x) and volatile organic compounds (VOCs). The maximum effects of precursor emissions on O₃ concentrations usually occur several hours after they are emitted and many miles from the source. Meteorology and terrain play major roles in O₃ formation, and ideal conditions occur during summer and early autumn on days with low wind speeds or stagnant air, warm temperatures, and cloudless skies. Ozone exists in the upper atmosphere (stratospheric O₃) and at the Earth's surface in the troposphere. The U.S. EPA and CARB regulate ground-

³ City of Newport Beach.(2021). *Newport Beach Municipal Code Chapter 15.19 – Electric Vehicle Charging Stations*. <https://www.codepublishing.com/CA/NewportBeach/#!/NewportBeach15/NewportBeach1519.html#15.19>. Accessed October 2023.

level (tropospheric) O₃, which occurs where people live, exercise, and breathe (as opposed to stratospheric O₃).

Ground-level O₃ is a harmful air pollutant that causes numerous adverse health effects and is thus considered “bad” O₃. Stratospheric, or “good,” O₃ occurs naturally in the upper atmosphere, where it reduces the amount of ultraviolet light (i.e., solar radiation) entering the Earth’s atmosphere. Without the protection of the beneficial stratospheric O₃ layer, plant and animal life would be seriously harmed.

O₃ in the troposphere causes numerous adverse health effects; short-term exposures (lasting for a few hours) to O₃ at levels typically observed in Southern California can result in breathing pattern changes, reduction of breathing capacity, increased susceptibility to infections, inflammation of the lung tissue, and some immunological changes. These health problems are particularly acute in sensitive receptors such as the sick, the elderly, and young children.

Nitrogen Dioxide. NO₂ is a brownish, highly reactive gas that is present in all urban atmospheres. The major mechanism for the formation of NO₂ in the atmosphere is the oxidation of the primary air pollutant nitric oxide, which is a colorless, odorless gas. NO_x plays a major role, together with VOCs, in the atmospheric reactions that produce O₃. NO₂ is formed from fuel combustion under high temperature or pressure. In addition, NO₂ is an important precursor to acid rain and may affect both terrestrial and aquatic ecosystems. The two major emissions sources are transportation and stationary fuel combustion sources such as electric utility and industrial boilers. NO₂ can irritate the lungs, cause bronchitis and pneumonia, and lower resistance to respiratory infections.

Carbon Monoxide. CO is a colorless, odorless gas formed by the incomplete combustion of hydrocarbon, or fossil fuels. CO is emitted almost exclusively from motor vehicles, power plants, refineries, industrial boilers, ships, aircraft, and trains. In urbanized areas, such as the majority of the City, automobile exhaust accounts for the majority of CO emissions. CO is a nonreactive air pollutant that dissipates relatively quickly; therefore, ambient CO concentrations generally follow the spatial and temporal distributions of vehicular traffic. CO concentrations are influenced by local meteorological conditions—primarily wind speed, topography, and atmospheric stability. CO from motor vehicle exhaust can become locally concentrated when surface-based temperature inversions are combined with calm atmospheric conditions, which is a typical situation at dusk in urban areas from November to February. The highest levels of CO typically occur during the colder months of the year, when inversion conditions are more frequent.

In terms of adverse health effects, CO competes with oxygen, often replacing it in the blood, reducing the blood’s ability to transport oxygen to vital organs. The results of excess CO exposure can include dizziness, fatigue, and impairment of central nervous system functions.

Sulfur Dioxide. SO₂ is a colorless, pungent gas formed primarily from incomplete combustion of sulfur containing fossil fuels. The main sources of SO₂ are coal and oil used in power plants and industries; as such, the highest levels of SO₂ are generally found near large industrial complexes. In recent years, SO₂ concentrations have been reduced by the increasingly stringent controls placed on stationary source emissions of SO₂ and limits on the sulfur content of fuels.

SO₂ is an irritant gas that attacks the throat and lungs and can cause acute respiratory symptoms and diminished ventilator function in children. When combined with particulate matter, SO₂ can injure lung

tissue and reduce visibility and the level of sunlight. SO₂ can also yellow plant leaves and erode iron and steel.

Particulate Matter. Particulate matter pollution consists of very small liquid and solid particles floating in the air, which can include smoke, soot, dust, salts, acids, and metals. Particulate matter can form when gases emitted from industries and motor vehicles undergo chemical reactions in the atmosphere. PM₁₀ and PM_{2.5} represent fractions of particulate matter. PM₁₀ consists of particulate matter that is 10 microns or less in diameter, which is about one-seventh the diameter of a human hair. Major sources of PM₁₀ include crushing or grinding operations; dust stirred up by vehicles traveling on roads; wood-burning stoves and fireplaces; dust from construction, landfills, and agriculture; wildfires and brush/waste burning; industrial sources; windblown dust from open lands; and atmospheric chemical and photochemical reactions. Fine particulate matter (PM_{2.5}) consists of particulate matter that is 2.5 microns or less in diameter, which is roughly 1/28th the diameter of a human hair. PM_{2.5} results from fuel combustion (e.g., from motor vehicles and power generation and industrial facilities), residential fireplaces, and woodstoves. In addition, PM_{2.5} can be formed in the atmosphere from gases such as SO_x, NO_x, and VOCs.

PM_{2.5} and PM₁₀ pose a greater health risk than larger-size particles. When inhaled, these tiny particles can penetrate the human respiratory system's natural defenses and damage the respiratory tract. PM_{2.5} and PM₁₀ can increase the number and severity of asthma attacks, cause or aggravate bronchitis and other lung diseases, and reduce the body's ability to fight infections. Very small particles of substances such as lead, sulfates, and nitrates can cause lung damage directly or be absorbed into the bloodstream, causing damage elsewhere in the body. Additionally, these substances can transport adsorbed gases such as chlorides or ammonium into the lungs, also causing injury. Whereas PM₁₀ tends to collect in the upper portion of the respiratory system, PM_{2.5} is so tiny that it can penetrate deeper into the lungs and damage lung tissue. Suspended particulates also damage and discolor surfaces on which they settle and produce haze and reduce regional visibility.

People with influenza, people with chronic respiratory and cardiovascular diseases, and the elderly may suffer worsening illness and premature death as a result of breathing particulate matter. People with bronchitis can expect aggravated symptoms from breathing in particulate matter. Children may experience a decline in lung function due to breathing in PM₁₀ and PM_{2.5}.

Lead. Lead in the atmosphere occurs as particulate matter. Sources of lead include leaded gasoline; the manufacturing of batteries, paints, ink, ceramics, and ammunition; and secondary lead smelters. Prior to 1978, mobile emissions were the primary source of atmospheric lead. Between 1978 and 1987, the phase-out of leaded gasoline reduced the overall inventory of airborne lead by nearly 95 percent. With the phase-out of leaded gasoline, secondary lead smelters, battery recycling, and manufacturing facilities are becoming lead-emissions sources of greater concern.

Prolonged exposure to atmospheric lead poses a serious threat to human health. Health effects associated with exposure to lead include gastrointestinal disturbances, anemia, kidney disease, and in severe cases, neuromuscular and neurological dysfunction. Of particular concern are low-level lead exposures during infancy and childhood. Such exposures are associated with decrements in neurobehavioral performance, including intelligence quotient performance, psychomotor performance, reaction time, and growth. Children are highly susceptible to the effects of lead.

Volatile Organic Compounds. Hydrocarbons are organic gases that are formed from hydrogen and carbon and sometimes other elements. Hydrocarbons that contribute to formation of O₃ are referred to and regulated as VOCs (also referred to as reactive organic gases [ROG]). There are several subsets of organic gases including ROGs and VOCs. Combustion engine exhaust, oil refineries, and fossil-fueled power plants are the primary sources of hydrocarbons. Other sources include evaporation from petroleum fuels, solvents, dry cleaning solutions, and paint.

The primary health effects of VOCs result from the formation of O₃ and its related health effects. High levels of VOCs in the atmosphere can interfere with oxygen intake by reducing the amount of available oxygen through displacement. Carcinogenic (i.e., cancer-causing) forms of hydrocarbons, such as benzene, are considered toxic air contaminants (TACs). There are no separate health standards for VOCs as a group.

Non-Criteria Air Pollutants

Toxic Air Contaminants. A substance is considered toxic if it has the potential to cause adverse health effects in humans, including increasing the risk of cancer upon exposure, or acute and/or chronic noncancer health effects. A toxic substance released into the air is considered a toxic air contaminant (TAC). TACs are identified by federal and state agencies based on a review of available scientific evidence. In California, TACs are identified through a two-step process that was established in 1983 under the Toxic Air Contaminant Identification and Control Act. This two-step process of risk identification and risk management and reduction was designed to protect residents from the health effects of toxic substances in the air. In addition, the California Air Toxics “Hot Spots” Information and Assessment Act, Assembly Bill (AB) 2588, was enacted by the legislature in 1987 to address public concern over the release of TACs into the atmosphere. The law requires facilities emitting toxic substances to provide local air pollution control districts with information that will allow an assessment of the air toxics problem, identification of air toxics emissions sources, location of resulting hotspots, notification of the public exposed to significant risk, and development of effective strategies to reduce potential risks to the public over five years.

Examples include certain aromatic and chlorinated hydrocarbons, certain metals, and asbestos. TACs are generated by a number of sources, including stationary sources, such as dry cleaners, gas stations, combustion sources, and laboratories; mobile sources, such as automobiles; and area sources, such as landfills. Adverse health effects associated with exposure to TACs may include carcinogenic and noncarcinogenic effects. Noncarcinogenic effects typically affect one or more target organ systems and may be experienced on either short-term (acute) or long-term (chronic) exposure to a given TAC.

Diesel Particulate Matter. DPM is part of a complex mixture that makes up diesel exhaust. Diesel exhaust is composed of two phases, gas and particle, both of which contribute to health risks. More than 90 percent of DPM is less than 1 micrometer in diameter (about 1/70th the diameter of a human hair), and thus is a subset of PM_{2.5}.⁴ DPM is typically composed of carbon particles (“soot,” also called black carbon, or BC) and numerous organic compounds, including over 40 known cancer-causing organic substances. Examples of these chemicals include polycyclic aromatic hydrocarbons, benzene, formaldehyde, acetaldehyde, acrolein, and 1,3-butadiene. The CARB classified “particulate emissions from diesel-fueled engines” (i.e., DPM; California Code of Regulations [CCR] Title 17, Section 93000) as a TAC in August 1998. DPM is emitted from a broad range of diesel engines: on-road diesel engines of trucks, buses, and cars

⁴ California Air Resources Board. (2023). *Overview: Diesel Exhaust & Health*. <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health#:~:text=The%20solid%20material%20in%20diesel,5>. Accessed November 2023.

and off-road diesel engines including locomotives, marine vessels, and heavy-duty construction equipment, among others. Approximately 70 percent of all airborne cancer risk in California is associated with DPM.

To reduce the cancer risk associated with DPM, CARB adopted a diesel risk reduction plan in 2000. Because it is part of PM_{2.5}, DPM also contributes to the same non-cancer health effects as PM_{2.5} exposure. These effects include premature death; hospitalizations and emergency department visits for exacerbated chronic heart and lung disease, including asthma, increased respiratory symptoms, and decreased lung function in children. Several studies suggest that exposure to DPM may also facilitate development of new allergies. Those most vulnerable to non-cancer health effects are children whose lungs are still developing and the elderly who often have chronic health problems.

Odorous Compounds. Odors are generally regarded as an annoyance rather than a health hazard. Manifestations of a person's reaction to odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache). The ability to detect odors varies considerably among the population and overall is quite subjective. People may have different reactions to the same odor. For instance, an odor that is offensive to one person may be perfectly acceptable to another (e.g., coffee roaster). An unfamiliar odor is more easily detected and is more likely to cause complaints than a familiar one. Known as odor fatigue, a person can become desensitized to almost any odor, and recognition may only occur with an alteration in the intensity. The occurrence and severity of odor impacts depend on the nature, frequency, and intensity of the source; wind speed and direction; and the sensitivity of receptors.

Local Ambient Air Quality

The primary sources of short-term emissions of various air pollutants in urban areas includes those from temporary construction-related activities including VOC and NO_x (ozone precursors), PM₁₀, and PM_{2.5}, which are emitted by construction equipment during various activities that may include but are not limited to grading, excavation, building construction, or demolition. Additionally, soil disturbance during construction activities emits fugitive dust, a fraction of which is comprised of PM₁₀ and PM_{2.5}.

Long-term air pollutant emission impacts are those associated with mobile sources (e.g., vehicle trips), energy sources (e.g., electricity and natural gas), and area sources (e.g., architectural coatings and the use of landscape maintenance equipment). Additionally, a variety of industrial and commercial processes (e.g., food processing plants, glass manufacturers, gas stations, dry cleaning) also emit criteria pollutant emissions.

To monitor the various concentrations of air pollutants throughout the SCAB, the SCAQMD operates 35 permanent monitoring stations and 2 single-pollutant source impact Pb air monitoring sites in the SCAB and a portion of the Salton Sea Air Basin in Coachella Valley (i.e., Orange County and the non-desert portions of Los Angeles, Riverside, and San Bernardino counties). The SCAQMD has divided the region into 38 source receptor areas (SRAs). The City is located within SRA 18, which covers a portion of the coastal area of Orange County. Local air quality data from 2020 to 2022 are provided in **Table 4.2-3: Air Quality Monitoring Data**, which lists the monitored maximum concentrations and number of exceedances of State or federal air quality standards for each year.

Table 4.2-3: Air Quality Monitoring Data			
Pollutant Standards – Monitoring Station	2020	2021	2022
Ozone (O₃) – Central Orange County			
Maximum concentration 1-hour period (ppm)	0.14	0.09	0.10
Maximum concentration 8-hour period (ppm)	0.09	0.07	0.08
Days above 1-hour CAAQS (>0.09 ppm)	6	0	1
Days above 8-hour CAAQS/NAAQS (>0.070 ppm)	15	0	1
Nitrogen Dioxide (NO₂) – Central Orange County			
Maximum 1-hour concentration (ppb)	70.90	67.10	53.00
98 th Percentile Concentration 1-hour (ppb)	52.10	53.20	47.80
Annual Average Concentration (ppb)	13.30	12.40	11.80
Carbon Monoxide (CO) – Central Orange County			
Maximum concentration 1-hour period (ppm)	2.30	2.10	2.50
Maximum concentration 8-hour period (ppm)	1.70	1.50	1.40
Suspended Particulates (PM₁₀) – Central Orange County			
Maximum 24-hour concentration (µg/m ³)	120	115	90
Days above CAAQS (>50 µg/m ³)	13	12	7
Days above NAAQS (>150 µg/m ³)	0	0	0
Suspended Particulates (PM_{2.5}) – Central Orange County			
Maximum 24-hour concentration (µg/m ³)	41.40	54.4	33.1
Days above NAAQS (>35 µg/m ³)	1	9	0
Source: South Coast Air Quality Management District. (ND). <i>Historical Data By Year, Air Quality Tables for 2020, 2021, 2022.</i> https://www.aqmd.gov/home/air-quality/historical-air-quality-data/historical-data-by-year . Accessed December 2023.			

Sensitive Receptors

Some land uses are considered more sensitive to changes in air quality than others, depending on the population groups and the activities involved. People most likely to be affected by air pollution include children, the elderly, athletes, and people with cardiovascular and chronic respiratory diseases. Facilities and structures where people sensitive to air pollution live or spend considerable amounts of time are known as sensitive receptors. Places where air pollution-sensitive individuals are most likely to spend time include schools and schoolyards, parks and playgrounds, daycare centers, nursing homes, hospitals, and residential communities (collectively referred to as sensitive receptors).

4.2.4 Thresholds of Significance

The City uses the thresholds of significance specified in the *State CEQA Guidelines, Appendix G*. Impacts concerning air quality would be significant if the Project would:

- Conflict with or obstruct implementation of the applicable air quality plan.
- Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in nonattainment under an applicable State or federal ambient air quality standard.
- Expose sensitive receptors to substantial pollutant concentrations.
- Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

4.2.5 Methodology

SCAQMD Thresholds

This analysis considers the *State CEQA Guidelines Appendix G* thresholds, as described above, in determining whether implementation of the Project would result in the direct or indirect impacts on air quality. The evaluation was based on a review of regulations and determining their applicability to the Project.

The City is under the jurisdiction of the SCAQMD which is principally responsible for comprehensive air pollution control in the SCAB. SCAQMD recommends that projects be evaluated in terms of air pollution control thresholds established by SCAQMD and published in the CEQA Air Quality Handbook. The City utilizes SCAQMD’s thresholds to assess the significant of quantifiable impacts. The following thresholds shown in **Table 4.2-4: South Coast Air Quality Management District Emissions Thresholds**, are recommended by SCAQMD were used to determine the significance of air quality impacts associated with the Project.

Criteria Air Pollutants and Precursors	Construction-Related (maximum pounds per day)	Operational-Related (maximum pounds per day)
Volatile Organic Compounds (VOC) ¹	75	55
Carbon Monoxide (CO)	550	550
Nitrogen Oxides (NO _x)	100	55
Sulfur Oxides (SO _x)	150	150
Particulate Matter 10 microns in diameter or greater (PM ₁₀)	150	150
Particulate Matter 2.5 microns in diameter or greater (PM _{2.5})	55	55

Notes:
 1.ROGs and VOCs are subsets of organic gases. Note that the SCAQMD significance threshold is in terms of VOC while CalEEMod calculates ROG emissions. For purposes of this analysis, VOC and ROG are used interchangeably since ROG represents approximately 99.9 percent of VOC emissions.
 Source: South Coast Air Quality Management District. (2023). *CEQA Air Quality Significance Thresholds*. [south-coast-aqmd-air-quality-significance-thresholds.pdf](#). Accessed December 2023.

Construction and Operational Emissions

This air quality impact analysis considers Project construction and operational impacts. Where criteria air pollutant quantification was required, emissions were modeled using the California Emissions Estimator Model version 2022 (CalEEMod). CalEEMod is a Statewide land use emissions computer model designed to quantify potential criteria pollutant emissions associated with both construction and operations from a variety of land use projects. Air quality impacts were assessed according to methodologies recommended by CARB and the SCAQMD.

Construction equipment, trucks, worker vehicles, and ground-disturbing activities associated with Project construction would generate emissions of criteria air pollutants and precursors. Daily regional construction emissions are estimated by assuming construction occurs at the earliest feasible date (i.e., a conservative estimate of construction activities) and applying off-road, fugitive dust, and on-road emissions factors in CalEEMod.

Project operations would result in emissions of area sources (consumer products, architectural coating, and landscape equipment), energy sources (natural gas usage), mobile sources (motor vehicles from Project generated vehicle trips), and off-road equipment. Project-generated increases in operational emissions would be predominantly associated with motor vehicle use.

As discussed above, the SCAQMD provides significance thresholds for emissions associated with proposed Project construction and operations. The proposed Project's construction and operational emissions are compared to the daily criteria pollutant emissions significance thresholds in order to determine the significance of a Project's impact on regional air quality. It should be noted that SCAQMD significance thresholds for criteria pollutants do not distinguish between project-level EIRs (e.g., for an individual development) and program-level EIRs (e.g., for a long-range plan). The proposed Project addresses the development of residential uses on identified housing sites on a programmatic level. Therefore, the application of the SCAQMD thresholds for individual project-level impacts to a City-wide land use plan within a program-level EIR is highly conservative.

Localized Significance Thresholds

In addition to the daily thresholds listed in **Table 4.2-4**, future housing development associated with the Project would be subject to SCAQMD's Localized Significance Thresholds (LSTs) for emissions of NO₂, CO, PM₁₀, and PM_{2.5} generated at the future development sites. LSTs represent the maximum emissions that can be generated at a project site without expecting to cause or substantially contribute to an exceedance of the most stringent CAAQS or NAAQS. LSTs are based on the ambient concentrations of that pollutant within the Project source receptor area (SRA), as demarcated by the SCAQMD, and the distance to the nearest sensitive receptor. LST analysis for construction is applicable for all projects that disturb 5 acres or less on a single day. Since this Project would not directly result in the development of housing, future housing development projects would need to demonstrate compliance with air quality standards.

Toxic Air Contaminants

There is currently no federal or State threshold for air toxic emissions or concentrations. However, the California Air Resources Board (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective* offers advisory recommendations for locating sensitive receptors near uses associated with TACs, such as freeways and high traffic roads, commercial distribution centers, rail yards, ports, refineries, chrome platers, dry cleaners, gasoline stations, and other industrial facilities, to reduce exposure of sensitive populations.⁵

Diesel exhaust is the dominant type of TAC emission associated with operational trips related to development under the proposed Project, and diesel emissions would be emitted in closest proximity to receptors. The primary TAC of concern associated with combustion of diesel fuel is DPM. The Office of Environmental Health Hazard Assessment (OEHHA) guidance indicates that PM₁₀ be used as a surrogate for the TAC DPM when evaluating health risks associated with DPM.⁶

⁵ California Air Resources Board.(2005). *Air Quality and Land Use Handbook*. <http://www.aqmd.gov/docs/default-source/ceqa/handbook/california-air-resources-board-air-quality-and-land-use-handbook-a-community-health-perspective.pdf>. Accessed December 2023.

⁶ Office of Environmental Health Hazard Assessment. (2015). *Air Toxic Hot Spots Program Risk Assessment Guidelines*. <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>. Accessed December 2023.

4.2.6 Project Impacts and Mitigation

Threshold 4.2-1	Would the Project conflict with or obstruct implementation of the applicable air quality plan?
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As discussed previously, SCAQMD Governing Board adopted the 2022 AQMP. The AQMP establishes a program of rules and regulations directed at reducing air pollutant emissions and achieving State (California) and national air quality standards. The AQMP is a regional and multi-agency effort including the SCAQMD, the CARB, the SCAG, and the U.S. EPA. The AQMP pollutant control strategies are based on the latest scientific and technical information and planning assumptions, including SCAG's RTP/SCS, updated emission inventory methodologies for various source categories, and SCAG's latest growth forecasts. SCAG's latest growth forecasts were defined in consultation with local governments and with reference to local general plans.

The Project is subject to the 2022 AQMP. Criteria for determining consistency with the AQMP are defined in the SCAQMD CEQA Handbook, Chapter 12, Section 12.2, and Section 12.3. The criteria are discussed below:

Consistency Criterion 1

With respect to the first criterion, SCAQMD methodologies require that an air quality analysis for a project include forecasts of project emissions in relation to contributing to air quality violations and delay of attainment.

- a) Would the project result in an increase in the frequency or severity of existing air quality violations?

Since the consistency criteria identified under the first criterion pertain to pollutant concentrations, rather than to total regional emissions, an analysis of a project's pollutant emissions relative to localized pollutant concentrations is used as the basis for evaluating project consistency.

The Project proposes to accommodate the City's 6th Cycle RHNA allocation of 4,845 housing units, including 1,456 very low-income units and 930 low-income units, which would be accomplished through the development of residential uses on the 247 housing sites. State law requires that the City accommodate their RHNA "fair share" of the region's housing needs, which cannot be achieved without future residential development. As discussed below under Impact Threshold 4.2-2, the proposed Project would be subject to compliance with applicable SCAQMD impact significance thresholds/methodologies and emission reduction measures, and the applicable General Plan air quality goals and policies. However, operational emissions would exceed the SCAQMD's daily emissions thresholds for ROG, NO_x, and CO under the "500 DU, 5-Acre" and "600 DU, 12-Acre" scenarios. Therefore, the proposed Project could result in an increase in the frequency or severity of the existing air quality violations for O₃, PM₁₀, and PM_{2.5} in the SCAB.

- b) Would the project cause or contribute to new air quality violations?

As discussed below, long-term operational ROG, NO_x, and CO emissions would exceed the SCAQMD thresholds under the "500 DU, 5-Acre" and "600 DU, 12-Acre" scenarios. Therefore, the Project would have the potential to cause or affect a violation of the ambient air quality standards.

- c) Would the project delay timely attainment of air quality standards or the interim emissions reductions specified in the AQMP?

The proposed Project may result in significant impacts concerning emissions during long long-term operations. As such, the proposed Project could delay the timely attainment of air quality standards or 2022 AQMP emissions reductions.

Consistency Criterion 2

With respect to the second criterion for determining consistency with SCAQMD and SCAG air quality policies, it is important to recognize that the SCAB's air quality planning focuses on attainment of ambient air quality standards at the earliest feasible date. Projections for achieving air quality goals are based on assumptions regarding population, housing, and growth trends. Therefore, the SCAQMD's second criterion for determining Project consistency focuses on whether or not the proposed Project exceeds the assumptions used in preparing the forecasts presented in the 2022 AQMP. Determining whether or not a project exceeds the 2022 AQMP assumptions involves evaluation of the three criteria outlined below. The following discussion provides an analysis of each of these criteria.

- a) Would the project exceed the assumptions in the AQMP or increments based on the years of the project build-out phase?

The purpose of the 2022 AQMP is to set forth a comprehensive and integrated program that would lead the SCAB into compliance with the federal 24-hour $PM_{2.5}$ air quality standard, and to provide an update to the SCAQMD's commitments towards meeting the federal 8-hour O_3 standards. The AQMP incorporates the latest scientific and technological information and planning assumptions, including the RTP/SCS and updated emission inventory methodologies for various source categories. As part of its air quality planning, SCAG has prepared the Regional Comprehensive Plan and Guide and the Connect SoCal – The 2020-2045 RTP/SCS. The 2020-2045 RTP/SCS was determined to conform to the federally mandated SIP for the attainment and maintenance of the NAAQS. The 2020-2045 RTP/SCS will be incorporated into the forthcoming AQMP. Both the Regional Comprehensive Plan and AQMP are based, in part, on projections originating with county and city general plans.

The population, housing, and employment forecasts, which are adopted by SCAG's Regional Council, are based on local City plans and policies; these are used by SCAG in all phases of implementation and review. Additionally, the SCAQMD has incorporated these same projections into the 2022 AQMP. Therefore, future development would cause SCAG projections to be exceeded. As such, the Project would not meet this AQMP consistency criterion. It is however, noted, State law requires that the City accommodate their RHNA "fair share" of the region's housing needs, which cannot be achieved without the proposed rezoning and the future development.

The proposed Project would be subject to compliance with applicable SCAQMD impact significance thresholds/methodologies and emission reduction measures.

The determination of 2022 AQMP consistency is primarily concerned with the long-term influence of a project on air quality in the SCAB. The Project would result in a long-term impact on the region's ability to meet State and federal air quality standards. Further, the Project would conflict with the 2022 AQMP goals and policies. Implementation of proposed mitigation measures and compliance with SCAQMD rules would reduce conflicts and obstruction of the AQMP; however, the combined emissions from future development would exceed the SCAQMD significance thresholds for criteria pollutants. Exceeding these

thresholds has the potential to hinder the region's compliance with each AQMP. Therefore, this impact is considered significant and unavoidable after implementation of mitigation, and a Statement of Overriding Considerations would be required should the City choose to approve the Project.

The proposed Project would require each individual residential development to be consistent with existing City policies and regulations aimed at reducing criteria pollutant emissions, which are consistent with the pollution control strategies in the SCAQMD's 2022 AQMP. However, the threshold used for determining whether the proposed Project would conflict with or obstruct an applicable air quality plan is qualitative and is based on whether it would be consistent with the assumed growth, applicable control measures and air emission reduction policies as set forth in the AQMP.

As described in **Section 4.12: Population and Housing**, this Program EIR conservatively analyzes a total development capacity of 9,914 units including future development capacity of up to 9,649 units on 247 housing sites, 25 units associated with pipeline projects, and 240 accessory dwelling units (ADUs), which would increase the Newport Beach's population by approximately 21,811 persons based on the City's 2.17-person household size. The City's population would increase by 26.1 percent as a result. Population growth could lead to decreased air quality as a result of increased traffic, energy consumption, and air quality degrading activities. Future housing projects would adhere to the latest California Building Code Energy Standards and promote housing that would increase connectivity throughout the community. Nonetheless, the proposed Project would not be consistent with the land planning grown strategies set forth in the 2022 AQMP, and a significant and unavoidable impact would occur.

Impact Summary: **Significant and Unavoidable Impact.** The proposed Project would conflict with the growth assumptions in the AQMP and would exceed the SCAQMD daily emissions thresholds during long-term operations. There are no feasible mitigation measures to reduce this impact to a less than significant level. Therefore, the Project would result in a significant and unavoidable impact concerning air quality plan consistency.

Threshold 4.2-2	Would the Project 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?
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The Project does not directly propose the development of additional housing units within the City. Instead, the Project involves regulatory modifications which could facilitate the development of additional housing in the future.

Short-Term Construction Emissions

Future development facilitated by the Project would result in air pollutant emissions generated during construction activities. Additional housing units would involve the burning of fossil fuels during construction and the generation of particulate matter through fugitive dust and fuel combustion. Construction vehicles such as hauling trucks, and ground moving machinery would contribute to temporarily increased pollutant emissions. Construction activities such as demolition, site grading, and road paving would also result in the generation of emissions.

Fugitive dust emissions may have a substantial, temporary impact on local air quality. In addition, fugitive dust may be a nuisance to those living and working in the vicinity of the individual construction site(s). Uncontrolled dust from construction can become a nuisance and potential health hazard to those living and working nearby.

Construction activities associated with future development would occur in incremental phases over time based upon numerous factors, including market demand, and economic and planning considerations. Construction activities could include grading, demolition, excavation, cut-and-fill, paving, building construction, and application of architectural coatings. In addition, construction worker vehicle trips, building material deliveries, soil hauling, etc. would occur during construction. Construction-related emissions are typically site specific and depend upon multiple variables. Quantifying individual future development's air emissions from short-term, temporary construction-related activities is not possible due to project-level variability and uncertainties concerning detailed site plans, construction schedules/duration, equipment requirements, etc., among other factors, which are presently unknown. Since these parameters can vary so widely (and individual project-related construction activities would occur over time dependent upon numerous factors), quantifying precise construction-related emissions and impacts would be impractical and speculative.

Depending on how development proceeds, construction-related emissions associated with future development could exceed SCAQMD thresholds of significance. To provide a reference of the types of air quality emissions associated with representative individual construction activities, four hypothetical scenarios were modeled for different sizes of residential development that could occur under the proposed Project. Modeling was conducted for construction and operation of the following two residential development scenarios:

- 50 DU, 1 Acre: includes 50 low rise apartments and the project acreage is approximately 1 acre.
- 250 DU, 5 Acres: includes 250 low rise apartments and the project acreage is approximately 5 acres.
- 500 DU, 5 Acres: includes 500 low rise apartments and the project acreage is approximately 5 acres.
- 600 DU, 12 Acres: includes 600 low rise apartments and the project acreage is approximately 12 acres.

The construction emission estimates were based on a hypothetical construction duration of approximately 16 months for each development scenario. Default construction equipment was also included in CalEEMod. It is also noted, these scenarios are considered a reasonable assumption of the development that could occur at any given time in the future. **Table 4.2-5: Predicted Project Construction Emissions** presents the estimated daily short-term construction emissions for the four hypothetical scenarios. For the four modeled scenarios included in **Table 4.2-5**, emissions would result from on-site demolition, grading activities, transport of materials to and from the site, building construction, paving, and architectural coating associated with the individual developments.

Table 4.2-5: Predicted Project Construction Emissions						
Emissions Source	Pollutant (pounds per day)					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
50 DU, 1 Acre						
2024	1.91	17.3	20.4	0.03	3.48	1.87
2025	6.25	5.34	7.83	0.01	0.54	0.28
Total Emissions	8.16	22.64	28.23	0.04	4.02	2.15
<i>SCAQMD Threshold</i>	75	100	550	150	150	55
Exceed Threshold?	No	No	No	No	No	No
250 DU, 5 Acres						
2024	3.26	29.8	34.6	0.05	4.70	2.71
2025	5.31	8.41	12.3	0.02	0.65	0.41
Total Emissions	8.57	38.21	46.9	0.07	5.35	3.12
<i>SCAQMD Threshold</i>	75	100	550	150	150	55
Exceed Threshold?	No	No	No	No	No	No
500 DU, 5 Acres						
2024	4.53	32.8	55.4	0.06	9.48	3.85
2025	56.5	7.72	15.1	0.01	1.52	0.57
Total Emissions	61.03	40.52	70.5	0.07	11.0	4.42
<i>SCAQMD Threshold</i>	75	100	550	150	150	55
Exceed Threshold?	No	No	No	No	No	No
600 DU, 12 Acres						
2024	6.44	49.5	71.6	0.10	12.0	4.77
2025	67.6	8.69	16.8	0.02	1.7	0.66
Total Emissions	74.04	58.19	88.4	0.12	13.7	5.43
<i>SCAQMD Threshold</i>	75	100	550	150	150	55
Exceed Threshold?	No	No	No	No	No	No

Source: CalEEMod version 2022.1.0. See **Appendix C** for model outputs.

The emissions assume compliance with SCAQMD Rule 403, which would reduce fugitive dust emissions generated at future construction sites by requiring dust abatement measures. Rule 403 is required for all development projects and stipulates that excessive fugitive dust emissions shall be controlled by regular watering or other dust prevention measures. In addition, SCAQMD Rule 402 is required for implementation of dust suppression techniques to prevent fugitive dust from creating an off-site nuisance, and after implementation would reduce short-term fugitive dust impacts on nearby sensitive receptors. Future development would similarly be subject to compliance with SCAQMD Rules 1113 and 1143 concerning architectural coatings and reducing VOCs in consumer paint thinners and multi-purpose solvents, respectively. Emissions would not violate the SCAQMD thresholds under any of the scenarios.

Future housing development facilitated by the Project would be subject to the City’s development review process and would occur as market conditions allow and at the discretion of the individual property owners. This means that any future development on housing sites would be required to incorporate additional measures related to improving air quality (both directly and indirectly). In addition, SCAQMD

Rules 402 and 403 (e.g., prohibition of nuisances, watering of inactive and perimeter areas, track out requirements, etc.) would be applied to future developments on a project-by-project basis in order to minimize those potential negative air quality effects. Therefore, construction air quality impacts would be less than significant.

Long-Term Operational Emissions

Operational emissions are primarily associated with motor vehicle use, area sources (consumer products, architectural coatings, and landscape equipment), and energy sources (natural gas usage). Future development operational emissions would be associated with area sources, energy sources, and mobile sources (i.e., motor vehicle use). Each of these sources are described below.

- **Area Source Emissions.** Area source emissions would be generated due to household equipment, architectural coating, and landscaping that may be conducted on each future development site.
- **Energy Source Emissions.** Energy source emissions would be generated due to electricity and natural gas usage associated with the future development operations. Primary uses of electricity and natural gas by the Project would be for common household appliances and other powered items.
- **Mobile Source.** Mobile sources are emissions from motor vehicles, including tailpipe and evaporative emissions. Depending upon the pollutant being discussed, the potential air quality impact may be of either regional or local concern. For example, ROG, NO_x, PM₁₀, and PM_{2.5} are all pollutants of regional concern. NO_x and VOC react with sunlight to form O₃, known as photochemical smog. Additionally, wind currents readily transport PM₁₀, and PM_{2.5}. However, CO tends to be a localized pollutant, dispersing rapidly at the source. Operations-generated vehicle emissions are based on the trip generations and would be incorporated into future studies and CalEEMod as recommended by the SCAQMD.

In analyzing cumulative impacts for future housing development facilitated by the Project, an analysis must specifically evaluate a development's contribution to the cumulative increase in pollutants for which the CARB is designated as nonattainment for the CAAQS and NAAQS. The SCAB is designated as a federal nonattainment area for O₃, PM₁₀, and PM_{2.5}. The SCAB is designated as a State nonattainment area for O₃, PM_{2.5}, and lead (partial). The nonattainment status is the result of cumulative emissions from all sources of these air pollutants and their precursors within the SCAB. The nonattainment status of these and other criteria pollutants (see **Table 4.2-2**). Future housing developments would be required to demonstrate that VOC, NO_x, CO, SO₂, PM₁₀, or PM_{2.5} emissions would be below the significance thresholds for both construction and operational activities.

Specific data for the types and amounts of future development were entered into CalEEMod to determine the pollutant emissions anticipated for each development scenario. This data includes dwelling units, nonresidential land use square-footage, average daily trips, vehicle miles traveled, and average trip lengths. Where project-specific data was not available, CalEEMod defaults were used. All four aforementioned scenarios were modelled for operation.

Mobile and stationary source operational emissions would result from normal daily activities at each respective development site after occupancy (i.e., increased concentrations of O₃, PM₁₀, and CO). Mobile source emissions would be generated by the motor vehicles traveling to and from their respective sites. Stationary area source emissions would be generated by natural gas consumption for space and water

heating devices, landscape maintenance equipment operations, and use of consumer products. Stationary energy emissions would result from energy consumption associated with the future development. The estimated operational emissions associated with each of these sources are presented in **Table 4.5-6: Operational Air Emissions**.

Table 4.2-6: Operational Air Emissions						
Emissions Source	Pollutant (pounds per day)					
	ROG	NO_x	CO	SO_x	PM₁₀	PM_{2.5}
50 DU, 1 Acre						
Area	1.00	0.72	8.64	0.02	2.33	2.73
Energy	14.5	1.06	28.3	0.06	3.57	0.01
Mobile	0.01	0.21	0.09	0.00	0.02	0.01
Total Emissions	15.51	1.99	37.03	0.08	5.92	4.13
<i>SCAQMD Threshold</i>	55	55	550	150	150	55
Exceed Threshold?	No	No	No	No	No	No
250 DU, 5 Acres						
Area	4.98	3.58	43.2	0.12	11.7	3.01
Energy	17.2	0.94	34.0	0.05	2.79	2.74
Mobile	0.01	0.16	0.07	0.00	0.01	0.01
Total Emissions	22.2	4.69	77.3	0.17	2.87	5.76
<i>SCAQMD Threshold</i>	55	55	550	150	150	55
Exceed Threshold?	No	No	No	No	No	No
500 DU, 5 Acres						
Area	9.96	7.16	86.4	0.24	23.2	6.01
Energy	145	10.6	283	0.65	35.7	35.1
Mobile	0.12	2.06	0.88	0.01	0.17	0.17
Total Emissions	155	19.9	370	0.90	59.2	35.3
<i>SCAQMD Threshold</i>	55	55	550	150	150	55
Exceed Threshold?	Yes	No	No	No	No	No
600 DU, 12 Acres						
Area	12.0	8.60	104	0.28	28.0	7.22
Energy	174	12.8	339	0.78	42.9	42.1
Mobile	0.14	2.47	1.05	0.02	0.2	0.20
Total Emissions	186	23.8	444	1.08	71.1	49.5
<i>SCAQMD Threshold</i>	55	55	550	150	150	55
Exceed Threshold?	Yes	No	No	No	No	No
Source: CalEEMod version 2022.1.0. See Appendix C for model outputs.						

As identified in **Table 4.2-6**, the long-term operational emissions for ROG under the 500 DU, 5-Acre and 600 DU, 12-Acre scenarios would exceed the SCAQMD’s daily emissions thresholds. Because the Project would not exceed the SCAQMD thresholds for SCAB nonattainment pollutants (i.e., O₃, PM₁₀, and PM_{2.5}), the proposed Project would not result in substantial contributions of these pollutants during long-term operations.

It is important to note that the SCAQMD significance thresholds do not distinguish between project-level EIRs and program-level EIRs and therefore the application of the SCAQMD thresholds to the proposed Project within a programmatic EIR is highly conservative. Future development facilitated by the Project would occur as market conditions and economic factors allow and would be required to comply with the established thresholds of significance (**Table 4.2-4**). Additionally, future development would be required to analyze potential conflicts in development with SCAQMD's LSTs. These standards represent the maximum emissions that can be generated through the development and operation of a project without expecting to cause or substantially contribute to an exceedance of the most stringent State or federal ambient air quality standards. Nonetheless, future development on housing sites facilitated by the Project may result in a cumulatively considerable net increase of a criteria pollutant for which the CARB is in nonattainment under an applicable federal or State ambient air quality standard.

As addressed under **Section 4.2.2: Regulatory Setting**, the City employs goals and policies related to air quality that would help reduce the long-term operational emissions associated with the proposed Project. In addition, mobile emissions would gradually decline in the future with the expansion of electric vehicle infrastructure (see Municipal Code §15.19.060). However, due to the unknown nature of development activities under the proposed Project, long-term operational emissions from implementation of the Project could exceed the SCAQMD's regional significance thresholds. At a programmatic level of analysis, there are no feasible mitigation measures to reduce long-term emissions to levels below the SCAQMD's thresholds of significance. Therefore, a significant and unavoidable impact would occur.

Impact Summary: **Significant and Unavoidable Impact.** Buildout of the proposed Project would result in long-term operational emissions that would exceed the SCAQMD thresholds. There are no feasible mitigation measures to reduce this impact to a less than significant level. Therefore, the Project would result in a significant and unavoidable impact concerning long-term air quality emissions.

Threshold 4.2-3: Would the Project expose sensitive receptors to substantial pollutant concentrations?
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Localized Pollutant Concentrations

As the specific details (e.g., size, construction phasing, equipment, earthwork volumes, etc.) for individual future residential projects are unknown at this time, project-level analysis for localized pollutant concentrations impacts cannot be accurately determined using SCAQMD's localized significance thresholds (LST) analysis methodology. LSTs were developed in response to SCAQMD Governing Boards' Environmental Justice Enhancement Initiative (I-4). The SCAQMD provided the *Final Localized Significance Threshold Methodology* (dated June 2003 [revised July 2008]) for guidance. The LST methodology assists lead agencies in analyzing localized impacts associated with project-specific level proposed projects and are not applicable to regional projects such as general plans or other long-term planning documents. The SCAQMD provides the LST lookup tables based on distance from the project (meters) for one-, two-, and five-acre projects emitting CO, NO_x, PM_{2.5}, or PM₁₀. The LST methodology and associated mass rates are not designed to evaluate localized impacts from mobile sources traveling over the roadways. The SCAQMD recommends that any project over five acres perform air quality dispersion modeling to assess impacts to nearby sensitive receptors. The housing sites are located within Sensitive Receptor Area (SRA) 18, North Coastal Orange County.

As previously described, LSTs are applicable at the project-specific level and are not applicable to long-term planning documents such as Housing Elements. Depending on the size and location of each individual project, construction and operational emissions could exceed LSTs. Compliance with General Plan policies, Municipal Code requirements, SCAQMD rules and regulations, and supplemental mitigation measures (if required) would reduce air pollutant emissions. However, the potential emissions reductions from implementation of these measures cannot be quantified because specific details such as individual project size, construction scheduling, and earthwork quantities that would occur within the City is not available. Therefore, it is not feasible to conclude that air pollutant emissions from future development projects would be reduced to levels below the SCAQMD LST thresholds. Therefore, localized air quality impacts would be significant and unavoidable.

Toxic Air Contaminants

One of the highest public health priorities is the reduction of DPM generated by vehicles on California's freeways and highways, as it is one of the primary TACs with the most direct and common implications for respiratory health problems. Per CARB criteria, heavily traveled roadways where average daily traffic (ADT) volumes exceed 100,000 vehicles can be sources of DPM from diesel-fueled engines (e.g., heavy-duty trucks). As discussed above, the Project does not propose any development; however, it would facilitate future housing development consistent with State Housing laws. The housing sites were evaluated at a programmatic level, as discussed above. Future residential development projects will vary regarding construction intensity, duration, and location, and impacts of air quality will vary as well.

The SCAQMD conducted an in-depth analysis of the toxic air contaminants and their resulting health risks for all of Southern California. The Multiple Air Toxics Exposure Study in the SCAB (MATES V) shows that carcinogenic risk from air toxics in the SCAB, based on the average concentrations at the 10 monitoring sites, is approximately 40 percent lower than the monitored average in MATES IV and 84 percent lower than the average in MATES II.⁷

MATES V is the most comprehensive dataset documenting the ambient air toxic levels and health risks associated with the SCAB emissions. Therefore, MATES V study represents the baseline health risk for a cumulative analysis. MATES V estimates the average excess cancer risk level from exposure to TACs is 424 in one million basin-wide. In comparison, the MATES IV basin average risk was 897 per million. These model estimates were based on monitoring data collected at ten fixed sites within the SCAB. None of the fixed monitoring sites are near the project site. However, MATES V has extrapolated the excess cancer risk levels throughout the SCAB by modeling the specific grids. MATES V modeling predicted an excess cancer risk of 288 in one million for the Project area.⁸ DPM is included in this cancer risk along with all other TAC sources. DPM accounts for approximately 60 to 70 percent of the total risk shown in MATES V in this area.

The CARB *Air Quality and Land Use Handbook* (April 2005) recommends avoiding siting new sensitive land uses within 500 feet of a freeway or urban road with 100,000 vehicles per day, and/or within 1,000 feet of a distribution center that accommodates more than 100 trucks per day. According to the Caltrans Traffic Census Program, State Route (SR-55) and SR-1 are urban freeways/highways that currently carry less than

⁷ South Coast Air Quality Management District (ND). MATES V Multiple Air Toxics Exposure Study. <https://www.aqmd.gov/home/air-quality/air-quality-studies/health-studies/mates-v>. Accessed November 30, 2023.

⁸ South Coast Air Quality Management District. (ND). *MATES V Estimated Risk*, https://experience.arcgis.com/experience/79d3b6304912414bb21ebdde80100b23/page/home/?data_id=dataSource_105-a5ba9580e3aa43508a793fac819a5a4d%3A403&print_preview=true&views=view_38%2Cview_1. Accessed November 2023.

100,000 vehicles per day.⁹ However, SR-73 (east and west of Jamboree Road) carries between approximately 112,500 and 119,200 vehicles per day. Implementation of housing development could include new sensitive land uses (i.e., residential uses) that could be located within 500 feet of SR-73. Therefore, implementation of the Project could expose sensitive receptors to substantial pollutant concentrations associated with DPM emissions from heavy trucks which could result in health effects. Eight housing sites are located within the CARB specified buffer distances for freeways; see **Figure 4.2-1: Housing Sites Proximate to Potential TAC Sources** and **Table 4.2-7: Housing Sites Proximate to Potential SR-73 TAC Sources**. The housing sites identified in **Table 4.2-7** would require a more detailed site-specific analysis of TAC impacts, as required by proposed **MM AQ-1**.

Candidate Housing Site			Approximate Distance to SR-73 (feet) ¹
ID	APN	Address	
63	427-332-02	1400 N Bristol St.	120
64	427-332-04	1401 Quail St.	385
65	427-332-03	1451 Quail St.	380
68	427-241-13	895 Dove St.	430
84	427-342-02	1301 Quail St.	140
85	427-342-01	3600 Spruce Ave.	140
131	120-571-12	Open Space South of SR-73	110
336	478-031-56	20402 Newport Coast Dr.	160

Notes:
1. Distance measured using Google Earth, 2023.

As noted above, the proximity of housing sites to SR-73 poses a concern for potential exposure of future development to TACs from these sources. Therefore, a project-specific Health Risk Assessment (HRA) shall be required for residential uses that could be located within 500 feet of SR-73 in compliance with **MM AQ-1**. With implementation of this mitigation measure, air toxic impacts would be less than significant.

Impact Summary: **Significant and Unavoidable Impact.** LSTs are applicable at the project-specific level and depending on the size and location of each individual project, construction and operational emissions could exceed LSTs. There are no feasible measures to reduce this impact to a less than significant level. Therefore, the Project would result in a significant and unavoidable impact concerning localized air quality impacts.

In addition, buildout of the proposed Project may expose residents at future housing sites to TAC concentrations in exceedance of established health standards. However, **MM AQ-1** would reduce this impact to a less than significant level. Impacts related to substantial pollutant concentrations would be less than significant.

⁹ California Department of Transportation.(ND). *Traffic Census Program*. <https://dot.ca.gov/programs/traffic-operations/census>. Accessed November 2023.

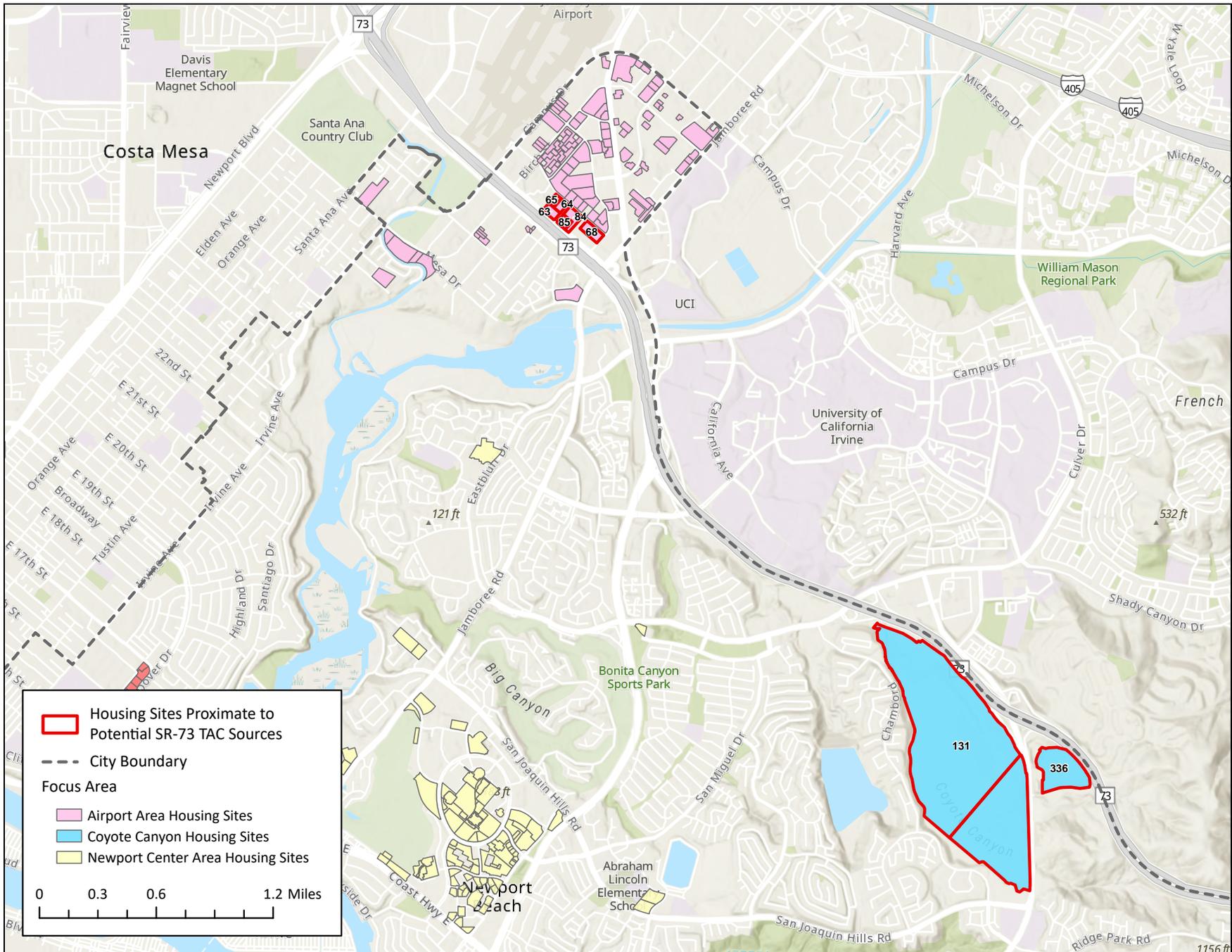


Figure 4.2-1: Housing Sites Proximate to Potential TAC Sources
 City of Newport Beach General Plan Housing Implementation
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Threshold 4.2-4 Would the Project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

The SCAQMD CEQA Air Quality Handbook identifies certain land uses as sources of odors. These land uses include agriculture (farming and livestock), wastewater treatment plants, food processing plants, chemical plants, composting facilities, refineries, landfills, dairies, and fiberglass molding. The Project would not include any of the land uses that have been identified by the SCAQMD as odor sources.

However, future housing development facilitated by the Project could result in odors generated from vehicles and/or equipment exhaust emissions during construction. These odors are a temporary short-term impact that is typical of construction projects and would disperse rapidly. The Project would not include any of the land uses that have been identified by the SCAQMD as odor sources. Therefore, the Project would not create objectionable odors and a less than significant impact would occur.

Impact Summary: **Less Than Significant Impact.** Buildout of the proposed Project would not include long-term sources of odors or other emissions (such as those leading to odors). Therefore, impacts would be less than significant and no mitigation is required.

4.2.7 Cumulative Impacts

As discussed above, future housing development under the proposed Project would result in long-term operational emissions of ROG would exceed the SCAQMD’s thresholds. In addition, localized construction emissions were determined to be significant. Despite compliance with General Plan and Municipal Code policies and regulations, and applicable SCAQMD rules and regulations, long-term operational, and localized pollutant concentration emissions would remain significant and unavoidable due to the scope and scale of the Project, and overall buildout projections. As the proposed Project would result in significant and unavoidable impacts for air quality plan consistency, long-term air emissions, and pollutant concentrations, the Project would have a cumulatively considerable impact concerning air quality. A significant and unavoidable impact would occur despite implementation of proposed mitigation and a Statement of Overriding Considerations would be required.

4.2.8 Mitigation Program

As noted, all future housing development facilitated by the Project would be subject to the City’s development review process, which may include review pursuant to CEQA, and would be assessed on a case-by-case basis for potential effects concerning potential air quality impacts. Future housing development would be subject to compliance with relevant federal, State, and local requirements including requirements set forth in the Newport Beach General Plan and Newport Beach Municipal Code.

General Plan Policies

See **Section 4.2.2: Regulatory Setting** for complete policy text.

- Policy NR 6.1
- Policy NR 6.2
- Policy NR 6.3
- Policy NR 6.4
- Policy NR 6.8
- Policy NR 6.9
- Policy NR 7.1
- Policy NR 7.2
- Policy NR 7.3
- Policy NR 8.1

Mitigation Measures

Due to potential for TACs to exceed LST, the following mitigation measure would be applied to minimize the impact of the proposed Project in compliance with General Plan policies and SCAQMD Rules.

MM AQ-1: A project-specific Health Risk Assessment shall be conducted for future residential development proposed within 500 feet of the State Route 73 right-of-way, pursuant to the recommendations set forth in the California Air Resources Board (CARB) *Air Quality and Land Use Handbook*. The Health Risk Assessment shall evaluate a project per the following South Coast Air Quality Management District (SCAQMD) thresholds:

- **Cancer Risk:** Emit carcinogenic or toxic contaminants that exceed the maximum individual cancer risk of 10 in one million.
- **Non-Cancer Risk:** Emit toxic contaminants that exceed the maximum hazard quotient of one in one million.

The SCAQMD has also established non-carcinogenic risk parameters for use in HRAs. Noncarcinogenic risks are quantified by calculating a “hazard index,” expressed as the ratio between the ambient pollutant concentration and its toxicity or Reference Exposure Level (REL). An REL is a concentration at or below which health effects are not likely to occur. A hazard index less of than one (1.0) means that adverse health effects are not expected. If projects are found to exceed the SCAQMD’s Health Risk Assessment thresholds, mitigation shall be incorporated to reduce impacts to below SCAQMD thresholds.

4.2.9 Level of Significance After Mitigation

Despite implementation of the mitigation program, potential air quality impacts would remain significant and unavoidable.

4.2.10 References

California Air Resources Board.(2005). *Air Quality and Land Use Handbook*. Retrieved from: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/california-air-resources-board-air-quality-and-land-use-handbook-a-community-health-perspective.pdf>. Accessed December 2023.

California Air Resources Board.(2016). *Ambient Air Quality Standards*. Retrieved from: <https://ww2.arb.ca.gov/sites/default/files/2020-07/aaqs2.pdf>. Accessed December 2023.

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4.3 BIOLOGICAL RESOURCES

4.3.1 Introduction

This section provides an overview of the existing biological resources that could be potentially impacted by implementation of the City of Newport Beach General Plan Housing Element Implementation Program (Project). Potential impacts from future development associated with the Project are evaluated at a programmatic level, where reasonably foreseeable, direct, and indirect physical changes in the environment could be considered. No site-specific surveys or technical studies were conducted for this analysis.

4.3.2 Regulatory Setting

Several federal, State, and local regulations govern biological resources. The following is a summary of the regulatory framework that provides the context for the protection of biological resources in the City of Newport Beach and its Sphere of Influence (collectively referred to as the City).

Federal

Federal Endangered Species Act (16 United States Code [USC] 153 et seq.)

The U.S. Fish and Wildlife Service (USFWS) administers the Federal Endangered Species Act (FESA) of 1973, as amended (16 United States Code [USC] 1531 et seq.). The FESA provides a process for listing species as either threatened or endangered and the designation of critical habitat for listed animal species, as well as methods of protecting listed species. The FESA defines as “endangered” any plant or animal species that is in danger of extinction throughout all or a significant portion of its known geographic range. A “threatened” species is a species that is likely to become endangered. A “proposed” species is one that has been officially proposed by the USFWS for addition to the federal threatened and endangered species list.

FESA regulates the “taking” of any endangered fish or wildlife species, per Section 9 of the FESA. Per FESA Section 9, “take” of threatened or endangered species is prohibited. The term “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in such conduct (codified at 16 U.S. Code §1532(19)). “Take” can include disturbance to habitats used by a threatened or endangered species during any portion of its life history. The presence of any federally threatened or endangered species in a project area generally imposes severe constraints on development, particularly if development would result in “take” of the species or its habitat. Under the regulations of the FESA, the USFWS may authorize a “take” when it is incidental to, but not the purpose of, an otherwise lawful act.

As development is proposed, the responsible agency or individual landowner is required to consult with the USFWS to assess potential impacts on listed species (including plants) or the critical habitat of a listed species, pursuant to FESA Sections 7 and 10. The USFWS is required to determine the extent a project would impact a particular listed species in the form of a Biological Opinion. If the USFWS determines that a project is likely to potentially impact a listed species, measures to avoid or reduce such impacts must be identified.

Following consultation and the issuance of a Biological Opinion, the USFWS may issue an incidental take statement that allows for the take of a species if it is incidental to another authorized activity and will not adversely affect the existence of the species. FESA Section 10 allows issuance of incidental take permits to non-federal parties in conjunction with the development of a habitat conservation plan (HCP). FESA

Section 7 allows permitting of projects where interagency cooperation is necessary to ensure that a federal action/decision does not jeopardize the existence of a listed species. The FESA also requires consultation when a federal permit, such as a Clean Water Act Section 404 permit, is required.

Sections 404 and 401 of the Clean Water Act

The Clean Water Act (CWA) is the primary federal statute regulating the protection of the nation's water. The CWA aims to prevent, reduce, and eliminate pollution in the nation's water in order to "restore and maintain the chemical, physical, and biological integrity of the nation's waters", as described in CWA Section 101(a). A stated CWA goal is to eliminate discharge of pollutants into navigable waters, as defined in CWA Section 502(7) and corresponding case law.

Pursuant to CWA Section 404, the U.S. Army Corps of Engineers (USACE) is authorized to regulate any activity that would result in the discharge of dredged or fill material into "waters of the U.S." (including wetlands), which includes those waters listed in Code of Federal Regulations (CFR) Title 33 Section 328.3, as amended. The USACE, with oversight from the U.S. Environmental Protection Agency (U.S. EPA), has the principal authority to issue CWA Section 404 permits. The USACE would require a Standard Individual Permit for more than minimal impacts to "waters of the U.S." as determined by the USACE. Projects with minimal individual and cumulative adverse effects on the environment may meet the conditions of an existing approved Nationwide Permit.

Under CWA Section 401, an activity requiring an USACE Section 404 permit must obtain a State Water Quality Certification (or waiver thereof) to ensure that the activity will not violate established State water quality standards. The State Water Resources Control Board (SWRCB), in conjunction with the nine California Regional Water Quality Control Boards (RWQCBs), is responsible for administering the CWA Section 401 Water Quality Certification Program. The RWQCB is required to provide "certification that there is reasonable assurance that an activity that may result in the discharge to 'waters of the U.S.' will not violate water quality standards." Water Quality Certification must be based on the finding that a proposed discharge will comply with applicable water quality standards.

Under CWA Section 401, an activity involving discharge into a water body must obtain a federal permit and a State Water Quality Certification to ensure the activity will not violate established water quality standards. The U.S. EPA is the federal regulatory agency responsible for implementing the CWA Section 401 program. However, pursuant to the CWA, the SWRCB, in conjunction with the nine RWQCBs, has been delegated the responsibility to administer the CWA Section 401 Water Quality Certification Program.

The National Pollutant Discharge Elimination System (NPDES) is the permitting program for discharge of pollutants into surface "waters of the U.S." under CWA Section 402.

Federal Migratory Bird Treaty Act (16 USC 703–711)

The Migratory Bird Treaty Act (MBTA) prohibits the take of any migratory bird or any part, nest, or eggs of any such bird. Under the MBTA, "take" is defined as pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting, or attempting to do so (16 U.S. Code §703 et seq.). The number of bird species covered by the MBTA is extensive and listed in CFR 10.13 Title 50. Additionally, Executive Order 13186, "Responsibilities of Federal Agencies to Protect Migratory Birds," directs federal agencies that take actions that either directly or indirectly effect on migratory birds to develop a Memorandum of Understanding (MOU), and to work with the USFWS and other federal agencies to promote the conservation of migratory bird populations.

Coastal Zone Management Act

In accordance with the Coastal Zone Management Act of 1972, administered by the National Oceanic and Atmospheric Administration (NOAA), provides for the management of the nation's coastal resources, including the Great Lakes. The goal is to "preserve, protect, develop, and where possible, to restore or enhance the resources of the nation's coastal zone." The Coastal Zone Management Act includes three national programs: the National Coastal Zone Management Program, the National Estuarine Research Reserve System, and the Coastal and Estuarine Land Conservation Program. With the Coastal Zone Act Reauthorization Amendments of 1990, all federal activities must be consistent, to the maximum extent practicable, with the enforceable policies of each affected state's coastal zone management program. Each state's Coastal Zone Management program sets forth objectives, policies, and standards regarding public and private use of land and water resources in the coastal zone.

State

California Endangered Species Act (California Fish and Game Code §§2050 et seq.)

The California Endangered Species Act (CESA), in combination with the California Native Plant Protection Act of 1977 (CNPPA; California Fish and Game Code §1900 et seq.), regulates the listing and take of plant and animal species designated as endangered, threatened, or rare within the State. California also lists Species of Special Concern based on limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value. CESA defines an endangered species as "a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease." CESA defines a threatened species as "a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by this chapter. Any animal determined by the commission as rare on or before January 1, 1985 is a threatened species." Candidate species are defined as "a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that the commission has formally noticed as being under review by the department for addition to either the list of endangered species or the list of threatened species, or a species for which the commission has published a notice of proposed regulation to add the species to either list." Candidate species may be afforded temporary protection as though they were already listed as threatened or endangered at the discretion of the California Fish and Wildlife Commission. Unlike the FESA, the CESA does not list invertebrate species.

CESA Sections 2080 through 2085 address the take of threatened, endangered, or candidate species by stating "no person shall import into this state, export out of this state, or take, possess, purchase, or sell within this state, any species, or any part or product thereof, that the commission determines to be an endangered species or a threatened species, or attempt any of those acts, except as otherwise provided." Under CESA, "take" is defined as to "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." Exceptions authorized by the State to allow "take" require permits or memoranda of understanding and can be authorized for endangered species, threatened species, or candidate species for scientific, educational, or management purposes and for take incidental to otherwise lawful activities. CFGC Section 1901 and Section 1913 provide that notification is required prior to disturbance. The California Department of Fish and Wildlife (CDFW) is responsible for assessing development projects for

their potential to impact listed species and their habitats. State-listed special-status species are addressed through the issuance of a 2081 permit (Memorandum of Understanding).

Nesting Bird Protection (California Fish and Game Code §§3503, 3503.5, and 3513)

Birds of prey are protected under CFGC Section 3503, which states “It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation adopted pursuant thereto.” CFGC Section 3503.5 states “It is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto”. Construction-related disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “take” by the CDFW.

California Coastal Act (§30240)

The California Coastal Act of 1976 (Coastal Act) and the California Coastal Commission, the State’s coastal protection and planning agency, were established by voter initiative to plan for and regulate new development, and to protect public access to and along the shoreline. The Coastal Act contains policies to guide local and State decision-makers in the management of coastal and marine resources.

Important provisions of the Coastal Act relative to biological resources include the following.

- **Section 30230** – Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.
- **Section 30231** – The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing the alteration of natural streams.
- **Section 30240** – Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Coastal Act Section 30107.5 defines environmentally sensitive areas as “any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.”

Coastal Act Section 30240 states:

- a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.
- b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

The Coastal Act generally protects environmentally sensitive habitat areas (ESHA) where they exist; it also protects “against any significant disruption of habitat values.” Coastal Act Section 30007.5 recognizes that conflicts may occur between policies and states that such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the legislature declares that broader policies may be more protective than specific wildlife habitat policies. The Coastal Act directs each local government located within the coastal zone to prepare a Local Coastal Program (LCP) in consultation with the CCC and with public participation. A LCP is a planning tool used by local governments to guide development in the coastal zone in partnership with the Coastal Commission. Each LCP includes a land use plan and measures to implement the plan (such as zoning ordinances). Following adoption by a city council or county board of supervisors, an LCP is submitted to the Coastal Commission for review for consistency with Coastal Act requirements.

California Environmental Quality Act—Treatment of Listed Plant and Animal Species

The FESA and CESA protect only those species formally listed as threatened or endangered (or rare in the case of the State list). However, State CEQA Guidelines Section 15380(b) independently defines “endangered” species of plants or animals as those whose survival and reproduction in the wild are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, disease, or other factors; and “rare” species as those in such small numbers throughout all or a significant portion of its range such that they could become endangered if their environment worsens. The “rare” species is likely to become endangered within the foreseeable future throughout all or a significant portion of A species of animal or plant shall be presumed to be endangered, rare or threatened, as it is listed in: Section 670.2 or Section 670.5, Title 14, of the CCR; or Title 50, CFR Section 17.11 or 17.12 pursuant to the FESA as rare, threatened, or endangered. A species not included in these noted CCR or CFR can be considered to be endangered, rare or threatened, if the species can be shown to meet the criteria in CEQA Guidelines Section 15380(b).

California Fish and Game Code (§§1600-1602)

Pursuant to Division 2, Chapter 6, Section 1602 of the CFGC, the CDFW regulates activities that would divert or obstruct the natural flow of or substantially change the bed, channel or bank of any river, stream, or lake that supports fish or wildlife. CDFW has jurisdiction over riparian habitats associated with watercourses and wetland habitats supported by a river, lake, or stream. Jurisdictional waters are delineated by the outer edge of riparian vegetation (i.e., drip line) or at the top of the bank of streams or lakes, whichever is wider. CDFW jurisdiction does not extend to tidal areas or isolated resources. A Notification of Lake or Streambed Alteration must be submitted to CDFW for “any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake.” CDFW reviews the proposed actions and, if necessary, submits (to the applicant) a

proposal that includes measures to protect affected fish and wildlife resources. The final proposal that is mutually agreed upon by CDFW and the applicant is the Lake or Streambed Alteration Agreement.

Porter-Cologne Water Quality Control Act

The Porter-Cologne Act provides for statewide coordination of water quality regulations. The SWRCB was established as the statewide authority and the nine separate RWQCBs were developed to oversee water quality on a day-to-day basis. The SWRCB is the primary agency responsible for protecting water quality in California. The RWQCBs regulate discharges to surface waters under the CWA. In addition, the RWQCBs are responsible for administering the Porter-Cologne Act.

Pursuant to the Porter-Cologne Act, California is given authority to regulate “waters of the state”, which are defined as any surface water or groundwater, including saline waters. As such, any person proposing to discharge waste into a water body that could affect its water quality must first file a Report of Waste Discharge if Section 404 of the CWA is not required for the activity. “Waste” is partially defined as any waste substance associated with human habitation, including fill material discharged into water bodies.

Regional Habitat Conservation Plan

In 1991, the California Natural Community Conservation Planning Act (NCCP Act; CFGC §1900 et seq.) was approved and the NCCP Coastal Sage Scrub program was initiated in Southern California. California law (CFGC §2800 et seq.) established the NCCP program “to provide for regional protection and perpetuation of natural wildlife diversity while allowing compatible land use and appropriate development and growth.” The NCCP Act encourages preparation of plans that address habitat conservation and management on an ecosystem basis rather than one species or habitat at a time.

Regional and Local

Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP)

The purpose of the NCCP/HCP is to provide long-term, regional protection of natural vegetation and wildlife diversity, while allowing compatible land uses and appropriate development and growth for those agencies and private organizations that are enrolled in the program. NCCP/HCP participants may enroll their habitat in the program, and, by mutual consent, habitat areas with high conservation value are set aside and may not be developed. Participants also agree to study, monitor, and develop management plans for those habitat areas within the subregional NCCP Reserve System. Parcels with lower conservation values within the enrolled areas, but outside the NCCP Reserve System, are then available for possible development.

In 1991, the State of California passed the NCCP Act, providing for the long-term, regional conservation of natural vegetation and wildlife diversity. The USFWS and CDFW adopted the Orange County Central-Coastal NCCP/HCP in 1996. The Central-Coastal NCCP/HCP area is approximately 208,000 acres of central Orange County. Geographically, the area generally extends along the coast from the mouth of the Santa Ana River in the City of Costa Mesa to the mouth of San Juan Creek in the City of Dana Point. The inland boundaries follow State Route 91 (SR-91) to El Toro Road to the west and Interstate 5 (I-5) to San Juan Creek to the east.

As part of the NCCP/HCP planning process, lands were identified for assembly into the NCCP Reserve System for the conservation of biological resources. The subregional NCCP Reserve System was cooperatively designed by the participating jurisdictions and special districts in partnership with the

wildlife agencies (CDFW and USFWS), property owners, and representatives from private industry and environmental groups. The subregional NCCP Reserve System is 37,378 acres and protects more than 18,500 acres of coastal sage scrub habitat, 6,950 acres of chaparral habitat, 5,700 acres of grassland habitat, 1,750 acres of riparian habitat, and 950 acres of woodland habitat.

The City of Newport Beach enrolled in the NCCP/HCP in 1996 as a "participating landowner." Participating landowners are public and private landowners contributing significant land and/or funding toward implementation of the subregional NCCP Reserve System and adaptive management program. For these landowners, development activities and uses that are addressed by the NCCP/HCP for areas outside the Reserve System, and associated impacts to habitat occupied by listed and other species identified by the NCCP/ HCP, are considered fully mitigated under the NCCP Act, FESA, and CESA. Satisfactory implementation of the NCCP/HCP under the terms of an Implementation Agreement (IA) means that no additional mitigation is required of "participating landowners" for impacts to "identified" species and their habitat, or for species residing in specified non-coastal sage scrub habitats, in areas outside the subregional NCCP Reserve System.

The NCCP/HCP provides regulatory coverage for 39 individual species, including 3 target species and 36 other identified species that are not listed under either the FESA or CESA but are found within the subregional coastal sage scrub habitat mosaic. All target and identified species covered in the NCCP/HCP are treated as if they were listed on either the State or federal lists. Under the NCCP/HCP, regulatory coverage means that future Incidental Take of "target and identified" species would be permitted for new development addressed by the NCCP/HCP in areas outside the subregional Reserve System, and that no additional habitat mitigation for such Incidental Take under the FESA and CESA would be required over and above the mitigation provided for by the NCCP/HCP.

Several areas of the City are within the reserve system of the NCCP/HCP. For the areas outside the reserve system, development restrictions of the NCCP/HCP do not apply. Non-participating landowners are provided with different mitigation options than those provided for participating landowners. Non-participating landowners may satisfy the requirements of the FESA and CESA in relation to the species covered under the NCCP/HCP one of three ways:

- On-site avoidance of take
- Satisfaction of the applicable FESA and CESA regulations through the regular permitting and consultation process (outside the NCCP/HCP)
- Payment of a mitigation fee to the nonprofit management organization established by the NCCP/HCP

As a signatory agency, the City is responsible for enforcing mitigation measures and other policies identified in the NCCP/HCP Implementation Agreement for properties located within the City that are part of the NCCP Subregional Plan.

City of Newport Beach General Plan

The *City of Newport Beach General Plan 2006 Update* (General Plan) includes goals and policies to provide direction regarding the conservation, development, and utilization of natural resources. These resources contribute substantially to the local economy, provide rest and recreational opportunities, and help support public health. In order to continue to benefit from these resources, the City protects and enhances them when possible while still allowing for economic growth. The Natural Resources Element

establishes goals and policies to protect and conserve the City's biological resources, including open space and beaches, and addresses biological diversity. The following General Plan goals and policies that have been adopted by the City for the purpose of avoiding or mitigating an environmental effect are applicable to future development projects associated with the proposed Project.

Natural Resources Element

The following Natural Resources Element goals and policies are relevant to the proposed Project.

Goal NR 10 **Protection of sensitive and rare terrestrial and marine resources from urban development.**

Policy NR 10.3 **Analysis of Environmental Study Areas.** Require a site-specific survey and analysis prepared by a qualified biologist as a filing requirement for any development permit applications where development would occur within or contiguous to areas identified as ESAs.

Policy NR 10.4 **New Development Siting and Design.** Require that the siting and design of new development, including landscaping and public access, protect sensitive or rare resources against any significant disruption of habitat values.

Policy NR 10.5 **Development in Areas Containing Significant or Rare Biological Resources.** Limit uses within an area containing any significant or rare biological resources to only those uses that are dependent on such resources, except where application of such a limitation would result in a taking of private property. If application of this policy would likely constitute a taking of private property, then a non-resource-dependent use shall be allowed on the property, provided development is limited to the minimum amount necessary to avoid a taking and the development is consistent with all other applicable resource protection policies. Public access improvements and educational, interpretative and research facilities are considered resource dependent uses.

Policy NR 10.6 **Use of Buffers:** Maintain a buffer of sufficient size around significant or rare biological resources, if present, to ensure the protection of these resources. Require the use of native vegetation and prohibit invasive plant species within these buffer areas.

Policy NR 10.7 **Exterior Lighting.** Shield and direct exterior lighting away from significant or rare biological resources to minimize impacts to wildlife.

Policy NR 10.9 **Development on Banning Ranch.** Protect the sensitive and rare resources that occur on Banning Ranch. If future development is permitted, require that an assessment be prepared by a qualified biologist that delineates sensitive and rare habitat and wildlife corridors. Require that development be concentrated to protect biological resources and coastal bluffs, and structures designed to not be intrusive on the surrounding landscape. Require the restoration or mitigation of any sensitive or rare habitat areas that are affected by future development.

Goal NR 13 **Protection, maintenance, and enhancement of Southern California wetlands.**

Policy NR 13.2 **Wetland Delineation.** Require a survey and analysis with the delineation of all wetland areas when the initial site survey indicates the presence or potential for

wetland species or indicators. Wetland delineations will be conducted in accordance with the definitions of wetland boundaries established by California Department of Fish and Game, and/or United States Fish and Wildlife Service.

Safety Element

Goal S 6 **Protection of human life and property from the risks of wildfires and urban fires.**

Policy S 6.3 **New Development Design.** Site and design new development to avoid the need to extend fuel modification zones into sensitive habitats.

Policy S 6.4 **Use of City-Approved Plant List.** Use fire-resistive, native plant species from the City-approved plant list in fuel modification zones abutting sensitive habitats.

Policy S 6.5 **Invasive Ornamental Plant Species.** Prohibit invasive ornamental plant species in fuel modification zones abutting sensitive habitats.

City of Newport Beach Local Coastal Program¹

The California Coastal Act directs each local government located partially or wholly within the coastal zone to prepare a Local Coastal Program (LCP) for its portion of the coastal zone. The City's Local Coastal Program establishes the Coastal Land Use Plan for the City. The Coastal Land Use Plan sets forth goals, objectives, and policies that govern the use of land and water in the coastal zone, with the exception of Newport Coast and Banning Ranch. Newport Coast is governed by the Orange County Local Coastal Program and Banning Ranch is a Deferred Certification Area (DCA) due to unresolved issues relating to land use, public access, and the protection of coastal resources. The California Coastal Act contains coastal resources planning and management policies that address public access, recreation, marine environment, land resources, development, and industrial development. The Coastal Land Use Plan addresses these topics by identifying which California Coastal Act sections are relevant to Newport Beach, followed by a narrative of the local setting and policy direction adopted by the City to address the requirements of the Coastal Act and a listing of specific policies.

The City's Coastal Land Use Plan (CLUP) includes the following policies applicable to biological resources:

Policy 2.1.7-2 New development shall provide for the protection of the water quality of the bay and adjacent natural habitats. New development shall be designed and sited to minimize impacts to public views of the water and coastal bluffs.

Policy 2.2.1-2 Require new development be located in areas with adequate public services on in areas that are capable of having public services extended or expanded without significant adverse effects on coastal resources.

Policy 2.8.8-1 Apply hazard reduction, fuel modification, and other methods to reduce wildfire hazards to existing and new development in urban wildland interface areas.

Policy 2.8.8-2 Site and design new development to avoid fire hazards and the need to extend fuel modification zones into sensitive habitats.

¹ City of Newport Beach (2016). *City of Newport Beach Coastal Land Use Plan – Coastal Resource Protection*. <https://www.newportbeachca.gov/government/departments/community-development/planning-division/general-plan-codes-and-regulations/local-coastal-program/coastal-land-use-plan>. Accessed November 2023.

- Policy 2.8.8-3** Use fire-resistive, native plant species from the City-approved plant list in fuel modification zones abutting sensitive habitats.
- Policy 2.8.8-4** Prohibit invasive ornamental plant species in fuel modification zones abutting sensitive habitats.
- Policy 4.1.1-2** Require a site-specific survey and analysis prepared by a qualified biologist as a filing requirement for coastal development permit applications where development would occur within or adjacent to areas identified as a potential ESHA. Identify ESHA as habitats or natural communities listed in Section 4.1.1 that possess any of the attributes listed in Policy 4.1.1-1. The ESA's depicted on Map 4-1 shall represent a preliminary mapping of areas containing potential ESHA.
- Policy 4.1.1-3** Prohibit new development that would necessitate fuel modification in ESHA.
- Policy 4.1.1-6** Require development in areas adjacent to environmentally sensitive habitat areas to be sited and designed to prevent impacts that would significantly degrade those areas, and to be compatible with the continuance of those habitat areas.
- Policy 4.1.1-13** Shield and direct exterior lighting away from ESHAs to minimize impacts to wildlife.
- Policy 4.1.1-17** In conjunction with new development, require that all preserved ESHA, buffers, and all mitigation areas, onsite and offsite, be conserved/dedicated (e.g. open space direct dedication, offer to dedicate (OTD), conservation easement, deed restriction) in such a manner as to ensure that the land is conserved in perpetuity. A management plan and funding shall be required to ensure appropriate management of the habitat area in perpetuity.
- Policy 4.3-8** Coordinate with the CDFG, USFWS, National Marine Fisheries Service, and other resource management agencies, as applicable, in the review of development applications in order to ensure that impacts to ESHA and marine resources, including rare, threatened, or endangered species, are avoided or minimized such that ESHA is not significantly degraded, habitat values are not significantly disrupted, and the biological productivity and quality of coastal waters is preserved.

Newport Beach Municipal Code

Chapter 7.26: Protection Of Natural Habitat For Migratory And Other Waterfowl. Municipal Code Chapter 7.26 recognizes and strives to maintain the value of natural habitat for migratory waterfowl and other birds such as ducks, gulls, terns, and pelicans.

Chapter 13.08: Planting. Municipal Code Chapter 13.08 strives to control the planting, maintenance, and removal of trees, shrubs, and plants in all public areas under the City's control. Trees may not be trimmed, cut down, damaged, removed, or destroyed from any public right-of-way, without prior written authorization from the City Manager.

Chapter 21.30: Property Development Standards. Municipal Code Chapter 21.30 ensures that development is consistent with the Coastal Land Use Plan and provides general standards for siting and planning development in the coastal zone, as well as more specific standards applicable to development along the waterfront and on bluffs and canyons.

Chapter 21.30B: Habitat Protection. Municipal Code Chapter 21.30B aims to protect environmentally sensitive habitat areas; maintain and restore the biological productivity and quality of coastal bodies of water; and protect wetlands for their commercial, recreational, water quality, and habitat value. Any development on environmentally sensitive habitats would be subject to the relevant habitat protection measures, such as an Initial Site Resource Survey and the implementation of mitigation and monitoring programs.

Chapter 21.52: Coastal Development Review Procedures. Municipal Code Chapter 21.52 provides procedures to ensure that all public and private development in the coastal zone is consistent with the California Coastal Act, the City's Local Coastal Land Use Plan, and the City's Local Coastal Program. Furthermore, the provisions of this chapter determine whether or not a proposal in the City's permitting jurisdiction constitutes development and whether or not that development requires a coastal development permit or is exempt.

4.3.3 Existing Conditions

The housing sites are evaluated in this Program EIR at a programmatic level. As a result, no site-specific surveys were conducted for this Program EIR analysis.

Watersheds

The City is located within the boundaries of four watersheds – Newport Bay, Newport Coast, Talbert, and San Diego Creek Watersheds – each of which contain an interconnected system of surface water resources that feed into the underlying groundwater aquifer or drain into the ocean. The Newport Bay and Newport Coast Watersheds cover most of the City with the remaining smaller portions covered by the Talbert and San Diego Creek Watersheds. As shown in **Figure 4.3-1: Watershed Map**, the housing sites are within the Newport Bay and Santa Ana Watersheds. The watersheds are further described in **Section 4.9: Hydrology and Water Quality**.

Topography

The City's topography ranges from gently sloping areas in the City's northwest portion to steeper topography in the eastern and southern areas. Over 50 percent of the City have a slope gradient that range up to approximately 10 degrees. Slopes increase with proximity to the Newport Mesa and San Joaquin Hills, and areas with more severe slopes are generally concentrated in the southern and eastern parts of the City. The bluffs that border the water bodies in the City, including Newport Bay and streams, have a slope gradient ranging from 10 to 40 degrees. Similarly, most of the San Joaquin Hills have a slope gradient of 10 to 40 degrees. Parts of the San Joaquin Hills located near the southern border of the City have a slope gradient of 40 degrees and greater.



Figure 4.3-1: Watershed Map
 City of Newport Beach General Plan Housing Implementation
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Habitat Types

Terrestrial Resources²

Many plant habitats can be found in Newport Beach including scrub, chaparral, grassland, and riparian habitats. Additionally, the City contains vernal pools, seeps, and wet meadows. Other plant habitats present in the City include annual grasslands, ruderal areas that are generally a result of disturbances caused by humans, and ornamental landscaping that consist of introduced trees, shrubs, flowers, and turf grass.

Sensitive Terrestrial Species³

The CDFW CNDDDB and the California Native Plant Society's Electronic Inventory of Rare and Endangered Vascular Plants of California identifies occurrences of federal or State listed or proposed endangered or threatened species, federal Species of Concern, species categorized as federal Species of Concern, California Species of Concern, or otherwise sensitive species or habitat that may occur within or in the City's immediate vicinity. These species are protected under State and federal regulations. These databases indicate that there are three listed plant species that occur or have the potential to occur within the City: San Fernando Valley spineflower, salt marsh bird's beak, and Crownbeard.

Eleven listed wildlife species occur or have the potential to occur within the City: San Diego fairy shrimp, Tidewater goby, California black rail, light-footed clapper rail, western snowy plover, California least tern, southwestern willow flycatcher, coastal California gnatcatcher, least Bell's vireo, Belding's savannah sparrow, and pacific pocket mouse. In addition, other sensitive species include 27 sensitive wildlife species and 24 sensitive plant species that occur or potentially occur within the Newport Beach area.

Diegan Coastal Sage Scrub⁴

The Diegan Coastal Sage Scrub community is comprised of low, drought-deciduous, and evergreen shrubs that occur generally below 3,000 feet in elevation on steep to moderate, south-facing, exposed slopes of the western mountains. Shrubs are more widely spaced than those typical of chaparral and do not have the characteristic rigidity or thick drought-resistant leaves. Coastal scrub communities are characterized by low shrubs and an absence of trees. Types of shrubs include either pure stands or mixtures of low, thicket-leaved evergreens and coarse, deciduous species that drop their leaves in response to periodic drought conditions. Dominant species include California sagebrush, California buckwheat, coastal goldenbush, island mallow, deerweed, mesa bushmallow, laurel sumac, lemonadeberry, white sage, and small-flowered needle grass. Diegan coastal sage scrub integrates with chaparral communities at higher elevations and Riversidian sage scrub in drier inland areas. Coastal sage scrub is considered a sensitive habitat because it supports a diverse fauna and has potential to support numerous threatened, endangered, or rare species, and has been acknowledged as such by its inclusion in the NCCP/HCP. Among these are the coastal cactus wren, San Diego horned lizard, orange-throated whiptail, coastal western whiptail, Bell's sage sparrow, coastal California gnatcatcher, and the southern California rufous-crowned sparrow. Scrub habitats are also important to larger species such as mule deer and mountain lions.

² City of Newport Beach. (2006). General Plan Natural Resources Element. https://www.newportbeachca.gov/PLN/General_Plan/11_Ch10_NaturalResources_web.pdf. Accessed March 2023.

³ Ibid. Accessed March 2023.

⁴ City of Newport Beach. (2006). General Plan Update EIR, Biological Resources, *Page 4.3-3*. https://newportbeachca.gov/PLN/General_Plan/GP_EIR/Volume_1/08_Sec4.3_Biological_Resources.pdf. Accessed March 2023.

*Chaparral Habitats*⁵

The presence of chaparral shrub species over 50 percent or more of an area indicates the presence of a chaparral vegetative community. Chaparral vegetation is typically thick, 4- to 12-foot tall evergreen woody shrubs and/or dwarf trees. The community is composed mainly of species that are adapted to seasonal and periodic drought by having hardened leaves that resist water loss at high temperatures and/or low moisture. The Southern Mixed Chaparral community, which may contain coastal sage shrub species as its understory, is comprised primarily of toyon, laurel sumac, and lemonade berry in dense stands on moderately-wet north-facing slopes. In addition, holly-leaved redberry, fuchsia-flowered gooseberry, and scrub oak are typical of this community.

Marine Resources⁶

The City's marine resources and surrounding ocean waters include plants and animals of marshes and wetlands living in Upper Newport Bay, the developed channels, beaches, and hardscape of Lower Newport Bay (Newport Harbor), and the intertidal and subtidal landforms (e.g., sandy beaches, rocky intertidal, sandy subtidal, and subtidal reefs) along the coast of Newport Beach between the Santa Ana River and the boundary between the City and Laguna Beach. Many of these areas are considered wetland habitat by the State of California and federal wetland definitions are protected by a no-net loss wetlands policy.

Environmental Study Areas⁷

Undeveloped areas supporting natural habitats that may be capable of supporting sensitive biological resources within the City are also referred to as Environmental Study Areas (ESAs). An ESA may support species and habitats that are sensitive and rare within the region or may function as a migration corridor for wildlife. The portions of the ESAs within the Coastal Zone that contain sensitive or rare species are referred to as Environmentally Sensitive Habitat Areas (ESHAs), as defined by the California Coastal Act. ESHAs are areas in which "plant or animal life or their habitats are either rare or are especially valuable because of their special nature or role in an ecosystem that could easily be disturbed or degraded by human activities and developments." The California Coastal Act requires that ESHAs be protected against any significant disruption of habitat values. Only uses dependent on those resources are allowed within ESHAs and adjacent development must be sited and designed to prevent impacts that would significantly degrade the ESHA and must be compatible with the continuance of the ESHA. Housing sites within an ESA are shown in **Figure 4.3-2: Housing Sites Within Environmental Study Areas** and listed below in **Table 4.3-1: Housing Sites Within Environmental Study Areas**.

⁵ [Ibid](#), Page 4.3-4. Accessed March 2023.

⁶ City of Newport Beach. (2006). *General Plan Natural Resources Element*. https://www.newportbeachca.gov/PLN/General_Plan/11_Ch10_NaturalResources_web.pdf. Accessed March 2023.

⁷ [Ibid](#).

Table 4.3-1: Housing Sites Within Environmental Study Areas		
Housing Site	Parcel Number	Focus Area
24	119 310 04	Airport Area
25	119 300 15	Airport Area
215	114 170 51	West Newport Mesa Area
222	114 170 82	West Newport Mesa Area
368	442 014 22	Newport Center
336	478 031 56	Coyote Canyon
131	120 571 12	Coyote Canyon
110	114 170 72	Banning Ranch
111	114 170 52	Banning Ranch
112	114 170 50	Banning Ranch
113	114 170 52	Banning Ranch
114	114 170 83	Banning Ranch
115	114 170 71	Banning Ranch
116	114 170 76	Banning Ranch
117	NA	Banning Ranch
118	114 170 74	Banning Ranch
120	114 170 78	Banning Ranch
121	114 041 04	Banning Ranch
122	114 170 43	Banning Ranch
123	114 170 65	Banning Ranch
124	114 170 80	Banning Ranch
126	114 170 24	Banning Ranch
127	114 170 81	Banning Ranch
128	114 170 75	Banning Ranch
129	114 170 49	Banning Ranch
130	114 170 66	Banning Ranch
Source: SanGIS mapping modified by Kimley-Horn, 2023.		

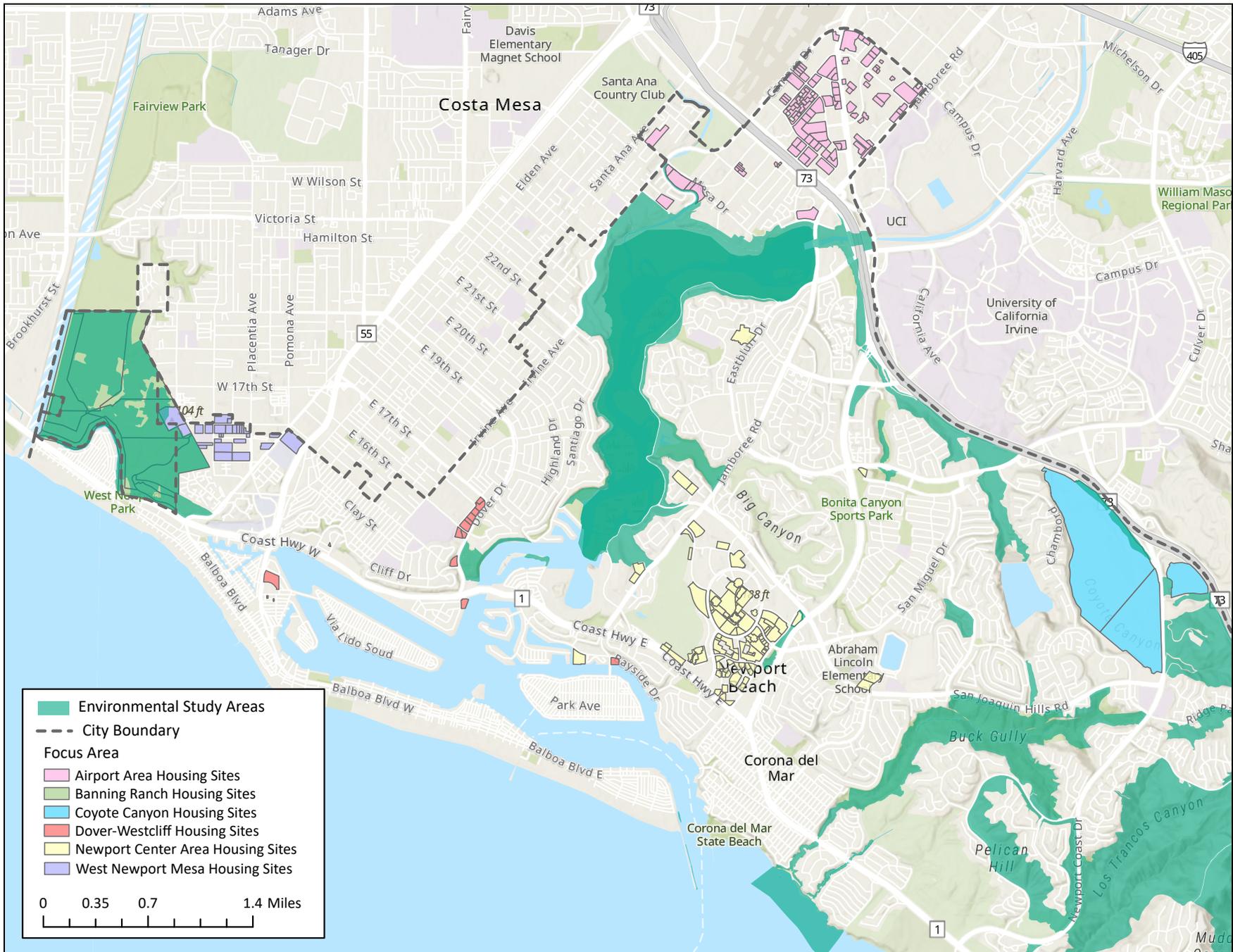


Figure 4.3-2: Housing Sites Within Environmental Study Areas
 City of Newport Beach General Plan Housing Implementation
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4.3.4 Thresholds of Significance

The City uses the thresholds of significance specified in *State CEQA Guidelines, Appendix G*. Impacts related to biological resources would be significant if the Project would:

- 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 CDFW or USFWS.
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the CDFW or USFWS.
- 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 wetlands, etc.), through direct removal, filling, hydrological interruption, or other means.
- 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.
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

4.3.5 Methodology

This analysis considers the *State CEQA Guidelines, Appendix G* thresholds, as described above, in determining whether Project implementation would result in a substantial impact to biological resources (i.e., environmental study areas, protected wetlands, marine resources). The evaluation was based on a review of regulations and determining their applicability to the Project. The determination that the Project would or would not result in “substantial” temporary or permanent impact to biological resources considers the relevant policies and regulations established by local and regional agencies and the Project’s compliance with these policies.

4.3.6 Project Impacts and Mitigation

Threshold 4.3-1: Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

The Project does not propose immediate construction of new housing sites. Future housing development facilitated by the proposed Project would be subject to City development review and would occur as market conditions allow and at the discretion of the individual property owners.

While the Project does not propose grading or construction, it can be assumed that any future housing development facilitated by the Project could directly or indirectly impact sensitive wildlife or plant species through such activities. This EIR analysis identifies housing sites where the potential to impact special

status wildlife and plants exists. Given the City’s existing developed nature, the housing sites mainly include properties that are developed or located adjacent to existing development. Except for the 21 vacant housing sites (Sites 110-118, 120-124, 126-131, and 215), all other housing sites are developed/occupied by structures and do not contain any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.

Special status wildlife and plants within the housing sites include California least tern, coastal California gnatcatcher, least Bell’s vireo, light-footed Ridgeway’s rail, Pacific pocket mouse, San Diego fairy shrimp, Southern California steelhead, and western snowy plover. The precise locations of sensitive plant and wildlife species would be identified through site-specific, on-site reconnaissance and project-level analysis in conjunction with future development permit applications.

The CDFW CNDDDB and the CNPS identifies occurrences of federal or State listed or proposed endangered or threatened species, federal Species of Concern, species categorized as federal Species of Concern, California Species of Concern, or otherwise sensitive species or habitat that may occur within or in the City’s immediate vicinity. These species are protected under federal and State regulations. **Table 4.3-2: Special-Status Species with the Potential to Occur on Housing Sites** identifies special-status species identified by the CDFW CNDDDB and CNPS. The General Plan Natural Resources Element also identifies 27 sensitive wildlife species and 24 sensitive plant species that occur or potentially occur within the City.

Table 4.3-2: Special-Status Species with the Potential to Occur on Housing Sites			
Scientific Name	Name	Group	Status
Wildlife Species			
<i>Perognathus longimembris pacificus</i>	Pacific pocket mouse	Mammals	Fed: END CA: SSC
<i>Sorex ornatus salicornicus</i>	southern California saltmarsh shrew	Mammals	Fed: None CA: SSC
<i>Eumops perotis californicus</i>	western mastiff bat	Mammals	Fed: None CA: SSC
<i>Coturnicops noveboracensis</i>	yellow rail	Birds	Fed: None CA: SSC
<i>Charadrius nivosus nivosus</i>	western snowy plover	Birds	Fed: THR CA: SSC
<i>Riparia riparia</i>	bank swallow	Birds	Fed: None CA: THR
<i>Polioptila californica californica</i>	coastal California gnatcatcher	Birds	Fed: THR CA: SSC
<i>Rallus obsoletus levipes</i>	light-footed Ridgeway's rail	Birds	Fed: END CA: END, FP
<i>Vireo bellii pusillus</i>	least Bell's vireo	Birds	Fed: END CA: END
<i>Passerculus sandwichensis beldingi</i>	Belding's savannah sparrow	Birds	Fed: None CA: END
<i>Athene cunicularia</i>	burrowing owl	Birds	Fed: None CA: SSC
<i>Aspidoscelis hyperythra</i>	orange-throated whiptail	Reptiles	Fed: None CA: WL

Table 4.3-2: Special-Status Species with the Potential to Occur on Housing Sites			
Scientific Name	Name	Group	Status
<i>Crotalus ruber</i>	red-diamond rattlesnake	Reptiles	Fed: None CA: SSC
<i>Oncorhynchus mykiss irideus pop. 10</i>	steelhead - southern California DPS	Fish	Fed: END CA: CEND
<i>Branchinecta sandiegonensis</i>	San Diego fairy shrimp	Crustaceans	Fed: END CA: None
<i>Bombus crotchii</i>	Crotch bumble bee	Insects	Fed: None CA: CEND
Plant Species			
<i>Calochortus weedii var. intermedius</i>	intermediate mariposa-lily	Monocots	Fed: None CA: None CNPS: 1B.2
<i>Isocoma menziesii var. decumbens</i>	decumbent goldenbush	Dicots	Fed: None CA: None CNPS: 1B.2
<i>Lasthenia glabrata ssp. coulteri</i>	Coulter's goldfields	Dicots	Fed: None CA: None CNPS: 1B.1
<i>Aphanisma blitoides</i>	aphanisma	Dicots	Fed: None CA: None CNPS: 1B.2
<i>Atriplex serenana var. davidsonii</i>	Davidson's saltscale	Dicots	Fed: None CA: None CNPS: 1B.2
<i>Dudleya multicaulis</i>	many-stemmed dudleya	Dicots	Fed: None CA: None CNPS: 1B.2
<i>Symphyotrichum defoliatum</i>	San Bernardino aster	Dicots	Fed: None CA: None CNPS: 1B.2
<i>Helianthus nuttallii ssp. parishii</i>	Los Angeles sunflower	Dicots	Fed: None CA: None CNPS: 1A
<i>Suaeda esteroa</i>	estuary seablite	Dicots	Fed: None CA: None CNPS: 1B.2
<i>Centromadia parryi ssp. australis</i>	southern tarplant	Dicots	Fed: None CA: None CNPS: 1B.1
<i>Nemacaulis denudate var. denudate</i>	coast woolly-heads	Dicots	Fed: None CA: None CNPA: 1B.2

Table 4.3-2: Special-Status Species with the Potential to Occur on Housing Sites

<p>U.S. Fish and Wildlife Service (Fed) - Federal END- Federal Endangered THR- Federal Threatened</p> <p>California Department of Fish and Wildlife (CA) - California END- California Endangered THR- California Threatened Candidate- Candidate for listing under the California Endangered Species Act CEND- Candidate Endangered FP- California Fully Protected SSC- Species of Special Concern WL- Watch List - Taxa that were previously designated as "Species of Special Concern" but no longer merit that status, or which do not yet meet SSC criteria, but for which there is concern and a need for additional information to clarify status.</p> <p>California Native Plant Society (CNPS) California Rare Plant Rank 1A Plants presumed extinct in California and rare/extinct elsewhere 1B Plants Rare, Threatened, or Endangered in California and Elsewhere 2B Plants Rare, Threatened, or Endangered in California, but more common elsewhere 3 Plants about which more information is needed (Review List) 4 Plants of Limited distribution (Watch List)</p> <p>CNPS Threat Ranks 0.1 -Seriously threatened in California 0.2 -Moderately threatened in California Not very threatened in California</p>
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Direct impacts to special status wildlife and plant species could result from removal of occupied habitat on undeveloped housing sites through grading and other land development activities. Additionally, indirect impacts to special status wildlife and plant species could result from excess noise, lighting, or runoff generated during housing site construction. Future development on housing sites would be required to meet mandatory federal, State, and local biological resources requirements in effect at the time of development aimed at protecting biological resources, including the City’s General Plan and Local Coastal Program.

This means that future housing development in accordance with the Project would be required to incorporate measures for protecting biological resources from construction-related activities such as vegetation removal and degradation to plant and wildlife habitat. Such measures may be compliance with standard conditions or mitigation. Adherence to these measures would help minimize impacts to biological resources.

Sites 110-118, 120-124, 126-131, and 215 are vacant, and, therefore, could potentially support special status wildlife and plants. All vacant sites, except for Site 131, are within the Banning Ranch Focus Area, which, pursuant to General Plan Natural Resources Element Policy 10.9, requires any future development within Banning Ranch to conduct an assessment prepared by a qualified biologist that delineates sensitive and rare habitat and wildlife corridors; development to be concentrated to protect biological resources and coastal bluffs; and requires the restoration or mitigation on any sensitive or rare habitat areas that are affected by future development. As noted in **Section 3.0: Project Description**, the Banning Ranch Focus Area is included in the 2021–2029 Housing Element’s sites inventory but is not assumed in order to accommodate the City’s 2021–2029 RHNA growth need. Banning Ranch is considered as additional dwelling unit opportunity in addition to those that accommodate the RHNA. Any site disturbance at Banning Ranch would require compliance with Policy NR-10.9 to ensure that any future development would delineate and protect any biological resources on the site.

Sites with sensitive biological resources require discretionary review and may require permits (e.g., Coastal Development Permits, Conditional Use Permits, and/or permits by regulatory agencies including the CDFW and USFWS. Any future housing development would be required to comply with the permit

processing procedures and development regulations required by the Municipal Code. Any future development facilitated by the Project on housing sites would require biological studies and mitigation as identified in **MM BIO-1**, if applicable based on site-specific review of future development applications. However, all housing sites would be required to comply with applicable federal, State, and local programs and requirements with respect to potential impacts to biological resources, including concerning sensitive and protected plant and wildlife species and jurisdictional waters.

General Plan Goal Natural Resources Element NR-10 and Polices NR-10.1 through 10.9, discussed above, identify actions that may be necessary during project-specific analysis and development to protect sensitive and rare terrestrial and marine resources from urban development. Further, General Plan Policies S-6.3 through 6.5 protect sensitive habitats from fuel modification zone impacts. Compliance with Policies NR 10.1 through 10.9 and S-6.3 through 6.5 would ensure that sensitive and rare biological species are protected from impact that may occur from future development facilitated by the Project. The General Plan policies further restrict development within wetland areas and ESAs. As discussed above, 23 sites are within an ESA. New development proposed on these sites would be subject to compliance with General Plan Policy NR 10.3, which requires a site-specific survey and analysis prepared by a qualified biologist as a filing requirement for any development permit applications where development would occur within or contiguous to areas identified as ESAs. Compliance with Policy NR-10.3 would ensure that any future development within an ESA would identify any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. Further, the future housing development facilitated by the Project would comply with **SC BIO-1**, which requires a pre-construction bird survey to identify any active nests in and adjacent to a project site. The General Plan Program EIR determined that compliance with these policies and federal, State, and local laws would mitigate potential impacts to a less than significant level.

Compliance with the existing regulatory framework discussed above and **MM BIO-1** would reduce potential impacts on sensitive plant and wildlife species and ensure proper assessment of potential impacts to candidate, sensitive, and special status species be made on a project-by-project basis. Therefore, the Project's potential impacts to any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS would be less than significant with mitigation incorporated.

Impact Summary: **Less Than Significant Impact With Mitigation.** Following compliance with the existing regulatory framework and MM BIO-1, the Project would not 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 CDFW or USFWS.

Threshold 4.3-2: Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife Service or U.S. Fish and Wildlife Service?

The proposed Project would not directly construct new housing but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. However, it is possible that potential future housing projects facilitated by the Project could directly impact sensitive vegetation communities through such activities. Sensitive vegetation communities which exist or have the potential to exist on undeveloped housing sites include coastal sage scrub, southern maritime chaparral, grasslands and wetlands/riparian. These communities are considered sensitive due to their limited occurrence and ability to support other diverse and sensitive species. Therefore, disturbance or removal of these vegetation communities if associated with future development on a site containing these resources could result in a significant impact.

Vegetation communities exist on and near some of the housing sites, as shown in **Table 4.3-3: Housing Sites within Vegetation Communities.**

ID	Parcel Number	Focus Area	Vegetation Community Name
24	119 310 04	Airport Area	Streambed
87	439 401 01	Airport Area	Urban/Disturbed
357	442 282 02	Airport Area	Urban/Disturbed
215	114 170 51	West Newport Mesa	Urban/Disturbed
			Mediterranean CA Naturalized Annual and Perennial Grassland group (weedy)
222	114 170 82	West Newport Mesa	Urban/Disturbed
			<i>Artemisia californica</i> - <i>Eriogonum fasciculatum</i> Alliance
223	424 401 12	West Newport Mesa	Urban/Disturbed
236	424 401 06	West Newport Mesa	Urban/Disturbed
238	424 401 08	West Newport Mesa	Urban/Disturbed
154	440 132 40	Newport Center	Urban/Disturbed
184	440 132 48	Newport Center	Urban/Disturbed
339	442 011 37	Newport Center	Urban/Disturbed
362	442 261 07	Newport Center	Urban/Disturbed
C	440 132 52, 440 251 05	Newport Center	Urban/Disturbed
131	120 571 12	Coyote Canyon	Mediterranean CA Naturalized Annual and Perennial Grassland group (weedy)
			<i>Artemisia californica</i> - <i>Eriogonum fasciculatum</i> Alliance
			<i>Baccharis salicifolia</i> Alliance
			Anthropogenic - Areas of Little or No Vegetation
			<i>Salix lasiolepis</i> Alliance
			Acacia (cyclops) Semi-natural Stands

Table 4.3-3: Housing Sites within Vegetation Communities			
ID	Parcel Number	Focus Area	Vegetation Community Name
			Vegetation Restoration Areas
			<i>Rhus integrifolia</i> Alliance
			Urban/Disturbed
			<i>Artemisia californica</i> Alliance
			Introduced Trees, Shrubs (not in hierarchy)
336	478 031 56	Coyote Canyon	Urban/Disturbed
			<i>Artemisia californica</i> - <i>Eriogonum fasciculatum</i> Alliance
110	114 170 72	Banning Ranch	<i>Baccharis salicifolia</i> Alliance
			<i>Salix lasiolepis</i> Alliance
			Central and South Coastal Californian Coastal Sage Scrub group
			<i>Encelia californica</i> Alliance
			Mediterranean CA Naturalized Annual and Perennial Grassland group (weedy)
			<i>Cortaderia (jubata, selloana)</i> Semi-natural Herbaceous Stands
			Arid West Freshwater Emergent Marsh group
			<i>Lepidium latifolium</i> Semi-natural Herbaceous Stands
			Temperate Pacific Tidal Salt and Brackish Marsh group
			<i>Spartina foliosa</i> Alliance
			Urban/Disturbed
			Anthropogenic -Areas of Little or No Vegetation
			Salt panne
			Water Body
111	114 170 52	Banning Ranch	<i>Baccharis salicifolia</i> Alliance
			<i>Salix lasiolepis</i> Alliance
			Central and South Coastal Californian coastal sage scrub group
			<i>Encelia californica</i> Alliance
			Mediterranean CA Naturalized Annual and Perennial Grassland group (weedy)
			<i>Cortaderia (jubata, selloana)</i> Semi-natural Herbaceous Stands
			Urban/Disturbed
			Anthropogenic -Areas of Little or No Vegetation
112	114 170 50	Banning Ranch	<i>Salix lasiolepis</i> Alliance
			Central and South Coastal Californian coastal sage scrub group
			<i>Artemisia californica</i> Alliance
			<i>Artemisia californica</i> - <i>Eriogonum fasciculatum</i> Alliance
			<i>Encelia californica</i> Alliance
			Mediterranean CA Naturalized Annual and Perennial Grassland group (weedy)
			<i>Carpobrotus edulis</i> or other Ice Plants Semi-natural Stands
			Temperate Pacific Tidal Salt and Brackish Marsh group
			Urban/Disturbed

Table 4.3-3: Housing Sites within Vegetation Communities			
ID	Parcel Number	Focus Area	Vegetation Community Name
			Anthropogenic -Areas of Little or No Vegetation
			Water body
113	114 170 52	Banning Ranch	<i>Salix lasiolepis</i> Alliance
			<i>Artemisia californica</i> - <i>Eriogonum fasciculatum</i> Alliance
			<i>Encelia californica</i> Alliance
			Mediterranean CA Naturalized Annual and Perennial Grassland group (weedy)
			<i>Lepidium latifolium</i> Semi-natural Herbaceous Stands
			Introduced Trees, Shrubs (not in hierarchy)
			Urban/Disturbed
			Anthropogenic -Areas of Little or No Vegetation
114	114 170 83	Banning Ranch	<i>Encelia californica</i> Alliance
			Mediterranean CA Naturalized Annual and Perennial Grassland group (weedy)
			<i>Carpobrotus edulis</i> or other Ice Plants Semi-natural Stands
			Coastal Baja California Norte Maritime Succulent Scrub group
			Introduced Trees, Shrubs (not in hierarchy)
			Urban/Disturbed
115	114 170 71	Banning Ranch	Central and South Coastal Californian coastal sage scrub group
			<i>Lepidium latifolium</i> Semi-natural Herbaceous Stands
			Temperate Pacific Tidal Salt and Brackish Marsh group
			<i>Spartina foliosa</i> Alliance
			<i>Atriplex lentiformis</i> Alliance
			Anthropogenic -Areas of Little or No Vegetation
			Salt panne
Water Body			
116	114 170 76	Banning Ranch	Central and South Coastal Californian coastal sage scrub group
			Mediterranean CA Naturalized Annual and Perennial Grassland group (weedy)
			Temperate Pacific Tidal Salt and Brackish Marsh group
			<i>Sarcocornia pacifica</i> (<i>Salicornia depressa</i>) Alliance
			<i>Spartina foliosa</i> Alliance
			Introduced Trees, Shrubs (not in hierarchy)
			Urban/Disturbed
			Anthropogenic -Areas of Little or No Vegetation
			Salt panne
Water Body			
117	NO AP #	Banning Ranch	<i>Artemisia californica</i> - <i>Eriogonum fasciculatum</i> Alliance
			<i>Encelia californica</i> Alliance
			Mediterranean CA Naturalized Annual and Perennial Grassland group (weedy)
			<i>Cortaderia (jubata, selloana)</i> Semi-natural Herbaceous Stands

Table 4.3-3: Housing Sites within Vegetation Communities			
ID	Parcel Number	Focus Area	Vegetation Community Name
			<i>Carpobrotus edulis</i> or other Ice Plants Semi-natural Stands
			Temperate Pacific Tidal Salt and Brackish Marsh group
			Introduced Trees, Shrubs (not in hierarchy)
			Urban/Disturbed
			Anthropogenic -Areas of Little or No Vegetation
			Water Body
118	114 170 74	Banning Ranch	Central and South Coastal Californian coastal sage scrub group
			Mediterranean CA Naturalized Annual and Perennial Grassland group (weedy)
			Temperate Pacific Tidal Salt and Brackish Marsh group
			<i>Sarcocornia pacifica</i> (<i>Salicornia depressa</i>) Alliance
			<i>Spartina foliosa</i> Alliance
			Anthropogenic -Areas of Little or No Vegetation
			Salt panne
			Water Body
120	114 170 78	Banning Ranch	Central and South Coastal Californian coastal sage scrub group
			Temperate Pacific Tidal Salt and Brackish Marsh group
			<i>Sarcocornia pacifica</i> (<i>Salicornia depressa</i>) Alliance
			<i>Spartina foliosa</i> Alliance
			Introduced Trees, Shrubs (not in hierarchy)
			Urban/Disturbed
			Anthropogenic -Areas of Little or No Vegetation
			Salt panne
			Water Body
121	424 041 04	Banning Ranch	<i>Artemisia californica</i> - <i>Eriogonum fasciculatum</i> Alliance
			<i>Encelia californica</i> Alliance
			Mediterranean CA Naturalized Annual and Perennial Grassland group (weedy)
			<i>Carpobrotus edulis</i> or other Ice Plants Semi-natural Stands
			Coastal Baja California Norte Maritime Succulent Scrub group
			Introduced Trees, Shrubs (not in hierarchy)
			Urban/Disturbed
			Anthropogenic -Areas of Little or No Vegetation
122	114 170 43	Banning Ranch	<i>Artemisia californica</i> - <i>Eriogonum fasciculatum</i> Alliance
			<i>Encelia californica</i> Alliance
			Mediterranean CA Naturalized Annual and Perennial Grassland group (weedy)
			<i>Carpobrotus edulis</i> or other Ice Plants Semi-natural Stands
			Coastal Baja California Norte Maritime Succulent Scrub group
			Introduced Trees, Shrubs (not in hierarchy)
			Urban/Disturbed
			Anthropogenic -Areas of Little or No Vegetation

Table 4.3-3: Housing Sites within Vegetation Communities			
ID	Parcel Number	Focus Area	Vegetation Community Name
123	114 170 65	Banning Ranch	Central and South Coastal Californian coastal sage scrub group
			Mediterranean CA Naturalized Annual and Perennial Grassland group (weedy)
			Temperate Pacific Tidal Salt and Brackish Marsh group
			<i>Atriplex lentiformis</i> Alliance
			Anthropogenic -Areas of Little or No Vegetation
			Salt panne
			Water Body
124	114 170 80	Banning Ranch	Temperate Pacific Tidal Salt and Brackish Marsh group
			Urban/Disturbed
			Salt panne
			Water Body
126	114 170 24	Banning Ranch	Temperate Pacific Tidal Salt and Brackish Marsh group
			Anthropogenic -Areas of Little or No Vegetation
			Water Body
127	114 170 81	Banning Ranch	Temperate Pacific Tidal Salt and Brackish Marsh group
			<i>Spartina foliosa</i> Alliance
			Urban/Disturbed
			Water Body
128	114 170 75	Banning Ranch	Temperate Pacific Tidal Salt and Brackish Marsh group
			Anthropogenic -Areas of Little or No Vegetation
			Water Body
129	114 170 49	Banning Ranch	Mediterranean CA Naturalized Annual and Perennial Grassland group (weedy)
130	114 170 66	Banning Ranch	Central and South Coastal Californian coastal sage scrub group
			<i>Atriplex lentiformis</i> Alliance
			Anthropogenic -Areas of Little or No Vegetation
			Water Body

Source: The Nature Reserve of Orange County (NROC), 2015. *Orange County Vegetation Mapping Update*.

As previously discussed, since site-specific field surveys were not conducted for the Project, this analysis identifies housing sites with the potential to support sensitive vegetation communities based on programmatic sources such as the City’s GIS and State/federal data. Where sensitive vegetation communities are assumed to be present, site-specific surveys would be required prior to approval of future development projects to verify and confirm the presence of sensitive vegetation communities occurring on individual housing sites and determine the extent of any potential impacts. Potential future housing development projects facilitated by the Project would be required to adhere to all federal, State, and local requirements, including **MM BIO-1** for avoiding and minimizing construction and operations impacts to sensitive vegetation communities. Considering the requirements set forth in **MM BIO-1**, the Project would not result in substantial adverse effect, either directly or indirectly, on any sensitive vegetation communities. Therefore, impacts would be mitigated to a less than significant level.

Riparian habitats are known to exist throughout the City. Riparian areas are ecosystems bordering a river or stream, where soil moisture is more or less permanently available. Riparian areas are highly productive transitional areas between streams and terrestrial uplands, and support a diverse community of plants and animals. Riparian zones maintain the health and productivity of the stream environment. They reduce the transport of sediment and nitrates from the terrestrial to the aquatic environment, sustain microclimates, and provide large woody debris (which is a source of food and habitat structure). The CDFW regulates impacts to lakes, streams, and associated riparian (streamside or lakeside) vegetation through the issuance of a Lake or Streambed Alteration Agreement (SAA). The CDFW considers most drainages to be “streambeds” unless it can be demonstrated otherwise. A stream is defined as a body of water that flows at least periodically or intermittently through a bed or channel with banks and supports fish or other aquatic life. This includes watercourses having a surface or sub-surface flow that supports, or has supported, riparian vegetation. CDFW jurisdiction typically extends from the stream bed to the edge of the riparian canopy, and any modification to the stream or its banks that would impact it or riparian vegetation would require a SAA. As many riparian communities (e.g., southern riparian scrub, southern willow scrub, and southern cottonwood) are listed as “rare” by the CDFW and CNPS, additional protection is extended to some riparian communities by the CDFW under State CEQA Guidelines Section 15380. These guidelines independently define “endangered” species of plants or animals as those whose survival and reproduction in the wild are in immediate jeopardy and “rare” species as those who are in such low numbers that they could become endangered if their environment worsens. Therefore, a project normally will have a potentially significant effect on the environment if it will substantially affect a rare or endangered species of animal or plant or the habitat of the species. The significance of impacts to a species under State CEQA Guidelines must be based on analyzing actual rarity and threat of extinction despite legal status or lack thereof.

While there are no federal regulations that specifically mandate the protection of riparian vegetation, federal regulations set forth in CWA Section 404 address areas that potentially contain riparian type vegetation, such as wetlands. However, Section 404 jurisdiction is generally less than that of the Section 1600 SAA, covering only riparian vegetation that is within the active channel itself.

In addition to the applicable federal and State regulations discussed above, the General Plan has identified as goals: (1) the protection of sensitive and rare terrestrial and marine resources from urban development, and; (2) the protection, maintenance, and enhancement of southern California wetlands. Implementation of General Plan Policies NR 10.1 through NR 10.7 would reduce or avoid impacts to riparian areas by ensuring cooperation with resource protection agencies, organizations, and conservation plans, and limiting or placing constraints on future development within identified ESAs or areas containing significant or rare biological resources. In addition, Policies NR 13.1 and NR 13.2 would protect wetlands and their riparian habitat, and require a survey and analysis of future development within a delineated wetland area under the Project.

An indirect impact to riparian habitat could result from the future development of existing vacant sites. The placement of development next to riparian habitats would disturb wildlife that rely on these areas for shelter and food and could also result in the degradation of these areas through the introduction of feral animals and contaminants that are typical of urban uses. Because federal regulations do not specifically address protection of riparian vegetation under the Section 404 permitting process, and the fact that the CDFG Section 1600 SAA is a negotiated agreement, some unmitigated loss of riparian resources may occur. Therefore these regulations would not serve to fully protect and manage riparian

habitat under future development. However, the aforementioned General Plan policies and **MM BIO-1** would serve to regulate indirect impacts future development could have on riparian habitats. Therefore, the Project impacts associated with riparian habitats would be less than significant with mitigation.

Impact Summary: **Less Than Significant Impact With Mitigation.** Following compliance with the existing regulatory framework and MM BIO-1, the Project would not 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 CDFW or USFWS.

Threshold 4.3-3: Would the Project have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Wetlands are areas that are periodically or permanently inundated or saturated with water and support a prevalence of vegetation typically adapted for life in saturated soils. The General Plan Program EIR identifies several wetland habitats including Upper Newport Bay, the developed channels, beaches, and hardscape of Lower Newport Bay (Newport Harbor), and the intertidal and subtidal landforms (sandy beaches, rocky intertidal, sandy subtidal, and subtidal reefs) along the coast of Newport Beach between the Santa Ana River and the boundary between the City and unincorporated Orange County.

While the Project does not propose alteration of a State or federally protected wetland on any housing sites, it is possible that potential future development facilitated by the Project could directly or indirectly impact wetlands through activities such as vegetation removal and grading activities. Generally, development facilitated by the Project would be confined to previously developed urban areas and would not be located in the vicinity of wetland areas. However, as shown in **Figure 4.3-3: Housing Sites Containing Wetlands** and identified in **Table 4.3-4: Housing Sites Containing Wetlands**, several housing sites include wetlands.

ID	Parcel Number	Focus Area	Wetland Type
34	445 133 06	Airport Area	Freshwater Pond
58	445 122 17	Airport Area	Freshwater Pond
110	114 170 72	Banning Ranch	Estuarine and Marine Deepwater
			Estuarine and Marine Wetland
			Freshwater Emergent Wetland
			Freshwater Forested/Shrub Wetland
			Freshwater Pond
111	114 170 52	Banning Ranch	Riverine
			Freshwater Emergent Wetland
			Freshwater Forested/Shrub Wetland
			Freshwater Pond
112	114 170 50	Banning Ranch	Riverine
			Estuarine and Marine Deepwater
			Estuarine and Marine Wetland

ID	Parcel Number	Focus Area	Wetland Type
			Freshwater Forested/Shrub Wetland
			Riverine
113	114 170 52	Banning Ranch	Freshwater Forested/Shrub Wetland
			Riverine
114	114 170 83	Banning Ranch	Freshwater Emergent Wetland
115	114 170 71	Banning Ranch	Estuarine and Marine Deepwater
			Estuarine and Marine Wetland
116	114 170 76	Banning Ranch	Estuarine and Marine Deepwater
			Estuarine and Marine Wetland
117	No APN	Banning Ranch	Riverine
118	114 170 74	Banning Ranch	Estuarine and Marine Deepwater
			Estuarine and Marine Wetland
120	114 170 78	Banning Ranch	Estuarine and Marine Deepwater
			Estuarine and Marine Wetland
123	114 170 65	Banning Ranch	Estuarine and Marine Deepwater
			Estuarine and Marine Wetland
124	114 170 80	Banning Ranch	Estuarine and Marine Deepwater
			Estuarine and Marine Wetland
126	114 170 24	Banning Ranch	Estuarine and Marine Deepwater
			Estuarine and Marine Wetland
127	114 170 81	Banning Ranch	Estuarine and Marine Deepwater
			Estuarine and Marine Wetland
128	114 170 75	Banning Ranch	Estuarine and Marine Deepwater
			Estuarine and Marine Wetland
131	120 571 12	Coyote Canyon	Freshwater Forested/Shrub Wetland
			Freshwater Pond
			Riverine
336	478 031 56	Coyote Canyon	Freshwater Forested/Shrub Wetland
			Riverine

Source: USFWS, 2023. *National Wetlands Inventory*.



Figure 4.3-3: Housing Sites Containing Wetlands
 City of Newport Beach General Plan Housing Implementation
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Developments proposed on or adjacent to wetland areas are required to comply with federal and State laws and regulations that protect wetland resources. For example, as discussed above, pursuant to CWA Section 404, the USACE is authorized to regulate any activity that would result in the discharge of dredged or fill material into “waters of the U.S.” (including wetlands), which includes those waters listed in CFR)Title 33 Section 328.3, as amended. The USACE, with oversight from the U.S. EPA, has the principal authority to issue CWA Section 404 permits. The USACE would require a Standard Individual Permit for more than minimal impacts to “waters of the U.S.” as determined by the USACE. Projects with minimal individual and cumulative adverse effects on the environment may meet the conditions of an existing approved Nationwide Permit. Further, under CWA Section 401, an activity requiring an USACE Section 404 permit must obtain a State Water Quality Certification (or waiver thereof) to ensure that the activity will not violate established State water quality standards. The SWRCB, in conjunction with the nine California RWQCBs, is responsible for administering the CWA Section 401 Water Quality Certification Program. The RWQCB is required to provide “certification that there is reasonable assurance that an activity that may result in the discharge to ‘waters of the U.S.’ will not violate water quality standards.” Water Quality Certification must be based on the finding that a proposed discharge will comply with applicable water quality standards.

Any future development facilitated by the Project on or adjacent to wetland areas would be required to adhere to CWA Section 404. In addition to the existing federal and State regulatory framework, the General Plan Natural Resources and Land Use Elements contain policies that provide additional protection to the City’s wetlands. General Plan Policies NR 13.1 and NR 13.2 protect, maintain, and enhance the City’s wetlands by recognizing and protecting wetlands and requiring wetland delineations in accordance with the CDFW and USFWS. Policies NR 14.4 and NR 14.5 maintain and enhance deep water channels and ensure they remain navigable by boats through capacity management and new structure design by requiring projects to maintain the capacity of wetlands and new structures to be sited and designed to be consistent with the natural appearance of the surrounding area. These policies will ensure that any future development facilitated by the Project protect and maintain the City’s wetlands. Further, Policy LU 6.5.4 requires development to be located and designed to preserve and/or mitigate for the loss of wetlands and drainage course habitat. Adherence to the above identified federal and State laws and regulations and General Plan policies ensures that any future development facilitated by the Project would result in less than significant impacts on State or federally protected wetlands.

Impact Summary: **Less Than Significant Impact.** The Project would not have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means through compliance with regulatory requirements.

Threshold 4.3-4: Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Future housing development facilitated by the Project has the potential to impact nesting birds which have acclimated to urban life and nest and forage in the local trees and shrubs. These bird species are protected under the MBTA. Although the MBTA is no longer interpreted to protect migratory birds and raptors from incidental take (U.S. Department of Interior, 2017), the State Fish and Wildlife Commission

Sections 3503 and 3503.5 still provide these protections. If vegetation clearing would occur during the bird breeding season (February 1 to July 15 for raptors and January 15 to August 31 for other birds), direct impacts to nesting birds could occur.

Most of the housing sites are of limited value for wildlife movement and corridors due to existing residential and commercial development and public infrastructure. Housing sites 110-118, 120-124, 126-131, and 215 are vacant, which could potentially support nesting birds. Although the remaining sites are developed, ornamental landscaping associated with the existing developed sites can provide habitat for native birds. The loss of any active nests of a native bird during construction would be considered a significant impact.

All future development facilitated by the Project would be subject to the City's development review process and required to comply with relevant federal, State, and local regulations for avoiding and minimizing interference with the movement of any native resident or migratory fish and wildlife species, migratory wildlife species, or migratory wildlife corridors. As part of the development review process, future development would be required to comply with Municipal Code Chapters 21.30, 21.30B, and 21.53, which outlines additional requirements for new development to ensure the protection of environmentally sensitive habitat areas and coastal zones.

Further, future housing development facilitated by the Project would be subject to several relevant General Plan Policies. General Plan Policies NR 10.3 and NR 10.4, protect and prohibit development in nature preserves, conservation areas, and designated open space areas, and would require a site-specific study be prepared where development would occur within or contiguous to such areas. Additionally, General Plan Policies NR 10.5, NR 10.7, and NR 10.8 prevent disruption, and ensure protection of sensitive habitat through siting and design requirements, along with sufficient buffer sizes and shielding from direct exterior lighting. Policies NR 12.1 through NR 12.3 would serve to protect coastal dune habitats, which serve as movement corridor for coastal wildlife species. Policies NR 13.1 and NR 13.2 would protect, maintain, and enhance the City's wetlands, another movement corridor for a variety of aquatic, terrestrial, and avian species. With implementation of the policies, new urban uses within the developed areas of the City would not have a substantial effect on the movement of native resident or migratory wildlife species or corridors. Future housing development where the City has determined a potential for impacts to a wildlife corridor, would be required to prepare a site-specific general biological resources survey on sites that contain the presence of any sensitive biological resources.

Following compliance with the established regulatory framework future housing development impacts concerning interference 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 would be less than significant and no mitigation is required.

Impact Summary: **Less Than Significant Impact.** The Project would not 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.

Threshold 4.3-5: Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The Project does not directly propose any site development on the housing sites evaluated in the Program EIR. Rather, it provides a series of actions that support implementation of the 2021-2029 Housing Element. Future development would occur on these sites in incremental phases over time depending upon numerous factors such as market conditions, and economic and planning considerations, and at the individual property owners' discretion. All future development facilitated by the Project would be subject to the City's development review process and required to comply with relevant federal, State, and local regulations protecting biological resources.

As part of the development review process, future development facilitated by the Project would be required to comply with City Council Policy G-1 which establishes and maintains appropriate diversity in tree species and age classes to provide a stable and sustainable urban forest with an inventory that the City can reasonably maintain in a healthy and non-hazardous condition. Municipal Code Chapter 7.26 strives to maintain the value of natural habitat for migratory waterfowl and other birds such as ducks, gulls, terns, and pelicans, and Municipal Code Chapter 13.08 strives to control the planting, maintenance, and removal of trees in all public areas under the City's control. In addition, General Plan Policy NR 10.1 states that future development shall cooperate with federal and State agencies, and private organizations in the protection of the City's biological resources, and Policy NR 10.3 is intended to protect, and prohibit development in, nature preserves, conservation areas, and designated open space areas in order to minimize urban impacts upon resources in identified ESAs. These General Plan policies and City Council Policy G-1 would ensure that future development within the City would not conflict with any local policies or ordinances protecting biological resources, and therefore no impact would occur.

Impact Summary: **No Impact.** The Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Threshold 4.3-6: Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?

The Project does not propose any site development on the housing sites. Rather, it provides capacity for future development consistent with State law. Future development would occur on these sites in incremental phases over time depending upon numerous factors such as market conditions, and economic and planning considerations, and at the individual property owners' discretion. All future development facilitated by the Project would be subject to the City's development review process and required to comply with the provisions of the Central-Coastal NCCP/HCP. The Central-Coastal NCCP/HCP is included as part of the General Plan policies. Policy NR 10.2 states that future development must comply with the policies of the Central-Coastal NCCP/HCP. In addition, Policy NR 10.1 states that future development shall cooperate with State and federal agencies, and private organizations, in the protection of the City's biological resources. This includes local, regional, or State habitat conservation plans. The General Plan policies ensure that future development facilitated by the Project would not conflict with the provisions of the Central-Coastal NCCP/HCP, and therefore no impact would occur.

Impact Summary: **No Impact.** The Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

4.3.7 Cumulative Impacts

Future housing development facilitated by the proposed Project, in conjunction with cumulative development in the City, would increase housing development and could result in impacts to biological resources. The housing sites provide limited value for biological resources and as wildlife corridors because most of the sites are currently developed and are proximate to existing developments. Undeveloped sites on vacant land that contains known sensitive biological resources, such as Banning Ranch and Coyote Canyon, could be impacted by future development. Therefore, potential biological impacts would require evaluation on a case-by-case basis at the project level when future development is proposed. Each cumulative project containing known biological resources subject to site-specific reviews, which would address potential biological resource impacts and identify necessary measures, where appropriate. Consequently, the Project would not result in significant impacts to candidate, sensitive, or special status species, riparian habitat or other sensitive natural community, State or federally protected wetlands, the movement of any native resident or migratory fish or wildlife species, nor would it conflict with any local policies or ordinances protecting biological resources, or adopted habitat conservation plan. Therefore, with the implementation of mitigation and compliance with regulatory requirements, the Project's contribution to cumulatively considerable impacts on biological resources would be less than significant.

4.3.8 Mitigation Program

All future housing development facilitated by the Project would be subject to the City's development review process, which may include review pursuant to CEQA, and would be assessed on a project-specific basis for potential effects concerning biological resources. Future housing development would be subject to compliance with relevant federal, State, and local requirements including requirements set forth in the Newport Beach General Plan and Newport Beach Municipal Code.

General Plan Policies

See **Section 4.3.2: Regulatory Setting** for complete policy text.

- Policy NR 10.1
- Policy NR 10.2
- Policy NR 10.3
- Policy NR 10.4
- Policy NR 10.5
- Policy NR 10.6
- Policy NR 10.7
- Policy NR 10.8
- Policy NR 10.9
- Policy NR 13.1
- Policy NR 13.2
- Policy LU 6.5.4
- Policy S 6.3
- Policy S 6.4
- Policy S 6.5

Coastal Land Use Plan Policies

- Policy 2.1.7-2
- Policy 2.2.1-2
- Policy 2.8.8-1
- Policy 2.8.8-2
- Policy 2.8.8-4
- Policy 4.1.1-2
- Policy 4.1.1-3
- Policy 4.1.1-6
- Policy 4.1.1-13
- Policy 4.1.14-17
- Policy 4.3-8

Standard Conditions of Approval

The following standard conditions and mitigation measures are required.

SC BIO-1 Prior to the commencement of any proposed actions (e.g., site clearing, demolition, grading) during the breeding/nesting season (September 1 through February 15), a qualified biologist shall conduct a preconstruction survey(s) to identify any active nests in and adjacent to the project site no more than three days prior to initiation of the action. Costs associated with the biologist shall be the responsibility of the project applicant. If the biologist does not find any active nests that would be potentially impacted, the proposed action may proceed. However, if the biologist finds an active nest within or directly adjacent to the action area (within 100 feet) and determines that the nest may be impacted, the biologist shall delineate an appropriate buffer zone around the nest using temporary plastic fencing or other suitable materials, such as barricade tape and traffic cones. The buffer zone shall be determined by the biologist in consultation with applicable resource agencies and in consideration of species sensitivity and existing nest site conditions, and in coordination with the construction contractor. The qualified biologist shall serve as a construction monitor during those periods when construction activities occur near active nest areas to ensure that no inadvertent impacts on these nests occur. Only specified construction activities (if any) approved by the qualified biologist shall take place within the buffer zone until the nest is vacated. At the discretion of the qualified biologist, activities that may be prohibited within the buffer zone include but not be limited to grading and tree clearing. Once the nest is no longer active and upon final determination by the biologist, the proposed action may proceed within the buffer zone.

The qualified biologist shall prepare a survey report/memorandum summarizing his/her findings and recommendations of the preconstruction survey. Any active nests observed during the survey shall be mapped on a current aerial photograph, including documentation of GPS coordinates, and included in the survey report/memorandum. The completed survey report/memorandum shall be submitted to the City of Newport Beach Community Development Department prior to construction-related activities that have the potential to disturb any active nests during the nesting season.

Mitigation Measures

MM BIO-1 Applications for future housing development facilitated by the Project, where the City has determined a potential for impacts to special-status wildlife and plants species, shall be required to comply with the following mitigation framework:

Prior to the issuance of any permit for future development consistent with the Project, a site-specific general biological resources survey shall be conducted to identify the presence of any sensitive biological resources, including any sensitive plant or wildlife species. A biological resources report shall be submitted to the City to document the results of the biological resources survey. The report shall include (1) the methods used to determine the presence of sensitive biological resources; (2) vegetation mapping of all vegetation communities and/or land cover types; (3) the locations of any sensitive plant or wildlife species; (4) an evaluation of the potential for occurrence of any listed, rare, and narrow endemic species; and (5) an evaluation of the significance of any potential direct or indirect impacts from the proposed project. If potentially significant impacts to sensitive biological resources are identified, future project site grading and site plans shall incorporate project design features required by the applicant to minimize direct impacts on sensitive biological resources to the extent feasible, and the report shall also recommend appropriate mitigation to be implemented by the applicant to reduce the impacts to below a level of significance. The project design features shall be submitted to the Community Development Director or their designee for review and approval.

4.3.9 Level of Significance After Mitigation

With implementation of the mitigation program identified above, the proposed Project would not result in significant biological resources impacts on a project-specific or cumulative basis.

4.3.10 References

City of Newport Beach. (2006). *General Plan Natural Resources Element*.

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4.4 CULTURAL RESOURCES

4.4.1 Introduction

The section identifies existing conditions in the City and its Sphere of Influence (collectively referred herein as City) and evaluates potential impacts on cultural resources that could result from the Project, including future housing development on the housing sites facilitated by the Project. Historically, the term “cultural resources” encompassed archaeological, historical, paleontological, and tribal cultural resources, including both physical and intangible remains, or traces left by historic or prehistoric peoples. However, with changes to the *State CEQA Guidelines Appendix G*, this EIR addresses paleontological resources in **Section 4.6: Geology and Soils** and tribal cultural resources in **Section 4.16: Tribal Cultural Resources**.

4.4.2 Terminology

Key terms and concepts used in this section to describe and assess the potential cultural resource impacts are defined below:

Archeological Site. A site is defined by the National Register of Historic Places (NRHP) as the place or places where the remnants of a past culture survive in a physical context that allows for the interpretation of these remains. Archeological remains usually take the form of artifacts (e.g., fragments of tools, vestiges of utilitarian or non-utilitarian objects), features (e.g., remnants of walls, cooking hearths, or midden deposits), and ecological evidence (e.g., pollen remaining from plants that were in the area when the activities occurred). Prehistoric archaeological sites generally represent the material remains of Native American groups and their activities dating to the period before European contact. In some cases, prehistoric sites may contain evidence of trade contact with Europeans. Ethnohistoric archaeological sites are defined as Native American settlements occupied after the arrival of European settlers in California. Historic archaeological sites reflect the activities of non-native populations during the Historic period.

Artifact. An object that has been made, modified, or used by a human being.

Cultural Resource. A cultural resource is a location of human activity, occupation, or use identifiable through field inventory, historical documentation, or oral evidence. Cultural resources include archaeological resources and built environment resources (sometimes known as historic architectural resources), and may include sites, structures, buildings, objects, artifacts, works of art, architecture, and natural features that were important in past human events. They may consist of physical remains or areas where significant human events occurred, even though evidence of the events no longer remains. Cultural resources also include places that are of traditional, cultural, or religious importance to social or cultural groups.

Historic Period. The period that begins with the arrival of the first non-native population and thus varies by area.

Historical Resource. This term is used for the purposes of CEQA and is defined in the State CEQA Guidelines (14 California Code of Regulations [CCR] §15064.5) as: (1) a resource listed in, or determined to be eligible for listing in the California Register of Historical Resources (CRHR); (2) a resource included in a local register of historical resources, as defined in Public Resources Code (PRC) Section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California by the lead

agency, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Historical resources may also include tribal cultural resources including sites, features, places, cultural landscapes, sacred places, objects, and/or archeological resources with value to a California Native American Tribe per PRC Section 21074.

Prehistoric Period. The era prior to 1772. The latter part of the prehistoric period (post-1542) is also referring to as the protohistoric period in some areas, which marks a transitional period during which native populations began to be influenced by European presence resulting in gradual changes to their lifeways.

Tribal Cultural Resource. This term refers to a site, feature, place, cultural landscape, sacred place, object, or archaeological resource with cultural value to a California Native American tribe that is listed or eligible for listing in national, California, or local registers. A lead agency also has the discretion to determine that a resource is a tribal cultural resource if the determination is supported by substantial evidence. Tribal cultural resources are addressed in **Section 4.16: Tribal Cultural Resources** of this EIR.

4.4.3 Regulatory Setting

Federal

National Historic Preservation Act of 1966

Enacted in 1966 and amended in 2000, the National Historic Preservation Act (NHPA) declared a national policy of historic preservation and instituted a multifaceted program, administered by the U.S. Secretary of the Interior, to encourage the achievement of preservation goals at the federal, State, and local levels. The NHPA authorized the expansion and maintenance of the National Register of Historic Places (NRHP), established the position of State Historic Preservation Officer and provided for the designation of State Review Boards, set up a mechanism to certify local governments to carry out the purposes of the NHPA, assisted Native American tribes to preserve their cultural heritage, and created the Advisory Council on Historic Preservation.

The NRHP was established by the NHPA, as "an authoritative guide to be used by federal, state, and local governments, private groups, and citizens to identify the Nation's historic resources and to indicate what properties should be considered for protection from destruction or impairment" (Code of Federal Regulations [CFR] Title 36 §60.2). The NRHP recognizes both historical-period and prehistoric archaeological properties that are significant at the national, state, and local levels. To be eligible for listing in the NRHP, a resource must be deemed significant in American history, architecture, archaeology, engineering, or culture. Districts, sites, buildings, structures, and objects of potential significance must meet one or more of the following four established criteria:

- **Criterion A:** Associated with events that have made a significant contribution to the broad patterns of our history;
- **Criterion B:** Associated with the lives of persons significant in our past;
- **Criterion C:** Embody the distinctive characteristics of a type, period, method of construction that represent the work of a master, that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction;
- **Criterion D:** Have yielded, or may be likely to yield, information important in prehistory or history.

Unless the property possesses exceptional significance, it must be at least 50 years old to be eligible for listing in the NRHP. In addition to meeting the criteria of significance, a property must have the integrity of location, design, setting, materials, workmanship, feeling, and association. Sites that meet one or more NRHP eligibility criteria but do not retain integrity are not eligible for the NRHP. Guidance regarding the integrity of location, design, setting, materials, workmanship, feeling, and association is provided by National Register Bulletin 15.¹

State

California Office of Historic Preservation (OHP)

The California State Office of Historic Preservation (OHP) is responsible for administering federally and State mandated historic preservation programs to further the identification, evaluation, registration and protection of California's archaeological and historical resources. The OHP manages four registration programs for historical resources: National Register of Historic Places, California Register of Historical Resources, California Historical Landmarks, and State Points of Historical Interest.

California Register of Historical Resources (CRHR)

In 1992, Assembly Bill (AB) 2881 was signed into law establishing the California Register of Historical Resources (CRHR). The CRHR, implemented in 1998, is "an authoritative guide in California to be used by state and local agencies, private groups, and citizens to identify the state's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change" (Public Resources Code [PRC] §5024.1). The CRHR encourages public recognition and protection of resources of architectural, historical, archaeological, and cultural significance.

Eligibility for the CRHR is determined by the California Office of Historic Preservation in a formal review process in which a resource is proposed for listing. A resource deemed eligible for the NRHP is typically deemed eligible for the CRHR. Certain resources are determined by the statute to be included in the CRHR, including California properties formally determined eligible for or listed in the NRHP, as well as State Landmarks and State Points of Interest. The CRHR is maintained by the Office of Historic Preservation's State Historic Preservation Officer.

A resource, either an individual property or a contributor to a historic district, may be listed in the CRHR if the SHRC determines that it meets any of the following criteria, which are modeled on NRHP criteria:

- **Criterion 1:** It is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- **Criterion 2:** It is associated with the lives of persons important in our past.
- **Criterion 3:** It embodies the distinctive characteristics of a type, period, region, or method of construction; represents the work of an important creative individual; or possesses high artistic values.
- **Criterion 4:** It has yielded, or may be likely to yield, information important in history or prehistory.

¹ NRHP. (2002). National Register Bulletin 15. <https://www.nrc.gov/docs/ML1912/ML19120A529.pdf>. Accessed November 2023.

According to CCR Section 7050(a), the types of resources eligible for nomination:

- **Building.** A resource, such as a house, barn, church, factory, hotel, or similar structure created principally to shelter or assist in carrying out any form of human activity. “Building” may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn;
- **Site.** A site is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, or archaeological value regardless of the value of any existing building, structure, or object. A site need not be marked by physical remains if it is the location of a prehistoric event, and if no buildings, structures, or objects marked it at that time. Examples of such sites are trails, designed landscapes, battlefields, habitation sites, Native American ceremonial areas, petroglyphs, and pictographs;
- **Structure.** The term “structure” is used to describe a construction made for a functional purpose rather than creating human shelter. Examples of structures include mines, bridges, and tunnels;
- **Object.** The term “object” is used to describe those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed, as opposed to a building or a structure. Although it may be moveable by nature or design, an object is associated with a specific setting or environment. Objects should be in a setting appropriate to their significant historic use, role, or character. Objects that are relocated to a museum are not eligible for listing in the California Register. Examples of objects include fountains, monuments, maritime resources, sculptures, and boundary markers; and
- **Historic district.** Historic districts are unified geographic entities that contain a concentration of historic buildings, structures, objects, or sites united historically, culturally, or architecturally. Historic districts are defined by precise geographic boundaries. Therefore, districts with unusual boundaries require a description of what lies immediately outside the area, in order to define the edge of the district and to explain the exclusion of adjoining areas. The district must meet at least one of the criteria for significance discussed in Section 4852(b)(1)-(4) of this chapter.

Under PRC Section 5024.1 and 14 CCR Section 4852(c), a cultural resource must retain integrity to be considered eligible for the CRHR. Specifically, it must retain sufficient character or appearance to be recognizable as a historical resource and convey reasons of significance. Integrity is evaluated with regard to the retention of such factors as location, design, setting, materials, workmanship, feeling, and association. Cultural sites that have been affected by ground-disturbing activities, such as agricultural activities and off-road vehicle use, often lack integrity because they have been directly damaged or removed from their original location, among other changes.

California Points of Historical Interest. California Points of Historical Interest are sites, buildings, features, or events that are of local (city or county) significance and have anthropological, cultural, military, political, architectural, economic, scientific, technical, religious, experimental, or other value. No historical resource may be designated as both a California Historical Landmark and a Point of Historical Interest. If a Point of Historical Interest is subsequently granted status as a California Historical Landmark, the Point of Historical Interest designation is retired. To be eligible for designation as a Point of Historical Interest, a resource must meet at least one of the following criteria. It must be:

- The first, last, only, or most significant of its type in the State or within the local geographic region (city or county);
- Associated with an individual or group having a profound influence on the history of the local area;
- A prototype of, or an outstanding example of, a period, style, architectural movement, or construction; or
- One of the more notable works or the best-surviving work in the local region of a pioneer architect, designer, or master builder.

California Historical Landmarks. California Historical Landmarks are buildings, sites, features, or events that are of statewide significance and have anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental, or other historical value by meeting at least one of the criteria listed below:

- The first, last, only, or most significant of its type in the State or within a large geographic region (Northern, Central, or Southern California).
- Associated with an individual or group having a profound influence on the history of California.
- A prototype of, or an outstanding example of, a period, style, architectural movement or construction or is one of the more notable works or the best surviving work in a region of a pioneer architect, designer or master builder.

California Environmental Quality Act

Pursuant to State CEQA Guidelines, all California public agencies must consider the effects of their actions on both “historical resources” and “unique archaeological resources.” Pursuant to PRC Section 21084.1, a “project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.” Additionally, PRC Section 21083.2 requires agencies to determine whether proposed projects would have effects on “unique archaeological resources.”

- “Historical resource” is a term with a defined statutory meaning. Under California Code of Regulations (CCR), Title 14, Chapter 3 (CEQA Guidelines), Section 15064.5 (a) “historical resource” includes the following:
 - A resource listed in, or determined to be eligible by the State Historical Resources Commission (SHRC), for listing in the California Register of Historical Resources (CRHR) (PRC §5024.1 and Title 14 CCR, §4850 et seq.);
 - A resource included in a local register of historical resources, as defined in PRC Section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g), shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
 - Any object, building, structure, site, area, place, record, or manuscript that a Lead Agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of

California may be considered to be a historical resource, provided the Lead Agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the Lead Agency to be "historically significant" if the resource meets the criteria for listing on the CRHR (PRC §5024.1 and Title 14 CCR §4852) including the following:

- **Criterion 1** - Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- **Criterion 2** - Is associated with the lives of persons important in our past;
- **Criterion 3** - 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; or
- **Criterion 4** - Has yielded, or may be likely to yield, information important in prehistory or history.

CEQA Guidelines Section 15064.5(b)(1) states, "a project with an effect that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment. A substantial adverse change in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired."

The State CEQA Guidelines also require agencies to consider whether projects will affect "unique archaeological resources." PRC Section 21083.2(g), states "'unique archaeological resources means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- **Criterion 1** - Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information;
- **Criterion 2** - Has a special and particular quality such as being the oldest of its type or the best available example of its type; or
- **Criterion 3** - Is directly associated with a scientifically recognized, important prehistoric or historic event or person."

California Health and Safety Code Section, 7050.5 and 7052

California Health and Safety Code (HSC) Section 7050.5, declares that, in the event of the discovery of human remains outside of a dedicated cemetery, all ground disturbance must cease, and the county coroner must be notified. HSC Section 7052 establishes a felony penalty for mutilating, disinterring, or otherwise disturbing human remains, except by relatives. If human remains are encountered during future housing development facilitated by the Project, HSC Section 7050.5 states:

- a) "Every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law

is guilty of a misdemeanor, except as provided in PRC Section 5097.99.² The provisions of this subdivision shall not apply to any person carrying out an agreement developed pursuant to PRC Section 5097.94(I)³ or to any person authorized to implement PRC Section 5097.98.⁴

- b) In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code⁵, that the remains are not subject to the provisions⁶ of Government Code Section 27491⁶ or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in PRC Section 5097.98.⁷ The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative notifies the coroner of the discovery or recognition of the human remains.
- c) If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC)."⁸

California Coastal Act

The California Coastal Act, in part, authorizes the California Coastal Commission (Coastal Commission) to review permit applications for development within the coastal zone and, where necessary, to require reasonable mitigation measures to offset the effects of that development. Permits for development are issued with "special conditions" to ensure the implementation of these mitigation measures. Section 30244 of the Act, "Archaeological or Paleontological Resources," states that: Where development would adversely impact archaeological or paleontological resources as identified by the SHPO, reasonable mitigation measures shall be required. In the City, this is implemented via the certified Local Coastal Program (LCP), which applies to all development located within the portion of the City located in the Coastal Zone.

² State of California. (2011). *PRC Section 5097.99*.
http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=5097.99.&lawCode=PRC. Accessed November 2023.

³ State of California (2019). *PRC Section 5097.94*.
http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=5097.94.&lawCode=PRC. Accessed November 2023.

⁴ State of California (2010). *PRC Section 5097.98*.
http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=5097.98.&lawCode=PRC. Accessed November 2023.

⁵ State of California. (1947). *GC Chapter 10*.
https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?lawCode=GOV&division=2.&title=3.&part=3.&chapter=10.&article=1.&goUp=Y. Accessed November 2023.

⁶ State of California. (2016). *GC Section 27491*.
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=27491.&lawCode=GOV. Accessed November 2023.

⁷ State of California (2010). *PRC Section 5097.98*.
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=5097.98.&lawCode=PRC. Accessed November 2023.

⁸ State of California (1987). *Health and Safety Code Section 7050.5*.
http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC§ionNum=7050.5. Accessed November 2023.

California Historical Building Code

The California Historical Building Code (CHBC) is intended to save California's architectural heritage by recognizing the unique construction issues inherent in maintaining and adaptively reusing historic buildings. The CHBC provides alternative building regulations for permitting repairs, alterations, and additions necessary for the preservation, rehabilitation, relocation, related construction, change of use, or continued use of a "qualified historical building or structure."

The California Health and Safety Code Section 18955 defines a "qualified historical building or structure" as "any structure or property, collection of structures, and their associated sites deemed of importance to the history, architecture, or culture of an area by an appropriate local or state governmental jurisdiction. This shall include structures on existing or future national, state, or local historical registers or official inventories, such as the NRHR, State Historical Landmarks, State Points of Historical Interest, and City or County registers or inventories of historical or architecturally significant sites, places, historic districts, or landmarks. This shall also include places, locations, or sites identified on these historical registers or official inventories and deemed of importance to the history, architecture, or culture of an area by an appropriate local or state governmental jurisdiction."

The CHBC's standards and regulations are intended to facilitate the rehabilitation or change of occupancy so as to preserve their original or restored elements and features, to encourage energy conservation and a cost-effective approach to preservation, and to provide for reasonable safety from fire, seismic forces or other hazards for occupants and users of such buildings, structures, and properties and to provide reasonable availability and usability by the physically disabled.

In the City, any building or structure rated as Class 1, 2, 3, or 4 in the Newport Beach Register of Historical Property is deemed a "qualified historical building or structure" for purposes of applying the CHBC. The City Building Official may apply the said CHBC to any such building or structure, providing, however, that the highest standards of structural and fire safety are maintained. Class 5 properties are listed in the City Register for recognition purposes only.

Local

Newport Beach City Council Policy Manual

The Newport Beach City County (City Council) Policy Manual identifies policies applicable to cultural resources. These policies are discussed below.

Places of Historical and Architectural Significance (K-2). This regulation establishes the City Council's authority to designate as historical property any building, object, structure, monument, or collection having importance to the history or architecture of the City and provides a procedure for listing. Accordingly, the City Clerk is required to maintain the City Register. The City Council may at any time repeal, revise, or modify any such designation upon reconsideration of the historical or architectural importance of the structure.

Paleontological and Archaeological Resource Protection Guidelines (K-5). Under this guideline, the City will ensure that potential impacts on paleontological and archaeological resources by public or private development are properly evaluated and mitigated in accordance with the General Plan, Local Coastal Program, and State CEQA Guidelines. The guideline requires development projects to determine if paleontological or archaeological resources exist at or near a project site. If the site is located in the Coastal Zone, the requirements and procedures provided in Municipal Code Section 21.30.105(A), or any

successor statute, shall be implemented. If resources are known to exist at or near a project site or if the project could otherwise affect known resources, a preliminary investigation report (PIR) shall be prepared by a qualified professional archaeologist or paleontologist. If the preliminary investigation report concludes that resources are not likely to be at the present at the project site or encountered during construction, no further analysis shall be required. If the preliminary report concludes that resources are present at the site or are likely to be present at the site or may be encountered by project construction, additional investigative work shall be prepared to identify and disclose the potential impacts of the project.

*City of Newport Beach General Plan*⁹

The *City of Newport Beach General Plan 2006 Update* (General Plan) includes goals and policies to address the protection and sustainability of the City's historic and paleontological resources. Preserving and maintaining these resources helps to create an awareness and appreciation of the City's rich history. According to the General Plan, adopted policies related to historical and cultural resources were designed to recognize, maintain, and protect the community's unique historical, cultural, and archeological sites and structures.

The following General Plan goals and policies that have been adopted by the City for the purpose of avoiding or mitigating an environmental effect are applicable to future development projects associated with the proposed Project. General Plan goals and policies associated with paleontological resources are addressed in **Section 4.6: Geology and Soils** and tribal cultural resources in **Section 4.16: Tribal Cultural Resources**.

Historical Resources Element

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|----------------------|--|
| Goal HR 1 | Recognize and protect historically significant landmarks, sites, and structures. |
| Policy HR 1.2 | Preservation or Re-Use of Historical Structures. Encourage the preservation of structures listed on the NRHR and/or the list of California Historical Landmarks, and/or the City Register. Provide incentives, such as grading reductions or waivers of application fees, permit fees, and/or any liens placed by the City to properties listed in the federal, State, and local Registers or the in exchange for preservation easements. |
| Policy HR 1.4 | Adaptive Re-use. Encourage alternatives to demolition of historical sites or structures by promoting architecturally compatible rehabilitation or adaptive re-use. Provide incentives such as permit and application fee waivers, flexible building requirements and free technical advice by person(s) qualified in historical preservation. |
| Policy HR 1.5 | Historical Elements within New Projects. Require that proposed development that is located on a historical site or structure incorporate a physical link to the past within the site or structural design, if preservation or adaptive reuse is not a feasible option. For example, incorporate historical photographs or artifacts within the proposed project or preserve the location and structures of existing pathways, gathering places, |

⁹ City of Newport Beach. (2006). *City of Newport Beach General Plan*. <https://www.newportbeachca.gov/government/departments/community-development/planning-division/general-plan-codes-and-regulations/general-plan>. Accessed November 2023.

seating areas, rail lines, roadways, or viewing vantage points within the proposed site design.

Policy HR 1.6 **Documentation.** Require that, prior to the issuance of a demolition or grading permit, developers of a property that contains a historic structure as defined by CEQA retain a qualified consultant to record the structure in accordance with U.S. Secretary of Interior guidelines (which includes drawings, photographs, and written data) and submit this information to the Newport Beach Historical Society, Orange County Public Library, and City Planning Department.

Policy HR 1.7 **Offer for Relocation of Historic Structure.** Require that, prior to the demolition of a historic structure, developers offer the structure for relocation by interested parties.

Goal HR 2 **Identification and protection of important archeological and paleontological resources within the City.**

Policy HR 2.1 **New Development Activities:** Require that, in accordance with CEQA, new development protect and preserve paleontological and archaeological resources from destruction and avoid and mitigate impacts to such resources. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.

Policy HR 2.2 **Grading and Excavation Activities.** Maintain sources of information regarding paleontological and archeological sites and the names and addresses of responsible organizations and qualified individuals, who can analyze, classify, record, and preserve paleontological or archeological findings. Require a qualified paleontologist/archeologist to monitor all grading and/or excavation where there is a potential to affect cultural, archeological, or paleontological resources. If these resources are found, the applicant shall implement the recommendations of the paleontologist/archeologist, subject to the approval of the City Planning Department.

Policy HR 2.3 **Cultural Organizations.** Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow representatives of such groups to monitor grading and/or excavation of development sites.

Policy HR 2.4 **Paleontological or Archaeological Materials.** Require new development to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach, or Orange County, whenever possible.

Land Use Element

Goal LU 6.8: **A series of commercial, visitor-serving, marine-related, civic, and residential neighborhoods that are vibrant throughout the year, differentiated by their historic and functional characteristics and architectural style, yet integrated by streetscape amenities.**

Policy LU 6.8.6: **Historic Character.** Preserve the historic character of Balboa Peninsula’s districts by offering incentives for the preservation of historic buildings and requiring new development to be compatible with the scale, mass, and materials of existing structures, while allowing opportunities for architectural diversity.

Natural Resources Element

Goal NR 18: **Protection and preservation of important paleontological and archaeological resources.**

Policy NR 18.1 **New Development.** Require new development to protect and preserve paleontological and archaeological resources from destruction, and avoid and minimize impacts to such resources in accordance with the requirements of CEQA. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.

Policy NR 18.3 **Potential for New Development to Impact Resources.** Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow qualified representatives of such groups to monitor grading and/or excavation of development sites.

Policy NR 18.4 **Donation of Materials.** Require new development, where on-site preservation and avoidance are not feasible, to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach or Orange County, whenever possible.

City of Newport Beach Local Coastal Program – Coastal Land Use Plan

The Coastal Act requires each local jurisdiction wholly or partly within the coastal zone to prepare an LCP, which is used to carry out California Coastal Act policies and requirements. The City lies partly within the coastal zone. The City’s LCP sets forth goals, objectives, and policies that govern the use of land and water in the coastal zone within the City and its Sphere of Influence, with the exception of Newport Coast and Banning Ranch. The City’s Coastal Land Use Plan includes the following policies applicable to cultural resources:

Policy 4.5.1-1 Require new development to protect and preserve paleontological and archaeological resources from destruction and avoid and minimize impacts to such resources. If avoidance of the resource is not feasible, require an in situ or site-capping preservation plan or a recovery plan for mitigating the effect of the development.

Policy 4.5.1-2 Require a qualified paleontologist/archeologist to monitor all grading and/or excavation where there is a potential to affect cultural or paleontological resources. If grading operations or excavations uncover paleontological/archaeological resources, require the paleontologist/archeologist monitor to suspend all development activity to avoid destruction of resources until a determination can be made as to the significance of the paleontological/archaeological resources. If resources are determined to be significant, require submittal of a mitigation plan. Mitigation measures considered may range from in-situ preservation to recovery

and/or relocation. Mitigation plans shall include a good faith effort to avoid impacts to cultural resources through methods such as, but not limited to, project redesign, in situ preservation/capping, and placing cultural resource areas in open space.

Policy 4.5.1-3 Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow qualified representatives of such groups to monitor grading and/or excavation of development sites.

Policy 4.5.1-4 Where in situ preservation and avoidance are not feasible, require new development to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Orange County, whenever possible.

Policy 4.5.1-5 Where there is a potential to affect cultural or paleontological resources, require the submittal of an archeological/cultural resources monitoring plan that identifies monitoring methods and describes the procedures for selecting archeological and Native American monitors and procedures that will be followed if additional or unexpected archeological/cultural resources are encountered during development of the site. Procedures may include, but are not limited to, provisions for cessation of all grading and construction activities in the area of the discovery that has any potential to uncover or otherwise disturb cultural deposits in the area of the discovery and all construction that may foreclose mitigation options to allow for significance testing, additional investigation and mitigation.

City of Newport Beach Municipal Code

Title 21, Chapter 30, Section 105 Cultural Resource Protection.¹⁰ Newport Beach Municipal Code (Municipal Code) Section 21.30.105 ensures archeological/paleontological resources are afforded protection on sites known to contain or are suspected of containing archeological/paleontological cultural resources. This regulation provides for the determination of the nature and extent of on-site archaeological/paleontological cultural resources during the early stages of planning for the development of the site, thereby allowing for a full range of mitigation options. Accordingly, development sites with known or high potential for the presence of archaeological/paleontological cultural resources are required to be analyzed through a comprehensive archaeological research plan (ARP) and implemented through a coastal development permit, prior to consideration of a permit to develop the site.

Through this process, the ARP is then used to guide any subsequent development of a site. The ARP, when properly designed and reviewed by qualified archaeologists, along with consultation with Native American tribes with ancestral ties to the area can establish whether the site was used in prehistoric times by Native Americans, determine whether evidence of that use remains, and provide for the in situ preservation of intact significant resources and other mitigation options to otherwise protect significant cultural resources on site. The regulation also provides procedures for archaeological and Native American tribe monitoring of grading and other activities during project development to ensure any newly discovered cultural resources are protected.

¹⁰ City of Newport Beach (2021). *City of Newport Beach Municipal Code – Cultural Resource Protection*. <https://www.codepublishing.com/CA/NewportBeach/#!/NewportBeach21/NewportBeach2130.html#21.30.105>. Accessed Nov, 2023.

Future housing development facilitated by the Project would be subject to the following performance standards:

- **Archaeological Research Plan.** When a development is proposed in an area where there are known or has potential for archaeological or paleontological resources on the site an ARP shall be prepared by a qualified archaeologist/paleontologist and implemented through a coastal development permit before the submittal of a coastal development permit for the proposed development of the site. The purpose of the ARP is to determine whether or not significant cultural resources are present, determine the boundaries of cultural resources, and provide measures that result in the avoidance and/or minimization of impact to archaeological or paleontological cultural resources present on the site. A coastal development permit is required to implement an ARP since such implementation involves development (e.g., excavating shovel test pits, trenching, etc.) that has the potential to result in significant impacts to known or suspected on-site cultural resources.
- **Monitoring and Mitigation Plan (MMP).** Even after implementation of an approved ARP, prepared in accordance with the above provisions, there is potential for proposed development activity to adversely affect archaeological/paleontological resources, a qualified paleontologist/archeologist shall monitor all grading and/or excavation activities. Therefore, a coastal development permit application for any subsequent development at the site shall include the submittal of evidence that the approved ARP, including all mitigation, has been fully implemented. Further, the coastal development permit for subsequent development of the site shall include the requirement for the submittal of a MMP to be implemented during any site grading, utility trenching or any other development activity that has the potential to uncover or otherwise disturb archaeological/cultural resources and shall provide for appropriate mitigation measures for any additional resources that are found. The elements of the MMP shall be consistent with subsection (A)(3)(ii)(A) of this section and specify that sufficient archaeological and Native American monitors must be provided to assure that all activity that has the potential to uncover or otherwise disturb cultural deposits will be monitored at all times while those activities are occurring. The MMP shall be ongoing until grading activities have reached sterile soil.

The MMP shall include demonstration of a good faith effort to avoid impacts to the resources through measures including project redesign, in situ preservation/capping, and placing cultural resource areas in open space; if avoidance of the resource is not feasible, a recovery and/or relocation plan for mitigating the effect of the development shall be required.

4.4.4 Existing Conditions

The following information summarizes the major prehistoric, historic, and known cultural resources in and around the City based on the General Plan and General Plan Program EIR (General Plan EIR), City Register, and Historic Resources Inventory.

Prehistoric Setting¹¹

Archaeologists and ethnologists have long contemplated the cultural sequences that occurred before Spanish contact. William Wallace (1955) developed the first comprehensive California chronologies and defines four periods for the Southern California coastal region. These four periods are: Early Man, Milling Stone, Intermediate, and Late Prehistoric.

Horizon I: Early Man or Paleo-Indian Period. Spanning the period from the end of the Pleistocene to approximately 8,000 years before present (YBP),¹² archaeological assemblages attributed to this horizon are characterized by large projectile points and scrapers. The limited data available suggests that prehistoric populations focused on hunting and gathering and moved about the region in small nomadic groups. Encampments were probably temporary, located near major kills or important resource areas. Some evidence for the earliest human occupation of Orange County was discovered at archaeological sites around Upper Newport Bay and dates approximately 9,500 YBP. Over 50 sites have been recorded in the City, including the Newport Coast area and Banning Ranch, many yielding substantial information regarding the prehistory of the City and County, and have included human burials.

Horizon II: Milling Stone Assemblages. Characterized by the appearance of handstones and millingstones, this horizon tentatively dates to between 8,000 YBP and 3,000 YBP. Assemblages in the early Milling Stone Horizon reflect an emphasis on plant foods and foraging subsistence systems. For inland locales, it has been assumed that grass seed exploitation formed a primary subsistence activity. Artifact assemblages include choppers and scraper planes, but generally lack projectile points. The appearance of large projectile points in the latter portion of the Milling Stone Horizon suggests a more diverse economy. The distribution of Milling Stone sites reflects the theory that aboriginal groups may have followed a modified, centrally based wandering settlement pattern. In this semi-sedentary pattern, a base camp would have been occupied for a portion of the year but a small population group seasonally occupied subsidiary camps in order to exploit resources not generally available near the base camp. Sedentism apparently increased in areas possessing an abundance of resources available for longer time periods. More arid inland regions would have provided a seasonally dispersed resource base, restricting sedentary occupation. Along the coast, shell midden sites are common site types. Some formal burials, occasionally with associated grave goods, are also evident.

Horizon III: Intermediate Cultures. Dated to between 3,000 YBP and 1,350 YBP, the Intermediate Horizon represents a transitional period. The Intermediate Period is identified by a mixed strategy of plant exploitation, terrestrial hunting, and maritime subsistence strategies. Site assemblages retain many attributes of the Milling Stone Horizon. In coastal areas, the introduction of the circular shell fishhook and the growing abundance of fish remains in sites over the course of the period suggest a substantial increase in fishing activity during the Intermediate Horizon. Additionally, Intermediate Horizon sites contain large stemmed or notched projectile points and portable mortars and pestles. The mortars and pestles suggest that the aboriginal populations may have harvested, processed, and consumed acorns. It has been proposed that sedentism increased with the exploitation of storable food resources (acorns), and that the duration and intensity of base camp occupation increased, especially toward the latter part of this horizon. This subsistence strategy continued until European contact. Material culture became more diverse and

¹¹ City of Newport Beach. (2006) *City of Newport Beach General Plan Update Draft EIR – Cultural Resources*. https://newportbeachca.gov/PLN/General_Plan/GP_EIR/Volume_1/09_Sec4.4_Cultural_Resources.pdf. Accessed November 2023.

¹² “Years Before Present” assumes that 1950 is “present”, so in this case, 8,000 YBP would be 6,050 BCE (Before Common Era).

elaborate and included steatite containers, perforated stones, bone tools, ornamental items, and asphalt adhesive.

Horizon IV: Late Prehistoric Cultures. Extending from the year 750 to Spanish contact in 1769, the Late Prehistoric Horizon reflects an increased sophistication and diversity in technology. During this period, exploitation of many food resources, particularly marine resources among coastal groups, continued to intensify. The material culture in the Late Prehistoric Horizon increased in complexity in terms of the abundance and diversity of artifacts being produced. This is characterized by the presence of small projectile points that simplified the use of the bow and arrow. In addition, assemblages include steatite bowls, asphaltum, grave goods, and elaborate shell ornaments. Use of bedrock milling stations was widespread during this horizon. Increased hunting efficiency and widespread acorn exploitation provided reliable and storable food resources. These innovations apparently promoted greater sedentism.

The Late Prehistoric Period includes the first few centuries of early European contact (1542–1769); it is also known as the Protohistoric Period as there was a low level of interaction between native Californians and Europeans prior to Portolá’s overland expedition in 1769. In the few centuries prior to European contact, records note substantial increases in the indigenous population. Some village sites may have contained as many as 1,500 individuals and many of these village sites were occupied throughout the year rather than seasonally. This shift in settlement strategy was likely influenced by improved food procurement and storage technology, which enabled population growth.

Please refer to **Section 4.16: Tribal Cultural Resources**, regarding Ethnographic Setting.

Early History of Newport Beach¹³

In July 1769, Spaniard Gaspar de Portola led an expedition that reached the boundaries of present-day Orange County. Father Junipero Serra, a member of the expedition, dedicated the Mission of San Juan Capistrano, Orange County's first permanent settlement, on November 1, 1776. The Mission’s chapel and adjoining structure were the first signs of civilization erected in the Santa Ana Region. In the 1800s, the Capistrano Mission’s land holdings were parceled out as Spanish and Mexican land grants to war heroes and aristocratic families. The most prominent landowners of the area, Don Sepulveda and Don Bernardo Yorba, whose combined holdings comprised Newport Beach's upper bay and lower bay, sold their tracts to American entrepreneurs Flint, Bixby, Irvine, and McFadden. Commerce began in the Newport Beach community in 1870 when a small stern wheeler from San Diego named "The Vaquero" made its first trip to a marshy lagoon to exchange lumber for hides, tallow, livestock, and grain. James McFadden and ranch owner James Irvine named the landing on the bay “Newport.” The McFadden brothers brought in lumber from Northern California and shipped out produce from local farmers on a shallow draft steam schooner named Newport.

In 1888, due to the treacherous harbor entrance, James McFadden moved the isolated settlement to the peninsula and built a wharf that extended to deep water where large steamers could dock. In 1891, the McFadden brothers completed a railway connection to Santa Ana. Shipping activity increased dramatically for the next eight years, making the McFadden Wharf area a booming commercial and shipping center and creating a growing company town. However, in 1899, the federal government allocated funds for major improvements to a new harbor at San Pedro, which was served by the Southern Pacific Railroad

¹³ City of Newport Beach (2006). *City of Newport Beach General Plan – Historical Resources Element*. https://www.newportbeachca.gov/PLN/General_Plan/07_Ch6_HistoricalResources_web.pdf. Accessed November 2023.

and would become Southern California's major seaport. The McFadden Wharf and Southern Pacific Railroad were sold to a beet-sugar producer in Los Alamitos who, six months later, sold to the Southern Pacific Railroad, signaling the end of Newport as a commercial shipping center.

In 1902, James McFadden sold his Newport town site and about half of the Newport Peninsula to William S. Collins, who saw Newport Bay's resort and recreation potential. Collins took on Henry E. Huntington as a partner in the Newport Beach Company. Huntington acquired the Pacific Electric Railway and used it to promote new communities outside of Los Angeles. In 1905, the Pacific Electric Railroad established itself in Newport Beach, connecting it to the City of Los Angeles by rail. Rapid transit "Red Cars" brought new visitors to the waterfront, and small hotels and beach cottages were developed for the tourist industry. Between 1902 and 1907, many of the waterfront communities were subdivided, including West Newport, East Newport, Bay Island, Balboa, Corona del Mar, Balboa Island, and Port Orange (at old Newport Landing).

On September 1, 1906, Newport Beach became the fifth city to incorporate in Orange County; Newport Heights and Corona del Mar were annexed in 1917. In the 1920s, the City and County began work to improve the harbor entrance and create navigable channels in the bay. Between 1934 and 1936, the federal government and the County Harbor District undertook work around the harbor. They dredged the Lower Bay, extended jetties, and created the present-day contour of Newport Harbor. During World War II, the harbor became a vital hub as naval ships were built and repaired in its coastal waters. After the war, many servicemen returned to build their homes in the City and the surrounding area.

The Santa Ana freeway, built in the 1950s, triggered further growth. During this time, housing development began to spread north and eastward from the waterfront to the hills and mesa areas. The community's economic industry changed, as the fishing industry, once the backbone of the City's economy, gradually declined and was replaced with new businesses and commercial centers. Beginning in 1967 and through the 1970s and 1980s, the construction of the Fashion Island shopping center, hotels, offices, and new homes led to the creation of active employment, retail, and residential areas.

Historical Resources¹⁴

Eleven properties in the City have been listed or designated eligible for listing on the NRHP or CRHR, or otherwise listed as historic or potentially historic in the California Historic Resources Information System (CHRIS) maintained by the Office of Historic Preservation. In addition, the City Register also formally recognizes five structures or properties of local historical or architectural significance, most of which are not listed in the NRHP and CRHR. These structures meet the definition of historical resources under State CEQA Guidelines Section 15064.5. State CEQA Guidelines Section 15064.5 states that a project with an effect that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment. In addition to the formally recognized resources described above, the City's Historic Resource Inventory includes 61 properties, which while not officially adopted, serves as a useful guide to potentially historic properties that may have historic or cultural significance to the City.

¹⁴ Ibid.

The General Plan Historical Resources Element identifies recognized historical resources throughout the City.

Nationally Recognized Resources. Four properties in the City are listed on the NRHP.

- **Balboa Inn**—Built in 1929, the Balboa Inn is representative of Spanish Colonial Revival architecture and beachfront tourist development.
- **Balboa Pavilion**—Constructed in 1905, the Balboa Pavilion has been the site of numerous social and cultural activities over the turn of the century. It is one of the State’s last surviving examples of great waterfront recreational pavilions.
- **Crystal Cove Historic District**—The Crystal Cove Historic District is a 12.3-acre coastal portion of the 2,791-acre Crystal Cove State Park. The federally listed Historic District is an enclave of 46 vintage rustic coastal cottages originally built in the 1920s and 1930s that are nestled around the mouth of Los Trancos Creek. It is one of the last remaining examples of early twentieth-century Southern California coastal development.
- **Lovell Beach House**—Built in 1926, the Lovell Beach House was designed by Rudolf Schindler and is considered the first pure International Style house built in America.

State-Recognized Resources. No properties are listed on the CRHR. There are four properties in the City have been listed as California Historical Landmarks.

- **Old Landing**—Established by Captain Dunnells in the 1870s, it was the site of the first shipping business in Newport Bay.
- **Site of First Water-to-Water Flight**—Commemorates the May 10, 1912, flight of pioneer pilot Glenn L. Martin who flew from the waters of the Pacific Ocean at Balboa to Catalina Island; on a primitive hydroplane; the first water-to-water flight. Today a plaque at the foot of the Balboa Pier honors the memory of Glenn Martin.
- **McFadden Wharf**—The site of the original wharf built in 1888 by the McFadden brothers.
- **Balboa Pavilion**—described above.

Additional Properties. The below four additional properties are also listed in the CHRIS database.

- B.K. Stone Building—one of the oldest commercial structures in Newport Beach.
- Balboa Island Firehouse No. 4—early police and fire station for the Balboa Peninsula.
- Bank of Balboa/Bank of America—Bank of Balboa, Bank of America, provided services from 1928 to 1984 (now demolished).
- Our Lady of Mount Carmel Church.

Locally Recognized Resources. Properties not listed on the NRHP or CRHR may also be considered historical resources. The City has established the Newport Beach Register of Historical Property (“City Register”) to recognize structures or properties of local historical or architectural significance. The City has listed seven properties in the City Register in recognition of their local historical or architectural significance, as described above. In addition to the Balboa Pavilion and the Balboa Inn, which are also listed in the NRHP and CRHR, the City Register includes the following:

- **Balboa Pavilion** – Constructed in 1905, the Balboa Pavilion has been the site of numerous social and cultural activities over the turn of the century. It is one of the State’s last surviving examples of great waterfront recreational pavilions.
- **Rendezvous Ballroom Site**—A popular Balboa Dance Hall that featured numerous famous Big Bands of the 1930s and 1940s. It was destroyed by fire in 1966.
- **Wilma’s Patio (formally Pepper’s Restaurant/Jolly Roger/Dippy’s)**—Located on Balboa Island, the exposed structural components of Wilma’s Patio are timbers used in the original Balboa Island Bridge and McFadden Wharf.
- **Balboa Inn**—Built in 1929, the Balboa Inn is representative of Spanish Colonial Revival architecture and beachfront tourist development.
- **Bank of America Site**— Now demolished, Bank of America provided services from 1928 to 1984.
- **Solar House**—A significant example of the work of Los Angeles architect John Lautner and an example of Modernist residential architecture.
- **Balboa Theater**—Built in 1928, the Balboa Theater is a former vaudeville theater that at one time housed an infamous speakeasy during the prohibition period.
- **Balboa Saloon**—The 1924 building is representative of the nautical history and Main Street commercial masonry style of Newport Beach.
- **Dory Fishing Fleet**—The Dory Fishing Fleet is located adjacent to Newport Pier. The fleet and open-air fish market have operated at this location since the founding of the fleet in 1891 by Portuguese fishermen. The last remaining fleet of its type, it is a historical landmark designated by the Newport Beach Historical Society. It is a City Council policy that an area immediately west of the Newport Pier be reserved for the Newport Dory Fishing Fleet.
- **Goldenrod Avenue Footbridge** – Constructed in 1928 to span what was known then as “Pacific Gulch” with the purpose of providing more direct access to the beach.

In 1991, the City Council established an Ad Hoc Historic Preservation Advisory Committee (AHPAC) to investigate the historic resources of the community and make recommendations regarding preservation. The AHPAC completed its assignment on May 12, 1992, and reported its findings, which included a Historic Resource Inventory of 61 properties, to the City Council on June 8, 1992. The inventory categorized the properties surveyed into five hierarchical “classes” of significance:

- **Class 1—Major Historic Landmark:** A building, structure, object, site, or natural feature of major historical significance. The property exemplifies historic/architectural themes of local and statewide importance and serves as a significant part of the City’s heritage.
- **Class 2—Historic Landmark:** A building, structure, object, site, or natural feature of historical significance. The property is representative of historical/architectural themes of local and statewide importance and serves as a physical link to the City’s historical past.
- **Class 3—Local Historic Site:** A building, structure, object, site, or natural feature of local significance only. The property is representative of historic/architectural themes of local importance.

- **Class 4—Structure of Historic Interest:** A building, structure, object, site, or natural feature that has been altered to the extent that the historic/architectural integrity has been substantially compromised but is still worthy of recognition.
- **Class 5—Point of Historic Interest:** A site of a building, structure, or object that no longer exists, but is associated with historic events or persons, or architecturally significant structures.

Under this system, Class 1 to Class 3 resources would be eligible to use the CHBC; Class 4 and Class 5 properties would be listed for recognition purposes only. The inventory was never officially adopted by the City and the structures were never placed on the City Register. However, the inventory still serves as a useful guide to potentially historic properties that may have historic or cultural significance to the City.

4.4.5 Thresholds of Significance

In accordance with the *State CEQA Guidelines Appendix G* thresholds, the Project would result in a significant impact to cultural if it would:

- Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5;
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or
- Disturb any human remains, including those interred outside of formal cemeteries.

4.4.6 Methodology

This analysis considers the *State CEQA Guidelines, Appendix G* thresholds, as described above, in determining whether Project implementation would result in impacts concerning cultural resources. The evaluation was based on reviewing the regulations and determining their applicability to the Project. The intent of this Program EIR is to address any potential impacts to cultural resources associated with future development facilitated by the Project using all available information known at the time of its preparation. The housing sites are evaluated in this Program EIR at a programmatic level. As a result, no site-specific surveys were conducted for this Program EIR analysis. Cultural resource information was acquired through a review of relevant planning documents including the General Plan, General Plan EIR, City Register, Historic Resources Inventory, Municipal Code, and consultation with City staff. The determination that the Project would or would not result in "substantial" adverse effects concerning cultural resources considers the relevant policies and regulations established by federal, State, and local agencies and the future housing development facilitated by the Project's compliance with such policies.

4.4.7 Project Impacts and Mitigation

Threshold 4.4-1: Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

As discussed above, State CEQA Guidelines Section 15064.5, defines "historical resources" as resources listed in the CRHR, or determined to be eligible by the California Historical Resources Commission for listing in the CRHR.¹⁵ A resource included in a local register of historical resources, like the City Register,

¹⁵ California Public Resources Code §5020.1(k), §5024.1(g).

is also presumed to be historically or culturally significant. Generally, a resource is considered to be “historically significant” if the resource meets the criteria for listing on the CRHR (PRC SS5024.1, Title 14, §4852) including the following:

- a) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- b) Is associated with the lives of persons important in our past;
- c) 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; or
- d) Has yielded, or may be likely to yield, information important in prehistory or history.

The fact that a resource is not listed in, or determined to be eligible for listing in the CRHR, not included in a local register of historical resources (PRC §5020.1(k)), or identified in a historical resources survey (PRC §5024.1(g)) does not preclude the City from determining that the resource may be a historical resource. State CEQA Guidelines Section 15064.5, defines a “substantial adverse change in a historical resource” as physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.

The proposed Project would not directly construct new housing but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. Of the 247 housing sites, all are developed/occupied by structures except 21 sites; therefore, the developed housing sites could be (now or in the future) occupied by historic (≥50 years) buildings. Therefore, future housing development facilitated by the Project could cause a substantial adverse change in the significance of a historical resource on the housing sites.

As previously discussed in **Section 4.4.4; Existing Conditions**, the AHHPAC identified a Historic Resources Inventory of 61 properties around the City and categorized them into five hierarchical “classes” of significance.¹⁶ **Figure 4.4-1: Housing Sites Located on Historic Resources Inventory Sites** shows housing sites that are located on Historical Resources Inventory sites as identified by the AHHPAC. As show in **Figure 4.4-1**, housing site 205, which is located in the Newport Center Focus Area, is identified as the Boy Scout Jamboree Site which is a Class 5 Point of Historic Interest. Additionally, housing site 334, which is located in the Dover-Westcliff Focus Area, is identified as the Lido Theater which is a Class 3 Local Historic Site. Although housing sites 205 and 334 are located on Historic Resources Inventory sites as identified by the AHHPAC, the inventory was never officially adopted by the City, and the structures were never placed on the City Register. Therefore, housing sites 204 and 334 would not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5, but the inventory serves as a useful guide to potentially historic properties.

¹⁶ City of Newport Beach (2006). *City of Newport Beach General Plan – Historic Resources Element, Page 6-10 to 6-11.* <https://www.newportbeachca.gov/government/departments/community-development/planning-division/general-plan-codes-and-regulations/general-plan>. Accessed December 2023.

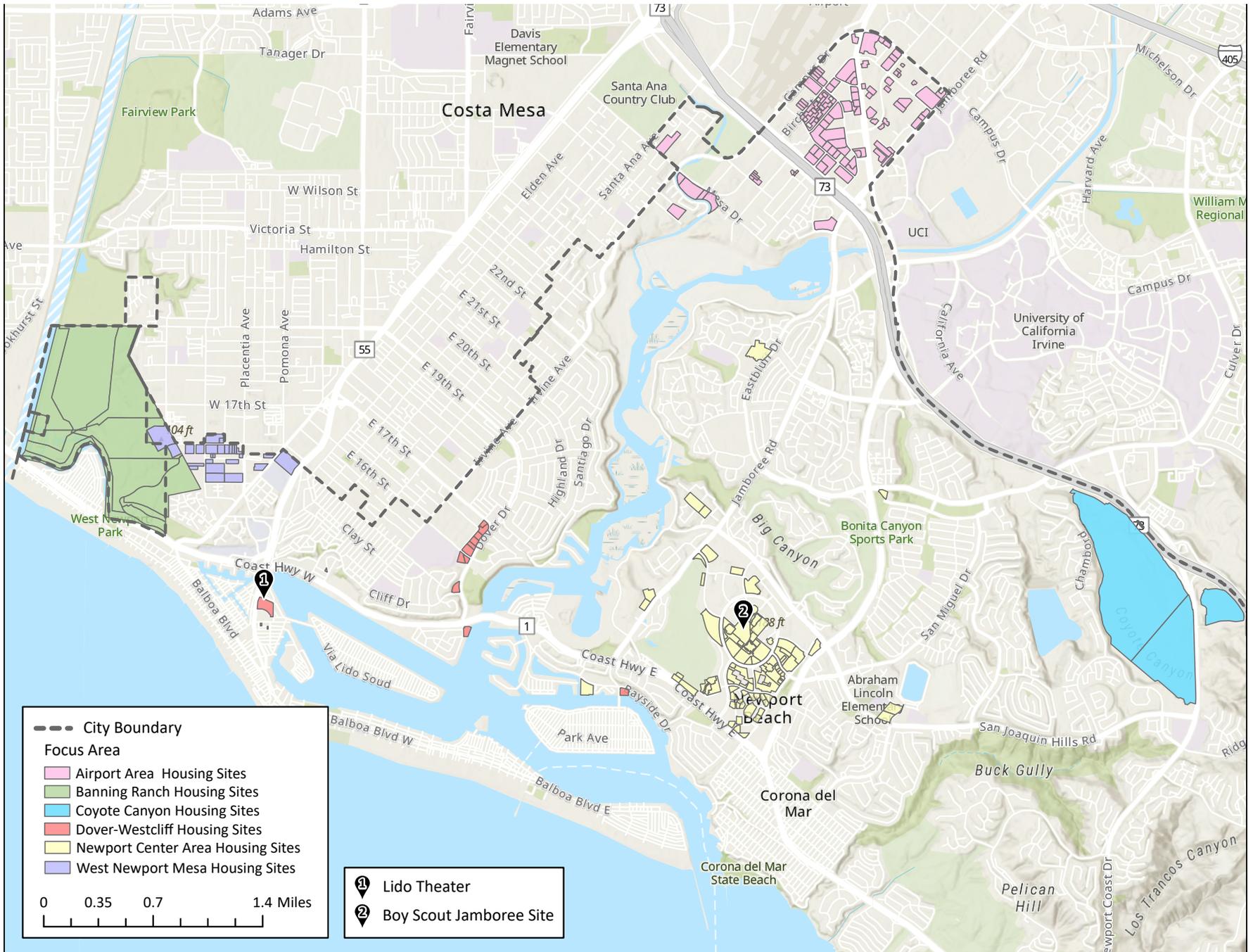


Figure 4.4-1: Housing Sites Located on Historic Resources Inventory Sites
 City of Newport Beach General Plan Housing Implementation
 Program Environmental Impact Report

All proposed future development projects facilitated by the Project would be subject to the City's development review process and required under to comply with applicable regulations. The City may require any future housing development on sites with potential historic resources to conduct site-specific evaluation prior to any alteration, demolition, relocation, or new development to determine the presence of historically significant resources. This site-specific analysis would be used to determine, prior to the approval of future development permits, if the proposed development has the potential to impact a significant historical resource, or whether the existing development or property is eligible for listing on the NRHP, CRHR, or local listing.

As Project implementation has the potential for development over the next several years, existing buildings or other structures on the housing sites could reach an age of 50 years or older during Project implementation. Generally, structures 50 years of age or older have the potential to be historic resources, based on NRHP guidelines. Structures must have retained their original integrity and context to be considered a historical resource. Any housing site that is presently developed has the potential, however, to contain a historical structure(s) during Project implementation. All of the housing sites, except Sites 110-118, 120-124, and 126-131, are developed and therefore have the potential to contain a structure that would meet the criteria as a historical resource, as determined by the NRHP or the CRHR (50 years or greater) during future construction of housing units. Historically significant resources would be identified through site-specific evaluation in conjunction with future development prior to the approval of development permits. Any future development would be required to comply with applicable federal, State, and local laws that concern the preservation of historical resources, including the National Historic Preservation Act and State CEQA Guidelines.

Further, all future development facilitated by the Project would be subject to compliance with applicable General Plan policies. General Plan Historical Resources Element Policies HR 1.2, HR 1.4, HR 1.5, HR 1.6, and HR 1.7, described above, are in place to protect historically significant landmarks, sites, and structures within the City. General Plan Land Use Element Policy LU 6.8.6 addresses development on the Balboa Peninsula. Specifically, Policies HR 1.5 through 1.7 outline requirements that future development would be required to comply with to protect historically significant resources. Policy HR 1.5 requires that proposed development located on a historical site or structure incorporate a physical link to the past within the site or structural design, if preservation or adaptive reuse is not a feasible option. Policy HR 1.6 requires that prior to the issuance of a demolition or grading permit, developers of a property that contains a historic structure, as defined by State CEQA Guidelines, retain a qualified consultant to record the structure in accordance with U.S. Secretary of Interior guidelines and submit the information to the City's Historical Society, Orange County Public Library, and City Planning Department. Policy HR 1.7 further requires that prior to the demolition of a historic structure, developers offer the structure for relocation by interested parties. Policy LU 6.8.6 addresses the historic character of the Balboa Peninsula and requires development on the Balboa Peninsula to be compatible with the scale, mass, and materials of existing structures, while allowing opportunities for architectural diversity.

Additionally, since various structures on housing sites could age beyond 50 years during Project implementation, any future development facilitated on a site with buildings or structures aged 50 years or more having its original structural integrity intact would be required to comply with **MM CUL-1**, which requires the applicant to retain a qualified professional historian to determine whether the affected buildings or structures are historically significant.

As set forth in the General Plan EIR, the City's General Plan policies do not preclude the alteration or demolition of known historically significant resources or resources that have not yet been evaluated for potential historical significance. Because the demolition of a historic significant resource would be a physical effect on the environment and neither the City's General Plan or CEQA statutes precludes this demolition or alteration, the potential loss of historically significant structures and resources would be a significant unavoidable impact. This finding is consistent with the General Plan EIR.

Impact Summary: **Significant Unavoidable Impact With Mitigation Incorporated.** MM CUL-1 is required. However, because the demolition of a historic significant resource would be a physical effect on the environment and neither the City's General Plan or CEQA statutes precludes this demolition or alteration, the potential loss of historically significant structures and resources would be a significant unavoidable impact.

Threshold 4.4-2: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?
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Prehistoric archaeological resources are known to exist and have been recorded in the City. The Project does not propose any development or alteration of known archaeological resources. Future development facilitated by the Project could involve ground-disturbing activities such as grading or excavation that could directly or indirectly impact undiscovered subsurface archaeological resources. Should archaeological deposits be encountered during project ground disturbance, a substantial adverse change in the significance of the archaeological resource could occur. Undeveloped sites often have a higher potential for the presence of unknown archaeological resources as the likelihood of encountering archaeological resources is greatest on sites that have been minimally excavated in the past (e.g., vacant properties). Previously excavated areas are generally considered to have a lower potential for archaeological resources since the soil containing the archaeological resources has been removed or previously disturbed. However, the depth of subsurface excavation would influence whether previously undisturbed areas may be impacted. Therefore, the vacant housing sites have more potential to contain archaeological resources. Sites 110-118, 120-124, and 126-131 are vacant and any future development could have the potential to contain archaeological resources. All other housing sites have been previously graded and developed.

Any surface and shallow subsurface archaeological deposits at the housing sites have likely been destroyed or heavily disturbed because of previous development. However, future development facilitated by the Project still has the potential to disturb and potentially destroy subsurface prehistoric/historic archaeological resources through grading and development, therefore future development facilitated by the Project would be subject to City Council Policy K-5, which requires preservation of significant archeological and tribal cultural resources, as set forth in **SC CUL-1**.

Further, compliance with General Plan Policy HR 2.1, Policy HR 2.2 and Policy NR 18.1 require new development projects to identify and protect important archaeological resources within the City. Specifically, General Plan Policy HR 2.1 and Policy NR 18.1 requires that new development protects and preserves archaeological resources from destruction and avoids or mitigates impacts to such resources. General Plan Policy HR 2.2 would require any future development with the potential to affect archaeological resources to have a qualified archeologist on site to monitor all ground-disturbing activities

and outlines the procedure if such resources are found. General Plan Policy HR 2.3 and Policy NR 18.3 require the notification of cultural groups to proposed development adversely impacting cultural resources and permitting monitoring during grading. Additionally, Policy HR 2.4 and Policy NR 18.4 require any new development, where on-site preservation is infeasible, to donate archaeological resources to responsible institutions. Compliance with these City policies would ensure that future development facilitated by the Project would protect and preserve archaeological and tribal resources from destruction during new development construction facilitated by the Project.

For those housing sites in the coastal zone, the City's Coastal Land Use Plan (CLUP) includes applicable policies. CLUP Policy 4.5-1 requires an in situ or site-capping preservation plan or a recovery plan for mitigating the effect of the development where avoidance is not feasible. Policy 4.5.1-2 requires monitoring during grading and excavation by a qualified archeologist and describes the process for determination of significance and mitigation should archaeological resource be discovered. Policy 4.5.1-3 requires the notification of cultural organizations of proposed developments that have the potential to adversely impact cultural resources and to allow monitoring during grading and/or excavation. Policy 4.5.1-4 addresses the disposition of archaeological materials when in situ preservation and avoidance are not feasible. Policy 4.5.1-5 requires an archeological/cultural resources monitoring plan that identifies monitoring methods, procedures to be followed should additional or unexpected archeological/cultural resources be encountered during development of the site.

In addition to the noted policies, to ensure that archaeological resources are properly identified prior to the construction of any future development facilitated by the Project, **MM CUL-2** is required, which requires the preparation of an archaeological survey where deemed necessary by the City. Following compliance with General Plan and Coastal Land Use Plan policies, and **MM CUL-2**, the Project's potential to cause a substantial adverse change in the significance of an archaeological resource would be reduced to a less than significant level.

Impact Summary: **Less Than Significant Impact With Mitigation.** The Project would potentially have direct impacts on archaeological resources. This impact would be mitigated to a level considered less than significant with implementation of MM CUL-2.

Threshold 4.4-3:	Would the Project disturb any human remains, including those interred outdoors of dedicated cemeteries?
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According to the General Plan EIR, archaeological materials, including human burials, have been found in the City. Human burials outside of formal cemeteries often occur in prehistoric archeological contexts. The potential still exists for these resources to be present, particularly in the areas of the City that are still mostly underdeveloped for urban uses, such as but not limited to the Banning Ranch area. While the Project does not propose activities such as grading or construction, human remains could be uncovered during future grading activities facilitated by the Project.

In the unlikely event that human remains are found, those remains would require proper treatment in accordance with applicable laws, including California Health and Safety Code (HSC) (§§7050.5, 7051, and 7054) and PRC Sections 5097.98 and 5097.99. HSC Sections 7050.5, 7051, and 7054 describe the general provisions for the treatment of human remains. Specifically, HSC Section 7050.5 prescribes the requirements for the treatment of any human remains that are accidentally discovered during site

excavation. HSC Section 7050.5 also requires that all activities cease immediately and that a qualified archaeologist and Native American monitor be contacted immediately. As required by State law, the future development facilitated by the Project would implement the procedures set forth in PRC Section 5087.98, including evaluation by the County Coroner and notification of the NAHC in the unlikely event that Native American human remains are discovered during ground disturbing activities. The NAHC would designate the “Most Likely Descendent” of the unearthed human remains. If excavation results in the discovery of human remains, the future development would halt excavation near the find and any area that is reasonably suspected to overlay adjacent remains shall remain undisturbed until the County Coroner has investigated, and appropriate recommendations have been made for treatment and disposition of the remains. Therefore, following compliance with the established regulatory framework, future development facilitated by the Project would have a less than significant impact concerning human remains and no mitigation is required.

Impact Summary: **Less Than Significant Impact.** The Project would be required to comply with existing regulations, which establishes procedures to be implemented should human remains be discovered.

4.4.8 Cumulative Impacts

As previously stated, the Project does propose development but would facilitate implementation of the City’s 2021-2029 Housing Element. The anticipated site-specific impacts of future development facilitated by the Project, in conjunction with cumulative development allowed in the City by existing development regulations, would increase the potential for housing development in an already urbanized area and could result in impacts to historic and archaeological resources. Potential impacts are site-specific and would require site-specific evaluation on a case-by-case basis prior to approval of permits at the project level when future development is proposed. Each project would require separate review by the City to address potential cultural resource impacts and identify necessary mitigation measures, where appropriate.

Potential future housing development in the City could include the demolition or alteration of significant historic resources. As addressed in the General Plan EIR, although historic resources may be listed in the NRHP or CRHR, or otherwise determined to be historic or potentially historic, the listing itself often does not preclude demolition, destruction or alteration. Where a future housing project could significantly impact a historic resources, the project would be subject to the requirements of CEQA. However, even with these requirements, the City could consider mitigation infeasible and the impact overridden to allow for future project approval. It is therefore possible that future housing projects could result in the adverse demolition or destruction of historic buildings. Consistent with the findings of the General Plan EIR, this potential loss of historically significant resources would, therefore, be considered significant and unavoidable.

With respect to archaeological resources, such resources are required by law to be protected as they are discovered. The Project would not conflict with or obstruct a State or local plan, ordinance, or standards aimed at avoiding or minimizing impacts to these resources. Therefore, consistent with the findings of the General Plan EIR, with the implementation of mitigation and compliance with applicable regulations, the Project’s contribution to a cumulatively considerable impact on cultural resources would be less than significant.

4.4.9 Mitigation Program

All future housing development facilitated by the Project would be subject to the City's development review process, which may include review pursuant to CEQA, and would be assessed on a project-specific basis for potential effects concerning historical and cultural resources. Future housing development would be subject to compliance with relevant federal, State, and local requirements including requirements set forth in the Newport Beach General Plan and Newport Beach Municipal Code.

General Plan Policies

See **Section 4.4.3: Regulatory Setting** for complete policy text.

Historic Resources

- Policy HR 1.2
- Policy HR 1.4
- Policy HR 1.5
- Policy HR 1.6
- Policy HR 1.7
- Policy HR 2.3
- Policy LU 6.8.6

Archaeological Resources

- Policy HR 2.1
- Policy HR 2.2
- Policy HR 2.3
- Policy HR 2.4
- Policy NR 18.1
- Policy NR 18.3
- Policy NR 18.4

Coastal Land Use Plan Policies

See **Section 4.4.3: Regulatory Setting** for complete policy text.

Historic Resources

- Policy 4.5-3

Archaeological Resources

- Policy 4.5-1
- Policy 4.5-2
- Policy 4.5-3
- Policy 4.5-4
- Policy 4.5-5

Standard Conditions of Approval

SC CUL-1 In compliance with City Council Policy K-5, prior to the issuance of a grading permit by the City of Newport Beach, the Applicant shall retain a qualified archaeologist to periodically monitor ground-disturbing activities onsite and provide documentation of such retention to the City of Newport Beach Community Development Director. The archaeologist shall train project construction workers on the types of archaeological resources that could be found in site soils. The archaeologist shall periodically monitor project ground-disturbing activities. During construction activities, if Native American resources (i.e., Tribal Cultural Resources) are encountered, a Cultural Resource Monitoring and Discovery Plan (CRMDP) shall be created and implemented to lay out the proposed personnel, methods, and avoidance/recovery framework for tribal cultural resources monitoring and evaluation

activities within the project area. A consulting Native American tribe shall be retained and compensated as a consultant/monitor for the project site from the time of discovery to the completion of ground disturbing activities to monitor grading and excavation activities. If archaeological resources are encountered, all construction work within 50 feet of the find shall cease, and the archaeologist shall assess the find for importance and whether preservation in place without impacts is feasible. Construction activities may continue in other areas. If, in consultation with the City and affected Native American tribe (as deemed necessary), the discovery is determined to not be important, work will be permitted to continue in the area. Any resource that is not Native American in origin and that cannot be preserved in place shall be curated at a public, nonprofit institution with a research interest in the materials, such as the South Central Coastal Information Center at California State University, Fullerton.

SC CUL-2 California Health and Safety Code Section 7050.5, CEQA Guidelines Section 15064.5, and Public Resources Code Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. California Health and Safety Code Section 7050.5 requires that in the event that human remains are discovered within the project site, disturbance of the site shall be halted until the coroner has conducted an investigation into the circumstances, manner and cause of death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes or has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

Mitigation Measures

MM-CUL-1: Applications for future development facilitated by the Project, where the City has determined a potential for impacts to historic resources, shall be required to comply with the following mitigation framework:

For any building/structures in excess of 50 years of age having its original structural integrity intact, the applicant shall retain a qualified professional historian to determine whether the affected building/structure is historically significant. The evaluation of historic architectural resources shall be based on criteria such as age, location, context, association with an important person or event, uniqueness, or structural integrity, as indicated in State CEQA Guidelines Section 15064.5. A historical resource report shall be submitted by the applicant to the City and shall include the methods used to determine the presence or absence of historical resources, identify potential impacts from the proposed project, and evaluate the significance of any historical resources identified.

MM-CUL-2: Prior to any earth-disturbing activities (e.g., excavation, trenching, grading) that could encounter undisturbed soils, the project-level applicant for future development shall retain an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology to determine if site-specific development

allowed under the General Plan Update could result in a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines. The investigation shall include, as determined appropriate by the archaeologist and the City of Newport Beach, an updated records search of the South Central Coastal Information Center of the California Historical Resources Information System, updated Native American consultation, and a pedestrian survey of the area proposed for development. The results of the investigation shall be documented in a technical report or memorandum that identifies and evaluates any archaeological resources within the development area and includes recommendations and methods for eliminating or avoiding impacts on archaeological resources or human remains. The measures shall include as appropriate, subsurface testing of archaeological resources and/or construction monitoring by a qualified professional and, if necessary, appropriate Native American monitors identified by the applicable tribe and/or the Native American Heritage Commission.

4.4.10 Level of Significance After Mitigation

With implementation of the mitigation program identified above, the proposed Project would not result in significant archaeological impacts on a project-specific or cumulative basis. However, the Project could result in the loss of historic resources; this impact is considered significant and unavoidable on a project-specific and cumulative basis. These findings are consistent with the General Plan EIR. In certifying the General Plan Final EIR and approving the General Plan project, the City Council approved a Statement of Overriding Considerations, which notes that there are specific economic, social, and other public benefits that outweigh the significant unavoidable impacts associated with the General Plan project. The conclusions of this EIR with respect to potential impacts to historic resources are consistent with the General Plan Findings of Fact and Statement of Overriding Considerations.

4.4.11 References

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4.5 ENERGY

4.5.1 Introduction

The section evaluates potential impacts concerning energy that could result from the proposed Project, including future housing development on the housing sites. The energy analysis consists of a summary of the existing conditions in the City of Newport Beach and its Sphere of Influence (City), the energy regulatory framework, a discussion of the Project's potential impacts on energy resources, and identification of mitigation that may reduce energy consumption, as needed. Energy calculations are included in **Appendix D**.

4.5.2 Regulatory Setting

Federal

National Energy Conservation Policy Act

The National Energy Conservation Policy Act serves as the underlying authority for federal energy management goals and requirements. Signed into law in 1978, it has been regularly updated and amended by subsequent laws and regulations. This act is the foundation of most federal energy requirements.

Energy Policy Act of 1992 and 2005

The Energy Policy Act of 1992 was passed to reduce the country's dependence on foreign petroleum and improve air quality. The act includes several parts intended to build an inventory of alternative fuel vehicles (AFVs) in large, centrally fueled fleets in metropolitan areas. The act requires certain federal, state, and local government and private fleets to purchase a percentage of light-duty AFVs capable of running on alternative fuels each year. In addition, financial incentives are also included in the act. Federal tax deductions are allowed for businesses and individuals to cover the incremental cost of AFVs. States are also required by the Energy Policy Act to consider a variety of incentive programs to help promote AFVs. The Energy Policy Act of 2005 provides renewed and expanded tax credits for electricity generated by qualified energy sources, such as landfill gas; provides bond financing, tax incentives, grants, and loan guarantees for clean renewable energy and rural community electrification; and establishes a federal purchase requirement for renewable energy.

Energy and Independence Security Act of 2007

The Energy Independence and Security Act (EISA; Public Law 110-140) was signed into law by President George W. Bush on December 19, 2007. EISA's goal is to achieve energy security in the United States by increasing renewable fuel production, improving energy efficiency and performance, protecting consumers, improving vehicle fuel economy, and promoting research on greenhouse gas (GHG) capture and storage. Under the EISA, the Renewable Fuel Standard (RFS) program (RFS2) was expanded in several key ways:

- Expanded the RFS program to include diesel, in addition to gasoline;
- Increased the volume of renewable fuel required to be blended into transportation fuel;
- Established new categories of renewable fuel and set separate volume requirements for each; and

- Required the U.S. Environmental Protection Agency (U.S. EPA) to apply lifecycle GHG performance threshold standards to ensure that each category of renewable fuel emits fewer GHGs than the petroleum fuel it replaces.

RFS2 lays the foundation for achieving significant reductions of GHG emissions from the use of renewable fuels, reducing imported petroleum, and encouraging the development and expansion of our nation's renewable fuels sector.

The EISA also includes a variety of new standards for lighting and for residential and commercial appliance equipment. The equipment includes residential refrigerators, freezers, refrigerator-freezers, metal halide lamps, and commercial walk-in coolers and freezers.

Federal Energy Regulatory Commission

The Federal Energy Regulatory Commission (FERC) regulates the interstate transmission of electricity, natural gas, and oil. FERC is the federal agency with jurisdiction over interstate electricity sales, wholesale electric rates, hydroelectric licensing, natural gas pricing, and oil pipeline rates. FERC also reviews and authorizes liquefied natural gas terminals, interstate natural gas pipelines, and nonfederal hydropower projects. Electricity is run by the states; however, FERC has jurisdiction over certain matters.

State

Warren-Alquist Act

The California Legislature passed the Warren-Alquist Act in 1974, which gives statutory authority to the California Energy Commission (CEC). The legislation also incorporated the following three key provisions designed to address the demand side of the energy equation:

- It directed the CEC to formulate and adopt the nation's first energy conservation standards for both buildings constructed and appliances sold in California.
- It removed the responsibility of electricity demand forecasting from the utilities, which had a financial interest in high demand projections, and transferred it to the more impartial CEC.
- It directed the CEC to embark on an ambitious research and development program, with a particular focus on fostering what were characterized as "non-conventional energy sources."

Advanced Clean Cars II

The Advanced Clean Cars II regulations will rapidly scale down light-duty-passenger, pickup truck and, sports utility vehicle emissions starting with the 2026 model year through 2035. The regulations will first amend the Zero-emission Vehicle Regulation to require an increasing number of zero-emission vehicles and rely on currently available advanced vehicle technologies (i.e., battery-electric, hydrogen fuel cell electric and plug-in hybrid) to meet air quality and climate change emissions standards. Second, the Low-emission Vehicle Regulations were amended to include increasingly stringent standards for gasoline cars and heavier passenger trucks to continue to reduce smog-forming emissions. The regulations will substantially reduce air pollutants that cause climate change and threaten public health. In addition, the regulations will provide public health benefits of at least 12 billion dollars over the life of reductions by reducing premature deaths, hospitalizations and lost workdays associated with exposure to air pollution.

Advanced Clean Trucks

The Advanced Clean Trucks regulations is a manufacturers Zero-emissions vehicle (ZEV) sales requirement and a one-time reporting requirement for fleets and large entities. The development and use of advanced clean trucks will help CARB achieve its emissions reduction strategies as outlined in the State Implementation Plan (SIP), Sustainable Freight Action Plan, Senate Bill (SB) 350, and Assembly Bill (AB) 32.

Renewable Portfolio Standards¹

In 2002, California established its Renewable Portfolio Standard program with the goal of increasing the annual percentage of renewable energy in the State's electricity mix by the equivalent of at least one percent of sales, with an aggregate total of 20 percent by 2017. The California Public Utilities Commission subsequently accelerated that goal to 2010 for retail sellers of electricity (Public Utilities Code § 399.15(b)(1)). Then-Governor Schwarzenegger signed Executive Order S-14-08 in 2008, increasing the target to 33 percent renewable energy by 2020. In September 2009, Governor Schwarzenegger continued California's commitment to the Renewable Portfolio Standard by signing Executive Order S-21-09, which directs the California Air Resources Board (CARB) under its AB 32 authority to enact regulations to help the State meet its Renewable Portfolio Standard goal of 33 percent renewable energy by 2020. In September 2010, CARB adopted its Renewable Electricity Standard regulations, which require all of the State's load-serving entities to meet this target. In October 2015, then-Governor Brown signed into legislation SB 350, which requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from eligible renewable energy resources by 2030. Signed in 2018, SB 100 revised the goal of the program to achieve the 50 percent renewable resources target by December 31, 2026, and to achieve a 60 percent target by December 31, 2030.

SB 100 established a further goal to have an electric grid that is entirely powered by clean energy by 2045. Under SB 100, the State cannot increase carbon emissions elsewhere in the western grid or allow resource shuffling to achieve the 100 percent carbon-free electricity target. Approved in 2022, SB 1020 revised the State policy to provide that eligible renewable energy resources and zero-carbon resources supply 90 percent of all retail sales of electricity to California end-use customers by December 31, 2035; 95 percent of all retail sales of electricity to California end-use customers by December 31, 2040; 100 percent of all retail sales of electricity to California end-use customers by December 31, 2045; and, 100 percent of electricity procured to serve all State agencies by December 31, 2035.

California 2007 Energy Action Plan Update

The 2007 Energy Action Plan II is the State's principal energy planning and policy document. The plan describes a coordinated implementation strategy to ensure that California's energy resources are adequate, affordable, technologically advanced, and environmentally sound. In accordance with this plan, the State and its electricity providers would invest first in energy efficiency and demand-side resources, followed by renewable resources, and only then in clean conventional electricity supply to meet its energy needs.

Integrated Energy Policy Report

Pursuant to SB 1368, the CEC is responsible for preparing integrated energy policy reports, which identify emerging trends related to energy supply, demand, conservation, public health and safety, and

¹ California Public Utilities Commission. (2021). *Renewable Portfolio Standard (RPS) Program*. <https://www.cpuc.ca.gov/rps/> Accessed November 2023.

maintenance of a healthy economy. The latest Integrated Energy Policy Report Update was released in 2022 and addressed a variety of issues, including, but not limited to, implementation of SB 350, electricity resource/supply plans, electricity and natural gas demand forecast, natural gas outlook, transportation energy demand forecasts, doubling energy efficiency savings, integrated resource planning, climate adaptation and resiliency, renewable gas, Southern California energy reliability, distributed energy resources, strategic transmission investment plan, and existing power plant reliability issues.

SB 1368

On September 29, 2006, then-Governor Schwarzenegger signed into law SB 1368 (Perata, Chapter 598, Statutes of 2006). The law limits long-term investments in baseload generation by the State's utilities to those power plants that meet an emissions performance standard jointly established by the CEC and the CPUC. The CEC has designed regulations that:

- Establish a standard for baseload generation owned by, or under long-term contract to publicly owned utilities, of 1,100 pounds carbon dioxide (CO₂) per megawatt-hour. This would encourage the development of power plants that meet California's growing energy needs while minimizing their emissions of GHGs;
- Require posting of notices of public deliberations by publicly owned utilities on long-term investments on the CEC website. This would facilitate public awareness of utility efforts to meet customer needs for energy over the long-term while meeting the State's standards for environmental impact; and
- Establish a public process for determining the compliance of proposed investments with the emissions performance standard (EPS) (Perata, Chapter 598, Statutes of 2006).

California Building Energy Efficiency Standards: Title 24, Part 6 (California Energy Code)

Energy conservation standards for new residential and nonresidential buildings were adopted by the California Energy Resources Conservation and Development Commission (now the California Energy Commission [CEC]) in June 1977 and are updated every three years (California Code of Regulations [CCR] Title 24, Part 6). Title 24 requires the design of building shells and building components to conserve energy. The standards are updated periodically to allow for consideration and possible incorporation of new energy efficiency technologies and methods. On May 9, 2018, the CEC adopted the 2019 Building Energy Efficiency Standards, which went into effect on January 1, 2020. The 2022 Building Energy Efficiency Standards were adopted in August 2021 and went into effect in on January 1, 2023.

The 2022 Building Energy Efficiency Standards improve upon the previous 2019 Building Energy Efficiency Standards. Among other updates, including strengthened ventilation standards for gas cooking appliances, the 2022 Energy Code includes updated standards in the following three major areas:

- New electric heat pump requirements for residential uses, schools, offices, banks, libraries, retail, and grocery stores;
- The promotion of electric-ready requirements for new homes including the addition of circuitry for electric appliances, battery storage panels, and dedicated infrastructure to allow for the conversion from natural gas to electricity; and
- The expansion of solar photovoltaic (PV) and battery storage standards to additional land uses including high-rise multifamily residences, hotels and motels, tenant spaces, offices, (including

medical offices and clinics), retail and grocery stores, restaurants, schools, and civic uses (including theaters auditoriums, and convention centers).

Buildings whose permit applications were submitted on or after January 1, 2023, must comply with the 2022 Energy Code. The 2025 Energy Code is currently in the pre-rulemaking process. If approved, the 2025 Energy Code would be effective January 1, 2026.

California Green Building Standards Code

The California Green Building Standards Code (CCR, Title 24, Part 11), commonly referred to as the CALGreen Code, is a statewide mandatory construction code that was developed and adopted by the California Building Standards Commission and the California Department of Housing and Community Development. CALGreen standards require new residential and commercial buildings to comply with mandatory measures under five green building areas: planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and environmental quality. CALGreen also provides voluntary measures (CALGreen Tier 1 and Tier 2) that local governments may adopt to encourage or require additional measures in the five green building topics. The CEC approved the 2022 California Green Building Standards Code in September 2022 that went into effect on January 1, 2023. The 2025 CALGreen Code, if approved by the California Building Standards Commission, will be effective January 1, 2026.

Local

Newport Beach Energy Action Plan²

The City created an Energy Action Plan in 2013 to provide a roadmap for the City to reduce GHGs through reductions in energy used in facility buildings and operations. The Energy Action Plan identifies past energy measures that have been implemented and present measures that currently are in that process, all of which will contribute to the energy reduction goal. In addition, the Energy Action Plan identifies other potential energy reduction measures that the City will consider for future implementation. The City's long term vision for energy efficiency focuses around the following three primary objectives:

- Reduce the City's carbon footprint and its adverse effect on the environment;
- Conserve energy at the local government facilities; and
- Raise energy conservation awareness in local community and improve the quality of life.

City of Newport Beach General Plan

The *City of Newport Beach General Plan 2006 Update* (General Plan) includes goals and policies to sustain and conserve energy consumption within the City. Continuing and enhancing energy efficiency and conservation strategies help residents and businesses save money, and conserve valuable resources needed to generate energy. Energy efficiency programs also help support the local economy and can make Newport Beach more resilient to future disasters by decreasing stress on existing energy distribution networks. The following General Plan goals and policies that have been adopted by the City for the purpose of avoiding or mitigating an environmental effect are applicable to future development projects associated with the proposed Project.

² City of Newport Beach. (2013). *City of Newport Beach Energy Action Plan*.
<https://www.newportbeachca.gov/home/showpublisheddocument/16576/635682493202100000>. Accessed November 2023.

Housing Element

Housing Policy 5.2 Improve energy efficiency of all housing unit types (including mobile homes).

Policy Action 5G Energy Efficiency in Residential Projects. The City of Newport Beach will continue to require that any affordable housing developments that receive City assistance from Community Development Block Grant (CDBG) funds or from the City's Affordable Housing Fund shall be required, to the extent feasible, to include installation of energy efficient appliances and devices that will contribute to reduced housing costs for future occupants of the units. The City will continue to implement program as housing projects are awarded funds from the City in the 6th Cycle.

Land Use Element

Goal LU 6.15 A mixed-use community that provides jobs, residential, and supporting services in close proximity, with pedestrian-oriented amenities that facilitates walking and enhance livability.

Policy LU 6.15.25 Sustainable Development Practices. Require that development achieves a high level of environmental sustainability that reduces pollution and consumption of energy, water, and natural resources. This may be accomplished through the mix and density of uses, building location and design, transportation modes, and other techniques. Among the strategies that should be considered are the integration of residential with jobs-generating uses, use of alternative transportation modes, maximized walkability, use of recycled materials, capture and re-use of storm water on-site, water conserving fixtures and landscapes, and architectural elements that reduce heat gain and loss.

City of Newport Beach Municipal Code (Title 15, Chapter 15.18 Solar Systems)

Newport Beach Municipal Code Section 15.18 adopts an expedited, streamlined solar permitting process that complies with the Solar Rights Act and AB 2188 to achieve timely and cost-effective installations of small residential rooftop solar energy systems. The provisions of this chapter encourage the use of solar systems by removing unreasonable barriers, minimizing costs to property owners and the City, and expanding the ability of property owners to install solar energy systems. Future housing development facilitated by the proposed Project would be subject to the Building Division's permit review and application requirements to implement solar energy systems.

4.5.3 Existing Conditions

Southern California Edison (SCE) is the City's electricity provider. SCE provides electricity to approximately 15 million people, 180 incorporated cities, 15 counties, 5,000 large businesses, and 280,000 small businesses throughout its 50,000-square-mile service area.³ SCE produces and purchases their energy from a mix of conventional and renewable generating sources. **Table 4.5-1: Energy Resources Used to Generate Electricity for SCE** identifies the SCE electric power mix in 2021 compared to the statewide 2021 power mix. According to the CEC, the total electricity demand for the SCE service area was 85,870 gigawatt

³ SCE. (2023). *By the Numbers: Who We Serve*. <https://www.sce.com/about-us/who-we-are>. Accessed November 2023.

hours (GWh),⁴ while electricity use attributed to the County was approximately 20,244 GWh from residential and non-residential sectors.

Table 4.5-1: Energy Resources Used to Generate Electricity for SCE

Energy Resources	2021 SCE Power Mix	2021 CA Power Mix
Eligible Renewable:	31.4%:	33.6%:
Biomass and Biowaste	0.1%	2.3%
Geothermal	5.7%	4.8%
Eligible Hydroelectric	0.5%	1.0%
Solar	14.9%	14.2%
Wind	10.2%	11.4%
Coal	0%	3.0%
Large Hydroelectric	2.3%	9.2%
Natural Gas	22.3%	37.9%
Nuclear	9.2%	9.3%
Other	0.2%	0.2%
Unspecified Sources of Power ¹	34.6%	6.8%
Total	100%	100%

Notes:
 1 Electricity from transactions that are not traceable to specific generation sources.
 Source: SCE. (2021). *2021 Power Content Label, Southern California Edison*. <https://www.sce.com/sites/default/files/custom-files/Web%20files/2021%20Power%20Content%20Label.pdf>. Accessed November 2023.

Major SCE facilities located in the planning area include a generating station, six substations, and switching yards. **Table 4.5-2: Residential and Nonresidential Electricity Consumption for Orange County** identifies the residential and nonresidential electricity demand between 2011 and 2022.

In 2011, residential uses comprised 34 percent of Orange County’s electricity demand, while non-residential uses comprised 66 percent. By 2022, these percentages changed to 39 percent and 41 percent, respectively for residential and non-residential uses. Although total electricity demand has fluctuated from year to year, overall, between 2011 and 2022, Orange County’s total electricity demand increased by 2 percent. However, during that same time period, electricity demand from only residential uses increased by approximately 16 percent.

⁴ California Energy Commission (CEC). (2022). *Electricity Consumption by Southern California Edison*. <https://ecdms.energy.ca.gov/electbyutil.aspx>. Accessed November 2023.

Table 4.5-2: Residential and Nonresidential Electricity Consumption for Orange County

Year	Million Kilowatt-Hours		
	Residential Electricity Consumption (million kilowatt-hours)	Nonresidential Electricity Consumption (million kilowatt-hours)	Total Electricity Consumption
2022	7,830.12	12,413.60	20,243.72
2021	7,360.15	11,853.51	19,213.66
2020	7,765.26	11,967.88	19,733.14
2019	6,971.09	12,886.28	19,857.37
2018	6,845.18	13,183.67	20,028.85
2017	6,815.35	13,388.50	20,203.85
2016	6,711.07	13,531.41	20,242.48
2015	6,901.75	13,837.42	20,739.17
2014	7,036.40	13,712.46	20,748.86
2013	6,838.01	13,441.54	20,279.55
2012	7,067.85	13,332.30	20,400.15
2011	6,693.43	13,231.29	19,924.72

Source: California Energy Commission. (ND). <https://ecdms.energy.ca.gov/>. Accessed November 2023.

Natural Gas

Southern California Gas Company (SoCalGas), which is the service provider for the City, serves approximately 21 million people in a 20,000-square mile service territory. SoCalGas has four storage fields: Aliso Canyon, Honor Rancho, La Goleta, and Playa del Rey, as well as a combined storage capacity of approximately 134 billion cubic feet. According to the CEC, natural gas demand in the SoCalGas service area was 5,026 million therms in 2022.⁵

SoCalGas forecasts that the total demand for natural gas will decline at an annual rate of 1.0 percent per year through 2035.⁶ The decline in demand is due to reduced gas demand in the major market segment areas of residential, electric generation, commercial, and industrial; aggressive energy efficiency programs; and statewide efforts to minimize greenhouse gas emissions. **Table 4.5-3: Residential and Nonresidential Natural Gas Consumption for Orange County** identifies the residential and nonresidential natural gas demand between 2011 and 2022.

In 2022, natural gas use in Orange County was approximately 351.69 million therms from residential uses and 220.76 therms for non-residential sectors.⁷ Between 2011 and 2020, Orange County’s residential natural gas demand decreased by 14 percent.

⁵ California Energy Commission (CEC). (ND). *Gas Consumption by Southern California Gas*. Retrieved from CEC Website: <https://ecdms.energy.ca.gov/gasbyutil.aspx>. Accessed November 2023.

⁶ California Gas and Electric Utilities (ND). *2022 California Gas Report* https://www.socalgas.com/sites/default/files/Joint_UTILITY_Biennial_Comprehensive_California_Gas_Report_2022.pdf. Accessed November 2023.

⁷ California Energy Commission (CEC). (ND). *Gas Consumption by County*. Retrieved from CEC Website: <https://ecdms.energy.ca.gov/gasbycounty.aspx>. Accessed November 2023.

Table 4.5-3: Residential and Nonresidential Natural Gas Consumption for Orange County

Year	Million Therms		
	Residential Natural Gas Consumption (million therms)	Nonresidential Natural Gas Consumption (million therms)	Total Natural Gas Consumption
2022	351.69	220.76	572.45
2021	362.16	218.04	580.21
2020	387.08	207.55	595.63
2019	382.14	241.01	623.15
2018	339.03	236.07	575.10
2017	343.53	231.98	575.51
2016	337.83	232.11	569.94
2015	316.92	227.56	544.48
2014	319.18	225.57	544.75
2013	397.97	238.18	636.15
2012	381.53	231.03	612.56
2011	407.68	231.77	639.45

Source: California Energy Commission. (ND). <https://ecdms.energy.ca.gov/>. Accessed November 2023.

Transportation Energy

Transportation energy demand in California is largely related to vehicular traffic (e.g., passenger vehicles, light duty trucks, semi-trucks, etc.), with most transportation-related energy demand currently met by gasoline and diesel fuel. In 2022, California consumed 15.31 billion gallons of gasoline and 3.68 billion gallons of diesel fuel based on data from California Emission FACTor (EMFAC). In Orange, approximately 1.2 billion gallons of gasoline and 154 million gallons of diesel fuel were consumed in 2022 based on EMFAC.

Gasoline and diesel fuel is supplied to City residents by a widely distributed series of service stations both inside and around the City. Annual automotive fuel consumption in Orange County from 2011 to 2022 is shown in **Table 4.5-4: Annual Automotive Fuel Consumption in Orange County**. As shown in **Table 4.5-4**, the County’s gasoline consumption has increased 11 percent since 2011 and diesel consumption increased 42 percent.

Year	Gasoline Consumption (million gallons)	Diesel Fuel Consumption (million gallons)
2022	1,247.7	154.1
2021	1,258.6	151.9
2020	1,059.8	126.4
2019	1,220.3	126.2
2018	1,197.6	125.7
2017	1,204.5	128.6
2016	1,201.2	125.0
2015	1,167.4	117.2
2014	1,139.9	114.9
2013	1,118.4	113.1
2012	1,114.7	107.3
2011	1,119.5	108.4

Source: California Air Resources Board. 2022. *EMFAC* <https://arb.ca.gov/emfac/> accessed November 2023.

4.5.4 Thresholds of Significance

The City uses the thresholds of significance specified in *State CEQA Guidelines, Appendix G*. Impacts to energy conservation would be significant if the Project would:

- Result in a potentially significant environmental impact due to the wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation.
- Conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

4.5.5 Methodology

This analysis considers the *State CEQA Guidelines, Appendix G* thresholds, as described above, in determining whether Project implementation would result in the inefficient, wasteful, or unnecessary use of energy. The evaluation was based on a review of regulations and determining their applicability to the Project. The baseline conditions and impact analyses are based on analysis and review of various data available in public records, including local planning documents. Potential energy impacts were evaluated by reviewing the change in land uses that could occur under the Project and assessing the potential to affect the capacities of energy service utilities. The determination that the Project would or would not result in “substantial” adverse effects on energy resources considers the relevant policies and regulations established by local and regional agencies and the Project’s compliance with these policies.

As addressed in this Program EIR, the impact analysis is conservative because it accounts for additional housing units as a buffer to address future “no net loss” to preclude the need to identify replacement sites during 6th Cycle implementation. Therefore, this Program EIR conservatively analyzes a total development capacity of 9,914 units including future development capacity of up to 9,649 units on 247 housing sites, 25 units associated with pipeline projects, and 240 accessory dwelling units (ADUs). Further, this EIR analysis does not consider any loss of existing on the ground development which may be displaced to accommodate 9,914 housing units.

4.5.6 Project Impacts and Mitigation

Threshold 4.5-1:	Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?
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Construction-Related Energy Use

Project construction would consume energy in two general forms: (1) the fuel energy consumed by construction vehicles and equipment; and (2) bound energy in construction materials, such as asphalt, steel, concrete, pipes, and manufactured or processed materials such as lumber and glass.

Fossil fuels used for construction vehicles and other energy-consuming equipment would be used during site clearing, grading, and construction. Fuel energy consumed during construction would be temporary and would not represent a significant demand on energy resources. In addition, some incidental energy conservation would occur during construction through compliance with State requirements which specify that equipment not in use for more than five minutes must be turned off. Project construction equipment would also be required to comply with the latest U.S. EPA and CARB engine emissions standards, which require highly efficient combustion systems that maximize fuel efficiency and reduce unnecessary fuel consumption. Due to increasing transportation costs and fuel prices, contractors and owners have a strong financial incentive to avoid wasteful, inefficient, and unnecessary consumption of energy during construction. There is also growing recognition among developers and retailers that sustainable construction is not prohibitively expensive, and that there is a significant cost-savings potential in green building practices and materials.

Substantial reductions in energy inputs for construction materials can be achieved by selecting building materials composed of recycled materials that require substantially less energy to produce than non-recycled materials. The Project-related incremental increase in the use of energy bound in construction materials such as asphalt, steel, concrete, pipes and manufactured or processed materials (e.g., lumber and gas) would not substantially increase demand for energy compared to overall local and regional demand for construction materials. It is reasonable to assume that production of building materials such as concrete, steel, etc., would employ all reasonable energy conservation practices in the interest in minimizing the cost of doing business.

Future development throughout the City accommodated through Project implementation would meet the residents' varied housing needs. The majority of future housing development facilitated by the Project would occur on sites that are fully improved. Unlike an individual project for which project-specific construction information is available, it is impractical to quantify construction-related energy consumption from all of the future housing development that would contribute incrementally to construction energy demand throughout the City. Although construction equipment would primarily use energy in the form of fuel consumption, the amount of construction-related fuel cannot be determined at this time due to the lack of project-specific construction information associated with future development on each of the housing sites. Rather, construction energy consumption would be evaluated for specific development projects as future development applications are processed by the City. It is noted that construction fuel use is temporary and would cease upon completion of construction activities. Further, there are no unusual Project characteristics that would necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites in the region or

State. Therefore, construction fuel consumption associated with future housing development facilitated by the Project would not be any more inefficient, wasteful, or unnecessary than other similar residential developments. A less than significant impact would occur.

General Construction Guidance

During construction, some incidental energy conservation would occur through compliance with State requirements that construction equipment not in use for more than five minutes be turned off. Construction equipment would also be required to comply with the latest U.S. EPA and CARB engine emissions standards. These engines use highly efficient combustion engines to minimize unnecessary fuel consumption. Project-related construction activities would consume energy, primarily in the form of diesel fuel (e.g., mobile construction equipment) and electricity (e.g., power tools).

Any future housing development facilitated by the Project and subject to CalGreen regulations is required to divert 65 percent of waste generated during construction from landfills. Recycling construction and demolition waste not only keeps it from being transported to the landfill, but also reduces the “upstream” energy consumption from the manufacturing of virgin material.

Future construction activities associated with future housing development would also be required to monitor air quality emissions using applicable regulatory guidance such as the South Coast Air Quality Management District CEQA Guidelines. This requirement indirectly relates to construction energy conservation because when air pollutant emissions are reduced as a result of monitoring and the efficient use of equipment and materials, this results in reduced energy consumption. There are no aspects of the Project that would foreseeably result in the inefficient, wasteful, or unnecessary consumption of energy during construction activities of future housing developments.

As discussed above, there are no unusual characteristics that would necessitate the use of construction equipment that would be less energy efficient than at comparable construction sites in the region or State. Therefore, it is expected that construction fuel consumption associated with the Project would not be any more inefficient, wasteful, or unnecessary than other similar projects of this nature. Therefore, impacts to energy resources associated with the future developments’ construction activities would be less than significant, and no mitigation is required.

Operations

Residential development planned for under the proposed Project would permanently increase the demand for electricity and natural gas primarily for building heating and cooling. However, future housing projects would, at a minimum, comply with the requirements of the CALGreen and the City’s Green Building Standards Code. The energy consumption associated with Project operations would occur from building energy (electricity and natural gas) use, water use, and transportation-related fuel use. The methodology for each category is discussed below. Quantifications of operational energy use are provided for the Project. Annual energy use during operations is shown in **Table 4.5-5: Annual Energy Use During Operations**. The estimated energy demand associated with the development planned for under the Project is also compared to the current overall energy demand of the County to provide context for the projected changes in energy demand. It should be noted that the energy use shown in **Table 4.5-5** is associated with the total development capacity and conservatively does not consider any loss of existing on the ground development which may be displaced to accommodate 9,914 housing units.

Table 4.5-5: Annual Energy Use During Operations			
Project Source	Annual Operational Energy	Orange County Annual Energy	Percentage Increase Countywide
Electricity Use		GWh	
Area ¹	37.00	20,243.72	0.18%
Water ¹	4.71		0.02%
Total Electricity	41.71		0.21%
Natural Gas Use		Therms	
Area ¹	1,573,335	580,209,496	0.27%
Diesel Use		Gallons	
Mobile ²	878,222	964,826,395	0.09%
Gasoline Use		Gallons	
Mobile ²	10,087,783	163,882,259	6.15%
Notes:			
1 The electricity, natural gas, and water usage are based on project-specific estimates and CalEEMod defaults.			
2 Calculated based on the mobile source fuel use based on vehicle miles traveled (VMT) and fleet-average fuel consumption (in gallons per mile) from EMFAC2021 for operational year 2030.			
Source: Refer to energy calculations in Appendix D .			

Petroleum Fuel

The gasoline and diesel fuel associated with on-road vehicular trips is calculated based on total vehicle miles traveled (VMT) calculated for the analyses within **Section 4.2: Air Quality** and **Section 4.7: Greenhouse Gas Emissions** and the average fuel efficiency from the EMFAC model. The total gasoline and diesel fuel associated with on-road trips would total approximately 10,966,005 gallons of fuel per year, respectively (**Table 4.5-5**).

Electricity

The electricity use during Project operations is based on CalEEMod defaults. The proposed Project land uses would use approximately 41.71 GWh of electricity per year (**Table 4.5-5**). Under the standards in the 2022 Title 24 building code, residential buildings would be more energy efficient than before. Future housing development would be as energy efficient as possible under the new standards.

The electricity associated with operational water use is estimated based on the annual water use and the energy intensity factor is the CalEEMod default energy intensity per gallon of water for Orange County. Project area water use is based on the CalEEMod default rates. The Project would use approximately 362.1 million gallons annually of water annually which would require approximately 4.71 GWh per year for conveyance and treatment.

Natural Gas

The methodology used to calculate the natural gas use associated with the Project is based on CalEEMod default rates. The building envelope would use 157.33 million kBtus, or approximately 1,573,335 therms of natural gas per year (**Table 4.5-5**).

Operational Energy Use Analysis

Operation of the Project would annually use approximately 41.71 GWh of electricity, 1,573,335 therms of natural gas, 10,087,783 gallons of gasoline, and 878,222 gallons of diesel.

Californians used 287,826 GWh of electricity in 2022, of which Orange County used 20,243 GWh. The Project's operational electricity use would represent less than 0.01 percent of electricity used in the State, and 0.21 percent of the energy use in Orange County. The Project's electricity consumption estimated above includes reductions associated with compliance with the 2022 Title 24 building code. Regarding natural gas, Californians used 11,710 million therms of natural gas and 572 million therms of natural gas in Orange County in 2022. Therefore, the Project's operational natural gas use would represent less than 0.01 percent of the natural gas use in the State and 0.27 percent of the natural gas use in the County.

When construction is projected to be completed, Californians are anticipated to use approximately 12 billion gallons of gasoline and approximately 3.39 billion gallons of diesel fuel by 2030. Orange County annual gasoline fuel use in 2030 is anticipated to be 163.8 million gallons and diesel fuel is anticipated to be 964.8 million gallons. Expected Project operational use of gasoline and diesel would represent 0.08 percent of the projected gasoline use and 0.54 percent of the projected diesel use in the State. Project operational use of gasoline and diesel would represent 6.15 percent of gasoline use and 0.09 percent of diesel use in the County.

Based on the California Energy Demand 2022 Baseline Forecast (January 2023),⁸ SCE's total energy sales in 2030 will be 102,656 GWh of electricity. As such, the Project-related net annual electricity consumption of 41.71 GWh would represent approximately 0.04 percent of SCE's projected sales in 2030. SCE would review the Project's estimated electricity consumption in order to ensure that the estimated power requirement would be part of the total load growth forecast for their service area and accounted for in the planned growth of the power system. Based on these factors, it is anticipated that SCE's existing and planned electricity capacity and electricity supplies would be sufficient to serve the Project's electricity demand.

Based on the 2022 California Gas Report,⁹ the California Energy and Electric Utilities estimates natural gas consumption within SoCalGas' planning area will be approximately 2,440 million cubic feet (cf) per day in 2022.¹ Accordingly, the Project's 1,573,335 therms (157,295,942 cf) of annual natural gas consumption would account for approximately less than 0.01 percent of the forecasted natural gas consumption in the SoCalGas planning area. As such, the Project's consumption of natural gas is expected to fall within SoCalGas' projected consumption and supplies for the area. According to the United States Energy Information Administration, the United States currently has over 80 years of natural gas reserves based on 2018 consumption.¹⁰

Transportation fuels (gasoline and diesel) are produced from crude oil, which can be domestic or imported from various regions around the world. Based on current proven reserves, current crude oil production would be sufficient to meet 50 years of worldwide consumption.¹¹ As such, it is expected that existing and planned transportation fuel supplies would be sufficient to serve the Project's demand.

⁸ California Energy Commission. (ND) *CED 2022 Baseline Forecast – LSE and BA Tables High Demand Case*. <https://www.energy.ca.gov/data-reports/reports/integrated-energy-policy-report/2022-integrated-energy-policy-report-update-2>. Accessed November 2023.

⁹ California Gas and Electric Utilities. (2022). *2022 California Gas Report*. https://www.socalgas.com/sites/default/files/Joint_Utility_Biennial_Comprehensive_California_Gas_Report_2022.pdf. Accessed November 2023.

¹⁰ U.S. Energy Information Administration, Frequently Asked Questions, *How Much Natural Gas Does the United States Have, and How Long Will It Last?* <https://www.eia.gov/tools/faqs/faq.php?id=58&t=8>. Accessed November 2023.

¹¹ BP Global. (2022). *Statistical Review of World Energy, 2022*. <https://www.bp.com/content/dam/bp/business-sites/en/global/corporate/pdfs/energy-economics/statistical-review/bp-stats-review-2022-full-report.pdf>. Accessed November 2023.

None of the Project energy uses exceed one percent of their corresponding County use. Project operations would not substantially affect existing energy or fuel supplies or resources. The Project would comply with applicable energy standards and new capacity would not be required. Impacts would be less than significant.

Energy Efficiency Measures

As discussed above, California's Energy Efficiency Standards for Residential and Non-Residential Buildings create uniform building codes to reduce California's energy use and provide energy efficiency standards for residential and non-residential buildings. These standards are incorporated within the California Building Code and are expected to substantially reduce the growth in electricity and natural gas use. For example, requirements for energy-efficient lighting, heating and cooling systems, and green building materials are expected to save additional electricity and natural gas. These savings are cumulative, doubling as years go by.

Regarding water energy conservation, the Project would incorporate drought-tolerant landscaping throughout portions of the site. Water-efficient irrigation controls would also be used in landscape areas. Comprehensive water conservation strategies would be developed to each respective land use as part of the Project plan development. Buildings would incorporate water-efficient fixtures and appliances, to comply with Title 24.

Renewable Energy Sources

SCE is subject to California's Renewables Portfolio Standard (RPS). The RPS requires investor-owned utilities, electric service providers, and community choice aggregators to increase total procurement from eligible renewable energy resources to 50 percent by 2030. SB 100 revised the goal of the program to achieve the 50 percent renewable resources target by December 31, 2026, and to achieve a 60 percent target by December 31, 2030. SB 100 also established a further goal to have an electric grid that is entirely powered by clean energy by 2045. Renewable energy is generally defined as energy that comes from resources which are naturally replenished within a human timescale such as sunlight, wind, tides, waves, and geothermal heat.

California Building Energy Efficiency Standards (Title 24, part 6) includes prescriptive requirements to install solar PV systems as a part of newly constructed low-rise residential buildings. The 2022 update to Title 24 expands solar photovoltaic and battery storage standards and includes requirements for high-rise multifamily residential as well as non-residential buildings. Therefore, renewable energy features would be incorporated into future development projects. The use of solar would increase future development projects' reliance on renewable energy sources to meet energy demand. The increased use of renewable energy would also reduce reliance on fossil fuels, reduce peak loads, and reduce impacts of relying on remote generation facilities.

The Project would be required to adhere to all federal, State, and local requirements for energy efficiency, including the latest Title 24 standards. In addition, it should be noted that the State has determined that the development of up to 8,845 to approximately 9,000 new dwelling units within the City is essential and necessary to protect the general health and welfare of the residents of the City and the Greater Orange County Area. Therefore, Project implementation would not constrain local or regional energy supplies and would not require the expansion or construction of new electricity generation and/or transmission

facilities. As such, implementation of the proposed Project would not use large amounts of fuel or energy in an unnecessary, wasteful, or inefficient manner. Impacts would be less than significant.

Impact Summary: **Less than Significant Impact.** Buildout of the proposed Project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during future housing development construction or operations. Impacts would be less than significant and no mitigation is required.

Threshold 4.5-2	Would the Project conflict with or obstruct a State or Local plan for renewable energy or energy efficiency?
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As discussed in Threshold 4.5-1, the energy conservation policies and plans relevant to the Project include the California Title 24 energy standards and the 2022 CALGreen building code. The future housing development facilitated by the Project would be required to comply with these existing energy standards. Compliance with State and local energy efficiency standards would ensure that the Project meets all applicable energy conservation policies and regulations. As such, the Project would not conflict with applicable plans for renewable energy or energy efficiency. SCAG's 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (Connect SoCal) (RTP/SCS), adopted in September 2020, integrates transportation, land use, and housing to meet GHG reduction targets set by CARB. The document establishes GHG emissions goals for automobiles and light-duty trucks, as well as an overall GHG target for the region consistent with both the target date of AB 32 and the post-2020 GHG reduction goals of SB 375. The Project would not conflict with the stated goals of the RTP/SCS. Potential impacts are considered less than significant without mitigation.

Impact Summary: **Less than Significant Impact.** The proposed Project would not conflict with or obstruct a State or Local plan for renewable energy or energy efficiency. Impacts would be less than significant and no mitigation is required.

4.5.7 Cumulative Impacts

Construction and operations associated with implementation of the Project would result in the use of energy, but not in a wasteful manner. The use of energy would not be substantial in comparison to statewide electricity, natural gas, gasoline, and diesel demand; refer to **Table 4.5-5**. During operations, the project-related annual electricity consumption would represent approximately 0.04 percent of SCE's projected sales in 2030. SCE would review the Project's estimated electricity consumption in order to ensure that the estimated power requirement would be part of the total load growth forecast for their service area and accounted for in the planned growth of the power system. The Project's natural gas consumption would account for approximately 0.01 percent of the forecasted natural gas consumption in the State and the Project would account for approximately less than 0.01 percent of forecasted surplus of natural gas in the SoCalGas planning area. It should be noted that the planning projections of SCE and SoCalGas consider planned development for their service areas and are in and of themselves providing for cumulative growth. Therefore, it is likely that the cumulative growth associated with the related projects is already accounted for in the planning of future supplies to cover projected demand.

Further, transportation fuels (gasoline and diesel) are produced from crude oil, which can be domestic or imported from various regions around the world. Based on current proven reserves, current crude oil

production would be sufficient to meet 50 years of worldwide consumption. As such, it is expected that existing and planned transportation fuel supplies would be sufficient to serve the Project's construction and operational demand. New capacity or supplies of energy resources would not be required. Additionally, the Project would be subject to compliance with all federal, State, and local requirements for energy efficiency.

The Project and new development projects located within the cumulative study area would also be required to comply with all the same applicable federal, State, and local measures aimed at reducing fossil fuel consumption and the conservation of energy. The anticipated Project impacts, in conjunction with cumulative development in the vicinity, would increase urbanization and result in increased energy use. Potential land use impacts are site-specific and require evaluation on a case-by-case basis. As noted above, the Project would not result in significant impacts to State or local plans for renewable energy or energy efficiency. Therefore, the Project and identified cumulative projects are not anticipated to result in a significant cumulative impact. Therefore, potential impacts are considered less than significant.

4.5.8 Mitigation Program

As noted, all future housing development facilitated by the Project would be subject to the City's development review process, which may include review pursuant to CEQA, and would be assessed on a case-by-case basis for potential effects concerning energy use. Future housing development would be subject to compliance with relevant federal, State, and local requirements including requirements set forth in the Newport Beach General Plan and Newport Beach Municipal Code.

General Plan Policies

See **Section 4.5.2: Regulatory Setting** for complete policy text.

Housing Element

- Policy Action 5G

Land Use Element

- Policy LU 6.15

Mitigation Measures

No additional mitigation is required.

4.5.9 Level of Significance After Mitigation

No significant energy impacts have been identified.

4.5.10 References

BP Global. (2022). *Statistical Review of World Energy, 2022*. Retrieved from:

<https://www.bp.com/content/dam/bp/business-sites/en/global/corporate/pdfs/energy-economics/statistical-review/bp-stats-review-2022-full-report.pdf>. Accessed November 2023.

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4.6 GEOLOGY AND SOILS

4.6.1 Introduction

This section evaluates potential impacts concerning geology, soils, and paleontological resources that could result from the Newport Beach General Plan Housing Implementation Program (Project), including future development on the housing sites facilitated by the 2021-2029 Housing Element. This analysis summarizes existing conditions on the housing sites and the geology and soils regulatory framework that would apply to future residential development facilitated by the 2021-2029 Housing Element. This section also discusses the Project's potential impacts concerning geology, soils, and paleontological resources, including risks associated with geologic events, soil erosion and topsoil loss, unstable geologic units or soils, expansive soils, incapable soils, or unique paleontological or geological features, and mitigation to reduce impacts, as needed.

4.6.2 Regulatory Setting

Federal

Earthquake Hazards Reduction Act

In October 1977, the U.S. Congress passed the Earthquake Hazards Reduction Act "to reduce the risks to life and property from future earthquakes in the United States through the establishment and maintenance of an effective earthquake hazards reduction program". To accomplish this goal, the Act established the National Earthquake Hazards Reduction Program. This program was substantially amended in November 1990 by the National Earthquake Hazards Reduction Program Act (NEHRPA), which refined the description of agency responsibilities, program goals, and objectives.

The mission of NEHRPA includes improved understanding, characterization, and prediction of hazards and vulnerabilities; improved building codes and land use practices; risk reduction through post-earthquake investigations and education; development and improvement of design and construction techniques; improved mitigation capacity; and accelerated application of research results. The NEHRPA designates the Federal Emergency Management Agency (FEMA) as the lead agency of the program and assigns several planning, coordinating, and reporting responsibilities. Programs under this NEHRPA provide building code requirements such as emergency evacuation responsibilities and seismic code standards such as those to which development under the proposed Project would be required to adhere to. Other NEHRPA agencies include the National Institute of Standards and Technology, National Science Foundation, and the U.S. Geological Service (USGS).

Soil and Water Resources Conservation Act

The purpose of the Soil and Water Resources Conservation Act of 1977 is to protect or restore soil functions on a permanent sustainable basis. Protection and restoration activities include prevention of harmful soil changes, rehabilitation of the soil of contaminated sites and of water contaminated by such sites, and precautions against negative soil impacts. Disruptions of natural soil functions and function as an archive of natural and cultural history should be avoided, as far as practicable. In addition, the federal Water Pollution Control Act (also referred to as the Clean Water Act) requirements, through the National Pollution Discharge Elimination System (NPDES) permitting process, provide guidance for protection of geologic and soil resources.

National Pollutant Discharge Elimination System

Section 402 of the Clean Water Act establishes the permit program to regulate pollutant discharge from point sources and discharge pollutants into U.S. waters. In the State of California, the U.S. Environmental Protection Agency (U.S. EPA) has authorized the State Water Resources Control Board permitting authority to implement the NPDES program. In general, the State Water Resources Control Board issues two baseline general permits: one for industrial discharges and one for construction activities. Rather than setting numeric effluent limitations for storm water and urban runoff, Clean Water Act regulation calls for the implementation of best management practices (BMPs) to reduce or prevent pollutant discharge from these activities to the Maximum Extent Practicable for urban runoff and meeting the Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology standards for construction storm water. Regulations and permits have been implemented at the federal, State, and local level to form a comprehensive regulatory framework to serve and protect the quality of the country's surface water resources.

Uniform Building Code

The Uniform Building Code (UBC) is published by the International Conference of Building Officials. It forms the basis of about half the state building codes in the United States, including California, and has been adopted by the State legislature together with Additions, Amendments, and Repeals to address the specific building conditions and structural requirements in California.

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act (Public Resources Code [PRC] 2621-2624, Division 2 Chapter 7.5) was passed in 1972 to mitigate the hazard of surface faulting to structures intended for human occupancy. The Alquist-Priolo Act's main purpose is to prohibit siting buildings used for human occupancy across traces of active faults that constitute a potential hazard to structures from surface faulting or fault creep. The Alquist-Priolo Act requires the State Geologist to establish regulatory zones, known as "Earthquake Fault Zones," delineating appropriately wide earthquake fault zones to encompass potentially active and recently active traces of faults. Local agencies must regulate most development projects within these zones. Before a project can be permitted, cities and counties must require a geologic investigation to demonstrate that proposed human occupancy structures would not be constructed across active faults. A licensed geologist must prepare an evaluation and written report of a specific site. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back from the fault (typically at least 50-foot setbacks are required). None of the housing sites are within an Alquist-Priolo Earthquake Fault Zone.¹

Seismic Hazards Mapping Act

The 1990 Seismic Hazards Mapping Act (PRC §§2690–2699.6) addresses hazards such as strong ground shaking, earthquake-induced landslides, and, in some areas, zones of amplified shaking. The Act established a mapping program for areas that have the potential for liquefaction, landslide, strong ground shaking, or other earthquake and geologic hazards. The California Geologic Survey is the primary State agency charged with implementing the Seismic Hazards Mapping Act and provides local jurisdictions with

¹ California Department of Conservation. (ND). *California Geological Survey- Earthquake Zones of Required Investigation*. Retrieved from <https://maps.conservation.ca.gov/cgs/EQZApp/app/>. Accessed November 27, 2023.

the seismic hazard zone maps that identify areas susceptible to liquefaction, earthquake-induced landslides, and amplified shaking. Site-specific hazard investigations are required by the Seismic Hazards Mapping Act when a development project is located within one of the Seismic Hazard Mapping Zones defined as a “zone of required investigation.” It also specifies that the lead agency for a project may withhold development permits until geologic or soils investigations are conducted for specific sites and mitigation measures are incorporated into plans to reduce hazards associated with seismicity and unstable soils.

Natural Hazards Disclosure Act

The Natural Hazards Disclosure Act (effective June 1, 1998), requires “that sellers of real property and their agents provide prospective buyers with a Natural Hazards Disclosure Statement when the property being sold lies within one or more state-mapped hazard areas, including a Seismic Hazard Zone.” The law specifies two ways in which this disclosure can be made:

1. The Local Option Real Estate Transfer Disclosure Statement as provided in Section 1102.6a of the California Civil Code.
2. The Natural Hazard Disclosure Statement as provided in Section 1103.2 of the California Civil Code.

The Local Option Real Estate Disclosure Statement can be substituted for the Natural Hazards Disclosure Statement if it contains substantially the same information and substantially the same warning as the Natural Hazards Disclosure Statement.

California Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (CCR Code §§2690–2699.6) addresses earthquake hazards from non-surface fault rupture, including liquefaction, landslides, strong ground shaking, and other earthquake and geologic hazards. The Seismic Hazards Mapping Act also specifies that the lead agency for a project may withhold project permits until geologic or soils investigations are conducted for specific areas and mitigation measures are incorporated into plans to reduce hazards associated with seismicity and unstable soils.

California Building Code/California Residential Code

The 2022 California Building Code (CBC) is based on the International Building Code, which is a model building code developed by the International Code Council that sets rules specifying the minimum acceptable level of safety for building construction in the United States. The CBC is part of the California Code of Regulations (CCR), Title 24 Part 2. The California Residential Code is part of the CCR, Title 24 Part 2.5. The CBC is updated periodically. The current version of the CBC was published on July 1, 2022 and became effective on January 1, 2023. The CBC and California Residential Code contain seismic safety standards outlining design and construction requirements. Development projects must show compliance with the CBC and/or California Residential Code through the development review process. Building permits are submitted and reviewed for compliance prior to obtaining construction and building permits. The CBC includes estimates for maximum earthquake magnitudes and peak ground acceleration, soil classifications and expansion potential, seismic design categories and lateral pressure, and grading and surface drainage.

California Construction General Permit

The State of California adopted a Statewide National Pollutant Discharge Elimination System (NPDES) Permit for General Construction Activity (Construction General Permit) on September 2, 2009 (Order No. 2009-0009-DWQ, as amended by 2010-0014-DWQ and 2012-0006-DWQ). The last Construction General Permit amendment became effective on July 17, 2012. The Construction General Permit regulates construction site storm water management. Dischargers whose projects disturb one or more acres of soil, or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the general permit for discharges of storm water associated with construction activity.

To obtain coverage under this permit, project operators must electronically file Permit Registration Documents, which include a Notice of Intent, a Storm Water Pollution Prevention Plan (SWPPP), and other compliance-related documents, including a risk-level assessment for construction sites, an active storm water effluent monitoring and reporting program during construction, rain event action plans, and numeric action levels (NALs) for pH and turbidity, as well as requirements for qualified professionals to prepare and implement the plan. The Construction General Permit requires the SWPPP to identify Best Management Practices (BMPs) that will be implemented to reduce soil erosion. Types of BMPs include preservation of vegetation and sediment control (e.g., fiber rolls).

Public Resources Code Sections 5097–5097.6

California PRC Sections 5097–5097.6 identify that the unauthorized disturbance or removal of archaeological, historical, or paleontological resources located on public lands is a misdemeanor. It prohibits the knowing destruction of objects of antiquity without a permit (expressed permission) on public lands, and it provides for criminal sanctions.

This section was amended in 1987 to require consultation with the Native American Heritage Commission (NAHC) whenever Native American graves are found. Violations for taking or possessing remains or artifacts are felonies. California Public Resources Code Section 5097.5 states that “no person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historic feature situated on public lands, except with the express permission of the public agency having jurisdiction over the lands.”

California Coastal Act

California Coastal Act Section 30253 requires that new development (1) minimize risks to life and property in areas of high geologic, flood, and fire hazard; and (2) assures stability and structural integrity, and neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way requires the construction of protective devices that would substantially alter landforms along bluffs and cliffs. The California Coastal Commission (Coastal Commission) indicates that an appropriate setback from a coastal bluff is at the point where a Factor of Safety (FOS) of 1.5 can be demonstrated; however, the Coastal Commission notes that it is more difficult to determine for overhanging or notched coastal bluffs or bluffs undermined by sea caves. The Coastal Act is implemented in the City through the certified Local Coastal Program, which applies to all proposed development in the City located within the Coastal Zone boundary.

The California Coastal Act, in part, authorizes the Coastal Commission to review permit applications for development within the coastal zone and, where necessary, to require reasonable mitigation measures to offset effects of that development. Permits for new development are issued with "special conditions" to ensure implementation of these mitigation measures. The Act also states that "Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required" (CCA §30244).

Local

City of Newport Beach Council Policy K-5

City Council Policy K-5 contains Paleontological and Archeological Resource Protection Guidelines, which are used to ensure that potential impacts to paleontological and archaeological resources by public or private development are properly evaluated and mitigated in accordance with the City's General Plan, Local Coastal Program, and CEQA.

City of Newport Beach General Plan

The *City of Newport Beach General Plan 2006 Update* (General Plan) includes goals and policies to protect people and structures from geological hazards within the City. The Safety Element includes policies to increase the resilience of the City against erosion. The following General Plan goals and policies that have been adopted by the City for the purpose of avoiding or mitigating an environmental effect are applicable to future development projects associated with the proposed Project.

Safety Element

Goal S 3 Protection of people and property from the adverse effects of coastal erosion.

Policy S 3.9 Shoreline Protection for New Development. Require property owners to record a waiver of future shoreline protection for new development during the economic life of the structure (75 years) as a condition of approval of a coastal development permit for new development on a beach or shoreline that is subject to wave action, erosion, flooding, landslides, or other hazards associated with development on a beach or bluff. Shoreline protection may be permitted to protect existing structures that were legally constructed prior to the certification of the LCP, unless a waiver of future shoreline protection was required by a previous coastal development permit.

Policy S 3.10 Bluff Stabilization. Site and design new structures to avoid the need for shoreline and bluff protective devices during the economic life of the structure (75 years), unless an environmentally acceptable design to stabilize the bluff and prevent bluff retreat is devised.

Policy S 3.11 New Development Impact on Coastal Erosion. Require that applications for new development with the potential to be impacted or impact coastal erosion include slope stability analyses and erosion rate estimates provided by a licensed Certified Engineering Geologist or Geotechnical Engineer.

Policy S 3.12 Minimization of Coastal Bluff Recession. Require new development adjacent to the edge of coastal bluffs to incorporate drainage improvements, irrigation systems, and/or native or drought-tolerant vegetation into the design to minimize coastal bluff recession.

Goal S 4 **Adverse effects caused by seismic and geologic hazards are minimized by reducing the known level of risk to loss of life, personal injury, public and private property damage, economic and social dislocation, and disruption of essential services.**

Policy S 4.3 **Unreinforced Masonry Buildings.** Require the retrofitting of unreinforced masonry buildings during remodels to minimize damage in the event of seismic or geologic hazards.

Policy S 4.7 **New Development.** Conduct further seismic studies for new development in areas where potentially active faults may occur.

Natural Resources Element

Goal NR 3 **Enhancement and protection of water quality of all natural water bodies, including coastal waters, creeks, bays, harbors, and wetlands.**

Policy NR 3.4: **Storm Drain Sewer System Permit.** Require all development to comply with the regulations under the City's municipal separate storm drain system permit under the National Pollutant Discharge Elimination System.

Policy NR 3.9 **Water Quality Management Plan.** Require new development applications to include a Water Quality Management Plan (WQMP) to minimize runoff from rainfall events during construction and post-construction.

Policy NR 3.11 **Site Design and Source Control.** Include site design and source control BMPs in all developments. When the combination of site design and source control BMPs are not sufficient to protect water quality as required by the National Pollutant Discharge Elimination System (NPDES), structural treatment BMPs will be implemented along with site design and source control measures.

Policy NR 3.12 **Reduction of Infiltration.** Include equivalent BMPs that do not require infiltration, where infiltration of runoff would exacerbate geologic hazards.

Policy NR 3.14 **Runoff Reduction on Private Property.** Retain runoff on private property to prevent the transport of pollutants into natural water bodies, to the maximum extent practicable.

Policy NR 3.15 **Street Drainage Systems.** Require all street drainage systems and other physical improvements created by the City, or developers of new subdivisions, to be designed, constructed, and maintained to minimize adverse impacts on water quality. Investigate the possibility of treating or diverting street drainage to minimize impacts to water bodies.

Policy NR 3.19 **Natural Drainage Systems.** Require incorporation of natural drainage systems and stormwater detention facilities into new developments, where appropriate and feasible, to retain stormwater in order to increase groundwater recharge.

Policy NR 3.20 **Impervious Surfaces.** Require new development and public improvements to minimize the creation of and increases in impervious surfaces, especially directly connected impervious areas, to the maximum extent practicable. Require redevelopment to increase area of pervious surfaces, where feasible.

Goal NR 4 **Maintenance of water quality standards through compliance with the total maximum daily loads (TMDLs) standards.**

Policy NR 4.4 **Erosion Minimization.** Require grading/erosion control plans with structural BMPs that prevent or minimize erosion during and after construction for development on steep slopes, graded, or disturbed areas.

Goal NR 18 **Protection and preservation of important paleontological and archaeological resources.**

Policy NR 18.1 **New Development.** Require new development to protect and preserve paleontological and archaeological resources from destruction and avoid and minimize impacts to such resources in accordance with the requirements of CEQA. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.

Policy NR 18.4 **Donation of Materials.** Require new development, where on-site preservation and avoidance are not feasible, to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach or Orange County, whenever possible.

Historical Resources Element

Goal HR 2 **Identification and protection of important archaeological and paleontological resources within the City.**

Policy HR 2.1 **New Development Activities.** Require that, in accordance with CEQA, new development protect and preserve paleontological and archaeological resources from destruction and avoid and mitigate impacts to such resources. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.

Policy HR 2.2 **Grading and Excavation Activities.** Maintain sources of information regarding paleontological and archeological sites and the names and addresses of responsible organizations and qualified individuals, who can analyze, classify, record, and preserve paleontological or archeological findings. Require a qualified paleontologist/archeologist to monitor all grading and/or excavation where there is a potential to affect cultural, archeological or paleontological resources. If these resources are found, the Applicant shall implement the recommendations of the paleontologist/archeologist, subject to the approval of the City Planning Department.

Policy HR 2.4 **Paleontological and Archaeological Materials.** Require new development to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach, or Orange County, whenever possible.

City of Newport Beach Local Coastal Program

The California Coastal Act directs each local government located partially or wholly within the coastal zone to prepare a Local Coastal Program (LCP) for its portion of the coastal zone. The City's Local Coastal

Program establishes the Coastal Land Use Plan for the City. The Coastal Land Use Plan sets forth goals, objectives, and policies that govern the use of land and water in the coastal zone within the City and its sphere of influence, with the exception of Newport Coast and Banning Ranch. Newport Coast is governed by the Orange County Local Coastal Program and Banning Ranch is a Deferred Certification Area (DCA) due to unresolved issues relating to land use, public access, and the protection of coastal resources. The California Coastal Act contains coastal resources planning and management policies that address public access, recreation, marine environment, land resources, development, and industrial development. The Coastal Land Use Plan addresses these topics by identifying which California Coastal Act sections are relevant to Newport Beach, followed by a narrative of the local setting and policy direction adopted by the City to address the requirements of the Coastal Act and a listing of specific policies.

The City's Coastal Land Use Plan (CLUP) includes the following policies applicable to paleontological resources:

Policy 4.5.1-2 Require a qualified paleontologist/archeologist to monitor all grading and/or excavation where there is a potential to affect cultural or paleontological resources. If grading operations or excavations uncover paleontological/archaeological resources, require the paleontologist/archeologist monitor to suspend all development activity to avoid destruction of resources until a determination can be made as to the significance of the paleontological/ archaeological resources. If resources are determined to be significant, require submittal of a mitigation plan. Mitigation measures considered may range from in-situ preservation to recovery and/or relocation. Mitigation plans shall include a good faith effort to avoid impacts to cultural resources through methods such as, but not limited to, project redesign, in situ preservation/capping, and placing cultural resource areas in open space.

Policy 4.5.1-5 Where there is a potential to affect cultural or paleontological resources, require the submittal of an archeological/cultural resources monitoring plan that identifies monitoring methods and describes the procedures for selecting archeological and Native American monitors and procedures that will be followed if additional or unexpected archeological/cultural resources are encountered during development of the site. Procedures may include, but are not limited to, provisions for cessation of all grading and construction activities in the area of the discovery that has any potential to uncover or otherwise disturb cultural deposits in the area of the discovery and all construction that may foreclose mitigation options to allow for significance testing, additional investigation, and mitigation.

Newport Beach Municipal Code²

The City adopts the current CBC as the basis for its own Building Code (Municipal Code Title 15, Chapter 15.04). The City's Building Code, as adopted, includes acceptable variations to the CBC related to fence heights, swimming pool depth, building materials, and sprinkler systems. The Excavation and Grading Code (Municipal Code Chapter 15.10) sets forth rules and regulations to control excavation, grading, drainage conditions, erosion control, earthwork construction including fills and embankments, and the use of earth materials as a structural component; and provides for the approval of plans and inspection

² City of Newport Beach (2021). *City of Newport Beach Municipal Code - Title 15 Buildings and Construction*. <https://www.codepublishing.com/CA/NewportBeach/#!/NewportBeach15/NewportBeach15.html#15>. Accessed November 2023.

of grading construction and drainage control. Specifically, the Excavation and Grading Code identifies, defines, and regulates grading design and operations, including hazardous conditions, plans and specifications, soils and geology reports, fills, setbacks, drainage and terracing, asphalt concrete pavement, and erosion control systems. These two code chapters stipulate the requirements for proposed new development in the City to address geotechnical issues, including all aspects of geologic and engineering site investigation, seismic-resistant foundation and building design, and slope and soil stability including erosion and sediment control. Development is required to comply with the Newport Beach Building Code, Excavation and Grading Code, and all State requirements pertaining to geologic, soil, and seismic hazards. With this regulatory framework in place, the city has the authority to enforce General Plan policies protecting the public from geotechnical hazards associated with proposed development.

4.6.3 Existing Conditions³

Physiographic Setting

The City and its Sphere of Influence (collectively referred herein as the “City”) is located at the southern margin of the Los Angeles Basin. The central and northwestern portions of the City, known as Newport Mesa, are located on a broad mesa that extends southeast towards the San Joaquin Hills. This upland is characterized by moderate to steep bluffs along the Upper Newport Bay estuary which were created by the upland’s stream erosion. Newport Mesa is nearly flat-topped and rises from 50 to 75 feet above sea level in the Newport Heights, Westcliff, and Eastbluff areas.

At City’s southwestern margin, the beaches, sandbars, and mudflats of Newport Bay and West Newport have been formed by sediment flows from the two major drainage courses that transect Newport Mesa. During the 20th century, these lowland areas were significantly modified to deepen channels for navigation and to form habitable islands. For instance, Balboa Peninsula, a barrier beach that protects the bay, once contained extensive low sand dunes. In the southern part of the City, the San Joaquin Hills emerge abruptly from the sea and is divided from the shoreline by a flat, narrow shelf. This shelf (also known as a platform or a terrace) is above the water and bounded by the shoreline’s steep bluffs. The coastal platform occupied by Corona Del Mar ranges from about 95 to 100 feet above sea level, and the San Joaquin Hills are elevated at 1,164 feet at Signal Peak.

The Santa Ana River and San Diego Creek contributed to the development of the City’s landforms. To the City’s north, numerous streams draining the foothills, including Peters Canyon Wash, Rattlesnake Wash, Hicks Canyon, Agua Chinon, and Serrano Creek, merged with San Diego Creek and collectively carved a wide channel through the mesa, later filling it with sediment (Upper Newport Bay and the harbor area). The man-made San Diego Creek Channel now contains the collected drainages, and the channel directs them into Upper Newport Bay near the intersection of Jamboree Road and University Drive. The Santa Ana Delhi Channel near Irvine Avenue and Mesa Drive also contributes water to the Bay.

Regional and Local Faults

The faulting and seismicity of Southern California is dominated by the San Andreas Fault System. A fault is classified as active by the State if it has moved during the Holocene epoch (during the last 11,000 years) or is included in an Alquist-Priolo Earthquake Fault Zone (as established by the California Geologic Survey). The City of Newport Beach is located in the northern part of the Peninsular Ranges Province, an area that

³ Newport Beach (2006). *Newport Beach General Plan Update Draft EIR – Geology, Soils, and Mineral Resources*. https://newportbeachca.gov/PLN/General_Plan/GP_EIR/Volume_1/10_Sec4.5_Geology_Soils_Mineral_Resources.pdf. Accessed Nov 2023.

is exposed to risk from multiple earthquake fault zones. The highest risks originate from the Newport-Inglewood fault zone, the Whittier fault zone, the San Joaquin Hills fault zone, and the Elysian Park fault zone, each with the potential to cause moderate to large earthquakes that would cause ground shaking in Newport Beach and nearby communities.

Alquist-Priolo Earthquake Fault Zone mapping has been completed for the City by the State Geologist concluding that the highest risk originates from the Alquist-Priolo Earthquake Fault Zone for the Newport-Inglewood fault which terminates about two miles northwest of the City limits.

Seismic Hazards

Newport Beach's geologic diversity is strongly related to tectonic movement along the San Andreas Fault and its broad zone of subsidiary faults and is located in a landscape that is diverse in geologic hazards. Geologic hazards include earthquakes/strong ground shaking, fault rupture, landslides, liquefaction, and bluff stability, as discussed below.

Ground Shaking

Seismic shaking is the geological hazard that has the greatest potential to severely impact Newport Beach. The City is located on and near several significant faults, both onshore and offshore, that have the potential to cause moderate to large earthquakes. The City has experienced some moderate sized earthquakes in the last century and the nearby faults are expected to generate larger earthquakes in the future. Destructive secondary effects of strong seismic ground shaking include liquefaction and slope failure.

Liquefaction

Liquefaction is a geologic phenomenon that causes ground failure in loose, saturated, and sandy-textured soils during strong ground shaking. Primary factors controlling liquefaction include intensity and duration of ground accelerations, subsurface soil characteristics, in situ stress conditions, and groundwater depth.

Areas in Newport Beach that are susceptible to liquefaction include locations along the coastline such as Balboa Peninsula, in and around the Newport Bay and Upper Newport Bay, in the lower reaches of major streams in Newport Beach, and in the floodplain of the Santa Ana River. It is unlikely that residential or commercial development will occur in many of the other liquefiable areas, such as Upper Newport Bay, the Newport Coast beaches, and the bottoms of stream channels.

Seismically Induced Landslides

Seismically induced landslides are a form of slope failure due to strong ground shaking. Strong ground shaking can worsen existing unstable slope conditions, particularly if coupled with saturated ground conditions. Seismically induced landslides can overrun structures, people, or property, sever utility lines, and block roads, hindering rescue operations after an earthquake. Much of eastern Newport Beach has been identified as vulnerable to seismically induced landslides and slope failure. Approximately 90 percent of the land from Los Trancos Canyon to the Crystal Cove State Park boundary is mapped as susceptible to landslides by the California Geologic Survey.

Additionally, the sedimentary bedrock that crops out in the San Joaquin Hills is highly weathered. Strong ground shaking can cause slides or rockfalls of this material in steep areas. Rupture along the Newport-Inglewood Fault Zone and other faults in Southern California could reactivate existing landslides and cause new slope failures throughout the San Joaquin Hills. Further, slope failures can also be expected to occur

along stream banks and coastal bluffs, such as Big Canyon, around San Joaquin Reservoir, Newport and Upper Newport Bays, and Corona del Mar.

Soil and Groundwater Conditions

The City is underlain by Holocene-age alluvial sediments present in active and recently active stream channels, marshland, and intertidal deposits of Newport Harbor and Upper Newport Bay. Newport Mesa is underlain by primarily shallow marine sediments that range in age from early to late Pleistocene.

Soil Erosion

Soil erosion is the process by which soil particles are removed from a land surface by wind, water, or gravity. Topsoil is the uppermost layer of soil and is usually the top six to eight inches. Topsoil contains the highest concentration of organic matter and microorganisms and is the layer where plants generally concentrate their roots in. Topsoil erosion is a concern because when topsoil is blown or washed away, it makes plant life or agricultural production more difficult. Erosion in Newport Beach is a significant concern along the shoreline because beach sediments and coastal bluffs are susceptible to erosion from the waves. Specific locations that are susceptible include the bluffs along Upper Newport Bay, and slopes and canyons within the San Joaquin Hills.

Compressible Soils

Compressible soils are generally young sediments with a low density and variable amounts of organic materials. Compressible soils will settle and cause distress to improvements, under the added weight of fill embankments or buildings. If sandy in composition and saturated with water, low-density soils will also be susceptible to liquefaction effects during moderate to strong earthquakes. A significant part of the City is underlain by compressible soils, typically in the lowland areas and in canyon bottoms.

Expansive Soils

Expansive soils are types of soil that shrink or swell as the moisture content decreases or increases. Structures built on these soils may experience shifting, cracking, and breaking damage as soils shrink or expands.⁴ Some of the geologic units in the City, including both surficial soils and bedrock, have fine-grained components that are moderate to highly expansive. Grading activities may uncover or expose these materials. Man-made fills can also be expansive, depending on the soils used to construct them.

Subsidence

Land subsidence occurs when the withdrawal of fluid causes the elevation of a land surface to decrease. Locations within the City that are susceptible to subsidence include major oil drilling areas and state-designated oil fields. Oil drilling areas and oil fields are predominately located at the western portion of the City in areas such as Banning Ranch, West Newport Mesa, Dover-Westcliff, Newport Shores, and Mariners Mile.⁵

⁴ U.S. Geological Survey. (ND). Landslides Glossary, Definitions of landslide science terms. Retrieved from: <https://www.usgs.gov/glossary/landslides-glossary#:~:text=Expansive%20soils,shrink%20and%20subside%20or%20expand>. Accessed November 27, 2023.

⁵ City of Newport Beach. (2006) *City of Newport Beach General Plan Update Draft EIR – Geology, Soils, and Mineral Resources, Figure 4.5-3: Oil Production Areas*. Page 4.5-26. https://newportbeachca.gov/PLN/General_Plan/GP_EIR/Volume_1/10_Sec4.5_Geology_Soils_Mineral_Resources.pdf. Accessed September 22, 2023.

Paleontological Resources^{6,7}

Orange County's geologic history began 175 - 145 million years ago, in the Middle to Late Jurassic Period, and for most of its geologic history, Orange County was underwater. Tectonic forces began to uplift the land during the Pliocene (7 to 2.5 million years ago) and the sea began to slowly recede from the coast. Sandstone deposited in the Newport Beach area in the late Pliocene contains a wealth of marine mammals, sea birds and a variety of seashells. The City has known significant paleontological resources, including portions of the Vaqueros formation that underlie the Newport Coast, Banning Ranch, the Topanga and Monterey Formations, and Fossil Canyon in the Bluffs area.

4.6.4 Thresholds of Significance

The City uses the thresholds of significance that are specified in *State CEQA Guidelines, Appendix G*. Impacts related to geology, soils, and paleontological resources would be significant if the Project would:

- Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving the 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.
- Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.
- Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction.
- Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides.
- Result in substantial soil erosion or loss of topsoil.
- 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.
- Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.
- Directly or indirectly destroy a unique paleontological resource or site or unique geological feature.

As addressed in **Section 1.5: Summary of Effects with No Impact**, the City has determined that the proposed Project would not have a significant impact on the following threshold for the reasons stated below, and that no further analysis was required:

- Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

⁶ City of Newport Beach. (2019). *Local Coastal Program, Coastal Land Use Plan, Chapter 4.5.1: Paleontological and Archaeological Resources*. Retrieved from: <https://www.newportbeachca.gov/government/departments/community-development/planning-division/general-plan-codes-and-regulations/local-coastal-program/coastal-land-use-plan>. Accessed November 29, 2023.

⁷ City of Newport Beach (2006). *Newport Beach General Plan Update Draft EIR – Cultural Resources*. [https://newportbeachca.gov/PLN/General Plan/GP EIR/Volume 1/09_Sec4.4 Cultural Resources.pdf](https://newportbeachca.gov/PLN/General%20Plan/GP%20EIR/Volume%201/09_Sec4.4_Cultural_Resources.pdf). Accessed November 27, 2023.

The City of Newport Beach is almost entirely built out with established utility services. Further, most housing sites are developed and connected with existing wastewater infrastructure. For the few housing sites which are currently undeveloped, there is existing infrastructure within the vicinity that could support future growth and development. The use of septic tanks or alternative wastewater disposal systems is not assumed.

4.6.5 Methodology

This analysis considers the *State CEQA Guidelines Appendix G* thresholds, as described above, in determining whether the Project would result in impacts concerning geology, soils, and paleontological resources. The evaluation was based on a review of regulations and determining their applicability to future residential development on housing sites throughout the City. The determination that the Project would or would not result in "substantial" temporary or permanent impacts concerning geology and soils considers the relevant federal, State, and local (i.e., General Plan and Municipal Code) laws, ordinances, and regulations and the future residential development's compliance with such laws, ordinances, and regulations. Secondary source information includes the General Plan EIR.

4.6.6 Project Impacts and Mitigation

Threshold 4.6-1:	Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving 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?
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The City of Newport Beach is located in the northern Peninsular Ranges Province, an area that is exposed to risk from multiple earthquake fault zones. The highest risks originate from the Newport-Inglewood fault zone, the Whittier fault zone, the San Joaquin Hills fault zone, and the Elysian Park fault zone, each with the potential to cause moderate to large earthquakes that would cause ground shaking in Newport Beach and nearby communities. However, none of these faults have been zoned under the guidelines of the Alquist-Priolo Earthquake Fault Zoning Act. Therefore, development on the housing sites would not expose people or structures to potential adverse effects involving rupture of a known earthquake fault in Alquist-Priolo zones.

Impact Summary: **No Impact.** The Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, because there are no delineated Alquist-Priolo Earthquake Fault zones in the City.

Threshold 4.6-2:	Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?
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The City is within a seismically active area that could be subject to strong seismic ground shaking with the highest risks originating from the Newport-Inglewood fault zone, the Whittier fault zone, the San Joaquin Hills fault zone, and the Elysian Park fault zone. Therefore, the fault zones located within the City each have the potential to cause moderate to large earthquakes that would cause ground shaking at the

housing sites. Although the City does not contain a known Alquist-Priolo zone as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, the housing sites within the Banning Ranch Focus Area are located near the Newport Inglewood Rose Canyon fault zone. The Banning Ranch Focus Area is included in the 2021–2029 Housing Element’s sites inventory but is not assumed to accommodate the City’s 2021–2029 RHNA growth need. Banning Ranch is considered as additional dwelling unit opportunity in addition to those that accommodate the RHNA.

The proposed Project would not directly construct new housing but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element.

General Plan Safety Element policies are proposed to address adverse effects caused by seismic and geologic hazards, such as strong seismic ground shaking. For example, Policy S 4.7 requires new development to conduct seismic studies in areas where potentially active faults may occur.⁸ Therefore, compliance with General Plan Safety Element policies would reduce adverse impacts caused by seismic ground shaking.

Future residential development facilitated by the Project would be subject to the City’s development review process and would be required to demonstrate consistency with General Plan policies and Municipal Code requirements. The City has adopted the latest CBC under Municipal Code Title 15, Building and Construction. The required geotechnical investigation for future developments per Policy S 4.7 would calculate seismic design parameters, pursuant to CBC requirements, that must be used in the design of the proposed development. Projects would be required to adhere to all federal, State, and local requirements for avoiding and minimizing seismic-related impacts, including the City’s Property Development Standards (Municipal Code Chapter 21.30) and subject to future State-adopted Building Code amendments. Municipal Code Section 21.30.015(E4) (Geologic Stability Report) requires the preparation of geotechnical investigations for development proposed in shoreline areas of known or potential geologic or seismic hazards, which would include a certification that the site is suitable for proposed development and that development will not have an adverse effect on the stability of the bluff, canyon, or shoreline.

All future residential development facilitated by the Project would be required to comply to seismic design standards required by the then-current CBC (or applicable adopted code at the time of plan submittal or grading and building permit issuance for construction). Compliance with the CBC requires proper construction of building footings and foundations so that it would withstand the effects of potential ground movement. The CBC also includes provisions to reduce impacts caused by potential major structural failures or loss of life resulting from geologic hazards.

Therefore, following compliance with all relevant regulations and requirements for avoiding seismic impacts from development, the Project would result in a less than significant impact concerning adverse effects involving strong seismic ground shaking, and no mitigation is required.

Impact Summary: **Less than Significant Impact.** The Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.

⁸ U.S. Geologic Survey. (2023). Lateral Spread. Retrieved from: <https://www.usgs.gov/media/images/lateral-spread#:~:text=Lateral%20spreading%20in%20fine%2Dgrained,occurs%20for%20no%20apparent%20reason>. Accessed Nov. 29, 2023.

Threshold 4.6-3:	Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction, and landslides?
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As described in **Section 4.6.2: Existing Conditions**, liquefaction is a geologic phenomenon that causes ground failure in loose, saturated, and sandy-textured soils during strong ground shaking and seismically induced landslides are a form of slope failure due to strong ground shaking. Many of the housing sites located in the Airport Area, Banning Ranch, Coyote Canyon, Dover-Westcliff, and Newport Center Focus Areas are located in liquefaction-susceptibility zones. As depicted in **Figure 4.6-1: Housing Sites Within Liquefaction Zones** and identified on **Table 4.6-1: Housing Sites Within Liquefaction Zones**, there are 31 housing sites located within liquefaction-susceptibility zones.

Additionally, several housing sites within the noted Focus Areas are also located in landslide-susceptibility zones. As depicted in **Figure 4.6-2: Housing Sites Within Landslide Zones** and identified on **Table 4.6-2: Housing Sites Within Landslide Zones**, there are 17 housing sites located within landslide-susceptibility zones. However, liquefaction and landslide potential do not necessarily limit development potential, as site-specific geotechnical studies would be required to determine the soil properties and specific potential for liquefaction in a specific area for new proposed development, per General Plan Policy S 4.7.

Further, future residential developments facilitated by the Project would be subject to the City's development review process, and required to adhere to all federal, State, and local requirements for avoiding and minimizing seismic-related impacts. Compliance with the CBC would require an assessment of hazards related to landslides and liquefaction and the incorporation of design measures into structures to mitigate this hazard if development were considered feasible. Additionally, Municipal Code Chapter 15.10, Excavation and Grading Code, contains regulations and design requirements for hillside developments. Therefore, following compliance with all relevant regulations and requirements for avoiding seismic impacts from development, the proposed Project would result in a less than significant impact concerning adverse effects involving seismic-related ground failure including liquefaction and landslides, and no mitigation is required.

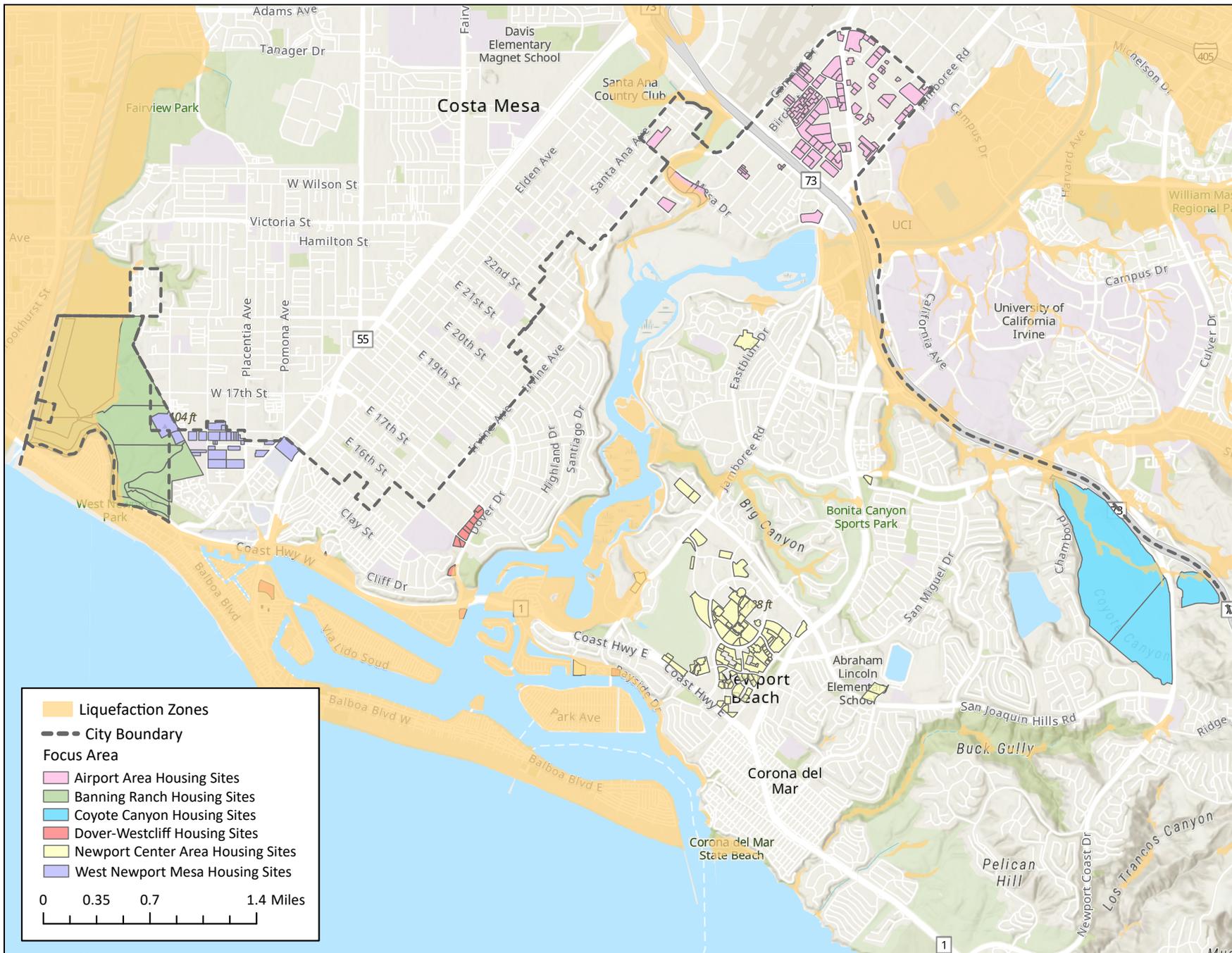


Figure 4.6-1: Housing Sites Within Liquefaction Zones
 City of Newport Beach General Plan Housing Implementation
 Program Environmental Impact Report

Table 4.6-1: Housing Sites Within Liquefaction Zones

Housing Site	Parcel Number	Focus Area
23	119 300 17	Airport Area
24	119 310 04	Airport Area
25	119 300 15	Airport Area
26	119 300 16	Airport Area
132	049 122 03	Dover-Westcliff
133	047 041 05	Dover-Westcliff
134	047 041 25	Dover-Westcliff
144	049 271 30	Dover-Westcliff
361	049 191 30	Dover-Westcliff
337	050 391 12	Dover-Westcliff
334	423 111 01	Dover-Westcliff
154	440 132 40	Newport Center Area
184	440 132 48	Newport Center Area
B	050 442 05	Newport Center Area
131	120 571 12	Coyote Canyon
336	478 031 56	Coyote Canyon
110	114 170 72	Banning Ranch
111	114 170 52	Banning Ranch
112	114 170 50	Banning Ranch
113	114 170 52	Banning Ranch
115	114 170 71	Banning Ranch
116	114 170 76	Banning Ranch
117	N/A	Banning Ranch
118	114 170 74	Banning Ranch
120	114 170 78	Banning Ranch
123	114 170 65	Banning Ranch
126	114 170 24	Banning Ranch
127	114 170 81	Banning Ranch
128	114 170 75	Banning Ranch
130	114 170 66	Banning Ranch
110	114 170 72	Banning Ranch

Source: GIS mapping modified by Kimley-Horn, 2023.



Figure 4.6-2: Housing Sites Within Landslide Zones
 City of Newport Beach General Plan Housing Implementation
 Program Environmental Impact Report

Housing Site	Parcel Number	Focus Area
23	119 300 17	Airport Area
24	119 310 04	Airport Area
26	119 300 16	Airport Area
222	114 170 82	West Newport Mesa
144	049 271 30	Dover-Westcliff
169	442 271 15	Newport Center
173	442 271 14	Newport Center
175	442 271 13	Newport Center
368	442 014 22	Newport Center
131	120 571 12	Coyote Canyon
111	114 170 52	Banning Ranch
112	114 170 50	Banning Ranch
113	114 170 52	Banning Ranch
114	114 170 83	Banning Ranch
117	No APN	Banning Ranch
121	424 041 04	Banning Ranch
122	114 170 43	Banning Ranch

Source: GIS mapping modified by Kimley-Horn, 2023.

Impact Summary: **Less than Significant Impact.** The Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction, and landslides.

Threshold 4.6-4: Would the Project result in substantial soil erosion or loss of topsoil?

As previously addressed, soil erosion is the process by which soil particles are removed from a land surface by wind, water, or gravity. The main causes of erosion in the City are wind and flowing water. Erosion can be accelerated dramatically by ground-disturbing activities if effective erosion control measures are not used. Soil can be carried off construction sites or bare land by wind and water, and tracked off construction sites by vehicles. Soil erosion is a significant concern in Newport Beach, especially along the shoreline, where beach sediments and coastal bluffs are highly susceptible to erosion by wave action. Other parts of the City, including bluffs along Upper Newport Bay, canyon walls along tributary streams leading to the Bay, and slopes (both natural and man-made) within the San Joaquin Hills are also susceptible to the impacts from precipitation, stream erosion, and man’s activities.

Future residential development facilitated by the Project could result in grading activities that would disrupt soil profiles, and thereby result in potential increased exposure of soils to wind and rain. Erosion on graded slopes could cause downstream sedimentation impacts. Other related impacts resulting from substantial short-term erosion or loss of topsoil include topography changes and the creation of impervious surfaces. A majority of the housing sites are currently developed with existing structures. Of the 247 housing sites, 21 housing sites are currently vacant and undeveloped; see **Table 3-12: Housing Sites** for the list of housing sites that are vacant. Future residential projects would be subject to the City’s development review process and would be required to comply with General Plan Policies NR 3.10, NR

3.11, and NR 3.12 which require compliance with applicable local, State, or federal laws. Compliance with the CBC and the National Pollutant Discharge Elimination System (NPDES) permits would minimize soil erosion and loss of topsoil and ensure consistency with the Regional Water Quality Control Board (RWQCB) Water Quality Control Plan. Additionally, the NPDES permit requires preparation of a Stormwater Pollution Prevention Plan (SWPPP), which specifies BMPs to be used to minimize storm water pollution from project construction, including erosion and topsoil. All future residential projects would also be required to comply with the City's Erosion Control regulations specified under Municipal Code Chapter 15.10.130, which include but are not limited to, planting on cut-and-fill slopes, check dams, cribbing, riprap, and permanent distilling facilities. Compliance with these regulations would reduce the potential for substantial erosion or loss of topsoil. As noted above, future residential development facilitated by the Project would be required to comply with applicable General Plan and Municipal Code policies and regulations, the CBC, NPDES permits, and the RWQCB Water Quality Control Plan and therefore would not result in substantial soil erosion or loss of topsoil. Therefore, impacts would be less than significant and no mitigation is required.

Impact Summary: **Less than Significant Impact.** The Project would not result in substantial soil erosion or loss of topsoil.

Threshold 4.6-5: **Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

As discussed above under Threshold 4.6-1, some areas of the City are susceptible to earthquake-induced landslides, lateral spreading, subsidence, liquefaction, and/or collapse. There are 32 housing sites (see **Table 4.6-1**) and 17 sites (see **Table 4.6-2**) that are located in liquefaction and landslide hazard areas, respectively. Of the sites, nine sites are located in both a liquefaction and landslide hazard area. Additionally, these housing sites could also be exposed to potential lateral spreading which is a type of liquefaction-induced ground failure that occurs on gentle slopes or near free-faces, such as river channels.⁹

Multiple areas in the City are also susceptible to subsidence and ground failure from compressible soils and expansive soils. Land subsidence is a concern in major oil drilling areas and State designated oil fields which are predominately located in the western portion of City. Housing sites in the Banning Ranch, West Newport Mesa, and Dover-Westcliff Focus Areas are the most susceptible to subsidence. Compressible soils also underly a significant part of the City, typically in the lowland areas and canyon bottoms. Compressible soils settle and cause distress to improvements under the added weight of fill embankments or buildings.

The proposed Project would not directly construct new housing, but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. While multiple housing sites are located on geologic units or soils that could become unstable, future housing development facilitated by the Project would be subject to the City's development review process. Future residential developments would be required to adhere to all federal, State, and local requirements for avoiding and minimizing impacts caused by unstable geological units or soils. These housing projects would be subject to compliance with General Plan Safety Element Policy S 4.7, which

⁹ U.S. Geological Survey. (2023). *Lateral Spread*. <https://www.usgs.gov/media/images/lateral-spread>. Accessed December 2023.

requires seismic studies for new development in areas where potentially active faults may occur. These studies would also include soil investigations and recommendations for addressing grading procedures, soil stabilization during and post-construction, foundation design, and slope stability.

As part of the construction permitting process, the City requires completed reports of soil conditions at specific construction sites to identify potentially unsuitable soil conditions including liquefaction, subsidence, and collapse. The evaluations must be conducted by registered soil professionals, and measures to eliminate inappropriate soil conditions must be applied. The design of foundation support must conform to the analysis and implementation criteria described in CBC Chapter 18 – Soils and Foundations.

Adherence to the CBC, City's codes, and General Plan policies would ensure the maximum practicable protection available for users of buildings and infrastructure and associated trenches, slopes, and foundations. Compliance with Policy S 4.7 would ensure that development is not located on unstable soils or geologic units. Therefore, the Project would result in a less than significant impact concerning potential substantial adverse effects involving exposure to unstable geological units or soils.

Impact Summary: **Less than Significant Impact.** The Project would not 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.

Threshold 4.6-6:	Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?
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The City contains surficial soils and bedrock with fine-grained components that are moderately to highly expansive. Expansive soils shrink and swell as the moisture content in soil changes which causes shifting, cracking, and damage to structures built on these soils. Fine-grained soils, such as silts and clays, may contain variable amounts of expansive clay minerals. Most of the Newport Mesa and Corona del Mar areas are underlain by marine terrace deposits and young alluvial fan sediments that are composed primarily of granular soils (silty sand, sand, and gravel). Such units are typically in the low to moderately low range for expansion potential. However, thick soil profiles developed on the older marine deposits exposed west of Newport Bay are typically clay-rich and will probably fall in the moderately expansive range.

While housing sites may be located on expansive soils, the proposed Project would not directly construct new housing, but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. Future residential development facilitated by the Project would be required to comply with applicable provisions of the CBC with regard to soil hazard-related design. The CBC specifically requires soil testing in areas likely to have expansive soils. Soil testing would determine expansive index and include special design and construction provisions for foundations of structures founded on expansive soils, as necessary.

The City's Building Code adopts the latest CBC regulations, which also requires geotechnical investigations that identifies potentially unsuitable soil conditions and contains appropriate recommendations for foundation type and design criteria that conform to the analysis and implementation criteria described in

Municipal Code Title 15 Building and Construction. Further, compliance with General Plan Policy S 4.7 requires that development not be located on unstable soils or geologic units. This impact is considered less than significant and no mitigation is required.

Impact Summary: **Less than Significant Impact.** The Project would not create substantial direct or indirect risks to life or property due to the project being located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994).

Threshold 4.6-7: Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The specific underlying geology is not known for any of the housing sites at this level of programmatic analysis; however, the General Plan does note that the City contains high sensitivity to paleontological resources. The General Plan notes that areas of the City include Fossil Canyon, the North Bluffs area¹⁰, and Banning Ranch. Although a majority of housing sites are currently developed and disturbed, there is a potential that future construction activities associated with development could affect unidentified paleontological resources through grading and other earthwork activities. In the inadvertent event of discovery of paleontological resources, impacts could be potentially significant.

As previously noted, the Project would not directly result in the construction of new housing. Future housing development facilitated by the Project would be subject to the City's development review process and would be subject to comply with City regulations and policies. Policy HR 2.1 and Policy NR 18.1 require any new development to protect and preserve archaeological resources from destruction, and that potential impacts to such resources be avoided and minimized through planning policies and permit conditions. Compliance with these policies would ensure that paleontological resources are preserved, and that any impact caused by development be mitigated. Further, development in the coastal zone would also be subject to LCP Policy 4.5.1-2 and Policy 4.5.1-5. LCP Policy 4.5.1-2 requires a qualified paleontologist/archeologist to monitor all grading and/or excavation where there is a potential to affect cultural or paleontological resources. LCP Policy 4.5.1-5 requires submittal of a monitoring plan when there is a potential to impact paleontological resources. The Newport Beach City Policy Manual also identifies Policy K-5 *Paleontological and Archaeological Resource Protection Guidelines*,¹¹ which requires that the City prepare and maintain sources of information regarding paleontological sites. Future development facilitated by the Project would be required to comply with the City Council Policy K-5, as set forth in **SC GEO-1**.

Compliance with **SC GEO-1**, General Plan policies within Natural Resources Element Goal NR 18, and the policies under Goal HR 2 of the Historical Resources Element would reduce impacts to paleontological resources to a less than significant level.

Impact Summary: **Less than Significant Impact.** The Project could potentially have direct impacts on paleontological resources. These impacts would be mitigated to a level considered less than significant with implementation of SC GEO-1 and compliance with applicable City policies and programs.

¹⁰ North Bluffs area refers to bluffs in the central and northern portions of the City such as Big Canyon, around San Joaquin Reservoir, and Upper Newport Bays.

¹¹ Newport Beach City Council. (2017). *K-5, Paleontological and Archaeological Resource Protection Guidelines*. Retrieved from: <https://ecms.newportbeachca.gov/WEB/DocView.aspx?id=1225634&dbid=0&repo=CNB>. Accessed November 29, 2023.

4.6.7 Cumulative Impacts

Southern California is a seismically active region with a range of geologic and soil conditions. These conditions can vary widely within a limited geographical area due to factors, including differences in landforms and proximity to fault zones, among others. Therefore, while geotechnical impacts may be associated with the cumulative development, by the very nature of the impacts (i.e., landslides and expansive and compressible soils), the constraints are typically site specific and there is typically little, if any, cumulative relationship between the development of a proposed project and development within a larger cumulative area, such as citywide development. Additionally, while seismic conditions are regional in nature, seismic impacts on a given project site are site specific. For example, future development on one of the housing sites or in the surrounding area would not alter geologic events or soil features/ characteristics (such as ground-shaking, seismic intensity, or soil expansion); therefore, the Project would not affect the level of intensity at which a seismic event on an adjacent site is experienced. However, future housing development would expose more persons to seismic hazards.

In accordance with the thresholds of significance, impacts associated with seismic events and hazards would be considered significant if the effects of an earthquake on a property could not be mitigated by an engineered solution. The significance criteria do not require elimination of the potential for structural damage from seismic hazards. Instead, the criteria require an evaluation of whether the seismic conditions on a site can be overcome through engineering design solutions that would reduce to less than significant the substantial risk of exposing people or structures to loss, injury, or death.

State and local regulatory code requirements and their specific mandatory performance standards are designed to ensure the integrity of structures during maximum ground shaking and seismic events. Future housing would be constructed in compliance with all applicable codes and policies, which are designed to reduce the exposure of people or structures to substantial risk of loss, injury, or death related to geological conditions or seismic events. Current building codes and regulations would apply to all present and reasonably foreseeable future projects, which could also be subject to even more rigorous requirements. Therefore, the Project—in combination with past, present, and reasonably foreseeable future projects—would not result in a cumulatively significant impact by exposing people or structures to risks related to geologic hazards, soils, or seismic conditions.

Future development of the housing sites, in combination with other projects in the region where a parcel is underlain by significant fossil resources could contribute to the progressive loss of fossil-bearing strata in rock unit that could uncover fossil remains and unrecorded fossil sites. Consistent with the findings of the Newport Beach General Plan EIR, cumulative development is not expected to result in significant impacts to paleontological resources through compliance with regulatory requirements and General Plan policies. Impacts would not be cumulatively considerable.

4.6.8 Mitigation Program

As noted, all future housing development facilitated by the Project would be subject to the City's development review process, which may include review pursuant to CEQA, and would be assessed on a project-specific basis for potential effects concerning geology and soils and paleontological resources. Future housing development would be subject to compliance with relevant federal, State, and local requirements including requirements set forth in the Newport Beach General Plan and Newport Beach Municipal Code.

General Plan Policies

See **Section 4.6.2: Regulatory Setting** for complete policy text.

Geology and Soils

- Policy S 3.9
- Policy S 3.10
- Policy S 3.11
- Policy S 3.12
- Policy S 4.3
- Policy S 4.7
- Policy NR 3.4
- Policy NR 3.9
- Policy NR 3.11
- Policy NR 3.12
- Policy NR 3.14
- Policy NR 3.15
- Policy NR 3.19
- Policy NR 3.20
- Policy NR 4.4

Paleontological Resources

- Policy NR 18.1
- Policy NR 18.4
- Policy HR 2.1
- Policy HR 2.2
- Policy HR 2.4

Coastal Land Use Plan Policies

See **Section 4.6.2: Regulatory Setting** for complete policy text.

Paleontological Resources

- Policy 4.5.1-2
- Policy 4.5.1-5

Standard Conditions of Approval

SC GEO-1 In compliance with Newport Beach Council Policy Manual, *Paleontological and Archaeological Resource Protection Guidelines* (K-5), prior to the issuance of a grading permit by the City of Newport Beach, the project applicant shall retain and provide documentation of such retention to the City of Newport Beach Community Development Director. The qualified paleontologist shall be to be present during ground-disturbing activities on the site or available on an on-call basis, as determined by the City. If paleontological resources are encountered, all construction work in the general area of the find shall cease until the paleontologist assesses the find. Construction activities may continue in other areas. The paleontologist shall determine the significance of the resources and recommend next steps (e.g., additional excavation, curation, preservation, etc.). If, in consultation with the City, the discovery is determined to not be important, work will be permitted to continue in the area. Any resource shall be curated at a public, nonprofit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Cooper Center (a partnership between California State University, Fullerton and the County of Orange).

Mitigation Measures

No additional mitigation is required.

4.6.9 Level of Significance After Mitigation

Compliance with the mitigation program would preclude significant impacts related to geology and soils and paleontological resources.

4.6.10 References

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Newport Beach City Council. (2017). *K-5, Paleontological and Archaeological Resource Protection Guidelines*. Retrieved from:
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Accessed November 2023.

4.7 GREENHOUSE GAS EMISSIONS

4.7.1 Introduction

This section evaluates potential greenhouse gas (GHG) emissions impacts that could result from the implementing actions associated with the 2021-2029 Housing Element. The housing sites were evaluated in this Program EIR based on information available from the City of Newport Beach (City), where reasonably foreseeable, direct, and indirect physical changes in the environment could be considered.

The analysis of GHG emissions involves assessing the primary sources of GHGs, such as vehicle trips, energy demands for building heating, cooling, and power, and construction of new buildings and infrastructure. The analysis focuses on the key GHGs generated by human activities including carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O). GHG emissions associated with the proposed Project have been estimated using the California Emissions Estimator Model (CalEEMod) Version 2021.1, consistent with the analysis of criteria pollutants in **Section 4.2: Air Quality**.

There are several unique challenges to analyzing GHG emissions and global climate change under CEQA. Impact analyses typically address local development projects or long-term land use plans that have local or regional impacts. In contrast, climate change presents the considerable challenge of analyzing the relationship between local activities and the resulting potential for a contribution to global environmental impacts, if any. Regarding global climate change, however, it is generally accepted that while the magnitude of global impacts is substantial, the contribution of traditional development projects or even major long-term land use plans is so small that direct project-specific significant impacts – albeit not cumulatively significant impacts – are unlikely.

Further, the approach to analysis of GHG emissions under CEQA is also fundamentally different from the approach to analysis of criteria pollutant emissions (refer to **Section 4.2: Air Quality**), in that air quality is linked to conditions in a particular air basin, which GHG emissions are a global issue regardless of the particular location of the emission source.

4.7.2 Regulatory Setting

Federal

U.S. Environmental Protection Agency Endangerment Finding

The U.S. Environmental Protection Agency's (U.S. EPA) authority to regulate GHG emissions stems from the U.S. Supreme Court decision in *Massachusetts v. EPA* (2007). The Supreme Court ruled that GHGs meet the definition of air pollutants under the existing federal Clean Air Act (CAA) and must be regulated if these gases could be reasonably anticipated to endanger public health or welfare. Responding to the Court's ruling, the U.S. EPA finalized an endangerment finding in December 2009. Based on scientific evidence it found that six GHGs (CO₂, CH₄, N₂O, HFCs, PFCs, and SF₆) constitute a threat to public health and welfare. Therefore, it is the Supreme Court's interpretation of the existing CAA and the U.S. EPA's assessment of the scientific evidence that form the basis for the U.S. EPA's regulatory actions.

The U.S. EPA is responsible for implementing federal policy to address global climate change. The federal government's early efforts have focused on public-private partnerships to reduce GHG intensity through energy efficiency, renewable energy, methane and other non-CO₂ gases, agricultural practices, and implementation of technologies to achieve GHG reductions.

The U.S. EPA is required to regulate carbon dioxide and other GHGs as pollutants under Section 202(a)(1) of the federal Clean Air Act. The first step in implementing its authority was the Mandatory Reporting Rule that required inventory data collection commencing on January 1, 2010 with first reports due March 2011. Effective January 2, 2011, the U.S. EPA requires new and existing sources of GHG emissions of 75,000 tons per year to obtain a permit under the New Source Review Prevention of Significant Deterioration and Title V Operating Permit Program.

Corporate Average Fuel Economy Program

The main federal regulatory program for automobiles is the Corporate Average Fuel Economy (CAFE) program, which has been in place since 1975. Under previous administrations, CAFE was the primary means of limiting mobile source carbon emissions. Rules finalized in 2012 put in place binding standards through Model Year 2021 and offered estimated standards through 2024. The federal light-duty vehicle standards were developed in two phases that harmonized with State standards through 2016 (Phase 1) and 2025 (Phase 2) and developed the first ever federal GHG standards for medium-duty and heavy-duty vehicles. At the time, the U.S. EPA estimated the new standards in this rule would reduce CO₂ emissions by approximately 270 MMT and save 530 million barrels of oil over the life of vehicles sold during the 2014 through 2018 model years.

However, in 2018, the U.S. EPA proposed a new, less-stringent set of standards called the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks. The SAFE Vehicles Rule would amend certain existing CAFE and tailpipe CO₂ emissions standards for passenger cars and light trucks and establish new standards, all covering model years 2021 through 2026. In December 2021, the U.S. EPA issued new GHG emissions standards for new passenger cars and light trucks for model years 2023 through 2026. The updated standards will result in avoiding more than three billion tons of GHG emissions through 2050.¹

State

The State has adopted a variety of regulations aimed at reducing the State's GHG emissions. While State actions alone cannot stop climate change, the adoption and implementation of this legislation demonstrates the State's leadership in addressing climate change. Key legislation and Executive Orders pertaining to the State's reduction targets are described below.

Assembly Bill 32 (AB 32) and Senate Bill 32 (SB 32) (California Global Warming Solutions Act)

AB 32 requires the California Air Resources Board (CARB) to reduce Statewide GHG emissions to 1990 levels by 2020. As part of this legislation, CARB was required to prepare a "Scoping Plan" that demonstrates how the State will achieve this goal. The Scoping Plan was adopted in 2011, and in it, local governments were described as "essential partners" in meeting the Statewide goal, recommending a GHG reduction level of 15 percent below 2005 to 2008 levels (depending on when a full emissions inventory is available) by 2020.

¹ U.S. Environmental Protection Agency. (2021) *Final Rule to Revise Existing National GHG Emissions Standards for Passenger Cars and Light Trucks Through Model Year 2026*. Available at: <https://www.epa.gov/regulations-emissions-vehicles-and-engines/final-rule-revise-existing-national-ghg-emissions>. Accessed December 2023.

CARB released the 2017 Scoping Plan in November 2017. The 2017 Scoping Plan provides strategies for achieving the 2030 target established by EO B-30-15 and codified in SB 32 (40% below 1990 levels by 2030). The 2017 Scoping Plan recommends local plan-level GHG emissions reduction goals.

With SB 32, the California Legislature passed companion legislation, AB 197, which provides additional direction for developing the Scoping Plan. On December 12, 2022, CARB adopted a third update to the Scoping Plan. The 2022 Scoping Plan details how the State will reduce GHG emissions to meet the 2030 target set by Executive Order B-30-15 and codified by SB 32. Other objectives listed in the 2022 Scoping Plan are to provide direct GHG emissions reductions; support climate investment in disadvantaged communities; and support the Clean Power Plan and other federal actions.

AB 1279 (The California Climate Crisis Act)

AB 1279 establishes the policy of the State to achieve carbon neutrality as soon as possible, but no later than 2045; to maintain net negative GHG emissions thereafter; and to ensure that by 2045 statewide anthropogenic GHG emissions are reduced at least 85 percent below 1990 levels. AB 1279 requires CARB to ensure that Scoping Plan updates identify and recommend measures to achieve carbon neutrality, and to identify and implement policies and strategies that enable CO₂ removal solutions and carbon capture, utilization, and storage technologies.

CARB Scoping Plan

Adopted December 15, 2022, CARB's 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan) sets a path to achieve targets for carbon neutrality and reduce anthropogenic GHG emissions by 85 percent below 1990 levels by 2045 in accordance with AB 1279. To achieve the targets of AB 1279, the 2022 Scoping Plan relies on existing and emerging fossil fuel alternatives and clean technologies, as well as carbon capture and storage. Specifically, the 2022 Scoping Plan focuses on zero-emission transportation; phasing out use of fossil gas use for heating homes and buildings; reducing chemical and refrigerants with high global warming potential (GWP); providing communities with sustainable options for walking, biking, and public transit; displacement of fossil-fuel fired electrical generation through use of renewable energy alternatives (e.g., solar arrays and wind turbines); and scaling up new options such as green hydrogen.

The key elements of the 2022 CARB Scoping Plan focus on transportation. Specifically, the 2022 Scoping Plan aims to rapidly move towards zero-emission transportation (i.e., electrifying cars, buses, trains, and trucks), which constitutes California's single largest source of GHGs. The regulations that impact the transportation sector are adopted and enforced by CARB on vehicle manufacturers and are outside the jurisdiction and control of local governments. The 2022 Scoping Plan accelerates development of new regulations as well as amendments to strengthen regulations and programs already in place.

Included in the 2022 Scoping Plan is a set of Local Actions (2022 Scoping Plan Appendix D) aimed at providing local jurisdictions with recommendations to reduce GHGs and assist the State in meeting the ambitious targets set forth in the 2022 Scoping Plan. Appendix D to the 2022 Scoping Plan is not regulatory, is not exhaustive, and does not include everything local governments can implement to support the State's climate goals. It focuses primarily on climate action plans (CAPs) and local authority over new residential development. It includes a section on evaluating plan-level and project-level alignment with the State's Climate Goals in CEQA GHG analyses. In this section, CARB identifies several recommendations and strategies that should be considered for new development in order to determine

consistency with the 2022 Scoping Plan. CARB specifically states that Section 3 of Appendix D, which discusses land use plans and development projects, does not address land uses other than residential and mixed-use residential such as industrial. However, CARB plans to explore new approaches for other land use types in the future.

Senate Bill 375 (The Sustainable Communities and Climate Protection Act of 2008)

Senate Bill (SB) 375, signed in September 2008, enhances the State's ability to reach AB 32 goals by directing CARB to develop regional GHG emission reduction targets to be achieved from vehicles. In addition, SB 375 directs each of the State's 18 major Metropolitan Planning Organizations (MPOs) to prepare a "Sustainable Communities Strategy" (SCS) that contains a growth strategy to meet these emission targets for inclusion in the Regional Transportation Plans (RTP).

SB 375, signed in September 2008, links regional transportation planning efforts, GHG reduction targets, and land use and housing allocations. It requires MPOs to adopt a Sustainable Communities Strategy or an Alternative Planning Strategy as part of the land use and housing allocation in their Regional Transportation Plan (RTP). CARB and the MPOs set reduction targets for passenger cars and light trucks in the area of the MPO's jurisdiction, to be updated every four to eight years. The MPO for the Newport Beach area, the Southern California Association of Governments (SCAG), released its RTP/SCS in September 2020. The SCS is designed to reduce GHG emissions from passenger vehicles by 19 percent per capita by 2035 compared to 2005, consistent with regional targets set by CARB.

AB 1493 (Pavley Regulations and Fuel Efficiency Standards)

AB 1493, the Pavley Bill, enacted in 2002 requires the maximum feasible and cost-effective reduction of GHGs from automobiles and light-duty trucks. In 2004, CARB approved the "Pavley I" regulations that applied to new passenger vehicles beginning with model year 2009 through 2016. Pavley I is expected to reduce GHG emissions from regulated vehicles by 30 percent from 2002 levels by 2016. Pavley II was incorporated into Amendments to the Low Emission Vehicle Program referred to as LEV III. The amendments, effective August 7, 2012, apply to vehicles for model years 2017 through 2025. The regulation will reduce GHGs from new cars by 34 percent from 2016 levels by 2025.

Senate Bill 97

SB 97, enacted in 2007, amends the CEQA statute to clearly establish that GHG emissions and the effects of GHG emissions are appropriate subjects for CEQA analysis. The legislation directed the California Office of Planning and Research to develop draft CEQA Guidelines "for the mitigation of GHG emissions or the effects of GHG emissions" and directed the California Natural Resources Agency to certify and adopt the State CEQA Guidelines. CEQA Guidelines Section 15183.5, Tiering and Streamlining the Analysis of GHG Emissions, was added as part of the CEQA Guideline amendments that became effective in 2010 and describes the criteria needed in a GHG reduction plan that would allow for the tiering and streamlining of CEQA analysis for development projects.

Senate Bill 100 and SB 1020 (California Renewables Portfolio Standard Program: 100 Percent Clean Electric Grid)

Signed into law in September 2018, SB 100 increased California's renewable electricity portfolio from 50 to 60 percent by 2030. SB 100 also established a further goal to have an electric grid that is entirely powered by clean energy by 2045. SB 1020 provides additional goals for the path to the 2045 goal of 100

percent clean electricity retail sales. It creates a target of 90 percent clean electricity retail sales by 2035 and 95 percent clean electricity retail sales by 2040.

AB 1346 (Air Pollution: Small Off-Road Engines)

Signed into Law in October 2021, AB 1346 requires CARB, to adopt cost-effective and technologically feasible regulations to prohibit engine exhaust and evaporative emissions from new small off-road engines, consistent with federal law, by July 1, 2022. AB 1346 requires CARB to identify and, to the extent feasible, make available funding for commercial rebates or similar incentive funding as part of any updates to existing applicable funding program guidelines to local air pollution control districts and air quality management districts to implement to support the transition to zero-emission small off-road equipment operations.

SB 905 (Carbon Sequestration Program)

Signed on September 16, 2022, SB 905 establishes regulatory framework and policies that involve carbon removal, carbon capture, utilization, and sequestration. It also prohibits the injecting of concentrated CO₂ fluid into a Class II injection well for the purpose of enhanced oil recovery.

AB 1757 (Nature-Based Solutions)

Signed on September 16, 2022, AB 1757 requires State agencies to develop a range of targets for natural carbon sequestration and nature-based climate solutions that reduce GHG emissions to meet the 2030, 2038, and 2045 goals which would be integrated into a scoping plan addressing natural and working lands.

Executive Orders Related to GHG Emissions

Executive Order S-3-05

Executive Order S-3-05 was issued on June 1, 2005, which established the following GHG emissions reduction targets:

- By 2010, reduce greenhouse gas emissions to 2000 levels.
- By 2020, reduce greenhouse gas emissions to 1990 levels.
- By 2050, reduce greenhouse gas emissions to 80 percent below 1990 levels.

The 2050 reduction goal represents what some scientists believe is necessary to reach levels that will stabilize the climate. The 2020 goal was codified in AB 32. Because the 2050 target is only contained in an executive order, the goals are not legally enforceable for local governments or the private sector.

Executive Order B-30-15

On April 29, 2015, former-Governor Jerry Brown announced through Executive Order B-30-15 the following GHG emissions target: by 2030, California shall reduce GHG emissions to 40 percent below 1990 levels. The emissions reduction target of 40 percent below 1990 levels by 2030 is an interim-year goal to make it possible to reach the ultimate goal of reducing emissions 80 percent below 1990 levels by 2050. The order directs CARB to provide a plan with specific regulations to reduce statewide sources of GHG emissions. Executive Order B-30-15 does not include a specific guideline for local governments.

Executive Order B-55-18

Issued on September 10, 2018, Executive Order B-55-18 establishes a goal to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter. This goal is in addition to the existing statewide targets of reducing GHG emissions. The executive order requires CARB to work with relevant State agencies to develop a framework for implementing this goal. It also requires CARB to update the Scoping Plan to identify and recommend measures to achieve carbon neutrality. The executive order also requires State agencies to develop sequestration targets in the Natural and Working Lands Climate Change Implementation Plan.

Executive Order N-79-20

Issued on September 23, 2020, Executive Order N-79-20 established a goal to end the sales of new internal combustion engine vehicles in the State as soon as possible, and no later than 2035, and continue to phaseout fossil-fueled cars and trucks. By setting a course to end sales of internal combustion passenger vehicles by 2035, the Governor's Executive Order establishes a target for the transportation sector that helps put the State on a path to carbon neutrality by 2045. It is important to note that the Executive Order focuses on new vehicle sales for automakers, and therefore does not require Californians to give up the existing cars and trucks they already own.

California Regulations and Building Codes

California has a long history of adopting regulations to improve energy efficiency in new and remodeled buildings. These regulations have kept California's energy consumption relatively flat, even with rapid population growth.

Title 20 Appliance Efficiency Regulations

The appliance efficiency regulations (California Code of Regulations [CCR] Title 20, Sections 1601-1608) include standards for new appliances. Twenty-three categories of appliances are included in the scope of these regulations. These standards include minimum levels of operating efficiency, and other cost-effective measures, to promote the use of energy- and water-efficient appliances.

California Energy Code (California Building Energy Efficiency Standards)

California's Energy Efficiency Standards for Residential and Nonresidential Buildings (CCR Title 24, Part 6) was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The 12 parts of the CCR Title 24 are known as the California Building Standards Code (CBSC). The California Energy Commission adopted its first energy code, titled the Energy Conservation Standards for New Residential and New Nonresidential Buildings, in 1978 in response to a legislative mandate to reduce energy consumption in the State. The CBSC is updated every three years.

The California Energy Commission (CEC) adopted the 2022 Energy Code on August 11, 2021, which was subsequently approved by the California Building Standards Commission for inclusion into the California Building Standards Code. The 2022 Title 24 standards result in less energy use, thereby reducing air pollutant emissions associated with energy consumption across California. For example, the 2022 Title 24 standards require efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, strengthens ventilation standards, and more.

California Green Building Standards Code (CALGreen Code)

In 2008, the California Building Standards Commission adopted Part 11 of CCR Title 24, titled the California Green Building Standards Code (CALGreen Code) which became effective on August 1, 2009 as a voluntary code. The 2010 CALGreen Code was the first mandatory edition, took effect on January 1, 2011, and is now a part of the CBSC three-year update cycle. The most recent update to the CALGreen Code went into effect January 1, 2023 (2022 CALGreen). The 2022 CALGreen Code establishes mandatory measures for residential and non-residential building construction and encourages sustainable construction practices in the following five categories: (1) planning and design, (2) energy efficiency, (3) water efficiency and conservation, (4) material conservation and resource efficiency, and (5) indoor environmental quality. Although the CALGreen Code was adopted as part of the State's efforts to reduce GHG emissions, the CALGreen Code standards have co-benefits of reducing energy consumption from residential and non-residential buildings subject to the standard.

California Vehicle Regulations

Advanced Clean Cars I and II

Advanced Clean Cars combines several regulations into one package including the Low-Emission Vehicle (LEV) criteria and GHG regulations and the zero-emission vehicle (ZEV) regulation. Advanced Clean Cars I was adopted in 2012 and Advanced Clean Cars II was adopted in 2022. These regulations rapidly scale down emissions of light-duty passenger cars, pickup trucks, and sport utility vehicles (SUVs) and require an increased number of ZEVs to meet air quality and climate change emissions goals. By 2035, all new passenger cars, trucks, and SUVs sold in California will be zero emissions. The Advanced Clean Cars II regulations take the State's already growing ZEV market and robust motor vehicle emission control rules and augments them to meet more aggressive tailpipe emissions standards and ramp up to 100 percent ZEVs.

CARB Advanced Clean Fleets Regulation

CARB approved Advanced Clean Fleets Regulation on April 28, 2023, which requires fleet owners to begin transitioning toward ZEVs starting in 2024. Due to the impact that truck traffic has on residents living near heavily trafficked corridors, drayage trucks will need to be zero-emissions by 2035. All other fleet owners have the option to transition a percentage of their vehicles to meet expected zero-emission milestones, which gives owners the flexibility to continue operating combustion-powered vehicles as needed during the move toward cleaner technology.

Other Regulations

CARB has adopted numerous regulations on sources of GHGs since the approval of the Climate Change Scoping Plan. Some of the more notable regulations include the Low Carbon Fuel Standard (LCFS) and regulations affecting vehicle efficiency such as the Tire Pressure Program, Low Friction Oil, and Heavy-Duty Vehicle Aerodynamic Efficiency Standards. Also important are CARB regulations that apply to high global warming potential consumer products and refrigerants.

Regional

South Coast Air Quality Management District

The City lies within the jurisdiction of the South Coast Air Quality Management District (SCAQMD). Air districts have direct and indirect regulatory authority over sources of air pollution and GHGs within their

territory and can inform and guide how laws on air pollution and GHGs are applied. The air districts play a critical role in providing support and guidance to jurisdictions, but they do not officially certify Qualified GHG Reduction Strategies. The SCAQMD has not yet officially adopted plan-level guidelines for GHG reduction, although the agency has proposed project-level thresholds, below which a project's GHG emissions would not be considered significant for CEQA purposes.

South Coast Air Quality Management District Thresholds

In April 2008, the SCAQMD formed a GHG CEQA Significance Threshold Working Group to provide guidance to local lead agencies on determining significance for GHG emissions in their CEQA documents. This working group was formed to assist SCAQMD's efforts to develop a GHG significance threshold and is composed of a wide variety of stakeholders including the State Office of Planning and Research, CARB, the Attorney General's Office, a variety of city and county planning departments in the South Coast Air Basin (SCAB), various utilities such as sanitation and power companies throughout the SCAB, industry groups, and environmental and professional organizations. The Working Group proposed a tiered approach to evaluating GHG emissions for development projects where the SCAQMD is not the lead agency, wherein projects are evaluated sequentially through a series of "tiers" to determine whether the project is likely to result in a potentially significant impact due to GHG emissions.

With the tiered approach, a project is compared against the requirements of each tier sequentially and would not result in a significant impact if it complies with any tier. Tier 1 excludes projects that are specifically exempt from SB 97 from resulting in a significant impact. Tier 2 excludes projects that are consistent with a GHG reduction plan that has a certified final CEQA document and complies with AB 32 GHG reduction goals. Tier 3 excludes projects with annual emissions lower than a screening threshold. The SCAQMD has adopted a threshold of 10,000 metric tons of CO₂e (MTCO₂e) per year for industrial projects and a 3,000 MTCO₂e threshold was proposed for non-industrial projects but has not been adopted. The SCAQMD concluded that projects with emissions less than the screening threshold would not result in a significant cumulative impact.

Tier 4 consists of three decision tree options. Under the Tier 4 first option, SCAQMD initially outlined that a project would be excluded if design features and/or mitigation measures resulted in emissions 30 percent lower than business as usual emissions. However, the Working Group did not provide a recommendation for this approach. The Working Group folded the Tier 4 second option into the third option. Under the Tier 4 third option, a project would be excluded if it was below an efficiency-based threshold of 4.8 MTCO₂e per service population per year. Tier 5 would exclude projects that implement offsite mitigation (GHG reduction projects) or purchase offsets to reduce GHG emission impacts to less than the proposed screening level.

When the tiered approach is applied to a proposed project and the project is found not to comply with Tier 1 or Tier 2, the project's emissions are compared against a screening threshold, as described above, for Tier 3. The screening threshold formally adopted by SCAQMD is an "interim" screening threshold for stationary source industrial projects where the SCAQMD is the lead agency under CEQA. The threshold was termed "interim" because, at the time, SCAQMD anticipated that CARB would be adopting a statewide significance threshold that would inform and provide guidance to SCAQMD in its adoption of a final threshold. However, no statewide threshold was ever adopted, and the interim threshold remains in effect.

For projects for which SCAQMD is not a lead agency, no screening thresholds have been formally adopted. However, the SCAQMD Working Group recommended a threshold of 10,000 MTCO₂e/year for industrial projects and 3,000 MTCO₂e/year for residential and commercial projects. The SCAQMD determined that these thresholds would “capture” 90 percent of GHG emissions from these sectors, “capture” meaning that 90 percent of total emissions from all new projects would be subject to some type of CEQA analysis (i.e., found potentially significant).²

Southern California Association of Governments

On September 3, 2020, SCAG’s Regional Council adopted Connect SoCal (2020 - 2045 Regional Transportation Plan/Sustainable Communities Strategy [2020 RTP/SCS]). The RTP/SCS charts a course for closely integrating land use and transportation so that the region can grow smartly and sustainably. The strategy was prepared through a collaborative, continuous, and comprehensive process with input from local governments, county transportation commissions, tribal governments, non-profit organizations, businesses and local stakeholders within the counties of Orange, Imperial, Los Angeles, Riverside, San Bernardino, and Ventura. The RTP/SCS is a long-range vision plan that balances future mobility and housing needs with economic, environmental, and public health goals. The SCAG region strives toward sustainability through integrated land use and transportation planning. The SCAG region must achieve specific federal air quality standards and is required by State law to lower regional GHG emissions.

Local

City of Newport Beach General Plan

The *City of Newport Beach General Plan 2006 Update* (General Plan) includes goals and policies to reduce GHG emissions that can help save money for residents and businesses, enhance the local economy, improve public health, support improved air quality, and conserve water and other natural resources. The goals and policies below establish emissions reductions goals and create a high-level framework for GHG reduction efforts. Policies that support GHG emission reductions are located elsewhere in this element, as well as in the Circulation Element. Specific strategies, anticipated reductions, and associated action items are addressed in the Greenhouse Gas Reduction Program.

The following General Plan goals and policies that have been adopted by the City for the purpose of avoiding or mitigating an environmental effect are applicable to future development projects associated with the proposed Project.

Natural Resources Conservation Element

Goal NR 6 Reduced mobile source emissions.

Policy NR 6.1 Provide for walkable neighborhoods to reduce vehicle trips by siting amenities such as services, parks, and schools in close proximity to residential areas.

Goal NR 7 Reduced air pollutant emissions from stationary sources.

Policy NR 7.2 Require the use of Best Management Practices (BMP) to minimize pollution and to reduce source emissions.

² SCAQMD, “Staff Report: Interim CEQA GHG Significance Threshold for Stationary Sources, Rules and Plans,” December 5, 2008, Attachment E: “Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold,” October 2008, p. 3-2.

Goal NR 8 **Reduced air pollutant emissions from construction activities.**

Policy NR 8.1 Require developers to use and operate construction equipment, use building materials and paints, and control dust created by construction activities to minimize air pollutants.

City of Newport Beach Municipal Code

Title 15, Chapter 15.19 Electric Vehicle Charging Stations.³ Newport Beach Municipal Code (Municipal Code) Chapter 15.19 aims to adopt an expedited, streamlined electric vehicle charging station permitting process that complies with AB 1236 to achieve timely and cost-effective installations of electric vehicle charging stations. The provisions of this chapter encourage the use of electric vehicle charging stations by removing unreasonable barriers, minimizing costs to property owners and the City, and expanding the ability of property owners to install electric vehicle charging stations. Future housing development facilitated by the Project would be subject to the Building Division's permit review and application requirements to implement electric vehicle charging stations.

City of Newport Beach Energy Action Plan

Adopted in July 2013, the Newport Beach Energy Action Plan is the City's long-range plan to reduce local GHG emissions through reductions in energy used in facility buildings and operations. As part of the Newport Beach Energy Action Plan, the City selected a goal to reduce the City's existing GHG emissions to 1990 levels by 2020, which the City determined would achieve the GHG emissions reduction mandates of AB 32 and also would be consistent with the recommendations contained in the CARB AB 32 Scoping Plan to meet the State's GHG reduction goals. The Newport Beach Energy Action Plan's goals and policies are focused on energy efficiency and sustainability of City facilities. Therefore, the Newport Beach Energy Action Plan is not directly applicable to future development projects under the Project.

4.7.3 Existing Conditions

The study area for climate change and the analysis of GHG emissions is broad because climate change is influenced by worldwide emissions and their global effects. However, the study area is also limited by the State CEQA Guidelines Section 15064(d), which directs lead agencies to consider an "indirect physical change" only if that change is a reasonably foreseeable impact that may be caused by the Project or future housing development facilitated by the Project. This analysis limits discussion to those physical changes to the environment that are not speculative and are reasonably foreseeable.

Climate change is the observed increase in the average temperature of the Earth's atmosphere and oceans along with other substantial changes in climate—such as wind patterns, precipitation, and storms—over an extended period of time period. Gases that absorb and re-emit infrared radiation in the atmosphere are called GHGs. GHGs are present in the atmosphere naturally, are released by natural sources, or are formed from secondary reactions taking place in the atmosphere. The gases that are widely seen as the principal contributors to human-induced climate change include CO₂, CH₄, N₂O, fluorinated gases such as hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆) (CEQA Guidelines §15364.5). Water vapor is excluded from the list of GHGs because it is short lived in the atmosphere and its atmospheric concentrations are largely determined by natural processes, such as oceanic evaporation.

³ City of Newport Beach (2021). *City of Newport Beach Municipal Code – Electric Vehicle Charging Stations*. <https://www.codepublishing.com/CA/NewportBeach/#!/NewportBeach15/NewportBeach1519.html#15.19>. Accessed July 2023.

Table 4.7-1: Description of Greenhouse Gases described the primary GHGs attributed to global climate change, including their physical properties.

GHGs are emitted by both natural processes and human activities. Of these gases, CO₂ and CH₄ are emitted in the greatest quantities from human activities. Emissions of CO₂ are largely byproducts of fossil fuel combustion, whereas CH₄ results from off-gassing associated with agricultural practices and landfills. GHGs have the potential to adversely affect the environment because such emissions contribute, on a cumulative basis, to climate change. Climate change is, by definition, a cumulative impact because it occurs worldwide. Although emissions of one single project do not cause climate change, GHG emissions from multiple projects (past, present, and future) throughout the world could result in a cumulative impact with respect to climate change.

Table 4.7-1: Description of Greenhouse Gases	
Greenhouse Gas	Description
Carbon Dioxide (CO ₂)	CO ₂ is a colorless, odorless gas that is emitted naturally and through human activities. Natural sources include decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; evaporation from oceans; and volcanic outgassing. Anthropogenic sources are from burning coal, oil, natural gas, and wood. The largest source of CO ₂ emissions globally is the combustion of fossil fuels such as coal, oil, and gas in power plants, automobiles, and industrial facilities. The atmospheric lifetime of CO ₂ is variable because it is readily exchanged in the atmosphere. CO ₂ is the most widely emitted GHG and is the reference gas (Global Warming Potential of 1) for determining Global Warming Potentials for other GHGs.
Nitrous Oxide (N ₂ O)	N ₂ O is largely attributable to agricultural practices and soil management. Primary human-related sources of N ₂ O include agricultural soil management, sewage treatment, combustion of fossil fuels, and adipic and nitric acid production. N ₂ O is produced from biological sources in soil and water, particularly microbial action in wet tropical forests. The atmospheric lifetime of N ₂ O is approximately 120 years. The Global Warming Potential of N ₂ O is 298.
Methane (CH ₄)	Methane, a highly potent GHG, primarily results from off-gassing (the release of chemicals from nonmetallic substances under ambient or greater pressure conditions) and is largely associated with agricultural practices and landfills. Methane is the major component of natural gas, about 87 percent by volume. Human-related sources include fossil fuel production, animal husbandry, rice cultivation, biomass burning, and waste management. Natural sources of CH ₄ include wetlands, gas hydrates, termites, oceans, freshwater bodies, non-wetland soils, and wildfires. The atmospheric lifetime of CH ₄ is about 12 years and the Global Warming Potential is 25.
Hydrofluorocarbons (HFCs)	HFCs are typically used as refrigerants for both stationary refrigeration and mobile air conditioning. The use of HFCs for cooling and foam blowing is increasing, as the continued phase out of Chlorofluorocarbons (CFCs) and HCFCs gains momentum. The 100-year Global Warming Potential of HFCs range from 124 for HFC-152 to 14,800 for HFC-23.
Perfluorocarbons (PFCs)	PFCs have stable molecular structures and only break down by ultraviolet rays about 60 kilometers above Earth's surface. Because of this, they have long lifetimes, between 10,000 and 50,000 years. Two main sources of PFCs are primary aluminum production and semiconductor manufacturing. Global Warming Potentials range from 6,500 to 9,200.
Chlorofluorocarbons (CFCs)	CFCs are gases formed synthetically by replacing all hydrogen atoms in methane or ethane with chlorine and/or fluorine atoms. They are non-toxic, non-flammable, insoluble, and chemically unreactive in the troposphere (the level of air at the earth's surface). CFCs were synthesized in 1928 for use as refrigerants, aerosol propellants, and cleaning solvents. The Montreal Protocol on Substances that Deplete the Ozone Layer prohibited their production in 1987. Global Warming Potentials for CFCs range from 3,800 to 14,400.
Sulfur Hexafluoride (SF ₆)	SF ₆ is an inorganic, odorless, colorless, and non-toxic, non-flammable gas. It has a lifetime of 3,200 years. This gas is manmade and used for insulation in electric power transmission equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas. The Global Warming Potential of SF ₆ is 23,900.

Greenhouse Gas	Description
Hydrochlorofluorocarbons (HCFCs)	HCFCs are solvents, similar in use and chemical composition to CFCs. The main uses of HCFCs are for refrigerant products and air conditioning systems. As part of the Montreal Protocol, HCFCs are subject to a consumption cap and gradual phase-out. The United States is scheduled to achieve a 100 percent reduction to the cap by 2030. The 100-year Global Warming Potentials of HCFCs range from 90 for HCFC-123 to 1,800 for HCFC-142b.
Nitrogen trifluoride (NF ₃)	NF ₃ was added to Health and Safety Code section 38505(g)(7) as a GHG of concern. This gas is used in electronics manufacture for semiconductors and liquid crystal displays. It has a high global warming potential of 17,200.

Sources: Compiled from U.S. EPA, Overview of Greenhouse Gases, April 11, 2018. (<https://www.epa.gov/ghgemissions/overview-greenhouse-gases>); U.S. EPA, Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2016, 2018; IPCC Climate Change 2007: The Physical Science Basis, 2007; National Research Council, Advancing the Science of Climate Change, 2010; U.S. EPA, Methane and Nitrous Oxide Emission from Natural Sources, April 2010.

Human-made GHGs, many of which have greater heat-absorption potential than CO₂, include fluorinated gases and SF₆.⁴ Different types of GHGs have varying global warming potentials (GWPs). The GWP of a GHG is the potential of a gas or aerosol to trap heat in the atmosphere over a specified timescale (generally, 100 years). Because GHGs absorb different amounts of heat, a common reference gas (CO₂) is used to relate the amount of heat absorbed to the amount of the gas emissions, referred to as "carbon dioxide equivalent" (CO₂e), and is the amount of a GHG emitted multiplied by its GWP. Carbon dioxide has a 100-year GWP of one. By contrast, CH₄ has a GWP of 28, meaning its global warming effect is 28 times greater than carbon dioxide on a molecule per molecule basis.⁵

The accumulation of GHGs in the atmosphere regulates the Earth's temperature. Without the natural heat-trapping effect of GHGs, Earth's surface would be about 34 degrees Celsius (° C) cooler.⁶ However, it is believed that emissions from human activities, particularly the consumption of fossil fuels for electricity production and transportation, have elevated the concentration of these gases in the atmosphere beyond the level of naturally occurring concentration levels.

4.7.4 Thresholds of Significance

State CEQA Guidelines Appendix G provides a set of screening questions that address impacts related to GHG emissions and climate change. Specifically, the CEQA Guidelines state that a proposed project may have a significant adverse impact related to GHG emissions if:

- The project would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment; and/or
- The project would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs.

According to the California Air Pollution Control Officers Association (CAPCOA), "GHG impacts are exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective" (CAPCOA 2008). Due to the complex physical, chemical and atmospheric mechanisms involved in global climate change, there is no basis for concluding that a single project's increase in annual

⁴ United States Environmental protection Agency. (2023). [https://www.epa.gov/ghgemissions/overview-greenhouse-gases#:~:text=In%20general%2C%20fluorinated%20gases%20are,nitrogen%20trifluoride%20\(NF3\)](https://www.epa.gov/ghgemissions/overview-greenhouse-gases#:~:text=In%20general%2C%20fluorinated%20gases%20are,nitrogen%20trifluoride%20(NF3)). Accessed December 2023.

⁵ United Nations Intergovernmental Panel on Climate Change. (2014). <https://www.ipcc.ch/report/ar5/syr/>. Accessed December 2023.

⁶ United Nations Intergovernmental Panel on Climate Change. (2022). Climate Change 2022: Impacts, Adaptation, and Vulnerability. <https://www.ipcc.ch/report/ar6/wg2/>. Accessed December 2023

GHG emissions would cause a measurable change in global GHG emissions necessary to influence global climate change. State CEQA Guidelines Section 15064.4(b) states that “in determining the significance of a project’s greenhouse gas emissions, the lead agency should focus its analysis on the reasonably foreseeable incremental contribution of the project’s emissions to the effects of climate change. A project’s incremental contribution may be cumulatively considerable even if it appears relatively small compared to statewide, national or global emissions.” Due to the global context of climate change, GHG analysis is based on the cumulative impact of emissions.

Generally, the evaluation of an impact under CEQA involves comparing the project’s effects against a threshold of significance. The CEQA Guidelines clarify that “when adopting thresholds of significance, a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence.” For GHG emissions and global warming, there is not, at this time, one established, universally agreed-upon quantified threshold of significance for GHG impacts. The State CEQA Guidelines do not establish a quantified threshold of significance for GHG impacts. Instead, lead agencies have the discretion to establish significance thresholds for their respective jurisdictions. A lead agency may look to thresholds developed by other public agencies or other expert entities, so long as the threshold chosen is supported by substantial evidence.

State CEQA Guidelines Section 15064.4(b) recommends considering certain factors when determining the significance of a project’s GHG emissions, including: (1) the extent to which the project may increase or reduce GHG emissions as compared to the existing conditions; (2) whether the project’s GHG emissions exceeds a significance threshold that the lead agency determines applies to the project; and (3) extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHGs.

Even in the absence of clearly defined thresholds for GHG emissions, the law requires that an agency makes a good faith effort to disclose the GHG emissions from a project and mitigate to the extent feasible whenever the lead agency determines that the project contributes to a significant, cumulative climate change impact. Regardless of which threshold(s) are used, the agency must support its analysis and significance determination with substantial evidence (CEQA Guidelines §15064.7).

State CEQA Guidelines Section 15183.5 allows lead agencies to choose to analyze GHG emissions of a project at a programmatic level, tiering from a plan for the reduction for GHG emissions or similar document, such as a Climate Action Plan. Plans used for tiering must include all of the plan elements identified in CEQA Guidelines Section 15183.5(b)(1).

In addition to evaluation of a project’s impacts against a quantifiable significant threshold, per CEQA Guidelines Section 15064(h)(3), a project’s contribution to a cumulatively considerable impact would not be substantial if the project would comply with an approved plan or mitigation program that provides specific requirements to avoid or substantially reduce the cumulative impact within the geographic area of the project. To qualify, such a plan or program must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency. Examples of such programs include “[a] water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plan, [and] plans or regulations for the reduction of greenhouse gas emissions.” Therefore, State CEQA Guidelines Section 15064(h)(3) allows a

lead agency to make a finding of less than significant for GHG emissions if a project complies with programs and/or other regulatory schemes to reduce GHG emissions.

4.7.5 Methodology

As noted, State CEQA Guidelines Section 15064.4 gives lead agencies the discretion to determine whether to assess the significance of GHG emissions quantitatively or qualitatively. Under either approach, the lead agency's analysis must demonstrate a good faith effort to disclose the amount and significance of GHG emissions resulting from a project, based to the extent possible on scientific and factual data (CEQA Guidelines §15064.4[a]). The threshold for evaluating the significance of GHG emissions is based on consistency with applicable regulatory plans and policies to reduce GHG emissions; however, in a good faith effort to fully disclose potential Project GHG emissions, the City has also chosen to quantify the Project's GHG emissions, as described in further detail below.

As previously described, in the interest of full disclosure, this EIR section also quantifies and discloses potential GHG emissions generated from land use changes anticipated to occur under the proposed Project. Given that the details of construction, design/size, and timing of each residential and mixed-used development under the proposed Project are unknown, this projection is meant to serve merely as an illustration of the possible GHG emissions that could occur. The emissions, including those from City-wide vehicle trips, that may be generated by future housing units associated with the Project.

Total Project GHG emissions (i.e., construction and operation) were quantified to provide information to decision makers and the public regarding the level of annual GHG emissions. GHG emissions are typically separated into three categories that reflect different aspects of ownership or control over emissions:

- Scope 1: Direct, on-site combustion of fossil fuels (e.g., natural gas, propane, gasoline, and diesel).
- Scope 2: Indirect, off-site emissions associated with purchased electricity or purchased steam.
- Scope 3: Indirect emissions associated with other emissions sources, such as energy required to transport solid waste, water, and wastewater.

Implementation of the proposed Project would result in GHG operational emissions directly from on-road mobile vehicles, electricity, and natural gas, and indirectly from water conveyance, wastewater generation, and solid waste handling. In addition, construction activities such as demolition, hauling, and construction worker trips would generate GHG emissions. Since potential impacts resulting from GHG emissions are long-term rather than acute, GHG emissions have been estimated on an annual basis.

As addressed in this Program EIR, the impact analysis is conservative because it accounts for additional housing units as a buffer to address future "no net loss" to preclude the need to identify replacement sites during 6th Cycle implementation. Therefore, this Program EIR conservatively analyzes a total development capacity of 9,914 units including future development capacity of up to 9,649 units on 247 housing sites, 25 units associated with pipeline projects, and 240 accessory dwelling units (ADUs). Further, this EIR analysis does not consider any loss of existing on the ground development which may be displaced to accommodate 9,914 housing units.

4.7.6 Project Impacts and Mitigation

Threshold 4.7-1: Would the Project generate greenhouse gas emissions, either directly or indirectly, that could have a significant impact on the environment?

Residential development associated with the 2021-2029 Housing Element would generate increases in GHG emissions. Future development is expected to result in increased GHG emissions, largely due to increased vehicle miles traveled (VMT), as well as from construction activities, stationary area sources (i.e., natural gas consumption for space and water heating devices, landscape maintenance equipment operations, and use of consumer products), energy consumption, water supply, and solid waste generation. Direct project-related GHG emissions typically include emissions from construction and operational activities.

Construction

The California Emissions Estimator Model (CalEEMod) was used to calculate GHG emissions from construction equipment operations, as well as materials transport, and construction workers commutes to and from a construction site. Construction activities would generally consist of grading, demolition, excavation, cut-and-fill, paving, building construction, and application of architectural coatings. Construction activities associated with future housing development would occur in incremental phases over time based upon numerous factors, including market demand, and economic and planning considerations.

Construction-related GHG emissions are typically site specific and depend upon multiple variables. Quantifying individual future development's GHG emissions from short-term, temporary construction-related activities is not possible due to project-level variability and uncertainties concerning detailed site plans, construction schedules/duration, equipment requirements, etc., among other factors, which are presently unknown. Since these parameters can vary so widely (and individual project-related construction activities would occur over time dependent upon numerous factors), quantifying precise construction-related GHG emissions and impacts would be speculative and impractical. As such, modeling for full buildout of development construction could not be included due to infeasibility of prolonged construction years to build all potential units. Depending on how development proceeds, construction-related GHG emissions associated with future development could exceed SCAQMD thresholds of significance. To provide a reference of the types of GHG emissions associated with representative individual construction activities, four hypothetical scenarios were modeled for different residential development capacities anticipated from implementation of the proposed Project. Modeling was conducted for construction of the following four residential development scenarios:

- 50 DU, 1 Acre Scenario: 50 dwelling units on approximately 1 acre.
- 250 DU, 5 Acres Scenario: 250 dwelling units on approximately 5 acres.
- 500 DU, 5 Acres Scenario: 500 dwelling units on approximately 5 acres.
- 600 DU, 12 Acres Scenario: 600 dwelling units on approximately 12 acres.

This approach allows for an estimate of the range of construction emissions that could occur from buildout of the Project. **Table 4.7-2: Typical Project Construction Greenhouse Gas Emissions** presents the estimated short-term construction emissions for the four hypothetical scenarios.

Table 4.7-2: Typical Project Construction Greenhouse Gas Emissions				
Emissions	Potential MTCO₂e			
	50 DU, 1 Acre	250 DU, 5 Acres	500 DU, 5 Acres	600 DU, 12 Acres
Total GHG Construction Emissions	315	519	1,257	1,529
GHG Construction Emissions (amortized over 30 years)	10.5	17.3	41.9	50.97

Source: CalEEMod version 2021.1.1. Refer to **Appendix C**, for model outputs

As shown in **Table 4.7-2**, short-term construction GHG emissions would range between 315 and 1,529 MTCO₂e for the four development scenarios. As also shown in the table, the 50 DU, 1-Acre scenario is anticipated to generate construction GHG emissions amortized over 30 years totaling 10.5 MTCO₂eq/yr year. The 250 DU, 5-Acre residential development scenario is anticipated to generate construction GHG emissions amortized over 30 years totaling 17.3 MTCO₂eq/yr year. The 500 DU, 5-Acre scenario is anticipated to generate construction GHG emissions amortized over 30 years totaling 41.9 MTCO₂eq/yr year. The 600 DU, 12-Acre scenario is anticipated to generate construction GHG emissions amortized over 30 years totaling 50.97 MTCO₂eq/yr. These values are an approximation for informational purposes and can vary widely depending upon the type and intensity of construction occurring at any given time.

SCAQMD recommends that GHG emissions be amortized over a 30-year period and added to the total operational emissions of a project to ensure that GHG reduction strategies address construction emissions as part of overall operation.⁷

Operational

Future housing development facilitated by Project would generate long-term operational emissions. The total daily operational emissions that could potentially be generated over the life of Project were estimated using the CalEEMod Version 2022.1.0. Specific data for the types and amounts of future development were entered into CalEEMod to determine the pollutant emissions anticipated with buildout of the City’s unmet RHNA for the four aforementioned residential development scenarios.

This data includes dwelling units, average daily trips, vehicle miles traveled, and average trip lengths. Where Project-specific data was not available, CalEEMod defaults were used. The results of the CalEEMod calculations for the Project’s annual long-term operational emissions are presented in **Table 4.7-3: Operational Greenhouse Gas Emissions**.

⁷ The amortization period is based on the SCAQMD GHG CEQA Significance Threshold Working Group (SCAQMD, *Minutes for the GHG CEQA Significance Threshold Stakeholder Working Group #13*, August 26, 2009).

Emissions Source	Potential MTCO ₂ e per Year			
	50 DU, 1 Acre	250 DU, 5 Acres	500 DU, 5 Acres	600 DU, 12 Acres
Mobile	393	1,963	3,927	4,712
Area Source	16.8	16.7	168	201
Energy	73.7	57.5	737	884
Water and Wastewater	4.57	3.57	45.7	54.8
Solid Waste	11.5	57.7	115	139
Total	499	2,099	4,993	5,991

Source: CalEEMod version 2021.1.1. Refer to **Appendix C**, for model outputs

The following activities are typically associated with the operation of residential development that would contribute to the generation of GHG emissions:

- **Area Sources.** Area source emissions occur from hearths, architectural coatings, landscaping equipment, and consumer products. Additionally, the primary emissions from architectural coatings are volatile organic compounds, which are relatively insignificant as direct GHG emissions.
- **Energy Consumption.** Energy consumption consists of emissions from project electricity and natural gas consumption. Primary uses of electricity and natural gas consumption would be for space heating and cooling, water heating, ventilation, lighting, appliances, and electronics. Energy emissions are calculated based on CalEEMod consumption rates and emissions factors.
- **Mobile Sources.** Mobile sources are emissions from motor vehicles. Vehicle trips generated by the new residential development facilitated by the Project would result in GHG emissions through combustion of fossil fuels. In calculating mobile-source GHG emissions, emissions are estimated based on the Project’s forecast trip generation was estimated based on the proposed zoning/overlay, density, development capacity, and ITE Trip Generation Manual (11th Edition) trip rates for the following land use categories:
 - ITE Category 220 – Multifamily Housing (Low-Rise)
- **Solid Waste.** Solid waste releases GHG emissions in the form of methane when these materials decompose. Solid waste emissions are calculated based on generation rates and emissions factors in CalEEMod.
- **Water and Wastewater.** Project GHG emissions would be generated from energy consumption associated with water and wastewater conveyance and treatment. Water and wastewater emissions are calculated based on the estimated consumption and emissions factors in CalEEMod.

As shown in **Table 4.7-3**, the annual emissions ranges from buildout of the Project would total approximately 499 MTCO₂e to 5,991 MTCO₂e.

The proposed Project would generate increases in GHG emissions from both the construction and operation of new housing (refer to **Table 4.7-2** and **Table 4.7-3**). However, the proposed Project would not directly construct new housing, but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. Future residential development

facilitated by the Project would be subject to the City's development review process and would be required to demonstrate consistency with General Plan policies, Municipal Code requirements, and other applicable local and State requirements. The SCAQMD has not yet adopted a specific significance threshold for residential development. As previously mentioned, a 3,000 MTCO_{2e} threshold was proposed for non-industrial projects but has not been formally adopted. The increase of GHG emissions from the Project would be greater than 3,000 MTCO_{2e}.

A case-by-case review of future development provides flexibility to incorporate the latest analysis methods, technological advancements, mitigation options, and GHG significance thresholds (including using thresholds that meet the latest GHG reduction goals). Projects would need to demonstrate compliance with the City's GHG thresholds. Mitigation Measure (MM) GHG-1 requires future development to conduct a project-level GHG emissions impact assessment and mitigate potentially significant emissions to the extent feasible. A future development project with GHG emissions below SCAQMD thresholds is considered to have a less than significant impact. Future development projects that are allowed "by right" (e.g., without a Conditional Use Permit, Planned Unit Development Permit, or other discretionary action) would be required to submit documentation to the City demonstrating GHG emissions would be less than significant or otherwise have to prepare CEQA documentation. However, at the program level, the Project's GHG emissions would exceed SCAQMD thresholds as shown in **Table 4.7-3**. In addition, due to the forecast population growth and GHG emissions associated with future development, and the lack of specificity of future development, program-level GHG emissions impacts would remain significant and unavoidable after implementation of mitigation, and a Statement of Overriding Considerations would be required should the City choose to approve the Project.

Moreover, although the CalEEMod modeling outputs show that the proposed Project would increase GHG emissions, this analysis does not fully account for the regional reduction in mobile GHG emissions that would be likely to occur due to the benefits of increased housing opportunities in the City. Specifically, the proposed Project would increase housing opportunities in a jobs-rich City. The proposed Project would plan for the development of a minimum of 4,845 dwelling units⁸ (of which 49% must be provided at lower income levels), thus creating opportunities for many of employees within the City to live closer to their jobs, reducing VMT and associated GHG emissions on a regional basis. As described in **Appendix F**, the Project decreases the amount of travel per individual that is forecast to occur in comparison to the Existing (2020) Condition. The Project decreases the amount of travel per individual that is forecast to occur in comparison to the 2006 General Plan Baseline (Buildout Land Use).

Additionally, the proposed Project would generally increase housing proximate to transit, employment, commercial and entertainment opportunities consistent with General Plan Policy NR 6.1 and Policy NR 6.2. As described in further detail below, residential development in the mixed-use, jobs-rich, and transit-served City would generally be consistent with the City's GHG reduction goals and policies established in the LUCE and Sustainable City Plan to reduce GHG emissions. Further, the City's existing land use policy and regulatory framework as well as the policies contained in proposed Project would ensure that new residential development planned for under the proposed Project would occur in the most sustainable manner possible in a way that minimizes generation of GHG emissions. However, as described above, despite incorporation of **MM GHG-1**, GHG emissions impacts would remain significant and unavoidable at the program level.

⁸ The 2021-2029 Regional Housing Needs Allocation (RHNA) Obligation is 4,845 housing units. The total focus area capacity is 9,649 housing units.

Impact Summary: **Significant and Unavoidable Impact.** At the program level the proposed Project would result in significant GHG emissions despite incorporation of MM GHG-1.

Threshold 4.7-2: Would the Project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHG?

The significance of the GHG emissions associated with the proposed Project have been evaluated based on whether it would be consistent with the relevant statewide and regional mandates, plans, policies and regulations to reduce GHG emissions. These include AB 32 and SB 32 (Health and Safety Code Division 25.5), AB 1279, SB 375, Connect SoCal, and other statewide and regional regulations and programs. Because the City’s existing regulatory framework incorporates sustainability goals and policies that would promote a reduction in GHG emissions, development of new residential units planned for under the proposed Project would not conflict with the GHG reduction goals of Health and Safety Code Division 25.5 and associated GHG reduction plans such as Connect SoCal. Connect SoCal also strives towards enhancing the existing transportation system and integrating land use into transportation planning. Connect SoCal recommends local jurisdictions accommodate future growth within existing urbanized areas to reduce VMT, congestion, and GHG emissions. As previously described, the proposed Project would increase housing opportunities in a jobs-rich City. The proposed Project would plan for the development of a minimum of 4,845 dwelling units (of which 49% are for lower income levels), thus creating opportunities for many of the employees within the City to live closer to their jobs, reducing VMT and associated GHG emissions on a regional basis. Providing new housing as planned for under the proposed Project would create a more diverse, denser, and mixed-use City with opportunities to walk, bike, and take transit, consistent with Connect SoCal’s alignment of transportation, land use, and housing strategies. As such, the proposed Project would be consistent with regional plans to reduce VMT and associated GHG emissions.

The proposed Project would also be consistent with the State’s strategies in the 2022 Scoping Plan Update to reduce GHG emissions. The 2022 Scoping Plan Update relies on a broad array of GHG reduction strategies, which include direct regulations, alternative compliance mechanisms, incentives, voluntary actions, and market-based mechanisms, such as the Cap-and-Trade Program. These potential strategies include increasing the fuel economy of vehicles, reducing the rate of growth in VMT, supporting high speed rail and other alternative transportation options, and use of high efficiency appliances, water heaters, and HVAC systems. The proposed Project would benefit from statewide, regional, and City efforts towards increasing the portion of electricity provided from renewable resources as well as statewide efforts towards increasing the fuel economy standards of vehicles. Additionally and as discussed previously, future residential projects would continue to be subject to the City’s requirements for sustainable design, energy efficiency, water efficiency, and VMT reduction – all of which are consistent with State and regional mandates that address GHG emissions. The primary focus of many of the statewide and regional mandates, plans, policies and regulations is to address worldwide climate change. Global GHG emissions, in their aggregate, contribute to climate change, not any single source of GHG emissions alone.

Based on the above, the proposed Project would be consistent with the California Renewables Portfolio Standard Program, SB 100, Title 24 of the CCR (Energy Code and CALGreen), SB 375, RTP/SCS and recommendations of the State Attorney General, California Office of Planning and Research, and Climate

Action Team. Therefore, the proposed Project would be consistent with applicable plans, policies, and regulations. However, due to the magnitude of the Project's GHG emissions, impacts would be significant and unavoidable at the program level.

Impact Summary: **Significant and Unavoidable Impact.** The proposed Project would be consistent with applicable plans, policies, and regulations. However, due to the magnitude of the Project's GHG emissions, impacts would be significant and unavoidable at the program level.

4.7.7 Cumulative Impacts

Due to the global context of climate change, the analysis of GHG emissions is cumulative in nature because impacts are caused by cumulative global emissions. The proposed Project itself is cumulative in nature as it represents growth through the City over approximately the next 20 years. The proposed Project is not one individual project, but a number of as yet undefined future projects that may occur under the proposed Project. New development carried out by the proposed Project would contribute to GHG impacts regionally and globally. As described in above, the proposed Project would have significant impacts related to GHG emissions despite implementation of **MM GHG-1**. It should be noted that the Project would be consistent with plans and regulations adopted for the purpose of reducing GHG emissions and their cumulative impacts on the environment. Nonetheless, the implementation of the proposed Project would potentially have a considerable contribution to a cumulatively significant impact related to GHG emissions due to the magnitude of the overall emissions at the program level.

4.7.8 Mitigation Program

As noted, all future housing development facilitated by the Project would be subject to the City's development review process, which may include review pursuant to CEQA, and would be assessed on a case-by-case basis for potential effects concerning potential air quality impacts. Future housing development would be subject to compliance with relevant federal, State, and local requirements including requirements set forth in the Newport Beach General Plan and Newport Beach Municipal Code.

General Plan Policies

See **Section 4.7.2: Regulatory Setting** for complete policy text.

- Policy NR 6.1
- Policy NR 7.2
- Policy NR 8.1

Mitigation Measures

MM GHG-1: Prior to demolition, grading, or building permit approval, and in accordance with SCAQMD's guidance, a project-specific Greenhouse Gas Emissions Assessment shall be prepared for residential developments that would exceed SCAQMD's 3,000 MTCO₂e proposed threshold of significance (or those in place at the time of the development application). Future development shall mitigate GHG emissions to below SCAQMD's thresholds of significance to the extent feasible.

4.7.9 Level of Significance After Mitigation

Implementation of MM GHG-1 would require future development to demonstrate methods to mitigate potentially significant emissions to the extent feasible. Future development with GHG emissions below SCAQMD thresholds would be considered to have a less than significant impact. However, due to the magnitude of the Project's GHG emissions at the program level, Impact 4.7-1 would be considered significant and unavoidable. The Project would be consistent with plans and regulations adopted for the purpose of reducing GHG emissions and their cumulative impacts on the environment (Impact 4.7-2). Nonetheless, overall GHG impacts would be significant and unavoidable.

4.7.10 References

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4.8 HAZARDS AND HAZARDOUS MATERIALS

4.8.1 Introduction

This section analyzes potentially significant impacts related to hazards and hazardous materials that could result from implementation of the Newport Beach General Plan Housing Implementation Program (Project). The analysis area covers the entirety of the City and its Sphere of Influence (referred herein as the “City”) with emphasis on the housing sites.

4.8.2 Regulatory Setting

Federal

Hazardous Materials Transportation Act

The Hazardous Materials Transportation Act of 1975 regulates safe transportation of hazardous materials. The U.S. Department of Transportation regulates transportation of hazardous materials on all interstate roads. In California, the State agencies with primary responsibility for enforcing federal and State regulations and for responding to transportation emergencies are the California Highway Patrol and California Department of Transportation (Caltrans). Together, federal and state agencies determine driver training requirements, load labeling procedures, and container specifications. Although special requirements apply to transporting hazardous materials, requirements for transporting hazardous waste are more stringent, and hazardous waste haulers must be licensed to transport hazardous waste on public roads.

Resource Conservation and Recovery Act

At the federal level, the principal agency regulating the generation, transport, treatment, storage, and disposal of hazardous substances is the United States Environmental Protection Agency (U.S. EPA), under the authority of the Resource Conservation and Recovery Act (RCRA). RCRA established an all-encompassing federal regulatory program for hazardous substances that is administered by the U.S. EPA. RCRA was amended in 1984 by the Hazardous and Solid Waste Amendments of 1984, which specifically prohibited the use of certain techniques for the disposal of various hazardous substances. The Federal Emergency Planning and Community Right to Know Act of 1986 imposes requirements for hazardous materials planning to help protect local communities in the event of accidental release of hazardous substances. In California, the U.S. EPA has delegated many of the RCRA requirements to Department of Toxic Substances Control (DTSC).

Comprehensive Environmental Response, Compensation, and Liability Act/Superfund Amendments and Reauthorization Act

CERCLA, commonly known as Superfund, was enacted by Congress on December 11, 1980. This law, US Code Title 42 Chapter 103, provides broad Federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA establishes requirements concerning closed and abandoned hazardous waste sites; provides for liability of persons responsible for releases of hazardous waste at these sites; and establishes a trust fund to provide for cleanup when no responsible party can be identified. CERCLA also enables the revision of the National Contingency Plan (NCP). The NCP (Title 40, Code of Federal Regulation [CFR], Part 300) provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous

substances, pollutants, and/or contaminants. The NCP also established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.

Regulation of Polychlorinated Biphenyls and Lead-Based Paint

The Toxic Substances Control Act of 1976 (United States Code [USC], §2605 Title 15) banned the manufacture, processing, distribution, and use of polychlorinated biphenyls (PCBs) in enclosed systems. PCBs are considered hazardous materials because of their toxicity. They have been shown to cause cancer in animals, along with effects on the immune, reproductive, nervous, and endocrine systems, and studies have shown evidence of similar effects in humans.

The U.S. EPA Region 9 PCB Program regulates remediation of PCBs in several states, including California. The Code of Federal Regulations, Title 40, Section 761.30(a)(1)(vi)(A) states that all owners of electrical transformers containing PCBs must register their transformers with the U.S. EPA. Specified electrical equipment manufactured between July 1, 1978, and July 1, 1998, that does not contain PCBs must be marked by the manufacturer with the statement “No PCBs” (§761.40[g]). Transformers and other items manufactured before July 1, 1978, containing PCBs, must be marked as such.

The Residential Lead-Based Paint Hazard Reduction Act of 1992 amended the Toxic Substances Control Act to include Title IV, Lead Exposure Reduction. The U.S. EPA regulates renovation activities that could create lead-based paint hazards in target housing and child-occupied facilities and has established standards for lead-based paint hazards and lead dust cleanup levels in most pre-1978 housing and child-occupied facilities.

Toxic Substances Control Act/Resource Conservation and Recovery Act/Hazardous and Solid Waste Act

The federal Toxic Substances Control Act of 1976 and RCRA established a program administered by the U.S. EPA to regulate the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA was amended in 1984 by the Hazardous and Solid Waste Act, which affirmed and extended the “cradle to grave” system of regulating hazardous wastes.

Disaster Mitigation Act of 2000

The Disaster Mitigation Act (42 USC §5121) was signed into law to amend the Robert T. Stafford Disaster Relief Act of 1988 (42 USC §5121-5207). Among other things, this legislation reinforces the importance of pre-disaster infrastructure mitigation planning to reduce disaster losses nationwide and is aimed primarily at controlling and streamlining the administration of federal disaster relief and programs to promote mitigation activities. Some of the Act’s major provisions include:

- i. Funding pre-disaster mitigation activities;
- ii. Developing experimental multi-hazard maps to better understand risk;
- iii. Establishing state and local government infrastructure mitigation planning requirements;
- iv. Defining how states can assume more responsibility in managing the hazard mitigation grant program; and
- v. Adjusting ways in which management costs for projects are funded.

State

California Environmental Protection Agency

The California Environmental Protection Agency (CalEPA) has jurisdiction over hazardous materials and wastes at the State level. The California Department of Toxic Substances Control (DTSC) is the department of CalEPA responsible for implementing and enforcing California's own hazardous waste laws, which are known collectively as the Hazardous Waste Control Law. The DTSC regulates hazardous waste in California primarily under the authority of the federal RCRA and the California Health and Safety Code (primarily Division 20, Chapters 6.5 through 10.6, and Title 22, Division 4.5). Although similar to RCRA, the California Hazardous Waste Control Law and its associated regulations define hazardous waste more broadly and regulate a larger number of chemicals. Hazardous wastes regulated by California but not by the U.S. EPA are called "non-RCRA hazardous wastes." Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning. Government Code Section 65962.5 (commonly referred to as the Cortese List) includes DTSC-listed hazardous waste facilities and sites, Department of Health Services lists of contaminated drinking water wells, sites listed by the State Water Resources Control Board (SWRCB) as having underground storage tank leaks and have had a discharge of hazardous wastes or materials into the water or groundwater, and lists from local regulatory agencies of sites that have had a known migration of hazardous waste/material.

The enforcement of directives from DTSC is handled at the local level, in this case, the Orange County Health Care Agency, Environmental Health Division (OCHCA-EH). The Santa Ana Regional Water Quality Control Board (RWQCB) also has the authority to implement regulations regarding the management of soil and groundwater investigation.

Unified Hazardous Waste and Hazardous Materials Management Regulatory Program

The Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program) requires the administrative consolidation of six hazardous materials and waste programs (Program Elements) under one agency: Certified Unified Program Agency (CUPA). The Program Elements consolidated under the Unified Program are: (1) Hazardous Waste Generator and Onsite Hazardous Waste Treatment Programs; (2) Aboveground Petroleum Storage Tanks (Spill Prevention Control and Countermeasure Plan); (3) Underground Storage Tank (UST) Program; (4) Hazardous Materials Release Response Plans and Inventory Program (Hazardous Materials Disclosure or "Community-Right-To-Know"); (5) California Accidental Release Prevention Program; and (6) Uniform Fire Code Plans and Inventory Requirements. The Unified Program is intended to provide relief to businesses complying with the overlapping and sometimes conflicting requirements of formerly independently managed programs. The Unified Program is implemented at the local government level by CUPAs. The CUPA with jurisdiction over Newport Beach is the OCHCA-EH.

California Health and Safety Code and Occupational Safety and Health Administration

The HSC is the collection of State laws governing the handling of hazardous waste, corrective action (remediation), and permitted facilities. HSC Chapter 6.7 outlines the requirements for underground storage tanks (UST), identifies requirements for corrective actions, cleanup funds, liability, and the responsibilities of owners and operators of USTs. The Leaking Underground Storage Tank (LUST) Information System maintained by the State Water Resources Control Board is available to determine if LUSTs have been reported within or near a specified property.

The California Occupational Safety and Health Administration (Cal-OSHA) defines and enforces worker safety standards and requires proper handling and disposal of hazardous materials including asbestos-containing materials (ACMs) and lead compounds (LCs) according to OSHA and U.S. EPA regulations. The OSHA/EPA Occupational Chemical Database compiles information from several government agencies and organizations. This database provides reports on physical properties, exposure guidelines, and emergency response information, including the U.S. Department of Transportation emergency response guide.

California Building Code/California Residential Code

The 2022 California Building Code (CBC) is based on the International Building Code, which is a model building code developed by the International Code Council that sets rules specifying the minimum acceptable level of safety for building construction in the United States. The CBC is part of the California Code of Regulations (CCR), Title 24 Part 2. The California Residential Code (CRC) is part of the CCR, Title 24 Part 2.5. The CBC is updated periodically. The current version of the CBC was published on July 1, 2022 and became effective on January 1, 2023. Development projects must show compliance with the CBC and/or CRC through the development review process. Building permits are submitted and reviewed for compliance prior to obtaining construction and building permits.

Emergency Mutual Aid Agreements

The Emergency Mutual Aid Agreements (EMAA) system is a collaborative effort between city and county Office of Emergency Services (OES) emergency managers in the State's coastal, southern, and inland regions. EMMA provides service in the emergency response and recovery efforts at the Southern Regional Emergency Operations Center, local Emergency Operations Centers, the Disaster Field Office, and community service centers. The purpose of EMAAs is to support disaster operations in affected jurisdictions by providing professional emergency management personnel. In accordance with the EMMA, local and State emergency managers have responded in support of each other under a variety of plans and procedures.

California Governor's Office of Emergency Services (Cal OES)

In 2009, the State of California passed legislation creating the California Emergency Management Agency (Cal EMA) and authorizing it to prepare a Standardized Emergency Management System (SEMS) program (Title 19 CCR §2400 *et seq.*), which sets forth measures by which a jurisdiction should handle emergency disasters. Non-compliance with SEMS could result in the State withholding disaster relief from the non-complying jurisdiction in the event of an emergency disaster. As part of former Governor Brown's Reorganization Plan #2, Cal EMA was eliminated and restored to the Governor's Office in 2013. Cal EMA was renamed California Governor's Office of Emergency Services (Cal OES) and merged with the office of Public Safety Communications.

Cal OES serves as the lead State agency for emergency management in California. Cal OES coordinates the State response to major emergencies in support of local government. The primary responsibility for emergency management resides with local government. Local jurisdictions first use their own resources and, as these are exhausted, obtain more from neighboring cities and special districts, the county in which they are located, and other counties throughout the State through the statewide mutual aid system. The SEMS provides the mechanism by which local government requests assistance. Cal OES serves as the Lead Agency for mobilizing the State's resources and obtaining federal resources; it also maintains oversight of the State's mutual aid system.

Hazardous Materials Release Response Plans and Inventories

The California Hazardous Materials Release Response Plans and Inventory Law of 1985 requires hazardous materials business plans to be prepared and inventories of hazardous materials to be disclosed. A business plan includes an inventory of the hazardous materials handled, facility floor plans showing where hazardous materials are stored, an emergency response plan, and provisions for employee safety and emergency response training (California Health and Safety Code, Division 20, Chapter 6.95, Article 1). Statewide, the DTSC has primary regulatory responsibility for managing hazardous materials, with delegation of authority to local jurisdictions that enter into agreements with the State of California. Local agencies, including the Orange County Environmental Health Department, administer these laws and regulations.

Hazardous Waste Control Act

The Hazardous Waste Control Act is codified in California Code of Regulations Title 26, which describes requirements for the proper management of hazardous wastes. The act created the State's hazardous waste management program, which is similar to but more stringent than the federal RCRA program. The program includes hazardous waste criteria for identification and classification; generation and transportation; design and permitting of recycling, treatment, storage, and disposal facilities; treatment standards; operation of facilities and staff training; and closure of facilities and liability requirements.

The Hazardous Waste Control Act and Title 26 regulations list more than 800 potentially hazardous materials and establish criteria for identifying, packaging, and disposing of such wastes. To comply with these regulations, the generator of hazardous waste material must complete a manifest that accompanies the material from the point of generation to transportation to the ultimate disposal location and is required to file copies of the manifest with the DTSC.

Tanner Act

The Tanner Act (AB 2948) was adopted in 1986 and governs the preparation of hazardous waste management plans and sites the location of hazardous waste facilities in the State of California. The Act also requires that each county adopts a Hazardous Waste Management Plan which needs to include provisions that define the planning process for waste management, the permit process for new or expanded facilities, and the appeal process to the State available for certain local decision.

California Accidental Release Prevention (CalARP) Program

The California Accidental Release and Prevention (CalARP) program was implemented in 1997 and its purpose is to prevent accidental release of substances that can cause harm to the public and environment and minimize damage if releases do occur. CalARP requires facilities that handle, manufacture, use, or store any regulated substances above threshold quantities to submit a Risk Management Plan (RMP) and proactively prevent and prepare for accidental releases. The California Environmental Protection Agency oversees implementation of CalARP at the State level while Certified Unified Program Agencies (CUPAs) and/or Participating Agencies implement CalARP program at the local level.

Government Code Section 65962.5 (Cortese List)

The provisions of Government Code Section 65962.5 are commonly referred to as the Cortese List. The Cortese List is a planning document used by State and local agencies to provide information about hazardous materials release sites. Government Code Section 65962.5 requires the California

Environmental Protection Agency (CalEPA) to develop an updated Cortese List annually. The DTSC is responsible for a portion of the information contained in the Cortese List. Other State and local government agencies are required to provide additional hazardous materials release information for the list.

Underground Storage Tank Program

The California Department of Public Health and the State Water Resources Control Board (SWRCB) maintain lists of hazardous UST sites for remediation. Sites are listed based on unauthorized release of toxic substances. Leak prevention, cleanup, enforcement, and tank testing certification are UST program elements.

Regional and Local

City of Newport Beach Local Hazard Mitigation Plan¹

The 2016 Local Hazard Mitigation Plan is a FEMA-approved document that identifies the natural and human-caused hazards of concern within the planning area and the potential actions identified by the City to mitigate these hazards. This document complies with the Federal Disaster Mitigation Act of 2000, which requires an update every five years to ensure jurisdictions remain eligible for FEMA mitigation grant opportunities. The Local Hazards Mitigation Plan describes and analyzes issues of concern to the City including earthquakes, floods, tsunamis, wildfires, unstable slopes, and strong winds.

City of Newport Beach Emergency Operations Plan²

Pursuant to Municipal Code Section 2.20.050, Emergency Operations Plan, the City of Newport Beach maintains an Emergency Operations Plan (EOP) that guides the City through the mitigation, preparedness, response, and recovery phases of emergency management. The plan's purpose is to establish policies and procedures that will assure the most effective utilization of all resources in the City to minimize potential loss of life and protect the environment and property. The City adopted the EOP in 2022, which identifies evacuation routes, emergency facilities, and City personnel and describes the overall responsibilities of federal, State, regional, Operational Area, and City entities. The EOP contains strategies and programs for implementation to better prepare the public for natural and human caused disasters. The EOP continues the city's compliance with the Standardized Emergency Management System (SEMS), the National Incident Management System (NIMS), the Incident Command System (ICS), the National Response Framework (NRF), and the National Preparedness Guidelines, including Comprehensive Preparedness Guide 101: Developing and Maintaining Emergency Operations Plans (CPG-101).

City of Newport Beach Emergency Response Organization

The activities identified in the EOP are carried out by the City's Emergency Response Organization, which is made up of assigned representatives from City departments. The Emergency Response Organization is formed per Municipal Code Section 2.20.080, Emergency Organization and maintains a readiness condition 24 hours per day, seven days per week.

¹ City of Newport Beach. (2016). *Local Hazard Mitigation Plan*.
<https://ecms.newportbeachca.gov/WEB/DocView.aspx?id=2867550&dbid=0&repo=cnb>. Accessed December 2023.

² City of Newport Beach. (2022). *Emergency Operations Plan*.
<https://www.newportbeachca.gov/home/showpublisheddocument/72743/638059324946730000>. Accessed December 4, 2023.

In substantial emergency situations, the City also may choose to activate its Emergency Operations Center, which is responsible for directing, coordinating, and supporting the various City departments and other agencies in their emergency response activities. The Emergency Operations Center is a stand-alone facility, located in the Newport Beach Police Department, with resources necessary to facilitate an effective emergency response. When the Emergency Response Organization is activated, representatives from City departments report to the Emergency Operations Center and fill their assigned roles. The Emergency Operations Center allows for face-to-face coordination among personnel who must create policy, set priorities, inform the public, and support first responders.

Airport Environs Land Use Plan for John Wayne Airport³

An Airport Land Use Commission (ALUC) is an agency authorized under State law to assist local agencies in ensuring compatible land uses near airports. In 1975, the ALUC of Orange County adopted an Airport Environs Land Use Plan (AELUP, amended April 17, 2008) that included John Wayne Airport, Fullerton Municipal Airport, and the Joint Forces Training Base Los Alamitos. The AELUP is a land use compatibility plan that is intended to protect the public from adverse effects of aircraft noise; to ensure the people and facilities are not concentrated in areas susceptible to aircraft accidents; and to ensure that no structures or activities adversely affect navigable space.

The AELUP for John Wayne Airport identifies standards for development in the airport's planning area based on noise contours, accident potential zone, and building heights and identifies safety and compatibility zones that depict which land uses are acceptable and unacceptable in various portions of AELUP Safety Zones 1 through 6. An ALUC is an agency authorized under State law to assist local agencies in ensuring compatible land uses near airports. Primary areas of concern for ALUC are noise, safety hazards, and airport operational integrity.

ALUCs are not implementing agencies in the manner of local governments, nor do they issue permits for a project such as those required by local governments. However, pursuant to California Public Utilities Code Section 21676, local governments are required to submit all general plans, specific plans, general plan amendments, and zone changes that occur in the ALUC planning areas for consistency review by the ALUC. If such an amendment or change is deemed inconsistent with the ALUC plan, a local government may override the ALUC decision by a two-thirds vote of its governing body, if it makes specific findings that the proposed action is consistent with the purposes stated in Section 21670(a)(2) of the Public Utilities Code: "to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards in areas around public airports to the extent that these areas are not already devoted to incompatible uses."

City of Newport Beach General Plan

The *City of Newport Beach General Plan 2006 Update* (General Plan) includes goals and policies to reduce potential adverse impacts associated with hazards and hazardous materials. The following General Plan goals and policies that have been adopted by the City for the purpose of avoiding or mitigating an environmental effect are applicable to future development projects associated with the proposed Project.

³ Airport Land Use Commission For Orange County (2008). *Airport Environs Land Use Plan for John Wayne Airport*. https://files.ocair.com/media/2021-02/JWA_AELUP-April-17-2008.pdf?VersionId=cB0byJdad9OuY5im7Oaj5aWaT1FS.vD. Accessed December 5, 2023.

Land Use Element

Goal LU 6.15 **A mixed-use community that provides jobs, residential, and supporting services in close proximity, with pedestrian-oriented amenities that facilitate walking and enhance livability.**

Policy LU 6.15.3 **Airport Compatibility.** Require that all development be constructed in conformance with the height restrictions set forth by the Federal Aviation Administration (FAA), Federal Aviation Regulations (FAR) Part 77, and Caltrans Division of Aeronautics, and that residential development shall be allowed only on parcels with noise levels of less than John Wayne Airport 65 dBA CNEL noise contour area as shown in Figure N5 of the Noise Element of the General Plan unless and until the City determines, based on substantial evidence, that the sites wholly within the 65 dBA CNEL noise contour shown in Figure N5 are needed for the City to satisfy its Sixth Cycle RHNA mandate. Nonresidential uses are, however, encouraged on parcels located wholly within the 65 dBA CNEL contour area.

Safety Element

Goal S 6 **Protection of human life and property from the risks of wildfires and urban fires.**

Policy S 6.2 **Development in Interface Areas.** Apply hazard reduction, fuel modification, and other methods to reduce wildfire hazards to existing and new development in urban wildland interface areas.

Policy S 6.4 **Use of City-Approved Plant List.** Use fire-resistive, native plant species from the City-approved plant list in fuel modification zones abutting sensitive habitats.

Policy S 6.5 **Invasive Ornamental Plant Species.** Prohibit invasive ornamental plant species in fuel modification zones abutting sensitive habitats.

Policy S 6.7 **Properties within Interface Areas.** Conduct regular inspections of parcels in the urban wildland interface areas and direct property owners to bring their property into compliance with fire inspection standards.

Goal S 7 **Exposure of people and the environment to hazardous materials associated with methane gas extraction, oil operations, leaking underground storage tanks, and hazardous waste generators is minimized.**

Policy S 7.1 **Known Areas of Contamination.** Require proponents of projects in known areas of contamination from oil operations or other uses to perform comprehensive soil and groundwater contamination assessments in accordance with American Society for Testing and Materials standards, and if contamination exceeds regulatory action levels, require the proponent to undertake remediation procedures prior to grading and development under the supervision of the County Environmental Health Division, County Department of Toxic Substances Control, or Regional Water Quality Control Board (depending upon the nature of any identified contamination).

Policy S 7.2 **Development Design within Methane Gas Districts.** Ensure that any development within identified methane gas districts be designed consistent with the requirements of the Newport Beach Municipal Code.

Policy S 7.6 **Regulation of Companies Involved with Hazardous Materials.** Require all users, producers, and transporters of hazardous materials and wastes to clearly identify the materials that they store, use, or transport, and to notify the appropriate City, County, state, and federal agencies in the event of a violation.

Goal S 8 **Residents, property, and the environment are protected from aviation-related hazards.**

Policy S 8.6 **John Wayne Airport Traffic Pattern Zone.** Use the most currently available John Wayne Airport (JWA) Airport Environs Land Use Plan (AELUP) as a planning resource for evaluation of land use compatibility and land use intensity in areas affected by JWA operations. In particular, future land use decisions within the existing JWA Clear Zone/Runway Protection Zone (Figure S5) should be evaluated to minimize the risk to life and property associated with aircraft operations.

City of Newport Beach Local Coastal Program: Coastal Land Use Plan

The Coastal Act requires each local jurisdiction wholly or partly within the Coastal Zone to prepare a Local Coastal Program (LCP) which are used to carry out the polices and requirements of the Coastal Act. A certified LCP allows for Coastal Development Permit issuance by the local jurisdiction for all areas outside of the California Coastal Commission’s (Coastal Commission). A LCP typically consists of two parts: (1) a coastal element consisting of a land use plan and policies for development and conservation within the coastal zone, and (2) an implementation program consisting of ordinances, maps, and implementing actions for the land use plan and policies.

The City fulfills the requirements of part 1 with its adopted Coastal Land Use Plan. The City’s Implementation Plan fulfills part 2. Pursuant to Newport Beach Municipal Code (Municipal Code) Section 21.10.030, any conflict between the policies set forth in any element of the City’s General Plan, Zoning, or any ordinance and those of the Coastal Land Use Plan, policies of the Coastal Land Use Plan shall take precedence. However, in no case shall the policies of the Coastal Land Use Plan be interpreted to allow a development to exceed a development limit established by the General Plan or its implementing ordinances. As noted above, the City lies partly within the Coastal Zone boundary. The City received certification of its LCP with an effective date of January 30, 2017.⁴

The City’s Coastal Land Use Plan includes the following goals, objectives, and policies applicable to hazards and hazardous materials:

Policy 2.8.1-1: Review all applications for new development to determine potential threats from costal and other hazards.

Policy 2.8.1-2: Design and site new development to avoid hazardous areas and minimize risk to life and property from coastal and other hazards.

Policy 2.8.1-3: Design land divisions, including lot line adjustments, to avoid hazardous areas and minimize risk to life and property from costal and other hazards.

⁴ City of Newport Beach. *Local Coastal Program Frequently Asked Questions (FAQ)*. Retrieved from: <https://www.newportbeachca.gov/government/departments/community-development-/planning-division/local-coastal-program-launch-page/faq#Q3> accessed March 2023.

- Policy 2.8.8-1:** Apply hazard reduction, fuel modification, and other methods to reduce wildfire hazards to existing and new development in urban wildland interface areas.
- Policy 2.8.8-2:** Site and design new development to avoid fire hazards and the need to extend fuel modification zones into sensitive habitats.
- Policy 2.8.8-3:** Use fire-resistive, native plant species from the City-approved plant list in fuel modification zones abutting sensitive habitats.
- Policy 2.8.8-4:** Prohibit invasive ornamental plant species in fuel modification zones abutting sensitive habitats
- Policy 2.8.8-5:** Continue to maintain a database of parcels in urban wildland interface areas.
- Policy 2.8.8-6:** Continue annual inspections of parcels in urban wildland interface areas and, if necessary, direct the property owner to bring the property into compliance with fire inspection standards.
- Policy 4.3.1-8:** Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

City of Newport Beach Municipal Code

Title 2, Chapter 2.20 Emergency Services.⁵ This chapter provides for the preparation and implementation of plans to provide services within this City in the event of an emergency and for the coordination of the emergency service functions with all other public agencies and affected private persons, corporations, and organizations. Municipal Code Section 2.20.050 requires City Council to adopt an Emergency Operations Plan.

Title 9, Chapter 9.04 Fire Code.⁶ The City of Newport Beach has adopted the 2022 California Fire Code with City amendments and some exceptions. Chapter 9.04, also called the Fire Code, establishes a variety of regulations related to hazards such as: recommendations for development on land containing or emitting toxic substances, hazardous materials documentation procedures, hazardous materials management plan, storage tank regulations, etc. The Newport Beach Fire Department (NBFD) enforces locally developed fire regulations which reduce the amount and continuity of fuel (vegetation) available, firewood storage, debris clearing, proximity of vegetation to structures and other measures aimed at “Hazard Reduction.”

Title 15, Chapter 55 Methane Overlay Zone.⁷ Methane gas is found in high concentrations in or near the ground surface in certain areas of Newport Beach. These methane hazards have resulted in City regulations and procedures to ensure proper mitigation and abatement. Municipal Code Chapter 15.55, Methane Overlay Zone, designates the boundaries of methane gas mitigation districts within the City. Future housing development facilitated by the Project that are located within the methane gas mitigation districts would be subject to Municipal Code Section 15.55.040, which specifies Testing and Mitigation

⁵ City of Newport Beach. *City of Newport Beach Municipal Code – Chapter 2.20 Emergency Services*. <https://www.codepublishing.com/CA/NewportBeach/#!/NewportBeach02/NewportBeach0220.html#2.20>. Accessed November 30, 2023.

⁶ City of Newport Beach. *City of Newport Beach Municipal Code – Chapter 9.04 Fire Code*. <https://www.codepublishing.com/CA/NewportBeach/#!/NewportBeach09/NewportBeach0904.html#9.04>. Accessed November 30, 2023.

⁷ City of Newport Beach. *City of Newport Beach Municipal Code – Chapter 15.55 Methane Overlay Zone*. <https://www.codepublishing.com/CA/NewportBeach/#!/NewportBeach15/NewportBeach1555.html#15.55>. Accessed November 30, 2023.

Requirements and required mitigations prior to the approval of any project within any methane gas mitigation districts.

Title 20, Chapter 30, Section 080 (F) Airport Environs Land Use Plan.⁸ This section of the Municipal Code establishes the standards for the regulations of noise levels pursuant to health, safety, and welfare within the City. The Municipal Code incorporates the AELUP requirements and allows residential uses on parcels wholly or partially outside the John Wayne Airport 65 dBA CNEL noise contour as shown in Figure N5 of the Noise Element of the General Plan and consistent with Title 21 of the California Code of Regulations, subject to conditions of this section of the Municipal Code that apply to all residential projects within the John Wayne Airport 60 dBA CNEL or higher CNEL noise as shown in Figures N4 and N5 of the Noise Element of the General Plan.

4.8.3 Existing Conditions⁹

Hazardous Materials and Transportation

Hazardous materials, as defined by the California Code of Regulations, are substances with certain physical properties that could pose a substantial present or future hazard to human health or the environment when handled, disposed, or otherwise managed improperly. Hazardous materials are grouped into the following four categories, based on their properties:

- Toxic – causes human health effects
- Ignitable – has the ability to burn
- Corrosive – causes severe burns or damage to materials
- Reactive – causes explosions or generates toxic gases

A hazardous waste is any hazardous material that is discarded, abandoned, or slated to be recycled. The criteria that define a material as hazardous also define a waste as hazardous. If handled, disposed, or otherwise handled improperly, hazardous materials and hazardous waste can result in public health hazards if released into the soil or groundwater or through airborne releases in vapors, fumes, or dust. Soil and groundwater having concentrations of hazardous material constituents higher than specific regulatory levels must be handled and disposed of as hazardous waste when excavated or pumped from an aquifer. The California Code of Regulations, Title 22, Sections 66261.20 through 66261.24 contain technical descriptions of toxic characteristics that could cause soil or groundwater to be classified as hazardous waste.

According to the Newport Beach General Plan EIR (General Plan EIR), hazardous materials in the City are routinely used, stored, and transported in commercial/retail businesses as well as in educational facilities, hospitals, and households. Hazardous materials users and waste generators in the City include businesses, public and private institutions, and households. The transport of hazardous materials through the City is regulated by Caltrans and California Highway Patrol. The U.S. EPA lists the following four transporters of hazardous waste in the City:

- Innovative Waste Control, Inc.- 1300 Bristol Street N., Suite 100

⁸ City of Newport Beach. *City of Newport Beach Municipal Code – Section 20.30.080 Noise-Airport Environs Land Use Plan*. <https://www.codepublishing.com/CA/NewportBeach/#!/NewportBeach2030.html#20.30.080>. Accessed Dec. 5, 2023.

⁹ City of Newport Beach. (2013) *City of Newport Beach General Plan Land Use Element Amendment Initial Study – Hazards and Hazardous Materials*. https://newportbeachca.gov/PLN/General_Plan/GP_EIR/Volume_1/11_Sec4.6_Hazards.pdf. Accessed November 27, 2023.

- R.E. Mockett – 1601 Antigua Way
- Roadway Construction Company Inc. – 4101 Westerly Place, Suite 101
- WBR Transportation, LLC – 2240 Newport Boulevard

Because Newport Beach has limited industrial land uses, most transportation of hazardous materials on the portions of the freeways and major roads that extend through the City is most likely conducted by companies that are not based out of Newport Beach.

Five methane gas mitigation districts have been identified in the City. Natural seepages of gas occur in the western and southwestern portions of the City. Special development regulations (Municipal Code Chapter 15.55 – Methane Overlay Zone), intended to prevent gases from accumulating, apply to projects located in methane overlay districts. The City identified the potential for methane gas seepage with the West Newport oil field and an old, abandoned landfill near the City’s northwestern corner although they are not located near within or near a methane gas mitigation district

Database Review

The State of California Hazardous Waste and Substances Site List (also known as the Cortese List) is used by State and local agencies in providing information about the location of hazardous materials sites. The DTSC is responsible for preparing a portion of the information that comprises the Cortese List, through its EnviroStor database of sites listed pursuant to Section 25256 of the Health and Safety Code. This includes a listing of hazardous substance release sites selected for, and subject to, a response action. EnviroStor must update the list of sites at least annually to reflect new information regarding previously listed sites or the addition of new sites requiring a response action.

The GeoTracker database is the SWRCB data management system for managing sites that impact groundwater, especially those that require groundwater cleanup (LUSTs), as well as permitted facilities such as operating USTs and land disposal sites.

Table 4.8-1: Department of Toxic Substances Control Envirostor Database Listed Sites identifies three housing sites. Housing sites 141 and 235 are located on a listed site and housing site 100 is located adjacent to a listed site.

Table 4.8-1: Department of Toxic Substances Control EnviroStor Database Listed Sites

Housing Site	APN	Site Name	Address	Relation to Housing Sites	Status of Envirostor Site
100	445 134 22	Rockwell Semiconductor Systems	4311 Jamboree Road	Housing Site 100 is located adjacent to the Envirostor site	Inactive – Needs Evaluation
141	458 361 10	Loral Aerospace Corporation	1000 Ford Road	Housing Site 141 is located on the Envirostor site	Closed as of 8/28/1995
235	424 142 11	Hixson Metal Finishing	829 Production Place	Housing Site 235 is located on the Envirostor site	Active as of 4/28/2015. Soil Vapor Extraction system installed. Ongoing groundwater and soil gas rebound monitoring

Source: DTSC Envirostor, 2023.

Table 4.8-2: State Water Resources Control Board Geotracker Database Listed Sites shows the City’s SWRCB’s Geotracker database listed sites. All listed housing sites below are located on a Geotracker listed site; however all cases are closed.

Table 4.8-2: State Water Resources Control Board Geotracker Database Listed Sites

Housing Site	APN	Site Name	Address	Relation to Housing Sites?	Status of Envirostor Site
33	445 122 13	Koll Company	4400 MacArthur Boulevard	Housing site 33 is located on the Geotracker site.	Completed - Case Closed as of 3/4/1993
84	427 342 02	Jim Slemmons Imports	1301 Quail Street	Housing site 84 is located on the Geotracker site.	Completed - Case Closed as of 07/13/1999
86	427 221 16	Westerly Place	1500 Quail Street	Housing site 86 is located on the Geotracker site.	Completed - Case Closed as of 12/09/1996
204	442 101 27	Four Seasons Hotel	690 Newport Center Drive	Housing site 204 is located on the Geotracker site.	Completed - Case Closed as of 01/28/2015
224	425 171 01	Newport Beach City and Corporate Yard	592 Superior Avenue	Housing site 224 is located on the Geotracker site.	Completed - Case Closed as of 07/24/2013
235	424 142 11	Hixon Metal Finishing	829 Production Place	Housing site 235 is located on the Geotracker site.	Completed - Case Closed as of 06/23/2009
238	424 401 08	Permalite Plastics Corporation	1537 Monrovia Avenue	Housing site 238 is located on the Geotracker site.	Completed - Case Closed as of 01/24/2002

Source: SWRCB Geotracker, 2023.

Methane Gas

Methane is a naturally occurring gas that typically forms as a by-product of bacterial digestion of organic matter, and therefore occurs ubiquitously, although generally at very low concentrations in the air. However, at high concentrations, methane is flammable and can cause asphyxiation due to oxygen displacement. Generally, methane forms in areas such as swamps, landfills, or areas associated with petroleum deposits.

There are two oil fields located in the City: Newport Oil Field, which is located in the western portion of the City, and West Newport Oil Field, which is located in the City’s Sphere of Influence. Municipal Code Chapter 15.55, Methane Overlay Zone, identifies the following five methane gas mitigation districts:

- Channel Park located northerly of the intersection of Channel Place and River Avenue
- The alley bordered by Marcus Avenue, 35th Street, Lake Avenue and 36th Street.
- The parcel bordered by Superior Avenue, the southerly line of Tract No. 8336 (Villa Balboa), Newport Boulevard, and the southerly right-of-way line of West Coast Highway
- The City Corporation Yard located southerly of the intersection of Superior Avenue and Industrial Way and between Superior Avenue and Newport Boulevard
- The north-central portion of the Newport Townhomes Community, bordered by Units 3 to 10 (4405 to 4421 Pacific Coast Highway) and the adjacent parking lot bordering Coast Highway

Natural seepages of gas occur in the western and southwestern portions of the City. Additionally, there is the potential for methane gas seepage to be associated with the West Newport oil field even though it is not located within or next to a methane gas mitigation district. The City also associates methane gas seepage with an old, abandoned landfill near the City's northwestern corner.

Airports

Newport Beach lies beneath the arrival traffic pattern of Long Beach Airport and the standard departure pattern of John Wayne Airport. John Wayne Airport is located along the northern border of Newport Beach and generates nearly all aviation traffic above the City. John Wayne Airport has approximately 130 commercial flight per day.¹⁰ More than 95 percent of all airplanes take off and ascend over the City. The City is located within the radius of the John Wayne Airport Land Use Compatibility Planning Area and is subject to noise, safety, or aircraft overflight for operations of that airport. An AELUP also addresses development considerations including building heights and land use restrictions depending on location of a site relative to the airport. Please refer to **Section 4.11: Noise** with respect to airport noise.

As previously noted, the AELUP identifies safety and compatibility zones that depict which land uses are acceptable and unacceptable in various portions of AELUP Safety Zones 1 through 6: Zone 1: Runway Protection Zone; Zone 2: Inner Approach/Departure Zone; Zone 3: Inner Turning Zone; Zone 4: Outer Approach/Departure Zone; Zone 5: Sideline Zone; and Zone 6: Traffic Pattern Zone. The following summarizes each zone as addressed in the AELUP for John Wayne Airport.

Safety Zone 1: Runway Protection Zone is defined as “a trapezoidal area off each end of a runway used to enhance the protection of people and property on the ground. The innermost of the safety zones.” Residential land uses are prohibited.

Safety Zone 2: Inner Approach/Departure Zone would extend beyond the Runway Protection Zone. Residential land uses are prohibited except on large agricultural parcels.

Safety Zone 3: Inner Turning Zone “encompasses locations where aircraft are typically turning from the base to final approach legs of the standard traffic pattern and are descending from traffic pattern altitude.” The “zone also includes the area where departing aircraft normally complete the transition from takeoff power and flap settings to a climb mode and have begun to turn to their en route heading.” Limited to very low density residential is considered acceptable “if not deemed unacceptable because of noise.”

¹⁰ City of Newport Beach. (ND). *John Wayne Airport Operations*. Retrieved from: <https://www.newportbeachca.gov/government/departments/city-manager-s-office/john-wayne-airport>. Accessed December 15, 2023.

Safety Zone 4: Outer Approach/Departure Zone is situated along the extended runway centerline beyond Zone 3. With respect to compatibility, it states “In undeveloped areas, limit (use is acceptable only if density/intensity restrictions are met) residential uses to very low densities (if not deemed unacceptable because of noise); if alternative uses are impractical, allow higher densities as infill in urban areas.”

Safety Zone 5: Sideline Zone encompasses close-in areas lateral to runways. This area is typically on airport property, which is the case at John Wayne Airport. It is noted that residential uses are to be avoided unless airport related.

Safety Zone 6 has a “generally low likelihood of accident occurrence at most airports; risk concern primarily is with uses for which potential consequences are severe.” The “zone includes all other portions of regular traffic patterns and pattern entry routes.” Residential uses are allowed.

Where a site is within a Federal Aviation Regulation (FAR) Part 77 Obstruction Imaginary Surface Zone and the FAR Part 77 Notification Area of John Wayne Airport, notice to the Federal Aviation Administration (FAA) is required for any proposed structure more than 200 feet above the ground level of its site. Notices to the FAA provide a basis for evaluating a project’s potential effects on operational procedures and air navigation. Coinciding with the FAA regulation, the ALUC also requires notification of all such proposals.

According to the provisions set forth in FAR Part 77, an object is an “Obstruction to Air Navigation” if it is of greater height than any imaginary surface established under the regulation. Imaginary surfaces exist primarily to prevent existing or proposed manmade objects, objects of natural growth or terrain from extending upward into navigable airspace. There are five imaginary surfaces which the FAA applies to public use airports for the purpose of determining obstructions to air navigation. These imaginary surfaces either slope out and up from all sides and ends of runways or are a horizontal plane or a sloping plain above public use airports. The imaginary surfaces are defined as:

- **Primary Surface:** Aligned (longitudinally) with each runway and extends 200 feet from each runway end
- **Horizontal Surface:** Horizontal plane 150 feet above the established airport elevation. Constructed by swinging arcs around the end of the primary surface
- **Conical Surface:** 20:1 slope surface extending beyond the horizontal surface
- **Transitional Surface:** Constructed to join approach and horizontal or approach and transitional surfaces
- **Approach Surface:** Longitudinally centered with the runway and extends beyond the primary surface

Wildland Fires

Wildland fires occur when developments are adjacent to open space or wildland fuels that can ignite when exposed to a natural occurrence (e.g., lightning) or by an unplanned or accidental human-caused activity.

Figure 4.18-1: Fire Hazard Severity Zones in Section 4.18: Wildfire depicts the Local Responsibility Areas (LRAs) Very High Fire Severity Zones (VHFSZ) for Newport Beach; refer to **Section 4.18: Wildfire** for further information regarding wildland fires.

4.8.4 Thresholds of Significance

The City uses the thresholds of significance specified in the *State CEQA Guidelines Appendix G Environmental Checklist Form*. Impacts to population and housing would be significant if the Project would:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- 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.
- Emit hazardous emissions or handle hazardous or acutely hazardous material, substances, or waste within one-quarter mile of an existing or proposed school.
- 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, create a significant hazard to the public or environment.
- Result in a safety hazard for people residing or working in the project area where the project is in an airport land use plan.
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- 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.

4.8.5 Methodology

This analysis considers the *State CEQA Guidelines, Appendix G* thresholds, as described above, in determining whether Project implementation would result in impacts related to hazards and hazardous materials. The evaluation was based on a review of regulations and determining their applicability for the proposed Project. Information on hazards and hazardous materials within the City was acquired through review of relevant databases and documents. A review of secondary sources, including published hazardous materials databases, was conducted. The review included the EnviroStor database, the GeoTracker database, and the City's adopted VHFHSZ Map. No site-specific surveys were conducted; instead, analysis relied on the use of existing information where reasonably foreseeable, direct, and indirect physical changes in the environment could be considered.

4.8.6 Project Impacts and Mitigation

Threshold 4.8-1: Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

The proposed Project would not directly construct new housing but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element.

Exposure of the public or the environment to hazardous materials can occur through transportation accidents; environmentally unsound disposal methods; improper handling of hazardous materials or

hazardous wastes (particularly by untrained personnel); and/or emergencies, such as explosions or fires. The severity of these potential effects varies by type of activity, concentration and/or type of hazardous materials or wastes, and proximity to sensitive receptors.

As a part of Project operations, hazardous materials would be limited to those associated with common household fertilizers, pesticides, paint, solvents, and petroleum products. Because these materials would be used in very limited quantities, they are not considered a significant hazard to the public. The proposed Project's impact on creating significant hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials would be less than significant since all uses and facilities are required to comply with all applicable federal, State and regional regulations which are intended to avoid impacts to the public or environment.

Impact Summary: **Less than Significant Impact.** Through compliance with applicable laws, regulations, and General Plan policies, the Project would not create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Threshold 4.8-2:	Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
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The proposed Project would not directly construct new housing, but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element.

Demolition and Construction Activities

Site-specific surveys to determine the presence or absence of hazardous materials on the housing sites have not been conducted for this program level EIR analysis. Review of regulatory databases (i.e., SWRCB GeoTracker and DTSC Envirostor) (**Table 4.8-1** and **Table 4.8-2**), identifies housing sites 141 (closed case) and 235 (active case) as located on a listed Envirostor site and housing site 100 (inactive case) as located adjacent to a listed Envirostor site. Housing sites 33, 84, 86, 204, 224, 235, and 238 are located on a Geotracker site; all of these cases are closed.

Because the contamination status of properties can change, as a part of the City's development review process, each housing site would be required to be evaluated and/or reevaluated, if and when the individual site is proposed for development or redevelopment with a residential land use. In addition to the facilities listed in **Table 4.8-1** and **Table 4.8-2**, each future individual site application proposed on a site with a current or former hazardous materials regulated facility would need to be evaluated in consultation with OCHCA-EH to determine if there is a contamination risk to a proposed residential use. Future development would be subject to comply with General Plan Safety Element Policy S 7.1, which requires proponents of projects in known areas of contamination from oil operations or other uses perform comprehensive soil and groundwater contamination assessments in accordance with American Society for Testing and Materials standards. These site-specific reports would include description of known and potential hazardous materials on a site, and recommend measures to remediation. Further, the policy requires remediation procedures prior to grading and development in collaboration with the OCHCA-EH, DTSC, or RWQCB, depending on the nature of the identified contamination.

Of the 247 housing sites, there are 21 sites that are vacant and undeveloped. Therefore, future housing development facilitated by the Project could require demolition of existing uses, which could release asbestos containing materials (ACM), lead-based paints (LBP), and other hazardous materials. Exposure to hazardous materials during construction activities could occur through direct contact with hazardous materials, incidental ingestion of hazardous materials, and inhalation of airborne dust release from dried hazardous materials. Remediation could also require the transport of hazardous materials. This transport would be limited in duration. Compliance with handling measures is required by the City, during construction and operational phases of future development projects. These measures include standards and regulations regarding the storage, handling, and use of hazardous materials. Therefore, future housing development facilitated by the Project could 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.

Federal and State regulations govern the renovation and demolition of structures where materials containing lead and asbestos are present. These regulations include the South Coast Air Quality Management District (SCAQMD) Rules and Regulations pertaining to asbestos abatement (including Rule 1403), Construction Safety Orders 1529 (pertaining to asbestos) and 1532.1 (pertaining to lead) from Title 8 of the California Code of Regulations, Part 61, Subpart M of the Code of Federal Regulations (pertaining to asbestos), and lead exposure guidelines provided by the U.S. Department of Housing and Urban Development (HUD). In addition, Cal-OSHA has regulations concerning the use of hazardous materials, including requirements for safety training, availability of safety equipment, hazardous materials exposure warnings, and emergency action and fire prevention plan preparation.

In addition to exposure to ACMs and LBPs, there is also the potential that grading and excavation of sites for future residential development may also expose construction workers and the public to potentially unknown hazardous substances present in the soil or groundwater. Compliance with General Plan Safety Element Policy S 7.4, which requires implementation of remediation efforts for contaminated surface water and groundwater resources, would minimize the potential risks to construction workers and the public. Compliance with the existing regulatory framework would ensure that future housing development on housing sites would not result exposure of construction workers or the public to hazardous substances in the soil or groundwater, and impacts are considered less than significant.

Construction activities associated with future residential development would include the use of materials such as fuels, lubricants, and greases in construction equipment and coatings used in construction. However, the materials used would not be in such quantities or stored in such a manner as to pose a significant safety hazard. These activities would be short-term or one-time in nature. Project construction workers would also be trained in safe handling and hazardous materials use. The use, storage, transport, and disposal of construction-related hazardous materials and waste would be required to conform to existing laws and regulations. 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. If hazardous materials or waste are encountered during construction, all contaminated waste would be required to be collected and disposed of, at an appropriately licensed disposal or treatment facility. Furthermore, strict adherence to all emergency management program requirements set forth by the City of Newport Beach and Orange County Fire Authority (OCFA) would be required through the duration of the construction activities. Finally, adherence to General Plan Policy S 7.6, which requires that all users, producers, and transporters of hazardous materials and wastes clearly identify the materials that they

store, use, or transport, and to notify the appropriate city, County, State and federal agencies in the event of a violation, would further minimize the risk of exposure to hazardous materials from transport, use, or disposal during construction. Therefore, hazards to the public or the environment arising from the routine use of hazardous materials during construction of future residential development facilitated by the proposed Project would be less than significant.

The potential exists for future development facilitated by the Project to be subject to health and/or safety hazards associated with existing oil wells and methane gas. There are two oil fields in the City: Newport Oil field and West Newport Oil Field. Future development near the Newport Oil Field, West Newport Oil Field, or on housing sites within the Methane Overlay Zone would be subject to comply with specific requirements outlined in Municipal Code 15.55.040, which also requires testing of building site soils for the presence of methane gas and identify mitigation measures such as flared vent systems, underground collection systems, or other proven systems, devices or techniques to mitigate excessive methane levels. Other requirements include installation of an isolation barrier, consisting of a continuous, flexible, permanent and non-gas-permeable barrier beneath all newly constructed foundations and floors at ground level. Future development associated in the identified areas of the City would be subject to the provisions of Chapter 9.04.170 of the City's Fire Code, which regulates the development on or near land containing or emitting toxic, combustible or flammable liquids, gases, or vapors. Compliance with the existing regulatory framework as outlined in Municipal Code Chapters 15.55.040 and 9.04.170 would ensure that future housing development on housing sites would not result in health and/or safety hazards associated with existing oil wells and methane gas; impacts are considered less than significant.

Operations

Operation of the future residential development facilitated by the proposed Project would involve the use of small quantities of hazardous materials for cleaning and maintenance purposes, such as paints, household cleaners, fertilizers, and pesticides. No manufacturing, industrial, or other uses using large amounts of hazardous materials would occur as a result of the proposed Project. The use, storage, transport, and disposal of hazardous materials by future residents would be required to comply with existing regulations of several agencies, including the DTSC, U.S. EPA, Cal-OSHA, Caltrans, Orange County Environmental Health Division, and OCFA. Compliance with applicable laws and regulations governing the use, storage, transport, and disposal 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. Implementation of the Project would not create a significant impact through the transport, use or disposal of hazardous materials since all uses and facilities are required to comply with all applicable federal, State and regional regulations which are intended to avoid impacts to the public or environment. Therefore, impacts to the public and the environment during operation of the future residential development facilitated by the Project would be less than significant.

Impact Summary: **Less than Significant Impact.** Implementation of the Project could potentially create a hazard to the public or the environment through exposure to contaminated materials, as a result of a previous hazardous material incident at a housing site or through the presence of asbestos-containing materials or lead-based paint. Compliance with the existing regulatory framework including General Plan policies would reduce Project impacts of creating 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.

Threshold 4.8-3: Would the Project emit hazardous emissions or handle hazardous or acutely hazardous material, substances, or waste within one-quarter mile of an existing or proposed school?

As described in **Section 4.13: Public Services**, Newport Beach is served by three school districts. The Newport-Mesa Unified School District provides educational services to the cities of Newport Beach and Costa Mesa and other unincorporated areas of Orange County. The Santa Ana Unified School District serves the Airport Area. A small part of the eastern area of the City is served by the Laguna Beach Unified School District. Future housing development on housing sites facilitated by the Project would have a potentially significant impact on the environment from emitting hazardous emissions or substances within 0.25-mile of an existing or proposed school.

Residential development is typically not associated with the handling of hazardous materials, aside from construction activities as discussed above. 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. Further, future housing development in known areas of contamination are subject to General Plan Policy S 7.1, which requires comprehensive soil and groundwater contamination assessments to identify and address potential release of hazardous materials into the environment.

Residential uses do not generate hazardous emissions or involve the handling of hazardous materials, substances, or waste in significant quantities that would have an impact to surrounding schools. The types of hazardous substances that would be routinely handled (e.g., pool chemicals, household cleaners, etc.) are similar to those found in schools. No significant impacts are anticipated.

Impact Summary: **Less than Significant Impact.** The Project evaluates future residential uses on the housing sites. Residential uses do not generate hazardous emissions or involve the handling of hazardous materials, substances, or waste in significant quantities that would have an impact to surrounding schools.

Threshold 4.8-4: Would the Project 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?

None of the housing sites are included on a hazardous site list compiled pursuant to California Government Code Section 65962.5.¹¹ In addition to the Cortese List, federal, State and local governmental agencies maintain other lists of sites where hazardous materials may be present or used. Review of the California State Water Resources Control Board GeoTracker and the DTSC Envirostor databases noted sites that have or previously had cases associated with hazardous material spills, violations or incidents. As addressed under Threshold 4.8-2, the contamination status of each housing site with a current or

¹¹ California, State of, Department of Toxic Substances Control, DTSC's Hazardous Waste and Substances Site List - Site Cleanup (Cortese List). <https://dtsc.ca.gov/dtscs-cortese-list/>. Accessed December 5, 2023.

former hazardous materially regulated facility would need to be evaluated if and when a residential land use is proposed.

Impact Summary: **No Impact.** No housing sites are listed on a Cortese List per Government Code Section 65962.5.

Threshold 4.8-5: **Would the Project be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?**

With respect to airport noise, please refer to **Section 4.11: Noise**; no significant impacts are identified. With regards to aviation-related safety hazards, the City’s General Plan identifies a goal to protect residents, property, and the environment from aviation-related hazards in the Safety Element, and lists Policies S 8.1 through S 8.4 to ensure preparation and minimize risk in the case of an aviation accident. Policies S 8.1 and S 8.2 would require aircraft rescue firefighting training programs as well as awareness training for emergency personnel on a regular basis. Policy S 8.3 would implement policies outlined in the Orange County Fire Services Operational Area Mutual Aid Plan and the California Fire Service and Rescue Emergency Mutual Aid Plan.

Project implementation would facilitate housing development within the John Wayne Airport Notification Area. As previously addressed, where a site is within a Federal Aviation Regulation (FAR) Part 77 Obstruction Imaginary Surface Zone and the FAR Part 77 Notification Area of John Wayne Airport, notice to the FAA is required for any proposed structure more than 200 feet above the ground level of its site. Coinciding with the FAA regulation, the ALUC also requires notification of all such proposals. The notification area for Newport Beach, as it applies to the housing sites, is depicted on **Figure 4.8-1: John Wayne Airport Notification Area**.

Building height limits in these restricted zones are determined in accordance with the standards outlined in FAR Part 77 (Objects Affecting Navigable Airspace) of the FAA regulations. ALUC has incorporated these standards and FAR Part 77 definitions into the AELUP as guidelines for determining building height limits. As outlined in the AELUP, projects that fall within the FAR Part 77 Notification Area are required to file Form 7460-1 (Notice of Proposed Construction or Alteration) with FAA, which directs FAA to conduct an aeronautical study. The FAA uses the Orange County Board of Supervisors established building height limit of 203.68 feet above mean sea level to assess impacts to aviation activities of John Wayne Airport.

Table 3-15: Development Standards for Housing Opportunity Overlay Zones in Section 3.0: Project Description identifies the building heights for the Airport Area, West Newport Mesa, Dover-Westcliff, Newport Center, and Coyote Canyon Focus Areas. For the Airport Area and Newport Center, building heights are identified in the applicable zoning district for each site. For the West Newport Mesa, Dover-Westcliff,¹² and Coyote Canyon Focus Areas, the building height is 65 feet. Where the FAA and AELUP determine that future development would not exceed obstruction standards, there would be no impact to air navigation. Should a proposed structure exceed the established building height, additional analysis would be required as a part of the development review process.

¹² The height shall be limited to 35 feet in the Shoreline Height Limit Area.



Figure 4.8-1: John Wayne Airport Notification Area
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Table 4.8-3: Housing Sites Within John Wayne Airport Safety Zones and **Figure 4.8-2: Housing Sites Within John Wayne Airport Safety Zones** identify which housing sites are within the safety zones identified in the AELUP for John Wayne Airport. All of the housing sites are in the Airport Area Focus Area. As noted in the AELUP, the “Safety Compatibility Zones are defined for the ‘Short General Aviation Runway’ (length less than 4,000 feet) and the ‘Medium General Aviation Runway’ (length 4,000 to 5,999 feet).

For Medium General Aviation Runways, of the 100 housing sites identified in **Table 4.8-3**, there are 90 housing sites in Safety Zone 6, 1 housing site in Safety Zone 4, 2 housing sites in Safety Zone 3, 3 housing sites in both Safety Zones 4 and 6, and 4 housing sites in both Safety Zones 3 and 6. Because the safety zones for Short General Aviation Runways are smaller, all of the housing sites are either in Safety Zone 6 or outside of a safety zone.

As previously defined under Existing Conditions:

Safety Zone 6 has a “generally low likelihood of accident occurrence at most airports; risk concern primarily is with uses for which potential consequences are severe.” The “zone includes all other portions of regular traffic patterns and pattern entry routes.” Residential uses are allowed.

Safety Zone 4: Outer Approach/Departure Zone is situated along the extended runway centerline beyond Zone 3. With respect to compatibility, it states “In undeveloped areas, limit (use is acceptable only if density/intensity restrictions are met) residential uses to very low densities (if not deemed unacceptable because of noise); if alternative uses are impractical, allow higher densities as infill in urban areas.”

Safety Zone 3: Inner Turning Zone “encompasses locations where aircraft are typically turning from the base to final approach legs of the standard traffic pattern and are descending from traffic pattern altitude.” The “zone also includes the area where departing aircraft normally complete the transition from takeoff power and flap settings to a climb mode and have begun to turn to their en route heading.” Limited to very low density residential is considered acceptable “if not deemed unacceptable because of noise.”

For those housing sites in Safety Zone 6, residential uses are allowed and would not impact the standards or operations of this zone. For those housing sites exclusively in Safety Zone 4, the AELUP for John Wayne Airport states that higher densities as infill in urban areas if alternative uses are impractical. In Safety Zone 3, limited to very low density residential development is considered acceptable “if not deemed unacceptable because of noise.” As noted, there are four housing sites – 70, 360, 363, and 367 – that are partially within Safety Zone 3; no sites are exclusively in Safety Zone 3. These housing sites are in Safety Zones 6 and 3. Should housing be proposed on any of these four housing sites, housing development in Safety Zone 3 would be limited to low-density residential uses as identified in the R-1 zoning district; no multi-unit residential uses would be permitted.

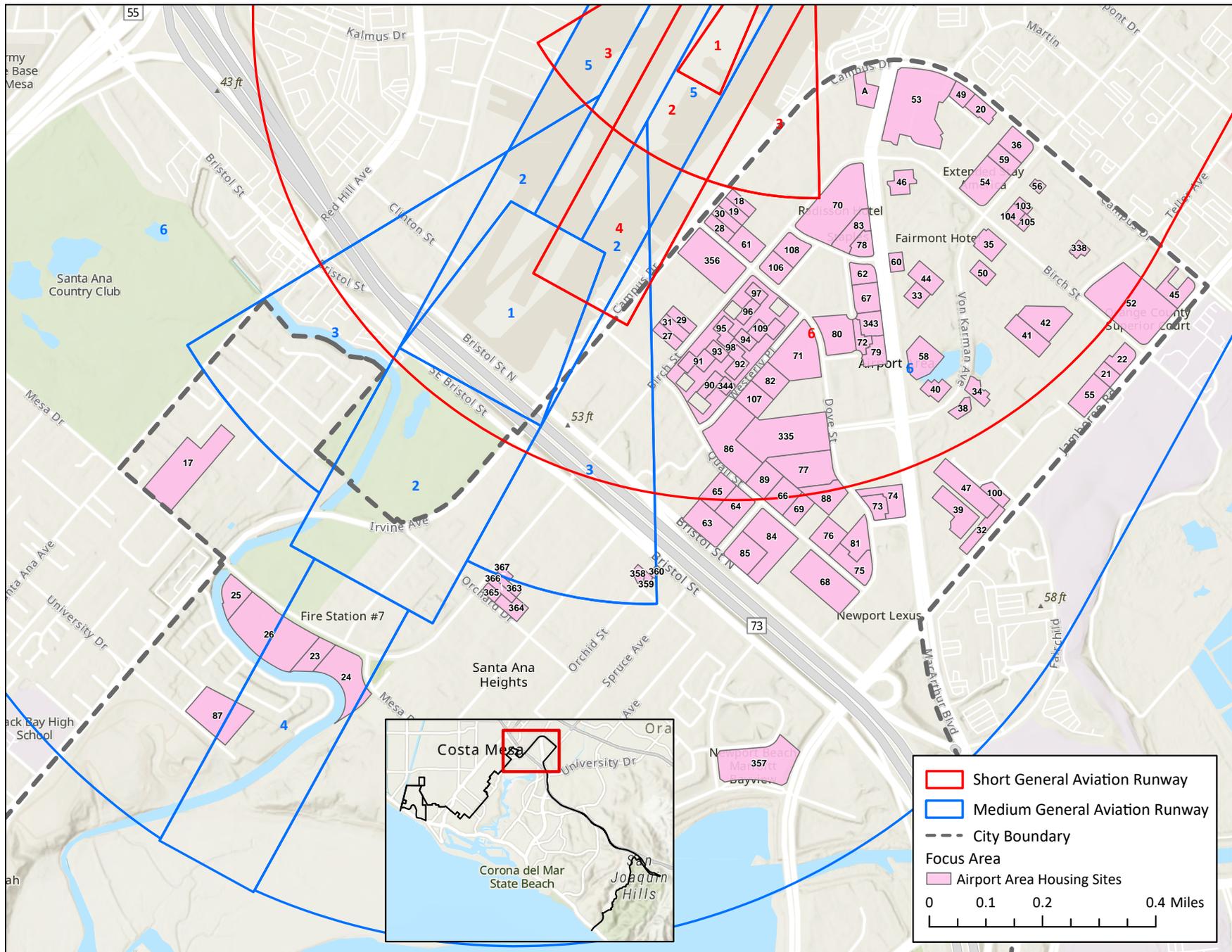


Figure 4.8-2: Housing Sites Within John Wayne Airport Safety Zones
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Table 4.8-3: Housing Sites within John Wayne Airport Safety Zones

Housing Site	Parcel Number	Safety Zone	
		Medium General Aviation Runway	Short General Aviation Runway
17	439 241 20	Zone 6	
18	427 121 24	Zone 6	Zone 6
19	427 121 24	Zone 6	Zone 6
20	445 121 17	Zone 6	Zone 6
21	445 161 03	Zone 6	
22	445 161 03	Zone 6	
23	119 300 17	Zone 4	
24	119 310 04	Zone 4, Zone 6	
25	119 300 15	Zone 6	
26	119 300 16	Zone 4, Zone 6	
27	427 131 16	Zone 6	Zone 6
28	427 121 01	Zone 6	Zone 6
29	427 131 14	Zone 6	Zone 6
30	427 121 02	Zone 6	Zone 6
31	427 131 15	Zone 6	Zone 6
32	445 131 26	Zone 6	
33	445 122 13	Zone 6	Zone 6
34	445 133 06	Zone 6	Zone 6
35	445 131 21	Zone 6	Zone 6
36	445 121 11	Zone 6	Zone 6
38	445 131 23	Zone 6	Zone 6
39	445 131 15	Zone 6	
40	445 122 05	Zone 6	Zone 6
41	445 131 18	Zone 6	Zone 6
42	445 131 19	Zone 6	Zone 6
44	445 122 12	Zone 6	Zone 6
45	445 151 09	Zone 6	
46	445 122 09	Zone 6	Zone 6
47	445 131 31	Zone 6	
49	445 121 05	Zone 6	Zone 6
50	445 131 09	Zone 6	Zone 6
52	445 151 01	Zone 6	Zone 6
53	445 121 14	Zone 6	Zone 6
54	445 121 18	Zone 6	Zone 6
55	445 161 04	Zone 6	
56	445 141 04	Zone 6	Zone 6
58	445 122 17	Zone 6	Zone 6
59	445 121 09	Zone 6	Zone 6
60	445 122 19	Zone 6	Zone 6

Table 4.8-3: Housing Sites within John Wayne Airport Safety Zones

Housing Site	Parcel Number	Safety Zone	
		Medium General Aviation Runway	Short General Aviation Runway
61	427 121 27	Zone 6	Zone 6
62	427 173 01	Zone 6	Zone 6
63	427 332 02	Zone 6	
64	427 332 04	Zone 6	Zone 6
65	427 332 03	Zone 6	Zone 6
66	427 221 14	Zone 6	Zone 6
67	427 181 01	Zone 6	Zone 6
68	427 241 13	Zone 6	
69	427 221 13	Zone 6	Zone 6
70	427 174 04	Zone 3, Zone 6	Zone 6
71	427 221 01	Zone 6	Zone 6
72	427 181 08	Zone 6	Zone 6
73	427 222 05	Zone 6	
74	427 222 06	Zone 6	
75	427 221 10	Zone 6	
76	427 221 11	Zone 6	
77	427 221 06	Zone 6	Zone 6
78	427 174 06	Zone 6	Zone 6
79	427 181 07	Zone 6	Zone 6
80	427 181 03	Zone 6	Zone 6
81	427 221 09	Zone 6	
82	427 221 02	Zone 6	Zone 6
83	427 174 05	Zone 6	Zone 6
84	427 342 02	Zone 6	
85	427 342 01	Zone 6	
86	427 221 16	Zone 6	Zone 6
87	439 401 01	Zone 4, Zone 6	
88	427 221 07	Zone 6	Zone 6
89	427 221 15	Zone 6	Zone 6
90	427 141 14	Zone 6	Zone 6
91	936 790 44	Zone 6	Zone 6
92	936 790 50	Zone 6	Zone 6
93	427 141 04	Zone 6	Zone 6
94	427 141 11	Zone 6	Zone 6
95	936 790 48	Zone 6	Zone 6
96	427 141 07	Zone 6	Zone 6
97	427 141 08	Zone 6	Zone 6
98	427 141 16	Zone 6	Zone 6
100	445 134 22	Zone 6	

Table 4.8-3: Housing Sites within John Wayne Airport Safety Zones

Housing Site	Parcel Number	Safety Zone	
		Medium General Aviation Runway	Short General Aviation Runway
103	445 141 11	Zone 6	Zone 6
104	445 141 12	Zone 6	Zone 6
105	445 141 13	Zone 6	Zone 6
106	427 171 02	Zone 6	Zone 6
107	427 221 03	Zone 6	Zone 6
108	427 171 03	Zone 6	Zone 6
109	936 790 46	Zone 6	Zone 6
335	427 221 17	Zone 6	Zone 6
338	445 141 31	Zone 6	Zone 6
343	427 181 09	Zone 6	Zone 6
344	427 141 13	Zone 6	Zone 6
356	427 131 09	Zone 6	Zone 6
357	442 282 02	Zone 6	
358	439 021 13	Zone 3	
359	439 021 12	Zone 3	
360	439 021 03	Zone 3, Zone 6	
363	439 352 21	Zone 3, Zone 6	
364	439 341 01	Zone 6	
365	439 352 17	Zone 6	
366	439 352 20	Zone 6	
367	439 352 22	Zone 3, Zone 6	
A	427 111 08	Zone 6	Zone 6

Source: GIS mapping modified by Kimley-Horn, 2023.

As previously noted, ALUCs are not implementing agencies in the manner of local governments, nor do they issue permits for a project such as those required by local governments. However, pursuant to California Public Utilities Code Section 21676, local governments are required to submit all general plans, specific plans, general plan amendments, and zone changes that occur in the ALUC planning areas for consistency review by the ALUC. If such an amendment or change is deemed inconsistent with the ALUC plan, a local government may override the ALUC decision by a two-thirds vote of its governing body, if it makes specific findings that the proposed action is consistent with the purposes stated in Section 21670(a)(2) of the Public Utilities Code: “to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public’s exposure to excessive noise and safety hazards in areas around public airports to the extent that these areas are not already devoted to incompatible uses.” Therefore, inconsistency with a finding of the ALUC for John Wayne Airport would not preclude the City from approving a future residential development on one of the housing sites.

The General Plan EIR notes that the highest probability of an air crash incident would occur between two light aircraft or helicopters in a mid-air crash. The probability of this type of an air crash is higher along the coast because of training flights, sightseeing, and banner towing over the beach area. Such an incident

would result in moderate ground damage. A worst-case scenario would be a mid-air collision, at night, between two commercial airliners over a densely populated area of the City. Although accidents with one or more fatalities involving commercial aircraft are rare events, ongoing potential growth and development could place people at risk for an aviation hazard.

The General Plan EIR notes that in the event of an aviation hazard, pilots are instructed to follow Newport Bay away from residential or developed areas. “Any potential impact will be significantly reduced by fast, coordinated, and skilled response operations of all available emergency services.” This would include the use of mutual aid participating parties as well as on-site airport fire service at John Wayne Airport.

While future housing development and non-residential development in the City, inclusive of the Airport Area, would increase the number of residents and non-residents proximate to John Wayne Airport, individual projects would be subject to development review by the City and where a General Plan amendment, Specific Plan or PC amendment, or a rezone is required, the project would also be subject to the review of the ALUC. A determination would be made by the City regarding whether future development on housing sites within a AELUP Safety Zone would result in a potential safety hazard. Based on the locations of the majority of the housing sites located in Safety Zone 6, the allowance for residential uses in Safety Zone 4, and the restriction of only low-density residential uses in Safety Zone 3, the potential for airport safety hazard impacts are considered less than significant.

Impact Summary: **Less Than Significant Impact.** Housing in Safety Zone 3 would be restricted to low-density residential uses consistent with the AELUP. Residential uses in Safety Zone 6 and Safety Zone 4 are considered less than significant.

Threshold 4.8-6: Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Future development facilitated by the Project would not impair or physically interfere with an adopted emergency response or evacuation plan. The City’s Emergency Operations Plans provides guidance for the City of Newport Beach’s response to emergency situations associated with natural disasters, technological incidents, and national security emergencies.¹³ The Emergency Operations Plans identify evacuation routes, emergency facilities, and personnel, and describes the overall responsibilities of federal, State, regional, and city entities. The Newport Beach City Manager and the Emergency Services Coordinator within the Nbfd are responsible for revisions to the EOP and ensuring that revisions are coordinated, published, and distributed to Department Directors. The General Plan Safety Element also contains Policies S 9.1, S 9.2, and S 9.3 to ensure that the City’s Emergency Management Plan is regularly updated, provides for efficient and orderly citywide evacuation, and also ensures that emergency services personnel are familiar with the relevant response plans applicable to the City. Further, Policy S 9.5 calls for the distribution of information about emergency planning to community groups, schools, religious institutions, business associations, and residents.

Future housing development facilitated by the Project would be subject to Municipal Code Chapter 2.20.050 (Emergency Operations Plan) and Chapter 9.04 (Fire Code). Municipal Code Sections 9.04.110 – 9.04.160 outlines fire apparatus access road standards to provide sufficient access for emergency

¹³ City of Newport Beach. *Emergency Operations Plan*. <https://www.newportbeachca.gov/home/showpublisheddocument/17901/635682493202100000>. Accessed December 5, 2023.

equipment. Additionally, Municipal Code Chapter 9.04 (Fire Code) also sets standards for road dimension, design, grades, and other fire safety features. Further, the latest California Building Code (CBC) also contains standards for new construction and development related to emergency events such as seismic events. Future development on housing sites would be required to comply with applicable building and fire safety regulations required for the design of new housing and emergency access.

Future development facilitated by the Project would increase housing density in certain areas of the City, resulting in greater population concentrations within certain areas. However, the Project would not result in changes to the City's existing circulation network. No land uses are proposed that would impair the implementation of, or physically conflict with, the City's Emergency Management Plan. As a result, the Project would not conflict with any State or local plan aimed at preserving and maintaining adopted emergency response or emergency evacuation plans.

Impact Summary: **Less than Significant Impact.** The proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Threshold 4.8-7:	Would the Project 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?
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As discussed in **Section 4.18, Wildfire**, a small portion of housing site 131 is located within the VHFHSZ (northwestern edge) while all of housing site 336 is located within the VHFHSZ. Both housing sites are within the Coyote Canyon Focus Area. Future residential development facilitated by the Project on these sites would consequently result in higher fire-related risks to people and structures. To minimize risk from wildfire, future development on the housing sites in high hazard severity zones are required to adhere to the 2022 California Fire Code, Title 19, Division 1, Section 3.07(b),¹⁴ which establish ground clearances for firebreaks to reduce combustible materials near structures. Additionally, adherence to mandatory fire prevention requirements and regulations, including the California Fire Code (CFC) Chapter 49, Requirements for Wildland-Urban Interface (WUI) Fire Areas, would require applicants to prepare a fire protection plan for any sites located in the VHFHSZ or WUI areas.

Further, the City enforces minimum construction requirements for developments in very high fire hazard severity zones. New buildings, alterations and additions located in any Very High Fire Hazard Severity Zone (VHFHSZ) or Special Fire Protection Area are required to comply with the provisions of CBC Chapter 7A. (Municipal Code 15.04.050). The construction requirements outline special roofing materials, ventilation openings, and window and door materials that would reduce risk of fire hazards to residential property.

In addition, General Plan Safety Element Policies S 6.1 through S 6.9 are directly related to reducing the threat of fire hazards within the City. Policy S 6.2 requires implementation of hazard reduction through fuel modification for existing and new developments in urban wildland interface areas. Policy S 6.4 entails the use of fire-resistive, native plant species in fuel modification zones abutting sensitive habitats. Policy S 6.8 would continue to regularly update building and fire codes to provide for fire safety and design. Compliance with the existing regulatory framework, including CBC regulations, CFC regulations, and

¹⁴ State of California (2021). *California Code of Regulations, California Fire Code, Title 19, Division 1, Section 3.07(b)*. <https://regulations.justia.com/states/california/title-19/division-1/chapter-1/subchapter-1/article-3/section-3-07/> Accessed Dec.5, 2023

General Plan policies would reduce impacts related to wildfire hazards to a less than significant level, and no mitigation is required.

Impact Summary: **Less than Significant Impact.** Compliance with the existing regulatory framework including the California Fire Code, and California Building Code would reduce impacts to a less than significant level.

4.8.7 Cumulative Impacts

The anticipated project-related impacts from future housing development facilitated by the proposed Project, in conjunction with cumulative development in the City, could result in impacts related to hazards and hazardous materials. Potential impacts would be site-specific and would require evaluation on a case-by-case basis at the project level when future development is proposed in accordance with the Housing Implementation Program.

All potential impacts from future housing development facilitated by the Project concerning hazards and hazardous materials would be less than significant in consideration of compliance with existing laws, ordinances, regulations and standards. As a result, cumulative impacts related to consistency with policies and regulations aimed at preventing and minimizing impacts from hazards and hazardous materials would be less than significant, as the Project would be consistent with applicable plans and policies. Further, individual future projects would be the City's development review process, which may include CEQA evaluation and required to demonstrate compliance with federal, State, and Local requirements. Therefore, with the application of applicable General Plan and regulatory requirements, the Project's contribution to a cumulatively considerable impact related to hazards and hazardous materials would be less than significant.

4.8.8 Mitigation Program

As noted, all future housing development facilitated by the Project would be subject to the City's development review process, which may include review pursuant to CEQA, and would be assessed on a case-by-case basis for potential effects concerning hazards and hazardous materials. Future housing development would be subject to compliance with relevant federal, State, and local requirements including requirements set forth in the Newport Beach General Plan and Newport Beach Municipal Code.

General Plan Policies

See **Section 4.8.2: Regulatory Setting** for complete policy text.

- Policy LU 6.15.3
- Policy S 6.2
- Policy S 6.4
- Policy S 6.5
- Policy S 6.7
- Policy S 7.1
- Policy S 7.2
- Policy S 7.6
- Policy S 8.6

Coastal Land Use Plan Policies

See **Section 4.8.2: Regulatory Setting** for complete policy text.

- Policy 2.8.1-1
- Policy 2.8.1-2
- Policy 2.8.1-3
- Policy 2.8.8-1

- Policy 2.8.8-2
- Policy 2.8.8-3
- Policy 2.8.8-4
- Policy 2.8.8-5
- Policy 2.8.8-6
- Policy 4.3.1-8

Mitigation Measures

No additional mitigation is required.

4.8.9 Level of Significance After Mitigation

Impacts related to hazards and hazardous materials would be less than significant.

4.8.10 References

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[2008.pdf?VersionId=cB0byJjdad9OuY5im7Oaj5aWaT1FS.vD](https://files.ocair.com/media/2021-02/JWA_AELUP-April-17-2008.pdf?VersionId=cB0byJjdad9OuY5im7Oaj5aWaT1FS.vD) Accessed December 5, 2023.

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4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Introduction

This section evaluates potential impacts concerning hydrology and water quality that could result from the Newport Beach General Plan Housing Implementation Program (Project), including future development on the housing sites facilitated by the 2021-2029 Housing Element. This analysis summarizes existing conditions on the housing sites and the hydrology and water quality regulatory framework that would apply to future housing development. This section also discusses the Project's potential impacts concerning hydrology and water quality, including the degradation of surface or groundwater quality; decrease groundwater supplies; alter drainage patterns; release pollutants in flood, tsunami, or seiche zones, or conflict with a water quality or groundwater management plan.

4.9.2 Regulatory Setting

Federal

Federal Clean Water Act

The Water Pollution Control Act (also known as the Clean Water Act [CWA]) is the principal statute governing water quality. The CWA establishes the basic structure for regulating discharges of pollutants into the "waters of the United States" (waters of the U.S.) and gives the Environmental Protection Agency (U.S. EPA) the authority to implement pollution control programs, such as setting wastewater standards for industry. The statute's goal is to end all discharges entirely and to restore, maintain, and preserve the integrity of the nation's waters. The CWA regulates both the direct and indirect discharge of pollutants into the nation's waters. The CWA sets water quality standards for all contaminants in surface waters and makes it unlawful for any person to discharge any pollutant from a point source into navigable waters, unless a permit is obtained under its provisions. The CWA mandates permits for wastewater and storm water discharges, requires states to establish site-specific water quality standards for navigable bodies of water, and regulates other activities that affect water quality, such as dredging and the filling of wetlands. The CWA also funded the construction of sewage treatment plants and recognized the need for planning to address non-point sources of pollution. Section 402 of the CWA requires a permit for all point source (a discernible, confined, and discrete conveyance, such as a pipe, ditch, or channel) discharges of any pollutant (except dredge or fill material) into "waters of the U.S."

The U.S. EPA has delegated the administrative responsibility for portions of the CWA to state and regional agencies. In California, the State Water Resources Control Board (SWRCB) administers the National Pollutant Discharge Elimination System (NPDES) permitting program and is responsible for developing NPDES permitting requirements. The SWRCB works in coordination with the Regional Water Quality Control Boards (RWQCB) to preserve, protect, enhance, and restore water quality.

Section 303(d) of the CWA requires the SWRCB to list impaired water bodies that are too polluted or otherwise degraded to meet the water quality standards set by states, territories, or authorized tribes. The law requires that these jurisdictions establish priority rankings for waters on the lists and develop Total Maximum Daily Loads (TMDL) for these waters.

Section 404 of the CWA is administered and enforced by the U.S. Army Corps of Engineers (USACE). Section 404 establishes a program to regulate the discharge of dredged and fill material into Waters of the United States, including wetlands and coastal areas below the mean high tide. USACE administers the

day-to-day program, and reviews and considers individual permit decisions and jurisdictional determinations. USACE also develops policy and guidance and enforces Section 404 provisions.

Federal Emergency Management Agency (FEMA)

FEMA is responsible for determining flood elevations and floodplain boundaries based on USACE studies and approved agency studies. FEMA also is responsible for distributing the Flood Insurance Rate Maps (FIRM), which are used in the National Flood Insurance Program. These maps identify the location of special flood hazard areas, including the 100-year flood zone. FEMA allows nonresidential development in special flood hazard areas; however, construction activities are restricted depending upon the potential for flooding within each area. Federal regulations governing development in a Special Flood Hazard Area are set forth in 44 Code of Federal Regulations (CFR) 60. The regulations enable FEMA to require municipalities that participate in the National Flood Insurance Program to adopt certain flood hazard reduction standards for construction and development in 100-year floodplains. Section 60.3(c)(2) of the National Flood Insurance Program regulations requires that the lowest occupied floor of a residential structure be elevated to, or above, the 100-year flood elevation (the base flood elevation). In addition, the Flood Disaster Protection Act of 1973 and the National Flood Insurance Reform Act of 1994 mandate the purchase of flood insurance as a condition of federal or federally related financial assistance for acquisition and/or construction of buildings in special flood hazard areas.

State

Porter-Cologne Water Quality Control Act

The Porter-Cologne Act (California Water Code §13000 et seq) is the principal law governing water quality regulation in California. It established a comprehensive program to protect water quality and the beneficial uses of water. The Porter-Cologne Act applies to surface waters, wetlands, and groundwater and to both point and nonpoint sources of pollution. Pursuant to the Porter-Cologne Act, the State's policy is as follows:

- That the quality of all the "waters of the State" shall be protected,
- That all activities and factors affecting the quality of water shall be regulated to attain the highest water quality within reason, and
- That the State must be prepared to exercise its full power and jurisdiction to protect the quality of water in the State from degradation.

The Porter-Cologne Act established nine RWQCB's (based on watershed boundaries as defined by their surrounding mountain chains and ridges) and the SWRCB, which are charged with implementing its provisions and which have primary responsibility for protecting water quality in California. The SWRCB provides program guidance and oversight, allocates funds, and reviews RWQCB decisions. In addition, the SWRCB allocates rights to the use of surface water. The RWQCB have primary responsibility for individual permitting, inspection, and enforcement actions within each of nine hydrology regions. The SWRCB and RWQCBs have numerous nonpoint source¹ pollution-related responsibilities, including monitoring and assessment, planning, financial assistance, and management.

¹ According to the U.S. EPA, "NPS pollution generally results from land runoff, precipitation, atmospheric deposition, drainage, seepage or hydrologic modification." NPS pollution has many diffuse sources whereas point source pollution has a single, identified source. Retrieved from U.S. EPA Website: <https://www.epa.gov/nps/basic-information-about-nonpoint-source-nps-pollution> (accessed January 2024).

The RWQCBs regulate discharges under the Porter-Cologne Act primarily through issuance of NPDES permits for point source discharges for contaminants and waste discharge requirements for nonpoint source discharges. Anyone discharging or proposing to discharge materials that could affect water quality (other than to a community sanitary sewer system regulated by an NPDES permit) must file a report of waste discharge. The SWRCB can make its own investigations or may require dischargers to carry out water quality investigations and report on water quality issues. The Porter-Cologne Act provides several options for enforcing waste discharge requirements and other orders, including cease and desist orders, cleanup and abatement orders, administrative civil liability orders, civil court actions, and criminal prosecutions.

The Porter-Cologne Act also requires adoption of water quality control plans that contain the guiding policies of water pollution management in California. A number of statewide water quality control plans have been adopted by the SWRCB. In addition, regional water quality control plans (basin plans) have been adopted by each of the RWQCBs and are updated as necessary and practical. These plans identify the existing and potential beneficial uses of “waters of the State” and establish water quality objectives to protect these uses. The basin plans also contain implementation, surveillance, and monitoring plans. Statewide and regional water quality control plans include enforceable prohibitions against certain types of discharges, including those that may pertain to nonpoint sources. Portions of water quality control plans, the water quality objectives and beneficial use designations, are subject to review by the U.S. EPA. When approved, they become water quality standards under the CWA. The City of Newport Beach and its Sphere of Influence (inclusively referred herein as the “City”) is located within the jurisdiction of the Santa Ana Regional Water Quality Control Board (Santa Ana RWQCB).

National Pollutant Discharge Elimination System

Under the NPDES program promulgated under Section 402 of the CWA, all facilities that discharge pollutants from any point source into “waters of the U.S.” are required to obtain an NPDES permit. The term pollutant broadly includes any type of industrial, municipal, and agricultural waste discharged into water. Point sources are discharges from publicly owned treatment works (POTWs), from industrial facilities, and associated with urban runoff. Though the NPDES program addresses certain specific types of agricultural activities, the majority of agricultural facilities are defined as nonpoint sources and are exempt from NPDES regulation. Pollutant contributors come from direct and indirect sources. Direct sources discharge directly to receiving waters, and indirect sources discharge wastewater to POTWs, which in turn discharge to receiving waters. Under the national program, NPDES permits are issued only to direct point source discharges. Municipal sources are POTWs that receive primarily domestic sewage from residential and commercial customers. Specific NPDES program areas applicable to municipal sources are the National Pretreatment Program, the Municipal Sewage Sludge Program, Combined Sewer Overflows, and the Municipal Storm Water Program. NPDES issues two basic permit types: individual and general.

The NPDES has a variety of measures designed to minimize and reduce pollutant discharges. All counties with storm drain systems that serve a population of 50,000 or more, as well as construction sites one acre or more in size, must file for and obtain an NPDES permit. Another measure for minimizing and reducing pollutant discharges to a publicly owned conveyance or system of conveyances (including roadways, catch basins, curbs, gutters, ditches, man-made channels and storm drains, designed or used for collecting and conveying storm water) is the U.S. EPA’s Storm Water Phase II Final Rule. The Phase II Final Rule requires an operator (such as a City) of a regulated small MS4 to develop, implement, and enforce a program (e.g.,

best management practices [BMPs], ordinances, or other regulatory mechanisms) to reduce pollutants in postconstruction runoff to the City's storm drain system from new development and redevelopment projects that result in the land disturbance of greater than or equal to one acre. The City Public Works Department is the local enforcing agency of the MS4 NPDES permit.

California Coastal Act

The California Coastal Commission (Coastal Commission) is responsible for protecting water quality in coastal environments as defined under Sections 30230 and 30231 of the California Coastal Act (Coastal Act). These water quality provisions provide a broad basis for protecting coastal waters, habitats, and biodiversity associated with new development and redevelopment projects. New development and redevelopment projects that are within the Coastal Zone are required to apply for a Coastal Development Permit (CDP) with the City prior to construction. The Coastal Act is implemented in the City through its the certified City of Newport Beach Local Coastal Program (LCP).

Regional

Santa Ana Regional Water Quality Control Board

As previously noted, the City is located within the jurisdiction of the Santa Ana RWQCB (Region 8). The Santa Ana RWQCB is required by law to develop, adopt, and implement a water quality control plan for the entire region. The principal elements of the water quality control plan are a statement of beneficial water uses that the Santa Ana RWQCB will protect; water quality objectives needed to protect the designated beneficial water uses; and strategies and time schedules for achieving water quality objectives. The water quality objectives are achieved primarily through the establishment and enforcement of waste discharge requirements. Both beneficial uses and water quality objectives comprise the relevant water quality standards. The Santa Ana RWQCB Water Quality Control Plan or Basin Plan specifically: (1) designates beneficial uses for surface waters and groundwaters; (2) sets narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the State's anti-degradation policy; and (3) describes implementation programs to protect all waters in the region. In cases where the Basin Plan does not contain a criterion for a particular pollutant, other criteria are used to establish a water quality objective. These may be applied from SWRCB documents (e.g., the Inland Surface Waters Plan and the Pollutant Policy Document) or from water quality criteria developed under Section 304(a) of the Clean Water Act (e.g., California Toxics Rule). The Santa Ana RWQCB has set water quality objectives for all surface waters in the region. Chemical constituents are regulated depending upon the beneficial use of the water body. Water quality objectives also are set for groundwater and enclosed bays and estuaries.

Orange County Stormwater Program

The City of Newport Beach is a member of the Orange County Stormwater Program, which coordinates all cities and the county government in Orange County to regulate and control storm water and urban runoff into all Orange County waterways, and ultimately, into the Pacific Ocean. The Orange County Stormwater Program administers the current NPDES MS4 Permit and the 2003 Drainage Area Management Plan (DAMP) for the County of Orange and the 34 incorporated cities within the region.

As a result of the NPDES MS4 Permits for Orange County, adopted by the Santa Ana and San Diego Regional Water Quality Control Boards in early 2002, the cities and County (collectively called Permittees) subsequently prepared a DAMP. The DAMP was prepared to meet the requirements of the storm water

permit by describing the overall storm water management strategies planned by the County to protect the beneficial uses of the receiving waters in the Santa Ana drainage area. Thus, developments within the City are subject to the provisions of the DAMP.

Local

City of Newport Beach General Plan

The *City of Newport Beach General Plan 2006 Update* (General Plan) includes goals and policies related to water quality and hydrology within the City. The following General Plan goals and policies that have been adopted by the City for the purpose of avoiding or mitigating an environmental effect are applicable to future development projects associated with the proposed Project.

Natural Resources Element

- Goal NR 1** **Minimize water consumption through conservation methods and other techniques.**
- Policy NR 1.1** **Water Conservation in New Development.** Enforce water conservation measures that limit water usage, prohibit activities that waste water or cause runoff, and require the use of water-efficient landscaping and irrigation in conjunction with new construction projects.
- Goal NR 3** **Enhancement and protection of water quality of all-natural water bodies, including coastal waters, creeks, bays, harbors, and wetlands.**
- Policy NR 3.4** **Storm Drain Sewer System Permit.** Require all development to comply with the regulations under the City’s municipal separate storm drain system permit under the National Pollutant Discharge Elimination System.
- Policy NR 3.5** **Natural Water Bodies.** Require that development does not degrade natural water bodies.
- Policy NR 3.7** **Newport Beach Water Quality Ordinance.** Update and enforce the Newport Beach Water Quality Ordinance.
- Policy NR 3.9** **Water Quality Management Plan.** Require new development applications to include a Water Quality Management Plan (WQMP) to minimize runoff from rainfall events during construction and post-construction.
- Policy NR 3.11** **Site Design and Source Control.** Include site design and source control BMPs in all developments. When the combination of site design and source control BMPs are not sufficient to protect water quality as required by the National Pollutant Discharge Elimination System (NPDES), structural treatment BMPs will be implemented along with site design and source control measures.
- Policy NR 3.14** **Runoff Reduction on Private Property.** Retain runoff on private property to prevent the transport of pollutants into natural water bodies, to the maximum extent practicable.
- Policy NR 3.15** **Street Drainage Systems.** Require all street drainage systems and other physical improvements created by the City, or developers of new subdivisions, to be designed, constructed, and maintained to minimize adverse impacts on water quality.

Investigate the possibility of treating or diverting street drainage to minimize impacts to water bodies.

Policy NR 3.16 Siting of New Development. Require that development be located on the most suitable portion of the site and designed to ensure the protection and preservation of natural and sensitive site resources that provide important water quality benefits.

Policy NR 3.19 Natural Drainage Systems. Require incorporation of natural drainage systems and stormwater detention facilities into new developments, where appropriate and feasible, to retain stormwater in order to increase groundwater recharge.

Policy NR 3.20 Impervious Surfaces. Require new development and public improvements to minimize the creation of and increases in impervious surfaces, especially directly connected impervious areas, to the maximum extent practicable. Require redevelopment to increase area of pervious surfaces, where feasible.

Goal NR 4 Maintenance of water quality standards through compliance with the total maximum daily loads (TMDLs) standards.

Policy NR 4.1 Total Maximum Daily Loads. Develop and implement the TMDLs established by the RWQCB, Santa Ana Region and guided by the Newport Bay Watershed Executive Committee (WEC).

Policy NR 4.3 Restore Natural Hydrologic Conditions. Preserve, or where feasible, restore natural hydrologic conditions such that downstream erosion, natural sedimentation rates, surface flow, and groundwater recharge function near natural equilibrium states.

Policy NR 4.4 Erosion Minimization. Require grading/erosion control plans with structural BMPs that prevent or minimize erosion during and after construction for development on steep slopes, graded, or disturbed areas.

Land Use Element

Goal LU 6 Banning Ranch. If acquisition for open space is not successful, a high-quality residential community with supporting uses that provides revenue to restore and protect wetlands and important habitats.

Policy LU 6.4.10 Sustainable Development Practices. Require that any development of Banning Ranch achieve high levels of environmental sustainability that reduce pollution and consumption of energy, water, and natural resources to be accomplished through land use patterns and densities, site planning, building location and design, transportation and utility infrastructure design, and other techniques. Among the strategies that should be considered are the concentration of development, reduction of vehicle trips, use of alternative transportation modes, maximized walkability, use of recycled materials, capture and re-use of storm water on-site, water conserving fixtures and landscapes, architectural elements that reduce heat gain and loss, and preservation of wetlands and other habitats.

Safety Element

Goal S 2 Protection of people and property from the adverse effects of coastal hazards related to storm surges and seiches.

- Policy S 2.7** **Residential Design.** Require new or remodeled residential structures in areas susceptible to storm surge to raise floor elevations as required by building codes.
- Goal S 3** **Protection of people and property from the adverse effects of coastal erosion.**
- Policy S 3.9** **Shoreline Protection for New Development.** Require property owners to record a waiver of future shoreline protection for new development during the economic life of the structure (75 years) as a condition of approval of a coastal development permit for new development on a beach or shoreline that is subject to wave action, erosion, flooding, landslides, or other hazards associated with development on a beach or bluff. Shoreline protection may be permitted to protect existing structures that were legally constructed prior to the certification of the LCP, unless a waiver of future shoreline protection was required by a previous coastal development permit.
- Policy S 3.10** **Bluff Stabilization.** Site and design new structures to avoid the need for shoreline and bluff protective devices during the economic life of the structure (75 years), unless an environmentally acceptable design to stabilize the bluff and prevent bluff retreat is devised.
- Policy S 3.11** **New Development Impact on Coastal Erosion.** Require that applications for new development with the potential to be impacted or impact coastal erosion include slope stability analyses and erosion rate estimates provided by a licensed Certified Engineering Geologist or Geotechnical Engineer.
- Policy S 3.12** **Minimization of Coastal Bluff Recession.** Require new development adjacent to the edge of coastal bluffs to incorporate drainage improvements, irrigation systems, and/or native or drought-tolerant vegetation into the design to minimize coastal bluff recession.
- Goal S 5** **Protection of human life and public and private property from the risks of flooding.**
- Policy S 5.1** **New Development Design within 100-year Floodplains.** Require that all new development within 100-year floodplains incorporate sufficient measures to mitigate flood hazards including the design of onsite drainage systems that are connected with the City's storm drainage system, gradation of the site such that runoff does not impact adjacent properties, and buildings are elevated.
- Policy S 5.3** **Minimization of Flood Hazard Risk.** Require stormwater detention basins, where appropriate, to reduce the potential risk of flood hazards.

City of Newport Beach Local Coastal Program: Coastal Land Use Plan

The Coastal Act requires each local jurisdiction wholly or partly within the Coastal Zone to prepare a Local Coastal Program (LCP) which are used to carry out the polices and requirements of the Coastal Act. A certified LCP allows for Coastal Development Permit issuance by the local jurisdiction for all areas outside of the purvey of the California Coastal Commission (Coastal Commission). A LCP typically consists of two parts: (1) a coastal element consisting of a land use plan and policies for development and conservation within the coastal zone, and (2) an implementation program consisting of ordinances, maps, and implementing actions for the land use plan and policies.

Pursuant to Newport Beach Municipal Code (Municipal Code) Section 21.10.030, any conflict between the policies set forth in any element of the City's General Plan, Zoning, or any ordinance and those of the

Coastal Land Use Plan, policies of the Coastal Land Use Plan shall take precedence. However, in no case are the policies of the Coastal Land Use Plan be interpreted to allow a development to exceed a development limit established by the General Plan or its implementing ordinances. As noted above, the City lies partly within the Coastal Zone boundary. The City received certification of its LCP with an effective date of January 30, 2017.² The City's Coastal Land Use Plan includes the following goals, objectives, and policies applicable to hydrologic resources:

Water Quality³

- Policy 4.3.1-5:** Require development on steep slopes or steep slopes with erosive soils to implement structural best management practices (BMPs) to prevent or minimize erosion consistent with any load allocation of the TMDLs adopted for Newport Bay.
- Policy 4.3.1-6:** Require grading/erosion control plans to include soil stabilization on graded or disturbed areas.
- Policy 4.3.1-7:** Require measures be taken during construction to limit land disturbance activities such as clearing and grading, limiting cut-and-fill to reduce erosion and sediment loss, and avoiding steep slopes, unstable areas, and erosive soils. Require construction to minimize disturbance of natural vegetation, including significant trees, native vegetation, root structures, and other physical or biological features important for preventing erosion or sedimentation.
- Policy 4.3.1-8:** Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

NPDES⁴

- Policy 4.3.2-1:** Promote pollution prevention and elimination methods that minimize the introduction of pollutants into coastal waters, as well as the generation and impacts of dry weather and polluted runoff.
- Policy 4.3.2-2:** Require that development not result in the degradation of coastal waters (including the ocean, estuaries and lakes) caused by changes to the hydrologic landscape.
- Policy 4.3.2-6:** Implement and improve upon best management practices (BMPs) for residences, businesses, new development and significant redevelopment, and City operations.
- Policy 4.3.2-7:** Incorporate BMPs into the project design in the following progression:
- Site Design BMPs.
 - Source Control BMPs.
 - Treatment Control BMPs.

² City of Newport Beach. *Local Coastal Program Frequently Asked Questions (FAQ)*. <https://www.newportbeachca.gov/government/departments/community-development-/planning-division/local-coastal-program-launch-page/faq#Q3>. Accessed Jan. 2024.

³ City of Newport Beach (2016). *City of Newport Beach Coastal Land Use Plan – Coastal Resource Protection. Pages 4-64 – 4-65*. https://www.newportbeachca.gov/PLN/LCP/Internet%20PDFs/CLUP_Part%204_Coastal%20Resource_Protection.pdf. Accessed Jan. 2024.

⁴ City of Newport Beach (2016). *City of Newport Beach Coastal Land Use Plan – Coastal Resource Protection. Pages 4-65 – 4-68*. https://www.newportbeachca.gov/PLN/LCP/Internet%20PDFs/CLUP_Part%204_Coastal%20Resource_Protection.pdf. Accessed Jan. 2024.

Include site design and source control BMPs in all developments. When the combination of site design and source control BMPs are not sufficient to protect water quality as required by the LCP or Coastal Act, structural treatment BMPs will be implemented along with site design and source control measures.

Policy 4.3.2-8: To the maximum extent practicable, runoff should be retained on private property to prevent the transport of bacteria, pesticides, fertilizers, pet waste, oil, engine coolant, gasoline, hydrocarbons, brake dust, tire residue, and other pollutants into recreational waters.

Policy 4.3.2-9: To the maximum extent practicable, limit the use of curb drains to avoid conveying runoff directly to the City's street drainage system without the benefit of absorption by permeable surfaces and natural treatments such as landscaped areas and planters.

Policy 4.3.2-10: Provide storm drain stenciling and signage for new storm drain construction in order to discourage dumping into drains.

Policy 4.3.2-11: Require new development to minimize the creation of and increases in impervious surfaces, especially directly connected impervious areas, to the maximum extent practicable. Require redevelopment to increase area of pervious surfaces, where feasible.

Policy 4.3.2-12: Require development to protect the absorption, purification, and retention functions of natural drainage systems that exist on the site, to the maximum extent practicable. Where feasible, design drainage and project plans to complement and utilize existing drainage patterns and systems, conveying drainage from the developed area of the site in a non-erosive manner. Disturbed or degraded natural drainage systems should be restored, where feasible.

Policy 4.3.2-13: Site development on the most suitable portion of the site and design to ensure the protection and preservation of natural and sensitive site resources by providing for the following:

A. Protecting areas that provide important water quality benefits, areas necessary to maintain riparian and aquatic biota and/or that are susceptible to erosion and sediment loss;

B. Analyzing the natural resources and hazardous constraints of planning areas and individual development sites to determine locations most suitable for development;

C. Preserving and protecting riparian corridors, wetlands, and buffer zones;

D. Minimizing disturbance of natural areas, including vegetation, significant trees, native vegetation, and root structures;

E. Ensuring adequate setbacks from creeks, wetlands, and other environmentally sensitive habitat areas;

F. Promoting clustering of development on the most suitable portions of a site by taking into account geologic constraints, sensitive resources, and natural drainage features

G. Utilizing design features that meet water quality goals established in site design policies.

- Policy 4.3.2-14:** Whenever possible, divert runoff through planted areas or sumps that recharge the groundwater dry wells and use the natural filtration properties of the earth to prevent the transport of harmful materials directly into receiving waters.
- Policy 4.3.2-15:** Where infiltration of runoff would exacerbate geologic hazards, include equivalent BMPs that do not require infiltration.
- Policy 4.3.2-17:** Utilize permeable surfaces that permit the percolation of urban runoff in non-sidewalk areas within the City's parkway areas, to the maximum extent practicable.
- Policy 4.3.2-22:** Require beachfront and waterfront development to incorporate BMPs designed to prevent or minimize polluted runoff to beach and coastal waters.
- Policy 4.3.2-23:** Require new development applications to include a Water Quality Management Plan (WQMP). The WQMP's purpose is to minimize to the maximum extent practicable dry weather runoff, runoff from small storms (less than 3/4" of rain falling over a 24-hour period) and the concentration of pollutants in such runoff during construction and post-construction from the property.
- Policy 4.3.2-24:** To further reduce runoff, direct and encourage water conservation via the use of weather- and moisture-based irrigation controls, tiered water consumption rates, and native or drought-tolerant plantings in residential, commercial, and municipal properties to the maximum extent practicable.

*Newport Beach 2020 Urban Water Management Plan*⁵

The 2020 Urban Water Management Plan (UWMP) provides information on the City's water supply reliability and water use efficiency measures. The UWMP is intended to serve as a general, flexible, and open-ended document that periodically can be updated to reflect changes in the City's water supply trends, and conservation and water use efficiency policies. The UWMP, along with the City's Water Master Plan and other City planning documents, is used by City staff to guide the City water use and management efforts through the year 2045.

*Newport Beach Municipal Code*⁶

To comply with NPDES permit requirements, the City has codified requirements in its Municipal Code. The following sections of the City's Municipal Code would be applicable to all future housing development facilitated by the Project.

Title 14, Chapter 14.17 Water Efficient Landscape Requirement. Municipal Code Chapter 1417 establishes standards for water efficiency without waste by setting maximum applied water allowances and to encourage economic incentives to promote efficient use of water.

Title 14, Chapter 14.36 Water Quality. Municipal Code Chapter 14.36 addresses improvements to water quality to comply with federal requirements for the control of urban pollutants to storm water runoff,

⁵ City of Newport Beach (2021). *2020 Urban Water Management Plan*. <https://www.newportbeachca.gov/home/showpublisheddocument/69858/637563360496100000> Accessed Feb. 28, 2023.

⁶ City of Newport Beach. *City of Newport Beach Municipal Code*. <https://www.codepublishing.com/CA/NewportBeach>. Accessed Feb. 27, 2023.

which enters the network of storm drains throughout Orange County. Control of Urban Runoff requirements are set forth in Chapter 14.36.040.

Title 15, Chapter 15.10 Excavation and Grading Code. Municipal Code Chapter 15.10 safeguards life, limb, property and the public welfare by regulating grading, drainage and hillside construction on private property and for similar improvement proposed by private interests on City rights-of-way where regulations are not otherwise exercised. Grading permit requirements and erosion control requirements are contained within this chapter.

Title 15, Chapter 15.50 Floodplain Management. Municipal Code Chapter 15.50 provides standards for construction for development in special flood hazard areas.

4.9.3 Existing Conditions

Hydrology

Watersheds

The City is located within the boundaries of four watersheds: the Newport Bay, Newport Coast, Talbert, and San Diego Creek Watersheds. The Newport Bay and Newport Coast Watersheds cover a majority of the City with the remaining smaller portions covered by the Talbert and San Diego Creek Watersheds. See **Figure 4.3-1: Watershed Map** in **Section 4.3: Biological Resources** of this EIR.

- The Newport Bay Watershed covers 13.2 square miles along the coast of central Orange County. This watershed encompasses most of the western portion of the City in addition to the eastern portion of the City of Costa Mesa. The East Costa Mesa, Santa Isabel, and other smaller channels of this watershed drain into Newport Bay.
- The Newport Coast Watershed covers 11.2 square miles, mainly the Newport Coast area in the City north of Laguna Beach. Buck Gully, Los Trancos, and Muddy Creek, which are the main tributaries of this watershed, which drain the San Joaquin Hills.
- The Talbert Watershed, which encompasses a small northwestern portion of the City in the vicinity of Banning Ranch, covers 21.4 square miles straddling the mouth of the Santa Ana River, and has two main tributaries that drain into it. On the western side, the Talbert and Huntington Beach Channels drain through the Talbert Marsh before emptying into the Pacific Ocean. On the eastern side, the Greenville-Banning Channel empties into the Santa Ana River. The Santa Ana River outlets into the Pacific Ocean near West Newport.
- The San Diego Creek Watershed, which encompasses the northern portion of the City, covers 112.2 square miles in central Orange County, with its main tributary – San Diego Creek – draining into Upper Newport Bay. Smaller tributaries of this watershed include Serrano Creek, Borrego Canyon Wash, Agua Chinon Wash, Bee Canyon Wash, Peters Canyon Wash, Sand Canyon Wash, Bonita Canyon Creek, and the Santa Ana Delhi Channel.

Surface Water Resources

Approximately 47 percent of the City is in the coastal zone. Surface water resources such as freshwater wetlands, estuaries, tideland and submerged lands, reservoirs, and waterways are also located in the City. Upper Newport Bay extends south of State Route 73 to the Pacific Ocean and contains tidelands and

submerged lands in the City. Small amounts of freshwater wetlands are scattered throughout the central portion of the City east of Upper Newport Bay and North Star Beach.

The City contains two above-ground reservoirs: Big Canyon and San Joaquin Reservoirs, which are located in the eastern portion of the City. Big Canyon Reservoir is located approximately 0.25 mile north of San Joaquin Hills Road and San Joaquin Reservoir is located approximately 0.75-mile northeast of Big Canyon Reservoir. The main tributaries within the City are the Santa Ana River, San Diego Creek, and Big Canyon Wash.

Groundwater Resources

The Coastal Plain of the Orange County Groundwater Basin (Basin) underlies the northwestern portion of the City and provides groundwater for much of central and north Orange County, including the City. The Basin underlies the lower Santa Ana River watershed. The Basin is recharged from percolation of Santa Ana River flow, infiltration of precipitation, and injection into wells.

Shallow ground water levels (less than 50 feet from the ground surface) are known to occur along the coast, around Newport Bay, and along the major drainages in the Newport Beach area.

Water Quality

Surface Water Quality

Newport Bay is designated as “water quality-limited” for four impairments under the federal CWA’s Section 303(d) List, meaning that it is “not reasonably expected to attain or maintain water quality standards” due to these impairments without additional regulation. Section 303(d) of the CWA requires the City to develop lists of impaired waters, and requires jurisdictions establish priority rankings for waters on the lists and develop Total Maximum Daily Loads (TMDLs) for these waters.⁷ The Santa Ana RWQCB and the U.S. EPA have developed TMDLs for the following substances in Newport Beach: sediment, nutrients, fecal coliform, and toxic pollutants.

Additionally, a municipal separate storm sewer system (MS4) permit is provided to the City by the Santa Ana RWQCB under the NPDES to regulate the amount of storm water contaminants that are delivered into the City’s waterways.

Stormwater Drainage

Regional Facilities

The Orange County Flood Control District (OCFCD) operates and maintains flood control channels, dams, retarding basins, pump stations, and other flood control infrastructure. Within the City, OCFCD is responsible for maintaining the regional drainage facilities such as the Santa Ana River, San Diego Creek, and Buck Gully. These structures help regulate flow in the Santa Ana River, San Diego Creek, and smaller streams and retain storm water flows during intense rainfall periods.

Local Facilities

The City’s existing storm drain system consists of approximately 95 miles of pipelines, 3,224 catch basins, manholes, 86 tide valves, open channels and retention basins located throughout the system. Pipelines

⁷ Generally, a TMDL specifies the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and requires a jurisdiction to allocate pollutant loadings among point and nonpoint pollutant sources to achieve that amount.

range from three to 120 inches in diameter, and are constructed of materials such as reinforced concrete, corrugated metal, plastic, ductile iron, steel, clay, and asbestos cement.

Flood and Tsunami Hazards

The City contains 100- and 500-year flood zones, which include the low-lying areas in West Newport at the base of the bluffs, the coastal areas which surround Newport Bay, and all low-lying areas adjacent to Upper Newport Bay. Flooding in the coastal areas of the City can impact residential and commercial zones along West Newport, the Balboa Peninsula and Balboa Island, and the seaward side of Coast Highway.

The City is susceptible to low probability but high-risk events such as tsunamis and isolated hazards such as storm surges. West Newport, Balboa Peninsula, Lido Isle, Balboa Island, and Upper Newport Bay are susceptible to tsunami impacts due to proximity to the coastline and Pacific Ocean.

4.9.4 Thresholds of Significance

The City uses thresholds of significance specified in *State CEQA Guidelines, Appendix G*. Impacts concerning hydrology and water quality would be significant if the Project would:

- Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.
- Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin.
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
 - Result in substantial erosion or siltation on-or off-site.
 - Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.
 - Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
 - Impede or redirect flood flows.
- In flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation.
- Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

4.9.5 Methodology

This analysis considers the *State CEQA Guidelines, Appendix G* thresholds, as described above, in determining whether the Project would result in a substantial temporary or permanent impact to hydrology and water quality. The evaluation was based on a review of regulations and determining their applicability to future residential development on housing sites throughout the City. The determination that the Project would or would not result in "substantial" temporary or permanent impacts concerning hydrology and water quality considers the relevant federal, State, and local (i.e., General Plan and

Municipal Code) laws, ordinances, and regulations and the future residential development's compliance with such laws, ordinances, and regulations. Secondary source information includes the General Plan EIR.

4.9.6 Project Impacts and Mitigation

Threshold 4.9-1: Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Future residential development facilitated by the Project (both by-right and those that require discretionary actions) would be subject to the City's development review process. Future projects would be required to demonstrate consistency with General Plan, Municipal Code, and LCP requirements, including those intended to protect water quality. Future development could result in potential impacts related to water quality over three different periods:

- During the earthwork and construction phase, where the potential for erosion, siltation, and sedimentation would be the greatest;
- Following construction, before the establishment of ground cover, when the erosion potential may remain relatively high; and
- After project completion, when impacts related to sedimentation would decrease markedly but those associated with urban runoff would increase.

Urban runoff, both dry and wet weather, discharges into storm drains, and in most cases, flows directly to creeks, rivers, lakes, and the ocean. Polluted runoff can have harmful effects on drinking water, recreational water, and wildlife. Storm water characteristics depend on site conditions (e.g., land use, impervious cover, and pollution prevention practices), rain events (duration, amount of rainfall, intensity, and time between events), soil type and particle sizes, the amount of vehicular traffic, and atmospheric deposition. Major pollutants typically found in runoff from urban areas include sediments, nutrients, oxygen-demanding substances, heavy metals, petroleum hydrocarbons, pathogens, and bacteria. Most urban storm water discharges are considered non-point sources.

Construction

Short-term impacts related to water quality can occur during the earthwork and construction phases of future residential development projects. During this phase, the potential for erosion, siltation, and sedimentation would be the greatest. Additionally, impacts could occur prior to the establishment of ground cover, when the erosion potential may remain relatively high. Future development on the housing sites facilitated by the 2021-2029 Housing Element would be subject to compliance with the established regulatory framework pertaining to water quality. If future developments disturb more than one acre of land surface, they would be required to obtain coverage under the NPDES storm water program. The NPDES Construction General Permit program requires the implementation of BMPs to reduce or prevent pollutant discharge from these activities to the Maximum Extent Practicable for urban runoff for construction storm water. Construction activities would be required to comply with a project-specific Stormwater Pollution Prevention Plan (SWPPP) that identifies erosion-control and sediment-control BMPs that would meet or exceed measures required by the Construction Activity General Permit to control

potential construction-related pollutants. Erosion-control BMPs are designed to prevent erosion, whereas sediment controls are designed to trap sediment once it has been mobilized.

Additionally, the future housing projects would be required to comply with applicable local and regional storm water and urban runoff pollution and conveyance requirements including those outlined in the Orange County Stormwater Management Program and the City's General Plan and Municipal Code. These regulations would manage storm water flows from development projects, both to prevent erosion and to protect and enhance existing water-dependent habitats. These requirements would ensure that potential impacts from construction of developments facilitated by the Project related to soil erosion, siltation, and sedimentation remain less than significant and avoid violation to any water quality standards or waste discharge requirements.

Further, future housing construction would also be subject to General Plan policies designed to minimize storm water and erosional impacts during construction. Natural Resources Element Policy NR 3.9 requires new development applications to include a Water Quality Management Plan (WQMP) to minimize runoff during construction. The WQMP would identify BMPs that would avoid or minimize storm water pollution during project operation. These BMPs would be included in project design and carried out during project operation. Further, Policy NR 3.11 requires site design and source control BMPs to be included in all developments, which would further enhance water quality and reduced polluted runoff. Policy NR 4.4 requires erosion minimization for developments on steep slopes, graded, or disturbed areas. Municipal Code Section 15.10.130 (Erosion Control) requires developments to limit soil erosion through design of erosion control devices, which minimize erosion and sediment from storm water and non-storm water runoff from construction sites. Compliance with policies and regulations discussed above would reduce the risk of water degradation within the City from soil erosion and construction activities. Since violations of water quality standards would be minimized, impacts to water quality from construction activities from Project implementation would be less than significant.

Operations

Future housing projects would be required to adhere to all federal, State, and local requirements for avoiding violation of water quality standards during construction and operations. General Plan Natural Resources Element Policies NR 3.7, 3.9, and 3.11 aim to enforce the City's Water Quality Ordinance, require new developments to prepare WQMPs, and implement BMPs to improve water quality throughout the City. Municipal Code Chapter 14.36, Water Quality, sets forth regulations to improve water quality and comply with federal requirements for the control of urban pollutants to storm water runoff.

Future development facilitated by the Project would be subject to implement post-construction BMPs in project design to capture and treat runoff. BMPs include, but not limited to erosion management; materials storage; inspection, maintenance, repair, upgrade of BMPs; and minimum BMPs specified for landscaping, property maintenance, and motor vehicle maintenance. Further, WQMPs are required for private and public new development and significant redevelopment projects. The City requires the project applicants to submit a project WQMP at the project processing and permitting stages. In general, the WQMPs shall follow guidelines set forth in Model WQMP, provided in the Orange County Drainage Area Management Plan. Additionally, the future development would be required to comply with Municipal Code Chapter 14.36, Water Quality. Compliance with the local standards would ensure water quality impacts associated with operation to be less than significant.

Impact Summary: **Less than Significant Impact.** The Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.

Threshold 4.9-2: **Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?**

The City is underlain by the Orange County Groundwater Basin which is managed by the Orange County Water District; however, it is not located within an identified recharge area.⁸ Basin recharge occurs primarily in upper portions of the Basin in the cities of Anaheim and Orange. Further, of the 227 of the 247 housing sites are developed with impervious surfaces that limit groundwater infiltration. Future development and intensification on previously impervious surfaces and developed housing sites would not interfere with groundwater recharge.

However, new development on vacant lands would reduce the amount of pervious surfaces within the City and could impact ground recharge. Future housing development facilitated by the Project would be required to incorporate features that would reduce impervious area, as feasible, and promote water infiltration. Treatment control and hydromodification management facilities would promote storm water retention and infiltration, which would assist with groundwater recharge. Future development on housing sites would be subject to comply with NPDES and City standards intended to reduce runoff and increase infiltration. Future housing development facilitated by the Project would be required to adhere to Municipal Code standards for avoiding and minimizing construction and operations impacts to groundwater supplies, including Municipal Code Section 14.36.040 (Control of Urban Runoff), Section 15.10.130 (Erosion Control), and the Citywide Urban Runoff Management Plan NPDES Municipal Stormwater MS4 Permit. Therefore, the Project would not interfere substantially with groundwater recharge.

Future housing development facilitated by the Project would result in increased demand for groundwater as supplied by the City, Irvine Ranch Water District,⁹ and Mesa Consolidated Water District.¹⁰ According to the City's 2020 UWMP, 10,237 acre-feet (AF) or 68 percent of the City's water supply came from groundwater sources. Similarly, the Irvine Ranch Water District 2020 UWMP identifies that 42,427 AF or 48 percent of the District's supply comes from groundwater sources.¹¹

The Project does not propose the use of any wells or other groundwater extraction activities. Therefore, the Project would not directly draw water from the groundwater table. Further, General Plan Natural Resources Element Policy 3.6 requires that development not result in the degradation of natural water bodies. Policy 3.19 requires incorporation of natural drainage systems and storm water detention facilities into new developments, where appropriate and feasible, to retain storm water in order to increase

⁸ Orange County Water District. (2020). *Groundwater Management Plan 2015 Update, Figure ES-5: GWRS Facilities (p. ES 5)*.

⁹ IRWD's total service area encompasses 133 square miles, with the service area in the City of Newport beach accounting for approximately 6 percent of IRWD's total service area boundaries

¹⁰ CMSD's total service area encompasses 19 square miles, with the service area in the City of Newport beach accounting for approximately 2 percent of IRWD's total service area boundaries.

¹¹ IRWD, 2020 Urban Water Management Plan, Table 6-8. DWR Submittal Table IRWD 2020 Actual Supplies, Available at: https://www.irwd.com/images/pdf/doing-business/environmental-documents/UWMP/2020_urban_water_management_plan_irwd_adopted_june2021.pdf, accessed February 27, 2023.

groundwater recharge. These policies are consistent with the intent of the Groundwater Management Plan for the Orange County Groundwater Basin. Therefore, although future development on housing sites could decrease groundwater supplies or interfere with groundwater recharge, compliance with General Plan Natural Resources policies would ensure water conservation and reduce potential impacts to groundwater supply. Impacts were considered less than significant.

The Newport Beach 2020 UWMP found that the City's supply capabilities are expected to balance anticipated total water use and supply and to accommodate normal years, single dry years, and multiple dry-year events. Therefore, the proposed Project would not degrade groundwater quality, substantially decrease groundwater supplies, or interfere substantially with groundwater recharge.

Impact Summary: **Less than Significant Impact.** The Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

Threshold 4.9-3: **Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:**

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

i) result in substantial erosion or siltation on-or off-site;

Development on a majority of housing sites would occur in areas that are already developed and as such would not alter the existing course of a stream or river. Only 21 of the 247 housing sites are currently undeveloped and vacant (see **Figure 3-9: Vacant Housing Sites Within Banning Ranch and West Newport Mesa Focus Areas** and **Figure 3-10: Vacant Housing Sites Within Coyote Canyon** in **Section 3.0: Project Description**). Future residential development facilitated by the Project could involve earth-disturbing activities resulting in the alteration of existing drainage patterns and potential soil erosion. However, all future development, regardless of existing conditions, would be subject to the NPDES Construction General Permit program which requires implementation of BMPs to reduce or prevent pollutant discharge from construction activities. Specifically, project-specific SWPPPs would identify erosion-control and sediment-control BMPs that would meet or exceed measures required by the Construction Activity General Permit. The General Plan also contains policies designed to minimize storm water and erosional impacts during construction. Policy NR 3.10 requires new development applications to include a WQMP to minimize runoff during construction. Policies NR 3.11, NR 3.12, and NR 4.4 require improvement and implementation of BMPs to prevent or minimize erosion during construction.

Compliance with the existing regulatory framework and General Plan policies would reduce, prevent, or minimize soil erosion from Project-related grading and construction activities. Therefore, impacts related to substantial soil erosion or siltation would be less than significant.

ii) increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;

As discussed above, on currently developed sites, future residential development facilitated by the Project would not substantially alter drainage patterns because these areas are already developed with existing uses and impervious surfaces. However, development of undeveloped sites with permeable surfaces, such as bare soil or vegetation may occur. Increased impervious surfaces would increase storm water runoff in the City. This increased runoff could exceed the capacity of existing and planned infrastructure and cause downstream flooding impacts.

Several General Plan Natural Resources Element policies designed to minimize storm water runoff would also apply to runoff-related flooding impacts. These policies require preparation of a WQMP (Policy NR 3.9), implementation of BMPs (Policy NR 3.10), incorporation of storm water detention facilities in new developments (NR Policy 3.19), and minimize increases in impervious areas (Policy NR 3.20). These policies would apply to future development facilitated by the Project and would reduce the volume of runoff generated, and potential for flooding.

Additionally, General Plan Safety Element Policies S 2.6, S 5.1, and S 5.3 would require storm drain maintenance; mitigation of flood hazards by including on-site drainage systems that are connected to the City's storm drain system, grading of sites such that runoff does not impact adjacent properties, or elevating buildings above flood levels; and incorporation of storm water detention basins.

Future housing development facilitated by the Project would be required to adhere to all federal, State, and local requirements for avoiding construction and operations impacts that could substantially alter the existing drainage pattern or alter the course of a stream or river, including the City's Erosion Control requirements codified under Municipal Code Section 15.10.130.

Municipal Code Chapter 15.50 (Floodplain Management) contains regulations that would minimize flood hazards resulting from drainage alterations. Specifically, Municipal Code Section 15.50.135 requires review of all development permits to determine that sites are reasonably safe from flooding and that future development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. The City's development review process would also ensure that future developments facilitated by the Project comply with City design requirements and specifications for urban runoff control. Therefore, compliance with General Plan policies and Municipal Code regulations would not increase the rate or amount of surface runoff in a manner which would result in flooding. Impacts would be considered less than significant.

iii) 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; or

Future residential development facilitated by the Project could potentially exceed existing capacities of storm water drainage systems due to increased population growth and storm water generation. Several General Plan Natural Resources Element policies designed to minimize storm water runoff would apply to future development on housing sites. Policy NR 3.11 requires implementation of BMPs in all developments to treat storm water runoff, Policy NR 3.19 requires incorporation of natural systems and storm water detention facilities to retain storm water and increase groundwater recharge, and Policy NR 3.20 requires minimize the creation of impervious surfaces and increase pervious surfaces where possible, which would reduce downstream impacts to the City's storm water drainage infrastructure. Implementation of these

policies would also reduce the volume of runoff generated, and further reduce impacts to existing or planned storm water drainage systems.

Further, new development and significant redevelopment are subject to Municipal Code Section 14.36.040 (Control of Urban Runoff), which enables the Community Development Department and/or Public Works Department to issue conditions and requirements reasonably related to the reduction or elimination of pollutants in storm water runoff from a development site.

There is a potential that upgrades to the existing storm drain system in the City would be required as result of new development and redevelopment that could occur under the Project. However, future development would require the study of localized conditions and construction of additional storm drains based on site-specific conditions and proposed development plans. If constraints are identified, the applicant would be required to construct or contribute a fair-share toward the storm drain improvement.

Compliance with General Plan policies identified above and Municipal Code sections would minimize storm water runoff and would not exceed the capacity of existing or planned storm water drainage systems. Therefore, impacts would be less than significant and no mitigation is required.

iv) impede or redirect flood flows.

According to the General Plan, the 100-year flood zone is primarily contained in and along the edges of Newport Bay and along the coastline. Specifically, Mariners Mile, the western portion of Banning Ranch, Balboa Village, Balboa Peninsula, Balboa Island, and West Newport Highway are susceptible to 100-year flood conditions. As shown in **Figure 4.9-1: Housing Sites Within Flood Zones** and identified within **Table 4.9-1: Housing Sites Within Flood Zones**, 28 housing sites are within a Flood Hazard Zone.

Housing Site	Parcel Number	Focus Area	Flood Zone
23	119 300 17	Airport Area	1 Percent Annual Chance Flood Hazard
24	119 310 04	Airport Area	1 Percent Annual Chance Flood Hazard
25	119 300 15	Airport Area	1 Percent Annual Chance Flood Hazard
26	119 300 16	Airport Area	1 Percent Annual Chance Flood Hazard
334	423 111 01	Dover-Westcliff	0.2 Percent Annual Chance Flood Hazard
361	049 191 30	Dover-Westcliff	0.2 Percent Annual Chance Flood Hazard
133	047 041 05	Dover-Westcliff	0.2 Percent Annual Chance Flood Hazard
134	047 041 25	Dover-Westcliff	0.2 Percent Annual Chance Flood Hazard
B	050 442 05	Newport Center	0.2 Percent Annual Chance Flood Hazard
131	120-571-12	Coyote Canyon	Regulatory Floodway
110	114 170 72	Banning Ranch	Area with Reduced Flood Risk Due to Levee
111	114 170 52	Banning Ranch	Area with Reduced Flood Risk Due to Levee
112	114 170 50	Banning Ranch	Area with Reduced Flood Risk Due to Levee
113	114 170 52	Banning Ranch	Area with Reduced Flood Risk Due to Levee, 0.2 Percent Annual Chance Flood Hazard
114	114 170 83	Banning Ranch	0.2 Percent Annual Chance Flood Hazard
115	114 170 71	Banning Ranch	Area with Reduced Flood Risk Due to Levee
116	114 170 76	Banning Ranch	Area with Reduced Flood Risk Due to Levee
117	No APN	Banning Ranch	Area with Reduced Flood Risk Due to Levee, 0.2 Percent Annual Chance Flood Hazard
118	114 170 74	Banning Ranch	Area with Reduced Flood Risk Due to Levee
120	114 170 78	Banning Ranch	Area with Reduced Flood Risk Due to Levee
121	424 041 04	Banning Ranch	0.2 Percent Annual Chance Flood Hazard
122	114 170 43	Banning Ranch	0.2 Percent Annual Chance Flood Hazard
123	114 170 65	Banning Ranch	Area with Reduced Flood Risk Due to Levee
124	114 170 80	Banning Ranch	Area with Reduced Flood Risk Due to Levee, 0.2 Percent Annual Chance Flood Hazard
126	114 170 24	Banning Ranch	0.2 Percent Annual Chance Flood Hazard
127	114 170 81	Banning Ranch	0.2 Percent Annual Chance Flood Hazard
128	114 170 75	Banning Ranch	0.2 Percent Annual Chance Flood Hazard
130	114 170 66	Banning Ranch	0.2 Percent Annual Chance Flood Hazard

Source: GIS mapping modified by Kimley-Horn, 2023.



Figure 4.9-1: Housing Sites Within Flood Zones
 City of Newport Beach General Plan Housing Implementation
 Program Environmental Impact Report

The General Plan Safety Element establishes a goal to protect human life and public and private property from the risks of flooding under Goal S5. Flood related policies including Policy S 5.1 require that all new development within 100-year floodplains incorporate sufficient measures to mitigate flood hazards including the design of on-site drainage systems that are connected with the City's storm drainage system, gradation of the site such that runoff does not impact adjacent properties, and buildings are elevated. If building pads are elevated out of the floodplain, a Letter of Map Revision (LOMR) would be required from FEMA that certifies the land has been elevated out of the floodplain. Further, Policy S 5.3 requires storm water detention basins to reduce potential risk of flood hazards.

Municipal Code Chapter 15.50 (Floodplain Management) establishes methods and provisions that would minimize flood damage to residential development. In particular, Municipal Code Section 15.50.200 specifies standards for construction for all new construction and substantial improvements of structures within special flood hazard areas. These requirements include that the lowest floor of residential structures and structures within subdivisions to be elevated to or above the base flood level. Compliance with General Plan policies and Municipal Code regulations would reduce impacts related to flood flows. Impact would be less than significant and no mitigation is required.

Impact Summary: **Less than Significant Impact.** Future housing development associated with the Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: result in substantial on-site or off-site erosion or siltation; substantially increase the rate or amount of surface runoff in a manner which would result in on-site or off-site flooding; 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; or impeded or redirect flood flows.

Threshold 4.9-4: Would the Project, in flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation?
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Tsunamis and Seiches

There are potential risks from tsunamis in the City given the proximity to the Pacific Ocean. As identified in **Figure 4.9-2: Housing Sites Within Tsunami Evacuation Zone**, three housing sites are in tsunami evacuation areas – sites 133, 134, and 334 – all of which are within the Dover-Westcliff Focus Area.

Tsunamis are ocean waves produced by earthquakes or underwater landslides. They are a series of waves that can travel at speeds averaging 450 (and up to 600) miles per hour in the open ocean. Tsunamis are extremely rare and the City has a tsunami watch and a tsunami warning program. A tsunami watch is an alert issued to areas that might be impacted by a tsunami. An area included in the watch is based on the magnitude of the earthquake. A tsunami watch is either upgraded to a warning or canceled depending on the severity of the tsunami. A tsunami warning Indicates that a tsunami is imminent and that coastal locations in the warned area should be prepared. The initial warning is typically based on seismic information alone.

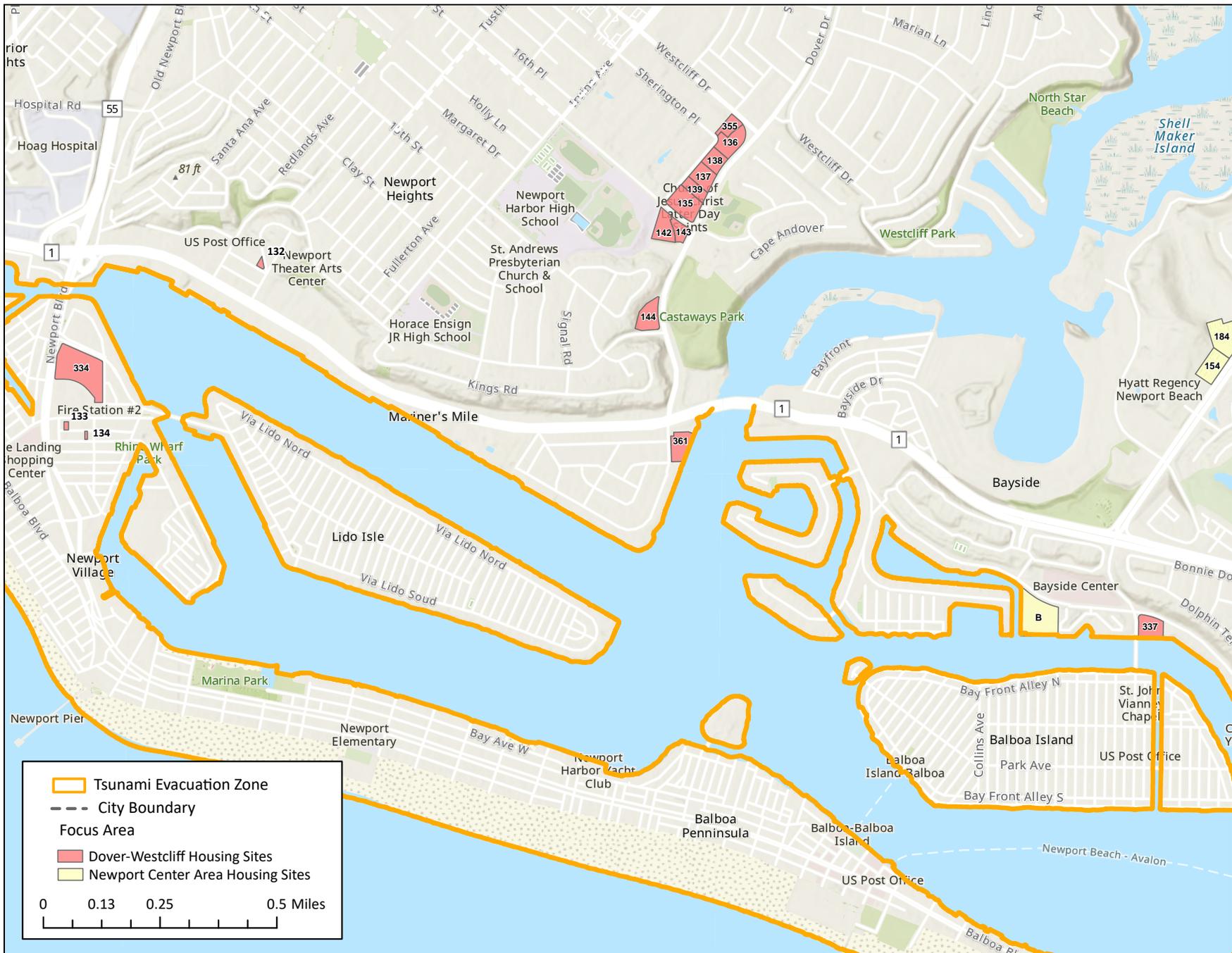


Figure 4.9-2: Housing Sites Within Tsunami Evacuation Zone
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Earthquakes over magnitude 7.0 trigger a warning covering the coastal regions within a two-hour tsunami travel time from the epicenter. When the magnitude is over 7.5, the warned area is increased to a three-hour tsunami travel time. As water-level data showing the tsunami is recorded, the warning will either be canceled, restricted, expanded incrementally or expanded in the event of a major tsunami.¹²

The General Plan Safety Element establishes goals to minimize adverse effects of coastal hazards including tsunamis. In accordance with Policies S 1.1 and S 1.2, the City has identified evacuation routes in areas susceptible to tsunami inundation and developed and implemented response plans for the City's emergency services. All future housing development within tsunami evacuation areas would be covered by the established evacuation plan, including routes along the Balboa Peninsula and Mariner's Mile.

Seiches occur in large, enclosed bodies of water, such as the reservoirs in the City and, to an extent, Newport Harbor and Newport Bay. As discussed in the General Plan, other portions of the City, including Mariners Mile, Balboa Peninsula, and Balboa Village would be at risk of inundation resulting from seiche in Newport Harbor. Coastal flood hazards, such as tsunamis and rogue waves, would inundate primarily the low-lying areas of the City's coastline, including, but not limited to, the West Newport Highway, Mariners Mile, Balboa Peninsula, Balboa Island, and Balboa Village areas.

The Safety Element also includes a goal to minimize adverse effects of coastal hazards related to storm surges and seiches. Future housing development would be required to demonstrate consistency with Policies S 2.6 through S 2.7 which require maintenance of storm drains in low-lying areas such that flood waters can be effectively conveyed away from structures and construction of residential structures to raise floor elevations.

100-year Floodplain

There are 28 housing sites located with an identified Flood Hazard Zone (**Figure 4.9-1**). Future development facilitated by the Project could place housing and structures within a 100-year flood hazard area and/or dam inundation area. According to the General Plan EIR, portions of the City are threatened by flooding from Prado Dam, Santiago Creek Reservoir, Villa Park Reservoir, San Joaquin Reservoir, Big Canyon Reservoir, and Harbor View Reservoir. Dam failure inundation zones in the Planning Area are similar to the 100-year flood zones. FEMA requires municipalities that participate in the National Flood Insurance Program to adopt certain flood hazard reduction standards for construction and development in 100-year floodplains.

Several General Plan Safety Element Policies are aimed at reducing impacts related to flooding and storm surge events. Policy S 2.7 requires new or remodeled residential structures in area susceptible to storm surges to raise floor elevations as required by building codes. Policy S 5.1, which require that all new development within 100-year floodplains incorporate sufficient measures to mitigate flood hazards including the design of on-site drainage systems that are connected to the City's storm drainage system.

Accordingly, the City requires all new development within a 100-year flood hazard area to obtain all necessary permits from applicable governmental agencies, and implement specific construction standards codified under Municipal Code Section 15.50.200. These requirements include that the lowest floor of residential structures and structures within subdivisions to be elevated to or above the base flood level. If a proposed building site is in a flood-prone area, all new construction and substantial improvements must be designed (or modified) and adequately anchored to prevent the structure's flotation, collapse, or

¹² <https://www.newportbeachca.gov/how-do-i/find/disaster-preparedness-information/tsunamis>. Accessed January 2024.

lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Compliance with the Municipal Code would ensure that proposed housing sites would be reasonably safe from flooding hazards.

Future development facilitated by the Project would be required to adhere to all federal, State, and local requirements for avoiding and minimizing impacts related to flood hazards, tsunami, or seiches, including General Plan policies and Municipal Code regulations. Considering these requirements, future development facilitated by the Project would not result in significant increased risk concerning release of pollutants due to inundation, tsunami, or seiche zones. Therefore, impacts would be less than significant and no mitigation is required.

Impact Summary: **Less than Significant Impact.** The Project, in flood hazard, tsunami, or seiche zones, would not risk release of pollutants due to Project inundation.

Threshold 4.9-5: **Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?**

The City is under the jurisdiction of the Santa Ana RWQCB, which establishes water quality objectives and standards for both surface and groundwater of the region, and water quality discharge requirements. Under the Santa Ana RWQCB's NPDES permit system, all existing and future municipal discharges to surface waters within the City would be subject to regulations. NPDES permits are required for operators of MS4s, construction projects, and industrial facilities. Developments within the City would also be subject to the provisions in Municipal Code Chapter 14.36, Water Quality. Under the provisions of Chapter 14.36, any discharge that would result in or contribute to degradation of water quality via storm water runoff is prohibited. Operation of new development or redevelopment projects are required comply with provisions set forth in the DAMP, including the implementation of appropriate BMPs identified in the DAMP, to control storm water runoff to prevent any deterioration of water quality that would impair subsequent or competing beneficial uses of the water.

As discussed above, the City is underlain by the Orange County Groundwater Basin. Orange County Water District is responsible for management of the Orange County Groundwater Basin. The Orange County Water District adopted its most recent groundwater management plan in 2015. This plan sets basin management goals and objectives and describes how the basin is managed.

According to the 2020 UWMP, there is adequate existing and planned water supply to accommodate future development accounted for in the General Plan inclusive of the City's Regional Housing Needs Assessment (RHNA) allocation for the 6th Cycle planning period of 2021-2029 and its associated water demands.

Future development by the Project would be required to comply with NPDES standards and implement environmentally sustainable practices including but not limited to water-efficient landscaping; energy efficient water fixtures; and water quality BMPs to treat surface runoff from the future development sites. Future development facilitated by the Project would not obstruct implementation of applicable plans, and impacts would be less than significant and no mitigation is required.

Impact Summary: **Less than Significant Impact.** The Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

4.9.7 Cumulative Impacts

The anticipated Project-related impacts, in conjunction with cumulative development in the City, could result in impacts related to hydrology and water quality. Potential impacts would be site-specific and would require evaluation on a case-by-case basis at the project level when future development is proposed in accordance with the City’s 2021-2029 Housing Element and the proposed Project. Future residential projects would be subject to the City’s development review process and would be required to demonstrate compliance with applicable General Plan policies, Municipal Code regulations, and regulatory requirements. Compliance with these policies and regulations would ensure that potential hydrology impacts would not result in cumulatively considerable significant impacts

Cumulative projects would be required to adhere to similar General Plan Policies to ensure that impacts to water quality are reduced to a less than significant level. Consequently, future housing development facilitated by the Project and cumulative development would not result in significant cumulative impacts concerning violation of water quality standards or waste discharge requirements, decreased groundwater supplies or interference with groundwater recharge, alterations to existing drainage patterns, or conflicts with water quality or groundwater plans.

4.9.8 Mitigation Program

General Plan Policies

See **Section 4.9.2: Regulatory Setting** for complete policy text.

- Policy NR 1.1
- Policy NR 3.4
- Policy NR 3.5
- Policy NR 3.7
- Policy NR 3.9
- Policy NR 3.11
- Policy NR 3.14
- Policy NR 3.15
- Policy NR 3.16
- Policy NR 3.19
- Policy NR 3.20
- Policy NR 4.1
- Policy NR 4.3
- Policy NR 4.4
- Policy LU 6.4.10
- Policy S 2.7
- Policy S 3.9
- Policy S 3.10
- Policy S 3.11
- Policy S 3.12
- Policy S 5.1
- Policy S 5.3

Coastal Land Use Plan Policies

See **Section 4.9.2: Regulatory Setting** for complete policy text.

- Policy 4.3.1-5
- Policy 4.3.1-6
- Policy 4.3.1-7
- Policy 4.3.1-8
- Policy 4.3.2-1
- Policy 4.3.2-2
- Policy 4.3.2-6
- Policy 4.3.2-7
- Policy 4.3.2-8
- Policy 4.3.2-9
- Policy 4.3.2-10
- Policy 4.3.2-11
- Policy 4.3.2-12
- Policy 4.3.2-13
- Policy 4.3.2-14
- Policy 4.3.2-15
- Policy 4.3.2-17
- Policy 4.3.2-22
- Policy 4.3.2-23
- Policy 4.3.2-24

Mitigation Measures

No additional mitigation is required.

4.9.9 Level of Significance After Mitigation

Impacts related to hydrology and water quality would be less than significant.

4.9.10 References

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4.10 LAND USE AND PLANNING

4.10.1 Introduction

This section of the Program EIR describes the existing environmental and regulatory settings concerning land use and planning and evaluates the potential for the Project to cause a significant environmental impact due to a conflict with a relevant land use plan or regulation adopted to avoid or mitigate an environmental effect. Housing sites and nearby land uses will be considered to comprehensively evaluate the Project's potential impacts.

4.10.2 Existing Regulatory Setting

State

California Planning Law and General Plan Guidelines

California planning law requires cities and counties to prepare and adopt a "comprehensive, long-range general plan" to guide development (Government Code §65300). To successfully guide long-range development, general plans require a complex set of analyses, comprehensive public outreach and input, and public policy covering a broad range of topics. The general plan serves as a broad policy framework and guide for future development and must contain seven mandated elements addressing land use, circulation, housing, conservation, open space, noise, and safety. All other land use regulations, including specific plans, ordinances, and land use decisions within the jurisdiction must be consistent with the general plan. The *City of Newport Beach General Plan 2006 Update* is the City's General Plan.

State Housing Law

The State legislature has prioritized the provision of a decent home and suitable living environment to each Californian, with particular focus on housing affordable to low and very low-income households. State Housing law was established to assure the availability of affordable housing and uniform statewide code enforcement to protect the health, safety, and general welfare of the public and occupants of housing and accessory buildings. State Housing law (Government Code §§65583 et seq.) requires all incorporated cities and unincorporated counties to regularly update their General Plan Housing Elements to ensure that each city and county in the State provides its fair share of housing at all economic levels. Further, State Housing law requires cities to regularly update their Housing Elements to identify and analyze housing need; establish reasonable goals, objectives, and policies based on those needs; and set forth a comprehensive list of actions to achieve the identified goals and substantially comply with State Housing law requirements. Applicable State Housing laws are discussed in **Section 4.12: Population and Housing** of this EIR.

Assembly Bill 1233 (2005) and Senate Bill 375 (2008)

Assembly Bill (AB) 1233, approved by the Governor in 2005, requires each city, county, or city and county to prepare and adopt a general plan for its jurisdiction that contains certain mandatory elements, including a housing element. One part of the housing element is an assessment of housing needs and an inventory of land suitable for residential development in meeting the jurisdiction's share of the regional housing need, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning facilities and services to these sites. AB 1233 also requires that the local government specify action programs that would be taken to make sites available, in this case, during the 6th Cycle Housing Element planning period (2021-2029), as necessary to accommodate the RHNA units assigned to

the City for the 6th Cycle, plus any additional actions that are necessary to make sites available to accommodate any RHNA units that were assigned during the 5th Cycle Housing Element (2013–2021) that were not accommodated.

Senate Bill (SB) 375 approved by the Governor in 2008, requires that each city, county, or city and county identify the existing and projected housing needs of all economic segments of the community. Existing law requires the City to identify actions that would be undertaken to make sites available to accommodate various housing needs, including, in certain cases, the rezoning of sites to accommodate 100 percent of the need for housing for very low and low-income households. SB 375 instead would require the City's housing element action program to set forth a schedule of actions during the planning period, as defined, and require each action to have a timetable for implementation. SB 375 would generally require rezoning of certain sites to accommodate certain housing needs within specified times, with an opportunity for an extension time in certain cases, and would require the local government to hold a noticed public hearing within 30 days after the deadline for compliance expires. SB 375 would, under certain conditions, prohibit a local government that fails to complete a required rezoning within the timeframe required from disapproving a housing development project, as defined, or from taking various other actions that would render the project infeasible, and would allow the project applicant or any interested person to bring an action to enforce these provisions. SB 375 would also allow a court to compel a local government to complete the rezoning within specified times and to impose sanctions on the local government if the court order or judgment is not carried out, and would provide that in certain cases the local government shall bear the burden of proof relative to actions brought to compel compliance with specified deadlines and requirements.

Assembly Bill 1397

AB 1397 made a number of changes to Housing Element law by revising what could be included in a jurisdiction's inventory of land suitable for residential development. AB 1397 changed the definition of land suitable for residential development to increase the number of multi-family sites. AB 1397 requires that the inventory of land to be "available" for residential development in addition to being "suitable" for residential development and to include vacant sites and sites that have realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level. By imposing new duties upon local agencies with respect to the housing element of the general plan, this bill imposes a state-mandated local program.

Senate Bill 330 (Housing Crisis Act of 2019)

The California Housing Crisis Act (SB 330) was enacted by Governor Newsom in 2019 as a means to combat the State's growing housing crisis. This legislation's goal is to increase California's affordable housing stock by 3.5 million new units by 2025. To streamline residential development, a new preliminary development application process is required which includes a staff-level review of basic information regarding a project such as:

- Site characteristics;
- The planned project;
- Certain environmental concerns;
- Facts related to any potential density bonus;

- Certain coastal zone-specific concerns;
- The number of units to be demolished; and
- The location of recorded public easements.

SB 330 further streamlines housing development by reducing the amount of public meetings or hearings to five or less (e.g., workshops, design review board meetings, planning commission meetings, advisory committee meetings, and city council meetings). A shortened approval time of 90 days instead of 120 days from the time of EIR certification to streamline the development approval process. Local agencies are no longer able to remove or modify land use designations or allowances to inhibit the development of housing, unless the local agency replaces the lost housing potential; therefore, ensuring no net loss in housing availability. Further, local agencies would no longer be able to limit the annual number of housing-focused land use approvals, create caps on the amount of constructed housing units, or limit the population size of their city. Subjective design limitations on parcels where housing is an allowable use is also no longer permissible for projects that are subject to processing per SB 330 (any housing project).

California Coastal Act

The California Coastal Act of 1976 (Coastal Act; Public Resources Code [PRC] Section 30000) and the California Coastal Commission, which is the State's coastal protection and planning agency, were established by voter initiative to plan for and regulate new development and create strong policies to protect public access to and along the shoreline. To ensure maximum public access to the coast and public recreation areas, the Coastal Act directs each local government lying within the coastal zone to prepare a Local Coastal Program (LCP) consistent with Section 30501 of the Coastal Act in consultation with the Coastal Commission and with public participation.

Until an LCP has been adopted by the local jurisdiction and certified compliant with the Coastal Act, the Coastal Commission retains permitting authority within the local jurisdiction. Regardless of State or local jurisdiction, a coastal development permit is required for development in the coastal zone that results in changes to the density or intensity of the use of land, changes in water use, and/or impacts to coastal access. The components of the Coastal Act most relevant to land use and development within the coastal zone in the City include:

- **Chapter 3: Coastal Resources Planning and Management Policies**, which provides goals and objectives associated with California's coastal resources and associated public access, recreation, marine environment, land resources, development, and industrial development.
- **Chapter 6: Implementation**, which establishes the process and procedure for the development and certification of LCPs within the coastal zone.
- **Chapter 7: Development Controls**, which creates general provisions and procedures for development within the coastal zone to best achieve the goals and objectives identified in Chapter 3.

Regional and Local

Regional Housing Needs Assessment

The purpose of the Regional Housing Needs Assessment (RHNA) is to plan for population growth, such that the region and subregion will collectively produce sufficient housing to meet population needs and address social equity, with each jurisdiction providing its fair share of housing needs. The RHNA identifies

the housing needs for very low income, low income, moderate income, and above moderate income groups. The RHNA does not necessarily encourage or promote growth but rather allows communities to anticipate projected growth and address existing need, so that they can grow in ways that enhance quality of life, improve access to jobs, transportation and housing, and not adversely impact the environment. For the 2021-2029 planning period (6th Cycle), the City of Newport Beach (City) was allocated 4,845 units: 1,456 units for very low-income households; 930 units for low-income households; 1,050 units for moderate-income households; and 1,409 units for above moderate-income households. The RHNA is further discussed in **Section 4.12: Population and Housing**, of this Program EIR.

Southern California Association of Governments

The Southern California Association of Governments (SCAG) is the Council of Governments (COG) representing Orange, Los Angeles, Riverside, San Bernardino, Ventura, and Imperial counties and 191 cities. Newport Beach is a member agency of SCAG and Orange County Council of Governments (OCCOG), which is a sub-region of the SCAG planning area. SCAG is the federally recognized Metropolitan Planning Organization (MPO) for this region. SCAG is a regional planning agency and a forum for addressing regional issues concerning transportation, the economy, community development, and the environment. SCAG is also the regional clearinghouse for projects requiring environmental documentation under federal and State law. In this role, SCAG reviews proposed development and infrastructure projects to analyze their impacts on regional planning programs. As the Southern California region's MPO, SCAG cooperates with the South Coast Air Quality Management District (SCAQMD), California Department of Transportation (Caltrans), and other agencies in preparing regional planning documents.

SCAG 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy

In April 2020, SCAG adopted the *2020-2045 Regional Transportation Plan/Sustainable Communities Strategy* (RTP/SCS) or Connect SoCal Plan, a long-range visioning plan that balances future mobility and housing needs with economic, environmental, and public health goals. The 2020 RTP/SCS includes a strong commitment to reduce emissions from transportation sources to comply with SB 375, improve public health, and meet the National Ambient Air Quality Standards. This long-range plan, required by the State of California and the federal government, is updated by SCAG every four years as demographic, economic, and policy circumstances change.

Connect SoCal includes a regional growth forecast that was developed by working with local jurisdictions using the most recent land use plans, policies, and assumptions. Connect SoCal's growth projections are used by SCAG for regional modeling purposes and were not adopted as part of Connect SoCal. The growth forecasts do not affect a local jurisdiction's authority or decision on future development projects or plans. When adopting Connect SoCal, SCAG recognized that cities and counties will foreseeably update their Housing Elements as part of General Plans and amend zoning designations to accommodate the 6th Cycle RHNA. For many cities and counties, SCAG acknowledged that the required RHNA and Housing Element may need to accommodate more housing units than reflected in the Connect SoCal's household and population growth projections for the jurisdictions.

SCAG Intergovernmental Review Program

SCAG's Intergovernmental Review Program provides informational resources to regionally significant plans, projects, and programs per CEQA Guidelines Section 15206: Projects of Statewide, Regional, or

Areawide Significance,¹ to facilitate review for these projects' consistency with SCAG's adopted regional plans, to be determined by the lead agencies. Informational resources include regional goals and policies, and jurisdictional-level growth forecasts and mitigation measures.

Airport Environs Land Use Plan for John Wayne Airport²

In 1975, the Airport Land Use Commission (ALUC) of Orange County adopted an Airport Environs Land Use Plan (AELUP, amended April 17, 2008) that includes John Wayne Airport, Fullerton Municipal Airport, and the Joint Forces Training Base Los Alamitos. The AELUP is a land use compatibility plan that is intended to protect the public from adverse effects of aircraft noise; to ensure the people and facilities are not concentrated in areas susceptible to aircraft accidents; and to ensure that no structures or activities adversely affect navigable space. The AELUP identifies standards for development in the airport's planning area based on noise contours, accident potential zone, and building heights and identifies safety and compatibility zones that depict which land uses are acceptable and unacceptable in various portions of AELUP Safety Zones 1 through 6. ALUC is an agency authorized under State law to assist local agencies in ensuring compatible land uses near airports. Primary areas of concern for ALUC are noise, safety hazards, and airport operational integrity.

ALUCs are not implementing agencies in the manner of local governments, nor do they issue permits for a project such as those required by local governments. However, pursuant to California Public Utilities Code Section 21676, local governments are required to submit all general plan amendments and zone changes that occur in the ALUC planning areas for consistency review by the ALUC. If such an amendment or change is deemed inconsistent with the ALUC plan, a local government may override the ALUC decision by a two-thirds vote of its governing body, if it makes specific findings that the proposed action is consistent with the purposes stated in Section 21670(a)(2) of the Public Utilities Code: "to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards in areas around public airports to the extent that these areas are not already devoted to incompatible uses."

City of Newport Beach General Plan

The *City of Newport Beach General Plan 2006 Update* (General Plan) is the long-range guide for growth and development in the City. On July 25, 2006, the General Plan was adopted and the Final EIR was certified by the Newport Beach City Council. At the General Municipal Election held on November 7, 2006, the City electorate approved increased density and intensity of development and associated increased peak hour traffic trips provided in the Land Use Element of the General Plan, pursuant to City Charter Section 423.

A general plan functions as a guide for the type of community that is desired for the future and provides the means to achieve it. The General Plan contains the following elements: Land Use, Harbor and Bay, Housing, Historical Resources, Circulation, Recreation, Arts and Cultural, Natural Resources, Safety, and Noise.

¹ The Lead Agency shall determine that a proposed project is of statewide, regional, or areawide significance if the project meets various criteria, including "A proposed local general plan, element, or amendment thereof for which an EIR was prepared" (State CEQA Guidelines §15206(b)(1)).

² John Wayne Airport (2008). *Airport Environs Land Use Plan*. https://files.ocair.com/media/2021-02/JWA_AELUP-April-17-2008.pdf?VersionId=cB0byJjdad9OuY5im7Oaj5aWaT1FS.vD Accessed December 2023.

Land Use Element. The General Plan Land Use Element provides guidance regarding the ultimate pattern of development and provides development allocations for land uses throughout the City. It presents goals and policies pertaining to how existing development is to be maintained and enhanced and how new development is to be implemented. It is based on and correlates the policies from all the elements in the General Plan into a set of coherent development policies. The Land Use Element policies serve as the central organizing element for the City's General Plan. Cumulatively, the Land Uses Element's policies directly affect the establishment and maintenance of the neighborhoods, districts, corridors, and open spaces that distinguish and contribute to Newport Beach's livability, vitality and image.

Harbor and Bay Element. The goals and policies pertaining to harbor issues are intended to guide the content of regulations related to development of, and the activities conducted on, the water. Additional goals and policies recognize the important component of land use decisions related to waterfront property around Newport Harbor. The aim of the Harbor and Bay Element goals and policies is to preserve the diversity and charm of existing uses without unduly restricting the rights of the waterfront property owner. Goals and policies in the Harbor and Bay Element are organized to address both water-related and land-related issues, provision of public access, water quality and environmental issues, visual characteristics, and the administration of the harbor and the bay.

2021-2029 Housing Element. Development of housing in the City of Newport Beach is guided by the goals, objectives and policies contained in the Housing Element. The City's 2021–2029 Housing Element was adopted by the City Council on September 13, 2022, as part of the 6th Cycle Housing Element process and was subsequently certified by HCD on October 5, 2022. It examines housing needs, estimates future housing needs, and establishes goals, policies, and programs pertaining to those needs. Housing programs are responsive to current and future needs. They are also established within the context of available community, State, and federal economic and social resources and realistic quantified housing objectives. The 2021-2029 Housing Element is designed to facilitate attainment of the City's RHNA, and to foster the availability of housing affordable to all income levels to the extent possible given Newport Beach's constraints. To achieve its housing goals, Newport Beach encourages the development of additional housing units in locations identified in the Land Use Element and the 2021-2029 Housing Element.

Historical Resources Element. The Historic Resources Element addresses the protection and sustainability of Newport Beach's historical and paleontological resources. Goals and policies presented within this element are intended to recognize, maintain, and protect the community's unique historical, cultural, and archaeological sites and structures. Preserving and maintaining these resources helps to create an awareness and appreciation of the City's history.

Arts and Cultural Element. Arts and cultural activities play an important role in community life and have been a valued component of Newport Beach for over 125 years. The City has a wide range of art and cultural organizations, resources, attractions, and activities that are a source of community pride and enrichment. The goals and policies of the Arts and Culture Element are intended to be a guide for meeting the future cultural needs of the community. This General Plan element is intended to serve as a mechanism for integrating multiple resources in order to provide improved and expanded arts and cultural facilities and programs to the community.

Circulation Element. The Circulation Element governs the long-term mobility system of the City. The goals and policies in this element are closely correlated with the Land Use Element and are intended to provide the best possible balance between the City's future growth and land use development, roadway size,

traffic service levels, and community character. On October 25, 2022, the General Plan Circulation Element was approved by the City Council to comply with State law mandates including “Complete Streets” and Vehicle Miles Traveled (VMT) legislation. The updated Circulation Element includes new and revised goals and policies to provide for a balanced transportation network that will support and encourage walking, bicycling, and transit ridership.

Recreation Element. The primary purpose of the Recreation Element is to ensure that the provision of parks and recreation facilities are appropriate for the residential and business population of the City. Specific recreational issues and policies in the Recreation Element include: parks and recreation facilities, recreation programs, shared facilities, coastal recreation and support facilities, marine recreation, and public access.

Natural Resources Element. The primary objective of the Natural Resources Element is to provide direction regarding the conservation, development, and utilization of natural resources. It identifies Newport Beach’s natural resources and policies for their preservation, development and wise use. This element addresses water supply and water quality, air quality, terrestrial and marine biological resources, open space, archaeological and paleontological resources, mineral resources, visual resources, and energy.

Safety Element. The primary goal of the Safety Element is to reduce the potential risk of death, injuries, property damage, and economic and social dislocation resulting from natural and human-induced hazards. The Safety Element recognizes and responds to public health and safety risks. It specifically addresses coastal hazards, geologic hazards, seismic hazards, flood hazards, wildland and urban fire hazards, hazardous materials, aviation hazards, and disaster planning. The Safety Element also includes policies and programs that minimize potential impacts from hazards.

Noise Element. The Noise Element is a tool for including noise control in the planning process to maintain compatible land use with environmental noise levels. The element identifies noise sensitive land uses and noise sources and defines areas of noise impacts for the purpose of developing policies to ensure the residents will be protected from excessive noise intrusion. The Noise Element includes goals and policies aimed at ensuring that adequate measures for regulating noise-generating activities and land uses are provided. On November 28, 2023, the City Council adopted changes to the General Plan and Municipal Code to reflect the noise contours identified by the 2014 John Wayne Airport Settlement Agreement Amendment EIR No. 617 as well as updated General Plan Land Use and Noise Element policies and additional noise attenuation measures for future housing units proximate to John Wayne Airport.

The following General Plan goals and policies that have been adopted by the City for the purpose of avoiding or mitigating an environmental effect are applicable to future development projects associated with the proposed Project. Proposed modifications to and the inclusion of new General Plan Land Use policies are identified in in this section under Threshold 3.10-2.

Land Use Element

Goal LU 2 **A living, active, and diverse environment that complements all lifestyles and enhances neighborhoods, without compromising the valued resources that make Newport Beach unique. It contains a diversity of uses that support the needs of residents, sustain and enhance the economy, provide job opportunities, serve**

visitors that enjoy the City's diverse recreational amenities, and protect its important environmental setting, resources, and quality of life.

Policy LU 2.3 **Range of Residential Choices.** Provide opportunities for the development of residential units that respond to community and regional needs in terms of density, size, location, and cost. Implement goals, policies, programs, and objectives identified within the City's Housing Element.

Policy LU 2.8 **Adequate Infrastructure.** Accommodate the types, densities, and mix of land uses that can be adequately supported by transportation and utility infrastructure (water, sewer, storm drainage, energy, and so on) and public services (schools, parks, libraries, seniors, youth, police, fire, and so on).

Goal LU 3 **A development pattern that retains and complements the City's residential neighborhoods, commercial and industrial districts, open spaces, and natural environment.**

Policy LU 3.2 **Growth and Change.** Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach's share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.

Policy LU 3.8 **Project Entitlement Review with Airport Land Use Commission.** Refer the adoption or amendment of the General Plan, Zoning Code, specific plans, and Planned Community development plans for land within the John Wayne Airport planning area, as established in the JWA Airport Environs Land Use Plan (AELUP), to the Airport Land Use Commission (ALUC) for Orange County for review, as required by Section 21676 of the California Public Utilities Code. In addition, refer all development projects that include buildings with a height greater than 200 feet above ground level to the ALUC for review.

Goal LU 5.1 **Residential neighborhoods that are well-planned and designed contribute to the livability and quality of life of residents, respect the natural environmental setting, and sustain the qualities of place that differentiate Newport Beach as a special place in the Southern California region.**

Policy LU 5.1.2 **Compatible Interfaces.** Require that the height of development in nonresidential and higher-density residential areas transition as it nears lower-density residential areas to minimize conflicts at the interface between the different types of development.

Goal LU 5.3 **Districts where residents and businesses are intermixed that are designed and planned to ensure compatibility among the uses, that they are highly livable for residents, and are of high quality design reflecting the traditions of Newport Beach.**

- Policy LU 5.3.3** **Parcels Integrating Residential and Nonresidential Uses.** Require that properties developed with a mix of residential and nonresidential uses be designed to achieve high levels of architectural quality in accordance with policies LU 5.1.9 and LU 5.2.1 and planned to ensure compatibility among the uses and provide adequate circulation and parking. Residential uses should be seamlessly integrated with nonresidential uses through architecture, pedestrian walkways, and landscape. They should not be completely isolated by walls or other design elements.
- Goal LU 5.6** **Neighborhoods, districts, and corridors containing a diversity of uses and buildings that are mutually compatible and enhance the quality of the City’s environment.**
- Policy LU 5.6.1** **Compatible Development.** Require that buildings and properties be designed to ensure compatibility within and as interfaces between neighborhoods, districts, and corridors.
- Goal LU 6.2** **Residential neighborhoods that contain a diversity of housing types and supporting uses to meet the needs of Newport Beach’s residents and are designed to sustain livability and a high quality of life.**
- Policy LU 6.2.1** **Residential Supply.** Accommodate a diversity of residential units that meets the needs of Newport Beach’s population and fair share of regional needs in accordance with the Land Use Plan’s designations, applicable density standards, design and development policies, and the adopted Housing Element.
- Policy LU 6.2.3** **Residential Affordability.** Encourage the development of residential units that are affordable for those employed in the City.
- Policy LU 6.2.5** **Neighborhood Supporting Uses.** Allow for the integration of uses within residential neighborhoods that support and are complementary to their primary function as a living environment such as schools, parks, community meeting facilities, religious facilities, and comparable uses. These uses shall be designed to ensure compatibility with adjoining residential addressing such issues as noise, lighting, and parking.
- Goal LU 6.14** **Newport Center/Fashion Island. A successful mixed-use district that integrates economic and commercial centers serving the needs of Newport Beach residents and the subregion, with expanded opportunities for residents to live close to jobs, commerce, entertainment, and recreation, and is supported by a pedestrian-friendly environment.**
- Policy LU 6.14.2** **Newport Center.** Provide the opportunity for limited residential, hotel, and office development in accordance with the limits specified by Tables LU1 and LU2.
- Goal LU 6.15** **Airport Area. A mixed-use community that provides jobs, residential, and supporting services in close proximity, with pedestrian-oriented amenities that facilitate walking and enhance livability.**
- Policy LU 6.15.3** **Airport Area, Airport Compatibility.** Require that all development be constructed in conformance with the height restrictions set forth by the Federal Aviation Administration (FAA), Federal Aviation Regulations (FAR) Part 77, and Caltrans Division of Aeronautics, and that residential development shall be allowed only on parcels with noise levels of less than John Wayne Airport 65 dBA CNEL noise contour area *as shown*

in Figure N5 (see **Figure 4.11-1** in **Section 4.11: Noise**) of the Noise Element of the General Plan unless and until the City determines, based on substantial evidence, that the sites wholly within the 65 dBA CNEL noise contour shown in Figure N5 are needed for the City to satisfy its Sixth Cycle RHNA mandate. Nonresidential uses are, however, encouraged on parcels located wholly within the 65 dBA CNEL contour area.

City of Newport Beach Local Coastal Program

The California Coastal Act requires each local jurisdiction wholly or partly within the coastal zone to prepare a Local Coastal Program (LCP), which is used to carry out the policies and requirements of the Coastal Act. Approximately 47 percent of the City's land area is in the coastal zone. A LCP includes: (1) a coastal element consisting of a land use plan and policies for development and conservation within the coastal zone, and (2) an implementation plan consisting of ordinances, maps, and implementing actions for the land use plan and policies.

The City received certification of its LCP with an effective date of January 30, 2017.³ Certification of the LCP allows the City to issue Coastal Development Permits (CDPs) in most circumstances. The Coastal Commission retains CDP authority in "Original Jurisdiction Areas," which includes submerged lands and tidelands (areas below the mean high tide line), and on certain public trust lands. The Coastal Commission also serves as an appellate authority in certain areas.

Coastal Land Use Plan. The Coastal Land Use Plan (CLUP) of the City's LCP was derived from the City's General Plan Land Use Element and is intended to identify the distribution of land uses in the coastal zone. The CLUP sets forth goals, objectives, and policies that govern the use of land and water in the coastal zone within the City of Newport Beach and its Sphere of Influence, with the exception of Newport Coast and Banning Ranch. Newport Coast is governed by the previously certified and currently effective Newport Coast segment of the Orange County LCP. Banning Ranch is a Deferred Certification Area (DCA).

The relevant development policies of the LCP are provided below. It is also noted that the proposed Project includes new LCP policies and modifications to existing policies. Proposed changes are identified in this section under Impact Threshold 3.10-2.

Policy 2.1.1-1 The land use categories in LCP Table 2.1.1-1 establish the type, density and intensity of land uses within the coastal zone. If there is a conflict between the development limits of the Land Use Element and the Coastal Land Use Plan, the provision that is most protective of coastal resources shall take precedence. However, in no case, shall the policies of the Coastal Land Use Plan be interpreted to allow a development to exceed a development limit established by the General Plan or its implementing ordinances.

Policy 2.2.1-1 Continue to allow redevelopment and infill development within and adjacent to the existing developed areas in the coastal zone subject to the density and intensity limits and resource protection policies of the Coastal Land Use Plan.

³ City of Newport Beach. *Local Coastal Program Frequently Asked Questions (FAQ)*. <https://www.newportbeachca.gov/government/departments/community-development-/planning-division/local-coastal-program-launch-page/faq#Q3>. Accessed January 15, 2024.

- Policy 2.2.1-2** Require new development be located in areas with adequate public services or in areas that are capable of having public services extended or expanded without significant adverse effects on coastal resources.
- Policy 2.2.1-3** Provide commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads.
- Policy 2.2.2-1** After certification of the LCP, require a coastal development permit for all development within the coastal zone, subject to exceptions provided for under the Coastal Act as specified in the LCP.
- Policy 2.7-1** Continue to maintain appropriate setbacks and density, floor area, and height limits for residential development to protect the character of established neighborhoods and to protect coastal access and coastal resources.
- Policy 2.7-2** Continue the administration of provisions of State law relative to the demolition, conversion and construction of low and moderate-income dwelling units within the coastal zone.
- Policy 2.7-5** Administer the provisions of Government Code Section 65852.2 relative to the development of accessory dwelling units to increase the supply of lower-cost housing in the coastal zone and meet the needs of existing and future residents, while respecting the architectural character of existing neighborhoods and in a manner consistent with the LCP and any applicable policies from Chapter 3 of the Coastal Act.

Implementation Plan. The second portion of the City’s LCP, the Implementation Plan is the primary tool used by the City to carry out the goals, objectives, and policies of the Coastal Plan and applies to most development of land and water in the coastal zone within the City and its Sphere of Influence. The Implementation Plan is a part of the City’s Municipal Code (Title 21). The Implementation Plan must be consistent with the goals and policies of the Coastal Land Use Plan, and if proposed development is located between the first public road and the sea or the shoreline of any body of water located within the coastal zone, any approved development must be in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act.

The certified LCP includes the following zoning regulations associated with land uses:

- Chapter 21.18 Residential Coastal Zoning Districts (R-A, R-1, R-BI, R02, and RM)
- Chapter 21.22 Mixed-Use Coastal Zoning Districts (MU-V, MU-MM, MU-CV/15th St., MU-W1, MU-W2)
- Special Purpose Coastal Zoning Districts (OS, PC, PF, PI, PR, and TS)
- Overlay Coastal Zoning Districts (MHP, PM, B, C, and H)

As a part of the Project, the LCP Implementation Plan would be amended for consistency with the provisions of proposed Municipal Code Section 20.28.050. Municipal Code Chapter 21.28, Overlay Coastal Zoning Districts, would be amended to include Section 21.28.070: Housing Opportunity (HO) Overlay Coastal Zoning Districts (see Threshold 3.10-2).

Development located in these zones and in overlay zones within the coastal zone are subject to Coastal Development Permits (CDPs). CDPs are a discretionary action and conditions may be placed on the permit

to ensure that the intent of the approval is achieved and/or to mitigate or eliminate adverse impacts. Additional permits are also required depending on the context of a proposed development (i.e., Conditional Use Permits or Floodplain Development Permits). Future housing development within the Coastal Zone must demonstrate adherence to and compliance with the applicable provisions of these zones, overlay zones, and permit requirements consistent with the Coastal Act which is required to be reflected in the findings for approval required by each of the respective discretionary permits.

Zoning

Zoning is the instrument that implements the land use designations of the General Plan. In addition to establishing permitted uses, zoning may also establish development standards relating to issues such as intensity, setbacks, height, and parking. Projects submitted for review and approval are evaluated for consistency with the zoning designations.

Zoning Districts

Zoning districts are designed to protect citizens and their homes and businesses from conflicting activities in scope or purpose within the vicinity. For example, commercial business cannot be conducted in a residential area except under certain conditions. Newport Beach has more than 20 zoning designations within its boundaries. District types are as follows:

- Residential districts are designed for dwellings.
- Mixed-Use districts integrate a variety of land uses and provide for the vertical and horizontal development of a mix of land uses.
- Business districts contain commercial retail and office businesses.
- Industrial districts allow the operation of assembly and research and development businesses.
- Open Space districts contain undeveloped land and allow recreation facilities.
- Planned Community and Specific Plan districts are established with supplemental zoning requirements that encourage cohesive development within a specific area.

City Charter Section 423

City Charter Section 423 requires voter approval of certain amendments to the Newport Beach General Plan. In its text, Charter Section 423 suggests that the City Council adopt implementing guidelines consistent with its purpose and intent, and the City Council did so. The guidelines outline the information to be provided to the applicant, the Planning Commission, and the City Council during the amendment process. They also describe the informational and procedural requirements after amendment approval to determine if voter approval is required by Charter Section 423. As required, the City Council shall submit the amendment to voters if:

- The amendment relates to a non-residential use and authorizes an increase in floor area for the property or statistical area that is the subject of the amendment that exceeds 40,000 square feet when compared to the General Plan before approval of the amendment; or
- The amendment relates to a residential use and authorizes an increase in the number of dwelling units for the property or statistical area that is the subject of the amendment that exceeds 100 dwelling units when compared to the General Plan before approval of the amendment; or

- The amendment modifies the type or amount of residential use or non-residential use specified for the property or statistical area that is the subject of the amendment such that the proposed use(s) as approved by the amendment generate(s) at least 101 more morning or evening peak hour trips than allowed use(s) before the amendment; or
- The increase in morning or evening peak hour trips, dwelling units, or floor area resulting from the amendment, when added to 80 percent of the increases in morning or evening peak hour trips, dwelling units, or floor area resulting from amendments in the same statistical area over the previous ten years not required to be approved by the voters, exceeds one or more of the voter approval thresholds in Charter Section 423 as specified above.

4.10.3 Existing Conditions

Implementation of the proposed Project would occur within the boundaries of the City of Newport Beach and its Sphere of Influence (collectively referred to as City).

The 2021–2029 Housing Element was adopted by the City Council on September 13, 2022, as part of the 6th Cycle Housing Element process and was subsequently certified by HCD on October 5, 2022. The City has compiled an inventory of housing sites, which includes properties within six focus areas that are dispersed throughout the City to minimize the potential for adverse changes to the City’s character and reduce the potential for adverse environmental impacts. To fulfill its share of regional housing needs and facilitate the future development of housing on identified housing sites, the Project requires a General Plan Amendment and amendments to the Newport Beach Municipal Code (Municipal Code). **Section 3.0: Project Description** provides details on the City’s Housing Strategy and identified focus areas and housing sites. Further discussion of the City’s land uses is provided below.

Existing Land Uses

According to the General Plan Land Use Element, residential uses represent the largest portion of land uses within the City. Single-family attached and detached homes comprise the majority of housing in the community; however, multi-family homes and mixed uses are located throughout the City and development of such uses has increased. In addition to residential uses, a variety of commercial uses (primarily retail and office) and parks and open space are found throughout the City.

There are 247 housing sites. Except for the 21 vacant housing sites (Sites 110-118, 120-124, 126-131, and 215), all other housing sites are developed/occupied by structures.

Figure 4.10-1 through **Figure 4.10-5** depict the existing General Plan land use designations of the housing sites within the focus areas. **Figures 4.10-6** through **Figure 4.10-10** depict the existing zoning of housing sites within the focus areas. **Section 3.0: Project Description** provides descriptions of both General Plan Land Use and zoning designations for the housing sites.

Approximately 47 percent of the City’s land area, generally consisting of land near the City’s shoreline, is within a defined area known as the “Coastal Zone” enacted by the California Coastal Act (California State Public Resources Code (PRC), Division 20, Section 30000 et seq.); see **Figure 3.8** in **Section 3.0: Project Description**. Of the 247 housing sites, 48 sites are in the coastal zone.

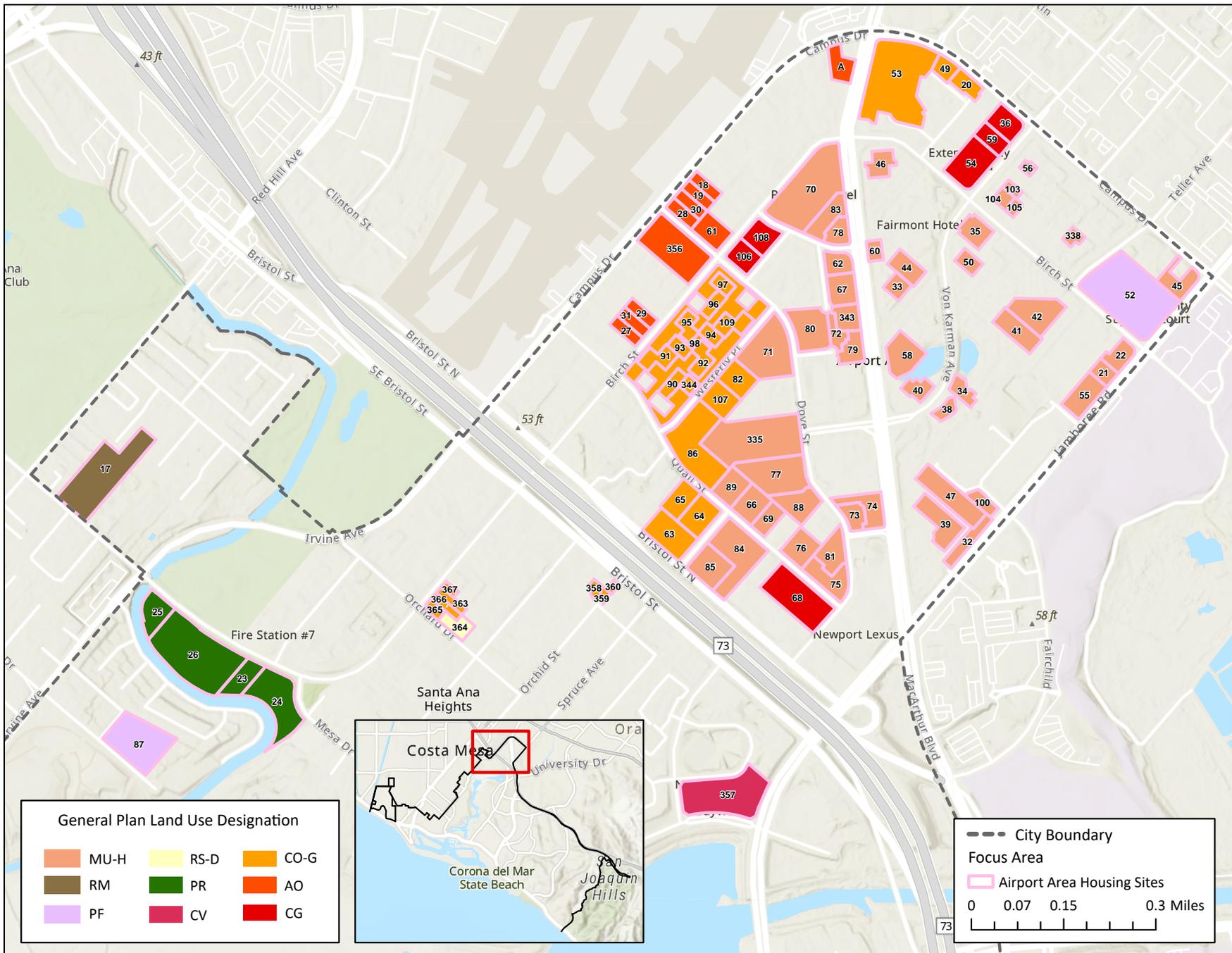


Figure 4.10-1: Existing General Plan Land Use, Airport Area Focus Area
City of Newport Beach General Plan Housing Implementation
Program Environmental Impact Report

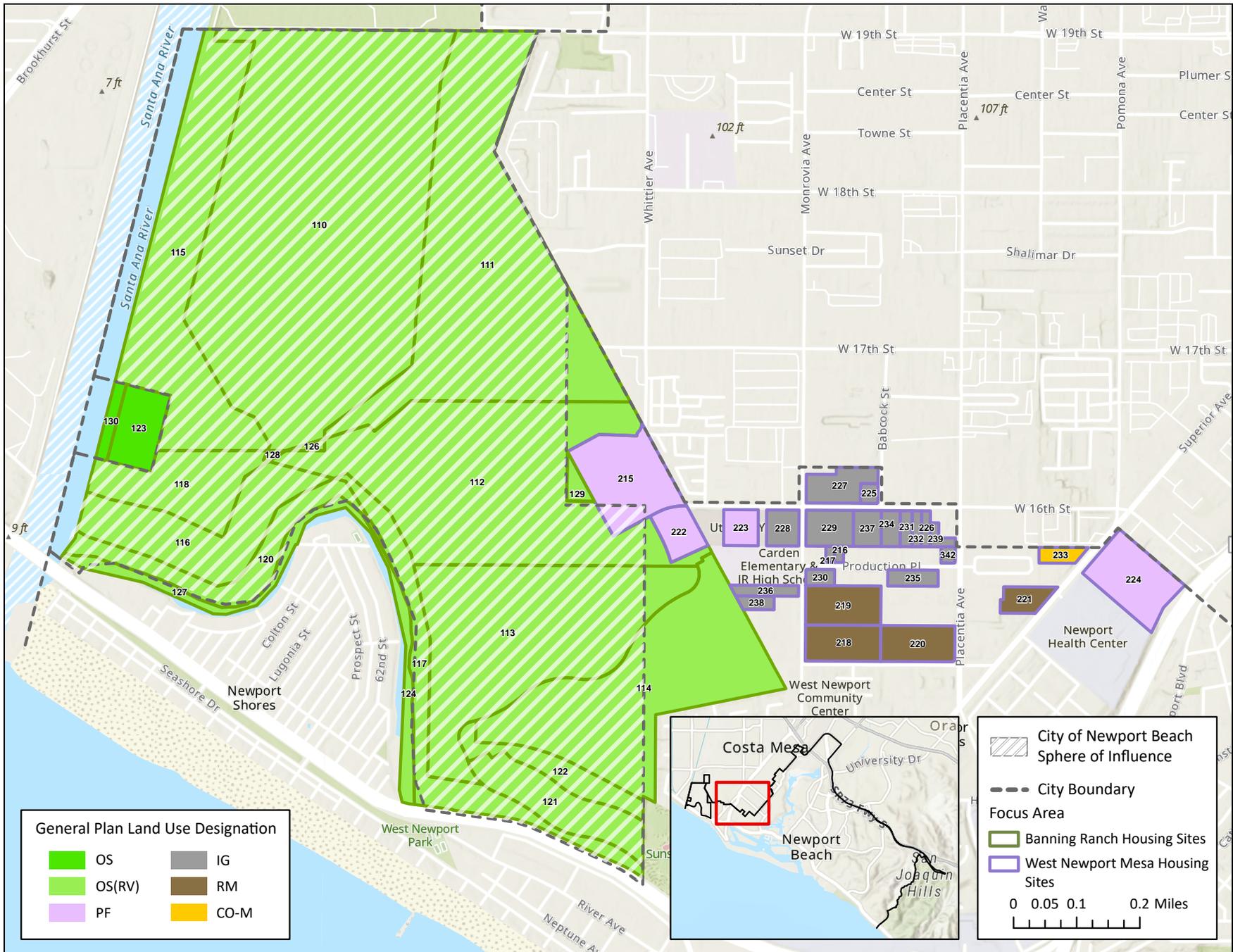


Figure 4.10-2: Existing General Plan Land Use, Banning Ranch and West Newport Mesa Focus Areas
 City of Newport Beach General Plan Housing Implementation
 Program Environmental Impact Report

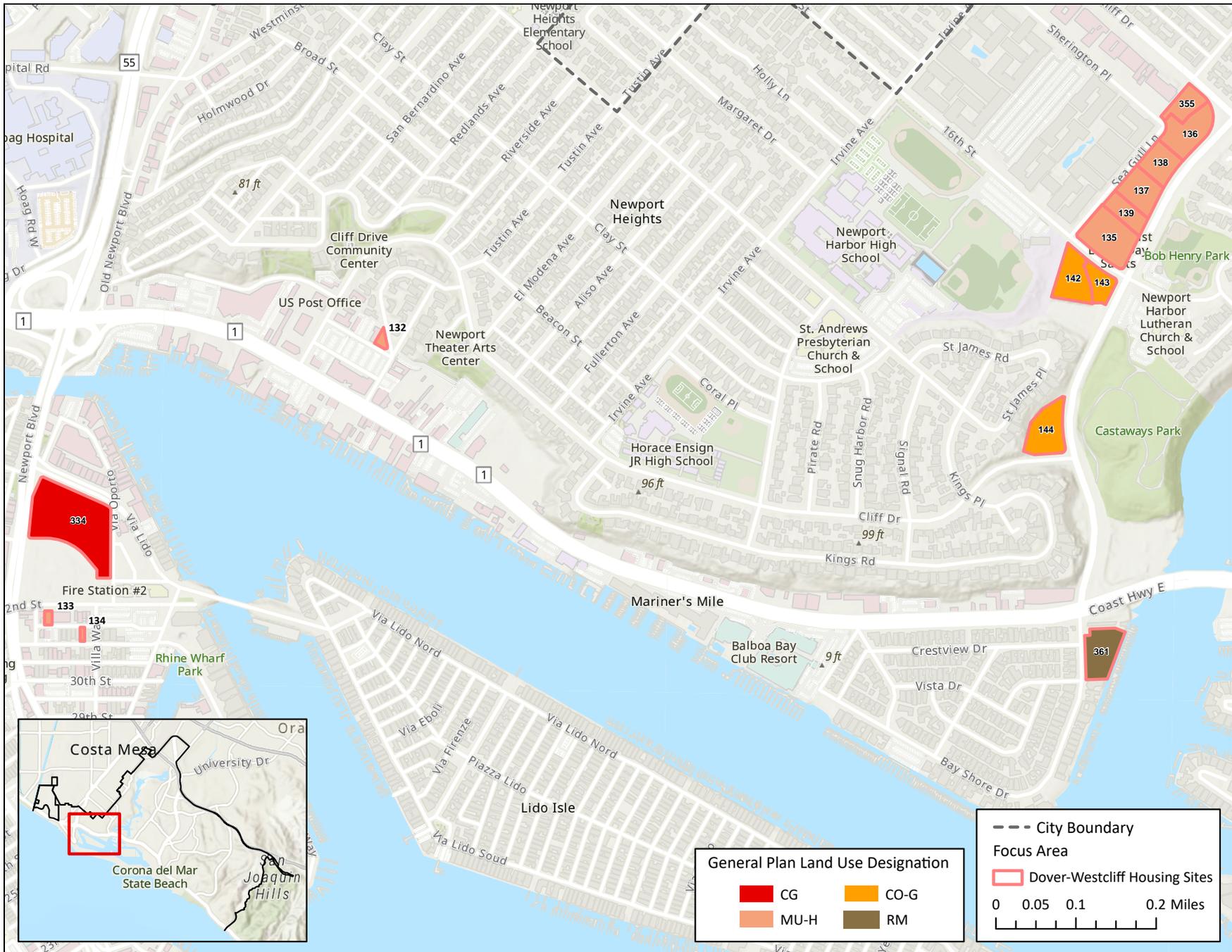


Figure 4.10-3: Existing General Plan Land Use, Dover-Westcliff Focus Area
 City of Newport Beach General Plan Housing Implementation
 Program Environmental Impact Report

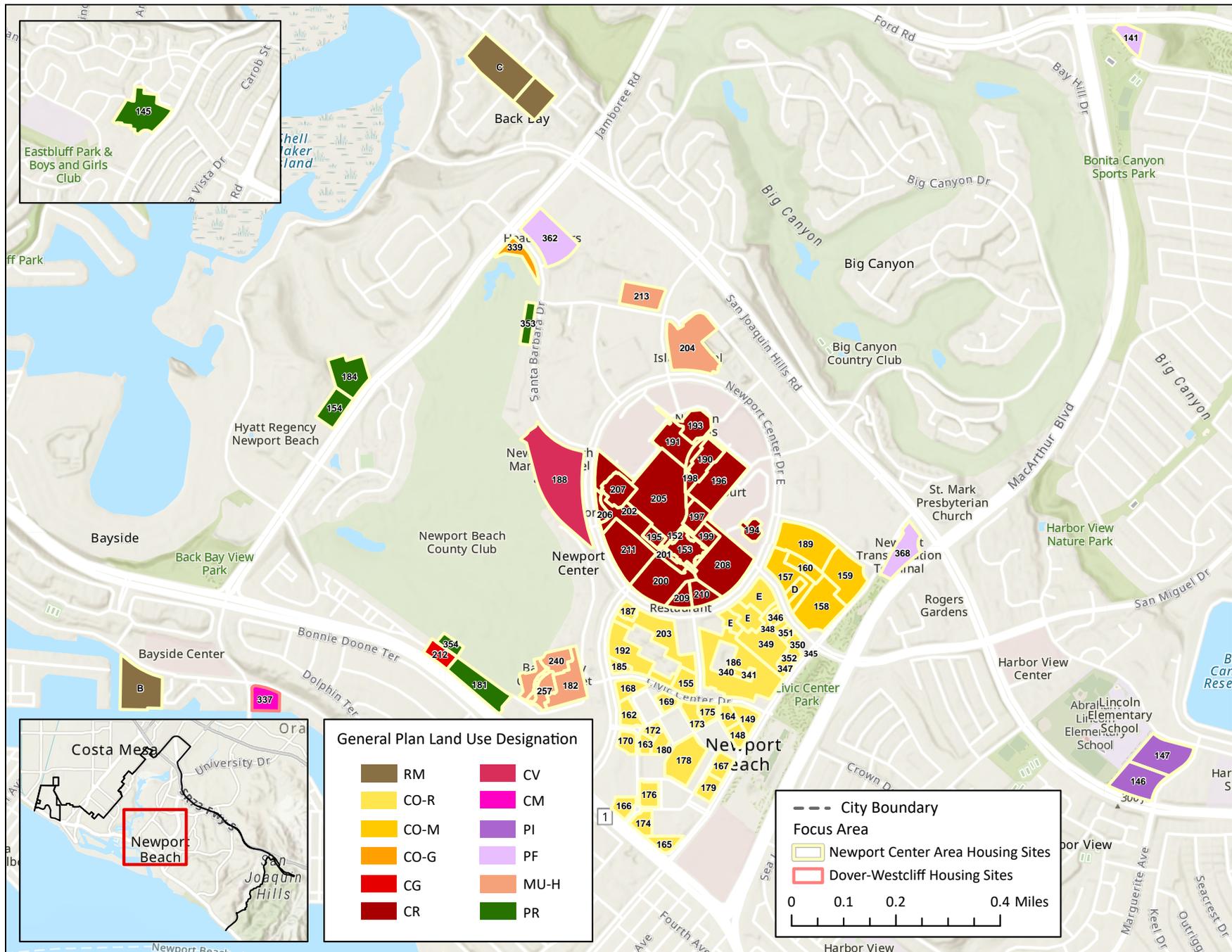


Figure 4.10-4: Existing General Plan Land Use, Newport Center Focus Area
 City of Newport Beach General Plan Housing Implementation
 Program Environmental Impact Report



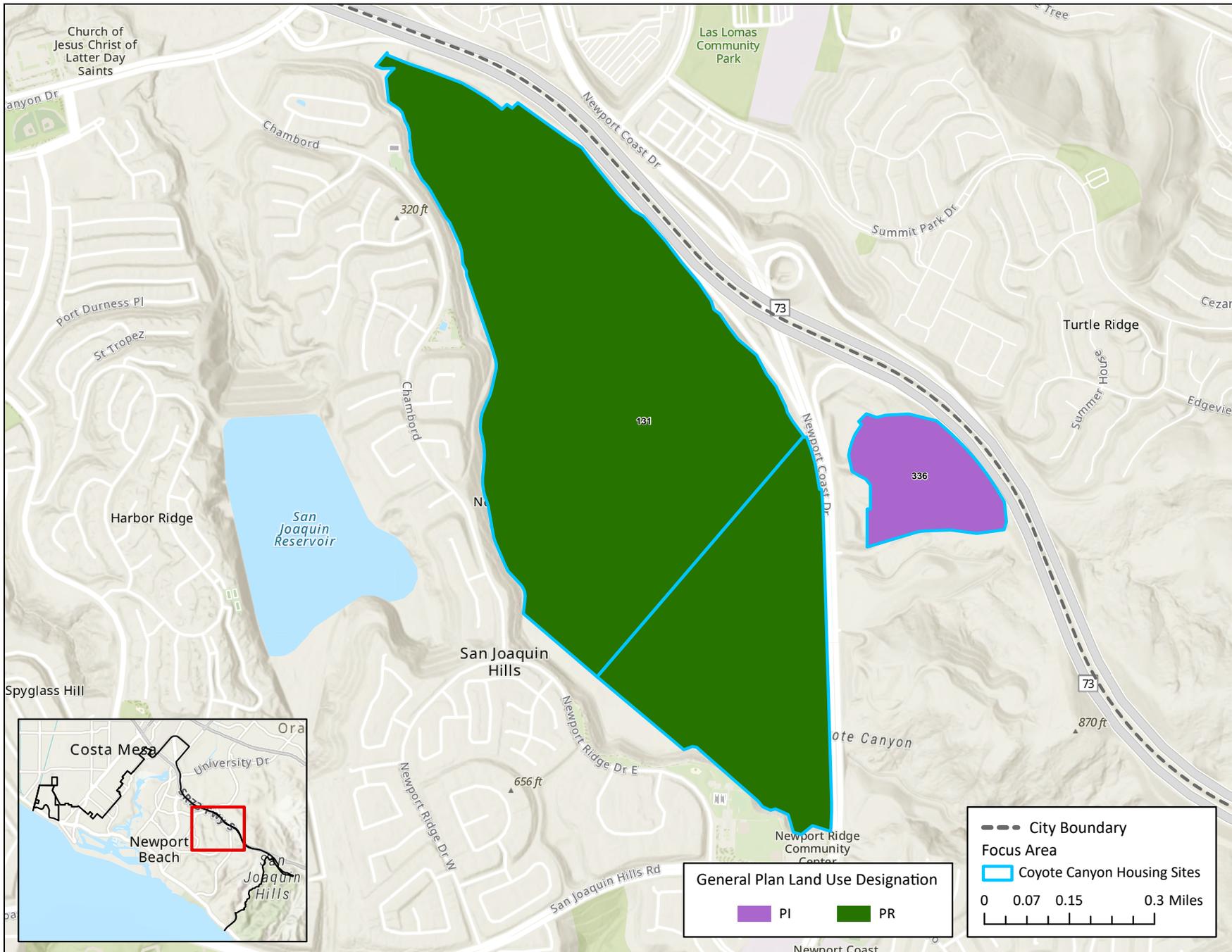
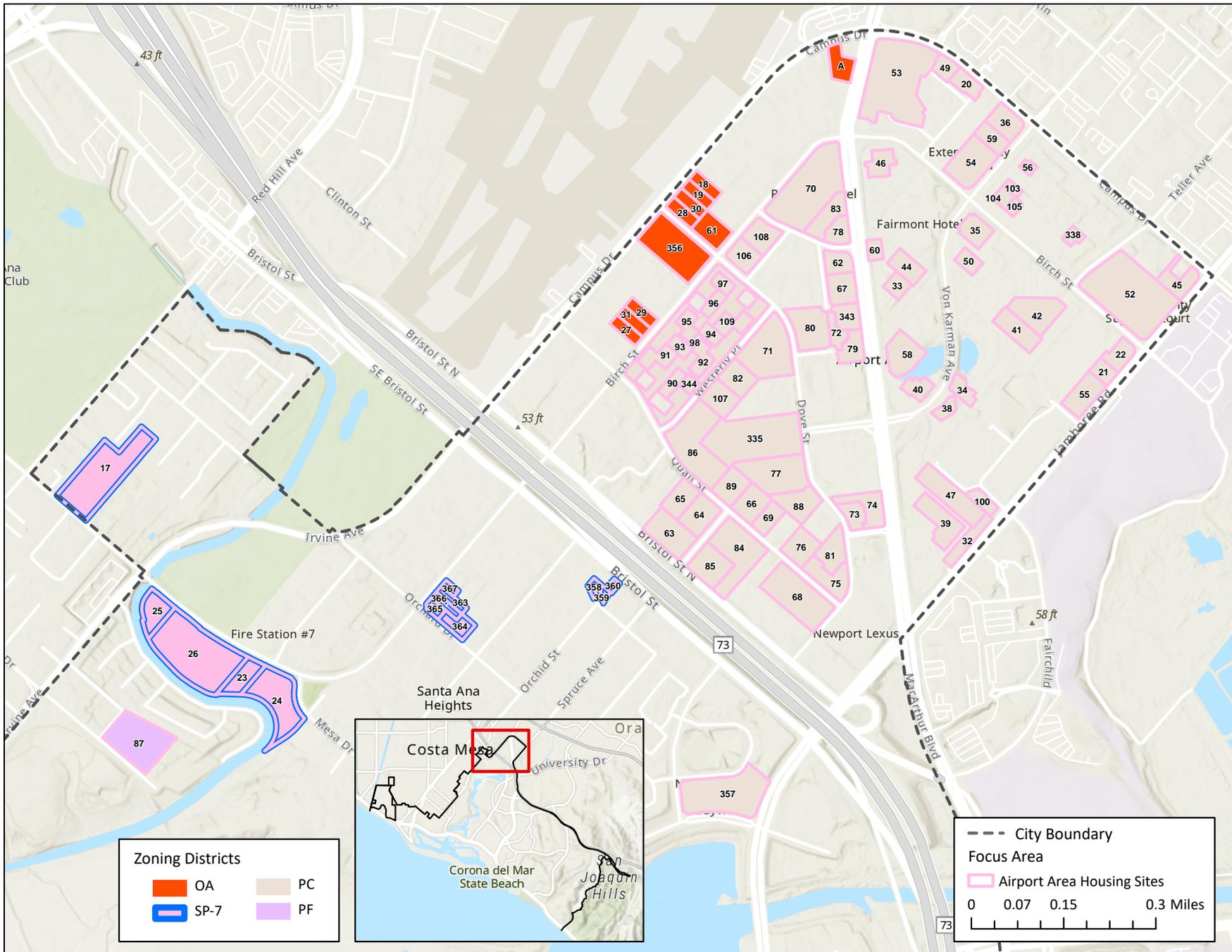


Figure 4.10-5: Existing General Plan Land Use, Coyote Canyon Focus Area
 City of Newport Beach General Plan Housing Implementation
 Program Environmental Impact Report



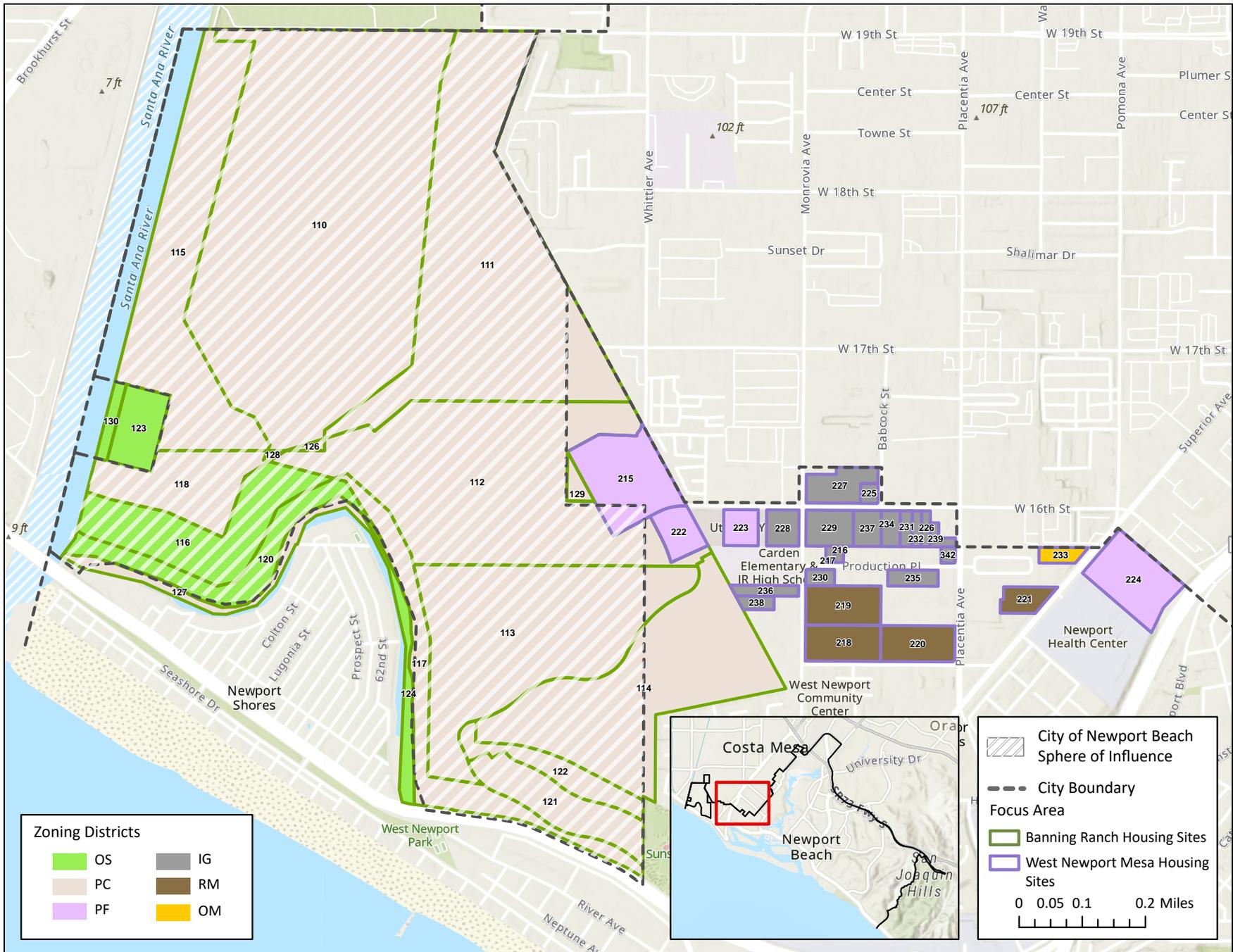


Figure 4.10-7: Existing Zoning Designation, Banning Ranch and West Newport Mesa Focus Areas
 City of Newport Beach General Plan Housing Implementation
 Program Environmental Impact Report

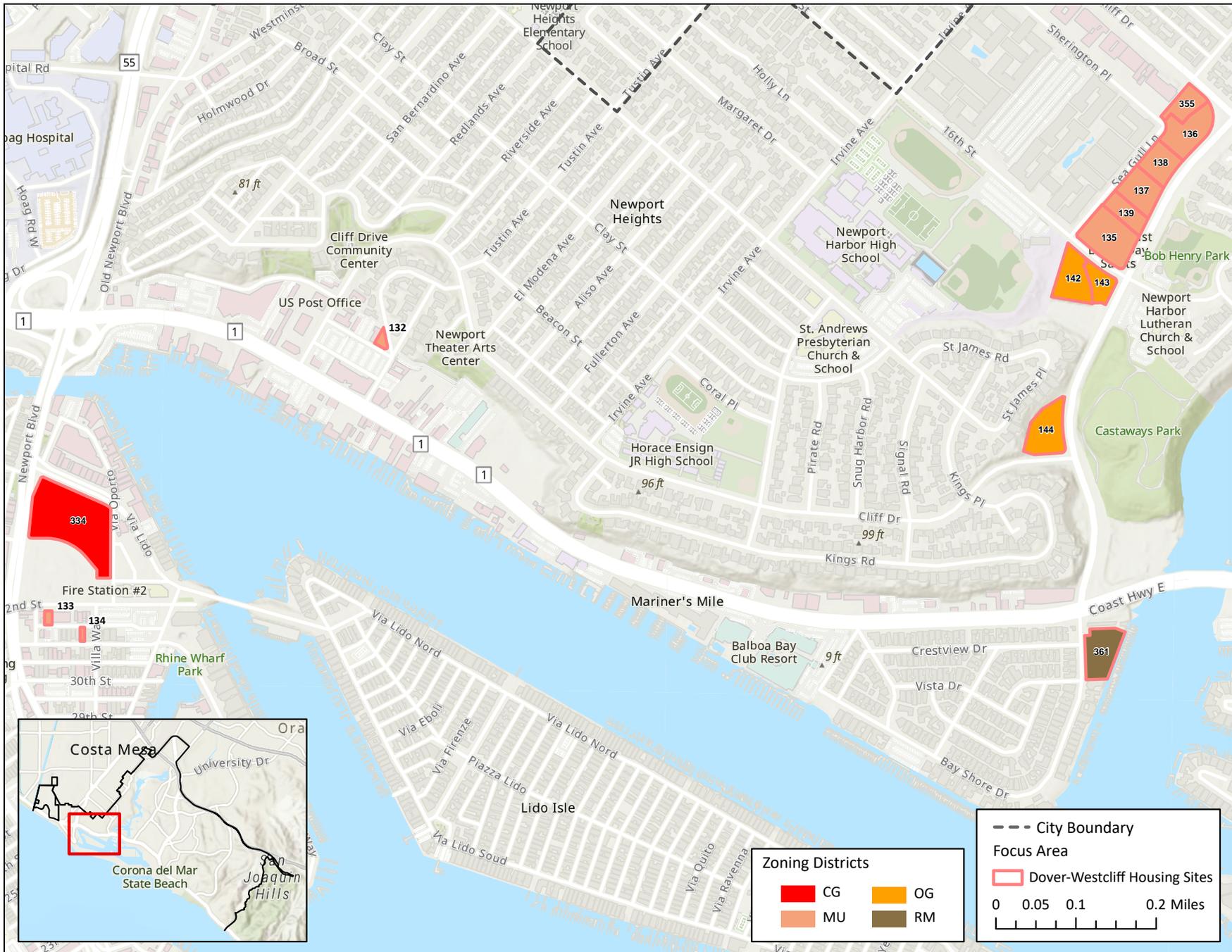


Figure 4.10-8: Existing Zoning Designation, Dover-Westcliff Focus Area
 City of Newport Beach General Plan Housing Implementation
 Program Environmental Impact Report

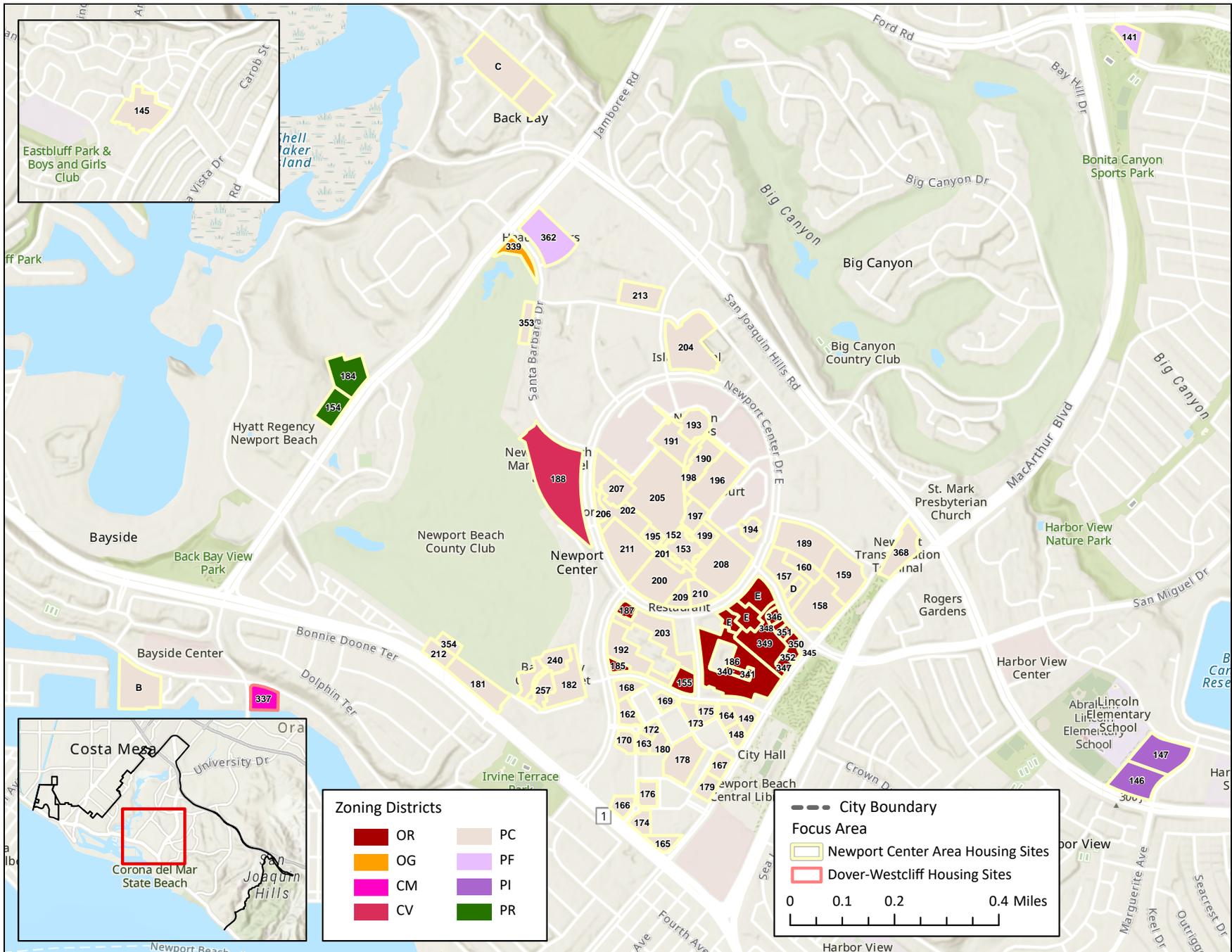


Figure 4.10-9: Existing Zoning Designation, Newport Center Focus Area
 City of Newport Beach General Plan Housing Implementation
 Program Environmental Impact Report

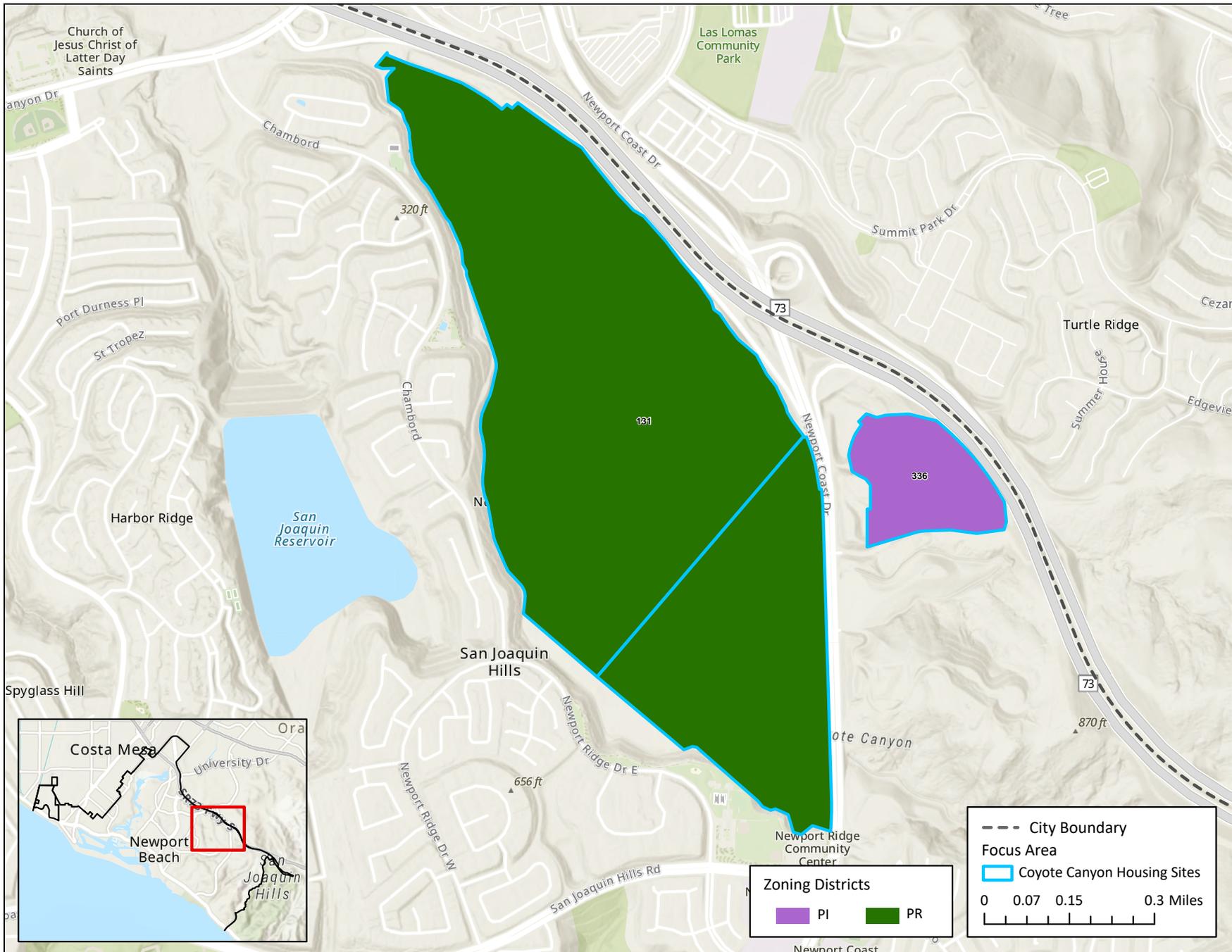


Figure 4.10-10: Existing Zoning Designation, Coyote Canyon Focus Area
 City of Newport Beach General Plan Housing Implementation
 Program Environmental Impact Report

4.10.1 Thresholds of Significance

The City uses the thresholds of significance specified in the *State CEQA Guidelines Appendix G*. Impacts to land use and planning would be significant if the Project would:

- Physically divide an established community; or
- Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

4.10.2 Methodology

This analysis considers the *State CEQA Guidelines Appendix G* thresholds, as described above, in determining whether the Project, including future housing development facilitated by the proposed Project, would result in impacts concerning land use and planning. The evaluation was based on a review of existing policies and regulations to determine their applicability to the Project. The baseline conditions and impact analyses are based on review of various data available in public records, including local planning documents. The determination that future housing development facilitated by the proposed Project would or would not result in “substantial” adverse effects on land use resources considers the relevant policies and regulations established by local and regional agencies and the Project’s compliance with these policies.

4.10.3 Project Impacts and Mitigation

Threshold 4.1-1: Would the Project physically divide an established community?

The proposed Project would not directly construct new housing, but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. Implementation of the Project would involve the future development of vacant land, the redevelopment of currently developed sites with residential and mixed-use land uses; the intensification of existing residential sites; and the introduction of new residential land uses on parcels throughout the City.

Of the 247 housing sites, 21 sites are currently vacant (see **Table 3-12**, **Figure 3-9** and **Figure 3-10** in **Section 3.0: Project Description**). Of the remaining 226 housing sites, 215 housing sites are developed with non-residential uses (i.e., commercial, office, industrial, and public) and 11 housing sites are developed with residential uses (433 dwelling units). This EIR conservatively analyzes a total development capacity of 9,914 units including future development capacity of up to 9,649 units on the 247 housing sites, 25 units of pipeline projects, and 240 ADUs. However, only a portion of the housing units identified on housing sites will be necessary to accommodate the City’s RHNA planning obligation of 4,845 housing units.

On the vacant housing sites, future housing development facilitated by the Project would replace vacant properties with residential developments. While these sites are vacant, they are either within a developed area of the site or adjacent to existing development. On the remaining 226 housing sites, future housing development facilitated by the Project may replace existing land uses with residential developments or result in the intensification of development. For example, a site may be a mixed-use development with residential and non-residential uses. A majority of future projects would occur through infill development (see **Exhibit 3-3** through **Exhibit 3-7** in **Section 3.0**) which show the locations of the housing sites in the

focus areas). ADUs throughout the City would also occur through infill development. ADUs are allowed in all residential and mixed-use zones and there is no minimum lot size.⁴ Given the City's urbanized nature, and since the future housing development facilitated by the Project would occur on sites adjacent to existing development and would occur through infill development, physical divisions to an established community would not occur.

Future housing development facilitated by the Project would be subject to compliance with the Municipal Code, which is intended to allow the most appropriate use of land and prevent land use incompatibilities. Pursuant to Municipal Code Chapter 20.16, Development and Land Use Approval Requirements, no use of land or structures shall be allowed, altered, constructed, established, expanded, reconstructed, or replaced unless the use of land or structures comply with the Zoning Code and its requirements. Additionally, future housing development would be subject to the development standards for the proposed housing opportunity overlay zones. This would include all applicable development standards, and adopted objective design standards, unless otherwise modified by Municipal Code Section 20.28.050. Compliance with the Municipal Code would ensure compatibility of future residential development with existing land uses and avoid conflicts between development within the City.

Future housing development facilitated by the Project would also be required to demonstrate consistency with applicable polices of Newport Beach General Plan, including Land Use Element Policy LU 3.1 and Policy LU 3.2, which support development that maintains the City's existing development pattern while enhancing them to allow for re-use and infill development. Further, future projects would need to address Policies LU 5.1.2, LU 5.3.3, and 5.6.1 which aim to provide compatibility between neighborhoods, districts, and corridors throughout the City and to integrate residential uses with non-residential uses throughout the City, and Policy 6.2.1 and 6.2.3 which encourages a mix of residential types to accommodate people with diverse housing needs.

Accordingly, the Project would comply with the Municipal Code and General Plan and future projects would be required to demonstrate consistency with applicable regulations and compatibility with existing development within the City. The proposed Project would not result in the division of an established community because housing sites are located throughout the City, rather than in a single, concentrated area, and the Project does not propose any major roadways (e.g., expressway or freeway) that would traverse an existing community or neighborhood. Because the Project would not physically divide an established community, impacts would be less than significant.

Impact Summary: **Less than Significant.** Implementation of the Project would not physically divide established communities.

Threshold 4.1-2: Would the Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.?

Newport Beach General Plan

The Project does not propose any changes to the existing General Plan land use categories that govern land uses within the City, including the five land use designations that solely accommodate residential

⁴ ADUs in the Coastal Zone require a Coastal Development Permit.

development. Further, no change is proposed to the designations' densities or housing types. However, the Project does propose amendments to the General Plan Land Use Element goals and policies, as provided in **Table 3-14: Proposed Land Use Element Policy Amendments**. The proposed amendments include modifications to existing goals and policies, as well as new policies, to further the implementation of the 2021-2029 Housing Element. The proposed Land Use Element updates are required to ensure consistency between General Plan elements (i.e., the Housing Element and the Land Use Element) in compliance with State law. Further, the proposed Land Use Element amendments would ensure that future housing development facilitated by the Project occurs in a manner that is consistent with densities, objective design, and development standards in the City.

An analysis of the proposed Project's consistency with the applicable existing and proposed goals and policies of the General Plan Land Use Element is provided in **Table 4.10-1: General Plan Consistency Analysis**. The analysis concludes that the Project would not conflict with key relevant Land Use Element policies adopted for the purpose of avoiding or mitigating an environmental effect.

Further, the proposed Project would not result in the direct construction of housing that could result in a significant environmental impact. Rather, the Project would provide a framework for future housing development in the City, in a manner that is consistent with the General Plan, including General Plan policies adopted for the purpose of avoiding or minimizing environmental impacts. Physical environmental impacts resulting from implementation of the Project are discussed in the applicable environmental resource sections in this Program EIR.

The Project's proposed policy amendments would ensure internal consistency between the land use documents governing development in the City and the Project would result in less than significant impacts related to conflicts with key relevant Land Use Element policies adopted for the purpose of avoiding or mitigating an environmental effect.

Newport Beach Local Coastal Program

The proposed Project includes 48 housing sites that are located within the Coastal Zone and would be subject to the LCP (see **Figure 3-8**). The proposed Project includes modifications to existing LCP policies, as well as new policies, to facilitate future development of housing on sites located within the Coastal Zone. The proposed LCP Land Use Policy amendments are provided in **Table 3-15**. Additionally, Municipal Code Chapter 21.28, Overlay Coastal Zoning Districts, would be amended to include Section 21.28.070: Housing Opportunity (HO) Overlay Coastal Zoning Districts. The HO Overlay Coastal Zoning Districts are intended to accommodate housing opportunities consistent with the 2021-2029 Housing Element's focus areas and to ensure the City can meet RHNA allocation.

An analysis of the proposed Project's consistency with the applicable existing and proposed LCP policies is provided in **Table 4.10-2: Local Coastal Program Policy Consistency Analysis**. The proposed LCP policy changes and associated Municipal Code amendments would not change the underlying zoning or land use of housing sites. Future housing development facilitated by the Project would be subject to the City's review and approval process and would need to comply with all applicable federal, State, and local laws and regulations, including those related to the Coastal Zone. Therefore, upon approval of the Project's discretionary actions, the Project would result in less than significant impacts related to conflicts with the LCP and policies and programs adopted for the purpose of avoiding or mitigating an environmental effect.

Table 4.10-1. General Plan Consistency Analysis	
Applicable City of Newport Beach Existing and Proposed General Plan Goals and Policies	Project Consistency
Land Use Element	
Goal LU 1 – A unique residential community with diverse coastal and upland neighborhoods, which values its colorful past, high quality of life, and community bonds, and balances the needs of residents, businesses, and visitors through the recognition that Newport Beach is primarily a residential community.	
Policy LU 1.1 Unique Environment. Maintain and enhance the beneficial and unique character of the different <u>villages</u> , neighborhoods, business districts, and harbor that together identify define Newport Beach <u>through neighborhood preservation</u> . Locate and design development to <u>in a way that</u> reflects Newport Beach’s topography, <u>and</u> architectural diversity, and view sheds <u>while emphasizing the City’s coastal orientation, including public views.</u>	Consistent. The Project would not conflict with the intent of this policy. Please also refer to Section 4.1: Aesthetics of this EIR. Future housing projects would be subject to development review by the City.
Policy LU 1.2 Citywide Identity. While recognizing Recognize <u>and support</u> the qualities that uniquely define its <u>Newport Beach’s</u> neighborhoods and districts; that promote the identity of the entire City that differentiates it as a special place within <u>a citywide identity unique to</u> the Southern California region.	Consistent. Implementation of future housing projects associated with this Project would not conflict with the intent of this policy. Future housing projects would be subject to development review by the City.
Policy LU 1.5 Economic Health. Encourage a <u>Support the</u> local economy that provides <u>through the identification and development of housing opportunities, as well as</u> adequate commercial, office, <u>medical</u> , industrial, and marine- oriented opportunities <u>uses</u> that provide employment and local revenue opportunities to support high- quality community services <u>for residents, businesses, and visitors.</u>	Consistent. The 2021-2029 Housing Element identifies housing sites located in the City to accommodate the City’s RHNA for the 6 th Cycle. This Program EIR evaluates the potential future development of the housing sites. It also allows for ongoing non-residential development throughout the City.
Goal LU 2 – A living, active, and diverse environment that complements all lifestyles and enhances neighborhoods, without compromising the valued resources that make Newport Beach unique. It contains a diversity of uses that support the needs of residents, sustain and enhance the economy, provide job opportunities, serve visitors that enjoy the City’s diverse recreational amenities, and protect its important environmental setting, resources, and quality of life.	
Policy LU 2.2 Complete Community. Emphasize <u>and support</u> the development of uses that enable <u>allow</u> Newport Beach to continue as a self-sustaining <u>complete</u> community and minimize the need for residents to travel outside of the community <u>that maintains the ability to provide locally accessible opportunities</u> for retail, goods and services, and employment.	Consistent. Future implementation of housing in the focus areas allows for the integration of housing on vacant sites, sites currently developed with non-residential uses, and on sites with housing. Both mixed-use and residential developments would be integrated into the community, in many cases proximate to employment, retail, and entertainment uses.
Policy LU 2.3 Range of Residential Choices. Provide opportunities for the development of residential units that respond to community and regional needs in terms of density, size, location, and cost. Implement goals, policies, programs, and objectives identified within the City’s Housing Element.	Consistent. The proposed Project would not directly construct new housing, but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. The 2021-2029 Housing Element was prepared to ensure the City establishes policies, procedures, and incentives in its land use planning and development activities that result in

Table 4.10-1. General Plan Consistency Analysis	
Applicable City of Newport Beach Existing and Proposed General Plan Goals and Policies	Project Consistency
	maintenance and expansion of the housing supply to adequately accommodate households currently living and expected to live in the City.
Policy LU 2.5 Harbor and Waterfront Uses. Preserve the uses of the Harbor and the waterfront that contribute to the charm and character of Newport Beach and provide needed support for <u>residents, recreational and commercial boaters, and visitors,</u> and residents, with appropriate regulations necessary to protect the interests of all users as well as adjoining residents.	Consistent. The Project would not conflict with the intent of this policy with respect to the harbor and waterfront areas. Future housing projects would be subject to development review by the City including but not limited to sites within the Coastal Zone.
Policy LU 2.8 Adequate Infrastructure. Accommodate the types, densities, and mix of land uses that can be adequately supported by transportation and utility infrastructure (water, sewer, storm drainage, energy, and so on) and public services (schools, parks, libraries, seniors, youth, police, fire, and so on).	Consistent. General Plan policies require that adequate public services and infrastructure be provided as new development occurs. All future housing development facilitated by the Project would be subject to the City’s development review process and would be assessed on a case-by-case basis and would need to demonstrate that project can be served or if potential infrastructure improvements are required. Please refer to Section 4.13: Public Services and Section 4.17: Utilities and Service Systems , for further information and analysis regarding public services and utility infrastructure, respectively.
Goal LU 3 – A development pattern that retains and complements the City’s residential neighborhoods, commercial and industrial districts, open spaces, and natural environment.	
Policy LU 3.2 Growth and Change. Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach’s share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.	Consistent. See response to Policy LU 2.2, Policy LU 2.3, and Policy LU 2.8. The proposed Project would not directly construct new housing, but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. Future implementation of housing in the focus areas allows for the integration of housing on vacant sites, sites currently developed with non-residential uses, and on sites with housing. The proposed pattern of development can provide connectivity and livability proximate to employment, transportation, and recreation and open space, and retail centers.
Policy LU 3.3 Transition of Land Uses. Provide support <u>opportunities for improved new development and enhanced improved physical environments for residents, businesses, and visitors</u> in the following districts and corridors, as specified in Policies 6.3.1 through 6.22.7: <ul style="list-style-type: none"> ▪ West Newport: support <u>consolidation of retail and visitor-serving commercial uses, with remaining areas developed for and new residential opportunities</u> 	Consistent. See response to Policy LU 2.3 and Policy LU 2.8. The proposed Project would not directly construct new housing, but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. Future implementation of housing in the focus areas allows for the integration of housing on vacant sites, sites currently developed with non-residential uses, and on sites with housing.

Applicable City of Newport Beach Existing and Proposed General Plan Goals and Policies	Project Consistency
<p>▪ West Newport Mesa: re-use of underperforming commercial and industrial properties for offices and other uses that support Hoag Hospital’s medical activities, improvement of remaining industrial properties adjoining the City of Costa Mesa, accommodation of nonwater marine-related industries, and development of residential in proximity to jobs and services</p> <p>▪ Santa Ana Heights: use of properties consistent with the adopted Specific Plan and Redevelopment Plan <u>support continued implementation of the adopted Specific Plan</u></p> <p>▪ John Wayne Airport Area: re-use of underperforming industrial and office properties and development of cohesive residential neighborhoods in proximity to jobs and services</p> <p>▪ Fashion Island/Newport Center: expanded <u>support balanced expansion and enhancement of retail uses, and hotel rooms, and offices,</u> and development of residential uses in proximity to jobs and services, while limiting increases in office development</p> <p>▪ Balboa Peninsula: more efficient <u>support</u> patterns of use that consolidate the Peninsula’s visitor-serving and mixed uses within the core commercial districts; encourage marine-related uses especially along the bay front; integrate residential with retail and visitor-serving uses in Lido Village, McFadden Square, Balboa Village, and along portions of the Harbor frontage; re-use interior parcels in Cannery Village for residential and limited mixed-use and live/work buildings; and redevelop underperforming properties outside of the core commercial <u>along the Balboa Boulevard corridor for residential. Infill development shall be designed and sited to preserve historical and architectural fabric of these districts</u></p> <p>▪ Mariners’ Mile: <u>support revitalization of underperforming existing properties</u> for retail, visitor-serving, and marine-related uses, integrated with residential</p> <p>▪ Corona del Mar: <u>support</u> enhancement of public improvements and parking (Imp 1.1, 2.1, 5.1)</p> <p><u>Study, create, and consider the adoption of specific plans or other appropriate land use guidance for the following areas:</u></p> <p>▪ <u>West Newport Mesa: This area is generally bounded by the City of Costa Mesa to the north, Banning Ranch to the west, State Route 55 to the east, and Hospital Road to</u></p>	

Table 4.10-1. General Plan Consistency Analysis

Applicable City of Newport Beach Existing and Proposed General Plan Goals and Policies	Project Consistency
<p><u>the south. The area may be expanded subject to land use amendments (if required). The intent is to support a cohesive strategy that enhances existing land use or repurpose underperforming commercial and industrial uses or activities while facilitating new and varied housing, including workforce housing proximate to jobs, transportation, and services. Future land uses are intended to be appropriately located and sized to accommodate local community needs.</u></p> <ul style="list-style-type: none"> ▪ <u>Airport Area: This area is generally bound by Jamboree Road to the east, Campus Drive to the north and west, and State Route 73 to the south. The area may be expanded subject to land use amendments (if required). This area must support flexible land use planning for the reuse and repurposing of existing nonresidential uses while allowing for a variety of housing opportunities inclusive of workforce housing proximate to jobs, transportation, supporting commercial, and services. The intent is to support and provide neighborhood parks or other recreational opportunities, and other public services. Development in this area should contribute to a cohesive urban, mixed-use character where residents and visitors can live, work, shop, access services, and play.</u> ▪ <u>Coyote Canyon Landfill: This approximately 375-acre open space area is generally bound by Newport Coast Drive to the east, State Route 73 to the north, and the Newport Ridge Planned Community to the west and south. The intent for this area is to support a comprehensive vision that balances future land uses with environmental stewardship and public access. Future development should adapt the closed landfill as an area that supports a variety of outdoor recreational uses such as golf, hiking, and nature interpretation alongside housing opportunities with complementary nonresidential uses.</u> 	
<p>Policy LU 3.8 Project Entitlement Review with Airport Land Use Commission. Refer the adoption or amendment of the General Plan, Zoning Code, specific plans, and Planned Community development plans for land within the John Wayne Airport planning area, as established in the JWA Airport Environs Land Use Plan (AELUP), to the Airport Land Use Commission (ALUC) for Orange County for review, as required by Section 21676 of the California Public Utilities Code. In addition, refer all development projects that include buildings with a height greater than 200 feet above ground level to the ALUC for review.</p>	<p>Consistent. The proposed Project requires a determination of consistency by the Airport Land Use Commission (ALUC) with the Airport Environs Land Use Plan (AELUP) for John Wayne Airport in accordance with General Plan Policy LU 3.8 and the requirements outlined in the AELUP because the Project requires an amendment to General Plan and Zoning Code. The ALUC’s consistency determination for the Project must occur prior to the Newport Beach City Council taking action on this Project. Should the ALUC make a determination of inconsistency with the AELUP, the City may override the ALUC decision by a two-thirds vote of its governing body, if it makes specific findings that the proposed</p>

Table 4.10-1. General Plan Consistency Analysis	
Applicable City of Newport Beach Existing and Proposed General Plan Goals and Policies	Project Consistency
	<p>action is consistent with the purposes stated in Section 21670(a)(2) of the Public Utilities Code: “to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public’s exposure to excessive noise and safety hazards in areas around public airports to the extent that these areas are not already devoted to incompatible uses.” As applicable, future housing projects would also be subject to review by the ALUC.</p>
<p>Goal LU 4 – Management of growth and change to protect and enhance the livability of neighborhoods and achieve distinct and economically vital business and employment districts, which are correlated with supporting infrastructure and public services and sustain Newport Beach’s natural setting</p> <p><u>Manage growth and change to:</u></p> <ul style="list-style-type: none"> ▪ <u>Support the livability of existing neighborhoods.</u> ▪ <u>Support residential opportunities that accommodate the City’s share of the Regional Housing Needs Assessment.</u> ▪ <u>Promote new uses that are complimentary to already existing neighborhoods and uses.</u> ▪ <u>Achieve distinct and economically vital business and employment districts.</u> ▪ <u>Correlate with supporting infrastructure and public services.</u> ▪ <u>Sustain Newport Beach’s natural setting.</u> 	
<p>Policy LU 4.1 Land Use Diagram. Support land use development consistent with the Land Use Plan. Figure LU1 depicts the general distribution of uses throughout the City and Figure LU2 through Figure LU15 depict specific use categories for each parcel within defined Statistical Areas. Table LU1 (Land Use Plan Categories) specifies the primary land use categories, types of uses, and, for certain categories, the densities/intensities to be permitted. The permitted densities/intensities or amount of development for land use categories for which this is not included in Table LU1, are specified on the Land Use Plan, Figure LU4 through Figure LU15. These are intended to convey maximum and, in some cases, minimums that may be permitted on any parcel within the designation or as otherwise specified by Table LU2 (Anomaly Locations).</p> <p>The density/intensity ranges <u>exclude increases allowed through the application of density bonus laws and</u> are calculated based on actual land area, actual number of dwelling units in fully developed residential areas, and development potential in areas where the General Plan allows additional development.</p> <p>To determine the permissible development, the user should:</p>	<p>Consistent. The proposed Project would not directly construct new housing, but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element.</p>

Table 4.10-1. General Plan Consistency Analysis	
Applicable City of Newport Beach Existing and Proposed General Plan Goals and Policies	Project Consistency
<p>a. Identify the parcel and the applicable land use designation on the Land Use Plan, Figure LU4 through Figure LU15</p> <p>b. Refer to Figure LU4 through Figure LU15 and Table LU1 to identify the permitted uses and permitted density or intensity or amount of development for the land use classification. Where densities/intensities are applicable, the maximum amount of development shall be determined by multiplying the area of the parcel by the density/intensity.</p> <p>c. For anomalies identified on the Land Use Map by a symbol, refer to Table LU2 to determine the precise development limits.</p> <p>For residential development in the Airport Area. refer to the policies prescribed by the Land Use Element that define how development may occur.</p>	
<p><u>Policy LU 4.2 Rezoning to Accommodate Housing Opportunities (new). Accommodate housing opportunities through the adoption of housing opportunity overlay zoning districts or other land use regulatory policy. The following areas are intended to be consistent with the Housing Element’s focus areas. Properties within each overlay district should include, but are not limited to, sites identified in the Housing Element; however, not all sites must be included, and other sites may be identified in the future through rezoning unless precluded by State law. The goal is to ensure an adequate number of sites Citywide to accommodate the City’s allocation of the Regional Housing Needs Assessment:</u></p> <ul style="list-style-type: none"> ▪ <u>Airport Environs Area: the intent is to support a density between 30 and 50 dwelling units per gross acre to accommodate up to 2,577 total dwelling units within the area.</u> ▪ <u>West Newport Mesa: the intent is to support a density between 20 and 50 dwelling units per gross acre to accommodate up to 1,107 total dwelling units within the area.</u> ▪ <u>Newport Center: the intent is to support a density between 20 and 50 dwelling units per gross acre to accommodate up to 2,439 total dwelling units within the area.</u> ▪ <u>Dover / Westcliff: the intent is to support a density between 20 and 50 dwelling units per gross acre to accommodate up to 521 total dwelling units within the area.</u> ▪ <u>Coyote Canyon: the intent is to allow a density between 20 and 60 dwelling units per gross acre of viable land to accommodate up to 1,530 total dwelling units within the area.</u> 	<p>Consistent. The purpose of this Project is to adopt implementing actions associated with the 2021-2029 Housing Element, including but not limited to the Housing Overlay zones.</p>

Table 4.10-1. General Plan Consistency Analysis	
Applicable City of Newport Beach Existing and Proposed General Plan Goals and Policies	Project Consistency
<p><u>Policy LU 4.4 Residential Uses and Residential Densities (new).</u> Residential use of any property included within an established housing opportunity overlay zoning district is allowed regardless of the underlying land use category or density limit established through Policy LU 4.1, Table LU 1 and Table LU 2. A general plan amendment is not required to develop a residential use within an established housing opportunity zoning overlay district. The maximum density specified for the various overlay districts specified in Policy LU 4.2 is an average over the entire property or project site. For example, a portion of a development site may be developed at a higher density than specified by Policy 4.2 provided other portions of the site are developed at lower densities such that the average does not exceed the maximum. Density calculations and total units do not include units permitted pursuant to State density bonus law.</p>	<p>Consistent. The purpose of this Project is to adopt implementing actions associated with the 2021-2029 Housing Element, including but not limited to the Housing Overlay zones. An overlay district is a regulatory tool that adds special provisions and regulations to an area in the City. An overlay district may be added to a neighborhood or corridor on a map or it may apply to the City as whole and be applied under certain circumstances. An overlay district may be initiated as a Zoning Map amendment. All proposed developments within the overlay district must comply with the district’s applicable development standards in addition to the Zoning Code standards. Please also refer to Section 3.0: Project Description regarding descriptions of and development standards for the Overlay Zones.</p>
<p><u>Policy LU 4.5 Continuation of Existing Development (new).</u> Residential opportunities are in addition to existing uses allowed by the General Plan. Properties within the established overlay zones are not required to be developed for mixed-use or residential. Existing uses may continue to operate provided they are legally established and consistent with policies and regulations related to legal nonconforming uses. The adoption of housing opportunity overlay districts shall not affect existing rights to use the property.</p>	<p>Consistent. Refer to responses to Policy LU 4.2 and Policy LU 4.4.</p>
<p><u>Policy LU 4.6 Consistency Required (new).</u> If residential or mixed-use projects pursuant to a housing opportunity overlay district are developed, projects shall be consistent with applicable overlay or Zoning Code requirements unless modified consistent with an established procedure to grant relief from standards (e.g., Planned Development Permit, Variance, Conditional Use Permit, Modification Permit, or the application of Density Bonus regulations).</p>	<p>Consistent. Refer to responses to Policy LU 4.2 and Policy LU 4.4.</p>
<p><u>Policy LU 4.7 Redevelopment and Transfer of Development Rights (new).</u> Within an established housing opportunity overlay zone and notwithstanding Policy LU 6.15.5, the intensity of existing allowed uses of a site may be reconstructed on the site as part of a mixed-use development provided the gross floor area allowed by the General Plan is not increased, unless it is increased through a General Plan amendment or density bonus concession. The intensity of existing uses may be converted to other uses allowed by the underlying General Plan land use category provided that average daily trips and peak hour traffic trips are not increased above the trips from the existing allowed use. For example, office intensity may be converted to retail or service commercial, restaurants, or other nonresidential uses provided the General Plan land use category allows these uses.</p>	<p>Consistent. Refer to responses to Policy LU 4.2 and Policy LU 4.4.</p>

Table 4.10-1. General Plan Consistency Analysis	
Applicable City of Newport Beach Existing and Proposed General Plan Goals and Policies	Project Consistency
<u>Nonresidential intensity not included as a component of a future residential project will remain within the General Plan allocations on a statistical area-wide basis. The City Council may transfer the intensity of a use to another site within the Statistical Area consistent with Policy LU 4.3 or Policy LU 6.15.3.</u>	
<p>Policy LU 4.8 Housing Opportunity Overlay Zones (new). <u>The housing opportunity overlay zones identified in LU 4.2 shall accomplish the following:</u></p> <ul style="list-style-type: none"> ▪ <u>Allow owner-occupied and rental multifamily uses by-right without discretionary review for developments in which 20 percent or more of the units are affordable to lower-income households;</u> ▪ <u>Allow a minimum of 16 units per site;</u> ▪ <u>Require developments to include a minimum density of 20 units per acre;</u> ▪ <u>Require that at least 50 percent of the lower-income need be accommodated on sites designated for residential use only or on sites zoned for mixed uses that accommodate all of the very low and low-income housing need, if those sites: to allow 100 percent residential use, and to require residential use occupy 50 percent of the total floor area of a mixed-use project.</u> 	Consistent. Refer to responses to Policy LU 4.2 and Policy LU 4.4.
Goal LU 5.1 – Residential neighborhoods that are well-planned and designed contribute to the livability and quality of life of residents, respect the natural environmental setting, and sustain the qualities of place that differentiate Newport Beach as a special place in the Southern California region.	
Policy LU 5.1.2 Compatible Interfaces. Require that the height of development in nonresidential and higher-density residential areas transition as it nears lower-density residential areas to minimize conflicts at the interface between the different types of development.	Consistent. All future housing development facilitated by the Project would be subject to the City’s development review process and would be assessed on a case-by-case basis including consistency with applicable General Plan policies and Municipal Code requirements. Please also refer to Section 4.1: Aesthetics .
Policy LU 5.1.3 Neighborhood Identification (All Neighborhoods). Encourage and support the identification of distinct residential neighborhoods. <u>identity through the establishment of objective design and development standards that will distinguish neighborhoods from others in the City.</u>	Consistent. The purpose of this Project is to adopt implementing actions associated with the 2021-2029 Housing Element, including but not limited to the draft <i>City of Newport Beach Multi-Unit Objective Design Standards</i> , which are included as Appendix B to this Program EIR. These implementing actions would be consistent with the intent of this policy.
Goal LU 5.3 – Districts where residents and businesses are intermixed that are designed and planned to ensure compatibility among the uses, that they are highly livable for residents, and are of high quality design reflecting the traditions of Newport Beach.	
Policy LU 5.3.3 Parcels Integrating Residential and Nonresidential Uses. Require that properties developed with a mix of residential and nonresidential uses be designed to	Consistent. All future housing development facilitated by the Project would be subject to the City’s development review process and would be assessed on a case-

Table 4.10-1. General Plan Consistency Analysis	
Applicable City of Newport Beach Existing and Proposed General Plan Goals and Policies	Project Consistency
achieve high levels of architectural quality in accordance with policies LU 5.1.9 and LU 5.2.1 and planned to ensure compatibility among the uses and provide adequate circulation and parking. Residential uses should be seamlessly integrated with nonresidential uses through architecture, pedestrian walkways, and landscape. They should not be completely isolated by walls or other design elements.	by-case basis including consistency with applicable General Plan policies and Municipal Code requirements. Refer to Section 4.1: Aesthetics and the response to Policy LU 5.1.3.
Goal LU 5.6 – Neighborhoods, districts, and corridors containing a diversity of uses and buildings that are mutually compatible and enhance the quality of the City’s environment	
Policy LU 5.6.1 Compatible Development. Require that buildings and properties be designed to ensure compatibility within and as interfaces between neighborhoods, districts, and corridors.	Consistent. Please refer to response to Policy LU 5.3.3.
Goal LU 6.2 – Residential neighborhoods that contain a diversity of housing types and supporting uses to meet the needs of Newport Beach’s residents and are designed to sustain livability and a high quality of life.	
Policy LU 6.2.1 Residential Supply. Accommodate a diversity of residential units that meets the needs of Newport Beach’s population and fair share of regional needs in accordance with the Land Use Plan’s designations, applicable density standards, design and development policies, and the adopted Housing Element.	Consistent. The Project would not directly construct new housing, but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. The Housing Element was prepared to ensure the City establishes policies, procedures, and incentives in its land use planning and development activities that result in maintenance and expansion of the housing supply to adequately accommodate households currently living and expected to live in the City.
Policy LU 6.2.3 Residential Affordability. Encourage the development of residential units that are affordable for those employed in the City.	Consistent. The City’s 2021–2029 Housing Element demonstrates compliance with its RHNA obligations for the identification of housing sites through a combination of housing strategies. Table 3-3: RHNA Status and Housing Development Capacity summarizes the City’s RHNA obligations, existing capacity, and development capacity on identified housing sites. The City’s 6 th Cycle RHNA allocation is 4,845 housing units, including 1,456 very low-income units and 930 low-income units.
Policy LU 6.2.4 Accessory Dwelling Units. Policy LU 6.2.4 Accessory Dwelling Units Permit conditionally the construction of one granny unit (accessory age restricted units for one or two adult persons who are sixty years of age or older) per single family residence within single family districts, provided that such units meet set back, height, occupancy, and other applicable regulations set forth in the Municipal Code. Support and promote the development of accessory dwelling units and junior accessory dwellings units in all zones that allow residential units, to provide a more affordable housing option	Consistent. The 2021-2029 Housing Element includes as a part of its RHNA implementation strategy, 240 ADUs. ADUs are allowed in all residential and mixed-use zones and there is no minimum lot size. ADUs in the Coastal Zone require a Coastal Development Permit.

Table 4.10-1. General Plan Consistency Analysis	
Applicable City of Newport Beach Existing and Proposed General Plan Goals and Policies	Project Consistency
<u>that helps the City meet its housing production goals while minimizing the need to rezone for additional future capacity.</u>	
Policy LU 6.2.5 Neighborhood Supporting Uses. Allow for the integration of uses within residential neighborhoods that support and are complementary to their primary function as a living environment such as schools, parks, community meeting facilities, religious facilities, and comparable uses. These uses shall be designed to ensure compatibility with adjoining residential addressing such issues as noise, lighting, and parking.	Consistent. The Project would not conflict with the intent of this policy.
Goal LU 6.4 –Banning Ranch. If acquisition for open space is not successful, a high-quality residential community with supporting uses that provides revenue to restore and protect wetlands and important habitats.	
Policy LU 6.4.2 Residential. Accommodate a maximum of 1,375 <u>1,475</u> residential units, which shall consist of a mix of single-family detached, attached, and multi-family units to provide a range of choices and prices for residents.	Consistent. This policy change allows for consistency with the assumptions for Banning Ranch as set forth in the 2021-2029 Housing Element. As addressed in this EIR, the Banning Ranch Focus Area is included in the 2021–2029 Housing Element’s sites inventory but is not assumed in order to accommodate the City’s 2021–2029 RHNA growth need. Banning Ranch is considered as additional dwelling unit opportunity in addition to those that accommodate the RHNA.
Goal LU 6.6 – West Newport Mesa. A medical district with peripheral medical services and research facilities that support the Hoag Hospital campus within a well-planned residential neighborhood, enabling residents to live close to their jobs and reducing commutes to outlying areas	
Policy LU 6.6.2 Residential Types (West Newport Mesa). Promote <u>Support</u> the development of a mix of residential types and building scales within consistent with the densities permitted by the “RM” <u>General Plan</u> (Figure LU18, Sub-Area C) designation, which may include single-family attached, townhomes, apartments, flats, and comparable units. Residential densities may be increased on a property as a means of promoting a variety of housing types within Newport Mesa, provided that the overall average <u>project</u> density of 18-30 <u>to 50 dwelling</u> units per acre is not exceeded (consistent with Policy LU 4.2).	Consistent. Refer to response to Policy LU 4.2.
Goal LU 6.14 – Newport Center/Fashion Island. A successful mixed-use district that integrates economic and commercial centers serving the needs of Newport Beach residents and the subregion, with expanded opportunities for residents to live close to jobs, commerce, entertainment, and recreation, and is supported by a pedestrian-friendly environment.	
Policy LU 6.14.2 Newport Center. Provide the opportunity for limited residential, hotel, and office development in accordance with the limits specified by Tables LU1 and LU2.	Consistent. The Newport Center Focus Area include 85 housing sites on 230 acres. Refer to Figure 3-6: Newport Center Focus Area Sites for the locations of these housing sites.

Table 4.10-1. General Plan Consistency Analysis	
Applicable City of Newport Beach Existing and Proposed General Plan Goals and Policies	Project Consistency
Goal LU 6.15 – Airport Area. A mixed-use community that provides jobs, residential, and supporting services in close proximity, with pedestrian-oriented amenities that facilitate walking and enhance livability.	
Policy LU 6.15.3 Airport Compatibility. Require that all development be constructed in conformance with the height restrictions set forth by the Federal Aviation Administration (FAA), Federal Aviation Regulations (FAR) Part 77, and Caltrans Division of Aeronautics, and that residential development shall be allowed only on parcels with noise levels of less than John Wayne Airport 65 dBA CNEL noise contour area <i>as shown in Figure N5 (see Figure 4.11-1 in Section 4.11: Noise of this EIR) of the Noise Element of the General Plan</i> unless and until the City determines, based on substantial evidence, that the sites wholly within the 65 dBA CNEL noise contour shown in Figure N5 are needed for the City to satisfy its Sixth Cycle RHNA mandate. Nonresidential uses are, however, encouraged on parcels located wholly within the 65 dBA CNEL contour area.	Consistent. Future housing projects would be subject to development review by the City including, as applicable, building height consistency with FAA regulations.
Policy LU 6.15.4 Priority Uses (Airport Area – Mixed-Use Districts [Subarea C, “MU-H2” designation]). Accommodate office, research and development, and similar uses that support the primary office and business park functions such as retail and financial services, as prescribed for the “CO-G” designation, while allowing for the re-use of properties for the development of cohesive <u>mixed-use and residential villages developments</u> that are integrated with business park uses.	Consistent. The Project would not directly construct new housing, but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. Refer to LU Policies 4.2, 4.4, 4.5, 4.6, and 4.7.
Policy LU 6.15.28 Priority Uses (Airport Area – Commercial Nodes [“CG” designation Sub-Area C—part]). Encourage the development of retail, financial services, dining, hotel, and other uses that support the John Wayne Airport, the Airport Area’s office uses and as developed or <u>redeveloped</u> , its residential neighborhoods, as well as automobile sales and supporting uses at the MacArthur Boulevard and Bristol Street node.	Consistent. The proposed Project would not directly construct new housing, but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. Future implementation of housing in the focus areas allows for the integration of housing on vacant sites, sites currently developed with non-residential uses, and on sites with housing. The proposed pattern of development can provide connectivity and livability proximate to employment, transportation, and recreation and open space, and retail centers.
Policy LU 6.15.29 Priority Uses (Airport Area – Commercial Office District [“CO-G” designation Sub-Area C—part]). Encourage the development of administrative, professional, and office uses <u>that are proximate or adjacent to residential uses;</u> with limited accessory retail and service uses that provide jobs for residents and benefit adjoining mixed-use districts.	Consistent. Refer to the response to LU Policies 4.2, 4.4, 4.5, 4.6, 4.7, and 4.15.28.

Table 4.10-2. Local Coastal Program Policy Consistency Analysis	
Applicable City of Newport Beach Existing and Proposed Local Coast Program Policies	Project Consistency
<p>Policy 2.1.1-1 The land use categories in LCP Table 2.1.1-1 establish the type, density and intensity of land uses within the coastal zone. If there is a conflict between the development limits of the Land Use Element and the Coastal Land Use Plan, the provision that is most protective of coastal resources shall take precedence. However, in no case, shall the policies of the Coastal Land Use Plan be interpreted to allow a development to exceed a development limit established by the General Plan or its implementing ordinances.</p>	<p>Consistent. Future housing projects within the Coastal Zone would be required to be consistent with the LCP policies and would be subject to review by the City as a part of its development review process.</p>
<p>Policy LU 2.1.2-1 Development in each district and corridor shall adhere to policies for land use type and density/intensity contained in Table 2.1.1-1, except as modified in Sections 2.1.3 to 2.1.8, <u>and 2.1.11.</u></p>	<p>Consistent. Future housing projects within the Coastal Zone would be required to be consistent with the LCP policies and would be subject to review by the City as a part of its development review process.</p>
<p>Policy LU 2.1.10-1 Land uses and new development in the coastal zone shall be consistent with the Coastal Land Use Plan Map and all applicable LCP policies and regulations, <u>except as modified by all Policies in the 2.1.11 series.</u></p>	<p>Consistent. Future housing projects within the Coastal Zone would be required to be consistent with the LCP policies and would be subject to review by the City as a part of its development review process.</p>
<p>Policy LU 2.1.11-1 <u>Accommodate housing opportunities through the adoption of housing opportunity overlay zoning districts or other land use regulatory policy. The following areas are intended to be consistent with the Housing Element’s focus areas. Properties within each overlay district should include, but are not limited to, sites identified in the Housing Element; however, not all sites must be included, and other sites may be identified in the future through rezoning unless precluded by state law. The goal is to ensure an adequate number of sites Citywide to accommodate the City’s allocation of the Regional Housing Needs Assessment:</u></p> <ul style="list-style-type: none"> ▪ <u>Airport Environs: the intent is to support a density between 30 and 50 dwelling units per gross acre to accommodate up to 2,577 total dwelling units within the entire area, inclusive of those properties in the Coastal Zone.</u> ▪ <u>West Newport Mesa: the intent is to support a density between 20 and 50 dwelling units per gross acre to accommodate up to 1,107 total dwelling units within the entire area, inclusive of those properties in the Coastal Zone.</u> ▪ <u>Newport Center: the intent is to support a density between 20 and 50 dwelling units per gross acre to accommodate up to 2,439 total dwelling units within the entire area, inclusive of those properties in the Coastal Zone.</u> 	<p>Consistent. The purpose of this Project is to adopt implementing actions associated with the 2021-2029 Housing Element, including but not limited to the Housing Overlay zones.</p>

Table 4.10-2. Local Coastal Program Policy Consistency Analysis	
Applicable City of Newport Beach Existing and Proposed Local Coast Program Policies	Project Consistency
<ul style="list-style-type: none"> ▪ <u>Dover / Westcliff: the intent is to support a density between 20 and 50 dwelling units per gross acre to accommodate up to 521 total dwelling units within the entire area, inclusive of those properties in the Coastal Zone.</u> 	
<p><u>Policy LU 2.1.11-2 Residential use of any property included within an established housing opportunity overlay zoning district is allowed regardless of the underlying land use category or density limit established herein. An amendment to the Coastal Land Use Plan is not required to develop a residential use within an established housing opportunity zoning overlay district. The maximum density specified for the various overlay districts specified in Policy 2.1.11-1 is an average over the entire property or project site. For example, a portion of a development site may be developed at a higher density than specified by Policy 2.1.11-1 provided other portions of the site are developed at lower densities such that the average does not exceed the maximum. Density calculations and total units do not include units permitted pursuant to State density bonus law.</u></p>	<p>Consistent. Refer to responses to Policy LU 2.1.11-2.</p>
<p><u>Policy LU 2.1.11-3 Residential opportunities are in addition to existing uses allowed by the Coastal Land Use Plan. Properties within the established overlay coastal zones are not required to be developed for mixed-use or residential. Existing uses may continue to operate provided they are legally established and consistent with policies and regulations related to legal nonconforming uses. The adoption of housing opportunity overlay coastal zoning districts shall not affect existing rights to use the property.</u></p>	<p>Consistent. Refer to responses to Policy LU 2.1.11-2.</p>
<p><u>Policy LU 2.1.11-4 If residential or mixed-use projects pursuant to a housing opportunity overlay district are developed, projects shall be consistent with applicable overlay or Implementation Plan requirements unless modified consistent with an established procedure to grant relief from standards (e.g., Coastal Modification or Variance, or the application of Density Bonus regulations).</u></p>	<p>Consistent. Refer to responses to Policy LU 2.1.11-2..</p>
<p>Policy 2.2.1-1 Continue to allow redevelopment and infill development within and adjacent to the existing developed areas in the coastal zone subject to the density and intensity limits and resource protection policies of the Coastal Land Use Plan.</p>	<p>Consistent. Refer to responses to Policy LU 2.1.11-2.</p>
<p>Policy 2.2.1-2 Require new development be located in areas with adequate public services or in areas that are capable of having public services extended or expanded without significant adverse effects on coastal resources.</p>	<p>Consistent. General Plan policies and LCP policies require that adequate public services and infrastructure be provided as new development occurs. All future housing development facilitated by the Project would be subject to the City's development review process and would be assessed on a project-specific basis and would need to demonstrate that project can be served or if potential infrastructure</p>

Table 4.10-2. Local Coastal Program Policy Consistency Analysis	
Applicable City of Newport Beach Existing and Proposed Local Coast Program Policies	Project Consistency
	improvements are required. Please refer to Section 4.13: Public Services and Section 4.17: Utilities and Service Systems , for further information and analysis regarding public services and utility infrastructure, respectively.
Policy 2.2.1-3 Provide commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads.	Consistent. The Project would not conflict with the intent of this policy.
Policy 2.2.2-1 After certification of the LCP, require a coastal development permit for all development within the coastal zone, subject to exceptions provided for under the Coastal Act as specified in the LCP.	Consistent. Development in overlay zones within the coastal zone are subject to CDPs. Because a CDP is a discretionary action, conditions may be placed on the permit to ensure that the intent of the approval is achieved and/or to mitigate or eliminate adverse impacts. Future housing development within the Coastal Zone must demonstrate adherence to and compliance with the applicable provisions of overlay zones and permit requirements consist with the Coastal Act which is required to be reflected in the findings for approval required by each of the respective discretionary permits.
Policy 2.7-1 Continue to maintain appropriate setbacks and density, floor area, and height limits for residential development to protect the character of established neighborhoods and to protect coastal access and coastal resources.	Consistent. Future housing projects in the Coastal Zone would be subject to review by the City and would require a CDP. The purpose of this Project is to adopt implementing actions associated with the 2021-2029 Housing Element.
Policy 2.7-2 Continue the administration of provisions of State law relative to the demolition, conversion and construction of low and moderate-income dwelling units within the coastal zone.	Consistent. The purpose of this Project is to adopt implementing actions associated with the 2021-2029 Housing Element.
Policy 2.7-5 Administer the provisions of Government Code Section 65852.2 relative to the development of accessory dwelling units to increase the supply of lower-cost housing in the coastal zone and meet the needs of existing and future residents, while respecting the architectural character of existing neighborhoods and in a manner consistent with the LCP and any applicable policies from Chapter 3 of the Coastal Act.	Consistent. The 2021-2029 Housing Element includes as a part of its RHNA implementation strategy, 240 ADUs. ADUs are allowed in all residential and mixed-use zones and there is no minimum lot size. ADUs in the Coastal Zone require a Coastal Development Permit.

Newport Beach Municipal Code

The proposed Project would not change the underlying zoning or zoning designations for housing sites. As a part of the proposed Project, Municipal Code Chapter 20.28, Overlay Zoning Districts, would be amended to include Section 20.28.050: Housing Opportunity (HO) Overlay Zoning Districts and Municipal Code Chapter 21.28, Overlay Coastal Zoning Districts, would be amended to include Section 21.28.070 Housing Opportunity (HO) Overlay Coastal Zoning Districts. The HO Overlay Zoning Districts are intended to accommodate housing opportunities consistent with the 2021-2029 Housing Element's Focus Areas. To be eligible for the provisions of proposed Municipal Code Chapter 20.28.050 and Chapter 21.28.070, the property must be a "5th Cycle Site" or "Opportunity Site." **Table 3-17: Development Standards for Housing Opportunity Overlay Zones in Section 3.0: Project Description** identifies the development standards that would apply to residential or mixed-use project proposed pursuant to proposed Municipal Code Section 20.28.050. **Table 3-19: Coastal Zone – Development Standards for Housing Opportunity Overlay Zones in Section 3.0: Project Description** identifies the development standards that would apply to residential or mixed-use project proposed pursuant to proposed Municipal Code Section 20.28.070 for sites in the Coastal Zone

The intent of the proposed Project is to provide the capacity (i.e., through modifications to existing zoning and land use designations) for the housing market to adequately address housing needs for all income groups, rather than generating the full development capacity housing within the planning cycle. Future housing development facilitated by the Project would be processed in accordance with the applicable zoning regulations and development standards in effect at the time a project is submitted. Future housing development facilitated by the Project would be subject to compliance with the Municipal Code, which is intended to allow the most appropriate use of land and prevent land use incompatibilities.

Overall, the proposed zoning changes described above would be required to meet the City's RHNA and for consistency with the Municipal Code and proposed General Plan Land Use policy amendments. Therefore, upon approval of the Project's discretionary actions, the Project would result in less than significant impacts related to conflicts with Municipal Code plans and standards adopted for the purpose of avoiding or mitigating an environmental effect.

Impact Summary: **Less Than Significant Impact.** The Project would be consistent with applicable existing and proposed General Plan goals and policies and applicable existing and proposed policies of the Local Coastal Program.

4.10.4 Cumulative Impacts

As concluded above, the Project would not physical divide an established community or cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigation an environmental effect. Following compliance with existing and proposed General Plan policies, and other applicable State, regional, and local planning documents, the Project's impacts would be less than significant.

As concluded above, the Project would not cause a significant environmental impact due to a conflict with any City land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. All future housing development facilitated by the Project and all future cumulative development projects would be subject to development review by the City to, in part, to address

consistency with applicable General Plan goals and policies and regulations adopted for the purpose of avoiding or mitigating land use effects.

Therefore, future development facilitated by the Project in conjunction with cumulative development would not result in a significant cumulatively considerable land use impact.

4.10.5 Mitigation Program

As noted, all future housing development facilitated by the Project would be subject to the City's development review process, which may include review pursuant to CEQA. Future housing development would be subject to compliance with relevant federal, State, and local requirements including requirements set forth in the Newport Beach General Plan and Newport Beach Municipal Code.

General Plan Policies

See **Section 4.10.2: Regulatory Setting** for complete policy text.

- Policy LU 2.3
- Policy LU 3.2
- Policy LU 3.8
- Policy LU 5.1.2
- Policy LU 5.3.3
- Policy LU 5.6.1
- Policy LU 6.2.1
- Policy LU 6.2.3
- Policy LU 6.2.5
- Policy LU 6.14.2
- Policy LU 6.15.3

Coastal Land Use Plan Policies

See **Section 4.10.2: Regulatory Setting** for complete policy text.

- Policy 2.1.1-1
- Policy 2.2.1-1
- Policy 2.2.1-2
- Policy 2.2.1-3
- Policy 2.2.2-1
- Policy 2.7-1
- Policy 2.7-2
- Policy 2.7-5

Mitigation Measures

No additional mitigation is required.

4.10.6 Level of Significance After Mitigation

No significant impacts related to land use have been identified.

4.10.7 References

City of Newport Beach (2006) *City of Newport Beach General Plan – Land Use Element*. Retrieved from: https://www.newportbeachca.gov/PLN/General_Plan/04_Ch3_LandUse_web.pdf. Accessed January 17, 2024.

City of Newport Beach (2016). *City of Newport Beach Coastal Land Use Plan – Land Use and Development*. Retrieved from: https://www.newportbeachca.gov/PLN/LCP/Internet%20PDFs/CLUP_Part%202_Land%20Use%20and%20Development.pdf. Accessed January 17, 2024.

City of Newport Beach (2016). *City of Newport Beach Local Coastal Program Implementation Plan*. Retrieved from: <https://www.codepublishing.com/CA/NewportBeach/html/pdfs/NewportBeach21.pdf>. Accessed January 17, 2024.

City of Newport Beach (2021). *City of Newport Beach General Plan – 2021-2029 Housing Element*.

City of Newport Beach. *Local Coastal Program Frequently Asked Questions (FAQ)*. Retrieved from: <https://www.newportbeachca.gov/government/departments/community-development/planning-division/local-coastal-program-launch-page/faq#Q3>. Accessed January 15, 2024.

4.11 NOISE

4.11.1 Introduction

This section evaluates the Project's potential impacts concerning noise and vibration, including future housing development on the housing sites. The noise and vibration analysis summarizes existing conditions and the relevant regulatory framework, discusses the Project's potential noise and vibration impacts, and identifies mitigation to avoid or minimize impacts, as needed.

4.11.2 Regulatory Setting

Federal

Noise Control Act

The Noise Control Act of 1972 recognized the role of the federal government in dealing with major commercial noise sources that require uniform treatment. Since Congress has the authority to regulate interstate and foreign commerce, regulation of noise generated by such commerce also falls under congressional authority. The federal government specifically preempts local control of noise from aircraft, railroads, and interstate highways. The U.S. Environmental Protection Agency (U.S. EPA) has identified acceptable noise levels for various land uses to protect the public, with an adequate margin of safety, and to establish noise emissions standards for interstate commerce.

The Department of Housing and Urban Development's standards define L_{dn} at below 65 a-weighted decibels (dBA) for outdoors as acceptable for residential areas. Outdoor levels up to 75 dBA day-night noise level (L_{dn}) may be made acceptable through the use of insulation in buildings (Department of Housing and Urban Development, 2009).

State

California Code of Regulations, Section 65302(f)

California Code of Regulations Section 65302(f) requires local land use planning jurisdictions to prepare a general plan. The noise element is a mandatory component of the general plan. It may include general community noise guidelines developed by the California Department of Health Services and specific planning guidelines for noise/land use compatibility developed by the local jurisdiction. The State guidelines also recommend that the local jurisdiction consider adopting a local noise control ordinance. The California Department of Health Services developed guidelines for community noise acceptability for use by local agencies. Selected relevant levels are as follows (L_{dn} may be considered nearly equal to the Community Noise Equivalent Level [CNEL]):

- CNEL below 60 dBA – normally acceptable for low-density residential use
- CNEL of 55 dBA to 70 dBA – conditionally acceptable for low-density residential use
- CNEL below 65 dBA – normally acceptable for high-density residential use
- CNEL of 60 to 70 dBA – conditionally acceptable for high-density residential use, transient lodging, churches, and educational and medical facilities
- CNEL below 70 dBA – normally acceptable for playgrounds and neighborhood parks

“Normally acceptable” is defined as satisfactory for the specified land use, assuming that normal conventional construction is used in buildings. “Conditionally acceptable” may require some additional noise attenuation or special study. Under most of these land use categories, overlapping ranges of acceptability and conditionally acceptable are presented, leaving some ambiguity in areas where noise levels fall within the overlapping range.

Public Utilities Code (PUC) 21676(a)

State Aeronautics Act: Airport Land Use Commission requires each local agency whose General Plan includes areas covered by an airport land use commission plan to submit a copy of its general plan or specific plans to the Airport Land Use Commission (ALUC). If the plan or plans are inconsistent with the ALUC’s plan, the local agency is notified and that local agency shall have another hearing to reconsider its plans. The local agency may overrule the commission after such hearing by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes stated in PUC Section 21670. Section 21676(b) of the Public Utilities Code requires that prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the ALUC pursuant to Section 21675, the local agency shall first refer the proposed action to the ALUC. If the ALUC determines that the proposed action is inconsistent with its plan, the referring agency shall be notified. The local agency may, after a public hearing, overrule the ALUC by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes stated in PUC Section 21670.

California Code of Regulations, Title 24 – Building Standards

The State’s noise insulation standards are codified in the California Code of Regulations, Title 24: Part 1, Building Standards Administrative Code, and Part 2, California Building Code. These noise standards are applied to new construction in California for interior noise compatibility from exterior noise sources. The regulations specify that acoustical studies must be prepared when noise-sensitive structures, such as residential buildings, schools, or hospitals, are located near major transportation noise sources, and where such noise sources create an exterior noise level of 65 dBA CNEL or higher. Acoustical studies that accompany building plans must demonstrate that the structure has been designed to limit interior noise in habitable rooms to acceptable noise levels. For new multi-family residential buildings, the acceptable interior noise limit for new construction is 45 dBA CNEL.

California Code of Regulations, Title 24 – Noise Insulation Standards

Pertinent State noise regulations are contained in the California Code of Regulations. Title 24, Noise Insulation Standards, establishes the acceptable interior environmental noise level for multiple dwelling unit development at 45 dBA L_{dn} . This may be extended by local legislative action to include single dwelling unit development.

Local

Airport Environs Land Use Plan

The Airport Environs Land Use Plan (AELUP) for John Wayne Airport (last amended in 2008) was established to safeguard the general welfare of the inhabitants within the vicinity of the airport and to ensure the continued operation of the airport. Specifically, the plan seeks to protect the public from the adverse effects of aircraft noise, to ensure that people and facilities are not concentrated in areas

susceptible to aircraft accidents, and to ensure that no structures or activities adversely affect navigable airspace.

Per Federal Aviation Regulations (FAR) Part 77, Section 77.13(a), notice to the Federal Aviation Administration (FAA) is required for any proposed structure more than 200 feet Above Ground Level (AGL) of its site. Notices to the FAA provide a basis for evaluating project impacts on operational procedures and air navigation. To coincide with the FAA regulation, the ALUC also requires notification of all such proposals, which may result in referral to the ALUC.

City of Newport Beach General Plan

The *City of Newport Beach General Plan 2006 Update* (General Plan) includes goals and policies to identify noise sources and problems affecting community safety and comfort and establishes policies and programs that limit community exposure to excessive noise levels. The Noise Element and the Land Use Element set standards for acceptable noise levels by various land uses and provides guidance for how to balance the noise created by an active and economically healthy community with the community's desire for peace and quiet.

The following General Plan goals and policies that have been adopted by the City for the purpose of avoiding or mitigating an environmental effect are applicable to future development projects associated with the proposed Project.

Noise Element

Goal N 1 **Noise Compatibility—Minimized land use conflicts between various noise sources and other human activities.**

Policy N 1.1 **Noise Compatibility of New Development.** Require that all proposed projects are compatible with the noise environment through use of Table N2 (see **Table 4.11-1: Land Use Noise Compatibility Matrix**), and enforce the interior and exterior noise standards shown in Table N3 (see **Table 4.11-2: City of Newport Beach Noise Standards**).

Policy N 1.2 **Noise Exposure Verification for New Development.** Applicants for proposed residential or mixed-use projects located in areas projected to be exposed to 65-70 dBA CNEL or greater, as shown on Figure N5 (see **Figure 4.11-1: Airport Area Noise Contours With Housing Sites**), must conduct a noise study to provide evidence that the depicted noise contours do not adequately account for local noise exposure circumstances due to such factors as, topography, variation in traffic speeds, and other applicable conditions. These findings shall be used to determine the level of exterior or interior noise, attenuation needed to attain an acceptable noise exposure level and the feasibility of such measures when other planning considerations are taken into account, consistent with Title 21 of the California Code of Regulations.

Policy N 1.3 **Remodeling and Additions of Structures.** Require that all remodeling and additions of structures comply with the noise standards shown in Table N3 (**Table 4.11-2**).

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

Notes:
 CNEL = Community Noise Equivalent Level
Zone A: Clearly Compatible—Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction without any special noise insulation requirements.
Zone B: Normally Compatible**—New construction or development should be undertaken only after detailed analysis of the noise reduction requirements and are made and needed noise insulation features in the design are determined. Conventional construction, with closed windows and fresh air supply systems or air conditioning, will normally suffice.
Zone C: Normally Incompatible—New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of noise reduction requirements must be made and needed noise insulation features included in the design.
Zone D: Clearly Incompatible—New construction or development should generally not be undertaken.

Source: City of Newport Beach General Plan, adopted July 25, 2006.

Table 4.11-2: City of Newport Beach Noise Standards

Land Use Categories		Allowable Noise Levels (dBA)			
Categories	Uses	Interior ^{1, 2}		Exterior ^{1, 2}	
		Interior Noise Level (L _{eq}) 7am to 10pm	Interior Noise Level (L _{eq}) 10pm to 7am	Interior Noise Level (L _{eq}) 7am to 10pm	Interior Noise Level (L _{eq}) 10pm to 7am
Residential	Single Family, Two Family, Multiple Family (Zone I)	45	40	55	50
	Residential Portions of Mixed Use Developments (Zone III)	45	40	60	50
Commercial Industrial	Commercial (Zone II)	N/A	N/A	65	60
	Industrial or Manufacturing (Zone IV)	N/A	N/A	70	70
Institutional	Schools, Day Care Centers, Churches, Libraries, Museums, Health Care Institutions (Zone I)	45	40	55	50

Notes:

dBA = A-weighted decibels; L_{eq} = equivalent continuous sound level

1. If the ambient noise level exceeds the resulting standard, the ambient shall be the standard.
2. It shall be unlawful for any person at any location within the incorporated area of the City to create any noise or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such a person which causes the noise level when measured on any other property, to exceed either of the following:
 - The noise standard for the applicable zone for any fifteen-minute period;
 - A maximum instantaneous noise level equal to the value of the noise standard plus twenty dBA for any period of time (measured using A-weighted slow response).
 - In the event the ambient noise level exceeds the noise standard, the noise standard applicable to said category shall be increased to reflect the maximum ambient noise level.
 - The noise standard for the residential portions of the residential property falling within one hundred feet of a commercial property, if the intruding noise originates from that commercial property.
 - If the measurement location is on a boundary between two different noise zones, the lower noise level standard applicable to the noise zone shall apply.

Source: City of Newport Beach General Plan, adopted July 25, 2006.

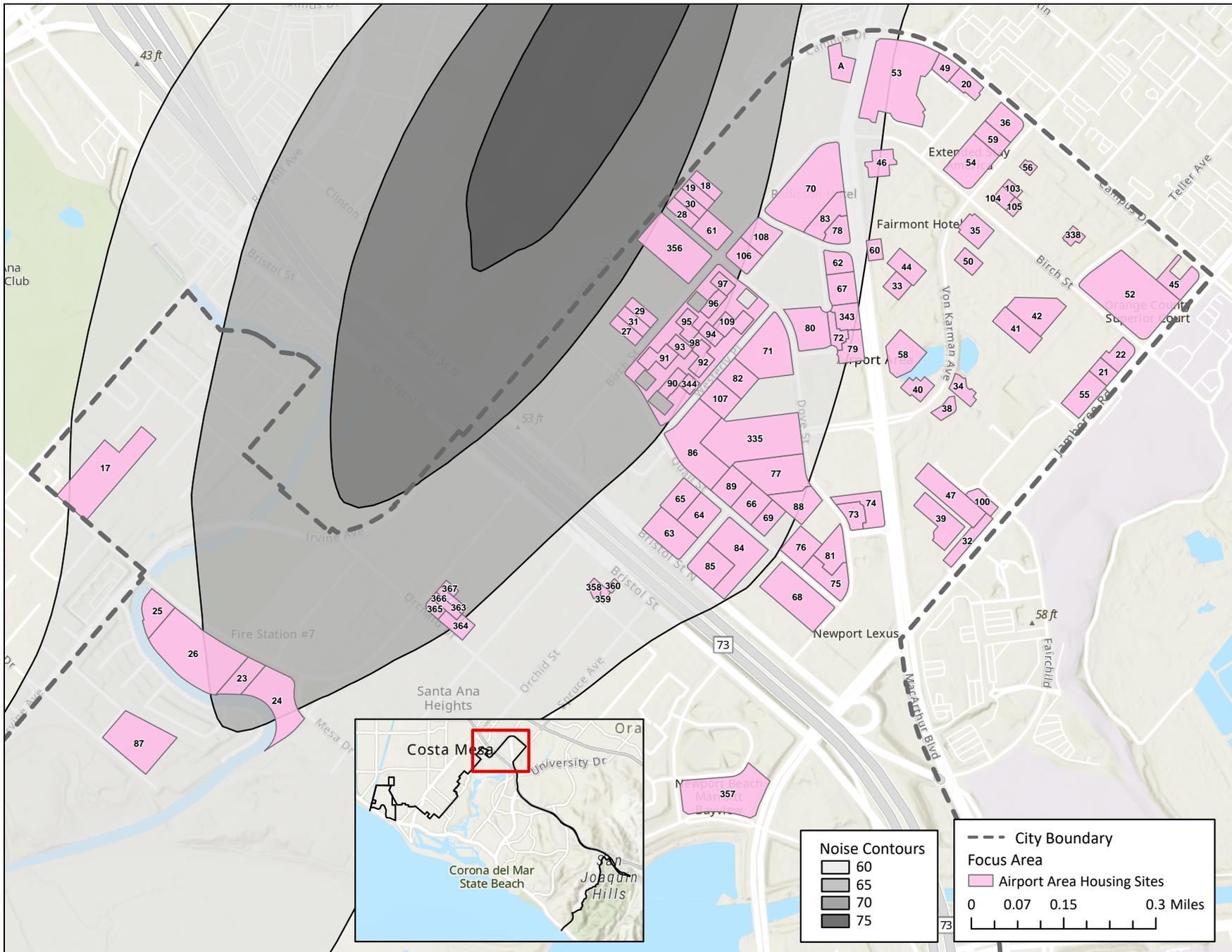


Figure 4.11-1: Airport Area Noise Contours with Housing Sites
 City of Newport Beach General Plan Housing Implementation
 Program Environmental Impact Report

- Policy N 1.4** **New Developments in Urban Areas.** Require that applicants of residential portions of mixed-use projects and high-density residential developments in urban areas (such as the Airport Area and Newport Center) demonstrate that the design of the structure will adequately isolate noise between adjacent uses and units (common floor/ceilings) in accordance with the California Building Code.
- Policy N 1.5** **Infill Projects.** Allow a higher (above 65 dBA CNEL) exterior noise level standard for infill projects in existing residential areas adjacent to major arterials if it can be shown that there are no feasible mechanisms to meet the exterior noise levels. The interior standard of 45 dBA CNEL shall be enforced for any new residential project or mixed-use project containing a residential component, consistent with Title 21 of California Code of Regulations.
- Policy N 1.5A** **Airport Area Infill Projects.** Allow infill residential projects proximate to John Wayne Airport to have a higher exterior noise level standard (65-70 dBA CNEL) if it can be shown that there are no practical mechanisms or designs to meet the exterior noise levels. The interior standard of 45 dBA CNEL shall be enforced for any residential component of projects. No residential units may be located on parcels wholly within the John Wayne Airport 65 dBA CNEL noise contour area as shown in Figure N5 (see **Figure 4.11-1**), of the Noise Element of the General Plan, unless and until the City determines, based on substantial evidence, that the sites wholly within such contour area are needed for the City to satisfy its Sixth Cycle RHNA mandate. Nonresidential uses are encouraged on parcels located wholly within the 65 dBA CNEL contour area, shown in Figure N5.
- Policy N 1.6** **Mixed-Use Developments.** Encourage new mixed-use developments to site loading areas, parking lots, driveways, trash enclosures, mechanical equipment, and other noise sources away from the residential portion of the development.
- Policy N 1.7** **Commercial/Entertainment Uses.** Limit hours and/or require attenuation of commercial/entertainment operations adjacent to residential and other noise sensitive uses in order to minimize excessive noise to these receptors.
- Policy N 1.8** **Significant Noise Impacts.** Require the employment of noise mitigation measures for existing sensitive uses when a significant noise impact is identified. A significant noise impact occurs when there is an increase in the ambient CNEL produced by new development impacting existing sensitive uses. The CNEL increase is shown in the table (**Table 4.11-3: City of Newport Beach Standards of Significance for Noise Increases**) below.

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

CNEL = Community Noise Equivalent Level; dBA = A-weighted decibels
 Source: City of Newport Beach General Plan, adopted July 25, 2006.

- Goal N 2** **Minimized motor vehicle traffic and boat noise impacts on sensitive noise receptors.**
- Policy N 2.1** **New Development.** Require that proposed noise-sensitive uses in areas of 60 dBA and greater, as determined the analyses stipulated by Policy N1.1, demonstrate that they meet interior and exterior noise levels.
- Policy N 2.2** **Design of Sensitive Land Uses.** Require the use of walls, berms, interior noise insulation, double-paned windows, advanced insulation systems, or other noise measures, as appropriate, in the design of new residential developments to attenuate noise levels to not exceed 45 dBA CNEL interior. Other new noise-sensitive land uses that are adjacent to major arterials and located proximate to John Wayne Airport (e.g., infill residential) and within the 65-70 dBA CNEL noise contour area are required to be indoor-oriented to reduce noise impacts on outdoor living or recreational areas. Application of the Noise Standards in Table N2 (see **Table 4.11-1**) shall govern this requirement.
- Policy N 2.3** **Limiting Hours of Truck Deliveries.** Limit the hours of truck deliveries to commercial uses abutting residential uses and other noise sensitive land uses to minimize excessive noise unless there is no feasible alternative. Any exemption shall require compliance with nighttime (10:00 p.m. to 7:00 a.m.) noise standards.
- Goal N 3** **Protection of Newport Beach residents from the adverse noise impacts of commercial air carrier operations at John Wayne Airport as provided in the City Council Airport Policy.**
- Policy N 3.1** **New Development.** Ensure new development is compatible with the noise environment proximate to John Wayne Airport by not allowing residential units on parcels located wholly within the John Wayne Airport 65 dBA CNEL noise contour, as shown in Figure N5 (see **Figure 4.11-1**) of the Noise Element of the General Plan, unless and until the City determines, based on substantial evidence, that the sites wholly within such contour area are needed for the City to satisfy its Sixth Cycle RHNA mandate.
- Policy N 3.2** **Residential Development.** Require that residential development proximate to John Wayne Airport shall not be located on parcels wholly within the John Wayne Airport 65 dBA CNEL noise contour shown in Figure N5 (see **Figure 4.11-1**) of the Noise Element of the General Plan, unless and until the City determines, based on substantial evidence, that the sites wholly within such contour area are needed for the City to satisfy its Sixth Cycle RHNA mandate. Require developers of residential or mixed-use land uses with a residential component to notify prospective purchasers or tenants of aircraft noise. Additionally, require outdoor common areas or recreational areas of residential or mixed-used developments to be posted with signs notifying users regarding the proximity to John Wayne Airport and the presence of operating aircraft and noise.

Goal N 4 **Minimization of Nontransportation-Related Noise. Minimized nontransportation-related noise impacts on sensitive noise receptors.**

Policy N 4.1 **Stationary Noise Sources.** Enforce interior and exterior noise standards outlined in Table N3 (**Table 4.11-2**), and in the City’s Municipal Code to ensure that sensitive noise receptors are not exposed to excessive noise levels from stationary noise sources, such as heating, ventilation, and air conditioning equipment.

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

Goal N 5 **Minimized excessive construction-related noise.**

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

Land Use Element

Policy LU 6.15.3 **Airport Compatibility.** Require that all development be constructed in conformance with the height restrictions set forth by the Federal Aviation Administration (FAA), Federal Aviation Regulations (FAR) Part 77, and Caltrans Division of Aeronautics, and that residential development shall be allowed only on parcels with noise levels of less than John Wayne Airport 65 dBA CNEL noise contour area *as* shown in Figure N5 (see **Figure 4.11-1**) of the Noise Element of the General Plan unless and until the City determines, based on substantial evidence, that the sites wholly within the 65 dBA CNEL noise contour shown in Figure N5 are needed for the City to satisfy its Sixth Cycle RHNA mandate. Nonresidential uses are, however, encouraged on parcels located wholly within the 65 dBA CNEL contour area.

City of Newport Beach Municipal Code

Chapter 10.26 Community Noise Control. Newport Beach Municipal Code (Municipal Code) Chapter 10.26 identifies exterior and interior noise standards, exemptions, and violations for sources of noise in the City. The noise regulations apply to all noise sources, with the exception of the activities listed in Municipal Code Section 10.26.035 (Exemptions). These activities include occasional outdoor gatherings, construction noise sources, and stationary noise sources.

Exterior noise standards established in Municipal Code Section 10.26.025 (Exterior Noise Standards) are identified in **Table 4.11-4: City of Newport Beach Exterior Noise Standards**. Municipal Code Section 10.26.030 establishes the prohibited interior noise limits as identified in **Table 4.11-5: City of Newport Beach Interior Noise Standards**. For both exterior and interior noise levels, if the ambient noise level is greater than the identified noise standards, the noise standard becomes the ambient noise level without the offending noise.

Table 4.11-4: City of Newport Beach Exterior Noise Standards

Noise Zone	Noise Zone Land Uses	Noise Level	Time Period
I	Single-, two- or multiple-family residential	55 dBA 50 dBA	7:00 a.m. to 10:00 p.m. 10:00 p.m. to 7:00 a.m.
II	Commercial	65 dBA 60 dBA	7:00 a.m. to 10:00 p.m. 10:00 p.m. to 7:00 a.m.
III	Residential portions of mixed-use properties	60 dBA 50 dBA	7:00 a.m. to 10:00 p.m. 10:00 p.m. to 7:00 a.m.
IV	Industrial or manufacturing	70 dBA 70 dBA	7:00 a.m. to 10:00 p.m. 10:00 p.m. to 7:00 a.m.

Notes:
 dBA = A-weighted decibels
 Source: City of Newport Beach, Newport Beach Municipal Code Chapter 10.26, current through Ordinance 2023-20, passed November 28, 2023.

Table 4.11-5: City of Newport Beach Interior Noise Standards

Noise Zone	Type of Land Use	Allowable Interior Noise Level (L _{eq})	
		7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.
I	Residential	45 dBA	40 dBA
III	Residential portions of mixed-use properties	45 dBA	40 dBA

Notes:
 dBA = A-weighted decibels; L_{eq} = equivalent continuous sound level
 Source: City of Newport Beach, Newport Beach Municipal Code Chapter 10.26, current through Ordinance 2023-20, passed November 28, 2023.

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

1. The noise standard for the applicable zone for any fifteen-minute period;
2. A maximum instantaneous noise level equal to the value of the noise standard plus twenty (20) dBA for any period of time (measured using A-weighted slow response).”

In the event the ambient noise level exceeds the noise standard, the maximum allowable noise level under said category is increased to reflect the maximum ambient noise level. The Noise Zone III standard applies to that portion of residential property falling within 100 feet of a commercial property, if the intruding noise originates from that commercial property. If the measurement location is on boundary between two different noise zones, the lower noise level standard applicable to the noise zone applies.

Additionally, Municipal Code Section 10.26.040 prohibits noise levels at the exterior of schools, day care centers, hospitals, churches, libraries, or museums from exceeding the standards set forth in Municipal Code Chapter 10.26 or from interfering with the activities at these institutions.

With respect to interior noise levels, Municipal Code Section 10.26.030 (Interior Noise Standards) states it is unlawful for any person at any location within the incorporated area of the City to create any noise or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such

a person which causes the noise level when measured on any other property, to exceed either of the following:

1. The noise standard for the applicable zone for any 15-minute period;
2. A maximum instantaneous noise level equal to the value of the noise standard plus 20 dBA for any period of time (measured using A-weighted slow response).

In the event the ambient noise level exceeds the noise standard, the noise standard applicable to said category is increased to reflect the maximum ambient noise level. The Noise Zone III standard applies to that portion of residential property falling within 100 feet of a commercial property, if the intruding noise originates from that commercial property. If the measurement location is on a boundary between two different noise zones, the lower noise level standard applicable to the noise zone applies.

In accordance with Municipal Code Section 10.28.040 (Construction Activity – Noise Regulations), construction noise activities are exempt from the noise regulations, provided that the construction activities to occur on any weekday, which is not a federal holiday, between the hours of 7:00 a.m. and 6:30 p.m. Construction can be performed on a Saturday, in any area of the City that is not designated as a high-density area, between 8:00 a.m. and 6:00 p.m.

Municipal Code Section 20.30.080.C (Noise Exposure Verification for New Development) states that projects located in areas projected to be exposed to a 60 dBA CNEL and higher may conduct a field survey, noise measurements, or other noise modeling analysis in a manner acceptable to the Director to provide evidence that the noise contours identified in the Noise Element of the General Plan do not adequately account for local noise exposure circumstances due to topography, variation in traffic speeds, or other conditions. These findings are to be used to determine the level of required noise attenuation methods and the feasibility of mitigation.

Municipal Code Section 20.30.080(F) (Residential Use Proximate to John Wayne Airport) states that residential uses, including mixed-use residential, shall be allowed on parcels wholly or partially outside the John Wayne Airport 65 dBA CNEL noise contour as shown in Figure N5 of the Noise Element of the General Plan, as identified in the 2014 John Wayne Airport Settlement Agreement Amendment Environmental Impact Report (EIR No. 617) and consistent with Title 21 of the California Code of Regulations, subject to the following conditions that apply to all residential project within the John Wayne Airport 60 dBA CNEL or higher CNEL noise as shown in Figures N4 and N5 of the Noise Element of the General Plan (see **Figure 4.11-1**):

- 1) Prior to the issuance of any building permits for such development, a noise study shall be prepared by a City-approved qualified acoustical consultant and submitted to the Community Development Director for approval;
- 2) All new residential structures or the residential units within a mixed-use development shall be attenuated to provide an interior noise level of 45 dBA CNEL or less;
- 3) The design of the residential portions of mixed-use projects and residential developments shall have adequate noise attenuation between adjacent uses and units (common floor/ceilings) in accordance with the California Building Code;

- 4) New mixed-use developments shall incorporate designs with loading areas, parking lots, driveways, trash enclosures, mechanical equipment, and other noise sources away from the residential portion of the development;
- 5) Use of walls, berms, interior noise insulation, double paned windows, advance insulation systems, or other noise mitigation measures, as deemed appropriate shall be incorporated in the design of new residential to bring interior sound attenuation to 45 dBA CNEL or less;
- 6) Residential uses shall be indoor-oriented to reduce noise impingement on outdoor living areas;
- 7) On-site indoor amenities, such as fitness facilities or recreation and entertainment facilities shall be encouraged; and
- 8) Advanced air filtration systems for buildings shall be considered to promote cleaner air.

Residential development shall be limited to parcels wholly or partially outside the 65 dBA CNEL noise contour, unless and until the City determines, based on substantial evidence, that the sites wholly within such contour area are needed for the City to satisfy its Sixth Cycle RHNA mandate. Non-residential uses are encouraged on parcels located wholly within the 65 dBA CNEL contour area.

4.11.3 Existing Conditions

Noise Concepts

Noise is generally defined as loud, unexpected, or unwanted sound typically associated with human activity. Sound becomes unwanted when it interferes with normal activities, when it causes actual physical harm, or when it has adverse effects on health. The definition of noise as unwanted sound implies that it has an adverse effect on people and their environment. Sound is composed of various frequencies; however, the human ear does not respond to all frequencies, being less sensitive to very low and high frequencies than to medium frequencies that correspond with human speech.

There are three conceptual components to noise: a noise source, a receptor, and the propagation path between the two. The loudness of the noise source, obstructions, or atmospheric factors affecting the propagation path, determine the perceived sound level and noise characteristics at the receptor. Noise sources can be classified in two forms: point sources, such as individual pieces of stationary or mobile equipment (pumps, heavy construction equipment), and line sources, such as a roadway with a large number of pass-by sources (motor vehicles).

Measuring sound directly in terms of pressure would require a large range of numbers. To avoid this, the decibel (dB) scale was devised. The dB scale uses the hearing threshold of 20 micropascals (μPa) as a point of reference, defined as 0 dB. Other sound pressures are then compared to this reference pressure, and the logarithm is taken to keep the numbers in a practical range. The dB scale allows a million-fold increase in pressure to be expressed as 120 dB, and changes in levels correspond closely to human perception of relative loudness.

The dB scale alone does not adequately characterize how humans perceive noise. The dominant frequencies of a sound have a substantial effect on the human response to that sound. Several rating scales have been developed to analyze the adverse effect of community noise on people. Because

environmental noise fluctuates over time, these scales consider that the noise's effect on people is largely dependent on the noise's total acoustical energy content, as well as the time when the noise occurs. Most commonly, environmental sounds are described in terms of an average level (L_{eq}) that has the same acoustical energy as the summation of all the time-varying events. While L_{eq} represents the continuous sound pressure level over a given period, the day-night noise level (L_{dn}) and Community Equivalent Noise Level (CNEL) are measures of energy average during a 24-hour period, with dB weighted sound levels from 7:00 p.m. to 7:00 a.m.

Sound-level meters adjust for the weight the human ear gives to certain frequencies, applying a correction to each frequency range to approximate the human ear's sensitivity within each range. This is called "A-weighting" and is commonly used in measurements of community environmental noise. The A-weighted sound level (dBA) is determined to be the most appropriate unit of measure for community noise.

Human Response to Noise

The human response to environmental noise is subjective and varies considerably from individual to individual. Noise in the community has often been cited as a health problem, not in terms of actual physiological damage, such as hearing impairment, but in terms of inhibiting general well-being and contributing to undue stress and annoyance. The health effects of noise in the community arise from interference with human activities, including sleep, speech, recreation, and tasks that demand concentration or coordination. Hearing loss can occur at the highest noise intensity levels.

Noise environments and consequences of human activities are usually well represented by median noise levels during the day or night or over a 24-hour period. Environmental noise levels are generally considered low when the CNEL is below 60 dBA, moderate in the 60 to 70 dBA range, and high above 70 dBA. Examples of low daytime levels are isolated, natural settings with noise levels as low as 20 dBA and quiet, suburban, residential streets with noise levels around 40 dBA. Noise levels above 45 dBA at night can disrupt sleep. Examples of moderate-level noise environments are urban residential or semi-commercial areas (typically 55 to 60 dBA) and commercial locations (typically 60 dBA). People may consider louder environments adverse, but most will accept the higher levels associated with noisier urban residential or residential-commercial areas (60 to 75 dBA) or dense urban or industrial areas (65 to 80 dBA). Regarding increases in dBA, the following relationships should be noted:

- Except in carefully controlled laboratory experiments, a 1.0-dBA change cannot be perceived by humans.
- Outside the laboratory, a 3.0-dBA change is considered a just-perceivable difference.
- A minimum 5.0-dBA change is required before any noticeable change in community response would be expected. A 5.0-dBA increase is typically considered substantial.
- A 10-dBA change is subjectively heard as an approximate doubling in loudness and would almost certainly cause an adverse change in community response.

Noise-Sensitive Receptors

Noise-sensitive receptors are associated with land uses wherein indoor and/or outdoor human activities may be subject to stress and/or significant noise interference. They include residential (single and multiple dwelling unit development and similar uses); transient lodging (which are sensitive at night including hotels, motels, and similar uses); facilities for long-term medical care; daycare facilities; private or public

educational facilities; libraries; churches; and other places of public gathering. In addition to buildings, exterior use areas may also be considered noise-sensitive receptors. Exterior use areas are areas where frequent human use for prolonged periods (at least an hour) may reasonably occur. Common examples of exterior use areas include residential backyards, multiple dwelling unit communal areas, patios, picnic areas, recreation areas, playgrounds, active sports areas, and parks. Sensitive land uses in the City and areas adjacent to the City boundaries includes residences, schools, offices, hospitals, libraries, and recreational areas.

Existing Mobile Noise

Existing roadway noise levels were calculated for the roadway segments in the City. This task was accomplished using the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (FHWA-RD-77-108) and existing traffic volumes from the Housing, Land Use and Circulation Elements Transportation Analysis (Urban Crossroads, 2023) (Transportation Analysis). The noise prediction model calculates the average noise level at specific locations based on traffic volumes, average speeds, roadway geometry, and site environmental conditions. The average vehicle noise rates (also referred to as energy rates) used in the FHWA model have been modified to reflect average vehicle noise rates identified for California by the California Department of Transportation (Caltrans). The Caltrans data indicates that California automobile noise is 0.8 to 1.0 dBA higher than national levels and that medium and heavy truck noise is 0.3 to 3.0 dBA lower than national levels. The average daily noise levels along roadway segments in the City are included in **Table 4.11-6: Existing Traffic Noise Levels**. As indicated in the table, existing traffic noise levels range between 54.3 dBA L_{dn} and 73.5 dBA L_{dn} in the City, with the highest noise levels occurring along Bison Avenue and Ford Road.

Roadway	Roadway Segment	ADT Volume	CNEL at 100 Feet
Campus Drive	Dove St to Quail St	29,100	68.0
	Bristol St to Orchard Dr	28,400	69.1
Irvine Avenue	Mesa Dr to Del Mar Ave	30,600	68.1
	Del Mar Ave to Monte Vista Ave	34,700	63.9
	23rd to 22nd St	35,100	66.3
	22nd to 20th St	30,700	67.0
	20th to 19th St	32,100	67.2
	19th to 17th St	22,300	65.6
Jamboree Road	North of Campus Dr	40,100	70.5
	Campus Dr to Birch St	43,100	71.0
	Birch St to Bristol St	41,700	71.8
	Bristol St to Bayview Way	48,600	72.7
	Bayview Way to University Rd	50,500	72.6
	University Rd to Bison Ave	43,000	71.9
	Bison Ave to Ford Rd	41,700	71.7
	Ford Rd to San Joaquin Hills Rd	53,500	72.9
	San Joaquin Hills Rd to Santa Barbara Dr	40,500	71.7
	Santa Barbara Dr to Back Bay Dr	35,400	71.0

Table 4.11-6: Existing Traffic Noise Levels			
Roadway	Roadway Segment	ADT Volume	CNEL at 100 Feet
	Back Bay Dr to Pacific Coast Highway	35,400	70.9
	Pacific Coast Highway to Bayside Dr	11,500	61.4
University Road	SR 73 to Jamboree Rd	13,800	65.8
MacArthur Boulevard	North of Campus Dr	44,600	72.3
	Campus Dr to Birch St	29,500	70.6
	Birch St to Van Karman Ave	18,100	68.1
	Van Karman Ave to Jamboree Rd	37,800	71.4
	Jamboree Rd to University Rd	36,800	72.1
	University Rd to Bison Ave	67,300	74.1
	Bison Ave to Ford Rd	70,600	74.5
	South of Ford Rd	61,800	74.7
	North of San Joaquin Hills Rd	61,800	74.5
	San Joaquin Hills Rd to San Miguel Dr	37,800	71.5
	San Miguel Dr to Pacific Coast Highway	41,800	71.7
San Miguel Drive	Bonita Canyon Dr to Spyglass Hill Rd	19,500	67.2
	South of Spyglass Hill Rd	15,300	66.2
	North of San Joaquin Hills Rd	15,300	66.2
	San Joaquin Hills Rd to MacArthur Blvd	13,100	63.2
Newport Coast Drive	SR 73 to San Joaquin Hills Rd	26,800	70.7
	South of San Joaquin Hills Rd	24,000	70.4
	North of Pacific Coast Highway	24,000	70.3
SR 55/Newport Boulevard	17th St to Hospital Rd	43,600	71.0
	Hospital Rd to Pacific Coast Highway	48,700	70.2
	Via Lido to 32nd St	30,000	67.0
	32nd St to West Balboa Blvd	22,600	63.8
Von Karman Avenue	North of Campus Dr	19,300	66.1
	Campus Dr to Birch St	17,100	64.4
Spyglass Hill Road	East of San Miguel Dr	3,200	57.0
	North of San Joaquin Hills Rd	3,200	57.0
Newport Center Drive	Newport Center Dr to Pacific Coast Highway	22,900	67.1
Dover Drive	19th to 17th St	14,400	61.4
	17th to 16th St	25,900	65.0
	16th to Cliff Dr	29,700	68.0
Birch Street	MacArthur Blvd to SR 73	19,400	66.1
Bristol Street North	West of Campus Dr	41,600	69.4
Bristol Street South	West of Campus Dr	24,700	67.1
	East of Birch St	20,600	66.3

Roadway	Roadway Segment	ADT Volume	CNEL at 100 Feet
	West of Jamboree Rd	34,900	68.6
Campus Drive	MacArthur Blvd to Von Karman Ave	22,700	66.9
	Von Karman Ave to Jamboree Rd	18,400	65.8
	Jamboree Rd to University Rd	23,700	67.0
Mesa Drive	SR 55 to Irvine Ave	10,800	61.0
Birch Street	Irvine Ave to SR 73	13,200	64.4
22 nd Street	East of SR 55	4,500	56.3
19 th Street	East of SR 55	7,300	57.0
17 th Street	Irvine Ave to Dover Dr	16,300	62.9
Pacific Coast Highway	West of Superior Ave	51,100	71.6
	Superior Ave to SR 55	43,400	70.1
	SR 55 to Riverside Ave	53,500	69.3
	Riverside Ave to Dover Dr	49,000	70.1
	Dover Dr to Bayside Dr	64,800	71.5
	Bayside Dr to Jamboree Rd	60,500	73.0
	Jamboree Rd to Newport Center Dr	43,400	71.0
	Newport Center Dr to Avocado Ave	35,800	70.2
	Avocado Ave to MacArthur Blvd	34,300	69.9
	MacArthur Blvd to Goldenrod Ave	48,500	68.9
	Golden Rd Ave to Marguerite Ave	48,500	67.9
	Marguerite Ave to Poppy Ave	48,500	67.7
	East of Poppy Ave	32,400	68.3
	West of Newport Coast Dr	32,400	70.6
East of Newport Coast Dr	41,600	72.6	
Bison Avenue	Jamboree Rd to MacArthur Blvd	7,900	62.5
	MacArthur Blvd to SR 73	14,400	66.3
	East of SR 73	34,500	68.8
Ford Road	West of MacArthur Blvd	10,900	64.7
	East of Jamboree Rd	10,900	64.7
Bonita Canyon Drive	MacArthur Blvd to San Miguel Dr	36,600	70.0
San Joaquin Hills Road	Jamboree Rd to Santa Cruz Dr	23,400	68.3
	Santa Cruz Dr to Santa Rosa Dr	15,000	66.5
	Santa Rosa Dr to MacArthur Blvd	24,600	68.6
	San Miguel Dr to Marguerite Ave	21,000	67.8
	Marguerite Ave to Spyglass Hill Rd	17,900	67.9
	East of Spyglass Hill Rd	18,100	68.0
	West of Newport Coast Dr	16,100	67.5
Santa Barbara Drive	Jamboree Rd to Newport Center Dr	14,400	64.9

Roadway	Roadway Segment	ADT Volume	CNEL at 100 Feet
Santa Cruz Drive	San Joaquin Hill Rd to Newport Center Dr	12,300	61.7
Santa Rosa Drive	San Joaquin Hill Rd to Newport Center Dr	10,500	60.1
Avocado Avenue	San Miguel Rd to Pacific Coast Highway	15,300	65.1
Superior Avenue	17th St to Placentia Ave	17,200	64.4
	Placentia Ave to Hospital Rd	21,400	65.4
	Hospital Rd to Pacific Coast Highway	17,600	64.5
Balboa Boulevard	Pacific Coast Highway to 32nd St	19,000	62.8
Marguerite Avenue	South of San Joaquin Hills Rd	11,000	62.5
	North of Pacific Coast Highway	5,600	55.8
Placentia Avenue	Superior Ave to Hospital Rd	8,700	61.3
	West of Superior Ave	14,800	63.8

Notes:
 ADT = average daily trips; dBA = A-weighted decibels; CNEL = community noise equivalent level.
 Source: Based on traffic data within the *Housing, Land Use and Circulation Elements Transportation Analysis*, prepared by Urban Crossroads, 2023. Refer to Appendix E for traffic noise modeling assumptions and results.

Airport Noise

Airplanes and airports can be sources of excessive noise. John Wayne International Airport (John Wayne Airport) is located directly north of the City limits (see **Figure 3-1 in Section 3.0: Project Description**). Land uses within the planning area boundaries identified in the 2008 John Wayne AELUP must conform to noise, safety, and height restriction standards. The General Land Use Policy of the Airport Land Use Commission for Orange County identified below outlines the land use standards for the AELUP planning areas.

Within the boundaries of the AELUP, any land use may be found to be inconsistent with the AELUP which:

- Places people so that they are affected adversely by aircraft noise;
- Concentrates people in areas susceptible to aircraft accidents;
- Permits structures of excessive height in areas which would affect adversely the continued operation of the airport; or
- Permits activities or facilities that would affect adversely aeronautical operations.

In addition, although not listed here, the AELUP also contains land use policies, which include specific policies that further clarify the General Policy. Limitations on land uses due to noise are set forth in Table 1 (Airport Land Use Commission for Orange County Airport Environs Land Use Plan Limitations on Land Use Due to Noise).

Existing Stationary Noise

The City is highly urbanized, consisting primarily of residential, commercial, office, and parks/recreational uses. The primary stationary noise sources in the City include urban-related activities (e.g., mechanical equipment, parking areas, conversations, and recreational areas). The noise associated with these sources may represent a single-event or a continuous occurrence.

Vibration

Groundborne Vibration

Sources of groundborne vibrations include natural phenomena (earthquakes, volcanic eruptions, sea waves, landslides, etc.) or man-made causes (explosions, machinery, traffic, trains, construction equipment, etc.). Vibration sources may be continuous (e.g., factory machinery) or transient (e.g., explosions). Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Several different methods are typically used to quantify vibration amplitude. One is the peak particle velocity (PPV); another is the root mean square (RMS) velocity. The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave and is expressed in terms of inches-per-second (in/sec). The RMS velocity is defined as the average of the squared amplitude of the signal and is expressed in terms of velocity decibels (VdB). The PPV and RMS vibration velocity amplitudes are used to evaluate human response to vibration.

Table 4.11-7: Human Reaction and Damage to Buildings for Continuous or Frequent Intermittent Vibrations identifies the reactions of people and the effects on buildings produced by continuous vibration levels. The annoyance levels shown in the table should be interpreted with care since vibration may be found to be annoying at much lower levels than those listed, depending on the level of activity or the individual's sensitivity. To sensitive individuals, vibrations approaching the threshold of perception can be annoying. Low-level vibrations frequently cause irritating secondary vibration, such as a slight rattling of windows, doors, or stacked dishes. The rattling sound can give rise to exaggerated vibration complaints, even though there is very little risk of actual structural damage. In high noise environments, which are more prevalent where groundborne vibration approaches perceptible levels, this rattling phenomenon may also be produced by loud airborne environmental noise causing induced vibration in exterior doors and windows.

Ground vibration can be a concern in instances where buildings shake, and substantial rumblings occur. However, it is unusual for vibration from typical urban sources such as buses and heavy trucks to be perceptible. Common sources for groundborne vibration are planes, trains, and construction activities such as earth-moving which requires the use of heavy-duty earth moving equipment. For the purposes of this analysis, a PPV descriptor with units of inches per second (in/sec) is used to evaluate construction-generated vibration for building damage and human complaints.

Vibration-Sensitive Uses

The Federal Transit Administration (FTA) *Transit Noise and Vibration Assessment Manual* (2018) (FTA Noise and Vibration Manual) has identified the following three categories of vibration-sensitive uses:

- Category 1 – High Sensitivity Uses: Buildings where ambient vibration well below levels associated with human annoyance is essential for equipment or operations within the building. Typical uses covered in Category 1 include vibration-sensitive research and manufacturing facilities, hospitals, and university research operations.
- Category 2 – Residential Uses: Buildings where people sleep. Typical uses covered in Category 2 include residential, hotels, and hospitals.
- Category 3 – Institutional Uses: Buildings that do not have vibration-sensitive equipment, but still have the potential for activity interference. Typical uses covered in Category 3 include schools, churches, other institutions, and quiet offices.

Maximum PPV (in/sec)	Vibration Annoyance Potential Criteria	Vibration Damage Potential Threshold Criteria	FTA Vibration Damage Criteria
0.008	--	Extremely fragile historic buildings, ruins, ancient monuments	--
0.01	Barely Perceptible	--	--
0.04	Distinctly Perceptible	--	--
0.1	Strongly Perceptible	Fragile buildings	--
0.12	--	--	Buildings extremely susceptible to vibration damage
0.2	--	--	Non-engineered timber and masonry buildings
0.25	--	Historic and some old buildings	--
0.3	--	Older residential structures	Engineered concrete and masonry (no plaster)
0.4	Severe	--	--
0.5	--	New residential structures, Modern industrial/commercial buildings	Reinforced-concrete, steel or timber (no plaster)

Notes:
 PPV = peak particle velocity; in/sec = inches per second; FTA = Federal Transit Administration
 Source: California Department of Transportation, *Transportation and Construction Vibration Guidance Manual*, 2020 and Federal Transit Administration, *Transit Noise and Vibration Assessment Manual*, 2018.

4.11.4 Thresholds of Significance

The City uses the thresholds of significance specified in the *State CEQA Guidelines Appendix G Environmental Checklist Form*. Noise impacts would be significant if the Project would:

- Result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
- Result in generation of excessive ground-borne vibration or ground-borne noise levels; and/or
- Expose people residing or working in the project area to excessive noise levels for a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport.

Significance of Changes in Traffic Noise Levels

An off-site traffic noise impact typically occurs when there is a discernable increase in traffic and the resulting noise level exceeds an established noise standard. In community noise considerations, changes in noise levels greater than 3 dB are often identified as substantial, while changes less than 1 dB will not be discernible to local residents. In the range of 1 to 3 dB, residents who are very sensitive to noise may perceive a slight change. In laboratory testing situations, humans are able to detect noise level changes of slightly less than 1 dB. However, this is based on a direct, immediate comparison of two sound levels. Community noise exposures occur over a long period of time and changes in noise levels occur over years (rather than the immediate comparison made in a laboratory situation). Therefore, the level at which changes in community noise levels become discernible is likely to be some value greater than 1 dB, and 3

dB is the most commonly accepted discernable difference. A 5 dB change is generally recognized as a clearly discernable difference.

In accordance with the City of Newport Beach's traffic noise impact criteria, a significant traffic noise impact occurs when there is an increase in the ambient CNEL produced by new development impacting existing sensitive uses (**Table 4.11-3**). As such, the Project would result in a significant noise impact if traffic noise levels exceed the criteria identified in the table at uses in the City.

Stationary Source Noise Levels

Stationary noise impacts typically occur when noise exceeds the City of Newport Beach Noise Ordinance standards for interior and exterior noise levels, shown in **Table 4.11-4** and **Table 4.11-5**.

4.11.5 Methodology

Construction Noise

Construction noise levels were based on typical noise levels generated by construction equipment published by the FTA and the FHWA. Construction noise is assessed in dBA L_{eq} . This unit is appropriate because L_{eq} can be used to describe noise level from operation of each piece of equipment separately, and levels can be combined to represent the noise level from all equipment operating during a given period.

Reference noise levels are used to estimate construction equipment noise based on a standard noise attenuation rate of 6 dB per doubling of distance (line-of-sight method of sound attenuation for point sources of noise). Noise level estimates do not account for the presence of intervening structures or topography, which may reduce noise levels at receptor locations. Therefore, the noise levels presented herein represent a conservative, reasonable worst-case estimate of actual temporary construction noise.

Operational Noise

The analysis of the "Without Project" and "With Project" noise environments is based on noise prediction modeling and empirical observations. Reference noise level data are used to estimate the Project operational noise impacts from stationary sources. Reference noise levels are collected from field noise measurements and other published sources from similar types of activities are used to estimate noise levels expected with the Project's stationary sources. The reference noise levels are used to represent a worst-case noise environment as noise level from stationary sources can vary throughout the day. Operational noise is evaluated based on the standards within the City's Noise Ordinance and General Plan. The "Without Project" and "With Project" traffic noise levels were calculated using the FHWA Highway Noise Prediction Model (FHWA-RD-77-108).

Vibration

Groundborne vibration levels associated with construction-related activities for the Project were evaluated using typical groundborne vibration levels associated with construction equipment, obtained from FTA published data for construction equipment. Potential groundborne vibration impacts related to building/structure damage and interference with sensitive existing operations were evaluated, considering the distance from construction activities to nearby land uses and typically applied criteria.

The City currently does not have a significance threshold to assess vibration impacts. Therefore, the FTA guidelines set forth in the FTA Transit Noise and Vibration Impact Assessment Manual are used to evaluate potential impacts related to vibration.

4.11.6 Project Impacts and Mitigation

Threshold 4.11-1 **Would the Project result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

Construction

As addressed in this Program EIR, the impact analysis is conservative because it accounts for additional housing units as a buffer to address future “no net loss” to preclude the need to identify replacement sites during 6th Cycle implementation. Therefore, this Program EIR conservatively analyzes a total development capacity of 9,914 units including future development capacity of up to 9,649 units on 247 housing sites, 25 units of pipeline projects, and 240 accessory dwelling units (ADUs). Further, this Program EIR analysis does not consider any loss of existing on the ground development which may be displaced to accommodate 9,914 housing units.

New residential development would involve construction activities that would generate on-site noise from heavy construction equipment and off-site noise from heavy haul trucks and construction worker commutes. With implementation of the proposed Project, residential development could occur intermittently throughout the City at various locations. As such, construction activities occurring under the proposed Project could result in a temporary increase in ambient noise levels.

Construction noise typically occurs intermittently and varies depending on the nature or phase of construction (e.g., land clearing, grading, excavation, and paving). Noise generated by construction equipment, including earthmovers, material handlers, and portable generators, can reach high levels. Although noise ranges are generally similar for all construction phases, the ground clearing and excavation phase tends to involve the most heavy-duty equipment having a higher noise-generation potential.

Typical noise levels generated by construction equipment are shown in **Table 4.11-8: Typical Construction Equipment Noise Levels**. Operating cycles for these types of construction equipment may involve one or two minutes of full power operation followed by three to four minutes at lower power settings. Other primary sources of acoustical disturbance would be due to random incidents, which would last less than one minute (such as dropping large pieces of equipment or the hydraulic movement of machinery lifts).

As identified in the table, noise levels associated with individual construction equipment used for typical construction projects can reach levels of up to approximately 91 dBA (i.e., the highest noise level from grading activities) at 25 feet from the source. Noise-sensitive land uses are generally considered to include those uses where noise exposure could result in health-related risks to individuals, as well as places where quiet is an essential element of their intended purpose. The City does not have quantitative standards for construction noise levels.

Equipment	Typical Noise Level (dBA) at 25 feet from Source	Typical Noise Level (dBA) at 50 feet from Source	Typical Noise Level (dBA) at 100 feet from Source
Air Compressor	86	80	74
Backhoe	86	80	74
Compactor	88	82	76
Concrete Mixer	91	85	79
Concrete Pump	88	82	76
Concrete Vibrator	82	76	70
Crane, Mobile	89	83	77
Dozer	91	85	79
Generator	88	82	76
Grader	91	85	79
Impact Wrench	91	85	79
Jack Hammer	94	88	82
Loader	86	80	74
Paver	91	85	79
Pneumatic Tool	91	85	79
Pump	83	77	71
Roller	91	85	79
Saw	82	76	70
Scraper	91	85	79
Shovel	88	82	76
Truck	90	84	78

Source: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, September 2018.

General Plan Policy N 4.6 would reduce impacts related to construction noise by limiting the hours of maintenance or construction activity in or adjacent to residential areas, and General Plan Policy N 5.1 would enforce the limits on hours of construction activity. Construction noise is an existing noise source in the City and while the noise levels at existing construction sites may not substantially differ from future construction noise resulting from development under the proposed Project, it is anticipated that construction noise would occur in areas of the City that are already developed. In some instances, construction noise may be introduced where it did not previously exist.

Because specific project-level information is inherently not available at this time, it is not possible nor appropriate to quantify the construction noise impacts at specific sensitive receptors. In most cases, construction of individual developments associated with implementation of the Project would temporarily increase the ambient noise environment in the vicinity of each housing site, potentially affecting existing and future nearby sensitive uses. The nearest sensitive uses (e.g., residential uses) could be located within approximately 25 feet of construction activities associated with the Project. As previously noted, intermittent construction equipment could reach or exceed 91 dBA. Because of the high degree of variability in construction noise, exposure to such sound level incursions could be brief, and the maximum noise levels at adjacent uses would lessen as the noisiest piece of construction equipment moved farther away, reduced the necessary power setting, and/or changed the interaction with the work piece. However, nearby sensitive receptors may be exposed to elevated noise levels for the duration of construction. Noise levels would be higher during the demolition, site preparation, and excavation

activities, where the use of heavy construction equipment is more frequent but also during other portions of the overall (building) construction process. Construction activities would also cause increased noise along access routes to and from the site due to movement of equipment and workers. These trips would occur incrementally over the construction phases.

Municipal Code Section 10.28.040 (Construction Activity – Noise Regulations) limits noise sources associated with construction, repair, remodeling, or grading of any real property to the hours of 7:00 a.m. and 6:30 p.m. on weekdays. Construction can be performed on Saturday, in any area of the City that is not designated as a high-density area, between the hours of 8:00 a.m. and 6:00 p.m.. Municipal Code Section 10.26.035(D) also exempts construction noise from the City’s exterior and interior noise limits, acknowledging that construction activity is a normalized function of typical urban and suburban activities during daytime hours. Therefore, construction noise is exempt and following compliance with the City’s allowable construction hours and provisions of the Municipal Code, construction activities associated with the Project would be less than significant.

Operations

Traffic Noise Impacts

Future residential development would generate increased traffic noise levels throughout the City. **Table 4.11-9: Future Traffic Noise Levels** identifies the future roadway noise levels in the City under “Future” and “Future Plus Project” conditions. As shown in the table, under “Future Plus Project” conditions, noise levels at a distance of 100 feet from the roadway centerline would range from approximately 56.0 dBA to 74.9 dBA, with the highest noise levels occurring along MacArthur Boulevard south of Ford Road. Only one of the roadway segments – Campus Drive from MacArthur Boulevard to Von Karman Avenue – would exceed the City’s noise increase standards¹ with Project implementation. The change in traffic noise along this roadway segment would be 1.2 dBA and would exceed the City’s 1 dBA threshold for existing noise levels between 65 and 70 dBA CNEL.

The General Plan contains several goals and policies to reduce traffic noise impacts at sensitive receptors, including Noise Element Goal N 2, and Policies N 1.2, N 2.1, N 2.2, and N 2.6. However, these goals and policies would only apply to the development of new sensitive residences or other sensitive receptors, as existing receptors cannot always be redesigned to include noise abatement, and it is not possible to construct noise barriers between roadways and existing development. There are four housing sites along the impacted roadway segment of Campus Drive. Existing residences are also located along the north side of Campus Drive; therefore, the Project would result in traffic noise impacts at this location.

¹ As described in Table 4.11-3, the threshold of significance of the roadway noise increase is dependent upon existing noise levels.

Table 4.11-9: Future Traffic Noise Levels								
Roadway	Roadway Segment	Future Without Project		Future With Project		Change	Increase Threshold?	Significant impact?
		ADT	dBA CNEL at 100 feet from Roadway Centerline	ADT	dBA CNEL at 100 feet from Roadway Centerline			
Campus Drive	Dove St to Quail St	32,100	68.4	32,900	68.5	0.1	1	No
	Bristol St to Orchard Dr	30,600	69.4	32,400	69.6	0.2	1	No
Irvine Avenue	Mesa Dr to Del Mar Ave	35,500	68.7	37,600	69.0	0.2	1	No
	Del Mar Ave to Monte Vista Ave	35,100	63.9	36,000	64.0	0.1	2	No
	23rd to 22nd St	36,200	66.4	37,000	66.5	0.1	1	No
	22nd to 20th St	32,500	67.2	33,900	67.4	0.2	1	No
	20th to 19th St	33,900	67.4	35,200	67.6	0.2	1	No
	19th to 17th St	27,600	66.6	28,600	66.7	0.2	1	No
Jamboree Road	North of Campus Dr	44,200	71.0	45,300	71.1	0.1	1	No
	Campus Dr to Birch St	48,300	71.5	49,800	71.6	0.1	1	No
	Birch St to Bristol St	44,800	72.1	47,000	72.3	0.2	1	No
	Bristol St to Bayview Way	53,400	73.1	55,900	73.3	0.2	1	No
	Bayview Way to University Rd	50,600	72.6	53,100	72.8	0.2	1	No
	University Rd to Bison Ave	49,000	72.4	50,700	72.6	0.1	1	No
	Bison Ave to Ford Rd	46,700	72.2	48,700	72.4	0.2	1	No
	Ford Rd to San Joaquin Hills Rd	57,500	73.2	60,000	73.4	0.2	1	No
	San Joaquin Hills Rd to Santa Barbara Dr	44,600	72.1	46,100	72.3	0.1	1	No
	Santa Barbara Dr to Back Bay Dr	35,400	71.0	40,600	71.6	0.6	1	No
	Back Bay Dr to Pacific Coast Highway	40,100	71.5	40,600	71.5	0.1	1	No
Pacific Coast Highway to Bayside Dr	13,200	62.0	13,500	62.1	0.1	1	No	
University Road	SR 73 to Jamboree Rd	17,000	66.7	17,500	66.8	0.1	1	No
MacArthur Boulevard	North of Campus Dr	47,400	72.6	49,900	72.8	0.2	1	No
	Campus Dr to Birch St	30,800	70.8	32,900	71.1	0.3	1	No
	Birch St to Van Karman Ave	20,600	68.7	21,600	68.9	0.2	1	No
	Van Karman Ave to Jamboree Rd	39,000	71.6	41,100	71.8	0.2	1	No
	Jamboree Rd to University Rd	37,300	72.2	38,000	72.3	0.1	1	No
	University Rd to Bison Ave	68,100	74.1	69,400	74.2	0.1	1	No
	Bison Ave to Ford Rd	71,200	74.6	74,000	74.7	0.2	1	No
South of Ford Rd	64,300	74.9	64,900	74.9	0.0	1	No	

Table 4.11-9: Future Traffic Noise Levels								
Roadway	Roadway Segment	Future Without Project		Future With Project		Change	Increase Threshold?	Significant impact?
		ADT	dBA CNEL at 100 feet from Roadway Centerline	ADT	dBA CNEL at 100 feet from Roadway Centerline			
	North of San Joaquin Hills Rd	64,300	74.7	64,900	74.7	0.0	1	No
	San Joaquin Hills Rd to San Miguel Dr	38,500	71.6	39,700	71.7	0.1	1	No
	San Miguel Dr to Pacific Coast Highway	44,300	72.0	44,700	72.0	0.0	1	No
San Miguel Drive	Bonita Canyon Dr to Spyglass Hill Rd	20,100	67.4	20,100	67.4	0.0	1	No
	South of Spyglass Hill Rd	16,000	66.4	16,000	66.4	0.0	1	No
	North of San Joaquin Hills Rd	16,000	66.4	16,000	66.4	0.0	1	No
	San Joaquin Hills Rd to MacArthur Blvd	13,700	63.4	13,700	63.4	0.0	1	No
Newport Coast Drive	SR 73 to San Joaquin Hills Rd	26,800	70.7	29,400	71.1	0.4	1	No
	South of San Joaquin Hills Rd	24,400	70.4	24,900	70.5	0.1	1	No
	North of Pacific Coast Highway	24,200	70.3	24,400	70.4	0.0	1	No
SR 55/Newport Boulevard	17th St to Hospital Rd	45,500	71.1	45,800	71.2	0.0	1	No
	Hospital Rd to Pacific Coast Highway	51,700	70.5	52,400	70.5	0.1	1	No
	Via Lido to 32nd St	30,600	67.1	30,800	67.1	0.0	1	No
	32nd St to West Balboa Blvd	22,600	63.8	22,800	63.9	0.0	1	No
Von Karman Avenue	North of Campus Dr	24,100	67.1	24,900	67.2	0.1	1	No
	Campus Dr to Birch St	21,100	65.3	21,400	65.4	0.1	1	No
Spyglass Hill Road	East of San Miguel Dr	4,200	58.2	4,300	58.3	0.1	2	No
	North of San Joaquin Hills Rd	4,200	58.2	4,300	58.3	0.1	2	No
Newport Center Drive	Newport Center Dr to Pacific Coast Highway	23,900	67.3	23,900	67.3	0.0	1	No
Dover Drive	19th to 17th St	14,600	61.4	15,000	61.5	0.1	1	No
	17th to 16th St	26,900	65.1	27,100	65.1	0.0	1	No
	16th to Cliff Dr	31,900	68.3	31,700	68.3	0.0	1	No
Birch Street	MacArthur Blvd to SR 73	21,400	66.5	22,200	66.7	0.2	1	No
Bristol Street North	West of Campus Dr	44,400	69.6	45,300	69.7	0.1	1	No
Bristol Street South	West of Campus Dr	26,400	67.4	27,000	67.5	0.1	1	No
	East of Birch St	23,100	66.8	23,800	66.9	0.1	1	No
	West of Jamboree Rd	38,300	69.0	38,600	69.0	0.0	1	No

Table 4.11-9: Future Traffic Noise Levels								
Roadway	Roadway Segment	Future Without Project		Future With Project		Change	Increase Threshold?	Significant impact?
		ADT	dBA CNEL at 100 feet from Roadway Centerline	ADT	dBA CNEL at 100 feet from Roadway Centerline			
Campus Drive	MacArthur Blvd to Von Karman Ave	21,100	66.6	27,800	67.8	1.2	1	Yes
	Von Karman Ave to Jamboree Rd	21,100	66.4	21,800	66.6	0.1	1	No
	Jamboree Rd to University Rd	30,200	68.1	30,500	68.1	0.0	1	No
Mesa Drive	SR 55 to Irvine Ave	11,100	61.1	11,100	61.1	0.0	1	No
Birch Street	Irvine Ave to SR 73	15,100	65.0	15,500	65.1	0.1	1	No
22nd Street	East of SR 55	4,600	56.4	4,600	56.4	0.0	2	No
19th Street	East of SR 55	7,600	57.1	7,600	57.1	0.0	2	No
17th Street	Irvine Ave to Dover Dr	17,300	63.2	17,900	63.3	0.1	1	No
Coast Highway	West of Superior Ave	55,100	71.9	56,100	72.0	0.1	1	No
	Superior Ave to SR 55	46,700	70.4	47,200	70.4	0.0	1	No
	SR 55 to Riverside Ave	65,300	70.2	66,400	70.3	0.1	1	No
	Riverside Ave to Dover Dr	50,800	70.3	51,700	70.4	0.1	1	No
	Dover Dr to Bayside Dr	71,200	71.9	72,900	72.0	0.1	1	No
	Bayside Dr to Jamboree Rd	65,600	73.3	66,900	73.4	0.1	1	No
	Jamboree Rd to Newport Center Dr	46,800	71.3	47,800	71.4	0.1	1	No
	Newport Center Dr to Avocado Ave	37,900	70.4	38,100	70.4	0.0	1	No
	Avocado Ave to MacArthur Blvd	37,300	70.2	37,500	70.2	0.0	1	No
	MacArthur Blvd to Goldenrod Ave	50,400	69.1	50,600	69.1	0.0	1	No
	Golden Rd Ave to Marguerite Ave	50,100	68.0	50,400	68.1	0.0	1	No
	Marguerite Ave to Poppy Ave	49,800	67.8	50,000	67.8	0.0	1	No
	East of Poppy Ave	45,000	69.8	45,300	69.8	0.0	1	No
	West of Newport Coast Dr	32,400	70.6	32,600	70.6	0.0	1	No
East of Newport Coast Dr	43,300	72.8	43,300	72.8	0.0	1	No	
Bison Avenue	Jamboree Rd to MacArthur Blvd	13,600	64.9	13,500	64.8	0.0	1	No
	MacArthur Blvd to SR 73	24,200	68.6	25,100	68.7	0.2	1	No
	East of SR 73	35,400	68.9	35,800	69.0	0.0	1	No
Ford Road	West of MacArthur Blvd	11,300	64.9	11,400	64.9	0.0	1	No
	East of Jamboree Rd	11,300	64.9	11,100	64.8	-0.1	1	No

Table 4.11-9: Future Traffic Noise Levels								
Roadway	Roadway Segment	Future Without Project		Future With Project		Change	Increase Threshold?	Significant impact?
		ADT	dBA CNEL at 100 feet from Roadway Centerline	ADT	dBA CNEL at 100 feet from Roadway Centerline			
Bonita Canyon Drive	MacArthur Blvd to San Miguel Dr	37,600	70.1	38,200	70.2	0.1	1	No
San Joaquin Hills Road	Jamboree Rd to Santa Cruz Dr	23,400	68.3	24,200	68.4	0.1	1	No
	Santa Cruz Dr to Santa Rosa Dr	15,500	66.6	15,200	66.6	-0.1	1	No
	Santa Rosa Dr to MacArthur Blvd	25,600	68.8	25,600	68.8	0.0	1	No
	San Miguel Dr to Marguerite Ave	21,500	67.9	21,700	67.9	0.0	1	No
	Marguerite Ave to Spyglass Hill Rd	18,200	67.9	18,200	67.9	0.0	1	No
	East of Spyglass Hill Rd	18,700	68.1	19,500	68.3	0.2	1	No
	West of Newport Coast Dr	17,300	67.8	17,700	67.9	0.1	1	No
Santa Barbara Drive	Jamboree Rd to Newport Center Dr	14,600	64.9	15,400	65.2	0.2	1	No
Santa Cruz Drive	San Joaquin Hill Rd to Newport Center Dr	12,400	61.7	12,900	61.9	0.2	1	No
Santa Rosa Drive	San Joaquin Hill Rd to Newport Center Dr	10,900	60.2	10,500	60.1	-0.2	1	No
Avocado Avenue	San Miguel road to Pacific Coast Highway	15,300	65.1	15,300	65.1	0.0	1	No
Superior Avenue	17th St to Placentia Ave	17,900	63.3	18,300	63.4	0.1	1	No
	Placentia Ave to Hospital Rd	22,300	65.6	23,100	65.7	0.2	1	No
	Hospital Rd to Pacific Coast Highway	18,300	64.7	19,300	64.9	0.2	1	No
Balboa Boulevard	Pacific Coast Highway to 32nd St	21,200	63.2	21,600	63.3	0.1	1	No
Marguerite Avenue	South of San Joaquin Hills Rd	11,300	62.6	11,500	62.7	0.1	1	No
	North of Pacific Coast Highway	5,800	56.0	5,800	56.0	0.0	2	No
Placentia Avenue	Superior Ave to Hospital Rd	9,000	61.5	9,700	61.8	0.3	1	No
	West of Superior Ave	15,300	63.9	15,300	63.9	0.0	1	No

Notes:
ADT = average daily trips; dBA = A-weighted decibels; CNEL = community noise equivalent level.
Source: Based on traffic data within the *Housing, Land Use and Circulation Elements Transportation Analysis*, prepared by Urban Crossroads, 2023. Refer to Appendix E for traffic noise modeling assumptions and results.

It should be noted that the traffic noise analysis conservatively uses full buildout traffic data assuming all of the housing sites would be developed. Future development would be subject to General Plan Policy N 2.1, which requires noise sensitive uses in areas of 60 dBA and greater meet interior and exterior noise levels. Additionally, Policy N 2.2 requires new residential developments to include walls, berms, interior noise insulation, double-paned windows, advanced insulation systems, or other noise measures, as appropriate to meet the 45 dBA CNEL interior standard. New noise-sensitive land uses that are adjacent to major arterials and within the 65-70 dBA CNEL noise contour area are required to be indoor-oriented to reduce noise impacts on outdoor living or recreational areas. Therefore, traffic noise impacts would be less than significant with the exception of at Campus Drive from MacArthur Boulevard to Von Karman Avenue where noise impacts would be significant and unavoidable.

Stationary Noise Sources

Operational stationary noise sources (e.g., heating, ventilation, and air conditioning [HVAC]) are anticipated to increase incrementally from increased residential development as a result of the proposed Project. Due to the variability and details for future individual residential developments, quantifying long-term stationary noise impacts from the proposed Project is not feasible. Depending on how development proceeds (i.e., individual housing developments would occur over time dependent upon market demand, economic, and planning considerations, among other factors), future residential development could generate noise levels that exceed the City's noise standards at adjacent sensitive receptors. However, long-term stationary noise levels would be reduced through implementation of General Plan Policies N 1.1, N 1.4, N 4.1, and N 4.5. In addition, future development would be required to comply with City, State and federal guidelines concerning noise abatement and insulation standards. This would ensure that noise levels at the housing sites and surrounding areas are maintained within acceptable standards that prevent excessive disturbance, annoyance, or disruption.

The noise standards outlined in Municipal Code Section 10.26.025 (Exterior Noise Standards) and Section 10.26.030 (Interior Noise Standards) would be relied upon to evaluate noise impacts from stationary sources at future residential developments. Following individual development and design review and compliance with the City's noise standards, as well as General Plan policies, the Project's impacts from stationary noise sources would be less than significant.

Impact Summary: **Significant and Unavoidable Impact.** Construction and stationary source operational noise would be less than significant following individual design review and compliance with the City's noise standards, as well as Newport Beach General Plan policies. Operational stationary source noise would not exceed the City's standards and impacts would be less than significant. However, Project implementation would result in a significant increase along one roadway segment (Campus Drive between MacArthur Boulevard and Von Karman Avenue) in traffic noise levels under the current City of Newport Beach standards of significance for noise increases. Therefore, where residential development would occur along this roadway segment, traffic noise impacts would be significant and unavoidable.

Threshold 4.11-2: Would the Project result in the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Construction

Future construction activities for new residential development under the proposed Project would require the use of heavy equipment, power tools, generators, and other vibration sources. Construction activities can generate varying degrees of groundborne vibration, depending on the construction procedure and equipment used. Construction equipment operations would generate vibrations that spread through the ground and diminish in amplitude with distance from the source. The effect on buildings located near a construction site often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s). Groundborne vibrations from construction activities rarely reach levels that damage structures. The FTA has published standard vibration velocities for construction equipment operations. In general, the FTA architectural damage criterion for continuous vibrations (i.e., 0.2 inch/second) is conservative even for sustained pile driving. Pile driving levels often exceed 0.2 inch/second at distances of 50 feet, and 0.5 inch/second at 25 feet without any apparent damage to buildings. **Table 4.11-10: Typical Vibration Levels for Construction Equipment** identifies anticipated vibration velocity levels (in/sec) for standard types of construction equipment based on distance from the receptor.

Equipment	Approximate peak particle velocity at 25 feet (inches/second)	Approximate peak particle velocity at 50 feet (inches/second)
Large bulldozer	0.089	0.031
Loaded Trucks	0.076	0.027
Small Bulldozer	0.003	0.001
Auger/drill rigs	0.089	0.031
Jackhammer	0.035	0.012
Pile Driver	0.644	0.228
Vibratory hammer	0.035	0.012

Notes:
 1. Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, September 2018. Table 12-2.
 2. Calculated using the following formula:
 $PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$
 where: PPV (equip) = the peak particle velocity in in/sec of the equipment adjusted for the distance
 PPV (ref) = the reference vibration level in in/sec from FTA *Transit Noise and Vibration Impact Assessment Manual*, Table 12-2.
 D = the distance from the equipment to the receiver
 Source: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, September 2018.

Short-term construction activities could result in groundborne vibration impacts at noise sensitive receptors within the City depending on the site location, duration of construction activities, and equipment used at the construction site. Similar to noise, groundborne vibration rapidly attenuates with distance. Groundborne vibration would primarily impact vibration sensitive land uses (e.g., nonengineered timber and masonry buildings) located adjacent to or within the vicinity of individual project sites. Based upon the vibration velocity levels provided in the table, vibration velocities from typical heavy construction equipment operations that could be used during construction activities range from 0.003 to 0.089 inch-per-second PPV at 25 feet from the activity source (and up to 0.644 PPV if pile

driving activities were to occur). Therefore, vibration velocities from typical heavy construction equipment operations at 25 feet from the activity source would not exceed the FTA's 0.2 inch/second threshold, except for pile driving activities. Also, vibration velocities from pile driving activities at 50 feet from the activity source would exceed the 0.2 the inch/second threshold (**Table 4.11-10**). Therefore, construction-related activities that involve pile driving and occur 50 feet from a vibration sensitive land use (i.e., non-engineered timber and masonry buildings) could exceed the 0.2 the inch/second threshold. Therefore, the Project has the potential to expose persons or structures to, or generate excessive groundborne vibration or groundborne noise levels. To lessen potential vibration-related impacts to adjacent sensitive uses, Mitigation Measure (MM) NOI-1 requires a preconstruction survey of all buildings within a 50-foot radius of proposed construction activities that involve pile driving, and that alternative methods be utilized. With implementation of **MM NOI-1**, construction vibration impacts would be less than significant.

Operations

Residential uses are not expected to generate excessive groundborne vibration or groundborne noise, and the proposed Project does not include changes related to industrial or commercial uses (e.g., airports, waste facilities, etc.) that would generate ongoing groundborne vibration. Future development under the proposed Project would not involve railroads or heavy truck operations, and therefore would not result in vibration impacts at surrounding uses. Therefore, operational activities associated with future residential development from the proposed Project would be less than significant.

Impact Summary: **Less Than Significant Impact With Mitigation.** MM NOI-1 is required to ensure construction vibration impacts are reduced to a less than significant level. Operational vibration impacts would be less than significant.

Threshold 4.11-3: For a Project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels?
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There are housing sites located within the 65-70 dBA CNEL noise contour for John Wayne Airport (**Figure 4.11-1**). With respect to noise, Land Use Policy 3.2.1 notes that "Within the boundaries of the AELUP, any land use may be found Inconsistent with the AELUP which; (1) Placed people so that they are affected adversely by aircraft noise..."² AELUP Section 3, Table 1 (Limitations on Land Use Due to Noise) identifies single-unit and multi-unit residential uses are "normally consistent" below 65 dBA CNEL; "conditionally consistent" for the 60 dBA to 65 dBA CNEL noise contour; and "normally inconsistent" for the 65 dBA to 70 dBA CNEL noise contour. However, residential uses are not outright prohibited. Instead, Section 3.2.3 of AELUP requires residential uses be developed with advanced insulation systems to bring the sound attenuation to no more than 45 dB interior. In addition, residential uses within the 65 dBA CNEL noise contour area are required to be "indoor-oriented" to preclude noise impingement on outdoor living areas.

General Plan Noise Element policies N.1.2, N 1.5, N 1.5A, N 2.2, N 3.1, N 3.2, and LU 6.15.3 only allow for residential and noise-sensitive development within the 65-70 dBA CNEL noise contour for John Wayne Airport if the City determines that the housing sites wholly within the contour would be required to satisfy

² The standard for the acceptable level of aircraft noise for persons living in the vicinity of airports is hereby established to be a community noise equivalent level of 65 decibels. California Code of Regulations, Title 21. Public Works. Division 2.5. Division of Aeronautics (Department of Transportation). Chapter 6. Noise Standards, Article 1. General. [View Document - California Code of Regulations \(westlaw.com\)](#).

its 6th Cycle RHNA mandate. The City's 6th Cycle RHNA allocation is 4,845 housing units, including 1,456 very low-income units and 930 low-income units. As previously noted, this Program EIR conservatively analyzes a total development capacity of 9,914 units to address future "no net loss".

General Plan Noise Element Policy N 1.2 (Noise Exposure Verification for New Development) requires applicants for proposed residential or mixed-use projects that are located in areas projected to be exposed to 65-70 dBA CNEL or greater, to conduct a noise study to determine the level of exterior or interior noise attenuation needed to attain an acceptable noise exposure level.

Infill development projects in the Airport Area Focus Area would be subject to Policy N 1.5, which allows a higher (above 65 dBA CNEL) exterior noise level standard for infill projects in existing residential areas adjacent to major arterials if it can be shown that there are no feasible mechanisms to meet the exterior noise levels. The interior standard of 45 dBA CNEL shall be enforced for any new residential project or mixed-use project containing a residential component, consistent with Title 21 of the CCR. Additionally, Policy N 1.5A allows infill residential projects proximate to John Wayne Airport to have a higher exterior noise level (65-70 dBA CNEL).

Policy N 2.2 requires the use of walls, berms, interior noise insulation, double paned windows, advance insulation systems, or other noise measures, as appropriate, in the design of new residential developments to attenuate noise levels to not exceed 45 dBA CNEL interior or other new noise sensitive land uses that are adjacent to major arterials and located proximate to John Wayne Airport. Residential uses within the 65 dBA to 70 dBA CNEL noise contour area are required to be indoor-oriented (e.g., requiring typical outdoor recreational activities such as swimming pools, lounges, private patios to be enclosed) to reduce noise impacts on outdoor living or recreational areas.

Additionally, other City policies have been adopted to address potential impacts to noise-sensitive developments within noise contours. Policy N 3.2 requires developers of mixed-use land uses with a residential component or residential land uses to notify prospective tenants or buyers of aircraft noise. This policy also requires signage in outdoor common or recreational areas within mixed-use or residential developments to be posted, notifying occupants about the proximity to John Wayne Airport and the presence of operating aircraft and noise.

Municipal Code Section 20.30.080(F) (Residential Use Proximate to John Wayne Airport) also incorporates AELUP requirements. The Municipal Code allows for residential uses on parcels wholly or partially outside the John Wayne Airport 65 dBA CNEL noise contour and provides several conditions including preparation of noise studies, noise attenuation standards, separation of sensitive uses from noise generating uses within a project site, and provisions for indoor amenities for projects. The specific requirements, to allow for residential development within the 60 dBA CNEL noise contour, or higher, are as follow:

- Noise studies shall be prepared by a City-approved qualified acoustical consultant and submitted to the Community Development Director for approval prior to the issuance of any building permit;
- All new residential structures or the residential units within a mixed-use development shall be attenuated to provide an interior noise level of 45 dBA CNEL or less;
- The design of the residential portions of mixed-use projects and residential developments shall have adequate noise attenuation between adjacent uses and units (common floor/ceilings) in accordance with the California Building Code;

- New mixed-use developments shall incorporate designs with loading areas, parking lots, driveways, trash enclosures, mechanical equipment, and other noise sources away from the residential portion of the development;
- Use of walls, berms, interior noise insulation, double paned windows, advance insulation systems, or other noise mitigation measures, as deemed appropriate shall be incorporated in the design of new residential to bring interior sound attenuation to 45 dBA CNEL or less;
- Residential uses shall be indoor-oriented to reduce noise impingement on outdoor living areas;
- On-site indoor amenities, such as fitness facilities or recreation and entertainment facilities shall be encouraged; and
- Advanced air filtration systems for buildings shall be considered to promote cleaner air.

The Project, and any future residential development, would be required to follow all applicable General Plan policies. Therefore, Project compliance with City policies N 1.5, N 1.5A, N2.2, N3.1, N3.2, LU 6.15.3, and Municipal Code Section 20.30.080(F) would result in less than significant impacts with respect to housing development proximate to John Wayne Airport.

Impact Summary: **Less Than Significant Impact.** Project compliance with City policies N 1.5, N 1.5A, N2.2, N3.1, N3.2, LU 6.15.3, and Municipal Code Section 20.30.080(F) would result in less than significant impacts with respect to housing development proximate to John Wayne Airport.

4.11.7 Cumulative Impacts

The Project's anticipated noise and vibration-related impacts from future housing development facilitated by implementation of the 2021-2029 Housing Element, in conjunction with cumulative development in the City, would increase housing development in an already developed area, thereby resulting in increased ambient noise levels. Potential noise and vibration-related impacts would be site specific and would require evaluation on a case-by-case basis at the project level when future development is proposed as set forth in the 2021-2029 Housing Element. Each cumulative project would require separate development review by the City, which would verify compliance with the City's Noise Ordinance and address potential noise and vibration impacts and identify necessary mitigation measures, where appropriate. Future housing development in conjunction with cumulative development is not anticipated to result in significant noise and vibration impacts, or conflict with or obstruct a State or local plan, ordinance, or standards aimed at avoiding or minimizing excessive noise, following compliance with the City's Noise Ordinance. Therefore, the proposed Project would not cause a cumulatively considerable noise or vibration impact.

4.11.8 Mitigation Program

As noted, all future housing development facilitated by the Project would be subject to the City's development review process, which may include review pursuant to CEQA, and would be assessed on a case-by-case basis for potential effects concerning aesthetics. Future housing development would be subject to compliance with relevant federal, State, and local requirements including requirements set forth in the Newport Beach General Plan and Newport Beach Municipal Code.

General Plan Policies

See **Section 4.11.2: Regulatory Setting** for complete policy text.

Noise Element

- Policy N 1.1
- Policy N 1.2
- Policy N 1.3
- Policy N 1.4
- Policy N 1.5
- Policy N 1.5A
- Policy N 1.6
- Policy N 1.7
- Policy N 1.8
- Policy N 2.1
- Policy N 2.2
- Policy N 2.3
- Policy N 3.1
- Policy N 3.2
- Policy N 4.1
- Policy N 4.6
- Policy N 5.1

Land Use Element

- Policy LU 6.15.3

Mitigation Measures

MM NOI-1 To avoid impacts to vibration sensitive land uses (i.e., non-engineered timber and masonry buildings) located within a 50-foot radius of pile driving activities, prior to demolition, grading, or building permit approval, the following measures shall be specified on the Project plans and implemented during construction:

- Pile driving within a 50-foot radius of vibration sensitive land uses shall utilize alternative installation methods (e.g., pile cushioning, jetting, predrilling, cast-in-place systems, resonance-free vibratory pile drivers) such that vibration velocities from the alternative construction activity would fall below the 0.2 inch/second threshold.
- The preexisting condition of all vibration sensitive land uses within a 50-foot radius of proposed pile driving shall be documented during a preconstruction survey. The preconstruction survey shall determine conditions that exist before construction begins for use in evaluating damage caused by pile driving, if any. Fixtures and finishes susceptible to damage and within a 50-foot radius of pile driving shall be documented (photographically and in writing) prior to demolition, grading, or building permit approval. All damage shall be repaired/restored to its preexisting condition.

4.11.9 Level of Significance After Mitigation

With implementation of the mitigation program identified above, potential traffic noise impacts would remain significant and unavoidable. Impacts related to construction noise, operational stationary noise, and vibration would be less than significant on a project-specific and cumulative basis. Implementation of the mitigation program and compliance with Municipal Code Section 20.30.080(F) would also reduce impacts with respect to housing development proximate to John Wayne Airport to less than significant.

4.11.10 References

California Code of Regulations, Title 24.

California Department of Transportation, *Transportation and Construction Vibration Guidance Manual*, 2020.

City of Newport Beach (2006). *City of Newport Beach General Plan – Noise Element*.
https://www.newportbeachca.gov/PLN/General_Plan/13_Ch12_Noise_web.pdf. Accessed
December 21, 2023.

City of Newport Beach, *Newport Beach Municipal Code*, October 10, 2023.

Department of Housing and Urban Development, *The Noise Guidebook*, 2009.

Federal Transit administration, *Transit Noise and Vibration Assessment Manual*, 2018.

Urban Crossroads, *Housing Element Transportation Analysis*, 2023.

4.12 POPULATION AND HOUSING

4.12.1 Introduction

This section provides existing population, housing, and employment estimates and analyzes the Project's potential effects concerning population, housing, and employment. To provide regional context, this section analyzes the estimated population, housing, and employment effects relative to the County of Orange (County) and the City of Newport Beach and its Sphere of Influence (City). Additionally, this section evaluates the potential for future development facilitated by the Project to induce substantial unplanned population growth in the area and its potential to displace people or housing.

Population growth, in and of itself, does not constitute a physical impact on the environment. However, population growth is relevant in that it may generate secondary environmental impacts as defined under CEQA, such as criteria air pollutant emissions (see **Section 4.2: Air Quality**), greenhouse gas (GHG) emissions (see **Section 4.7: Greenhouse Gas Emissions**), increased demands for public services (see **Section 4.13: Public Services**), and infrastructure capacity (see **Section 4.17: Utilities and Service Systems**). These potential indirect population growth-related environmental effects are addressed in the applicable sections of this Program EIR. Further, housing growth relates to sustainable community development issues that may be of concern, such as providing affordable and workforce housing and integrating housing near employment to minimize vehicle miles traveled (VMT).

4.12.2 Regulatory Setting

State

General Plan Housing Elements

California Government Code [CGC] Article 10.6 (§§65580 through 65589.11) establishes the requirements for the Housing Element of the General Plan, one of the mandatory General Plan Elements. The *City of Newport Beach General Plan 2006 Update* (General Plan) is the City's General Plan. The City's 2021–2029 Housing Element (2021-2029 Housing Element) was adopted by the City Council on September 13, 2022, as part of the 6th Cycle Housing Element process and was subsequently found in compliance with State housing law (certified) by HCD on October 5, 2022.

State law requires that Housing Elements identify and analyze existing and projected housing needs and provide goals, policies, objectives, financial resources, and programs for the preservation, improvement, and development of housing (CGC §65580). The City's 2021–2029 Housing Element identifies strategies and programs that focus on: 1) preserving and improving housing and neighborhood; 2) providing adequate housing sites; 3) assisting in the provision of affordable housing; 4) removing governmental and other constraints to housing investment; 5) promoting fair and equal housing opportunities; and 6) promoting sustainable housing. The California Legislature has determined that one of the State's primary housing goals is to ensure every resident has a decent home and suitable living environment. Government Code Sections 65583 and 65583.2 require Housing Elements to implement programs to facilitate and encourage the development of a variety of housing types including multi-unit rental housing, factory-built housing, mobile homes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.

California Government Code Section 65588 requires that local governments review and revise the Housing Element of their comprehensive General Plans not less than once every eight years. For each review cycle,

the California Department of Housing and Community Development (HCD) conducts a regional housing needs assessment (RHNA).

The Housing Element must identify and analyze sites with appropriate zoning that will encourage and facilitate a variety of housing types. California Government Code Section 65583 sets forth the specific housing element content requirements. Included in these requirements are a jurisdiction's obligations to provide their "fair share" of regional housing needs; see **SCAG Regional Housing Needs Assessment Section** below.

Housing Accountability Act

The Housing Accountability Act (HAA) (CGC §65589.5; Senate Bill [SB] 167), is a State law that restricts a local government's ability to deny, reduce the density of, or make infeasible any housing development project, emergency shelter, or farmworker housing that complies with objective general plan, zoning, and subdivision standards and criteria (collectively referred to as "Objective Standards"), in effect at the time that the housing development's application is determined to be complete. The HAA has been in effect since 1982 and has undergone several amendments to further reinforce the State legislature's intent to increase the supply of residential housing stock. The HAA precludes a jurisdiction from denying or imposing any conditions upon any housing project unless specific written findings are made based upon a preponderance of the evidence that a specific, adverse health or safety impact exists. If a jurisdiction desires to either disapprove or impose a condition that a housing development be developed at a lower density or with any other conditions that would adversely impact feasibility of the proposed project, the jurisdiction must make the following findings:

- A. The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density."
- B. There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified, other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

Sustainable Communities and Climate Protection Act: Senate Bill 375

Senate Bill 375 aligns land use and transportation planning to drive development towards transit-accessible places and reduce car dependency. SB 375 is the land use component of California's wider strategy to reduce greenhouse gas (GHG) emissions, codified by the 2006 Global Warming Solutions Act (AB 32). Assembly Bill 32 enabled the State to regulate emissions sources and set the aggressive goal of reducing emissions to 1990 levels by 2020. Senate Bill 375 requires California Metropolitan Planning Organizations (MPO) to create a Sustainable Communities Strategy (SCS) as part of the federally mandated Regional Transportation Plan (RTP). SCSs lay out the locations and types of development needed to lower vehicle miles traveled and meet GHG emission reduction targets.

SB 375 affects California's housing planning and policy in three main ways. First, SB 375 requires the MPOs to develop a SCS, as part of their federally mandated RTP. The SCS must lay out plans for development patterns that would accommodate projected growth while reducing vehicle miles traveled (VMT) and thus GHG emissions. Second, SB 375 aligns the RHNA planning process with the SCS, in an effort to encourage local jurisdictions to plan for housing development consistent with the SCS. Third, SB 375 allows for streamlining of the CEQA review process for SCS-consistent development projects. SB 375 extended the

time for a local government to review and revise Housing Elements (i.e., the RHNA planning process) from five years to eight years in certain areas within the State, including nonattainment regions covered by an MPO. If the local agency fails to submit a valid Housing Element, it is subject to a four-year review cycle.

If a community does not have enough sites to accommodate its housing need, it must adopt a program to make adequate sites available, including a program for rezoning sites to provide lower-income housing. Pre-SB 375, cities asserted they were only required to identify actions that would be undertaken to make sites available to accommodate various housing needs - they were not mandated to actually adopt the rezonings included in the Housing Element programs. However, SB 375 requires communities preparing an eight-year housing element to complete all required rezonings if the available housing sites inventory does not identify adequate sites to accommodate the RHNA allocation. All future housing development facilitated by the 2021-2029 Housing Element would be subject to the City's development review process, which may include review pursuant to CEQA, and required to comply with all applicable requirements concerning by-right development, for which the approval process establishes a rule-based development approval process that improves the ability of the housing market to create new housing in response to increased demand.

Senate Bill 35 (Streamlined Approval Process)

Signed into law by former California State Governor Edmund Gerry "Jerry" Brown on September 29, 2017, SB 35 requires approval of qualified housing projects based on objective, regulatory standards. If a housing project meets certain requirements, then, depending on the size of the project, the local government must identify any objective planning standards the project is not compliant with within 60 or 90 days. In addition, the local government must identify the basis for which the project is not compliant with the objective planning standards. If the local government fails to identify any non-compliant standard within the requisite 60 or 90 days, then the project is automatically determined to qualify with the local, objective planning standards. Any design review or public oversight must be objective and focused only on reasonable design standards previously adopted and broadly applied by the local agency. The design review or public oversight must be completed within 90 or 180 days, depending on the size of the housing project.

In order to qualify for this streamlined approval, the project must be:

- A multi-unit housing development (at least two residential units) in an urbanized area;
- Located where 75 percent of the perimeter of the site is developed;
- Zoned or designated by the general plan for residential or mixed use residential;
- In a location where the locality's share of regional housing needs have not been satisfied by building permits previously issued;
- One that includes affordable housing in accordance with SB 35 requirements;
- Consistent with the local government's objective zoning and design review standards; and
- Willing to pay construction workers the state-determined "prevailing wage."¹

¹ JDSUPRA. (2020). *How California's SB 35 Can Be Used to Streamline Real Estate Development Projects*. <https://www.idsupra.com/legalnews/how-california-s-sb-35-can-be-used-to-75984/>. Accessed December 2023.

Housing Crisis Act of 2019 (SB 330)

Senate Bill 330 signed into law on October 9, 2019, and effective January 1, 2020, inserts and amends several different sections of the California Government Code to streamline housing development for projects that meet specified criteria; see CGC Sections 65589.5, 65905.5, 65913.10, 65940, 65941.1, 65943, 65950, 66300, 66301. These new and amended statutes limit a local agency's ability to disapprove housing projects or otherwise condition housing projects in a manner that reduces density or makes housing infeasible. Different restrictions apply to projects proposing affordable units than market rate units; but in both cases, agencies must make very narrow written findings in order to disapprove a project that is consistent with General Plan and zoning standards. SB 330 also limits the number of hearings and meetings that a local agency can hold in connection with certain housing development projects, and it shortens permissible timelines within which an agency must take action on a housing development application. SB 330 has numerous provisions, which include prohibitions against removing or downzoning residentially zoned land such that there would be a "net loss" in residential zoning capacity. With the passage of SB 8, SB 330 would expire on January 1, 2030 instead of January 1, 2025. SB 8 also clarifies that the protections under SB 330 apply to ministerial projects, projects proposing a single dwelling unit, and density bonus projects.

Senate Bill 9; Newport Beach Municipal Code Ordinance No. 2022-17

Senate Bill 9 (SB 9) was signed into law by Governor Newsom in September 2021 and is designed to incrementally increase the housing stock in single-unit residential zones by providing ministerial approval of duplexes and lot splits up to a maximum of two parcels and four units. To qualify, projects must be meet several criteria, including but not limited to, being located in a city or urbanized area of unincorporated county and being located outside a coastal zone, prime farmland or farmland of statewide importance, wetlands, and very high fire severity zone. Additionally, projects cannot require demolition or alteration of housing that is restricted to affordable housing, subject to rent control, or contains tenant occupied housing. If the qualifying criteria are satisfied, local agencies must approve the project ministerially (i.e., without discretionary review or hearings) and projects would not be subject to CEQA.

Senate Bill 166

Senate Bill 166 (2017) requires a city or county to ensure that its Housing Element inventory can accommodate its share of the regional housing need throughout the planning period. SB 166 prohibits a city, county, or city and county from permitting or causing its inventory of sites identified in the housing element to be insufficient to meet its remaining unmet share of the regional housing need for lower and moderate-income households. The bill also would expand the definition of "lower residential density" if the local jurisdiction has not adopted a housing element for the current planning period or the adopted housing element is not in substantial compliance, as specified. The bill also requires a city, county, or city and county to make specified written findings if the city, county, or city and county allows development of any parcel with fewer units by income category than identified in the housing element for that parcel. Where the approval of a development project results in fewer units by income category than identified in the housing element for that parcel and the remaining sites in the housing element are not adequate to accommodate the jurisdiction's share of the regional housing need by income level, the bill would require the jurisdiction within 180 days to identify and make available additional adequate sites. The bill would provide that an action that creates an obligation to identify or make available additional adequate sites and the action to identify or make available those sites would not create an obligation under the CEQA to identify, analyze, or mitigate the environmental impacts of that subsequent action, as specified.

Senate Bill 6 (Middle Class Housing Act of 2022)

Senate Bill 6, also known as the Middle Class Housing Act of 2022, deems a housing development project allowable in commercial zones without the need for rezoning. SB 6 went into effect on July 1, 2023, and sunsets on January 1, 2033 unless extended. The bill adds Section 65852.24 to the Government Code that deems a housing development project allowable in commercial zones without the need for rezoning. Housing development projects include 100 percent residential projects as well as mixed-use projects with at least 50 percent of the square footage dedicated to residential use. SB 6 does not provide a ministerial approval pathway, but does allow residential use on commercially zoned property without requiring a rezone.

To invoke SB 6, a project must meet or exceed the applicable density deemed appropriate to accommodate lower-income housing (as identified in the RHNA Housing Element site provisions in CGC 65583.2(c)(3)(B), and must satisfy all permitting and procedural requirements of the zone that allows for that higher residential density (determined either by the existing or closest parcel that meets the standard). Applicants must also commit both to prevailing wages for workers and to "skilled and trained workforce" requirements.

Senate Bill 4

Senate Bill 4 (SB 4) requires ministerial approval (approval without discretionary permits or review under CEQA) of certain development applications for 100 percent affordable housing on land owned by an independent institution of higher education or a religious institution. In effect, SB 4 streamlines the building process for faith-based institutions and certain colleges by providing a process that allows them to build qualifying housing projects regardless of zoning restrictions if certain requirements are satisfied. The bill also guarantees "by-right" approval of new homes, as long as they are consistent with all objective building standards and comply with existing environmental protections.

Assembly Bill 2011

Assembly Bill (AB 2011) allows for ministerial, by-right approval for affordable housing on commercially-zoned lands, and also allows such approvals for mixed-income housing along commercial corridors, as long as the projects meet specified affordability, labor, and environmental criteria. AB 2011 also requires that all projects seeking approval under its provisions ensure that all construction workers earn prevailing wages and receive health benefits. The legislation provides two distinct options for eligibility: one for 100 percent Below Market Rate projects located on commercial zoned land, and a second for mixed-income (typically 15% Below Market Rate) projects located on "commercial corridors." Eligibility is further limited by numerous site and project criteria requiring careful review.

California Relocation Assistance Act

The California Relocation Law, California Public Resources Code Section 7260 (b), requires the fair and equitable treatment of persons displaced as a direct result of programs or projects undertaken by a public entity. The law requires agencies to prepare a relocation plan, provide relocation payments, and identify substitute housing opportunities for any resident that is to be displaced by a public project.

Regional and Local

Regional Housing Needs Allocation

The Southern California Association of Governments (SCAG) is the regional council of governments (COG) representing Orange, Los Angeles, Riverside, San Bernardino, and Ventura counties. SCAG is responsible for issuing the RHNA for the six counties and 191 cities within the region, including the City of Newport Beach. Newport Beach is a member agency of SCAG. SCAG is designated as a COG, a Regional Transportation Planning Agency and a MPO for the aforementioned counties. As the designated MPO, SCAG is responsible for preparing the RHNA for all jurisdictions within the SCAG region

The purpose of the RHNA is to plan for population growth, such that the region and subregion will collectively produce sufficient housing to meet population needs and address social equity, with each jurisdiction providing its fair share of housing needs. The RHNA identifies the housing needs for very low income, low income, moderate income, and above moderate income groups. The RHNA does not necessarily encourage or promote growth but rather allows communities to anticipate projected growth and address existing need, so that they can grow in ways that enhance quality of life, improve access to jobs, transportation and housing, and not adversely impact the environment.

The RHNA allocation is based on a jurisdiction's access to transit, including rail stations, rapid bus stations, and major stops; and the total number of jobs in the jurisdiction. The RHNA allocation for the 6th Cycle also included an equity adjustment to promote equity and fair housing and address patterns of segregation. As a result, the City was allocated a higher percentage of low and very low household income units than was allocated for past Housing Element cycles because, by comparison, the City of Newport Beach has a lower percentage of low-income units than the regional average. For the 2021-2029 planning period (6th Cycle), the City was allocated 4,845 units: 1,456 units for very low-income households; 930 units for low-income households; 1,050 units for moderate-income households; and 1,409 units for above moderate-income households.

Connect SoCal: SCAG Regional Transportation Plan/Sustainable Communities Strategy

As the regional planning agency for the Southern California region, SCAG is responsible for maintaining a continuing, cooperative, and comprehensive transportation planning process, which involves the preparation and updating of a RTP every four years. SCAG is also responsible for preparing, adopting, and updating every four years the SCS pursuant to CGC Section 65080. The SCS is a component of the RTP document that demonstrates how the region will meet its GHG reduction targets as determined by the California Air Resources Board (CARB).

On September 3, 2020, SCAG's Regional Council adopted the 2020-2045 RTP/SCS (Connect SoCal).² SCAG's Connect SoCal is a long-range visioning plan that builds upon and expands land use and transportation strategies established over several planning cycles to increase mobility options and achieve a more sustainable growth pattern. Further, the 2020-2045 RTP/SCS includes a strong commitment to reduce emissions from transportation sources to comply with SB 375, improve public health, and meet the National Ambient Air Quality Standards. Connect SoCal includes a regional growth forecast that was developed by working with local jurisdictions using the most recent land use plans, policies, and assumptions. Connect SoCal's growth forecasts are used by SCAG for regional modeling purposes and were not adopted as part of Connect SoCal. The growth forecasts do not affect a local jurisdiction's

² The Draft Connect SoCal 2024 is out for public review through January 12, 2024; an adoption date has not been identified by SCAG.

authority or decision on future development projects or plans. When adopting Connect SoCal, SCAG recognized that cities and counties will foreseeably update their housing elements as part of General Plans and amend zoning designations to accommodate the 6th Cycle RHNA. For many cities and counties, SCAG acknowledged that the required RHNA and Housing Element may need to accommodate more housing units than reflected in the Connect SoCal's household and population growth projections for the jurisdictions.

City of Newport Beach General Plan

The *City of Newport Beach General Plan 2006 Update* (General Plan) 2021-2029 Housing Element and the Land Use Element address matters relevant to population and housing.

2021-2029 Housing Element

The 2021-2029 Housing Element includes specific goals, policies, and programs to assist City decision makers to achieve the long-term housing objectives set forth in the 2021-2029 Housing Element. This Housing Element identifies goals, policies, and programs aimed at providing additional housing opportunities, removing governmental constraints to affordable housing, improving the condition of existing housing, and providing equal housing opportunities for all residents. These goals, policies, and programs further the City's overall housing policy goal to encourage a more diverse, sustainable, and balanced community through implementation of strategies and programs that will result in economically and socially diversified housing choices that preserve and enhance the special character of Newport Beach.

- | | |
|-------------------|---|
| Goal 1 | Provision of adequate sites to accommodate projected housing unit growth needs. |
| Policy 1.1 | Identify a variety of sites to accommodate housing growth need by income categories to serve the needs of the entire community. |
| Goal 2 | Quality residential development and preservation, conservation, and appropriate redevelopment of housing stock. |
| Policy 2.1 | Support all reasonable efforts to preserve, maintain, and improve availability and quality of existing housing and residential neighborhoods, and ensure full utilization of existing City housing resources for as long into the future as physically and economically feasible. |
| Goal 3 | A variety of housing types, designs, and opportunities for all social and economic segments. |
| Policy 3.1 | Encourage preservation of existing and provision of new housing affordable to extremely low-, very low-, low-, and moderate-income households. |
| Policy 3.2 | Encourage housing developments to offer a wide spectrum of housing choices, designs, and configurations. |
| Goal 4 | Housing opportunities for as many renter- and owner-occupied households and possible in response to the market demand and RHNA obligations for housing in the City. |

- Policy 4.1** Mitigate potential governmental constraints to housing production and affordability by increasing the City’s role in facilitating construction of market-rate housing and affordable housing for all income groups.
- Policy 4.2** Enable construction of new housing units sufficient to meet City quantified goals by identifying adequate sites for their construction.
- Goal 5** **Preservation of the City’s housing stock for extremely low-, very low-, low-, and moderate-income households.**
- Policy 5.1** Continue or undertake the following programs to mitigate potential loss of “at risk” units due to conversion to market-rate units. These efforts utilize existing City and local resources. They include efforts to secure additional resources from public and private sectors should they become available.
- Policy 5.2** Improve energy efficiency of all housing unit types (including mobile homes).
- Goal 6** **Housing opportunities for special needs populations.**
- Policy 6.1** Encourage approval of housing opportunities for senior citizens and other special needs populations.
- Goal 7** **Equal housing opportunities in the City for all people.**
- Policy 7.1** Support fair and equal housing opportunities, and environmental justice considerations for all housing opportunities in the City.
- Goal 8** **Effective and responsive housing programs and policies.**
- Policy 8.1** Review the Housing Element on a regular basis to determine appropriateness of goals, policies, programs, and progress of Housing Element implementation.

Land Use Element

- Policy LU 1.4** **Growth Management.** Implement a conservative growth strategy that enhances the quality of life of residents and balances the needs of all constituencies with the preservation of open space and natural resources.
- Goal LU 3** **A development pattern that retains and complements the City’s residential neighborhoods, commercial and industrial districts, open spaces, and natural environment.**
- Policy LU 3.2** Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach’s share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.

Goal LU 6.2 Residential neighborhoods that contain a diversity of housing types and supporting uses to meet the needs of Newport Beach’s residents and are designed to sustain livability and a high quality of life.

Policy LU 6.2.3 Encourage the development of residential units that are affordable for those employed in the City.

City of Newport Beach Local Coastal Program

The Coastal Act requires each local jurisdiction wholly or partly within the coastal zone to prepare a Local Coastal Program (LCP), which is used to carry out California Coastal Act polices and requirements. The City lies partly within the coastal zone. The City received certification of its LCP with an effective date of January 30, 2012. The City’s LCP addresses matters relevant to population and housing. The relevant existing LCP policies are provided below. It is also noted that the proposed Project includes new LCP policies and modifications to existing policies. Proposed changes are identified on **Table 3-15** in **Section 3.0: Project Description** and the Project’s consistency with the new and modified policies is provided on **Table 4.10-2** in **Section 4.10: Land Use and Planning**.

Policy 2.1.1-1 The land use categories in LCP Table 2.1.1-1 establish the type, density and intensity of land uses within the coastal zone. If there is a conflict between the development limits of the Land Use Element and the Coastal Land Use Plan, the provision that is most protective of coastal resources shall take precedence. However, in no case, shall the policies of the Coastal Land Use Plan be interpreted to allow a development to exceed a development limit established by the General Plan or its implementing ordinances.

Policy 2.1.10-1 Land uses and new development in the coastal zone shall be consistent with the Coastal Land Use Plan Map and all applicable LCP policies and regulations.

Policy 2.2.1-2 Require new development be located in areas with adequate public services or in areas that are capable of having public services extended or expanded without significant adverse effects on coastal resources.

Policy 2.2.1-3 Provide commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads.

Policy 2.2.2-1 After certification of the LCP, require a coastal development permit for all development within the coastal zone, subject to exceptions provided for under the Coastal Act as specified in the LCP.

Policy 2.7-1 Continue to maintain appropriate setbacks and density, floor area, and height limits for residential development to protect the character of established neighborhoods and to protect coastal access and coastal resources.

Policy 2.7-2 Continue the administration of provisions of State law relative to the demolition, conversion and construction of low and moderate-income dwelling units within the coastal zone.

Policy 2.7-5 Administer the provisions of Government Code Section 65852. 2 relative to the development of accessory dwelling units to increase the supply of lower-cost housing in the coastal zone and meet the needs of existing and future residents, while

respecting the architectural character of existing neighborhoods and in a manner consistent with the LCP and any applicable policies from Chapter 3 of the Coastal Act.

City of Newport Beach Municipal Code

Chapter 20.18, Residential Zoning Districts (R-A, R-1, R-BI, R-2, RM, RMD). Newport Beach Municipal Code (Municipal Code) Chapter 20.18, *Residential Zoning Districts (R-A, R-1, R-BI, R-2, RM, RMD)*, establishes the zoning districts intended for residential development and specifies the allowable land uses and permit requirements for each. Newport Beach Municipal Code Section 20.18.030, *Residential Zoning Districts General Development Standards*, specifies the development standards for new land uses and structures within these residential zoning districts. The existing zoning designation for each of the housing sites is provided in **Section 3.0: Project Description**.

Chapter 20.22, Mixed-Use Zoning Districts (MU-V, MU-MM, MU-DW, MU-CV/15th ST., MU-W1, MU-W2). Residential development is permitted in some the City's mixed-use zoning districts; see Municipal Code Chapter 20.22.

Chapter 20.32, Density Bonus. The City's Density Bonus Regulations (Municipal Code Chapter 20.32) provides density bonuses and incentives for the development of housing that is affordable to lower-, low- and moderate-income households and senior citizens. In order to be eligible for a density bonus and other incentives as provided by this chapter of the Municipal Code, a proposed housing development must comply with the following requirements and satisfy all other applicable provisions of the Zoning Code, except as otherwise provided in Chapter 20.32.

A housing development proposed to qualify for a density bonus shall contain five or more dwelling units and shall include at least one of the following:

1. A minimum of five percent of the total number of proposed units are for very low-income households;
2. A minimum of ten percent of the total number of proposed units are for low-income households;
3. A senior citizen housing development or a mobile home park that limits residency based on age requirements for housing older persons in compliance with Civil Code Sections 798.76 or 799.5; or
4. A minimum of ten percent of the total dwelling units in a common interest development as defined in Civil Code Section 1351 are for persons and families of moderate income provided that all units in the development are offered to the public for purchase.

Municipal Code Ordinance No. 2022-17. In 2022, the City Council amended Title 19 (Subdivisions) and Title 20 (Planning and Zoning) of the Municipal Code implementing SB 9. SB 9 enacted changes to State law that generally allow ministerial subdivisions and the construction of up to two units for lots that are designated for single-unit use. In Newport Beach, all R-1 Zoning Districts and within planned communities and specific Plan areas where single-unit residences are allowed are subject to SB 9. SB 9 requires the use of Objective Development Standards; see **Section 3.0: Project Description** and **Section 4.1: Aesthetics**. SB 9 does not supersede the provisions of the Coastal Act.

4.12.3 Existing Conditions

Key regional and City population, housing, and economic conditions are summarized below to set the context for environmental analyses. Please refer to the 2021-2029 Housing Element - Section 2, Community Profile, for information regarding population, employment, economics, and household characteristics considered during the preparation of the Housing Element. For the purpose of this analysis, relevant population and housing data has been updated to reflect the most recent information available at the time of NOP publishing for this Draft EIR.

Population

County of Orange

Table 4.12-1: County of Orange Population presents population estimates and forecasts for Orange County based on California Department of Finance and SCAG data. As identified in the table, the County’s 2023 population was 3,137,164 persons. The County’s population is forecast to increase to 3,535,000 persons by 2045, resulting in approximately 13 percent population growth between 2023 and 2045. SCAG’s population, household, and employment growth forecasts are for 2030, 2035, and 2045. **Table 4.12-1** does not reflect forecast population increases associated with the County’s 6th Cycle RHNA allocation.

	2013 ¹	2018 ¹	2023 ²	2045 Forecast ³
Total (persons)	3,112,757	3,193,464	3,137,164	3,535,000

Sources:

1. State of California, Department of Finance. (2021). E-2. California County Population Estimates and Components of Change by Year — July 1, 2010–2021. <https://dof.ca.gov/forecasting/demographics/e-2-california-county-population-estimates-and-components-of-change-by-year/>. Accessed December 2023.
2. State of California, Department of Finance. (2023). E-4 Population Estimates for Cities, Counties, and the State, 2021-2023, with 2020 Census Benchmark. Accessed December 2023.
3. SCAG. (2020). SCAG RTP/SCS: Connect SoCal Plan – Demographics and Growth Forecast. <https://scag.ca.gov/read-plan-adopted-final-plan>. Accessed December 2023.

City of Newport Beach

Table 4.12-2: City of Newport Beach Population identifies the City’s population estimates and forecasts based on available Department of Finance and SCAG data. As indicated in **Table 4.12-2**, the City’s existing 2023 population is 83,411 persons. The City’s population is forecast to increase to approximately 92,000 persons, or 10.3 percent, by 2045. The City’s 2023 population represents approximately 2.7 percent of the County’s 2023 population of 3,137,164 persons. Over the past 10 years, the City experienced a low growth rate between 2013 to 2018, and a decrease in population since 2018. Overall, the City’s population has decreased by 3,521 persons, or approximately 4 percent, between 2013 and 2023. Therefore, the City experienced a 4 percent population decrease while the County’s population grew by 5.9 percent for the same period.

	2013 ¹	2018 ¹	2023 ²	2045 Forecast ³
City (persons)	86,932	87,039	83,411	92,000
Housing Sites currently developed with housing (persons)³	n/a	n/a	975d	—

Sources:
 1. State of California, Department of Finance, E-4 Population Estimates for Cities, Counties, and the State, 2010-2020, with 2010 Census Benchmark. Sacramento, California, May 2022.
 2. State of California, Department of Finance, E-4 Population Estimates for Cities, Counties, and the State, 2021-2023, with 2020 Census Benchmark. Sacramento, California, May 2023.
 3. SCAG. 2020. SCAG RTP/SCS: Connect SoCal Plan – Demographics and Growth Forecast. <https://scag.ca.gov/read-plan-adopted-final-plan>. Based on 443 dwelling units and 2.2 persons per household (State of California, Department of Finance, E-5 Population and Housing Estimates for Cities, Counties and the State — January 1, 2021-2023. Sacramento, California, May 2023.)

Housing Sites

Of the 247 housing sites, 12 of the sites are developed with housing with a total of 468 dwelling units (see **Table 4.12-5**). Based on 2.2 persons per household, there are 1,030 persons associated with these existing housing sites. Existing population associated with the 12 housing sites represents approximately one percent of the City’s population.

Housing

County of Orange

Table 4.12-3: County of Orange Housing Characteristics presents data on the County’s past and present housing supply. As indicated in the table, the County’s existing 2023 housing supply totals 1,149,943 units, with an average of 2.83 persons per household. Single-family dwelling units represent a majority of the County’s housing stock, comprising approximately 62 percent of existing housing units. The County’s 2023 overall vacancy rate was 5.1 percent (approximately 58,537 unoccupied housing units).

SCAG uses existing census, historical trends and expert-derived demographic and economic assumptions to determine its growth forecasts through the RTP/SCS horizon year of 2045. Based on SCAG’s most recent growth forecast,³ the County’s households are forecast to increase to 1,154,000 by 2045, representing an approximately 6.4 percent increase over the existing 1,084,168 occupied housing units.⁴

³ SCAG. 2020. SCAG RTP/SCS: Connect SoCal Plan – Demographics and Growth Forecast. Retrieved from <https://scag.ca.gov/read-plan-adopted-final-plan>. Accessed September 2, 2023.

⁴ SCAG’s definition of ‘households’ is equivalent to the California Department of Finance’s definition of “occupied housing units”.

Table 4.12-3: County of Orange Housing Characteristics			
	2013¹	2018¹	2023²
Single Detached Dwellings	536,478	550,648	570,763
Single Attached	127,952	130,803	143,166
Multi-Family, Two to Four Units	92,192	94,015	94,541
Multi-Family, Five or More Units	266,070	285,285	309,290
Mobile Homes	33,530	33,505	32,183
Total Housing Units	1,056,222	1,094,256	1,149,943
Vacancy Rate	5.4%	5.4%	5.1%
Occupied Housing Units¹	999,053	1,034,724	1,091,406
Persons per Household (average)	3.06	3.03	2.83

Sources:
 1. State of California, Department of Finance, E-5 Population and Housing Estimates for Cities, Counties and the State — January 1, 2011-2020. Sacramento, California, May 2023.
 2. State of California, Department of Finance, E-5 Population and Housing Estimates for Cities, Counties and the State — January 1, 2021-2023. Sacramento, California, May 2023.

City of Newport Beach

Table 4.12-4: City of Newport Beach Housing Characteristics presents data on the City’s past and present housing supply. As noted in the table, the City’s 2023 housing supply totals 45,072 units, with an average of 2.17 persons per households. The City’s 2023 housing supply represents approximately four percent of the County’s housing supply. Similar to the County, single-unit residences represent a majority of the City’s housing, comprising approximately 61 percent of existing housing units. Comparatively, the City’s existing vacancy rate of 15.1 percent is nearly three times the County’s vacancy rate of 5.1 percent. However, the City’s average household size of 2.17 persons per household is only slightly lower than the County’s average of 2.83 persons per household. The City’s vacancy rate is higher in part due to the number of secondary/vacation units.

Table 4.12-4: City of Newport Beach Housing Characteristics			
	2013¹	2018¹	2023²
Single Detached Dwellings	20,149	20,220	20,211
Single Attached	7,010	7,010	7,190
Multi-Family, Two to Four Units	5,122	5,063	4,989
Multi-Family, Five or More Units	10,777	11,336	11,624
Mobile Homes	1,174	1,120	1,058
Total Housing Units	44,224	44,749	45,072
Vacancy Rate	12.4%	12.8%	15.1%
Total Occupied Housing Units	38,670	39,032	38,265
Persons per Household (average)	2.24	2.22	2.17

Sources:
 1. State of California, Department of Finance, E-5 Population and Housing Estimates for Cities, Counties and the State — January 1, 2011-2020. Sacramento, California, May 2021.
 2. State of California, Department of Finance, E-5 Population and Housing Estimates for Cities, Counties and the State — January 1, 2021-2023. Sacramento, California, May 2023.

Based on SCAG’s Growth Forecast, the total number of households in the City is anticipated to increase to 41,800 by 2045; however, based on the most recent population and housing estimates for the City, there are 45,072 existing households. Therefore, the existing households are approximately 7.8 percent greater than SCAG projections. It is noted, there is no direct comparison between the SCAG’s forecast households and the California Department of Finance household estimates. This is because SCAG forecasts factor group housing and vacancy rates in their methodology.

Housing Sites

As identified on **Table 4.12-5: Existing Housing on Housing Sites**, of the 247 housing sites, 12 sites are currently developed with a total of 468 housing units.

Table 4.12-5: Existing Housing on Housing Sites			
Focus Area	Housing Site ID	APN	Existing Housing Units
Dover-Westcliff	361	049 191 30	39
Airport Area	17	439-241-20	148
	363	439-352-21	1
	364	439 341 01	1
	365	439-352-17	4
	366	439-352-20	1
	367	439-352-22	1
West Newport Mesa	218	892-080-02	61
	219	424-151-01	56
	220	892-090-55	56
	221	892-109-03	36
Newport Center	B	050-442-05	64
Total			468
Notes: APN = Assessor Parcel Number			

Employment

County of Orange

The State Employment Development Department reports the County had 1,707,400 jobs in August 2023.⁵ Of the County’s 2023 population of 3,137,164 persons, 1,592,500 persons within the labor force were employed representing an unemployment rate of 3.9 percent. SCAG forecasts the County’s employment will increase to 1,928,000 jobs by 2035 and 1,980,000 jobs by 2045.⁶ This represents a 16 percent increase in employment between 2023 and 2045.

Typically, a jobs-to-housing ratio of 1.5 represents a healthy balance; ratios higher than 1.5 indicate that there may be more workers commuting into the area because of a jobs surplus. Based on 1,707,400 existing jobs and 1,149,943 housing units, the County’s existing jobs-to-housing ratio is approximately 1.5. This suggests an availability of 1.5 jobs for every housing unit in the County. Accordingly, the County’s

⁵ State of California, Employment Development Department. (September 2023). *Anaheim-Santa Ana-Irvine Metropolitan Division (Orange County)*. Retrieved from <https://labormarketinfo.edd.ca.gov/file/lfmonth/oranSpds.pdf>. Accessed October 10, 2023.

⁶ Southern California Association of Governments. (2020). *SCAG RTP/SCS: Connect SoCal Plan – Demographics and Growth Forecast*. Retrieved from <https://scag.ca.gov/read-plan-adopted-final-plan>. Accessed March 13, 2023.

jobs-to-housing ratio suggests there is suitable housing available in the area to accommodate the work force.

City of Newport Beach

The State Employment Development Department reports that of the City's 2023 population of 83,411 persons, 43,700 persons were employed and 1,700 persons in the labor force were unemployed, representing an unemployment rate of approximately 3.7 percent. The City's existing unemployment rate is comparable to the County's unemployment rate of 3.9 percent. SCAG forecasts the City's employment will increase to 84,900 jobs by 2045, representing an 86 percent increase over existing conditions. SCAG uses the BULA (Balance, Uncertainty, Latest, Adaptive) approach toward developing the regional growth forecast for its long-range regional planning efforts in addition to a collaborative approach with a strong emphasis on local input. Therefore, SCAG's employment forecasts were developed with consideration for business cycles and projected shifts in the nature of the economy (e.g., which industries are expected to grow and which are expected to contract), in addition to feedback from local jurisdictions.

Based on the existing jobs and 45,072 housing units, the City's existing job-to-housing ratio is approximately 0.97. A ratio below 1.0 suggests the existing housing supply is not sufficient to meet existing workforce needs.

4.12.4 Thresholds of Significance

The City uses the thresholds of significance specified in the *State CEQA Guidelines Appendix G Environmental Checklist Form*. Impacts to population and housing would be significant if the Project would:

- 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).
- Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere or displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

4.12.5 Methodology

This analysis considers the *State CEQA Guidelines Appendix G Environmental Checklist Form* thresholds, as described above, in determining whether the proposed Project, including future development facilitated by the 2021-2029 Housing Element, would result in a substantial temporary or permanent impact to the City's population and housing. The evaluation was based on a review of regulations and determining their applicability to the Project. Population and housing data was obtained through consultation with City staff and available data sources (e.g., Department of Finance and SCAG).

As addressed in this Program EIR, the impact analysis is conservative because it accounts for additional housing units as a buffer to address future "no net loss" to preclude the need to identify replacement sites during 6th Cycle implementation. Therefore, this Program EIR conservatively analyzes a total development capacity of 9,914 units including future development capacity of up to 9,649 units on 247 housing sites, 25 units associated with pipeline projects, and 240 accessory dwelling units (ADUs). Additionally, this EIR analysis does not consider any loss of existing on the ground development which may be displaced to accommodate 9,914 housing units.

As previously noted, population growth in and of itself does not constitute a physical impact on the environment. Rather, it is how that growth may generate secondary environmental impacts, such as increased demands for public services, exceedance of infrastructure capacities, or increased air pollutant emissions. The environmental impacts of anticipated population, housing, and employment growth on other issues such as public services, transportation, utilities, and other issues are addressed in the respective sections of this EIR.

4.12.6 Project Impacts and Mitigation

Threshold 4.12-1: Would the Project 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)?

Although the proposed Project does not directly propose new residential development, it would enact new plans, policies, and programs to enable and facilitate the construction of housing, particularly affordable housing. As described in **Section 3.0: Project Description**, the proposed Project would implement amendments to the General Plan and would adopt Municipal Code Housing Overlay Zones to facilitate future development of housing on identified housing sites.

While this Program EIR considers potential housing development on all of the 247 housing sites, which have an assumed development capacity 9,914 dwelling units (RHNA plus buffer), only 4,845 dwelling units are required to meet the City's 6th Cycle RHNA. The proposed buffer is intended to serve only as a sites contingency to prevent no net loss throughout the 2021-2029 Housing Element planning period. Further, future housing development would occur incrementally based on market conditions and other factors, such that potential effects concerning population growth (i.e., utilities, fire, police, and other services and infrastructure) would not occur at any single point in time. Therefore, this Program EIR's analysis of the Project's potential to induce substantial unplanned population growth is highly conservative because it includes the buffer and excludes net change from redevelopment of existing uses.

Existing Plus Project Conditions

Table 4.12-6: Existing Plus Project Growth Projections compares the Project's anticipated housing and population growth to existing 2023 conditions. As indicated in this table, future residential development facilitated by the Project could to increase the City's existing 2023 housing stock by approximately 18 percent (9,914 additional dwelling units). This estimated housing growth could increase the City's existing 2023 population by approximately 26.1 percent (21,811 additional persons).

Description	Housing (Dwelling Units) ¹	Population
2023 Estimate/Existing ¹	45,072	83,411
2029 Estimated Project	9,914	21,811 ²
2023 Existing Plus Project	54,986	105,222
% Change 2023:2029	18.0%	26.1%

Notes:

1. State of California, Department of Finance, E-5 Population and Housing Estimates for Cities, Counties, and the State – January 1, 2021-2023. Sacramento, California, May 2023. <https://www.dof.ca.gov/Forecasting/Demographics/Estimates/e-5/>.
2. Based on 9,914 dwelling units and 2.2 persons per household (State of California, Department of Finance, E-5 Population and Housing Estimates for Cities, Counties, and the State - January 1, 2011-2021. Sacramento, California, January 2023

SCAG Forecasts Plus Project Conditions

SCAG’s Connect SoCal includes regional growth forecasts that were developed by working with local jurisdictions, such as Newport Beach, using the most recent land use plans, policies, and assumptions. Therefore, SCAG’s population forecasts for the City were based on the City’s adopted General Plan. SCAG forecasts the City’s population will grow to 92,000 persons through the RTP/SCS horizon of 2045. **Table 4.12-7: SCAG Plus Project Growth Projections** provides SCAG’s 2045 population forecasts for the City and the 2029 population estimates which were extrapolated from the SCAG’s 2045 forecast. SCAG forecasts extrapolated to 2029 are provided because they correlate with the 6th Cycle 2021-2029 planning period.

Definition	
2023 Existing Population ¹	83,411
2045 SCAG Forecast Population ²	92,000
Change 2023 to 2045	+8,589
Change per Year 2023 to 2045	+390
Extrapolated SCAG 2029 Population ³	85,751
Extrapolated SCAG 2029 Population With Project (persons)	107,562
Extrapolated SCAG 2029 Population With Project (percent increase)	+25.4%

1. State of California, Department of Finance, E-5 Population and Housing Estimates for Cities, Counties, and the State – January 1, 2021-2023. Sacramento, California, May 2023. <https://www.dof.ca.gov/Forecasting/Demographics/Estimates/e-5/>.

2. SCAG. 2020. SCAG RTP/SCS: Connect SoCal Plan – Demographics and Growth Forecast. <https://scag.ca.gov/read-plan-adopted-final-plan>.

3. Based on constant growth rates between 2023 and 2029.

Using the annual growth rates based on SCAG’s Connect SoCal and the City’s existing year 2023 population, the City’s population is forecast to be 86,370 persons in 2029. As indicated in **Table 4.12-7**, the City’s population in 2029 would total approximately 108,181 persons with Project implementation. Comparatively, future housing facilitated by the Project would result in population and household growth of approximately 25 percent over the extrapolated SCAG 2029 forecasts. Project implementation would facilitate future housing development, thereby inducing indirect population growth in the City beyond the extrapolated SCAG 2029 forecast population of 86,370 persons.

The proposed Project would not directly construct new housing but would facilitate the development of residential units by adopting implementing actions associated with the certified and adopted City of Newport Beach 2021-2029 Housing Element. As discussed above, the Project’s implementing actions

would facilitate future housing development, which could induce population growth in the City beyond 2023 existing conditions and extrapolated 2029 SCAG forecast conditions. However, State law requires that the City accommodate their RHNA “fair share” of the region’s housing needs, which cannot be achieved without the Project’s proposed rezoning/land use amendments. While the Project would facilitate the development of additional housing throughout the City, resulting in a forecast population growth of approximately 21,811 persons, this forecast population growth would be attributed to accommodating the City’s remaining RHNA allocation of 4,845 dwelling units plus the RHNA buffer. Therefore, although the Project would indirectly induce population growth in the City, it is not considered unplanned given State law requirements. It is also important to note the following factors concerning the Project’s forecast population growth:

- Future housing development would occur incrementally based on market conditions and other factors, such that potential effects concerning population growth (i.e., utilities, fire, police, and other services and infrastructure) would not occur at any single point in time.
- All future housing developments facilitated by the Project and within overlay zones would be subject to compliance with all federal, State, and local requirements for minimizing growth-related impacts through the City’s development review process, which would occur on a project-by-project basis.

Further, when adopting Connect SoCal, SCAG recognized that its growth projections do not constitute a prescriptive pattern of future development for General Plan or zoning code amendments. The distribution and types of RHNA housing units allocated within each local jurisdiction continues to be fully and completely subject to local control and subject to other applicable laws, and not be constrained or affected by Connect SoCal’s growth projections. SCAG’s Resolution No. 20-624-1 further notes that for many cities and counties, the required RHNA General Plan and zoning changes may need to accommodate more housing units than reflected in the Connect SoCal’s household and population growth projections.

Given SCAG’s use of growth projections for regional planning and modeling purposes, and the local jurisdictions’ obligations to comply with State Housing laws including RHNA, SCAG agrees that potential exceedances may not be used to impede a local jurisdiction’s compliance with the 6th Cycle RHNA requirements or to assess impacts of a plan or project under CEQA. Further, it is anticipated that the next RTP/SCS update will incorporate the latest population and housing growth projections from the 6th Cycle RHNA and the Housing Elements of cities and counties within the SCAG region. Accordingly, the forecast population growth generated by the future housing development facilitated through Housing Element implementation would not be classified as unplanned growth, but rather would accommodate growth.

In addition, as the City is predominately built out, it is anticipated that future housing development facilitated by the Project would be adequately served by existing services and located near established infrastructure (e.g., roads and utilities), with only minor modifications required; see **Section 4.13: Public Services, and Section 4.17: Utilities and Service Systems**. Therefore, the Project would not induce unplanned population growth in the City by proposing new businesses or through extension of roads or other infrastructure.

As stated above, future housing development would be subject to the City’s development review process and be assessed on a project-specific basis for potential indirect effects concerning population growth. Additionally, future housing development would be subject to compliance with all federal, State, and local requirements for minimizing growth-related impacts. Upon approval of the proposed Project’s

discretionary actions (e.g., the proposed zoning and overlays), future housing development facilitated by the Project would be considered planned development and help the City meet its RHNA allocation. Therefore, impacts would be less than significant.

Impact Summary: **Less Than Significant.** The proposed Project would provide the goals, policies, and programs through changes to the General Plan and Municipal Code to guide new residential development. Planning for the increase in housing is necessary to comply with the State-mandated 6th Cycle RHNA. The Project would not induce substantial growth, but rather would accommodate projected growth in the region. Therefore, this impact would be less than significant.

Threshold 4.12-2 **Would the Project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere or displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

A majority of housing sites identified in this EIR are developed with various non-residential uses including commercial, office, industrial uses. As shown in **Table 4.12-8: Existing Housing on Housing Sites: Development Potential**, of the 247 housing sites, 12 sites contain existing residential development totaling 468 housing units.⁷ Therefore, future housing development facilitated by the proposed Project could displace up to 468 dwelling units. However, no housing is proposed as a part of this Project and it is speculative to know whether any of the housing sites that have existing residential units would be redeveloped to allow for increased development on the sites.

As discussed in **Section 3.0: Project Description**, the proposed Project includes housing opportunity overlay zones to allow for the development of various residential product types at a permitted average density of 50 dwelling units per acre. Accordingly, the Project would accommodate development of up to 1,411 dwelling units on these 12 housing sites, resulting in a net yield of 939 dwelling units over existing conditions.

⁷ The full inventory of housing sites included in the Housing Element is provided in Appendix B of the 2021-2029 Housing Element and the 5 additional sites added following Housing Element adoption are described in Section 3.0: Project Description.

Focus Area	Housing Site ID	APN	Existing Housing Units (DU)	Proposed Development Capacity (DU)	With Project Net Yield (DU)
Dover-Westcliff	361	049-191-30	39	77	+38
Airport Area	17	439-241-20	148	294	+146
	363	439-352-21	1	21	+20
	365	439-352-17	4	18	+14
	366	439-352-20	1	21	+20
	367	439-352-22	1	10	+9
West Newport Mesa	218	892-080-02	61	217	+156
	219	424-151-01	56	238	+182
	220	892-090-55	56	213	+157
	221	892-109-03	36	95	+59
Newport Center	240	442-011-65	5	86	+51
	B	050-442-05	64	121	+57
Total			468	1,411	+939

APN = Assessor Parcel Number; DU = dwelling unit.

To further minimize the potential for future housing displacement, in addition to the 6th Cycle RHNA allocation, this Program EIR analysis accounts for additional housing units as a buffer to address future “no net loss” to preclude the need to identify replacement sites during 6th Cycle implementation.⁸ Therefore, this Program EIR conservatively analyzes a total development capacity of 9,914 units including future development capacity of up to 9,649 units on 247 housing sites, 25 units of pipeline projects, and 240 ADUs. However, only a portion of the housing units identified on housing sites will be necessary to accommodate the City’s RHNA planning obligation of 4,845 housing units.

The City’s compliance with SB 166 would also minimize the potential for future housing displacement. SB 166 prohibits a city or county from reducing, requiring, or permitting the reduction of the residential density to a lower residential density below what was used by HCD in determining compliance with Housing Element law, unless the city or county makes written findings supported by substantial evidence that the reduction is consistent with the adopted General Plan, including the Housing Element. Some of the City’s existing housing stock would also be protected as a result of the SB 330, which requires that a new residential development project proposing the demolition of existing residential units must replace, at a minimum, the same number of residential units. The inventory of housing sites would be sufficient to accommodate the City’s RHNA allocation, and all Project actions would occur such that there is no net loss of residential unit capacity.

Accessory Dwelling Units (ADUs) could be developed on as-yet unidentified sites. However, since ADUs are by nature accessory and additional housing units, which do not displace existing housing units, no impact would occur.

⁸ State Housing laws require cities and counties to identify RHNA obligations by income category. A future housing applicant is not required to meet affordability goals. The City is obligated to ensure there is no net loss when projects are developed such that there are adequate opportunities for the City to meet its RHNA obligations. If there is a net loss, the City has 120 days to provide rezoning that accommodates the net loss. Therefore, Newport Beach includes a buffer to avoid the net loss scenario.

Therefore, future housing development facilitated by the proposed Project would occur such that there is no net loss of residential unit capacity.

Impact Summary: **Less Than Significant.** The proposed Project would be consistent with State and local land use plans, and would not displace a substantial number of housing units that would require replacement. Therefore, the Project would result in a less than significant impact.

4.12.7 Cumulative Impacts

The City's 6th Cycle RHNA is 4,845 housing units, which is approximately 2.6 percent of the County's allocation of 183,060 dwelling units. As such, while residential development in Newport Beach would incrementally effect the regional distribution of housing as well as the accommodation of projected population growth, this contribution would be minor.

As concluded above, the Project would provide for a planned increase in housing capacity to implement the City's 2021-2029 Housing Element. Although the Project does not propose any housing development, it would facilitate future housing development on identified housing sites. Future housing development facilitated by the Project would result in 54,986 dwelling units in the City, with a resultant population of approximately 105,222 persons by 2029.

As previously addressed, the Project would provide for a planned increase in the City's housing capacity to meet the State-mandated 6th Cycle RHNA. The Project does not propose any residential development directly. Instead, it identifies a series of implementation actions to facilitate future residential development, as necessary to meet the City's housing obligations pursuant to State Housing Law. SCAG describes that RHNA does not necessarily encourage or promote growth, but rather allows communities to anticipate growth, so that collectively the region and subregion can grow in ways that enhance quality of life, improve access to jobs, promotes transportation mobility, and addresses social equity and fair share housing needs. The City cannot solve the inherent conflict between the goals and directives of the RHNA and the RTP as well as the RTP growth projections. Municipalities in the SCAG region will provide growth numbers to SCAG and those estimates should be incorporated into the next revisions to the RHNA and RTP.

Future development throughout the City and development on identified housing sites subject to rezoning and within overlay zones would be subject to review by the City on a project-by-project basis. Additionally, cumulative development would be subject to compliance with the established federal, State, and local regulatory framework concerning population growth. Therefore, projected population growth impacts associated with future development facilitated by the Project would not be cumulatively considerable.

4.12.8 Mitigation Program

As noted, all future housing development facilitated by the Project would be subject to the City's development review process, which may include review pursuant to CEQA, and would be assessed on a case-by-case basis for potential effects concerning the secondary effects of population growth. Future housing development would be subject to compliance with relevant federal, State, and local requirements including requirements set forth in the Newport Beach General Plan and Newport Beach Municipal Code.

General Plan Policies

See **Section 4.18.2: Regulatory Setting** for complete policy text.

- Policy LU 1.4
- Policy LU 3.2
- Policy LU 6.2.3

Coastal Land Use Plan Policies

See **Section 4.18.2: Regulatory Setting** for complete policy text.

- Policy 2.1.1-1
- Policy 2.1.10-1
- Policy 2.2.1-1
- Policy 2.2.1-2
- Policy 2.2.1-3
- Policy 2.2.2-1
- Policy 2.7-1
- Policy 2.7-2
- Policy 2.7-5

Mitigation Measures

No additional mitigation is required.

4.12.9 Level of Significance After Mitigation

Impacts related to population and housing would be less than significant.

4.12.10 References

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4.13 PUBLIC SERVICES

4.13.1 Introduction

This section assesses the potential impacts on public services that could result from the City of Newport Beach General Plan Housing Implementation Program (Project). Public services are those entities that serve the City's residents, businesses, and community members. For purposes of this analysis, the term "public services" includes fire, police, emergency medical services, public schools, and libraries. Refer to **Section 4.14: Recreation**, which addresses parks and recreation. The analysis is based on existing conditions present in the City as well as applicable federal, State, and local regulations. Potential public service impacts from future development associated with the Project are evaluated at a programmatic level, where reasonably foreseeable, direct, and indirect physical changes in the environment could be considered.

4.13.2 Regulatory Setting

Federal

Federal Fire Protection Standards

The National Fire Protection Association Standard 1710 contains minimum requirements relating to the organization and deployment of fire suppression operations, emergency medical operations, and special operations to the public by career fire departments. The requirements address functions and objectives of fire department emergency service delivery, response capabilities, and resources. The standards also contain general requirements for managing resources and systems, such as health and safety, incident management, training, communications, and pre-incident planning. The code addresses the strategic and system issues involving the organization, operation, and deployment of a fire department and does not address tactical operations at a specific emergency incident.

Police Services

There are no applicable federal regulations related to police services.

Schools

There are no applicable federal regulations related to schools.

Libraries

There are no applicable federal regulations related to libraries.

State

California Penal Code

All law enforcement agencies within the State of California are organized and operated in accordance with the applicable provisions of the California Penal Code. The Penal Code sets forth the authority, rules of conduct, and training for peace officers. Under State law, all sworn municipal and county officers are State peace officers.

California Occupational Safety and Health Administration

In accordance with California Code of Regulations Title 8 Section 1270 "Fire Prevention" and Section 6773 "Fire Protection and Fire Equipment" the California Occupational Safety and Health Administration has established minimum standards for fire suppression and emergency medical services. The standards include, but are not limited to, guidelines on the handling of highly combustible materials, fire hose sizing requirements, restrictions on the use of compressed air, access roads, and the testing, maintenance, and use of all fire-fighting and emergency medical equipment.

2022 California Fire and Building Codes

The California Fire and Building Codes address general and specialized fire safety requirements for buildings. Topics addressed in the code include, but are not limited to, fire department access, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards safety, hazardous materials storage and use, provisions to protect and assist first responders, and industrial processes. The City, as stated in the Newport Beach Municipal Code (Municipal Code), currently enforces the latest version of the fire and building codes in Municipal Code Section 9.04.010 and 15.04.010, which incorporates the 2022 California Fire Code and .

2022 California Building Code, Chapter 7A

California Building Code (CBC) Chapter 7A focuses primarily on preventing ember penetration into homes, a leading cause of structure loss from wildfires. This is an important component given that portions of Newport Beach are statutorily designated a Very High Fire Hazard Severity Zone (VHFHSZ).

Fire hazard designations are based on topography, vegetation, and weather, amongst other factors with more hazardous sites including steep terrain, unmaintained fuels/vegetation, and developed areas adjacent to wilderness. Developments situated in VHFHSZ's require fire hazard analysis and application of fire protection measures that have been developed to specifically result in defensible communities.

These codes have been developed through decades of after fire structure "save" and "loss" evaluations to determine what causes buildings to ignite or avoid ignition during wildfires. The resulting fire codes now focus on mitigating former structural vulnerabilities through construction techniques and materials so that the buildings are resistant to ignitions from direct flames, heat, and embers, as indicated in the 2019 CBC (Chapter 7A, Section 701A Scope, Purpose and Application).

California Health and Safety Code

State fire regulations are set forth in California Health and Safety Code Section 13000 et seq. This includes regulations for building standards (as also set forth in the CBC), fire protection and notification systems, fire protection devices such as extinguishers and smoke alarms, high-rise building and childcare facility standards, and fire suppression training.

California 2015 Emergency Services Act

The State passed legislation authorizing the Office of Emergency Services (OES) to prepare a Standard Emergency Management System (SEMS) program, which sets forth measures by which a jurisdiction should handle emergency disasters. Non-compliance with this program could result in the State withholding disaster relief from the non-complying jurisdiction in the event of an emergency disaster.

Assembly Bill 2926

The State of California traditionally has been responsible for the funding of local public schools. To assist in providing facilities to serve students generated by new development projects, the State passed Assembly Bill (AB) 2926 in 1986. This bill allowed school districts to collect impact fees from developers of new residential and commercial/industrial building space. Development impact fees also were referenced in the 1987 Leroy Greene Lease-Purchase Act, which required school districts to contribute a matching share of project costs for construction, modernization, or reconstruction. Development is required to pay school impact fees in accordance with State regulation. Generally, school impact fees are collected prior to issuance of a building permit.

Senate Bill 50

Senate Bill (SB) 50 (1998), which is funded by Proposition 1A, limits cities and counties' power to require mitigation as a condition of approving new development and instead authorizes school districts to impose fees in amounts limited by law. SB 50 created various methods of generating revenue to pay for school construction and remodeling: State school bond funds, local school bonds, and developer fees. SB 50 provides for three levels of statutory impact fees: Level I, Level II, and Level III. Level I fees are set by law but can be adjusted for inflation. Level II fees require that developers pay for the entire local share of construction costs, which is 50 percent of total construction costs. Level II fees may be imposed by a school district on a yearly basis if certain conditions are met. Level III fees require developers to pay for 100 percent of construction costs and are imposed if the State is no longer allocating bond funds. SB 50 stipulates that if a school district conducts a School Facilities Needs Analysis and meets certain other requirements, it may impose a statutory developer fee that higher than the previously permitted fee.

California Government Code Sections 65995-65998 set forth provisions to implement SB 50 and limits the City's discretion to mitigate for development's impact on schools. Specifically, in accordance with Section 65995(h), the payment of statutory fees is "deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization...on the provision of adequate school facilities." The applicable school district, rather than the City, is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Government Code Section 65995(i) provides that "A state or local agency may not deny or refuse to approve a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization as defined in Section 56021 or Section 56073 on the basis of a person's refusal to provide school facilities mitigation that exceeds the amounts authorized pursuant to this section or pursuant to Section 65995.5 or Section 65995.7, as applicable."

California Education Code Section 17620(a)(1) states that the governing board of any school district is authorized to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district, for the purpose of funding the construction or reconstruction of school facilities.

California Government Code, Section 65995(b), and Education Code Section 17620

Senate Bill (SB) 50 amended CGC Section 65995, which contains limitations on Education Code Section 17620, the statute that authorizes school districts to assess development fees within school district

boundaries. SB 50 limits the power of cities and counties to require mitigation of developers as a condition of approving new development and provides instead for a standardized fee. SB 50 generally provides for a 50/50 State and local school facilities match. SB 50 also provides for three levels of statutory impact fees. The application level depends on whether State funding is available; whether the school district is eligible for State funding; and whether the school district meets certain additional criteria involving bonding capacity, year-round schools, and the percentage of moveable classrooms in use.

California Government Code Sections 65995-65998 sets forth provisions to implement SB 50. Specifically, in accordance with Section 65995(h), the payment of statutory fees is “deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization...on the provision of adequate school facilities.” The applicable school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Pursuant to Government Code Section 65995(i), “A state or local agency may not deny or refuse to approve a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization as defined in Section 56021 or 56073 on the basis of a person's refusal to provide school facilities mitigation that exceeds the amounts authorized pursuant to this section or pursuant to Section 65995.5 or 65995.7, as applicable.” California Education Code Section 17620(a)(1) states that the governing board of any school district is authorized to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district, for the purpose of funding the construction or reconstruction of school facilities.

Local

City of Newport Beach General Plan

The City provides a variety of public services to support residents, businesses, and visitors. According to the Newport Beach General Plan, the Land Use Element describes the importance of public services. The following General Plan goals and policies that have been adopted by the City for the purpose of avoiding or mitigating an environmental effect are applicable to future development projects associated with the proposed Project. Proposed modifications to and the inclusion of new General Plan Land Use policies are identified in **Table 3-14** in **Section 3.0: Project Description** and the Project’s consistency with these goals and policies are provided in **Table 4.10-1** of **Section 4.10: Land Use and Planning**.

Land Use Element

- Goal LU 2** **A living, active, and diverse environment that complements all lifestyles and enhances neighborhoods, without compromising the valued resources that make Newport Beach unique. It contains a diversity of uses that support the needs of residents, sustain and enhance the economy, provide job opportunities, serve visitors that enjoy the City’s diverse recreational amenities, and protect its important environmental setting, resources, and quality of life.**
- Policy LU 2.8** **Adequate Infrastructure.** Accommodate the types, densities, and mix of land uses that can be adequately supported by transportation and utility infrastructure (water,

sewer, storm drainage, energy, and so on) and public services (schools, parks, libraries, seniors, youth, police, fire, and so on).

Goal LU 3 **A development pattern that retains and complements the City’s residential neighborhoods, commercial and industrial districts, open spaces, and natural environment.**

Policy LU 3.2 **Growth and Change.** Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach’s share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.

Goal LU 6.1 **A diversity of governmental service, institutional, educational, cultural, social, religious, and medical facilities that are available for and enhance the quality of life for residents and are located and designed to complement Newport Beach’s neighborhoods.**

Policy LU 6.1.1 **Adequate Community Supporting Uses.** Accommodate schools, government administrative and operational facilities, fire stations and police facilities, religious facilities, schools, cultural facilities, museums, interpretative centers, and hospitals to serve the needs of Newport Beach’s residents and businesses.

Newport Beach Municipal Code

Municipal Code Chapter 3.12: Property Development Tax. Chapter 3.12 of the Municipal Code identifies that the “rapid development of land in the City of Newport Beach has created a need for public improvements and facilities consisting of fire stations and fire-fighting equipment, public City libraries and public City parks, which cannot be met by the ordinary revenues of the City. The need for such improvements results directly from the increase in density in the City by the development of land that has heretofore been vacant and by construction of additional residential, commercial and industrial units on land heretofore developed.” Therefore, the City imposes an excise tax upon the construction and occupancy of residential, commercial and industrial units or buildings in the City. Per Municipal Code Section 3.12.110 (Disposition of Proceeds – Funds Created), all tax proceeds are to be used for acquiring, building, improving, expanding, and equipping City fire stations, City libraries and City parks.

Municipal Code Chapter 9.04: Fire Code. As set forth in Municipal Code Section 9.04.010, the City adopted the 2022 California Fire Code, which provides regulations and requirements to protect residents and property from fire hazards. Municipal Code Section 9.04.190 requires all new buildings to have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. Municipal Code Section 9.04.110 sets roadway dimensions for fire apparatus access to developments. Municipal Code Section 9.04.270 requires an automatic fire-extinguishing system be installed in all occupancies when the

total building area exceeds 5,000 square feet (465 m²) unless more restrictive requirements are required by other provisions of the Code.

Municipal Code Section 19.48: School Sites and Fees. Concerning public schools, Municipal Code Section 19.48 enables the City to require land dedication, in lieu fees, or a combination of both from residential developers to address school overcrowding. This Chapter provides a process for determining school overcrowding and developer requirements. Municipal Code Section 19.48 allows the City Council to require subdividers to dedicate land as deemed necessary for elementary school construction.

4.13.3 Existing Conditions

Fire Protection

Fire protection services in the City are provided by the Newport Beach Fire Department (Fire Department), which is divided into Fire Operations Division, Fire Prevention Division, Emergency Medical Services Division, Lifeguard Operations Division, and Community Emergency Response Team (CERT). The Fire Department provides response to fires, medical emergencies, marine safety, hazardous materials incidents, natural and man-made disasters, automatic and mutual aid assistance to neighboring departments, and related emergencies in an effort to protect life, property, and the environment. In addition, the Fire Department inspects businesses and properties, assists with code enforcement, and conducts public education programs. The Fire Department operates from eight fire stations and three lifeguard headquarters and has 144 full-time and 220 seasonal/part-time employees.¹ The Fire Department's daily staffing, per shift, includes: 1 Battalion Chief, 10 Fire Apparatus Engineers, 10 Fire Captains, 14 Paramedics/Firefighters, and 3 Firefighters. The front line apparatus serving the City daily includes eight fire engines (one at each fire station), two aerial ladder trucks (one on each side of the City), and three paramedic rescue ambulances.²

The Fire Department's service area covers a total of 47.9 square miles, including 24 square miles of land, 0.9 square mile of bay, and 23 square miles of ocean.³ Fire stations are strategically located throughout the City to provide prompt assistance. Each fire station operates within a specific district that comprises the immediate geographical area around the station. Upper Newport Bay (and the circulation challenges it creates) result in Newport Beach having more fire stations per population than typical in order to maintain response times. **Table 4.13-1: Newport Beach Fire Stations** identifies the fire stations in the City. In the case of additional fire response need, the Fire Department can request additional mutual aid assistance from other fire departments throughout Orange County. The average response time is less than five minutes.

¹ Newport Beach Fire Department. (2022). *Annual Report 2022*. Retrieved from: <https://www.newportbeachca.gov/home/showpublisheddocument/73479/638233917062970000>. Accessed on January 4, 2024.

² City of Newport Beach. *Fire Operations Division*. <https://newportbeachca.gov/government/departments/fire-department/fire-operations-division>. Accessed January 4, 2024.

³ City of Newport Beach. *Fire Department Fact Sheet*. www.newportbeachca.gov/home/showpublisheddocument/61911/636734647708530000. Accessed January 4, 2024.

Name	Street Address	Location Area
Station 1	110 E. Balboa Boulevard, Newport Beach	Balboa Peninsula
Station 2	2807 Newport Boulevard, Newport Beach	Lido
Station 3	868 Santa Barbara Drive, Newport Beach	Fashion Island
Station 4	124 Marine Avenue, Newport Beach	Balboa Island
Station 5	410 Marigold Avenue, Corona del Mar	Corona del Mar
Station 6	1348 Irvine Avenue, Newport Beach	Mariners
Station 7	20401 Southwest Acacia Street, Newport Beach	Santa Ana Heights
Station 8	6502 Ridge Park Road, Newport Beach	Newport Coast

Police Protection

The Newport Beach Police Department (Police Department), the Orange County Sheriff Department, and the Costa Mesa Police Department provide police services to the City. The Police Department is located at 870 Santa Barbara Drive, and provides citywide services in crime prevention and investigation, community awareness programs, and other services such as traffic control. The Police Department is separated into four divisions: Office of the Chief, Patrol and Traffic, Support Services, and Detectives. As of 2022, the Police Department employed a total of 234 personnel.⁵ The Police Department serves four geographical areas:

- Area 1 includes Balboa Peninsula, Bay Island, Lido Isle, Cannery Village, Newport Isle, and part of West Newport.
- Area 2 includes Newport Shores, Newport Terrace, Newport Crest, Versailles, Villa Balboa, Park Lido, Newport Heights, Cliffhaven, Bayshores, Castaways, Westcliff, Dover Shores, Harbor Highlands, Baycrest, and Santa Ana Heights.
- Area 3 includes Eastbluff, Bonita Canyon, Big Canyon, Newport Center, Harbor Cove, Bayside Village, Island Lagoon, Park Newport, Promontory Point, and Balboa Island.
- Area 4 includes Corona del Mar, Newport Coast, Spyglass Hill, and the Harbor View Homes.

A majority of Banning Ranch is served by the North Operations Division of the Orange County Sheriff’s Department. The nearest Sheriff’s station is located at 550 North Flower Street in the City of Santa Ana.

Schools

Newport Beach is served by three public school districts: Newport-Mesa Unified School District, Santa Ana Unified School District, and Laguna Beach Unified School District. The Newport-Mesa Unified School District provides educational services to the cities of Newport Beach and Costa Mesa, and other unincorporated areas of Orange County. It serves the majority of the City and has 32 schools including 22 elementary schools, 2 intermediate programs, 2 middle/high schools (grades 7-12), 2 high schools (grades 9-12), and 4 alternative schools/programs.⁶ Of these, two pre-schools, six elementary schools, one

⁴ City of Newport Beach. *Fire Stations*. <https://newportbeachca.gov/government/departments/fire-department/fire-operations-division/fire-stations>. Accessed January 4, 2024.

⁵ City of Newport Beach. *City of Newport Beach California Annual Budget Fiscal Year 2023-24*. <https://www.newportbeachca.gov/government/departments/finance/city-budget-salary> (accessed October 2, 2023).

⁶ Newport-Mesa Unified School District. *Facts at a Glance*. <https://web.nmusd.us/factsataglance>. (accessed March 2023).

intermediate school, and two high schools are located in Newport Beach. **Table 4.13-2: School District School Enrollment** lists all the school facilities for the Newport-Unified School District, as well as applicable schools for the Santa Ana and Laguna Beach school districts.

Table 4.13-2: School Districts School Enrollment				
School	Grades	Address	Student Enrollment¹	Site Capacity²
Newport-Mesa Unified School District				
Elementary Schools				
Adams	K-6	2850 Clubhouse Road, Costa Mesa	353	603
Andersen	K-6	1900 Port Seabourn Way, Newport Beach	245	545
California	K-6	3232 California Avenue, Costa Mesa	363	478
College Park	K-6	2380 Notre Dame Road, Costa Mesa	488	627
Davis Magnet School	K-6	1050 Arlington Drive, Costa Mesa	518	840
Eastbluff	K-6	2627 Vista Del Oro, Costa Mesa	326	439
Harbor View	K-6	900 Goldenrod Avenue, Costa Mesa	306	642
Kaiser	3-6	2130 Santa Ana, Costa Mesa	517	1,006
Killybrooke	K-6	3155 Killybrooke Lane, Costa Mesa	391	541
Lincoln	K-6	3101 Pacific View Drive, Corona del Mar	311	764
Mariners	K-6	2100 Mariners Drive, Costa Mesa	474	816
Newport Coast	K-6	6655 Ridge Park Road, Costa Mesa	410	760
Newport	K-6	1327 West Balboa Boulevard, Costa Mesa	305	674
Newport Heights	K-6	300 East 15 th Street, Costa Mesa	433	714
Paularino	K-6	1060 Paularino Avenue, Costa Mesa	352	556
Pomona	K-6	2051 Pomona Avenue, Costa Mesa	330	692
Rea	K-6	661 Hamilton Street, Costa Mesa	322	900
Sonora	K-6	966 Sonora Road, Costa Mesa	381	558
Victoria	K-6	1025 Victoria Street, Costa Mesa	296	518
Whittier	K-6	1800 Whittier Avenue, Costa Mesa	494	827
Wilson	K-6	801 Wilson Street, Costa Mesa	363	723
Woodland	K-2	2025 Garden Lane, Costa Mesa	427	550
Middle Schools				
Ensign	7-8	2000 Cliff Drive, Newport Beach	989	1,433
TeWinkle	7-8	3224 California Street, Costa Mesa	532	915
High Schools				
Back Bay/Monte Vista	9-12	390 Monte Vista Avenue, Costa Mesa	134	428
Corona del Mar	7-12	2101 Eastbluff Drive, Newport Beach	2,091	2,828
Costa Mesa	7-12	2650 Fairview Road, Costa Mesa	1,755	2,245
Early College	9-12	2990 Mesa Verde Drive East, Costa Mesa	212	400
Estancia	9-12	2323 Placentia Avenue, Costa Mesa	1,153	2,295
Monte Vista Independent Study	7-12	1003 Presidio Square, Costa Mesa	199	n/a
Newport Harbor	9-12	600 Irvine Avenue, Newport Beach	2,270	3,206

Table 4.13-2: School Districts School Enrollment				
School	Grades	Address	Student Enrollment¹	Site Capacity²
Newport-Mesa Unified School District Total			15,271	25,317
Santa Ana Unified School District				
Elementary School				
James Monroe	K-5	417 East Central Avenue, Santa Ana	250	550 ³
Middle School				
McFadden Institute of Technology	K-8	2701 South Raitt Street, Santa Ana	1,063	2,065 ³
High School				
Century	9-12	1401 South Grand Avenue, Santa Ana	1,708	3,744 ³
Laguna Beach Unified School District				
Elementary School				
El Morro	K-5	861 North Coast Highway, Laguna Beach	423 ⁴	unknown
Middle School				
Thurston	6-8	2100 Park Avenue, Laguna Beach	520 ⁴	unknown
High School				
Laguna Beach	9-12	625 Park Avenue, Laguna Beach	888 ⁴	unknown
Sources:				
1. California Department of Education. 2021-22 Enrollment by Grade Report. Dataquest Website https://dq.cde.ca.gov/dataquest/dqcensus/EnrGrdLevels.aspx?cds=3066597&agglevel=district&year=2021-22				
2. Horrell, Lori, Newport-Mesa Unified School District, personal communication, April 21, 2023.				
3. City of Santa Ana General Plan Updated Draft PEIR. Pages 5.14-33-5.14-34.				
4. Laguna Beach Unified School District 2023-24 Ten Year Facilities Master Plan.				

Several private schools are also located either within City limits or in the local area and available to the City’s residents for educational services. Those located in Newport Beach include Carden Hall (K–8), Harbor Day School (K–8), Our Lady Queen of Angles (K–8), St. Andrews Presbyterian (K–8), Newport Christian School (K–6), Newport Montessori School (K–2) and Tutor Time Child Care/Learning Center (K) and Sage Hill School (9–12).⁷

The Airport Area is within the boundaries of the Santa Ana Unified School District. The Santa Ana Unified School District has 57 schools including 32 elementary schools, 8 intermediate schools, 7 high schools, 4 educational options secondary schools, 3 early childhood education programs, 1 dependent charter governed by SAUSD, 1 child development center, and 1 deaf and hard of hearing regional program K-6.⁸ Schools in the Santa Ana Unified School District that serve the Airport Area are Monroe Elementary School, McFadden Institute of Technology Intermediate School, and Century High School.⁹

The eastern part of Newport Coast is served by the Laguna Beach Unified School District. The Laguna Beach Unified School District has one high school: Laguna Beach High School; one middle school: Thurston

⁷ Sage Hill School has submitted entitlements for the construction of a new middle school and gymnasium building within the existing Sage Hill campus which would create additional capacity for students.

⁸ Santa Ana Unified School District. (2021). Facts at a Glance 2021-2022. Retrieved from: [Quick Facts / District Overview \(sausd.us\)](https://www.sausd.us/QuickFacts/DistrictOverview).(accessed March 2023).

⁹ Santa Ana Unified School District. *School Site Locator*. <http://apps.schoolsitetlocator.com/?districtcode=82311>.(accessed October 2023).

Middle School; and two elementary schools: El Morro Elementary School and Top of the World Elementary School.¹⁰ The nearest elementary school to the Newport Coast Area is El Morro located at 8681 N. Coast Highway.

Libraries

The Newport Beach Public Library System services the City with four public library branches and three book pick up and drop off facilities at local community centers. **Table 4.13-3: Library Facilities** shows more detailed information about the library facilities serving the community. The library system branches serve all regions within the City, with Crean Mariners Branch Library in the north, Central Library and Corona del Mar Branch Library to the east, and Balboa Branch Library serving the southern communities.

Facility	Services	Location
Central Library	Library Branch	1000 Avocado Avenue, Newport Beach
Balboa Library	Library Branch	100 East Balboa Boulevard, Balboa
Crean Mariners Library	Library Branch	1300 Irvine Avenue, Newport Beach
Corona del Mar Library	Library Branch	410 Marigold Avenue, Corona del Mar
Newport Coast Community Center	Concierge Service only (drop off books, pick up holds, search the library catalogue)	6401 San Joaquin Hills Road, Newport Coast
OASIS Senior Center	Concierge Service only (drop off books, pick up holds)	801 Narcissus Avenue, Corona del Mar
Marina Park	Concierge Service only (drop off books, pick up holds)	1600 West Balboa Boulevard, Newport Beach

Source: Newport Beach Public Library. *Hours and Locations*. <https://www.newportbeachlibrary.org/about/hours-and-locations>. (accessed December 2023).

4.13.4 Thresholds of Significance

The City uses the thresholds of significance specified in the *State CEQA Guidelines, Appendix G*. Impacts to public services would be significant if the Project would:

- Result in substantial adverse physical impacts associated with the provision of 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:
 - fire protection
 - police protection
 - schools
 - libraries

Potential impacts to park and recreational facilities are addressed in **Section 4.14: Recreation**.

¹⁰ Laguna Beach Unified School District. *About*. <https://www.lbusd.org/about>. (accessed March 2023).

4.13.5 Methodology

This analysis considers the *State CEQA Guidelines, Appendix G* thresholds, as described above, in determining whether the proposed Project, including future development facilitated by the 2021-2029 Housing Element, would result in impacts concerning public services. The evaluation was based on reviewing the regulations and determining their applicability to future housing development on housing site throughout the City.

As addressed in this Program EIR, the impact analysis is conservative because it accounts for additional housing units as a buffer to address future “no net loss” to preclude the need to identify replacement sites during 6th Cycle implementation. Therefore, this Program EIR conservatively analyzes a total development capacity of 9,914 units including future development capacity of up to 9,649 units on 247 housing sites, 25 units associated with pipeline projects, and 240 accessory dwelling units (ADUs). Further, this EIR analysis does not consider any loss of existing on the ground development which may be displaced to accommodate 9,914 housing units.

4.13.6 Project Impacts and Mitigation

Threshold 4.13-1: **Would the Project result in substantial adverse physical impacts associated with the provision of 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 fire protection?**

The proposed Project would not directly construct new housing, but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. Of the 247 housing sites, all are developed/occupied by structures except 21 sites. Fire protection services are provided to the currently developed sites and in the surrounding area of the vacant sites.

Future housing development facilitated by the proposed Project and the resulting population growth of approximately 21,811 persons (see **Section 4.12: Population and Housing**). When combined with the year 2023 population of 83,411 persons, the City is forecast to grow to a total population of 105,222 persons by 2040. This would represent an approximate 26.1 percent increase over 2023 conditions. SCAG forecasts the City’s population will grow to 92,000 persons through the RTP/SCS horizon of 2045. Project implementation would result in 105,222 persons and generate a population growth rate that is approximately 14.4 percent greater than SCAG’s forecast population projections for the City.

Given SCAG’s use of growth projections for regional planning and modeling purposes, and the local jurisdictions’ obligations to comply with State Housing laws including RHNA, SCAG agrees that potential exceedances may not be used to impede a local jurisdiction’s compliance with the 6th Cycle RHNA requirements or to assess impacts of a plan or project under CEQA. Accordingly, the forecast population growth generated by the future housing development facilitated through Housing Element implementation would not be classified as unplanned growth, but rather would accommodate growth.

The General Plan EIR notes that increased development could require additional fire stations, relocation of stations, and/or additional equipment. These changes are associated with the introduction of housing in previously non-residential areas of the City such as the Airport Area, undeveloped properties such as

Banning Ranch, and an overall population growth. Therefore, future housing development would incrementally increase the demand for fire protection and emergency services in the City and could generate the need for new fire protection facilities, the construction of which may result in significant environmental impacts.

The Fire Department's operating budget is generated through tax revenues. Facilities, personnel, and equipment expansion and acquisition are tied to the City budget process and tax-base expansion. New development would be subject to Municipal Code Section 3.12 (Property Development Tax), which imposes an excise tax upon the construction and occupancy of each residential unit, commercial unit, industrial unit, and mobile home park in the City per square foot of gross floor area for all classes of new construction, including any area in a building designed for the parking of vehicles. Per Municipal Code Section 3.12.110 (Disposition of Proceeds – Funds Created), all tax proceeds would be used for acquiring, building, improving, expanding, and equipping City fire stations, City libraries and City parks.

General Plan policies require that adequate public services and infrastructure be provided as new development occurs. For example, compliance with Land Use Element Policies LU 2.8 and LU 3.2 require that land uses can be adequately supported by public services, transportation, and utility infrastructure. All future housing development facilitated by the Project would be subject to the City's development review process, which may include review pursuant to CEQA, and would be assessed on a project-specific basis for potential effects concerning the secondary effects of population growth, including but not limited to the need for public service improvements. Projects would need to demonstrate that adequate fire protection services can be provided for new housing and continue to be provided for existing land use. Therefore, fire staffing and facilities would be expanded commensurately to serve the needs of new development.

At the program-level of review, the Project would not result in a need for expanded or newly constructed facilities, and impacts associated with fire services would be less than significant. Should construction of new facilities be required in the future, each would undergo site-specific environmental analysis, as applicable.

Impact Summary: **Less Than Significant Impact.** The Project would not result in substantial adverse physical impacts associated with the provision of 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 fire protection services.

Threshold 4.13-2:	Would the Project result in substantial adverse physical impacts associated with the provision of 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 police protection?
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The proposed Project would not directly construct new housing, but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. Of the 247 housing sites, all are developed/occupied by structures except 21 sites. Police protection services are provided to the currently developed sites and in the surrounding area of the vacant sites. A portion of the Banning Ranch site is within the boundaries of the Sheriff's Department.

With a total personnel of 237 employees, approximately 100 are sworn police officers. The remaining personnel includes a chief, a deputy director, deputy chiefs, lieutenants, sergeants, sworn officers, civilian personnel, and seasonal and part-time personnel. Based on a 2023 population of 83,411 persons, the ratio of officers to 1,000 residents is approximately 1.2. Based on the City's current ratio of officers to residents, implementation of the Project with 21,811 persons would result in the demand for approximately 26 additional police officers. It should be noted that the ratio of 1.2 officers per 1,000 residents is not an established standard. Although the Project would not immediately increase population, it is assumed that future development would permanently increase population and the demand on existing police services.

The Police Department's operating budget is generated through tax revenues, penalties and service fees, and allowed government assistance. Facilities, personnel, and equipment expansion and acquisition are tied to the City budget process and tax-base expansion. Tax-base expansion from future housing development would generate funding for the police protection services.

General Plan policies require that adequate public services and infrastructure be provided as new development occurs. For example, compliance with Land Use Element Policies LU 2.8 and LU 3.2 require that land uses can be adequately supported by public services, transportation, and utility infrastructure. All future housing development facilitated by the Project would be subject to the City's development review process, which may include review pursuant to CEQA, and would be assessed on a project-specific basis for potential effects concerning the secondary effects of population growth, including but not limited to the need for public service improvements. Projects would need to demonstrate that adequate police protection services can be provided for new housing and continue to be provided for existing land use. Therefore, police staffing and facilities would be expanded commensurately to serve the needs of new development.

Therefore, the proposed Project would have no immediate impacts on police protection services. At the program-level of review, the Project would not result in a need for expanded or newly constructed facilities, and impacts associated with police services would be less than significant. Should construction of new facilities be required in the future, each would undergo site-specific environmental analysis, as applicable.

Impact Summary: **Less Than Significant Impact.** The project would not result in substantial adverse physical impacts associated with the provision of 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 police protection services.

Threshold 4.13-3:	Would the Project result in substantial adverse physical impacts associated with the provision of 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 schools?
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Population growth resulting from future housing associated with the proposed Project would increase the number of students within Newport-Mesa Unified School District and Santa Ana Unified School Districts. With respect to the Laguna Beach Unified School District, none of the housing sites are within the boundaries of this school district and would therefore not be affected by the proposed Project.

Student generation rates are used by school districts to estimate the number of students generated by new development in order to determine whether existing school facilities would be adequate for future student enrollment. **Table 4.13-4: Student Generation** identifies the potential number of students generated by future housing development, which would occur in the Newport-Mesa Unified School District and in the Santa Ana Unified School District.

Table 4.13-4: Student Generation			
School Level	Multi-Family Rate	Number of Proposed Units¹	Students Potentially Generated by the Project
Newport-Mesa Unified School District			
Elementary School (K-5)	0.097	8,496	824
Intermediate School (6-8)	0.028	8,496	238
High School (9-12)	0.066	8,496	561
Subtotal	--	--	1,623
Santa Ana Unified School District			
Elementary School (K-5)	0.1937	7,409	1,435
Intermediate School (6-8)	0.1111	7,409	823
High School (9-12)	0.1427	7,409	1,058
Subtotal	--	--	3,316
Total	--	--	4,939
Notes:			
1. The number of proposed units does not take into account the 240 ADUs. The ADUs could be developed throughout the City; thus, there was no way to determine which school district would support these students.			
Source: Newport-Mesa Unified School District; Santa Ana General Plan Update Program EIR, 2022.			

As shown in **Table 4.13-2**, schools in the Newport-Mesa Unified School District and Santa Ana Unified School District are currently operating below maximum capacity and have space to accommodate additional students. Due to the available capacity within the two school districts, new students generated as a result of future development would not result in overcrowding.

Additionally, future development would be required to comply with General Plan Policy LU 6.1.1, which accommodates the provision of adequate school facilities within Newport Beach in order to serve the needs of residents, and Policy LU 6.1.2 allows for the development of new public and institutional facilities within the City provided that the use and development facilities are compatible with adjoining land uses, environmentally suitable, and can be supported by transportation and utility infrastructure.

Furthermore, the State of California is responsible for the funding of public schools. California Government Code Sections 65995-65998 set forth provisions to implement SB 50 and limits the City's discretion to mitigate for development's impact on schools. As stated in Government Code Section 65995(h), "The payment or satisfaction of a fee, charge, or other requirement levied or imposed ...are hereby deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization ...on the provision of adequate school facilities." Payment of these fees would offset impacts from increased demand for school services associated with development of the proposed Project by providing an adequate financial base to construct and equip new and existing

schools. These fees would be required for all new development and are based on the size and use characteristics of any future project.

In summary, the Project would allow for an increase in residential development in the City, with certain areas, likely to result in more residential development than others. This development will most likely lead to an increased demand for school services to address the increase in school-aged children. However, due to the existing capacities within Newport-Mesa Unified School District, it is expected that the increase in school-aged children could be accommodated within existing school facilities. If new facilities would need to be constructed at a future date to accommodate increased demand on schools, further environmental review separate from the EIR prepared would be required as project-specific plans are developed to determine which school districts and schools' specific development proposals would have the potential to impact. All new school or other educational development would be subject to the respective school district's review process, which may include project-specific environmental review under CEQA.

Impact Summary: **Less Than Significant Impact.** The Project would not result in substantial adverse physical impacts associated with the provision of 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 schools.

Threshold 4.13-4:	Would the Project result in substantial adverse physical impacts associated with the provision of 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 libraries?
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The City is served by the Newport Beach Public Library System, which consists of four public library branches and three book pick up and drop off facilities at local community centers. Future housing development facilitated by the Project would generate population growth, which could incrementally increase the demand for library services at the Newport Beach Library System's facilities.

All new private development facilitated by the Project would be subject to the City's development review process which includes project-specific review. New development would also be required to comply with Municipal Code Section 3.12 (Property Development Tax), which imposes an excise tax upon the construction and occupancy of each residential unit, commercial unit, and industrial unit. Per Municipal Code Section 3.12.110 (Disposition of Proceeds – Funds Created), all tax proceeds would be used for acquiring, building, improving, expanding, and equipping City fire stations, City libraries and City parks.

As previously mentioned, development facilitated by the Project would occur incrementally over time and as market conditions allow. Similarly, the tax proceeds from future development would be collected over time, allowing library improvements and expansions to occur as needed. If new facilities would need to be constructed at a future date to accommodate increased demand on libraries, further environmental review separate from the EIR prepared would be required as project-specific plans are developed to determine which specific development proposals would have the potential to impact. Any new library development would be subject to the City's development review process which includes project-specific environmental review. Therefore, it is anticipated that the increased demand would not be substantial or such that it would warrant construction of a new facility.

Impact Summary: **Less Than Significant Impact.** The Project would not result in substantial adverse physical impacts associated with the provision of 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 libraries.

4.13.7 Cumulative Impacts

Based on the EIR's significance criteria, cumulative impacts would result if the Project, in combination with past, present, and reasonably foreseeable future development, would require the construction of fire, police, school or library facilities or the alteration of existing facilities that could cause significant environmental impacts.

The Project assumes the provision of fire protection services is based on a combination of existing fire services, the use of mutual aid, the payment of Property Excise Tax, and compliance with General Plan policies. Future housing site applicants and applicants of past projects since the passage adoption of the Property Excise Tax would be required to pay the excise tax. Tax-base expansion from implementation of the Proposed Project as well as past, present, and reasonably foreseeable future projects would generate funding for fire protection services. Should any new or altered facilities be required in the future, these facilities would be subject to separate CEQA review.

The Police Department's operating budget is primarily generated through tax revenues and fees collected from penalties and requested services. Increased property and sales tax from implementation of the Project as well as other cumulative projects would increase the City's General Fund in rough proportion to population increases, providing funding for any improvements necessary to maintain adequate police protection facilities, equipment, and/or personnel. Consequently, although the cumulative demand for police services would incrementally increase over time, the addition of new officers and equipment to serve the demand is not likely to result in any significant adverse cumulative impacts associated with the construction of new facilities or the alteration of existing facilities. Should any new or altered facilities be required in the future, these facilities would be subject to separate CEQA review.

The Newport-Mesa Unified School District and Santa Ana Unified School District are currently operating below maximum capacity and have space to accommodate additional students. Additionally, since the passage of SB 50, development applicants have and been required to pay school impact fees established to offset potential impacts on school facilities. While there is adequate capacity to support additional students generated as a result of future development, payment of these fees is also considered to be full and complete mitigation of school impacts. Therefore, although future housing site projects and other past, present, and reasonably foreseeable future projects could result in additional students and the need for additional facilities, payment of the fees mandated under SB 50 is the mitigation measure prescribed by the statute, and payment of the fees is deemed full and complete mitigation. The cumulative public services impact of the Project, considered with past, present and reasonably foreseeable future projects, with respect to schools, would be less than significant.

Based on the EIR's significance criteria, cumulative impacts would result if the Project, in combination with past, present, and reasonably foreseeable future development, would require the construction of library facilities or the alteration of existing library facilities that could cause significant environmental impacts. Future housing site applicants as well applicants of past projects since the passage adoption of the Property Excise Tax as set forth in the Newport Beach Municipal Code (§3.12 et seq.) are required to

pay the excise tax established for public improvements and facilities associated with the libraries. Any new library development constructed to accommodate future increased demands would be subject to the City's environmental review process which includes project-specific environmental review. Therefore, as new developments within the City occur, property and sales tax would increase in rough proportion and contribute to an increase in the City's General Fund and consequently a larger allocation of funds towards library services. Overall, cumulative impacts on library services would be less than significant.

4.13.8 Mitigation Program

As noted, all future housing development facilitated by the Project would be subject to the City's development review process, which may include review pursuant to CEQA, and would be assessed on a case-by-case basis for potential effects concerning public services. Future housing development would be subject to compliance with relevant federal, State, and local requirements including requirements set forth in the Newport Beach General Plan and Newport Beach Municipal Code.

General Plan Policies

See **Section 4.13.2: Regulatory Setting** for complete policy text.

- Policy LU 2.1
- Policy LU 2.8
- Policy LU 3.2
- Policy LU 4.1 (proposed modification)
- Policy LU 6.1.1
- Policy LU 6.1.2
- Policy LU 6.1.4
- Policy LU 6.2.5
- Policy S 6.7
- Policy S 6.9

Mitigation Measures

No additional mitigation is required.

4.13.9 Level of Significance After Mitigation

Impacts related to public services would be less than significant.

4.13.10 References

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4.14 RECREATION

4.14.1 Introduction

This section provides an overview of the existing park and recreational facilities in the City of Newport Beach and its Sphere of Influences (collectively referred herein as the “City”) that could potentially be indirectly physically affected by implementation of the Project.

4.14.2 Regulatory Setting

State

Quimby Act

The Quimby Act (California Government Code §66477) states that “the legislative body of a City or county may, by ordinance, require the dedication of land or impose a requirement of the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a tentative or parcel map.” Requirements of the Quimby Act apply only to the acquisition of new parkland and do not apply to the physical development of new park facilities or associated operations and maintenance costs. The Quimby Act seeks to preserve open space needed to develop parkland and recreational facilities; however, the actual development of parks and other recreational facilities is subject to discretionary approval and is evaluated on a case-by-case basis with new residential development. The Quimby Act requires the provision of 3 acres of park area per 1,000 persons residing within a subdivision, unless the amount of existing neighborhood and community park area exceeds that limit, in which case a city may adopt a higher standard not to exceed 5 acres per 1,000 residents.

Mitigation Fee Act

California Government Code Sections 66000 through 66008, the Mitigation Fee Act, gives cities the authority to impose a fee, other than a tax, that is charged to the applicant in connection with approval of a development project for the purpose of offsetting all or a portion of the cost of public facilities related to a development project, such as wear and tear of public recreational facilities. In order to comply with the Mitigation Fee Act, a city must follow four primary requirements: 1) make certain determinations regarding the purpose and use of a fee and establish a nexus or connection between a development project or class of project and the public improvement being financed with the fee; 2) segregate fee revenue from the General Fund in order to avoid commingling of capital facilities fees and general funds; 3) for fees that have been in the possession of the city for five years or more and for which the dollars have not been spent or committed to a project, the city must make findings each fiscal year describing the continuing need for the money; and 4) refund any fees with interest for developer deposits for which the findings noted above cannot be made.

State Public Park Preservation Act

The primary instrument for protecting and preserving parkland is the State Public Park Preservation Act (Public Resource Code [PRC] §5400 – 5409). Under the Public Resource Code, cities and counties may not acquire any real property that is in use as a public park for any non-park use unless compensation or land, or both, are provided to replace the parkland acquired. This provides no net loss of parkland and facilities.

Landscaping and Lighting Act

The Landscaping and Lighting Act (California Streets and Highways Code §22500 et seq.) enables cities, counties, and special districts to acquire land for parks, recreation, and open space. A local government may also use the assessments to pay for improvements and maintenance to these areas. In addition to local government agencies (i.e., counties and cities), park and recreation facilities may be provided by other public agencies, such as community service districts, park and recreation districts, etc. If so empowered, such an agency may acquire, develop, and operate recreational facilities for the public.

California Coastal Act

The intent of the California Coastal Act (PRC §30000 et seq.) is to protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources. The California Coastal Commission regulates land and water use in the coastal zone, and the California Coastal Act includes specific policies that address issues, including visual resources, land/water uses, and the protection and provision of shoreline public access and recreation.

State of California Open Space Standards

State planning law provides a structure for the preservation of open space by requiring every city and county in the State to prepare, adopt, and submit to the Secretary of the Resources Agency a “local open-space plan for the comprehensive and long-range preservation and conservation of open-space land within its jurisdiction” (Government Code §65560). The following open space categories are identified for preservation:

- Open space for public health and safety, including, but not limited to, areas that require special management or regulation due to hazardous or special conditions.
- Open space for the preservation of natural resources, including, but not limited to, natural vegetation, fish and wildlife, and water resources.
- Open space for resource management and production, including, but not limited to, agricultural and mineral resources, forests, rangeland, and areas required for the recharge of groundwater basins.
- Open space for outdoor recreation, including, but not limited to, parks, and recreational facilities, areas that serve as links between major recreation and open space reservations (such as trails, easements, and scenic roadways), and areas of outstanding scenic and cultural value.
- Open space for the protection of Native American sites, including, but not limited to, places, features, and objects of historical, cultural, or sacred significance such as Native American sanctified cemeteries, places of worship, religious or ceremonial sites, or sacred shrines located on public property (further defined in California Public Resources Code §§5097.9 and 5097.993).

Local

City of Newport Beach General Plan

The primary purpose of the *City of Newport Beach General Plan 2006 Update* (General Plan) Recreation Element is to ensure that the “balance between the provision of sufficient parks and recreational facilities are appropriate for the residential and business population of Newport Beach. Specific recreational issues and policies contained in the Recreation Element include parks and recreational facilities, recreational

programs, shared facilities, coastal recreation and support facilities, marine recreation, and public access.” As addressed in the General Plan Recreation Element, the City is divided into service areas for the “purposes of park planning and to equitably administer parkland dedications and fees provided by residential development.” Currently, the City uses the following service areas:

- West Newport
- Newport Heights/Upper Bay
- Lower Bay
- Corona del Mar
- Newport Center
- Harbor View
- Eastbluff/Newport North
- Santa Ana Heights/Airport
- Newport Coast
- Balboa Island
- Balboa Peninsula

The following General Plan goals and policies that have been adopted by the City for the purpose of avoiding or mitigating an environmental effect are applicable to future development projects associated with the proposed Project.

Recreation Element

Goal R 1 **Provision of Facilities—Provision of adequate park and recreation facilities that meet the recreational needs of existing and new residents of the community.**

Policy R 1.1 **New Residential Subdivisions.** Require developers of new residential subdivisions to provide parklands at five acres per 1,000 persons, as stated in the City’s Park Dedication Fee Ordinance, or to contribute in-lieu fees for the development of public recreation facilities meeting demands generated by the development’s resident population, as required in the City’s Park Dedications Fees Ordinance.

Policy R 1.2 **High-Density Residential Developments.** Require developers of new high-density residential developments on parcels eight acres or larger, to provide on-site recreational amenities. For these developments, 44 square feet of on-site recreational amenities shall be provided for each dwelling unit in addition to the requirements under the City’s Park Dedications and Fees Ordinance. On-site recreational amenities can consist of public urban plazas or squares where there is the capability for recreation and outdoor activity. These recreational amenities can also include swimming pools, exercise facilities, tennis courts, and basketball courts. Where there is insufficient land to provide on-site recreational amenities, the developer shall be required to pay the City of Newport Beach cash in-lieu that would be used to develop or upgrade nearby recreation facilities to offset user demand as defined in the City’s Park Dedications and Fees Ordinance.

The acreage of on-site open space developed with residential projects may be credited against the parkland dedication requirements where it is, for example, accessible to the public during daylight hours, visible from public rights-of-way, and of sufficient size to accommodate recreational use by the public.

Policy R 2.1 Use funding from the City’s Park Dedication Fee Ordinance to enhance existing parks and recreational facilities.

Policy R 2.2 Protect public parkland from non-recreational uses; any loss of parkland through governmental action shall be replaced in-kind.

Land Use Element

The following goals and policies are applicable to the Banning Ranch.

Goal LU 6.3 Preferably a protected open space amenity, with restored wetlands and habitat areas, as well as active community parklands to serve adjoining neighborhoods.

Goal LU 6.4 If acquisition for open space is not successful, a high-quality residential community with supporting uses that provides revenue to restore and protect wetlands and important habitats.

The General Plan Land Use Element identifies that the following policy is applicable to Banning Ranch under Goal LU 6.3 and Goal LU 6.4

LU 6.5.2 **Active Community Park.** Accommodate a community park of 20 to 30 acres that contains active playfields that may be lighted and is of sufficient acreage to serve adjoining neighborhoods and residents of Banning Ranch, if developed.

The following policies are applicable to the Airport Area.

Policy LU 6.15.13 To provide a focus and identity for the entire neighborhood and to serve the daily recreational and commercial needs of the community within easy walking distance of homes, require dedication and improvement of at least 8 percent of the gross land area (exclusive of existing rights-of-way) of the first phase of development, or ½ acre, whichever is greater, as a neighborhood park. This requirement may be waived by the City where it can be demonstrated that the development parcels are too small to feasibly accommodate the park or inappropriately located to serve the needs of local residents, and when an in-lieu fee is paid to the City for the acquisition and improvement of other properties as parklands to serve the Airport Area.

In every case, the neighborhood park shall be at least 8 percent of the total Residential Village Area or one acre in area, whichever is greater, and shall have a minimum dimension of 150 feet. Park acreage shall be exclusive of existing or new rights-of-way, development sites, or setback areas. A neighborhood park shall satisfy some or all of the requirements of the Parkland Dedication Ordinance, as prescribed by the Recreation Element of the General Plan.

Policy LU 6.15.16 **On-Site Recreation and Open Space Standards.** Require developers of multi-family residential developments on parcels 8 acres or larger to provide on-site recreational amenities. For these developments, 44 square feet of on-site recreational amenities shall be provided for each dwelling unit in addition to the requirements under the City's Park Dedication Ordinance and in accordance with the Parks and Recreation Element of the General Plan. On-site recreational amenities can consist of public urban plazas or squares where there is the capability for recreation and outdoor activity. These recreational amenities may also include swimming pools, exercise facilities, tennis courts, and basketball courts. Where there is insufficient land to provide on-site recreational amenities, the developer shall be required to pay cash in-

lieu that would be used to develop or upgrade nearby recreation facilities to offset user demand as defined in the City's Park Dedication Fee Ordinance.

The acreage of on-site open space developed with residential projects may be credited against the parkland dedication requirements where it is accessible to the public during daylight hours, visible from public rights-of-way, and is of sufficient size to accommodate recreational use by the public. However, the credit for the provision of on-site open space shall not exceed 30 percent of the parkland dedication requirements.

City of Newport Beach Local Coastal Program: Coastal Land Use Plan¹

The Coastal Act requires each local jurisdiction wholly or partly within the coastal zone to prepare an LCP, which is used to carry out California Coastal Act policies and requirements. The City lies partly within the coastal zone. The City's LCP sets forth goals, objectives, and policies that govern the use of land and water in the coastal zone within the City and its Sphere of Influence, with the exception of Newport Coast and Banning Ranch. The City's Coastal Land Use Plan includes the following policies applicable to recreational facilities:

- Policy 3.2.1-3** Provide adequate park and recreational facilities to accommodate the needs of new residents when allowing new development.
- Policy 3.2.1-4** Continue to cooperate with the State Department of Parks and Recreation, the State Department of Fish and Game, and Orange County to protect, expand and enhance opportunities for recreational activities at County and State beaches and parks.
- Policy 3.2.2-3** Maintain the ability to distribute, remove and relocate support facilities and services in coastal areas in response to changes in demographics and recreational interests while continuing to provide comparable facilities and levels of service.

Newport Beach Municipal Code

Municipal Code Chapter 19.52: Park Dedications and Fees.² Parkland dedication standards associated with the Quimby Act and the Newport Beach Subdivision Code are applicable to development in the City. Chapter 19.52, Park Dedication and Fees of the City's Municipal Code provides for the dedication of land, the payment of fees in lieu thereof or a combination of both, for park or for recreational purposes in conjunction with the approval of residential development. Newport Beach's park dedication requirement is 5 acres per 1,000 persons. In-lieu fees are placed in a fund earmarked for the provision or rehabilitation of park and recreation facilities that can serve the subdivision. The park dedication ordinance also provides for credit to be given, at the discretion of the City Council, for the provision of private recreation facilities within a new residential development or for the provision of park and recreation improvements to land dedicated for a public park. If allowed, the private facilities or public improvements are credited against the dedication of land and/or the payment of in-lieu fees.

¹ City of Newport Beach (2016). *City of Newport Beach Coastal Land Use Plan*. <https://www.newportbeachca.gov/government/departments/community-development/planning-division/general-plan-codes-and-regulations/local-coastal-program/coastal-land-use-plan>. Accessed November 2023.

² City of Newport Beach (2021). *City of Newport Beach Municipal Code – Park Dedications and Fees*. Retrieved from: <https://www.codepublishing.com/CA/NewportBeach/#!/NewportBeach19/NewportBeach1952.html#19.52>. Accessed March 2023.

City of Newport Beach Circulation Improvement and Open Space Agreement

In 1993, the City of Newport Beach and the Irvine Company entered into the Circulation Improvement and Open Space Agreement (CIOSA). CIOSA pertains to 12 parcels and granted vested development rights for 11 projects. In consideration of the vested rights granted, the Irvine Company prepaid “fair share” road improvement fees, constructed road improvements, and granted the City of Newport Beach an interest-free loan. The value of these traffic improvement benefits totaled approximately \$20 million. In consideration of the vested right, approximately 140 acres of property were also conveyed to the City for open space and park purposes. Seven sites have been dedicated under the CIOSA: Back Bay View Park, Newport Center Park (formerly Newport Village), Newporter Knoll, Freeway Reservation, Upper Castaways, Harbor Cove, and Jamboree Road and MacArthur Boulevard.

4.14.3 Existing Conditions

The City has both passive and active recreation including parks, beaches, walking and bike trails, and athletic facilities located throughout the City. School facilities also provide indoor and outdoor recreational opportunities in the City, while greenbelts and open space areas provide passive recreational opportunities or open space relief. Additionally, bikeways, jogging trails, pedestrian trails, recreation trails, and regional equestrian trails are also available in Newport Beach.

Parks

The City has approximately 370 acres of passive and active parks. This total is exclusive of approximately 304 acres of undeveloped parkland associated with Upper Buck Gully (approximately 300 acres) and Castaways Park (approximately 4 acres).

The City’s General Plan categorizes the different types of parks based on size and amenities.³

Community Park. Community parks serve the entire City and are easily accessible via arterial roads. Community parks are those with improvements such as community buildings, parking, swimming, facilities for picnicking, active sports, and other facilities that serve a larger population. Community parks may have a particular theme or orientation such as active sports or aquatic facilities.

Mini Park. Mini parks are smaller parks which may take one of two different forms. Most mini parks are less than 1 acre in size, serve a quarter-mile radius and are located within a neighborhood, separate from major or collector roads. Some mini parks serve the entire City and are located as urban trail heads along major trails or streets.

Neighborhood Park. Neighborhood parks serve all ages and are generally 1 to 8 acres in size. They are located adjacent to public schools when possible. Neighborhood parks contain a wide variety of improvements which can include turf areas, active sport fields and courts, community buildings, play apparatus, and picnic facilities. Other improvements might include senior centers, youth centers, and aquatic facilities.

View Park. View parks are smaller passive parks designed to take advantage of a significant view. They are often located on coastal bluffs to focus upon ocean or bay views. Most view parks are between 1.5 to

³ City of Newport Beach. (2006) *City of Newport Beach General Plan Update Draft EIR – Recreation and Open Space*. Pages 4.12-2. Retrieved from: https://newportbeachca.gov/PLN/General_Plan/GP_EIR/Volume_1/17_Sec4.12_Recreation_and_Open_Space.pdf. Accessed March 2023.

3 acres in size and serve the entire City. View parks are generally improved with landscaping, walkways and benches.

Greenbelt. Greenbelts in public or private ownership are included in this category. They may include areas with some recreational facilities, although the primary function of the area is passive open space.

Open Space. Open space includes passive and active open space areas which do not function as public parks but do provide open space relief. Such areas may or may not be accessible to the general public.

Public Beach. Public beaches serve a number of local and regional functions. In some neighborhoods, beaches function as neighborhood or community parks. Public beaches all include sandy beach areas adjacent to the bay or ocean and may include active sports, snack bars, showers, drinking fountains, restrooms, walkways, docks, benches, shade trees, and parking areas.

School. Public schools are a part of the recreation system in the City because field and playground areas can serve the general public during weekends and after school.

Table 4.14-1: Public Parks and Recreational Facilities includes City public park and recreational facilities, as well as joint use agreement facilities, and County and State recreational locations. The City has approximately 370 acres of improved/developed parkland as well as undeveloped open space and beaches.^{4, 5} The City's parks contain a variety of recreational facilities, with areas available for organized sports including soccer fields, baseball diamonds, tennis courts, volleyball courts, pickleball courts, and basketball courts. Children's play areas are in many of the parks. Swimming pools are available to the public at aquatic facilities at the Marian Bergeson Aquatic Center and Newport Harbor High School through joint use agreements with the Newport-Mesa Unified School District. Additional recreational resources in the City include three community centers, several multipurpose recreation centers, a senior center, and two gymnasium facilities. The table identifies recreational facilities by park and recreation service area and whether the facilities are within a housing site Focus Area.

Shared Park and Recreation Facilities

Public schools within the City under the jurisdiction of the Newport-Mesa Unified School District contain a number of recreational facilities. Currently, after-school recreational use of these facilities is used by youth and adult residents through joint use agreements between the School District and the City.

⁴ This acreage calculation includes City-operated beaches.

⁵ City of Newport Beach. *Newport Beach Demographics and Statistics*. Retrieved from: <https://www.newportbeachca.gov/i-am-a-visitor/about-newport-beach/demographics-and-statistics>. Accessed March 2023.

Table 4.14-1: Public Parks and Recreational Facilities		
Name	Location	Facilities
West Newport Service Area		
West Newport Focus Area Housing Sites Within the West Newport Service Area: 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 342		
Banning Ranch Focus Area Housing Sites Within the West Newport Service Area: 110, 111, 112, 113, 114, 115, 116, 117, 118, 120, 121, 122, 123, 124, 126, 127, 128, 129, 130		
Dover-Westcliff Focus Area Housing Sites Within the West Newport Service Area: 133, 134, 334		
West Newport Park	Seashore Dr and Prospect St	Basketball courts, tennis courts, handball court, play equipment, picnic table and barbeque, restrooms, parking
Sunset View Park	Superior Ave, north of West Coast Highway	None
Channel Place Park	4400 Channel Place	Basketball court, play equipment, picnic tables and barbeque, restrooms
38 th Street Park	3600 Balboa Blvd	Basketball court, picnic tables, restrooms.
Newport Shores Park	220 61 st St	Play equipment
Rhine Wharf Park	Lido Park Dr	None
Newport Island Park	3809 Marcus Ave	Basketball court, play equipment, picnic table and barbeque
Gateway Park	Newport Blvd and Via Lido	None
Lido Park	Via Lido and Lafayette Ave	None
Lake St Park	Lake St and 37th St	None
Sunset Ridge Park	4850 West Coast Highway	Athletic field, ball diamond, play equipment, picnic table and barbeque, restrooms, parking
West Newport Community Center	883 15 th St West	Basketball court, gymnasium, restrooms, parking
Newport Heights/Upper Bay Service Area		
Dover-Westcliff Focus Area Housing Sites Within the Newport Heights/Upper Bay Service Area: 132, 135, 136, 137, 138, 139, 142, 143, 144, 355, 361		
North Star Beach**	1 White Cliffs Dr	None
Westcliff Park	Polaris Dr and Morning Star Lane	Parking
Bob Henry Park	900 Dover Dr	Athletic field, ball diamonds, play equipment, picnic tables and barbeque, restrooms, parking
Castaways Park	700 Dover Dr	Parking
Bolsa Park	Bosa Ave and Old Newport Blvd	Play equipment, picnic table, parking
Kings Road Park	1801 Kings Rd	None
Newport Aquatic Center*: **	1 White Cliffs Dr	Rowing/canoeing/kayaking, showers, restrooms, parking
Galaxy View Park	1398 Galaxy Dr	None
John Wayne Park & Theater Arts Center	2501 Cliff Dr	Picnic table, parking

Table 4.14-1: Public Parks and Recreational Facilities		
Name	Location	Facilities
Mariners Park & VJ Community Center	1300 Irvine Ave	Athletic fields, ball diamonds, tennis courts, basketball court, handball court, play equipment, picnic tables and barbeque, restrooms, parking
Cliff Drive Park & Community Center	301 Riverside Ave	Basketball court, community room, play equipment, picnic tables and barbeque, restrooms
Lower Castaways Park	100 Dover Dr	None (undeveloped)
Newport Harbor High School Pool*	600 Irvine Ave	Swimming pool, showers, restrooms, parking
Lower Bay Service Area		
Newport Center Focus Area Housing Sites Within the Lower Bay Service Area: B		
Myrtle Park	End of Harbor Island Dr	None
Corona del Mar Service Area		
Dover-Westcliff Focus Area Housing Sites Within the Corona del Mar Service Area: 337		
Inspiration Point	Ocean Blvd and Orchid Ave	None
Old School Park	Dahlia Ave and Fourth Ave	Parking
Bayside Park	Bayside Dr and Heliotrope Ave	Play equipment
Irvine Terrace Park	721 Evita Dr	Athletic field, basketball courts, tennis courts, play equipment, picnic table and barbeque, restrooms
Begonia Park	Begonia Ave and First Ave	Play equipment, picnic table and barbeque
CDM Pocket Park	Jasmine Ave and Coast Highway E	None
Lookout Point	Ocean Blvd and Heliotrope Ave	None
Corona del Mar State Park**	3001 Ocean Blvd	Volleyball courts, picnic tables and barbeques, restrooms, showers, parking
Newport Center Service Area		
Newport Center Focus Area Housing Sites Within the Newport Center Service Area: 148, 149, 152, 153, 154, 155, 157, 158, 159, 160, 162, 163, 164, 165, 166, 167, 168, 169, 170, 172, 173, 174, 175, 176, 178, 179, 180, 181, 182, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 240, 257, 339, 340, 341, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 362, 368, C, D, E		
Civic Center Park and Dog Park	100 Civic Center Dr	Dog park, picnic tables, restrooms, parking
Back Bay View Park	1900 Back Bay Dr	None
Civic Center Community Room	100 Civic Center Dr	Community room with kitchen, restrooms, parking
Harbor View Service Area		
Newport Center Focus Area Housing Sites Within the Harbor View Service Area: 141, 146, 147		
Bonita Canyon Sports Park	1990 Ford Rd	Athletic field, ball diamond, basketball court, pickleball court, tennis court, play equipment, picnic tables and barbeque, restrooms, parking

Table 4.14-1: Public Parks and Recreational Facilities		
Name	Location	Facilities
Grant Howald Park & Community Youth Center	3000 Fifth Ave	Athletic field, basketball court, tennis court, community room, play equipment, picnic table and barbeque, restrooms, parking
Harbor View Nature Park	San Miguel Dr, east of Pacific View Dr	None
San Miguel Park	San Miguel Dr at Spyglass Hill Rd	Athletic field, ball diamond, basketball court, handball court, play equipment, picnic table with barbeque, restrooms, parking
San Joaquin Hills Park & Lawn Bowling Center	1550 Crown Dr North	Tennis courts, lawn bowling, picnic table and barbeque, community center with kitchen, restrooms, parking
Lincoln Athletic Center	3101 Pacific View Dr	Athletic field, ball diamonds, volleyball court, basketball court, gymnasium, restrooms, parking
Buffalo Hills Park	1891 Port Provence Place	Athletic field, ball diamond, basketball court, play equipment, picnic tables and barbeque, parking
Spyglass Hill Park	Spyglass Hill Rd at El Capitan Dr	Play equipment, picnic table
Arroyo Park	1411 Bayswater Dr	Night lit fields, ball diamonds, basketball courts, picnic table and barbeque, play equipment, restrooms, parking.
Spyglass Hill Reservoir Park	21 Muir Beach Cir	Play equipment, picnic table
Jasmine Creek Park	Harbor View Dr at Marguerite Ave	None
Upper Buck Gully (partially within service area)	San Joaquin Hills Rd and Newport Coast Dr	None
OASIS Senior Center	801 Narcissus Ave	Community room with kitchen, picnic table, restrooms, parking
Eastbluff/Newport North Service Area		
Newport Center Focus Area Housing Sites Within the Eastbluff/Newport North Service Area: 145		
Eastbluff Park & Boys and Girls Club*	2555 Vista Del Oro	Athletic field, ball diamond, play equipment, picnic table and barbeque, restrooms, parking
Bonita Creek Park & Community Center	3010 La Vida	Athletic field, ball diamond, basketball court, community room with kitchen, picnic tables, play equipment, parking
Big Canyon Park	Back Bay Dr, north of San Joaquin Hills Rd	None
Marian Bergeson Aquatic Center*	2101 Eastbluff Dr	Swimming pool, showers, restrooms, parking

Table 4.14-1: Public Parks and Recreational Facilities		
Name	Location	Facilities
Santa Ana Heights Service Area		
Airport Area Focus Area Housing Sites Within the Santa Ana Heights Service Area: 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 44, 45, 46, 47, 49, 50, 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 100, 103, 104, 105, 106, 107, 108, 109, 335, 338, 343, 344, 356, 357, 358, 359, 360, 363, 364, 365, 366, 370, A		
Bayview Park	Mesa Dr and Bay View Ave	Basketball court, barbecue, play equipment,
Mesa Birch Park	2081 Mesa Dr	Picnic table
Uptown Park	4201 Uptown Newport Dr	Play equipment, picnic table and barbeque, restrooms, parking
Upper Newport Bay Nature Preserve (County)**	Irvine Ave and University Dr	Peter and Mary Muth Interpretive Center, bicycle, equestrian and hiking trails, restrooms, parking
Newport Coast Service Area		
Coyote Canyon Focus Area Housing Sites Within the Newport Coast Service Area: 131, 336		
Los Trancos Canyon View Park (Lower)	Newport Coast Dr	Picnic table, parking
Los Trancos Canyon View Park (Middle)	Newport Coast Dr	None
Los Trancos Canyon View Park (Upper)	Newport Coast Dr	None
Harbor Watch Park	San Joaquin Hills Rd, east of Spyglass Hill Rd	None
Canyon Watch Park	San Joaquin Hills Rd, east of Spyglass Hill Rd	None
Upper Buck Gully (partially within service area)	San Joaquin Hills Rd and Newport Coast Dr	None
Coastal Peak Park	20403 East Coastal Peak	Athletic field, ball diamonds, play equipment, picnic tables and barbeque, restrooms, parking
Newport Coast Community Center	6401 San Joaquin Hills Rd	Basketball courts, volleyball courts, community room with kitchen, restrooms, parking
Buck Gully Reserve	Poppy Ave or San Joaquin Hills Rd	Trails, bridges
Balboa Island Service Area		
There are no housing sites within the Balboa Island Service Area		
Carroll Beek Community Center & Balboa Island Park	115 Agate Ave	Basketball court, community room with kitchen, play equipment, restrooms
Balboa Peninsula Service Area		
There are no housing sites within the Balboa Peninsula Service Area		
Marina Park	1600 Balboa Blvd W	Basketball court, community rooms with kitchen, sailing center, restrooms, play equipment, picnic tables, parking
Miramar Park	Miramar Dr and Balboa Blvd East	Play equipment
Veteran's Memorial Park	215 15 th St	Barbeque

Name	Location	Facilities
Peninsula Park	A St and East Ocean Front	Athletic field, play equipment, picnic table and barbeque, restrooms, showers, parking
Newport Junior Guard Center	Adjacent to Peninsula Park	Headquarters facility, public restrooms
West Jetty View Park	2300 Channel Rd	Picnic table
L Street Park	327 L St	None
M Street Park	M St and Serrano Ave	None
Notes: * Joint use agreement facility ** County of Orange or State facility Source: City of Newport Beach. <i>Newport Beach Parks and Facilities</i> . Retrieved from: Parks and Facilities - Newport Beach (newportbeachca.gov) . Accessed December 2023.		

Beaches and Coastal Recreation Opportunities⁶

Public beaches serve a number of local and regional functions, while providing the largest coastal recreation opportunity within Newport Beach. Public beaches all include sandy beach areas adjacent to the bay or ocean. The City has and partially operates approximately eight miles of beaches that extend from the Santa Ana River jetty to Crystal Cove State Park and border Newport Bay.⁷ City beaches provide a wide range of recreational activities and amenities, which include but are not limited to surfing, swimming, beach volleyball, fire rings for barbeques, beach trails for walking, running, and bicycling, and other beach activities. There are three State beaches in the City: Crystal Cove State Park – Moro Beach, Crystal Cove State Park – Little Treasure Cove, and Corona del Mar State Beach.⁸

Other coastal recreation opportunities include two recreational piers. Newport Pier is located at the end of Newport Boulevard in McFadden Square. Balboa Pier is located at the end of Main Street in Balboa Village. Additionally, the City provides ten public docks in the harbor, which can be used for boat launching and fishing.

The Newport Aquatic Center property is co-owned by the City and County but is leased and privately operated by the Center. Located on Northstar Beach, the Newport Aquatic Center provides an opportunity for the public and members to use human-powered watercraft in Upper Newport Bay as well as advanced training facilities for world-class athletes.

The County and the State own four recreational areas in Newport Beach. The privately operated 100-acre Newport Dunes Aquatic Park provides camping, boating, canoeing, kayaking, swimming and other water and beach activities. The 752-acre Upper Newport Bay State Marine Park and 140-acre Upper Newport Bay Nature Preserve provide opportunities for canoeing, kayaking, stand up paddleboarding, horseback riding, biking, and hiking. Crystal Cove State Park provides coastal recreation opportunities with 3.5 miles of beach and 2,000 acres of undeveloped woodland which is popular for biking, hiking, and horseback riding.

⁶ Ibid Page 4.12-9.

⁷ City of Newport Beach. *Beach Information*. Retrieved from: <https://www.newportbeachca.gov/how-do-i/find/beach-information>. Accessed March 2023.

⁸ California Dept of Parks and Recreation. (2023). *Find A California State Park*. Retrieved from: [Find a Park \(ca.gov\)](https://www.parks.ca.gov). Accessed March 2023.

Walking and Bike Trails⁹

The City has an extensive trail system that has been developed for commuting and recreation. The trail system includes bicycle trails, pedestrian corridors, and equestrian trails. As identified in **Table 4.14-2: Walking and Bike Trails**, the City has over 18 miles of pedestrian and bicycle trails throughout the City. The longest trail is Upper Bay Trail, which is located around the northern edge of the Upper Newport Bay Nature Preserve and provides views of the bay.

Recreation Amenities	Name	Trail Length (Miles)
Biking and Walking Trails	Pier to Pier	1.74 (One Way)
	Balboa Island Loop	1.70
	Corona del Mar Loop	1.72
	Fashion Island Loop	1.22
	Castaways Trail	1.02 (One Way)
	Back Bay Trail	2.89 (One Way)
	Upper Bay Trail	2.34 (One Way)
	Bonita Creek Trail	0.91 (One Way)
	Arroyo Trail	0.61 (One Way)
	Bonita Canyon Sports Park Trail	1.23 (One Way)
	Buffalo Hills Trail	1.28 (One Way)
	Newport Ridge Trail	1.73

Source: City of Newport Beach. *Newport Beach Walking Trail Maps*. Retrieved from: <https://www.newportbeachca.gov/government/departments/recreation-senior-services/bike-walking-trails/walking-trail-maps>. Accessed March 2023.

4.14.4 Thresholds of Significance

The City uses the thresholds of significance specified in *State CEQA Guidelines, Appendix G* concerning recreation. Impacts to recreation would be significant if the Project would:

- Increase the use of existing neighborhood, community and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
- Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

4.14.5 Methodology

This analysis considers the *State CEQA Guidelines, Appendix G* thresholds, as described above, in determining whether the proposed Project would result in a substantial temporary or permanent impact to the City’s recreation amenities. The analysis evaluates increases in demand that would generate the need for new and expanded facilities and determines whether the potential environmental impacts would occur. This analysis uses the anticipated change in the resident population as identified in **Section 4.12: Population and Housing**. The determination that the Project would or would not result in "substantial"

⁹ City of Newport Beach. *Newport Beach Walking Trail Maps*. Retrieved from: <https://www.newportbeachca.gov/government/departments/recreation-senior-services/bike-walking-trails/walking-trail-maps>. Accessed March 2023.

temporary or permanent impacts to recreation considers the relevant policies and regulations established by local and regional agencies and the future housing development's compliance with such policies.

4.14.6 Project Impacts and Mitigation

Threshold 4.14-1:	Would the Project increase the use of existing neighborhood, community and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? and
Threshold 4.14-2:	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?

As addressed in this Program EIR, the impact analysis is conservative because it accounts for additional housing units as a buffer to address future "no net loss" to preclude the need to identify replacement sites during 6th Cycle RHNA implementation. Therefore, this Program EIR conservatively analyzes a total development capacity of 9,914 units including future development capacity of up to 9,649 units on 247 housing sites, 25 units associated with pipeline projects, and 240 accessory dwelling units (ADUs). Further, this EIR analysis does not consider any loss of existing on the ground development which may be displaced to accommodate 9,914 housing units; no net change is assumed.

An increase in City residents associated with the future development of housing sites within the Focus Areas would result in an increased demand for recreational facilities. Newport Beach's park dedication requirement is 5 acres per 1,000 persons (Municipal Code Chapter 19.52: Park Dedications and Fees). Based on the City's estimated 2023 population of 83,411, the City has approximately 4.4 acres of improved/developed parkland for every 1,000 residents.¹⁰ The future 9,914 housing units (RHNA plus buffer) facilitated by implementation of the 2021-2029 Housing Element would generate a population growth of approximately 21,811 persons in the City, which would increase the City's demand for parkland by approximately 109 acres. This acreage amount assumes that every housing unit is constructed.

The Project would not result in direct construction of residential uses. Individual housing developments and the location of the housing in the City would occur over time dependent upon market demand, economic, and planning considerations, among other factors. Future development on identified housing sites would be subject to project-specific review and would be required to comply with the goals and policies in the City's General Plan and Municipal Code. The General Plan and the General Plan Program EIR cross reference the Park Dedication Fee Ordinance to the mandates of the Quimby Act, which only apply to residential subdivisions. The Park Dedication Fee would be applicable to all residential uses in the City, inclusive of the Focus Areas, only if the residential developments include a subdivision (most typically for for-sale residential). However, where a subdivision is not required or proposed, which is typically the case for for-rent residential developments, the fee would not apply.

Where any future housing development would include the subdivision of land, the housing project would be required to provide land or in lieu fees for parks or recreation purposes to bear a reasonable relationship to the use of the park and recreational facilities by future inhabitants pursuant to Municipal Code Section 19.52.030 (Use of Park Dedications and Fees). Any land, fees, or combination thereof

¹⁰ City of Newport Beach. *Newport Beach Demographics and Statistics*. Retrieved from: <https://www.newportbeachca.gov/i-am-a-visitor/about-newport-beach/demographics-and-statistics>. Accessed March 2023.

contributed would be required to be used for developing new or rehabilitating existing park and recreational facilities to serve the subdivision. With respect to the maintenance and preservation of existing parks and recreation facilities (General Plan Goal R 2), General Plan Policy R 2.1 states “Use funding from the City’s Park Dedication Fee Ordinance to enhance existing parks and recreational facilities.”

In addition to compliance with Policy R 2.1 to enhance existing park facilities, the General Plan places additional park and recreational requirements on high-density residential developments in the City (Policy R 1.2) and for residential development in the Airport Area (Policy LU 6.15.13 and Policy LU 6.15.16). These policies include provisions for recreational amenities in addition to where new residential projects require a subdivision and would, therefore, also be subject to the Park Dedication Fee Ordinance. Policy R 1.2 applies to new high-density residential developments throughout the City and Policy LU 6.15.16 applies to multi-family residential developments in the Airport Area, both where the parcels are 8 acres or larger. For sites that are 8 acres or larger, the housing developments would be required to provide 44 square feet of on-site recreational amenities for each residential unit. If the project also requires a subdivision, the housing project would also be subject to the Park Dedication Fee Ordinance. In the Airport Area, Policy 6.15.13 is also applicable. This policy requires the dedication and improvement of at least 8 percent of the gross land area (exclusive of existing rights-of-way) of the first phase of development, or 0.5 acre, whichever is greater, as a neighborhood park. This requirement may be waived by the City where it can be demonstrated that the development parcel is too small to feasibly accommodate the park or inappropriately located to serve the needs of local residents, and when an in-lieu fee is paid to the City for the acquisition and improvement of other properties as parklands to serve the Airport Area. This requirement is in addition to, as applicable, the requirements of the Parkland Dedication Ordinance.

Specific to Banning Ranch, LU Policy 6.5.2 is applicable whether the City is in open space or is development. LU Policy 6.5.2 requires the accommodation of an active community park of “20 to 30 acres that contains active playfields that may be lighted and is of sufficient acreage to serve adjoining neighborhoods and residents of Banning Ranch, if developed.” The future development of a community park would be subject to separate development review and evaluation of potential environmental impacts.

With respect to the Coyote Canyon Focus Area, the proposed Housing Opportunity Overlay Zone for Subarea HO-5 requires any future residential development within this subarea to include a public park that is no less than 3.5 acres, in aggregate. Any future residential development would also be required to include public trails for the entire subarea that accommodate multiple modes of transit (i.e., walking and bicycling) and connect to nearby community resources, as well as the existing trail system. As part of the review for future development of the Coyote Canyon Focus area, the project applicant would be required to provide a detailed description of the public park and the trail system, including timing, dimensions, and location within the project site. The future development would be subject to separate development review and evaluation of potential environmental impacts.

As previously addressed, the City is divided into service areas for the "purposes of park planning and to equitably administer parkland dedications and fees provided by residential development." The proposed Project has housing sites in nine of the service areas; no housing sites are located in the Balboa Island or Balboa Peninsula service areas (**Table 4.14-1**). Where park fees are applicable, payment of fees would help offset the costs associated with the physical deterioration of existing facilities that may necessitate the construction of new facilities or and construction or construction or expansion of existing facilities.

Although all of the housing units assumed in this EIR may be constructed, it is reasonable to assume that not all of the future housing projects would be subject to payment of park fees because not all projects would require a subdivision. Although the City exceeds the Quimby Act provision of 3 acres of park area per 1,000 persons residing within a subdivision, the City has approximately 4.4 acres of improved/developed parkland for every 1,000 residents, the latter is less than the City's park dedication requirement of 5 acres per 1,000 persons (Municipal Code Chapter 19.52: Park Dedications and Fees). Although many of the future residential development projects would be required to provide either parkland or pay in-lieu fees, the increase in residential population has the potential to reduce the ratio of parkland to resident. It should be noted, that in addition to City parks, other recreational amenities are accessible to residents including but not limited to beaches, trails, and joint-use facilities. While there would be an increased use of parkland and recreational facilities resulting from the increase in residential population, the City provides for the maintenance and enhancement of parks and recreational facilities through various funding sources. These existing funding sources currently include, in addition to the Park Dedication Fee Ordinance, property taxes, and long-term Facility and Park Plans funding sources. Because of the City's commitment to the maintenance and enhancement of such facilities and exploration of potential future funding sources, increased use of existing parks and recreational facilities would not result in substantial physical degradation. Impacts would be less than significant. The potential construction of new facilities would be subject to CEQA review in the future either as a part of a future residential development project or potential new municipal recreational facilities proposed by the City.

Impact Summary: **Less Than Significant Impact.** The Project would increase the use of existing neighborhood, community and regional parks or other recreational facilities but would not result in the substantial physical deterioration of park and recreational uses. The construction of new or expansion of existing recreational facilities would be subject to subsequent environmental review.

4.14.7 Cumulative Impacts

Future housing development facilitated by the proposed Project, in conjunction with cumulative development within the City, would increase demands for recreational facilities, as indicated in the discussion above. Potential increased demands for recreational facilities from cumulative development would be evaluated on a case-by-case basis at the project level when future development is proposed. The increased use of parkland and recreational facilities resulting from the increase in residential population would not result in the physical deterioration of these facilities because of the commitment of the City to maintain and enhance park and recreational facilities. The proposed Project in combination with other future cumulative projects would not result in a cumulatively considerable impact.

4.14.8 Mitigation Program

All future housing development facilitated by the Project would be subject to the City's development review process, which may include review pursuant to CEQA, and would be assessed on a case-by-case basis for potential effects concerning recreation. Future housing development would be subject to compliance with relevant federal, State, and local requirements including requirements set forth in the Newport Beach General Plan and Newport Beach Municipal Code.

General Plan Policies

See **Section 4.14.2: Regulatory Setting** for complete policy text.

- Policy LU 6.15.13
- Policy LU 6.15.16
- Policy R 1.1
- Policy R 1.2
- Policy R 2.1

Coastal Land Use Plan Policies

See **Section 4.14.2: Regulatory Setting** for complete policy text.

- Policy 3.2.1-3
- Policy 3.2.1-4
- Policy 3.2.2-3

Mitigation Measures

No additional mitigation is required.

4.14.9 Level of Significance After Mitigation

Impacts related to parks and recreational facilities would be less than significant. .

4.14.10 References

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4.15 TRANSPORTATION

4.15.1 Introduction

This section evaluates potential transportation impacts resulting from the implementation of City of Newport Beach General Plan Housing Implementation Program (Project). The analysis area covers the entirety of the City and its Sphere of Influence (collectively referred herein as the City) as the 2021-2029 Housing Element applies citywide. However, the analysis is specifically focused on the housing sites as identified in **Section 3.0: Project Description**. The following discussion addresses applicable regulations, evaluates the proposed Project's consistency with applicable goals and policies, identifies and analyzes environmental impacts, and, if necessary, recommends measures to reduce or avoid adverse impacts anticipated from implementation of the proposed Project. This analysis has been prepared in accordance with CEQA requirements to evaluate potential transportation impacts based on vehicle miles traveled (VMT). The following analysis is based on the *Newport Beach Housing Element Update Vehicle Miles Traveled Analysis* prepared by Urban Crossroads (Urban Crossroads, 2023) and included as **Appendix F** to this Program EIR.

4.15.2 Regulatory Setting

Federal

Federal Transportation Improvement Program

The Federal Transportation Improvement Program (FTIP) is a federally mandated four year program of all surface transportation projects that will receive federal funding or are subject to a federally required action. The FTIP is a comprehensive listing of such transportation projects proposed over a six-year period. As the metropolitan planning organization (MPO) for the region, the Southern California Association of Governments (SCAG) is responsible for developing the FTIP for submittal to the California Department of Transportation (Caltrans) and the federal funding agencies.

The FTIP identifies specific funding sources and fund amounts for each project. It is prioritized to implement the region's overall strategy for providing mobility and improving the efficiency and safety of the transportation system, while supporting efforts to attain federal and State air quality standards for the region by reducing transportation related air pollution. Projects in the FTIP include highway improvements, transit, rail and bus facilities, high occupancy vehicle (HOV) lanes, high occupancy toll (HOT) lanes, signal synchronization, intersection improvements, freeway ramps, and non-motorized projects - bicycle and pedestrian.

The FTIP must include all federally funded transportation projects in the region, as well as all regionally significant transportation projects for which approval from federal funding agencies is required, regardless of funding source. Projects in the FTIP are consistent with SCAG's approved Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).

State

Statewide Transportation Improvement Program

Caltrans oversees the State's highway system. Caltrans is the public agency responsible for designing, building, operating, and maintaining the State's highway system, which consists of freeways, highways, expressways, toll roads, and State Right-of-Way (the area between the roadways and property lines). Caltrans is also responsible for permitting and regulating the use of State roadways. Caltrans' construction

practices require temporary traffic control planning during activities that interfere with the normal function of a roadway.

The California 2022 State Transportation Improvement Program (STIP), adopted by the California Transportation Commission on March 16, 2022, is a multi-year, statewide, intermodal program of transportation projects that is consistent with the statewide transportation plan and planning processes, metropolitan plans, and Code of Federal Regulations (CFR) Title 23. The STIP is prepared by Caltrans in cooperation with the metropolitan planning organizations and the regional transportation planning agencies. The STIP contains all capital and non-capital transportation projects or identified phases of transportation projects for funding under the Federal Transit Act and CFR Title 23, including federally funded projects. The STIP is the biennial five-year plan.

Congestion Management Program

State Proposition 111, passed by voters in 1990, established a requirement that urbanized areas prepare and regularly update a Congestion Management Program (CMP). The purpose of a CMP is to monitor the performance of the region's transportation system, develop programs to address near-term and long-term congestion, and better integrate transportation and land use planning. A CMP has been prepared for Orange County.

Assembly Bill 1358 – California Complete Streets Act

Assembly Bill (AB) 1358 or California Complete Streets Act, signed by former Governor Arnold Schwarzenegger on September 30, 2008, requires that the General Plan Circulation Elements “plan for a balanced multimodal transportation network that meets the needs of all users of streets, roads, and highways, defined to include motorists, pedestrians, bicyclists, children, persons with disabilities, seniors, movers of commercial goods, and users of public transportation, in a manner that is suitable to the rural, suburban, or urban context of the general plan.” Users are defined to include motorists, pedestrians, bicyclists, children, persons with disabilities, seniors, movers of commercial goods, and riders of public transportation.

Senate Bill 375: Sustainable Communities and Climate Protection Act

Senate Bill (SB) 375 (2008) is intended to reduce greenhouse gas (GHG) emissions from passenger vehicles through an integrated approach to regional transportation and land use planning. There is a strong link between land use, housing location decisions, and strategies to reduce emissions from the transportation sector. Within urbanized areas, residential development accounts for the largest share of land area, constituting a major influence on regional development footprints and travel patterns. As such, integrating transportation and residential land use is one of the most impactful strategies for reducing GHG emissions, as well as other forms of air pollution, for the transportation system. Governmental actions supporting the location, variety and availability of housing are critical to implementing GHG emissions reduction policies. This can support the integration of transportation and housing development, offering more varied and efficient consumer choices. Infill development patterns that emphasizes proximity and connectivity to public transit, walkable areas, employment and service centers and amenities can increase the effectiveness of these relationships. The City's adopted 2021-2029 Housing Element is required to be consistent with the Sustainable Communities Strategy (SCS) of the regional transportation plan prepared by Southern California Association of Governments (SCAG).

Senate Bill 325 - California Transportation Development Act¹

The Mills-Alquist-Deddeh Act (SB 325) was enacted by the California Legislature to improve existing public transportation services and encourage regional transportation coordination. Known as the Transportation Development Act of 1971, this law provides funding to be allocated to transit and non-transit related purposes that comply with regional transportation plans. It established two funding sources: the Local Transportation Fund (LTF) and the State Transit Assistance (STA) fund. The LTF is derived from a ¼ cent of the general sales tax collected statewide. The State Board of Equalization, based on sales tax collected in each county, returns the general sales tax revenues to each county's LTF. Each county then apportions the LTF funds within the county based on population. The STA funds are appropriated by the legislature to the State Controller's Office, who then allocates the tax revenue, by formula, to planning agencies and other selected agencies. STA funding can only be used for transportation planning and mass transportation purposes.

State Senate Bill 743

Senate Bill (SB) 743 was enacted in 2013 is to shift from level of service (LOS) to vehicle miles traveled (VMT) for assessing transportation impacts under CEQA. As a result, the Governor's Office of Planning and Research (OPR) amended the State CEQA Guidelines in December 2018 to clarify that a reduction in the level of service can no longer be considered an environmental impact under CEQA. LOS was replaced with VMT as the metric for transportation impact evaluations to encourage GHG emission reductions, support the development of multi-modal transportation networks, and promote a diversity of land uses. The City adopted local CEQA Guidelines to add significance thresholds and implementation procedures for the review of transportation-related impacts analysis in accordance with CEQA to clarify the local implementation procedures for SB 743 under City Council Policy K-3 (*Implementation Procedures for the California Environmental Quality Act*).

Regional and Local

SCAG 2020-2045 Regional Transportation Plan/Sustainable Communities Strategies

SCAG is responsible for most regional planning in Southern California. SCAG represents a six-county region that includes Orange, Imperial, Los Angeles, Riverside, San Bernardino, and Ventura counties and 189 cities. The City is part of the Orange County Council of Governments (OCCOG), which is a sub-region of the SCAG planning area. The *2020-2045 Regional Transportation Plan/Sustainable Communities Strategies* (RTP/SCS) or Connect SoCal Plan, is a long-range visioning plan that balances future mobility and housing needs with economic, environmental, and public health goals. The 2020-2045 RTP/SCS includes a strong commitment to reduce emissions from transportation sources to comply with SB 375, improve public health, and meet the National Ambient Air Quality Standards. This long-range plan, required by the State of California and the federal government, is updated by SCAG every four years as demographic, economic, and policy circumstances change. The RTP/SCS is a living, evolving blueprint for the region's future.²

Of the goals presented in Connect SoCal, the following six are applicable to transportation:

- Goal 2: Improve mobility, accessibility, reliability, and travel safety for people and goods.

¹ Caltrans. (2021) *Transportation Development Act*. <https://dot.ca.gov/programs/rail-and-mass-transportation/transportation-development-act#:~:text=The%20Mills-Alquist%20Deddeh%20Act%20%28SB%20325%29%20was%20enacted%20by,related%20purposes%20that%20comply%20with%20regional%20transportation%20plans>. Accessed November 29, 2023.

² Ibid.

- Goal 3: Enhance the preservation, security, and resilience of the regional transportation system.
- Goal 4: Increase person and goods movement and travel choices within the transportation system.
- Goal 7: Adapt to a changing climate and support an integrated regional development pattern and transportation network.
- Goal 8: Leverage new transportation technologies and data-driven solutions that result in more efficient travel.
- Goal 9: Encourage development of diverse housing types in areas that are supported by multiple transportation options.

Orange County Transportation Authority Long Range Transportation Plan

The Orange County Transportation Authority (OCTA) is the regional agency responsible for overseeing the regional transportation system, the County Master Plan of Arterial Highways (MPAH), and local agency compliance with regional and statewide programs such as the Congestion Management Plan (CMP). The Orange County Transportation Authority (OCTA) is the state-designated County Transportation Commission. In this role, OCTA prepares a Long Range Transportation Plan every four years to provide a system-level vision for Orange County. This vision considers a forecast of available revenues, changing demographics, and any other significant trends. The *Directions 2045 Long Range Transportation Plan* (May 2023) acts as local input for SCAG's RTP/SCS. It is a blueprint for Orange County's transportation future through 2045 for all transportation modes, including freeways, roadways, buses, and rail transit. The LRTP is the vehicle by which OCTA plans for the County's transportation, in response to changing trends in population and workforce, where residents live, how they commute, the dollars available to carry out transportation solutions, environmental priorities, and the policies and programs that foster mobility.

Orange County Congestion Management Program

The passage of Proposition 111 in June 1990 established a process for each metropolitan county in California, including Orange County, to prepare a Congestion Management Plan (CMP). The following year, Orange County's local governments designated the OCTA as the Congestion Management Agency (CMA) for the County. As a result, OCTA is responsible for the development, monitoring, and biennial updating of Orange County's CMP. The Orange County CMP was originally adopted in 1991 and updated most recently in 2023. The goals of Orange County's CMP are to support regional mobility objectives by reducing traffic congestion; to provide a mechanism for coordinating land use and development decisions that support the regional economy; and to support gas tax funding eligibility. To meet these goals, the CMP contains a number of policies designed to monitor and address system performance issues.

Local

City of Newport Beach General Plan

The Newport Beach General Plan was adopted by the City Council on July 25, 2006 and approved on November 7, 2006. On October 25, 2022, the General Plan Circulation Element was adopted by the City Council to comply with State law mandates including "Complete Streets" and Vehicle Miles Traveled (VMT) legislation. The updated Circulation Element includes new and revised goals and policies to provide for a balanced transportation network that will support and encourage walking, bicycling, and transit ridership.

The following General Plan goals and policies that have been adopted by the City for the purpose of avoiding or mitigating an environmental effect are applicable to future development projects associated with the proposed Project.

Circulation Element

- Goal CE 1.1** **An overall transportation system that facilitates the movement of people and goods within and through the City of Newport Beach and accommodates conservative growth within the City of Newport Beach but is not expanded primarily to accommodate growth in the surrounding region.**
- Policy CE 1.1.1** **Comprehensive Transportation System.** Provide a diverse transportation system that provides mobility options for the community.
- Policy CE 1.1.2** **Integrated System of Multiple Modes.** Provide an integrated transportation system that supports the land use plan set forth in the Land Use Element.
- Goal CE 2.1** **A roadway system with no significant gaps that provides for the efficient movement of goods and people in the City of Newport Beach, while maintaining the community's character and its residents' quality of life.**
- Policy CE 2.1.2** **Street and Highway Network.** Construct the circulation system described on the map entitled Newport Beach Circulation Element-Master Plan of Streets and Highways shown in Figure CE1 and Figure CE2 (cross-section).
- Goal CE 2.2.** **A safe and efficient roadway system.**
- Policy CE 2.2.5** **Driveway and Access Limitations.** Limit driveway and local street access on arterial streets to maintain a desired quality of traffic flow and limit hazards to active transportation modes. Wherever possible, consolidate and/or reduce the number of driveways and implement access controls during redevelopment of adjacent parcels.
- Policy CE 2.2.7** **Emergency Access.** Provide all residential, commercial, and industrial areas with efficient and safe access for emergency vehicles. An emergency evacuation map shall be prepared as part of an updated Safety Element.
- Policy CE 2.2.8** **Alleys.** Alleys in new developments shall be 20' wide to facilitate circulation.
- Goal CE 2.3** **Optimal roadway system operation.**
- Policy CE 2.3.3** **New Development Maintenance Responsibility.** Ensure minimization of traffic congestion impacts and parking impacts and ensure proper roadway maintenance through review and approval of Construction Management Plans associated with new development proposals in residential neighborhoods.
- Goal CE 5.1** **A transportation system that supports Complete Streets policies and design.**
- Policy CE 5.2.6** **Pedestrian Improvements in New Development Projects.** Require new development projects to include safe and attractive sidewalks, walkways, and bike lanes in accordance with the Master Plan, and, if feasible, trails.
- Policy CE 5.2.7** **Linkages to Citywide Trail System and Neighborhoods.** Require developers to construct links to the planned trail system, adjacent areas, and communities where appropriate.

- Policy CE 5.2.11 Bicycle Supporting Amenities.** Require bicycle facilities such as bike racks, bike stations, or lockers according to national standards for long-term and short-term bicycle utilization on City property and with new development and encourage the addition of such bicycle facilities within existing development.
- Goal CE 5.4 Completion of pedestrian infrastructure where planned and necessary.**
- Policy CE 5.4.1 Pedestrian Street Crossings.** Continue to implement improved pedestrian crossings, such as lighted crosswalk installations, in key high-volume areas such as Corona Del Mar, Mariners' Mile, West Newport, Airport Area, Newport Center/Fashion Island, and the Balboa Peninsula.
- Policy CE 5.4.2 Overhead Pedestrian Street Crossings.** Consider overhead pedestrian crossings in areas where pedestrian use limits the efficiency of the roadway or signalized intersection and/or where an overhead crossing provides for improved pedestrian safety.
- Policy CE 5.4.6 Bicycle and Pedestrian Safety.** Provide for the safety of bicyclists and pedestrians through provision of adequate facilities, including review of locations where sidewalk use by bicyclists is appropriate, consideration of separate facilities for e-bikes or other semi-motorized modes, and maintenance and construction of extra sidewalk width where feasible.
- Goal CE 7.1 Promote strategies to reduce the use of internal combustion passenger cars and the attendant greenhouse gas emissions.**
- Policy CE 7.1.1 Vehicle Miles Traveled (VMT) Analysis.** Follow the analysis methodology for vehicle miles traveled according to the Newport Beach VMT thresholds policy and as required in Senate Bill 743 and the revised California Environmental Quality Act (CEQA) Guidelines.
- Policy CE 7.1.2 VMT Mitigation Measures.** Require implementation of CEQA project related VMT mitigation measures when warranted and monitor reductions in VMT from new development.
- Policy CE 7.1.4 Alternative Transportation Modes and Practices.** Promote and encourage the use of alternative transportation modes, such as ridesharing, carpools, vanpools, public transit, bicycles, walking, and telecommuting programs, through the planning and development of a Complete Streets master plan and design guide.
- Policy CE 7.1.5 Support Facilities for Alternative Modes.** Require new development projects to provide facilities commensurate with development type and intensity to support alternative modes, such as preferential parking for carpools, bike racks, bike stations, bicycle lockers, showers, commuter information areas, rideshare vehicle loading areas, water transportation docks, and bus stop improvements.
- Policy CE 7.1.7 Project Site Design Supporting Alternative Modes.** Encourage increased use of public transportation by requiring project site designs that facilitate the use of public transportation and walking.
- Goal CE 8.1 An adequate supply of convenient parking throughout the City.**

- Policy CE 8.1.1** **Required Parking.** Require that new development provide adequate, convenient parking for residents, guests, business patrons, and visitors.
- Policy CE 8.1.9** **Shared Parking Facilities.** Consider allowing shared parking in mixed use and pedestrian oriented areas throughout the City.
- Policy CE 8.1.10** **Parking Configuration.** Site and design new development to avoid use of parking configurations or management programs that are difficult to maintain and enforce.
- Policy CE 8.1.13** **Curb Cuts.** Require new development to minimize curb cuts to protect on-street parking spaces. Close curb cuts to create on street parking spaces wherever feasible.
- Policy CE 8.1.14** **Alley Access.** Require alley access to parking areas for all new development in areas where alley access exists.
- Goal CE 9.1** **Adequate funding for needed transportation infrastructure and operations including support of measures for outside funding of transportation improvements.**
- Policy CE 9.1.9** **Right-of-Way Dedication.** Require the dedication of needed right-of-way in conjunction with approval of subdivision maps or other discretionary approvals.
- Policy CE 9.1.10** **Development Requirements.** Require development to provide the needed roadway improvements adjacent to a site, commensurate with project impact and in accordance with the Master Plan of Streets and Highways.
- Policy CE 9.1.12** **Measure M Restrictions.** Measure M sales tax revenues shall not be used to replace private developer funding that has been committed for any project or normal subdivision obligations.

Land Use Element

- Goal LU 6.15** **A mixed-use community that provides jobs, residential, and supporting services in close proximity, with pedestrian-oriented amenities that facilitate walking and enhance livability.**
- Policy LU 6.15.18** **Walkable Streets.** Retain the curb-to-curb dimension of existing streets, but widen sidewalks to provide park strips and generous sidewalks by means of dedications or easements. Except where traffic loads preclude fewer lanes, add parallel parking to calm traffic, buffer pedestrians, and provide short-term parking for visitors and shop customers.
- Policy LU 6.15.19** **Connected Streets.** Require dedication and improvement of new streets as shown on Figure LU23. The illustrated alignments are tentative and may change as long as the routes provide the intended connectivity. If traffic conditions allow, connect new and existing streets across Macarthur Boulevard with signalized intersections, crosswalks, and pedestrian refuges in the median.
- Policy LU 6.15.20** **Pedestrian Improvements.** Require the dedication and improvement of new pedestrian ways as conceptually shown on Figure LU23. The alignment is tentative and may change as long as the path provides the intended connectivity. For safety, the full length of pedestrian ways shall be visible from intersecting streets. To maintain an intimate scale and to shade the path with trees, pedestrian ways should not be sized as fire lanes. Pedestrian ways shall be open to the public at all hours.

City of Newport Beach Local Coastal Program

The Coastal Act requires each local jurisdiction wholly or partly within the coastal zone to prepare a Local Coastal Program (LCP), which is used to carry out California Coastal Act polices and requirements. The City lies partly within the coastal zone. The City received certification of its LCP with an effective date of January 30, 2012. The City's LCP addresses matters relevant to transportation. The LCP Coastal Land Use Plan policies relevant to the Project are provided below.

Transportation

- Policy 2.9.1-2** Continue to require new development to dedicate transit facilities, such as bus turnouts, benches, shelters and similar facilities, where appropriate.
- Policy 2.9.1-3** Locate and design larger commercial and residential developments to be served by transit and provide non-automobile circulation to serve new development to the greatest extent possible.
- Policy 2.9.1-10** Encourage new developments to design projects to facilitate transit ridership and ridesharing through such means as locating and designing building entries that are convenient to pedestrians and transit riders.
- Policy 2.9.2-4** Design and site new development to provide connections to existing and proposed bikeways and trail systems.
- Policy 2.9.3-1** Site and design new development to avoid use of parking configurations or parking management programs that are difficult to maintain and enforce.
- Policy 2.9.3-2** Continue to require new development to provide off-street parking sufficient to serve the approved use in order to minimize impacts to public on-street and off-street parking available for coastal access.
- Policy 2.9.3-3** Require that all proposed development maintain and enhance public access to the coast by providing adequate parking pursuant to the offstreet parking regulations of the Zoning Code in effect as of October 13, 2005.
- Policy 2.9.3-5** Continue to require off-street parking in new development to have adequate dimensions, clearances, and access to insure their use.
- Policy 2.9.3-6** Prohibit new development that would result in restrictions on public parking that would impede or restrict public access to beaches, trails or parklands, (including, but not limited to, the posting of "no parking" signs, red curbing, and physical barriers), except where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety.
- Policy 2.9.3-7** If public parking restrictions are allowed to protect public safety, require new development to provide an equivalent quantity of public parking nearby as mitigation for impacts to coastal access and recreation, where feasible.
- Policy 2.9.3-10** Require new development to minimize curb cuts to protect on-street parking spaces. Close curb cuts to create new public parking wherever feasible.
- Policy 2.9.3-11** Continue to require alley access to parking areas for all new development in areas where alley access exists.

Policy 2.9.3-14 Develop parking management programs for coastal zone areas that achieve the following:

- Provides adequate, convenient parking for residents, guests, business patrons, and visitors of the coastal zone;
- Optimizes use of existing parking spaces;
- Provides for existing and future land uses;
- Reduces traffic congestion;
- Limits adverse parking impacts on user groups;
- Provides improved parking information and signage;
- Generates reasonable revenues to cover City costs; and
- Accommodates public transit and alternative modes of transportation.

Newport Beach Capital Improvement Program³

The City's Capital Improvement Plan (CIP) serves as a plan for the provision of public improvements, special projects, ongoing maintenance programs and implementation of the City's master plans. The CIP budget supports the City's stated budget principles:

- keeping the community safe;
- providing quality mix of services that Newport Beach residents expect in a cost effective manner;
- keeping Newport Beach looking great;
- maintaining a fiscally stable and sustainable city government; and
- providing government transparency to the citizenry.

The CIP is prepared in conjunction with the budget process and is reviewed annually to meet changing needs, priorities, and financial conditions.

City of Newport Beach Municipal Code

Chapter 9.04 Fire Code. The City has adopted the 2022 California Fire Code including subsequent amendments and appendices. Newport Beach Municipal Code (Municipal Code) 9.04.110 – 160 include amendments to Section 503.2 of the Fire Code, which includes minimum dimensions for fire apparatus access roads, turning radius, dead ends, and grades.

Chapter 15.40 Traffic Phasing Ordinance. The City of Newport Beach adopted a Traffic Phasing Ordinance (Municipal Code Title 15, Chapter 15.40, Traffic Phasing Ordinance) to meet the following objectives: (1) to provide a uniform method of analyzing the traffic impacts of projects that generate a substantial number of average daily trips and/or trips during the morning or evening peak hour period; (2) to identify the specific and near-term impacts of a project's traffic as well as circulation system improvements that will accommodate project traffic and ensure that development is phased with identified circulation system improvements; (3) to ensure that project proponents make or fund circulation system improvements that mitigate the specific impacts of project traffic on primary intersections at or near the

³ City of Newport Beach (2023). *City of Newport Beach Fiscal Year 2023-24 Through 2028-29 Capital Improvement Program*. <https://www.newportbeachca.gov/government/departments/public-works/capital-improvement-program>. Accessed November 30, 2023.

time the project is ready for occupancy; and (4) to provide a mechanism for ensuring that a project's cost of mitigating traffic impacts is roughly proportional to project impacts.

TPO requirements differ from CEQA requirements. VMT is the CEQA significance criteria for the assessment of potential traffic impacts. Level of service (LOS) is used by the City for non-transportation projects where construction of all phases is anticipated to be complete within 60 months of project approval and where the project would generate 300 or more daily trips or increase trips by one percent or more on any leg of any primary intersection. Because no project-specific development is proposed as a part of this Project, the TPO is not applicable.

Chapter 20.44 Transportation Demand Management Requirements.⁴ The purpose of Chapter 20.44 is to implement the requirements of Orange County's Congestion Management Program. The City's Transportation Demand Management (TDM) Ordinance was established to help mitigate potential impacts of development projects on mobility, congestion, and air quality, as well as to promote TDM strategies. The City uses the TDM Ordinance to encourage changes in individual travel behavior, where certain TDM activities are made mandatory by the ordinance.

City Council Policy L-26 (Traffic Management Policy)

Local roadways are planned to accommodate traffic circulating the local village or neighborhood they serve. Keeping regional traffic off of local streets preserves right-of-way for its intended use and for use by other transportation modes. In recognition of the need to discourage non-local cut-through traffic from using residential streets, the City Council adopted Policy L-26 (Traffic Management Policy) in 2006 (last amended in 2018). This policy provides tools and a process for managing the speed and volume of vehicles on residential streets and implementing considered responses that do not simply shift cut-through traffic from one residential street to another.

Newport Beach Bicycle Master Plan

The City Council adopted the City of Newport Beach Bicycle Master Plan in October 2014, which provides a broad vision, as well as strategies and actions, to improve conditions for bicycling throughout the City. The Bicycle Master Plan provides direction for expanding the existing bikeway network, connecting gaps within the City, and connecting to adjacent cities. In addition, the Master Plan provides recommendations for education, encouragement, enforcement, and evaluation programs.

4.15.3 Existing Conditions

Transportation Infrastructure

Regional Facilities

Regional access to the City is provided from the Corona del Mar Freeway/San Joaquin Hills Transportation Corridor (State Route [SR] 73), Interstate 405 (I-405), State Route 55 (SR-55), Newport Boulevard, and Pacific Coast Highway (Coast Highway).

⁴ City of Newport Beach. *City of Newport Beach Municipal Code – Chapter 20.44 Transportation Demand Management Requirements*. <https://www.codepublishing.com/CA/NewportBeach/#!/NewportBeach20/NewportBeach2044.html#20.44>. Accessed November 30, 2023.

Existing Roadway Classifications

The General Plan Circulation Element categorizes the City's street system according to its use by various modes of travel, including passenger vehicle, transit, bicycle, and pedestrian uses. The street categories are: Principal Arterial, Major Arterial, Primary Arterial, Secondary Arterial, and Commuter Roadway.

Principal Arterial. A Principal Arterial Highway is typically an eight-lane divided roadway. A Principal arterial is designed to accommodate a daily capacity ranging from 45,000 to 60,000 vehicles per day. Principal arterials carry a large volume of regional through traffic not handled by the freeway system.

Major Arterial. A Major Arterial highway is typically a six-lane divided roadway. A Major Arterial is designed to accommodate a daily capacity ranging from 30,000 to 45,000 vehicles per day. Major arterials carry a large volume of regional through traffic not handled by the freeway system. A Major Augmented is similar to a Major Arterial but may include additional lanes, particularly at intersections, resulting in a daily capacity ranging from 52,000 to 70,000 vehicles per day.

Primary Arterial. A Primary Arterial highway is usually a four-lane divided roadway. A Primary Arterial is designed to accommodate a daily capacity ranging from 20,000 to 30,000 vehicles per day. A Primary arterial's function is similar to that of a Principal or Major arterial. The chief difference is capacity. A Primary Augmented is similar to a Primary arterial, but may include additional lanes, particularly at intersections, resulting in a daily capacity ranging from 35,000 to 50,000 vehicles per day.

Secondary Arterial. A Secondary Arterial highway is a four-lane roadway (often undivided). A Secondary arterial distributes traffic between local streets and Major or Primary arterials. Although some Secondary arterials serve as through routes, most provide more direct access to surrounding land uses than Principal, Major, or Primary arterials. Secondary arterials carry a daily capacity ranging from 10,000 to 20,000 vehicles per day.

Commuter Roadway—A commuter roadway is a two-to-four-lane, unrestricted access roadway with a daily capacity ranging from 7,500 to 15,000 vehicles per day. It differs from a local street in its ability to handle through traffic movements between arterials.

Public Transportation

Bus Service

The Orange County Transportation Authority (OCTA) provides fixed route bus service and on-demand paratransit service (such as the one at the Oasis Senior Center provided for seniors) to Orange County, inclusive of Newport Beach. OCTA operates the following routes through the City:

- Route 1 - Long Beach to San Clemente via Pacific Coast Highway
- Route 47 - Fullerton to Balboa via Anaheim Boulevard/Fairview Street
- Route 55 – Santa Ana to Newport Beach via 17th Street, Dover, Pacific Coast Highway, Newport Center
- Route 57 – Brea to Newport Beach via Jamboree Road and Newport Center Drive
- Route 71 - Yorba Linda to Newport Beach via Newport Boulevard
- Route 79 – Tustin to Newport Beach via Ford Road and San Miguel Drive

OCTA occasionally revises their service schedule based on increased or decreased public transportation use on routes. **Figure 4.15-1: Existing Bus Routes in Newport Beach** shows year-round OCTA bus routes in the City of Newport Beach. Bus routes where service is every 15 minutes (or more frequent) is shown on the exhibit.

Ferry Service

Ferry service between Balboa Island and Balboa Peninsula provides a transportation connection for pedestrians, bicyclists, and automobile travelers.

Trails

Bicycle Facilities. See **Figure 4.15-2: Newport Beach Bikeways** for the existing bikeways within the City. The General Plan Circulation Element identifies the following classifications of bicycle facilities:

- Bicycle Path (Caltrans Class I). Provides for bicycle travel on a paved right-of-way separated from any street or highway. Includes sidewalk adjacent to street.
- Bicycle Lane (Caltrans Class II). Provides a striped and stenciled lane for bicycle travel on a street or highway.
- Bicycle Route (Caltrans Class III). Provides for a shared use with motor vehicle traffic and may be identified by signing. Stencil markings identifying a recommended position for bicycles may also be provided.
- Cycle Track (Caltrans Class IV). An on-road facility separated from vehicle traffic by a physical barrier.
- Bicycle Trail. Provides a dirt pathway designated for the use of bicycles and pedestrians completely separated from motor vehicle traffic

According to the Bicycle Master Plan (2014), the City has approximately 93 miles of bicycle facilities. The City has off-street bike paths primarily along parts of Coast Highway, Irvine Avenue, University Drive, Jamboree Road, Spyglass Hill Road, San Joaquin Hills Road, and in the San Diego Creek Channel along Newport Bay and through Buffalo Hills Park.

Pedestrian Facilities. Pedestrian infrastructure includes a network of sidewalks and marked crosswalks to improve the safety, comfort and visibility of pedestrians. The City contains a variety of pedestrian and multi-use facilities. These include sidewalks through developed areas, the oceanfront boardwalk on the Balboa Peninsula, bayfront walkways, and trails along Upper Newport Bay and in open space areas. A majority of the housing sites are located within developed and urbanized areas in the City, and likely have existing pedestrian facilities in the vicinity. Only 20 candidate housing sites are currently undeveloped, and would likely require extension of pedestrian facilities during future development. The Circulation Element further notes that the City will consider providing more bayfront walkways in the Balboa Peninsula area and Mariners' Mile. These walkways would help accommodate high pedestrian volumes while also providing an alternative network separate from high vehicle volume streets. In addition, overhead pedestrian crossings should be considered to improve pedestrian safety.

Equestrian Trails. Equestrian trails are primarily located in Santa Ana Heights. These trails, and other equestrian facilities, are highly valued by residents of this area and provide regional recreation opportunities as well.



LEGEND:

- ① = BUS ROUTE
- = BUS STOP

Figure 4.15-1: Existing Bus Routes in Newport Beach
 City of Newport Beach General Plan Housing Implementation
 Program Environmental Impact Report

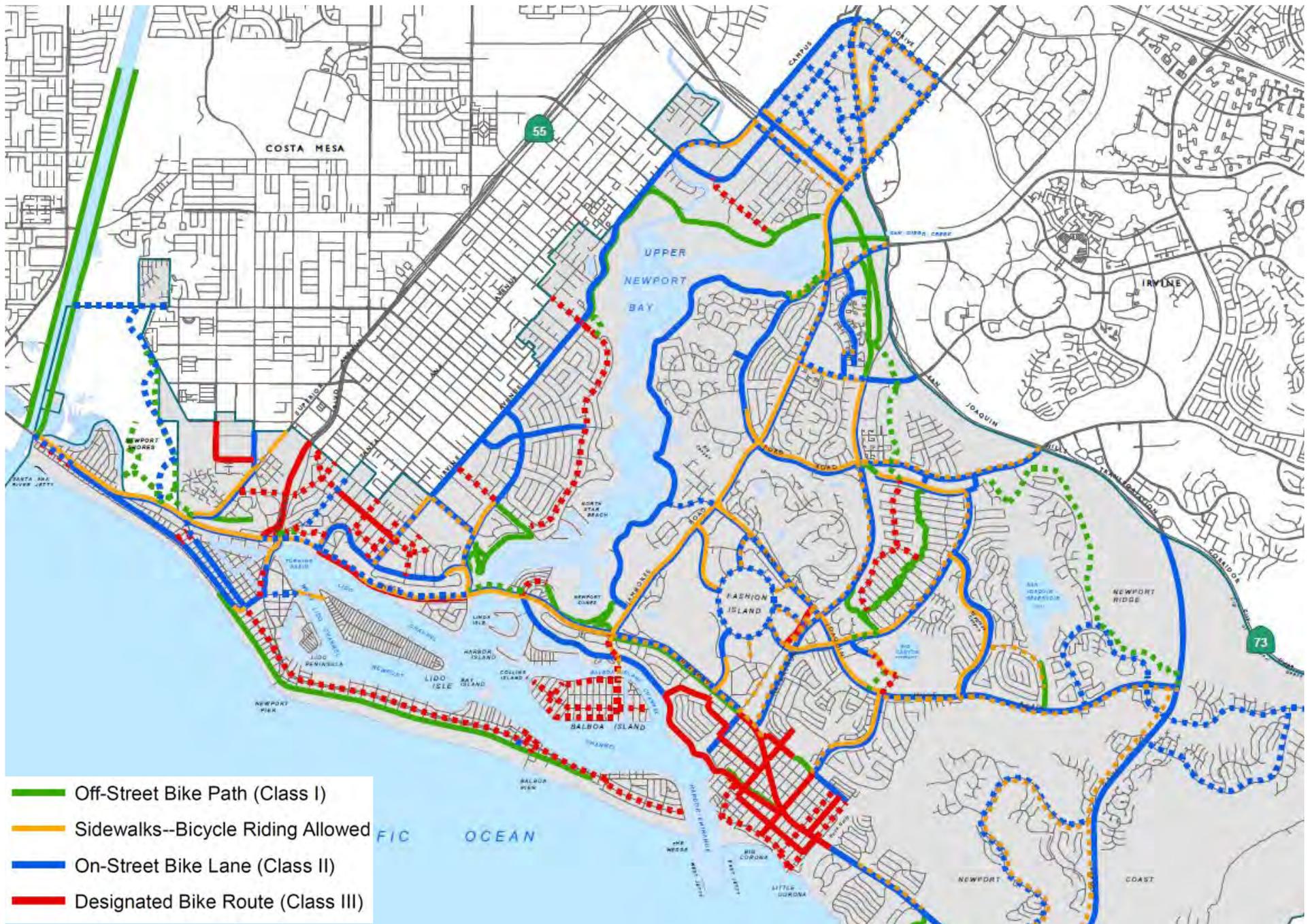


Figure 4.15-2: Newport Beach Bikeways
 City of Newport Beach General Plan Housing Implementation
 Program Environmental Impact Report

4.15.4 Thresholds of Significance

The City uses the thresholds of significance specified in the *State CEQA Guidelines Appendix G Environmental Checklist Form*. According to *Appendix G of the State CEQA Guidelines*, the Project could potentially have a significant transportation-related impact if it would:

- Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.
- Conflict or be inconsistent with CEQA Guidelines Section 15064.3(b).
- Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- Result in inadequate emergency access.

4.15.5 Methodology

To determine whether the proposed Project would result in a significant impact related to conflict with a program, plan, ordinance, or policy related to the effectiveness of the circulation system, the extent to which the proposed Project addressing the circulation system including the use of public transit, pedestrian, and bicycle mobility, the proposed Project was compared to adopted plans. A significant impact would result if the proposed Project resulted in a conflict that could result in an impact on the environment.

As outlined in CEQA Guidelines Section 15064.3, except as provided for roadway capacity transportation projects, a project's effect on automobile delay shall not constitute a significant environmental impact. This analysis has been prepared in accordance with CEQA requirements to evaluate potential transportation impacts based on VMT. The *Newport Beach City SB 743 VMT Implementation Guide* identifies the recommended methodology for conducting VMT assessments for Land Plans (per Chapter 6). The City has determined that the Service Population assumptions apply to the proposed Project.

... to compare the existing VMT per service population for the land plan area with the expected horizon year VMT per service population. The recommended target is to achieve a lower VMT per service population in the horizon year with the proposed land plan than occurs for the existing condition.

Service Population. Service Population (SP) is comprised of the total population (residents in a single-family unit, multi-family unit, apartment, elderly residential unit, or mobile home) combined with the total employment (employees in an office, commercial area, industrial area, etc.). By focusing on VMT/Service Population, comparisons can be made regarding vehicle miles per community member who lives and/or works in the area. SP is a measure of human activity used to develop an efficiency metric, normalizing the VMT to provide an "apples-to-apples" comparison (by dividing the VMT by total population and employment in the area) resulting in VMT/SP.

Newport Beach Transportation Model

The Newport Beach Transportation Model (NBTM) is a computer simulation tool that is used to calculate VMT as it considers interaction between different land uses based on socio-economic data such as population, households and employment.

Project VMT has been calculated using the most current version of NBTM, which was updated in 2020 to use current procedures consistent with the subregional Orange County Transportation Analysis Model (OCTAM) and reflects current land use and roadway conditions in Newport Beach. The NBTM is a sub-area model of OCTAM, accounting for regional transportation supply and demand and incorporates recent changes to the existing and planned circulation system since the City of Newport Beach 2006 General Plan (e.g., removal of the 19th Street Bridge) as well as land use changes. Because the NBTM is based upon OCTAM and incorporates the General Plan, future analysis also reflects 2006 General Plan Buildout (2040) baseline conditions.

The representation of the surrounding area reflects the currently adopted County roadway network and demographic data throughout Orange County and beyond.

In the NBTM, Traffic Analysis Zones (TAZs) are used to identify land areas for purposes of aggregating individual land uses to a level of detail suitable for local area modeling. To ensure appropriate traffic access to/from the arterial roadway system, TAZs generally are bordered by arterial (or smaller) roadways without crossing main network features. In areas of dense network and land use features such as the Airport Area Focus Area or West Newport Focus Area, the TAZ level of detail is important to provide representation of roadway network features and access points. This TAZ structure provides information for traffic modeling interactions within the City and to surrounding areas. Further away from the City, the NBTM TAZs conform to the OCTAM TAZs. The level of TAZ structure detail in the City of Newport Beach is intended to support accurate forecasting of traffic on arterial roadways (as well as study area freeways) within the study area.

4.15.6 Project Impacts and Mitigation

Threshold 4.15-1	Would the Project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
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SCAG and the City have adopted programs, plans, ordinances, and policies that establish the planning framework to achieve a safe, accessible, and sustainable transportation system for all users.

SCAG Connect SoCal

Connect SoCal aims to reduce or limit new trip generation and associated regional growth in traffic congestion and VMT by focusing growth, density, and land use intensity within existing urbanized areas. Connect SoCal also strives to enhance the existing transportation system, maximize multi-modal transportation, and integrate land use into transportation planning. Connect SoCal recommends local jurisdictions accommodate future growth within existing urbanized areas to reduce VMT, congestion, and greenhouse gas (GHG) emissions.

Project implementation would not, in and of itself, construct new housing in the City but would facilitate the development of residential units in existing urbanized areas by providing programs and policies that would promote housing for all persons. The Project supports these goals by providing opportunities for future housing throughout the City, including the integration of multi-unit housing in areas of the community that have historically been jobs rich. The 2021-2029 Housing Element identifies goals, policies, and programs to further the City's overall housing policy goal to encourage a more diverse, sustainable, and balanced community through implementation of strategies and programs that will result in

economically and socially diversified housing choices that preserve and enhance the special character of Newport Beach.

The Project is consistent with and would assist the City in meeting Connect SoCal Goal 9, to encourage development of diverse housing types in areas that are supported by multiple transportation options. Future housing projects are expected to include mixed-use developments and a mix of market rate and affordable housing units, which would help the City improve mobility through a better jobs-housing balance.

Newport Beach General Plan

As stated in the General Plan Circulation Element, “The goals and policies in the Circulation Element are balanced with the goals and policies of the Land Use and Housing Elements in order to provide a correlation between land use and transportation planning. In so doing, the General Plan provides the best possible balance between the City’s future growth, service levels for all travel modes, and community character.”⁵ **Section 4.10: Land Use and Planning**, evaluates the Project’s consistency with the General Plan and Local Coastal Program. The analysis found that the Project would not conflict with an adopted land use plan, policy, or regulation adopted for the purpose of for avoiding or mitigating an environmental effect.

Additionally, future housing development facilitated by the Project would also be subject to compliance with General Plan Circulation Element Policy CE 2.2.4, which requires designing traffic controls to ensure the roadway network functions safely and efficiently for vehicles, bicycles, and pedestrians. Policy CE 5.2.6 requires that new development projects include safe and attractive sidewalks, walkways, and bike lanes. Finally, all future housing development facilitated by the Project and subject to rezoning and within overlay zones would also be subject to Municipal Code Chapter 15.38.050, which requires fair share contribution to construct circulation system improvements that improve the efficiency of the circulation system. Thus, compliance with applicable General Plan Circulation Element policies and Municipal Code would ensure that future housing development projects facilitated by the Project would not conflict with programs addressing the circulation system.

Newport Beach Municipal Code

Future housing development facilitated by Project would be subject to compliance with the City’s Traffic Phasing Ordinance under Municipal Code Chapter 15.40, which requires preparation of a traffic study for applicable projects that generates more than 300 average daily trips or increase trips by one percent or more on any leg of any primary intersection, and where construction of all phases is anticipated to be complete within 60 months of project approval. The level of service traffic study would analyze and evaluate traffic impacts and require projects to make or fund circulation system improvements that mitigate the specific effects of project traffic on primary intersections at or near the time the project is ready for occupancy.

Following compliance with Circulation Element policies and Municipal Code policies, the Project’s potential to conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle, and pedestrian facilities would be less than significant. The proposed Project is consistent with City policies to support and promote alternative transportation. Additionally, the Project would not modify any public road or introduce features that would affect vehicular, pedestrian, or bicycle

⁵ Newport Beach General Plan Circulation Element, page 7-2.

circulation in the vicinity of housing sites. The proposed Project would not displace any existing bus stops or decrease the performance or safety of any existing sidewalk, crosswalk, or bikeway.

Impact Summary: **Less than Significant Impact.** The proposed Project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. Project compliance with existing General Plan policies and Municipal Code would reduce impacts to a less than significant level.

Threshold 4.15-2 Would the Project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

Based on the Governor’s Office of Planning and Research (OPR) *Technical Advisory on Evaluating Transportation Impacts in CEQA* (December 2018), the City has adopted VMT Significance Criteria and Thresholds and the *City SB 743 VMT Implementation Guide*, together referred to as the “City Guidelines”, as adopted by the City Council on June 9, 2020. The City’s Guidelines are consistent with the VMT analysis methodology recommended by OPR. The proposed Project’s VMT Analysis (Urban Crossroads, September 2023) uses the City Guidelines.

Project implementation would not, in and of itself, construct new housing in the City but would facilitate the development on identified housing sites. Although the Project area encompasses the entire area within the City limits, the areas affected by the proposed policy amendments and housing overlays are limited to 247 housing sites (see **Figure 3-2 in Section 3.0: Project Description**). The proposed Project’s VMT calculation summary is provided in **Table 4.15-1: Citywide VMT Calculation Summary**.

Table 4.15-1: Citywide VMT Calculation Summary			
VMT Calculation Variable	Existing	General Plan	
		2006 Baseline (Buildout Land Use)	Proposed Project
Home Based VMT	1,524,250	1,814,832	2,150,419
Population	89,562	100,815	117,102
<i>Home Based VMT per Capita</i>	<i>17.1</i>	<i>18.0</i>	<i>18.4</i>
Commute VMT	1,813,775	2,297,798	2,117,144
Employees	75,561	85,552	85,842
<i>Commute VMT per Employee</i>	<i>24.0</i>	<i>26.9</i>	<i>24.7</i>
VMT	5,096,931	6,006,700	6,139,436
Service Population	165,123	186,367	202,944
VMT / Service Population¹	30.9	32.2	30.3
Employed Residents	53,918	62,303	73,471
<i>Employees / Employed Resident</i>	<i>1.40</i>	<i>1.37</i>	<i>1.17</i>
Notes:			
1. Service Population (SP) is a measure of human activity used to develop an efficiency metric, normalizing the VMT to provide an “apples-to-apples” comparison (by dividing the VMT by total population and employment in the area) resulting in VMT / SP.			
Source: Urban Crossroads, 2023. <i>Newport Beach General Plan Housing Element Update (HEU) Vehicle Miles Traveled (VMT) Analysis</i> .			

As previously addressed, the City has determined that the Service Population assumptions apply to the proposed Project. The Service Population (SP) is the total population (residents in a single-unit, multi-unit, apartment, elderly residential unit, or mobile home) combined with the total employment (employees in an office, commercial area, industrial area, etc.). By focusing on VMT/Service Population (VMT/SP) comparisons can be made regarding whether a plan involves less vehicle miles per community member who lives and/or works in the area. The recommended target is to achieve a lower VMT per service population in the horizon year with the proposed land plan than occurs for the existing condition.

As shown in **Table 4.15-1**, the total VMT for the City is identified for all trip types and all potential VMT contributors within the analysis area. The procedure for evaluating VMT for land plans involves comparing the existing plan area VMT/SP with the expected horizon year VMT/SP. The target is to achieve a lower VMT/SP in the horizon year with the proposed land plan than occurs for the existing condition.

The Existing Citywide VMT is 5,096,931, generated by a Service Population (population + employees) of 165,123 SP, resulting in 30.9 VMT/SP. The VMT for the proposed Project is 6,139,436, generated by a Service Population of 202,944 SP, resulting in 30.3 VMT/SP, a decrease of 0.6 VMT/SP from existing conditions. This suggests that the proposed Project would decrease the amount of travel per individual that is forecast to occur in comparison to the existing conditions.

The General Plan Baseline (Buildout Land Use) was analyzed to determine, at a programmatic level, whether the proposed Project would improve or worsen the VMT in comparison to the City's horizon year No Project condition. The Buildout Land Use VMT would be 6,006,700, generated by a Service Population of 186,367 SP, resulting in 32.2 VMT/SP. A comparison of the VMT indicates that from Existing to Buildout Land Use there is an increase of 909,769 VMT. The proposed Project VMT/SP is lower in comparison to the Buildout Land Use VMT/SP. The VMT/SP for the Buildout Land Use is 32.2, which is more than the proposed Project's VMT/SP. The proposed Project decreases the amount of travel per individual that is forecast to occur in comparison to the Buildout Land Use. The Project would place more housing near to where the employment is located, reducing Citywide VMT/SP in comparison to the Buildout Land Use. This is because the proposed Project would develop more housing proximate to where employment is located, reducing Citywide VMT/SP in comparison to the 2006 General Plan Baseline (Buildout Land Use).

While Project implementation would decrease the Citywide VMT/SP, the VMT/SP varies for each individual TAZ; see **Appendix F** for VMT/SP for each Focus Area TAZ. Generally, in areas with a mix of residential and employment uses, VMT/SP is generally lower than in areas that have more uniform land uses. For example, a reduction in VMT can be attributed to the introduction of housing units within areas that are currently characterized by predominantly office uses, resulting in a more balanced land uses. In other areas, VMT/SP increases due to a change from no residents (existing non-residential land uses) to a residential population greater than employment in the TAZ.

As future land use projects are proposed, their VMT generation characteristics may incorporate Transportation Demand Management (TDM) programs which could include telecommuting and working from home incentives, accommodations for pedestrians and bicyclists, and transit service availability. These measures would be evaluated against established thresholds. Project-specific VMT impacts and the potential for mitigation would be identified for each project if the project triggers CEQA review. While potential future ministerial development projects would not require a subsequent environmental review, these projects would be still be subject to review under the City's development review process.

Additionally, the Newport Beach VMT Guidelines provide details on appropriate “screening thresholds” that can be used to identify when a proposed land use project is anticipated to result in a less than significant impact without conducting a more detailed analysis. Screening thresholds relate to Transit Priority Areas (TPAs), low VMT areas, and daily trip generation. To perform VMT screening analysis of potential future housing project TAZs, trip-generation statistics published in the ITE Trip Generation Manual (11th Edition, 2021) were used to estimate the daily and peak hour trip generation. The VMT screening analysis (see **Appendix F**: Attachment 4), provides the results for each TAZ within housing Focus Areas. An “X” in the screening-criteria columns indicate that the screening criteria is met, and further analysis would not be necessary if a housing project in that TAZ was proposed as an individual project. If no “X” appears (i.e. entry is blank) for all screening criteria, further analysis would be needed for future housing projects within that TAZ, consistent with the screening thresholds in the *City SB 743 VMT Implementation Guide*, and included in this Program EIR as **MM TRANS-1**. Future housing projects compliance with the VMT screening criteria and **MM TRANS-1** would result in a less than significant impact concerning VMT. For future housing projects that do not satisfy VMT screening criteria, full VMT analysis would be necessary for that development, and a VMT impact may or may not occur.

Impact Summary: **Less Than Significant Impact With Mitigation.** The Project would not conflict with or be inconsistent with CEQA Guidelines Section 15064.3(b) upon implementation of MM TRANS-1 which outlines VMT-reduction measures for future projects that are not able to be screened out from VMT analysis.

Threshold 4.15-3	Would the Project increase hazards due to a geometric design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?
Threshold 4.15-4	Would the Project result in inadequate emergency access?

The Project does not propose any changes to the existing roadway network. Future site-specific development would be subject to the City’s development review process, which would include both design and engineering review to ensure roads and access is configured consistent with established roadway design standards. This review is intended to ensure individual projects do not create hazards and are designed consistent with established standards.

The City has adopted the California Fire Code under Municipal Code Chapter 9.04, which applies to all proposed development. Municipal Code Section 9.04.110-160 include compliance with emergency access design standards as part of new construction of roads to provide sufficient access for emergency equipment. The Fire Code also sets minimum standards for road dimension, design, grades, and other fire safety features. Additionally, more stringent California Building Code (CBC) standards also apply regarding new construction and development of emergency access issues associated with earthquakes, flooding, and other natural hazards. Future housing development would be required to comply with applicable building and fire safety regulations required for the design of new housing and emergency access; and would be required to adhere to applicable State and local requirements.

As a result, future housing development on the housing sites facilitated by the Project would not substantially increase hazards due to design features or incompatible uses, or result in inadequate emergency access. Therefore, impacts would be less than significant and no mitigation is required.

Impact Summary: **Less than Significant Impact.** The Project would not increase hazards due to a geometric design features. Compliance with applicable regulations and roadway design standards would not introduce design features incompatible with current circulation patterns. Future development would be required to comply with applicable building and fire safety regulations required for the design of new housing and emergency access; and would be required to adhere to all State and local requirements for safe access, including emergency access. Impacts would be less than significant.

4.15.7 Cumulative Impacts

For purposes of the transportation impact analysis, cumulative impacts are considered for cumulative development throughout the City pursuant to General Plan buildout. Future housing development facilitated by the Project, in conjunction with cumulative development in the City, would increase housing development in previously developed areas and could result in transportation impacts. Transportation analysis for the proposed Project was prepared using NBTM which was updated in 2020 to be consistent with the Orange County Transportation Analysis Model, correlate to existing transportation conditions in the City of Newport Beach, provide estimates of VMT for use in evaluating potential land use and roadway projects, and forecast future General Plan volumes throughout the City of Newport Beach for land use and circulation planning. Accordingly, the analysis provided herein, considers transportation in the context of cumulative development anticipated within the City at General Plan buildout.

As concluded above, future housing development facilitated by the Project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle and pedestrian facilities. Following compliance with applicable General Plan and Municipal Code policies, the Project's potential impacts to an applicable transportation-related program, plan, ordinance, or policy would be less than significant. Cumulative projects would also be subject to applicable transportation-related program, plan, ordinance, or policy to ensure that impacts are reduced to a less than significant level. Therefore, the Project's impact concerning compliance with applicable transportation-related program, plan, ordinance, or policy would not be cumulative considerable.

Future projects would be subject to review consistent with the *City SB 743 VMT Implementation Guide*, to determine the potential for traffic impacts based on VMT. Cumulative projects that are not screened out of the VMT screening thresholds would be required to conduct a VMT assessment (similar to SC TRANS-1) to determine whether mitigation is required.

Future housing development facilitated by the Project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses or impede emergency access. All future housing development and cumulative development would be subject to the City's development review and approval process to ensure that all roadways are built in accordance with applicable federal, State, and local regulations, which includes but not limited to, the City's specific roadway design standards. Therefore, the Project's impacts concerning design features (e.g., sharp curves or dangerous intersections) or incompatible uses or impediment emergency access would not be cumulatively considerable.

4.15.8 Mitigation Program

As noted, all future housing development facilitated by the Project would be subject to the City's development review process, which may include review pursuant to CEQA, and would be assessed on a project-specific basis for potential effects concerning transportation. Future housing development would be subject to compliance with relevant federal, State, and local requirements including requirements set forth in the Newport Beach General Plan and Newport Beach Municipal Code.

General Plan Policies

See **Section 4.15.1: Regulatory Setting** for complete policy text.

- Policy CE 1.1.1
- Policy CE 1.1.2
- Policy CE 2.1.2
- Policy CE 2.2.5
- Policy CE 2.2.7
- Policy CE 2.2.8
- Policy CE 2.3.3
- Policy CE 2.5.6
- Policy CE 2.5.7
- Policy CE 5.2.11
- Policy CE 5.4.1
- Policy CE 5.4.2
- Policy CE 5.4.6
- Policy CE 7.1.1
- Policy CE 7.1.2
- Policy EC 7.1.4
- Policy CE 7.1.5
- Policy CE 7.1.7
- Policy CE 8.1.1
- Policy CE 8.1.9
- Policy CE 8.1.10
- Policy CE 8.1.13
- Policy CE 8.1.14
- Policy CE 9.1.9
- Policy CE 9.1.10
- Policy CE 9.1.12
- Policy LU 6.15.18
- Policy LU 6.15.19
- Policy LU 6.15.20

Coastal Land Use Plan Policies

See **Section 4.15.2: Regulatory Setting** for complete policy text.

- Policy 2.9.1-2
- Policy 2.9.1-3
- Policy 2.9.1-10
- Policy 2.9.2-4
- Policy 2.9.3-1
- Policy 2.9.3-3
- Policy 2.9.3-5
- Policy 2.9.3-6
- Policy 2.9.3-7
- Policy 2.9.3-10
- Policy 2.9.3-11
- Policy 2.9.3-14

Mitigation Measures

MM TRANS-1 Vehicle Miles Traveled (VMT). Prior to issuance of a building permit, one or more of the following measures shall be implemented to reduce VMT-related impacts associated with future projects that are not able to be screened out of the VMT analysis process such that the development's VMT is below the low VMT thresholds recommended by the Office of Planning and Research or adopted by the City of Newport Beach at the time of the development application:

- Modify the project's-built environment characteristics to reduce VMT generated by a project.
- Implement Transportation Demand Management strategies pursuant to reduce VMT generated by a project.
- Participate in a Fair Share Traffic Impact Fee program or VMT mitigation banking program, if available.

Examples of potential measures to reduce VMT include, but are not limited to, the following:

- Improve or increase access to transit.
- Increase access to common goods and services, such as groceries, schools, and daycare.
- Incorporate affordable housing into the project.
- Orient the project toward transit, bicycle, and pedestrian facilities.
- Improve pedestrian or bicycle networks, or transit service.
- Provide traffic calming.
- Provide bicycle parking.
- Limit or eliminate parking supply.
- Unbundle parking costs.
- Implement or provide access to a commute reduction program.
- Provide car-sharing, bike sharing, and ride-sharing programs.
- Provide transit passes.

4.15.9 Level of Significance After Mitigation

With implementation of **MM TRANS-1**, impacts to transportation would be less than significant.

4.15.10 References

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4.16 TRIBAL CULTURAL RESOURCES

4.16.1 Introduction

The section evaluates potential impacts to Native American tribal cultural resources that could result from future housing development on the housing sites facilitated by the Project. Tribal cultural resources include landscapes, sacred places, or objects with cultural value to a California Native American Tribe. Other potential impacts to cultural resources (i.e., prehistoric, historic, and disturbance of human remains) are evaluated in **Section 4.4: Cultural Resources**, and potential impacts to paleontological resources are addressed in **Section 4.6: Geology and Soils**. The analysis consists of a summary of the existing conditions, the regulatory framework, a discussion of the Project's potential impacts on tribal cultural resources, and identification of measures that may avoid and/or reduce impacts, as needed.

4.16.2 Regulatory Setting

Federal

National American Graves Protection and Repatriation Act of 1990

The Native American Graves Protection and Repatriation Act of 1990 describes the rights of Native American lineal descendants, Indian tribes, and Native Hawaiian organizations with respect to the treatment, repatriation, and disposition of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony, referred to collectively in the statute as cultural items, with which they can show a relationship of lineal descent or cultural affiliation. This statute aims to provide greater protection for Native American burial sites and more careful control over the removal of Native American remains, funerary objects, sacred objects, and items of cultural patrimony on Federal and tribal lands. It requires that Indian tribes or Native Hawaiian organizations be consulted whenever archaeological investigations encounter or are expected to encounter, Native American cultural items or when such items are unexpectedly discovered on federal or tribal lands. Excavation or removal of any such items also must be done under procedures required by the Archaeological Resources Protection Act.

State

California Public Resources Code

California Public Resources Code (PRC) Sections 5097–5097.6 identify that the unauthorized disturbance or removal of archaeological, historical, or paleontological resources located on public lands is a misdemeanor. It prohibits the knowing destruction of objects of antiquity without a permit (expressed permission) on public lands, and it provides for criminal sanctions.

This section was amended in 1987 to require consultation with the Native American Heritage Commission (NAHC) whenever Native American graves are found. Violations for taking or possessing remains or artifacts are felonies. California Public Resources Code Section 5097.5 states that “no person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historic feature situated on public lands, except with the express permission of the public agency having jurisdiction over the lands.”

Pursuant to PRC Section 21084.2, a “project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.”

PRC Section 21074(a) defines “tribal cultural resources” as either:

- “(1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - (A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - (B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
- (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.”

PRC Section 21074(b) states that a “cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

A unique archaeological resource (PRC §21083.2(g)) or a nonunique archaeological resource (PRC §21083.2(h)) may also be a tribal cultural resource if it conforms with the criteria of PRC Section 21074(a).

Senate Bill 18

Senate Bill (SB) 18 requires that cities and counties contact and consult with tribes before adopting or amending general plans, specific plans, or when designating land as open space. The intent of SB 18 is to establish meaningful consultation between tribal governments and local governments at the earliest possible point in the planning process, to avoid potential conflicts, and to allow tribes to manage and act as caretakers of Native American cultural places. A Native American cultural place is defined in PRC Section 5097.9 as “any Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine,” or as “a Native American historic, cultural or sacred site, which is listed or may be eligible for listing in the CRHC...including any historic or prehistoric ruins, any burial ground, or any archaeological or historic site.”

Assembly Bill 52

Assembly Bill (AB) 52 requires that public agencies undertaking CEQA review must consult with California Native American tribes (tribes) during the CEQA process and upon tribal request, begin consultation prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report for a project. Where a tribe requests, in writing, that a public agency inform it of proposed projects, the public agency must notify the tribe within 14 days of determining that a project application is complete or deciding to undertake a project. If the tribe responds by requesting consultation within 30 days of the notification, the lead agency must begin the consultation process within 30 days of receiving the request. In addition, under AB 52, public agencies must evaluate a project’s potential impact on a “tribal cultural

resource". A tribal cultural resource is defined as a site, feature, place, cultural landscape, sacred place, or object with cultural value to a tribe.

California Health and Safety Code Sections 7050.5 and 7052

California Health and Safety Code (HSC), Section 7050.5, declares that, in the event of the discovery of human remains outside of a dedicated cemetery, all ground disturbance must cease, and the county coroner must be notified. HSC Section 7052 establishes a felony penalty for mutilating, disinterring, or otherwise disturbing human remains, except by relatives. If human remains are encountered during future housing development facilitated by the Project, HSC Section 7050.5 states:

- a) "Every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor, except as provided in PRC Section 5097.99.¹ The provisions of this subdivision shall not apply to any person carrying out an agreement developed pursuant to PRC Section 5097.94(l)² or to any person authorized to implement PRC Section 5097.98.³
- b) In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code,⁴ that the remains are not subject to the provisions of Government Code Section 27491⁵ or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in PRC Section 5097.98.⁶ The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative notifies the coroner of the discovery or recognition of the human remains.
- c) If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC)."⁷

¹ State of California (2011). *PRC Section 5097.99*. http://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=5097.99.&lawCode=PRC. Accessed November 2023.

² State of California (2019). *PRC Section 5097.94*. http://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=5097.94.&lawCode=PRC. Accessed November 2023.

³ State of California (2010). *PRC Section 5097.98*. http://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=5097.98.&lawCode=PRC. Accessed November 2023.

⁴ State of California. (1947). *GC Chapter 10*. https://leginfo.ca.gov/faces/codes_displayexpandedbranch.xhtml?lawCode=GOV&division=2.&title=3.&part=3.&chapter=10.&article=1.&goUp=Y. Accessed November 2023.

⁵ State of California. (2016). *GC Section 27491*. https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=27491.&lawCode=GOV. Accessed November 2023.

⁶ State of California (2010). *PRC Section 5097.98*. http://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=5097.98.&lawCode=PRC. Accessed March 2023.

⁷ State of California (1987). *Health and Safety Code Section 7050.5*. http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC§ionNum=7050.5. Accessed November 2023.

California Coastal Act

The California Coastal Act, in part, authorizes the California Coastal Commission (Coastal Commission) to review permit applications for development within the coastal zone and, where necessary, to require reasonable mitigation measures to offset the effects of that development. Permits for development are issued with "special conditions" to ensure the implementation of these mitigation measures. Section 30244 of the Act, "Archaeological or Paleontological Resources," states that: Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer (SHPO), reasonable mitigation measures shall be required. In the City, this is implemented via the certified Local Coastal Program (LCP), which applies to all development located within the portion of the City located in the coastal zone.

Local

Newport Beach City Council Policy Manual

The Newport Beach City County (City Council) Policy Manual identifies policies applicable to cultural resources. These policies are discussed below.

Paleontological and Archaeological Resource Protection Guidelines (K-5). Under this guideline, the City will ensure that potential impacts on paleontological and archaeological resources by public or private development are properly evaluated and mitigated in accordance with the General Plan, Local Coastal Program, and State CEQA Guidelines. The guideline requires development projects to determine if paleontological or archaeological resources exist at or near a project site. If the site is located in the Coastal Zone, the requirements and procedures provided in Municipal Code Section 21.30.105(A), or any successor statute, shall be implemented. If resources are known to exist at or near a project site or if the project could otherwise affect known resources, a preliminary investigation report (PIR) shall be prepared by a qualified professional archaeologist or paleontologist. If the preliminary investigation report concludes that resources are not likely to be at the present at the project site or encountered during construction, no further analysis shall be required. If the preliminary report concludes that resources are present at the site or are likely to be present at the site or may be encountered by project construction, additional investigative work shall be prepared to identify and disclose the potential impacts of the project.

*City of Newport Beach General Plan*⁸

The following General Plan goals and policies that have been adopted by the City for the purpose of avoiding or mitigating an environmental effect are applicable to future development projects associated with the proposed Project. General Plan goals and policies associated with cultural resources are addressed in **Section 4.4: Cultural Resources** and paleontological resources in **Section 4.6: Geology and Soils**.

⁸ City of Newport Beach (2006). *City of Newport Beach General Plan – Historic Resources Element*. [https://www.newportbeachca.gov/PLN/General Plan/COMPLETE FEB 2019/General Plan 2006 Complete.pdf](https://www.newportbeachca.gov/PLN/General%20Plan/COMPLETE_FEB_2019/General_Plan_2006_Complete.pdf). Accessed November 2023.

Historical Resources Element

Goal HR 2: **Identification and protection of important archeological and paleontological resources within the City.**

Policy HR 2.1 **New Development Activities:** Require that, in accordance with CEQA, new development protect and preserve paleontological and archaeological resources from destruction and avoid and mitigate impacts to such resources. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.

Policy HR 2.2 **Grading and Excavation Activities.** Maintain sources of information regarding paleontological and archeological sites and the names and addresses of responsible organizations and qualified individuals, who can analyze, classify, record, and preserve paleontological or archeological findings. Require a qualified paleontologist/archeologist to monitor all grading and/or excavation where there is a potential to affect cultural, archeological, or paleontological resources. If these resources are found, the applicant shall implement the recommendations of the paleontologist/archeologist, subject to the approval of the City Planning Department.

Policy HR 2.3 **Cultural Organizations.** Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow representatives of such groups to monitor grading and/or excavation of development sites.

Policy HR 2.4 **Paleontological or Archaeological Materials.** Require new development to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach, or Orange County, whenever possible.

Natural Resources Element

Goal NR 18: **Protection and preservation of important paleontological and archaeological resources.**

Policy NR 18.1 **New Development.** Require new development to protect and preserve paleontological and archaeological resources from destruction, and avoid and minimize impacts to such resources in accordance with the requirements of CEQA. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.

Policy NR 18.3 **Potential for New Development to Impact Resources.** Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow qualified representatives of such groups to monitor grading and/or excavation of development sites.

Policy NR 18.4 **Donation of Materials.** Require new development, where on-site preservation and avoidance are not feasible, to donate scientifically valuable paleontological or

archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach or Orange County, whenever possible.

*City of Newport Beach Local Coastal Program: Coastal Land Use Plan*⁹

The Coastal Act requires each local jurisdiction wholly or partly within the coastal zone to prepare an LCP, which is used to carry out California Coastal Act policies and requirements. The City lies partly within the coastal zone. The City's LCP sets forth goals, objectives, and policies that govern the use of land and water in the coastal zone within the City and its Sphere of Influence, with the exception of Newport Coast and Banning Ranch. The City's Coastal Land Use Plan includes the following policies applicable to cultural resources:

- Policy 4.5.1-1** Require new development to protect and preserve paleontological and archaeological resources from destruction, and avoid and minimize impacts to such resources. If avoidance of the resource is not feasible, require an in situ or site-capping preservation plan or a recovery plan for mitigating the effect of the development.
- Policy 4.5.1-2** Require a qualified paleontologist/archeologist to monitor all grading and/or excavation where there is a potential to affect cultural or paleontological resources. If grading operations or excavations uncover paleontological/archaeological resources, require the paleontologist/archeologist monitor to suspend all development activity to avoid destruction of resources until a determination can be made as to the significance of the paleontological/ archaeological resources. If resources are determined to be significant, require submittal of a mitigation plan. Mitigation measures considered may range from in-situ preservation to recovery and/or relocation. Mitigation plans shall include a good faith effort to avoid impacts to cultural resources through methods such as, but not limited to, project redesign, in situ preservation/capping, and placing cultural resource areas in open space.
- Policy 4.5.1-3:** Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow qualified representatives of such groups to monitor grading and/or excavation of development sites.
- Policy 4.5.1-4:** Where in situ preservation and avoidance are not feasible, require new development to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Orange County, whenever possible.
- Policy 4.5.1-5:** Where there is a potential to affect cultural or paleontological resources, require the submittal of an archeological/cultural resources monitoring plan that identifies monitoring methods and describes the procedures for selecting archeological and Native American monitors and procedures that will be followed if additional or unexpected archeological/cultural resources are encountered during development of the site. Procedures may include, but are not limited to, provisions for cessation of all

⁹ City of Newport Beach (2016). *City of Newport Beach Coastal Land Use Plan*. <https://www.newportbeachca.gov/government/departments/community-development/planning-division/general-plan-codes-and-regulations/local-coastal-program/coastal-land-use-plan>. Accessed November 2023.

grading and construction activities in the area of the discovery that has any potential to uncover or otherwise disturb cultural deposits in the area of the discovery and all construction that may foreclose mitigation options to allow for significance testing, additional investigation, and mitigation.

City of Newport Beach Municipal Code

Title 21, Chapter 21.30, Section 21.30.105 Cultural Resource Protection.¹⁰ The purpose and intent of this regulation is to ensure that archaeological/paleontological cultural resources are afforded protection on sites known to contain or are suspected of containing archaeological/paleontological cultural resources. This regulation provides for the determination of the nature and extent of on-site archaeological/paleontological cultural resources during the early stages of planning for the development of the site, thereby allowing for a full range of mitigation options. Accordingly, development sites with known or high potential for the presence of archaeological/paleontological cultural resources are required to be analyzed through a comprehensive archaeological research plan (ARP) and implemented through a coastal development permit, prior to consideration of a permit to develop the site.

By this process, the ARP is then used to guide any subsequent development of a site. The ARP, when properly designed and reviewed by qualified archaeologists, along with consultation with Native American groups with ancestral ties to the area can establish whether the site was used in prehistoric times by Native Americans, determine whether evidence of that use remains and provide for the in situ preservation of intact significant resources and other mitigation options to otherwise protect significant cultural resources on site. The regulation also provides procedures for archaeological and Native American monitoring of grading and other activities during project development in order to ensure that any newly discovered cultural resources are protected.

Future housing development facilitated by the Project would be subject to the following performance standards:

- **Archaeological Research Plan.** When a development is proposed in an area where there are known or has potential for archaeological or paleontological resources on the site an ARP shall be prepared by a qualified archaeologist/paleontologist and implemented through a coastal development permit before the submittal of a coastal development permit for the proposed development of the site. The purpose of the ARP is to determine whether or not significant cultural resources are present, determine the boundaries of cultural resources, and provide measures that result in the avoidance and/or minimization of impact to archaeological or paleontological cultural resources present on the site. A coastal development permit is required to implement an ARP since such implementation involves development (e.g., excavating shovel test pits, trenching, etc.) that has the potential to result in significant impacts to known or suspected on-site cultural resources.
- **Monitoring and Mitigation Plan (MMP).** Even after implementation of an approved ARP, prepared in accordance with the above provisions, there is potential for proposed development activity to adversely affect archaeological/paleontological resources, a qualified paleontologist/archeologist shall monitor all grading and/or excavation activities. Therefore, a coastal development permit application for any subsequent development at the site shall include

¹⁰ City of Newport Beach (2021). *City of Newport Beach Municipal Code – 21.30.105 Cultural Resource Protection*. <https://www.codepublishing.com/CA/NewportBeach/#!/NewportBeach21/NewportBeach2130.html#21.30.105>. Accessed November 2023.

the submittal of evidence that the approved ARP, including all mitigation, has been fully implemented. Further, the coastal development permit for subsequent development of the site shall include the requirement for the submittal of a MMP to be implemented during any site grading, utility trenching or any other development activity that has the potential to uncover or otherwise disturb archaeological/cultural resources and shall provide for appropriate mitigation measures for any additional resources that are found. The elements of the MMP shall be consistent with subsection (A)(3)(ii)(A) of this section and specify that sufficient archaeological and Native American monitors must be provided to assure that all activity that has the potential to uncover or otherwise disturb cultural deposits will be monitored at all times while those activities are occurring. The MMP shall be ongoing until grading activities have reached sterile soil.

The MMP shall include demonstration of a good faith effort to avoid impacts to the resources through measures including project redesign, in situ preservation/capping, and placing cultural resource areas in open space; if avoidance of the resource is not feasible, a recovery and/or relocation plan for mitigating the effect of the development shall be required.

4.16.3 Existing Conditions

Ethnography

The following describes the ethnographic setting of the City. Orange County was a contact point between two separate ethnolinguistic groups immediately prior to the arrival of Euro-Americans in California: the Gabrielino/Tongva and the Juaneño/ Acjachemen. These groups, while maintaining their own respective cultural identity, did have similar traditions, beliefs systems, and languages, which were a result of intertribal interactions over several centuries.

Aboriginal hunters and gatherers were first drawn to the area by the rich bounty of the bay and the ocean. These original inhabitants supplemented their diet with a variety of meat from marine resources, including shellfish, fish, and birds and probably ventured out into the ocean in rafts to fish.¹¹ The most recent native people were the Tongva (Gabrielinos) and Acjachemen (Juaneños) tribes, although the boundaries of their tribal territories are unclear. Both the Gabrielino and the Luiseño/Juaneño lay ancestral territorial claims. The territory of the Juaneño may have extended north to the Santa Ana River drainage; however, Gabrielino territory is thought by some to extend south of the Santa Ana River Drainage to Aliso Creek, and possibly even further south. The Gabrielinos and the Juaneños lived in small villages around the bay until the beginning of the Mission period in the 1770s.

Gabrielino/Tongva

Newport Beach was the home of the Gabrielino, at the time of European contact. The Gabrielino and their descendants are those who became associated with Mission San Gabriel Arcángel, which was established in south-central Los Angeles County on September 8, 1771, in what is known today as the San Gabriel Valley. Today, this people group are sometimes referred to as the Tongva, although before the arrival of Euro-Americans, the term originally referred to the inhabitants of the San Gabriel Valley only.

It is believed that the ancestral Gabrielino arrived in the Los Angeles Basin as part of the Shoshonean (Takic speaking) Wedge from the Great Basin region and gradually displaced the indigenous peoples, most

¹¹ City of Newport Beach. (2006) *City of Newport Beach General Plan Update Draft EIR – Cultural Resources*. Pages 4.4-2 – 4.4-3. https://newportbeachca.gov/PLN/General_Plan/GP_EIR/Volume_1/09_Sec4.4_Cultural_Resources.pdf. Accessed November 2023.

likely Hokan speakers. Large, permanent villages were established in the fertile lowlands along rivers and streams and in sheltered areas along the coast. Eventually, Gabrielino territory encompassed the watersheds of the Los Angeles, San Gabriel, Rio Hondo, and Santa Ana Rivers (which includes the greater Los Angeles Basin) to perhaps as far south as Aliso Creek, as well as portions of the San Fernando, San Gabriel, and San Bernardino Valleys. Gabrielino territory also included the islands of San Clemente, San Nicholas, and Santa Catalina. The population may have numbered as many as 10,000 individuals at their peak in the Pre-contact Period.

The Gabrielino's subsistence economy mainly consisted of hunting and gathering. The surrounding environment was rich and varied, and they were able to use resources in the mountains, foothills, valleys, deserts, and coastal areas. As was the case for most native Californians, acorns were the staple food (by the Intermediate Horizon; between 3,000 YBP and 1,350 YBP), supplemented by the roots, leaves, seeds, and fruit of a wide variety of flora (i.e., cactus, yucca, sage, and agave). Fresh and saltwater fish, shellfish, birds, insects, and large and small mammals were exploited.

A wide variety of tools and implements were employed by the Gabrielino to gather, collect, and process food resources. The most important hunting tool was the bow and arrow. Traps, nets, blinds, throwing sticks, and slings were also employed. Fish were an important resource and nets, traps, spears, harpoons, hooks, and poisons were utilized to catch them. Ocean-going plank canoes and tule balsa canoes were used for fishing and for travel by those groups residing near the Pacific Ocean.

The processing of food resources was accomplished in a variety of ways: nuts were cracked with hammer stone and anvil; acorns were ground with mortar and pestle; and seeds and berries were ground with mano and metate. Yucca, a valuable resource in many areas, was eaten by the natives and exploited for its fibers. Strainers, leaching baskets and bowls, knives, bone saws, and wooden drying racks were also employed. Food was consumed from a variety of vessels. Catalina Island steatite was used to make ollas and cooking vessels.

The Gabrielinos were organized into sedentary and semi-sedentary, autonomous villages. Large villages were usually 30 square miles and divided into several hunting, fishing, and collecting areas in different ecological zones. The Gabrielinos likely made seasonal moves to exploit resources outside their villages' territories during several weeks of the year.¹² Gabrielino houses were circular domed structures of willow poles thatched with tule. They were actually quite large and could, in some cases, hold 50 individuals. Other structures served as sweathouses, menstrual huts, and ceremonial enclosures.

Juaneño/Acjachemen

During the Late Prehistoric and Contact Periods (generally extending from the year 750 to Spanish contact in 1769), the Juaneño territory was also located within the Orange County area. As with the Gabrielino, whose name signifies their mission association. The name Juaneño designates those peoples that fell under the control of the Mission at San Juan Capistrano. Specifically, it denotes the indigenous Native Americans living in and near the San Juan and San Mateo creek drainages, who called themselves the Acjachemen.

During the Precontact Period, the Acjachemen population is thought to have numbered more than 3,500. Approximately 1,138 local Native Americans, consisting primarily of Acjachemen but including Gabrielino,

¹² City of Newport Beach (2006). *City of Newport Beach Final General Plan – Harbor and Bay Element*. Pages 4.4-2 – 4.4-3. https://www.newportbeachca.gov/PLN/General_Plan/05_Ch4_Harbor&Bay_web.pdf. Accessed November 2023.

coastal and interior Luiseño, Serrano, and Cahuilla, resided at Mission San Juan Capistrano in 1810. The Mission's death register shows as many as 1,665 native burials in its cemetery by this time, a number in addition to those who died unrecorded at the remaining villages from natural causes and introduced infectious diseases.

Overall, the Acjachemen territory covered the eastern Santa Ana Mountains to the coast and southward to San Juan Capistrano. The majority of the known ethnographic village sites are located primarily in this region. To this day, the San Juan Capistrano area has seen continuous habitation by the Juaneño people. The Juaneño lived in structured villages, populated variously by from 35 to 300 people, consisting of from a single lineage to multiple clans in larger settings. While each village unit maintained economic and social ties to neighboring villages, they also maintained a well-defined resource area.

The Juaneño used a wide variety of resources for their dietary needs. These consisted primarily of plant foods, including seeds, nuts, fruits, tubers, and greens. Marine resources constituted the largest sources of meat and consisted mostly of shellfish and fish. Marine resources were collected from open water, bay, and estuary habitats. Birds and mammals made up most of the remainder of the diet. Many common bird species and most small rodents were exploited where available. Seasonal rounds of exploitation formed the basis for the successful procurement of various food types as evident by the settlement patterns still identifiable today from the remains of simple campsites to complex village sites.

4.16.4 Thresholds of Significance

The City uses the thresholds of significance that are specified in its *State CEQA Guidelines, Appendix G*. Impacts to tribal cultural resources would be significant if the Project would:

- Cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
 - listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k), or
 - a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

4.16.5 Methodology

This analysis considers the *State CEQA Guidelines, Appendix G* thresholds, as described above, in determining whether implementation of future housing development facilitated by the Project would result in the significant impacts on tribal cultural resources. The evaluation was based on a review of regulations and determining their applicability to the Project.

The baseline conditions and impact analyses are based on analysis of review of various data available in public records, including local planning documents. The determination that future housing development facilitated by the Project would or would not result in "substantial" adverse effect on tribal resources considers the relevant policies and regulations established by local and regional agencies, as well as the Project's compliance with these policies.

A Sacred Lands File search was requested from the NAHC on March 5, 2023. The NAHC responded on March 22, 2023, stating that the findings of the search were positive and identified 19 Native American tribal representatives to contact for further information regarding tribal resources.

4.16.6 Project Impacts and Mitigation

Threshold 4.16-1: **Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: a) listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k) or b) a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?**

In compliance with SB 18, AB 52, and the NAHC request, on April 10, 2023, the City sent letters to the following Native American tribal representatives that may have knowledge regarding tribal cultural resources in the City of Newport Beach.

- Campo Band of Diegueno Mission Indians, Chairperson Ralph Goff
- Ewiiapaayp Band of Kumeyaay Indians, Chairperson Robert Pinto
- Ewiiapaayp Band of Kumeyaay Indians, Vice Chairperson Michael Garcia
- Gabrieleno Band of Mission Indians - Kizh Nation, Chairperson Andrew Salas
- Gabrieleno/Tongva San Gabriel Band of Mission Indians, Chairperson Anthony Morales
- Gabrielino/Tongva Nation, Chairperson Sandonne Goad
- Gabrielino Tongva Indians of California Tribal Council, Chairperson Robert Dorame
- Gabrielino Tongva Indians of California Tribal Council, Christina Conley, Cultural Resources Administrator
- Gabrielino-Tongva Tribe, Charles Alvarez
- Juaneño Band of Mission Indians Acjachemen Nation, Joyce Perry, Cultural Resources Director
- Juaneño Band of Mission Indians Acjachemen Nation, Chairperson Heidi Lucero
- La Posta Band of Diegueno Mission Indians, Javaughn Miller, Tribal Administrator
- La Posta Band of Diegueno Mission Indians, Chairperson Gwendolyn Parada
- Manzanita Band of Kumeyaay Nation, Chairperson Angela Elliott Santos
- Mesa Grande Band of Diegueno Mission Indians, Chairperson Michael Linton
- Pala Band of Mission Indians, Shasta Gaughen, Tribal Historic Preservation Officer
- Santa Rosa Band of Cahuilla Indians, Tribal Chair Lovina Redner

- Soboba Band of Luiseno Indians, Joseph Ontiveros, Tribal Historic Preservation Officer
- Soboba Band of Luiseno Indians, Chairperson Isaiah Vivanco

Correspondence to and from tribal representatives is included in **Appendix G**. The City received one response. The Gabrieleño Band of Mission Indians – Kizh Nation responded on April 13, 2023 and expressed no concerns regarding the Project given its programmatic scale, but noted that they would request consultation on future projects.

Of the 247 housing sites, all are developed/occupied by structures except 21 sites. Sites 110-118, 120-124, 126-131, and 215 are vacant. Therefore, almost all of the housing sites have been subject to ground disturbing activities. Notwithstanding, previously recorded known cultural resources have been identified within City limits and the NAHC's Sacred Lands File database search was positive indicating known tribal cultural resources are present within the City. Although the majority of the sites have been disturbed, this does not preclude the presence of undiscovered and potentially sensitive tribal cultural resources. Future housing development on the housing sites would involve ground-disturbing activities such as grading and excavation that could directly or indirectly impact tribal cultural resources. Therefore, future housing development facilitated by the Project could cause a substantial adverse change in the significance of a tribal cultural resources on the housing sites.

Future development facilitated by the Project would be subject to City Council Policy K-5, which requires preservation of significant archeological and tribal cultural resources, as set forth in **SC CUL-1**. Further, compliance with General Plan Policy HR 2.1, Policy HR 2.2 and Policy NR 18.1 require new development projects to identify and protect important archaeological resources within the City and these policies are considered applicable to potential Native American tribal cultural resources. General Plan Policy HR 2.1 and Policy NR 18.1 requires that new development protects and preserves archaeological resources from destruction and avoids or mitigates impacts to such resources. General Plan Policy HR 2.2 would require any future development with the potential to affect archaeological resources to have a qualified archeologist on site to monitor all ground-disturbing activities and outlines the procedure if such resources are found. General Plan Policy HR 2.3 and Policy NR 18.3 require the notification of cultural groups to proposed development adversely impacting cultural resources and permitting monitoring during grading. Additionally, Policy HR 2.4 and Policy NR 18.4 require any new development, where on-site preservation is infeasible, to donate archaeological resources to responsible institutions. Compliance with these City policies would ensure that future development facilitated by the Project would protect and preserve archaeological and tribal resources from destruction during new development construction facilitated by the Project.

For those housing sites in the coastal zone, the City's Coastal Land Use Plan (CLUP) includes applicable policies. CLUP Policy 4.5-1 requires an in situ or site-capping preservation plan or a recovery plan for mitigating the effect of the development where avoidance is not feasible. Policy 4.5.1-2 requires monitoring during grading and excavation by a qualified archeologist and describes the process for determination of significance and mitigation should archaeological resource be discovered. Policy 4.5.1-3 requires the notification of cultural organizations of proposed developments that have the potential to adversely impact cultural resources and to allow monitoring during grading and/or excavation. Policy 4.5.1-4 addresses the disposition of archaeological materials when in situ preservation and avoidance are not feasible. Policy 4.5.1-5 requires an archeological/cultural resources monitoring plan that identifies monitoring methods, procedures to be followed should additional or unexpected archeological/cultural resources be encountered during development of the site.

In addition to the aforementioned policies, the City would require that future development comply, as a mitigation measure (or standard condition for by-right projects), with **MM TCR-1** and **MM TCR-2**. **MM TCR-1** requires project-specific applicants to retain a qualified professional and, if necessary, appropriate Native American monitors identified by the applicable tribe (e.g., the Gabrielino Tongva Nation) and/or the NAHC, prior to any earth-disturbing activities to determine if the project would cause a substantial adverse change in the significance of a tribal cultural resources. **MM TCR-2**, which requires all earth-disturbing activity within 100 feet of a tribal cultural resources discovery/find to be halted, the City to be notified, and impacts to any significant resources be mitigated to a less than significant level through data recovery or other methods determined adequate by the appropriate Native American monitors.

It is further noted, all future housing development would also be subject to all regulatory requirements pertaining to tribal cultural resources, including among others compliance with SB 18 and AB 52, as applicable. Following compliance with General Plan policies, **MM TCR-1**, and **MM TCR-2**, the Project's potential impacts associated with causing a substantial adverse change in the significance of tribal cultural resources would be reduced to a less than significant level.

Impact Summary: **Less Than Significant Impact With Mitigation.** The proposed Project would potentially have direct impacts on archaeological resources. This impact would be mitigated to a level considered less than significant with implementation of **MMs TCR-1** and **TCR-2**.

4.16.7 Cumulative Impacts

The anticipated impacts of future housing development on the housing sites facilitated by the Project, in conjunction with cumulative development in the project area, would increase housing development in a largely developed area and could result in impacts to tribal cultural resources. Potential land use impacts are site-specific and would require evaluation on a case-by-case basis at the project level when future housing development on the housing sites is proposed in accordance with the Project. Each cumulative project would be subject to the City's development review process, which would include addressing potential effects on tribal cultural resources. Consequently, future housing development on the housing sites facilitated by the Project would not result in significant environmental impacts to tribal cultural resources, nor would the Project conflict with or obstruct a State or local plan, ordinance, or standards aimed at avoiding or minimizing impacts to tribal cultural resources. Therefore, with the implementation of mitigation and compliance with applicable regulations, the Project would not considerably contribute to a cumulatively considerable impact on tribal cultural resources.

4.16.8 Mitigation Program

General Plan Policies

See **Section 4.16.2: Regulatory Setting** for complete policy text.

Tribal Cultural Resources

- Policy HR 2.1
- Policy HR 2.2
- Policy HR 2.3
- Policy HR 2.4
- Policy NR 18.1
- Policy NR 18.3
- Policy NR 18.4

Coastal Land Use Plan Policies

See **Section 4.16.2: Regulatory Setting** for complete policy text.

Tribal Cultural Resources

- Policy 4.5-1
- Policy 4.5-2
- Policy 4.5-3
- Policy 4.5-4
- Policy 4.5-5

Standard Conditions of Approval

Standard Conditions (SC) **CUL-1** and **SC CUL-2** are applicable. See **Section 4.4: Cultural Resources**.

Mitigation Measures

MM TCR-1: Unanticipated Discovery of Tribal Cultural and Archaeological Resources: Upon discovery of any tribal, cultural, or archaeological resources during ground-disturbing activities for future development facilitated by the Project, the applicant shall immediately cease such activities in the immediate vicinity. The find will then be assessed by a qualified archeologist retained by the applicant and a tribal monitor/consultant approved by the consulting tribe. The applicant shall promptly notify the City Planning Division to the discovery of resources. If the resources are Native American in origin, the consulting tribe shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the tribe will request preservation in place or recovery for educational purposes. At the direction of the qualified archaeologist and tribal monitor/consultant, and in coordination with the Planning Division, work may continue on other parts of the affected site while evaluation and, if necessary, additional protective measures are completed at the affected portion of the site pursuant to State CEQA Guidelines Section 15064.5(f). If a resource is determined by the qualified archaeologist to constitute a “historical resource” or “unique archaeological resource,” time and funding to allow for sufficient implementation of avoidance measures must be made available. The treatment plan established for the resources shall be in accordance with State CEQA Guidelines Section 15064.5(f) for historical resources.

Preservation in place (i.e., avoidance) is the preferred manner of treatment upon identification of unique archeological resources (PRC §21083.2(b)). If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. All tribal cultural resources shall be returned to the consulting tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non- profit institution with a research interest in the materials. Acceptance and curation of the historic archeological materials will be at the discretion of the institution. If no institution accepts the archaeological material, they shall be offered to the consulting tribe or the responsible public or private institution with suitable repository for educational purposes.

MM TCR-2: If evidence of an archaeological site or other suspected historical resource as defined by CEQA Guidelines Section 15064.5, including darkened soil representing past human

activity (“midden”), that could conceal material remains (e.g., worked stone, fired clay vessels, faunal bone, hearths, storage pits, or burials) are discovered during any project-related earth-disturbing activities (including projects that would not encounter undisturbed soils), all earth-disturbing activity within 100 feet of the find shall be halted and the City’s Planning Department shall be notified. The project-level applicant shall retain an archaeologist who meets the U.S. Secretary of the Interior’s Professional Qualifications Standards for Archaeology to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less than significant level through data recovery or other methods determined adequate by the archaeologist and that are consistent with the U.S. Secretary of the Interior’s Standards for Archaeological Documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 form and filed with the appropriate Information Center.

4.16.9 Level of Significance After Mitigation

With implementation of the mitigation program set forth in this section, potential impacts to tribal cultural resources would be reduced to a level considered less than significant.

4.16.10 References

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4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Introduction

This section evaluates potential impacts concerning utilities and service systems that could result from the Newport Beach General Plan Housing Implementation Program (Project), including future development on the housing sites facilitated by the 2021-2029 Housing Element. This analysis summarizes existing utilities and service systems conditions on the housing sites and the regulatory framework that would apply to future residential development. This section describes existing public services and identifies and addresses potential Project impacts related to the following services:

- Water
- Wastewater
- Storm Water
- Dry Utilities: Electricity, Natural Gas, and Telecommunication Facilities

4.17.2 Water Supply

Regulatory Setting

Federal

Clean Water Act

The Clean Water Act is the primary federal law that protects the nation's waters, including lakes, rivers, aquifers, and coastal areas. Section 401 of the Clean Water Act requires that any applicant for a federal permit to conduct any activity, including the construction or operation of a facility that may result in the discharge of any pollutant, obtain state certification. Section 303 of the Clean Water Act requires states to identify surface waters that have been impaired. Under Section 303(d), states, territories, and authorized tribes are required to develop a list of water quality segments that do not meet water quality standards, even after point sources of pollution have installed the minimum required levels of pollution control technology.

Safe Drinking Water Act

The United States Environmental Protection Agency (U.S. EPA) administers the Safe Drinking Water Act, the primary federal law that regulates drinking water quality and establishes standards to protect public health and safety. The State Department of Health Services implements the Safe Drinking Water Act and oversees public water system quality statewide. The Department of Health Services establishes legal drinking water standards for contaminants that could threaten public health.

State

Urban Water Management Plan Act

In 1983, the Urban Water Management Planning Act (UWMP Act) was established by Assembly Bill 797, and passage of this law recognized that water is a limited resource and that efficient water use and conservation would be actively pursued throughout the State of California. The UWMP Act requires that water suppliers providing water for municipal purposes either directly or indirectly to more than 3,000 customers, or supplying more than 3,000 acre-feet of water annually, prepare and submit an Urban Water Management Plan (UWMP) to the California Department of Water Resources every five years.

The various key new additions as a result of the most recent water regulations are:

- **Water Shortage Contingency Plan (WSCP)** – WSCP helps a Supplier to better prepare for drought conditions and provides the steps and water use efficiency measures to be taken in times of water shortage conditions. WSCP now has more prescriptive elements, including an analysis of water supply reliability; the water use efficiency measures for each of the six standard water shortage levels, that correspond to water shortage percentages ranging from 0 – 10 percent to greater than 50 percent; an estimate of potential to close supply gap for each measure; protocols and procedures to communicate identified actions for any current or predicted water shortage conditions; procedures for an annual water supply and demand assessment; monitoring and reporting requirements to determine customer compliance; reevaluation and improvement procedures for evaluating the WSCP.
- **Drought Risk Assessment** – The Suppliers are now required to compare their total water use and supply projections and conduct a reliability assessment of all their sources for a consecutive five-year drought period beginning 2021.
- **Five Consecutive Dry-Year Water Reliability Assessment** – The three-year multiple dry year reliability assessment in previous UWMPs has now been extended from three to five consecutive dry years to include a more comprehensive assessment of the reliability of the water sources to improve preparedness of Suppliers for extended drought conditions.
- **Seismic Risk** – The UWMP now includes a seismic risk assessment of the water supply infrastructure and a plan to mitigate any seismic risks on the water supply assets.
- **Groundwater Supplies Coordination** – The UWMP should be in accordance with the Sustainable Groundwater Management Act of 2014 and consistent with the Groundwater Sustainability Plans, wherever applicable.
- **Lay Description** – To provide a better understanding of the UWMP to the general public, a lay description of the UWMP is included, especially summarizing the Supplier’s detailed water service reliability assessment and the planned management steps and actions to mitigate any possible shortage scenarios.

The latest City of Newport Beach UWMP was adopted by the City Council on June 8, 2021. Other water purveyors in the City including Irvine Ranch Water District and Mesa Water District have also prepared UWMP which were adopted in June 2021.

Senate Bill 610 and Senate Bill 221

Senate Bill (SB) 610 (Section 21151.9 of the Public Resources Code (PRC) and Section 10910 et seq. of the Water Code) requires the preparation of “water supply assessments” for large developments. These are defined as projects of 500 or more residential units; 500,000 square feet of retail commercial space; or 250,000 square feet of office commercial space. These assessments, prepared by public water systems responsible for service, address whether adequate existing or projected water supplies are available to serve proposed projects, in addition to urban and agricultural demands and other anticipated development in the service area in which the project is located.

The water supply assessment shall be included in any environmental document prepared for the project. Where a water supply assessment concludes that insufficient supplies are available, it must describe steps that would be required to obtain the necessary supply. The content requirements for the assessment

include identification of the existing and future water suppliers and quantification of water demand and supply by source in five-year increments over a 20-year projection. This information must be provided for average normal, single-dry, and multiple-dry years. The absence of an adequate current water supply does not preclude project approval, but does require a lead agency to address a water supply shortfall in its project approval findings.

Additionally, SB 610 requires new information to be included as part of an UWMP if groundwater is identified as a source of water available to the supplier. Information must include a description of all water supply projects and programs that may be undertaken to meet total projected water use. SB 610 prohibits eligibility for funds from specified bond acts until the plan is submitted to the State. SB 221 requires written verification that there is sufficient water supply available for applicable new residential subdivisions. The verification must be provided before commencement of construction.

State Efficiency Standards

California Code of Regulations (CCR) Title 24 contains the California Building Code, including the California Plumbing Code (Part 5), which promotes water conservation. CCR Title 20 addresses Public Utilities and Energy conservation. In addition, the following California regulations require water-efficient plumbing fixtures in structures:

- CCR Title 20 Section 1604(g) establishes efficiency standards that give the maximum flow rate of all new showerheads, lavatory faucets, sink faucets, and tub spout diverters.
- CCR Title 20 Section 1606 prohibits the sale of fixtures that do not comply with established efficiency regulations.
- CCR Title 24 Section 25352(l) and (j) address pipe insulation requirements, which can reduce water used before hot water reaches equipment or fixtures. Insulation of water-heating systems is also required.
- Health and Safety Code Section 17921.3 requires low-flush toilets and urinals in virtually all buildings.

Assembly Bill 1668 and Senate Bill 606

Assembly Bill 1668 and SB 606 establish guidelines for efficient water use and a framework for implementation and oversight of the new standards, which were required to be in place by 2022. The two bills strengthen the State's water resiliency in the face of future droughts with provisions that include:

- Establishing water use objectives and long-term standards for efficient water use that apply to urban retail water suppliers; and indoor residential water use, outdoor residential water use, commercial, industrial and institutional irrigation with dedicated meters, water loss, and other unique local uses.
- Providing incentives for water suppliers to recycle water.
- Identifying small water suppliers and rural communities that may be at risk of drought and water shortage vulnerability and provide recommendations for drought planning. Requiring both urban and agricultural water suppliers to set annual water budgets and prepare for drought.

Senate Bill 1087: Sewer and Water Service Priority for Housing Affordable to Lower-Income Households (2006)

This statute requires local governments to provide a copy of the updated Housing Element to water and sewer providers immediately after adoption. Water and sewer providers must grant priority for service allocation to proposed development that includes housing units affordable to lower-income households. Additionally, UWMPs are required to include projected water use for future lower-income households.

Local and Regional

City of Newport Beach Urban Water Management Plan

The City's 2020 UWMP was prepared in accordance and compliance with the Urban Water Management Planning Act (Water Code §§10610 through 10656) and includes the conservation measures, programs, and policies required by Water Code Section 0608.36. The 2020 UWMP provides an assessment of the present and future water supply sources and demands within the City's service area. It presents an update to the 2015 UWMP on City's water resource needs, water use efficiency programs, water reliability assessment and strategies to mitigate water shortage conditions. It presents a new 2020 Water Shortage Contingency Plan (WSCP) designed to prepare for and respond to water shortages. This 2020 UWMP contains all elements to meet compliance of the new requirements of the Act as amended since 2015.

Newport Beach Water Shortage Contingency Plan

The 2020 Water Shortage Contingency Plan (WSCP) is a strategic planning document designed to prepare for and respond to water shortages. The WSCP complies with Water Code Section 10632, which requires that every urban water supplier shall prepare and adopt a WSCP as part of its UWMP. This level of detailed planning and preparation is intended to help maintain reliable supplies and reduce the impacts of supply interruptions.

The WSCP is the City's operating manual that is used to prevent catastrophic service disruptions through proactive management. A water shortage, when water supply available is insufficient to meet the normally expected customer water use at a given point in time, may occur due to a number of reasons, such as drought, climate change, and catastrophic events. This plan provides a structured guide for the City to deal with water shortages, incorporating prescriptive information and standardized action levels, along with implementation actions in the event of a catastrophic supply interruption. This way, if and when shortage conditions arise, the City's governing body, its staff, and the public can easily identify and efficiently implement pre-determined steps to manage a water shortage. A well-structured WSCP allows real-time water supply availability assessment and structured steps designed to respond to actual conditions, to allow for efficient management of any shortage with predictability and accountability.

The WSCP also describes the City's procedures for conducting an Annual Water Supply and Demand Assessment that is required by Water Code Section 10632.1 and is submitted to the California Department of Water Resources on or before July 1 of each year, or within 14 days of receiving final allocations from the State Water Project, whichever is later. The City's 2020 WSCP is an appendix to its 2020 UWMP, however, this WSCP is created separately from the City's 2020 UWMP and can be amended, as needed, without amending the UWMP. Furthermore, the Water Code does not prohibit a supplier from taking actions not specified in its WSCP, if needed, without having to formally amend its UWMP or WSCP.

Irvine Ranch Water District Water Urban Water Management Plan

The Irvine Ranch Water District (IRWD) adopted its 2020 UWMP on June 28, 2021. The 2020 UWMP is an update to IRWD's 2015 UWMP and incorporates new and revised requirements in compliance with the Water Code. IRWD's 2020 UWMP includes an assessment of its water service reliability to ensure that adequate water supplies are available to meet existing and future demands. It presents an assessment of IRWD's water service reliability, describes and evaluates sources of water supply, efficient uses of water, demand management measures, recycled water opportunities, and other relevant information and programs through year 2040. In addition to the water reliability assessments, the plan includes a seismic risk and mitigation assessment, an energy intensity analysis, an evaluation of frequent and severe periods of droughts (as described in the Drought Risk Assessment) and the preparation and adoption of IRWD's WSCP. The 2020 UWMP was developed in coordination with the cities and county served by IRWD as well as the regional wholesale water suppliers.

Irvine Ranch Water District Water Shortage Contingency Plan

The first IRWD WSCP was adopted in 1987 to provide guidance on implementing actions to reduce water demands in the event of a water shortage. IRWD's 2018 WSCP provided procedures for responding to various levels of supply shortages. The use of local supplies, storage and other supply augmentation measures can mitigate shortages, and be used as necessary and appropriate during declared shortage levels. The remaining shortage levels, after use of local emergency supplies, can be addressed by employing a range of demand management measures that can vary depending on the level and duration of the shortage condition. The 2018 WSCP defined a list of voluntary measures, non-rate response measures, and potential rate response measures for each level of shortage. While these measures are to be applied incrementally, IRWD's 2018 WSCP built in a level of flexibility to adopt additional measures to ensure the appropriate level of demand reduction.

The 2020 WSCP update was prepared to incorporate new legislated requirements including supply reliability processes, annual water supply and demand assessment procedures, a seismic hazard assessment, and additional prescriptive elements. IRWD maintains the flexibility to amend the WSCP periodically and independently of the UWMP.

Mesa Water District Urban Water Management Plan

Mesa Water District (Mesa Water) adopted its 2020 UWMP on June 3, 2021. Mesa Water is a retail water supplier that provides water to its residents and other customers using local groundwater from the Orange County Groundwater Basin (OC Basin), recycled water from the Orange County Water District (OCWD), and imported potable water from its regional wholesaler, Municipal Water District of Orange County as an emergency backup. Mesa Water, as one of the Municipal Water District of Orange County's 28 member agencies, prepared its 2020 UWMP in collaboration with Municipal Water District of Orange County, Metropolitan Water District of Southern California, OCWD, and other key agencies.

The 2020 UWMP provides an assessment of the present and future water supply sources and demands within Mesa Water's service area. It presents an update to the 2015 UWMP on Mesa Water's water resource needs, water use efficiency programs, water reliability assessment and strategies to mitigate water shortage conditions. It also contains the 2020 WSCP to prepare for and respond to water shortages.

Mesa Water District Water Shortage Contingency Plan

The Mesa Water's WSCP is used to prevent catastrophic service disruptions through proactive management. The plan provides a structured guide for Mesa Water to deal with water shortages, incorporating prescriptive information and standardized action levels, along with implementation actions in the event of a catastrophic supply interruption.

City of Newport Beach General Plan

The *City of Newport Beach General Plan 2006 Update* (General Plan) includes goals and policies related to water supply and reliability. The following General Plan Land Use Element goals and policies that have been adopted by the City for the purpose of avoiding or mitigating an environmental effect are applicable to future development projects associated with the proposed Project.

Land Use Element

- Goal LU 2:** **A living, active, and diverse environment that complements all lifestyles and enhances neighborhoods, without compromising the valued resources that make Newport Beach unique. It contains a diversity of uses that support the needs of residents, sustain and enhance the economy, provide job opportunities, serve visitors that enjoy the City's diverse recreational amenities, and protect its important environmental setting, resources, and quality of life.**
- Policy LU 2.8:** **Adequate Infrastructure.** Accommodate the types, densities, and mix of land uses that can be adequately supported by transportation and utility infrastructure (water, sewer, storm drainage, energy, and so on) and public services (schools, parks, libraries, seniors, youth, police, fire, and so on).
- Goal LU 3:** **A development pattern that retains and complements the City's residential neighborhoods, commercial and industrial districts, open spaces, and natural environment.**
- Policy LU 3.2:** **Growth and Change.** Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach's share of projected regional population growth, improve the relationship, and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.
- Goal LU 6.1:** **A diversity of governmental service, institutional, educational, cultural, social, religious, and medical facilities that are available for and enhance the quality of life for residents and are located and designed to complement Newport Beach's neighborhoods.**
- Policy LU 6.1.2:** **Siting of New Development.** Allow for the development of new public and institutional facilities within the City provided that the use and development facilities

are compatible with adjoining land uses, environmentally suitable, and can be supported by transportation and utility infrastructure.

Goal LU 6.4: **Banning Ranch. If acquisition for open space is not successful, a high-quality residential community with supporting uses that provides revenue to restore and protect wetlands and important habitats.**

Policy LU 6.4.10: Sustainable Development Practices. Require that any development of Banning Ranch achieve high levels of environmental sustainability that reduce pollution and consumption of energy, water, and natural resources to be accomplished through land use patterns and densities, site planning, building location and design, transportation and utility infrastructure design, and other techniques. Among the strategies that should be considered are the concentration of development, reduction of vehicle trips, use of alternative transportation modes, maximized walkability, use of recycled materials, capture and re-use of storm water on-site, water conserving fixtures and landscapes, architectural elements that reduce heat gain and loss, and preservation of wetlands and other habitats.

Natural Resources Element

The following General Plan Natural Resources Element¹ goals and policies that have been adopted by the City for the purpose of avoiding or mitigating an environmental effect are applicable to future development projects associated with the proposed Project.

Goal NR 1: Minimized water consumption through conservation methods and other techniques.

Policy NR 1.1 Water Conservation in New Development. Enforce water conservation measures that limit water usage, prohibit activities that waste water or cause runoff, and require the use of water-efficient landscaping and irrigation in conjunction with new construction projects.

Policy NR 1.2 Use of Water Conserving Devices. Establish and actively promote use of water conserving devices and practices in both new construction and major alterations and additions to existing buildings. This can include the use of rainwater capture, storage, and reuse facilities.

Newport Beach Municipal Code²

Chapter 14.16 Water Conservation and Water Supply Shortage Program. This chapter establishes a water conservation and supply shortage program. The water conservation and supply program aims to complete the following: reduce water consumption within the City, enable water supply planning, ensure reasonable and beneficial use of water, complement the City's water quality regulations and urban runoff reduction efforts, minimize the effect and hardship of water shortages, and implement the City's Water Shortage Contingency Plan. The chapter establishes permanent water conservation requirements and water supply shortage response actions during times of a declared water shortage.

¹ City of Newport Beach (2006). *City of Newport Beach General Plan – Land Use Element*. https://www.newportbeachca.gov/PLN/General_Plan/04_Ch3_LandUse_web.pdf. Accessed Dec. 5, 2023.

² City of Newport Beach. *City of Newport Beach Municipal Code*. <https://www.codepublishing.com/CA/NewportBeach/>. Accessed Dec. 6, 2023.

Chapter 14.17 Water-Efficient Landscaping. This chapter establishes reasonable procedures and standards for the design, installation, and maintenance of water-efficient landscapes in conjunction with new construction projects within the City to promote the conservation and efficient use of water in the City and prevent the waste of available water resources.

Existing Conditions: Water

Water service is provided by the City of Newport Beach, IRWD, the Mesa Water.³

Newport Beach Utilities Department. The Newport Beach Utilities Department is responsible for the operation and maintenance of the City's water, wastewater, and storm drain systems. The City's Public Works Department is responsible for engineering services including, capital project delivery, bay water quality and environmental services, and transportation and development services. These two departments work together to plan for the City's water supply and distribution system improvements through master planning and Capital Improvement Program efforts.

The City's water service area covers approximately 11 square miles of the City and the remaining areas, which are predominately located in the northern and eastern portions of the City, are served by IRWD and Mesa Water.⁴ The City obtains its water from a wellfield with a total capacity of 10,900 gallons per minute (gpm), 15 recycled water connections, 6 inter-agency emergency interconnections, and manages about 300-mile water mains system with approximately 26,700 service connections.

Irvine Ranch Water District. IRWD is Orange County's largest retail water district, providing water and sewer service to homes and businesses throughout the City of Irvine and portions of the cities of Tustin, Newport Beach, Costa Mesa, Orange, and Lake Forest and unincorporated Orange County. IRWD serves a 181-square mile area with an estimated service population of 600,000 through 460 miles of pipelines and over 126,000 public water system municipal connections. IRWD supplies water through a mixture of imported water, surface water, groundwater, and reclaimed water as well as providing sewer service. Newport Beach accounts for approximately 6 percent of IRWD's total service area boundaries, which generally includes the Newport Coast area; land west of Newport Back Bay to the City's border with Costa Mesa; and land in the northern portion of the City (land bordered by MacArthur Boulevard/Campus Drive/Jamboree Road; and land south of SR-73 and generally north of Bonita Canyon Road at MacArthur Boulevard and Bison Avenue at Jamboree Road).

Mesa Water District. Mesa Water provides water service to 110,000 residents in an 18-square-mile service area that includes most of the City of Costa Mesa, a portion of Newport Beach, and John Wayne Airport. Mesa Water's main source of water supply (94 percent) comes from groundwater, extracted from the Orange County Basin. Recycled water makes up the remaining water supply source at six percent. Mesa Water operates seven wells, a nanofiltration facility, two reservoirs with total storage of 29 million gallons, three metered water connections, and 16 emergency connections. Mesa Water manages 328-mile water mains system with approximately 25,032 service connections. Newport Beach accounts for approximately 2 percent of Mesa Water District's total service area boundaries, which includes a portion of the west side of the southwest side of the City.

³ City of Newport Beach. (2021). 2020 Urban Water Management Plan. https://wuedata.water.ca.gov/getfile?filename=/public%2Fuwmp_attachments%2F6146238029%2FNewport%20Beach%202020%20UWM%20FINAL-2021.06.23.pdf. Accessed December 7, 2023.

⁴ Ibid, Figure 3-2: City of Newport Beach Water Service Area.

Water Supply and Facilities

City of Newport Beach

Most of the City's water supply is groundwater from the Orange County Basin; imported and recycled water supplement the rest of the City's water supply portfolio. In 2019-2020, the City's water supplies were made up of 68 percent groundwater, 28.5 percent imported water, and 3.5 percent recycled water. By 2045, the water supply portfolio is projected to shift to 85 percent groundwater, 14.5 percent imported water, and 3.5 percent recycled water.

Reservoirs. The City has three reservoirs: Big Canyon Reservoir, Spyglass Hill Reservoir, and the 16th Street Reservoir. The Big Canyon Reservoir is located at 3300 Pacific View Drive in Corona del Mar and is the largest City owned reservoir with a capacity of 600 acre feet (AF) or 195 million gallons. The Big Canyon Reservoir has the ability to supply water to the entire City of Newport Beach service area. The reservoir is primarily used as a storage reservoir and supplies the higher pressure zones. Spyglass Reservoir is a concrete reservoir located under the playground park at the end of Muir Beach Circle and has a capacity of 1.5 AF or 488,776 gallons that supplies the surrounding community. The 16th Street Reservoir is an underground concrete reservoir located in the City's Utilities Yard at 949 West 16th Street. It has a capacity of 3 AF or 977,553 gallons that supplies water to the 16th Street pump station.

Groundwater Facilities. The City receives approximately 68 percent of its water supply from groundwater from the Orange County Basin. Groundwater is conveyed from the wellfield in the City of Fountain Valley to the City via a 30- to 36-inch pipeline that discharges into the 16th Street Reservoir. From the reservoir, the water is pumped into the City's distribution system and into Big Canyon Reservoir.

Imported Water Supplies. The City supplements its local groundwater with imported water purchased from Metropolitan Water District of Southern California (Metropolitan Water District) through Municipal Water District of Orange County as a wholesaler. Most of Metropolitan Water District's imported water supply is provided through the State Water Project and Colorado River Aqueduct and is treated at the Diemer and Weymouth plants. All of the water supplied by the City is sold to its retail customers (residential and commercial). The City maintains its own retail distribution system and delivers potable water through its water system which consists of approximately 299 miles of pipelines ranging in size from 4 to 30 inches. The City has an extensive distribution system, which includes five pressure zones and six connections along the Orange County Feeder and the East Orange County Feeder No. 2. The total available capacity is 104 cubic feet per second (cfs) which equals approximately 67 million gallons per day (mgd). The City has five pump stations that deliver water to the upper zones, and backup generation facilities ensure that the City can still deliver water to all zones during a rolling blackout.

Recycled Water Facilities. The City owns and operates recycled water pump stations for Big Canyon Country Club and the Newport Beach Country Club. Including these 2 sites, there are currently 15 recycled water connections that supply 5 different customers. Recycled water is purchased from the Orange County Water District (OCWD) and sold to the City's customers.

Water Transmission System. Water is delivered to the City's customers from the Groundwater Transmission Main, and from diversions off of the Orange County Feeder and the East Orange County Feeder No. 2. The transmission system consists of pipelines, booster pump stations, and storage reservoirs and tanks and the current capacity of the City's potable water supply is 104 cfs.

Emergency Interconnections. For emergency water shortage or outage conditions, the City has six inter-agency emergency interconnections with IRWD and seven with Mesa Water.

Irvine Ranch Water District

Most of IRWD's water supply comes from local groundwater wells in the Orange County Groundwater Basin; imported and recycled water supplement the rest of the IRWD's water supply portfolio. In 2019-2020, the IRWD's water supplies were 48 percent groundwater, 16 percent imported water, 8 percent surface water, and 28 percent recycled water. By 2045, the water supply portfolio is projected to shift to 30 percent groundwater, 52 percent imported water, 2 percent surface water, and 24 percent recycled water.

Surface Water. IRWD's local surface water sources are the drainage tributary areas to the Irvine Lake and Harding Canyon Reservoir. On average, approximately 4,000 acre-feet per year (AFY) of local surface water is captured by Irvine Lake for IRWD's use. Water supplies from the Harding Canyon River Reservoir via the Manning Water Treatment Plant are often limited due to dry weather conditions within the drainage area.

Groundwater Facilities. IRWD receives approximately 48 percent of its water supply from local groundwater wells in the Orange County Basin and the Irvine and Lake-Forest sub basins. Groundwater is pumped and conveyed from the wellfields which connect directly to IRWD's potable distribution system.

Imported Water Supplies. IRWD supplements its local groundwater with imported water purchased and supplied by Metropolitan Water District through Municipal Water District of Orange County. IRWD receives imported potable water supplies from the State Water Project and the Colorado River and is treated at the Diemer and Weymouth plants. IRWD receives imported non-potable water supplies from the Colorado River treated at the Baker Water Treatment Plant. After the water reached the treatment plant, it is conveyed to various IRWD turnout connections then to IRWD's potable water distribution system. IRWD delivers potable water through its water system which consists of approximately 561 miles of pipelines.

Recycled Water Facilities. IRWD has an extensive sewage collection system and collects and treats nearly all sewage generated in the IRWD's service area. IRWD treats water at the Michelson Water Recycling Plant and the Los Alisos Water Recycling Plant. A small percentage of sewage is collected and treated by the Orange County Sanitation District or Santa Margarita Water District. Recycled water is used within the service area for non-potable purposes to offset potable water demands. IRWD also operates four recycled water seasonal storage reservoirs which store excess recycled water during the winter months when irrigation demands are low for later use in the peak summer months. On average, IRWD delivers about 28 million gallons of recycled water per day to 6,000 customers.

Water Banking. IRWD has developed a fully operational water banking program which maintains supplemental water supplies that IRWD can rely upon in the event of long-term drought, supply interruptions and other water shortage events.

Mesa Water District

Mesa Water meets its demand through a combination of local groundwater and recycled water. In 2019-2020, the Mesa Water supplies were 94 percent groundwater and 6 percent recycled water. By 2045, the water supply portfolio is projected to slightly shift to 95 percent groundwater and 5 percent recycled water.

Mesa Water has approximately 328.4 miles of water mains with approximately 25,032 service connections. The water district operates 7 wells, which includes 2 future wells (under construction), a nanofiltration facility, 2 reservoirs with a total storage of 29 million gallons (MG), 3 metered imported water connections, and 16 emergency interconnections.

Groundwater Facilities. Mesa Water’s wells pump clear water from the main production aquifer of the OC Basin and two wells that pump amber-tinted water located below the main production aquifer. The amber-tinted water wells are treated at the Mesa Water Reliability Facility before being pumped into the distribution system.

Recycled Water Facilities. Mesa Water does not own or operate wastewater treatment facilities or the wastewater collection system. The Costa Mesa Sanitary District provides wastewater collection within Mesa Water’s service area and conveys it to Orange County Sanitation District for treatment and disposal.

Emergency Interconnections. Mesa Water has four emergency interconnections with the City of Santa Ana, and seven emergency interconnections with the City of Newport Beach, and five emergency interconnections with IRWD.

Water Use

City of Newport Beach

Existing and Projected Demand. Water use within the City’s service area has been relatively stable with an annual average of 15,413 AF. Potable and non-potable water use accounted for an average of 97 percent and 3 percent of total City water use, respectively. In Fiscal Year (FY) 2019-20, the City’s water use was 14,492 AF of potable water (groundwater and imported) and 513 AF of direct recycled water for landscape irrigation. In FY 2019-20, the City’s potable water use profile was 58.9 percent residential use, 18.2 percent commercial/institutional/industrial uses, and 18.1 percent large landscape/irrigation, with non-revenue water and other uses of 4.8 percent. Water demand is projected to increase 5.2 percent from 2025 through 2045. The projected water use for 2045 is 15,103 AF for potable water and 542 AF for recycled water. The passive savings are anticipated to continue for the next 25 years and are considered in the water use projections.

Population growth assumed in the UWMP forecasts population growth in the Newport Beach service area to increase to 4.3 percent between 2020 to 2045. **Table 4.17-1: City of Newport Beach Projected Water Demand** shows the City’s forecasted water demand for the next 25 years. While single-unit and multi-unit residential water demand is projected to decrease due to water use efficiency measures, use by commercial/industrial/institutional is projected to increase. However, the 2020 UWMP does not account for the 6th Cycle RHNA.

Table 4.17-1: City of Newport Beach Projected Water Demand¹					
	2025	2030	2035	2040	2045
Water Demand ¹	15,005	14,866	15,371	15,682	15,645
Note: These estimates were made prior to the update to the City’s General Plan Housing Element (6th Cycle) Source: City of Newport Beach. (May 2021). 2020 Urban Water Management Plan Final Draft, Table 4-3: Retail: Use for potable and Non-Potable Water - Projected. 1 “Water” includes potable water, raw water, other non-potable water, and recycled water demand.					

Water Supply Reliability. The City’s 2020 UWMP assesses the City’s reliability to provide water services to its customers for a normal water year, a single dry water year, and a drought lasting five consecutive water years. **Table 4.17-2: City of Newport Beach Projected Water Supply** identifies the City’s water supply with a conservative demand increase of six percent each year for five consecutive years. The UWMP concludes that the City is capable of meeting all customers’ demands from 2025 through 2045, with significant reserves held by Metropolitan Water District of Southern California and conservation.

	2025	2030	2035	2040	2045
Groundwater	12,175	12,605	12,729	12,869	12,838
Imported Water	2,149	2,224	2,246	2,271	2,265
Recycled Water	542	542	542	542	542
Total	14,866	15,371	15,517	15,682	15,645

Notes:
 1 These estimates were made prior to the update to the City’s General Plan Housing Element (6th Cycle)
 Source: City of Newport Beach. (May 2021). 2020 Urban Water Management Plan Final Draft, Table 6-2: Retail: Water Supplies – Projected.

Irvine Ranch Water District

Existing and Projected Water Demand. In FY 2019-20, potable and non-potable water use accounted for an average of 94 percent and 6 percent of the IRWD service area’s total water use, respectively. In FY 2019-20, IRWD’s water use was 52,771 AF of potable water and 3,603 AF of non-potable water. In FY 2019-20, IRWD’s potable water use profile was 60.4 percent residential use, 25.2 percent commercial/institutional/industrial uses, and 14.4 percent large landscape/irrigation/other uses. Water demand is projected to increase 25.6 percent from 2025 through 2040. The projected water use for 2040 is 87,637 AF for potable water and 30,846 AF for non-potable water.

Population growth assumed in the UWMP projects population growth in the IRWD service area to increase to approximately 16 percent between 2020 to 2045. **Table 4.17-3: IRWD Projected Water Demand** shows a projection of IRWD’s water demand for the next 20 years. However, IRWD’s UWMP does not account for the 6th Cycle RHNA for municipalities served by IRWD. Newport Beach accounts for approximately 6 percent of IRWD’s total service area.

	2020	2025	2030	2035	2040
Water Demand	85,520	96,557	103,993	111,429	118,483

Notes:
 1 These estimates were made prior to the update to the City’s General Plan Housing Element (6th Cycle)
 2 It should be noted that this table reflects the demand of the entire IRWD service area, and not just the portions that are located within the City of Newport Beach. Newport Beach is approximately 6 percent of IRWD’s service area.
 Source: Irvine Ranch Water District. (June 2021). 2020 Urban Water Management Plan, Table 4-3 A: Retail: Total Gross Water Use (Potable) and Table 4-3 B Retail: Total Gross Water Use (Non-Potable).

Water Supply Reliability. IRWD’s 2020 UWMP assesses the reliability to provide water services to its customers for a normal water year, a single dry water year, and a drought lasting five consecutive water years. **Table 4.17-4: IRWD Projected Water Supply** identifies the City’s water for the next 20 years. The UWMP concludes that IRWD is capable of meeting all customers’ demands from 2025 through 2040.

Table 4.17-4: IRWD Projected Water Supply^{1, 2}

Water Source	2025	2030	2035	2040
Purchased or Imported Water	68,374	68,374	68,374	68,374
Surface Water	3,048	3,048	3,048	3,048
Groundwater	65,293	65,293	65,293	65,293
Recycled Water	42,012	42,012	42,012	42,012
Total	178,727	178,727	178,727	178,727

Notes:
 1. These estimates were made prior to the update to the City’s General Plan Housing Element (6th Cycle)
 2. It should be noted that this table reflects the supply for the entire IRWD service area, and not just the portions that are located within the City of Newport Beach.
 Source: Irvine Ranch Water District. (June 2021). 2020 Urban Water Management Plan, Table 6-9 Water Supplies - Projected

Mesa Water District

Existing and Projected Water Demand. Water use within the Mesa Water’s service area has been relatively stable in the past decade with an annual average of 18,129 AF. In this period, potable and non-potable water use accounted for an average of 94 percent and recycled water accounted for approximately 6 percent of total Mesa Water use. In FY 2019-20, Mesa Water’s water use was 16,118 AF of potable, raw, and non-potable water and 959 AF of recycled water. In FY2019-20, Mesa Water’s potable water use profile was comprised of 60.9 percent residential use, 24.1 percent commercial, industrial, and institutional use, and 9.6 percent large landscape/irrigation, with non-revenue water and other uses comprising about 5.3 percent. Water demand is projected to increase 20.8 percent from 2025 through 2045. The projected water use for 2045 is 19,751 AF for potable water and 1,100 AF for recycled water. The passive savings are anticipated to continue for the next 25 years and are considered in the water use projections.

Population growth assumed in the UWMP projects population growth in the Mesa Water service area to increase to 33.5 percent between 2020 to 2045. **Table 4.17-5: Mesa Water Projected Water Demand** shows a projection of the water district’s water demand for the next 25 years. However, Mesa Water’s UWMP does not account for the 6th Cycle RHNA for municipalities served by Mesa Water. Newport Beach accounts for approximately 2 percent of Mesa Water District’s total service area.

Table 4.17-5: Mesa Water Projected Water Demand^{1, 2}

	2025	2030	2035	2040	2045
Water Demand	17,454	19,109	20,101	20,476	20,851

Notes:
 1. These estimates were made prior to the update to the City’s General Plan Housing Element (6th Cycle)
 2. It should be noted that this table reflects the demand for the entire Mesa Water service area, and not just the portions that are located within the City of Newport Beach.
 Source: Mesa Water District. (June 2021). 2020 Urban Water Management Plan Final, Table 4-4: Retail: Total Gross Water Use (Potable and Non-Potable)

Water Supply Reliability. Mesa Water’s 2020 UWMP assesses the City’s reliability to provide water services to its customers for a normal water year, a single dry water year, and a drought lasting five consecutive water years. **Table 4.17-6: Mesa Water Projected Water Supply** identifies Mesa Water’s water supply with a conservative demand increase of six percent each year for five consecutive years. The UWMP concludes that Mesa Water is capable of meeting all customers’ demands from 2025 through

2045, with significant reserves held by Metropolitan Water District of Southern California and conservation.

Table 4.17-6: Mesa Water Projected Water Supply^{1, 2}

	2025	2030	2035	2040	2045
Groundwater	16,354	18,009	19,001	19,376	19,751
Recycled Water	1,100	1,100	1,100	1,100	1,100
Total	17,454	19,109	20,101	20,476	20,851

Notes:
 1. These estimates were made prior to the update to the City’s General Plan Housing Element (6th Cycle)
 2. It should be noted that this table reflects the demand for the entire Mesa Water service area, and not just the portions that are located within the City of Newport Beach.
 Source: Source: Mesa Water District. (June 2021). 2020 Urban Water Management Plan Final, Table 6-9: Retail: Water Supplies - Projected

Thresholds of Significance: Water

The City uses the thresholds of significance specified in *State CEQA Guidelines, Appendix G*. Impacts concerning water would be significant if Project implementation would:

- Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.
- Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.

Project Impacts and Mitigation: Water

Threshold 4.17-1:	Would the Project require or result in the relocation or construction of new or expanded water facilities, the construction of which could cause significant environmental effects?
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The proposed Project would not directly construct new housing, but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. Future housing development facilitated by the Project and the resulting population growth of approximately 21,811 persons (see **Section 4.12: Population and Housing**) would incrementally increase the demand for utility and service systems. Of the 247 housing sites, 227 housing sites are currently developed and are provided with water service by the City, IRWD, or Mesa Water. Of the 20 undeveloped housing sites, 19 sites are in the Banning Ranch Focus Area and 1 site is in the Coyote Canyon Focus Area. As noted in **Section 3.0: Project Description**, the Banning Ranch Focus Area is included in the 2021–2029 Housing Element’s sites inventory but is not assumed in order to accommodate the City’s 6th Cycle RHNA allocation. Banning Ranch is considered as additional dwelling unit opportunity in addition to those that accommodate the RHNA.

The majority of housing sites are within urbanized and developed areas, where there is existing water infrastructure. Therefore, it is anticipated that future housing development facilitated by the Project would connect to existing nearby domestic water infrastructure of the respective water purveyors with a limited need for relocation or construction of new or expanded water infrastructure. Construction could

require excavation, removal of aging and/or undersized water lines, and installation of the new lines located within existing paved streets and public rights-of-way. Such infrastructure improvements are limited to short-term construction effects that cease upon completion of the improvements. All future housing projects would be subject to the City's Development Plan review process including site-specific evaluation of the respective water districts' existing water system capacity to serve the development.

Additionally, if any future development facilitated by the Project contains 500 or more residential units, SB 610 requires the preparation of a Water Supply Assessment. Where it is determined that new or expanded water infrastructure is required, the potential effects of these improvements would need to be addressed as a part of the site-specific Development Plan review process.

As noted in the General Plan EIR, if improvements to the existing water system are required or additional facilities are needed, the property developer would be required to pay its fair share of the cost of all or portions of the needed improvements.

Future development would be subject to General Plan policies that require adequate public services and infrastructure be provided as new development occurs. For example, compliance with Land Use Element Policies LU 2.8 and LU 3.2 require that land uses can be adequately supported by public services, transportation, and utility infrastructure. All future housing development facilitated by the Project would be subject to the City's development review process, which may include review pursuant to CEQA, and would be assessed on a case-by-case basis for potential effects concerning the secondary effects of population growth, including but not limited to the need for infrastructure improvements. Projects would need to demonstrate that adequate water infrastructure is available or can be provided for new housing and continue to be provided for existing land uses. Although future development may require the construction or relocation of water supply infrastructure, potential impacts would be addressed as a part of the individual projects and it is anticipated that impacts would be less than significant.

Impact Summary: **Less Than Significant Impact.** It is anticipated that water infrastructure to serve future housing site projects can be provided without causing significant impacts.

Threshold 4.17-2:	Would the Project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?
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As previously mentioned, the proposed Project would not directly construct new housing, but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. The resulting population growth of approximately 21,811 persons (see **Section 4.12: Population and Housing**) could incrementally increase the demand for water. Of the 247 housing sites, 227 housing sites are currently developed and are provided with water service by the City, IRWD, or Mesa Water. Of the 20 undeveloped housing sites, 19 sites are in the Banning Ranch Focus Area and 1 site is in the Coyote Canyon Focus Area.

As addressed in this Program EIR, the impact analysis is conservative because it accounts for additional housing units as a buffer to address future "no net loss" to preclude the need to identify replacement sites during 6th Cycle implementation. Therefore, this Program EIR conservatively analyzes a total development capacity of 9,914 units including future development capacity of up to 9,649 units on 247 housing sites, 25 units associated with pipeline projects, and 240 accessory dwelling units (ADUs). Further,

this EIR analysis does not consider any loss of existing on the ground development which may be displaced to accommodate 9,914 housing units; no net change is assumed.

Future housing development facilitated by the Project would be subject to the City's development review process and required to adhere to all federal, State, and local requirements during construction and operation for ensuring that sufficient water supplies are available. Future development that contains 500 or more residential units are required to prepare a Water Supply Assessment, per SB 610. Future housing development would also be subject to Title 24 CBC requirements such as smart water fixtures which would reduce water demand. Future housing development would also be subject to Municipal Code Chapter 14.16 (Water Conservation and Water Supply Shortage Program), which establishes permanent water conservation requirements to reduce water consumption and implements the City's Water Shortage Contingency Plan, and Municipal Chapter 14.17 (Water-efficient Landscaping), which requires water efficient landscaping consistent with SB 1383 and EO B-29-15. Finally, future housing development would be required to present will-serve letters or submit a Utility Service Application to the City substantiating that adequate water supplies would be available. It is also important to note that future housing development would occur incrementally, based on market conditions and other factors, such that it is not expected that water supplies are not overburdened by substantially increased demands at any single point in time.

The 2020 UWMP's for the City, IRWD, and Mesa Water identify sufficient water supplies during normal, single-dry, and multiple-dry year scenarios from 2025 through 2045 for both imported and groundwater supplies. However, it is noted that the UWMPs for the respective water districts do not account for the 6th Cycle RHNA for the municipalities they serve. It is important to note, that although the 6th Cycle RHNA was not accounted for in the UWMPs, water efficiency measures and continued conservation, new building standards, and a conversion of potentially high demand uses to lower demand uses has allowed water districts to adequately serve their respective users in their service areas. However, because the UWMPs did not account for the 6th Cycle RHNA, documentation is not available to substantiate that there will be sufficient water supplies available to serve future development facilitated by the Project and reasonably foreseeable future development during normal, dry and multiple dry years. Despite compliance with federal, State, and local requirements, the water demands from future development facilitated by the Project would result in a significant and unavoidable impact concerning water supply based on consistency with the UWMPs.

Impact Summary: **Significant and Unavoidable Impact.** Implementation of future housing projects could adversely impact water supply reliability because the UWMPs do not account for the 6th Cycle RHNA allocations for the municipalities served by the three water districts.

4.17.3 Wastewater⁵

Regulatory Setting

Federal

Clean Water Act.

See 4.17.2.

State

Clean Water Act

The Clean Water Act (33 United States Code §§Section 1251 et seq.) is the primary federal law that protects the nation's waters, including lakes, rivers, aquifers, and coastal areas. The statute employs a variety of regulatory and non-regulatory tools to sharply reduce direct pollutants discharges into waterways, finance municipal wastewater treatment facilities, and manage polluted runoff. These tools are employed to achieve the broader goal of restoring and maintaining the chemical, physical, and biological integrity of the nation's waters so that they can support "the protection and propagation of fish, shellfish, and wildlife and recreation in and on the water."

Section 401 of the Clean Water Act requires that any applicant for a federal permit to conduct any activity, including the construction or operation of a facility that may result in the discharge of any pollutant, obtain State certification. Section 303 of the Clean Water Act requires states to identify surface waters that have been impaired. Under Section 303(d), states, territories, and authorized tribes are required to develop a list of water quality segments that do not meet water quality standards, even after point sources of pollution have installed the minimum required levels of pollution control technology.

State Water Resources Control Board

The State Water Resources Control Board (SWRCB) preserves, enhances, and restores the quality of California's water resources and ensures proper allocation and efficient use for the benefit of present and future generations. Wastewater generators must obtain a permit to discharge their wastewater. Pursuant to the federal Clean Water Act and California's Porter-Cologne Water Quality Control Act, the SWRCB regulates wastewater discharges to surface waters through the National Pollution Discharge Elimination System (NPDES) program. Some wastewater discharges are exempt from federal NPDES requirements, but California law may still apply. Under California law, the SWRCB requires waste discharge requirements for some discharges, in addition to those subject to NPDES permits. Permits contain specific requirements that limit the pollutants in discharges. They also require dischargers to monitor their wastewater to ensure that it meets all requirements. Wastewater dischargers must maintain their treatment facilities, and treatment plant operators must be certified. The SWRCB routinely inspects treatment facilities and strictly enforces permit requirements.

Sanitary Sewer Management Plan

The SWRCB adopted Wastewater Discharge Requirements Order 2006-0003-DWQ on May 2, 2006. This order mandates all federal and State agencies, municipalities, counties, districts, and other public entities ("enrollees") that own or operate sanitary sewer systems greater than one mile in length that collect

⁵ City of Newport Beach (2006). *Newport Beach General Plan Update Draft EIR – Utilities and Service Systems*. https://newportbeachca.gov/PLN/General_Plan/GP_EIR/Volume_1/19_Sec4.14_Utilities_and_Service_Systems.pdf. Accessed Dec. 2023.

and/or convey untreated or partially treated sewer to a publicly owned treatment works facility in California to comply with the terms of the order. Order 2006-0003-DWQ also requires each enrollee to develop and implement a system-specific sewer management plan to facilitate proper funding and management of sanitary sewer systems. Sewer system management plans must include provisions to provide proper and efficient management, operation, and maintenance of sanitary sewer systems, while taking into consideration risk management and cost/benefit analysis. Additionally, a sewer system management plan must contain a spill response plan that establishes standard procedures for immediate response to a sewer system overflow in a manner designed to minimize water quality impacts and potential nuisance conditions.

Sewer System Management Plan

The State Water Resources Control Board requires wastewater collection providers to report sanitary sewer overflows and to prepare and implement Sewer System Management Plans (SSMP). The SSMP policy requires dischargers to provide adequate capacity in the sewer collection system, take feasible steps to stop sewer overflows, identify and prioritize system deficiencies, and develop a plan for disposal of grease, among other requirements. In addition, wastewater providers must report sanitary sewer overflows to the Santa Ana Regional Water Quality Control Board (RWQCB), keep internal records of these overflows, and produce an annual report on overflows. Newport Beach's Utilities Department prepared a SSMP in September 2019, in compliance with the State Water Resources Control Board.

Wastewater Discharge Requirements Order 2006-0003-DWQ

On May 2, 2006, the SWRCB adopted Wastewater Discharge Requirements Order 2006-0003-DWQ. This order mandated all federal and State agencies, municipalities, counties, districts, and other public entities ("enrollees") that own or operate sanitary sewer systems greater than one mile in length that collect and/or convey untreated or partially treated sewer to a publicly owned treatment works facility in California to comply with the terms of the order. Order 2006-0003-DWQ also stated that, to facilitate proper funding and management of sanitary sewer systems, each enrollee must develop and implement a system-specific sewer management plan. To be effective, sewer system management plans must include provisions to provide proper and efficient management, operation, and maintenance of sanitary sewer systems, while taking into consideration risk management and cost/benefit analysis. Additionally, a sewer system management plan must contain a spill response plan that establishes standard procedures for immediate response to a sewer system overflow in a manner designed to minimize water quality impacts and potential nuisance conditions.

Regional and Local

Orange County Sanitary District Reclamation Plants NPDES Permit

Wastewater discharge requirements for Orange County Sanitary District (OC San) Reclamation Plants No. 1 and No. 2 are detailed in Order No. R8-2012-0035 issued in 2012. The permit includes the conditions needed to meet minimum applicable technology-based requirements. The permit includes limitations more stringent than applicable federal technology-based requirements where necessary to achieve the required water quality standards.

Orange County Sanitation District Capital Facilities Charges

The OC San Capital Facilities Charge (Ordinance No. 40) is imposed when a property newly connects to the OC San system or a previously connected property expands its use. Revenue generated from the

charge is used for the acquisition, construction, and reconstruction of OC San’s wastewater collection, treatment, and disposal facilities; to repay principal and interest on debt instruments; or to repay federal or State loans for the construction and reconstruction of sewage facilities, together with costs of administration and provisions for necessary reserves.

Orange County Sanitation District Ordinance Nos. 25 and 48

OC San Ordinance 25 sets forth some prohibitions on activities by food service establishments to minimize discharges of fat, oils, and grease to sewers. OC San Ordinance 48 sets limits on wastewater that is discharged to sewers and conveyed to OC San wastewater treatment plants. The ordinance limits concentrations of certain substances, including metals, some hazardous materials such as pesticides, and oil and grease (petroleum derived).

City of Newport Beach Sewer System Management Plan. The Sewer System Management Plan (Sept. 2019) provides a plan and schedule to properly manage, operate, and maintain all parts of the City’s sanitary sewer system. By planning ahead and ensuring all parts are maintained, the City is able to minimize risk of sanitary sewer overflows and mitigate any that may occur. The plan also outlines the emergency response program, operation and maintenance, overflow emergency response plan, and design and performance provisions.

City of Newport Beach General Plan

The General Plan includes goals and policies to conserve and maintain the City’s often unseen, infrastructure systems and energy that support the City’s community, providing valuable services that enhance the health, safety, welfare, and economic viability of the community. The following General Plan Land Use Element and Natural Resources Element⁶ goals and policies that have been adopted by the City for the purpose of avoiding or mitigating an environmental effect are applicable to future development projects associated with the proposed Project.

Land Use Element

Policies 2.8, 3.2, and 6.4.10 are applicable.

Natural Resources Element⁷

Goal NR 3: **Enhancement and protection of water quality of all natural water bodies, including coastal waters, creeks, bays, harbors, and wetlands.**

Policy NR 3.4: **Storm Sewer System Permit.** Require all development to comply with the regulations under the City’s municipal separate storm sewer system permit under the National Pollutant Discharge Elimination System.

Policy NR 3.11 **Site Design and Source Control.** Include site design and source control Best Management Practices (BMPs) in all developments. When the combination of site design and source control BMPs are not sufficient to protect water quality as required by the National Pollutant Discharge Elimination System (NPDES), structural treatment BMPs will be implemented along with site design and source control measures.

⁶ City of Newport Beach (2006). *City of Newport Beach General Plan – Land Use Element*. https://www.newportbeachca.gov/PLN/General_Plan/04_Ch3_LandUse_web.pdf. Accessed December 5, 2023.

⁷ City of Newport Beach (2006). *City of Newport Beach General Plan – Natural Resources Element*. https://www.newportbeachca.gov/PLN/General_Plan/11_Ch10_NaturalResources_web.pdf. Accessed December 5, 2023.

Policy NR 3.15 Street Drainage Systems. Require all street drainage systems and other physical improvements created by the City, or developers of new subdivisions, to be designed, constructed, and maintained to minimize adverse impacts on water quality. Investigate the possibility of treating or diverting street drainage to minimize impacts to water bodies.

Municipal Code

Chapter 14.36 Water Quality. The Clean Water Act mandates that municipalities separate storm water runoff and sanitary sewer systems and authorizes State Water Resources Control Boards and its local regulatory agencies to control non-point source discharges into California waterways. The Santa Ana and San Diego RWQCBs have issued Waste Discharge Requirements, herein referred to as the National Pollution Discharge Elimination System Permit or “NPDES Permits”, governing storm water runoff for the County of Orange. The City of Newport Beach is participating as a “Co-permittee” under the NPDES Permits in the development and adoption of an ordinance to accomplish the requirements of the Clean Water Act. This chapter ensures the participation of Newport Beach in the improvement of water quality and complies with federal requirements for the control of urban pollutants to storm water runoff, which enters the network of storm drains throughout Orange County.

Existing Conditions: Wastewater

Wastewater service within the City is provided by the City, Irvine Ranch Water District (IRWD), and Costa Mesa Sanitary District. Similar to the boundaries of the City’s potable water system, the City provides sewer service to most of Newport Beach, for a total service area of approximately 13.5 square miles.⁸ IRWD provides service to the southeastern portion of Newport Beach, for a service area within the City of approximately nine square miles.⁹ CMSD provides service to small portions of the City’s western boundary, for a service area within the City of less than one-half square mile.¹⁰

City of Newport Beach

Treatment System

Wastewater from the City’s sewer system is treated by the Orange County Sanitation District (OC San), which processes over 200 million gallons of collected wastewater daily. The OC San is responsible for safely collecting, treating, and disposing the wastewater generated by 2.6 million people living in a 470-square-mile area of central and northwest Orange County. The two sewage water treatment plants operated by the OSCD include Treatment Plant No. 2 in Huntington Beach, and Reclamation Plant No. 1 in Fountain Valley. A majority of the City’s sewage flow is pumped to Plant No. 2, while flows from the portion of the City north of SR-73 are pumped to Plant No. 1. Plant No. 1 has a treatment capacity of 320 million gallons per day (mgd) and treats an average of 120 mgd. Treatment Plant No. 2 has a capacity of 312 mgd and treats an average of 59 mgd.¹¹

OC San releases a portion of its treated wastewater into the ocean through a 10-foot diameter offshore pipeline that extends 5 miles from shore and about 200 feet below the ocean surface. Additionally, the

⁸ Ibid, Figure 4.14-2: Water Infrastructure and Service Areas.

⁹ IRWD’s total service area encompasses 133 square miles, with the service area in the City of Newport beach accounting for approximately 6 percent of IRWD’s total service area boundaries.

¹⁰ CMSD’s total service area encompasses 19 square miles, with the service area in the City of Newport beach accounting for approximately 2 percent of IRWD’s total service area boundaries.

¹¹ OCSAN, Regional Sewer Service. <https://www.ocsan.gov/services/regional-sewer-service>. Accessed January 2024.

Groundwater Replenishment System is the world's largest water purification system for indirect potable reuse. The system, which is a joint partnership between the Orange County Water District (OCWD) and OC San, takes highly treated wastewater that would have previously been discharged into the Pacific Ocean and purifies it using a three-step advanced treatment process consisting of microfiltration, reverse osmosis and ultraviolet light with hydrogen peroxide. The process produces approximately 130 million gallons per day high-quality water that meets all State and federal drinking water standards.¹²

Collection System

The collection system for the City of Newport Beach consists of over 200 miles of gravity and force flow sewer mains, varying in size from 2 to 42 inches in diameter. Residential and commercial wastewater collected by the City's wastewater collection system is transported, using a system of 20 pump stations, for treatment to the OC San. In addition, OC San trunk sewers and force mains also receive sewage flows from Newport Beach sewers at many locations throughout the City. The OC San trunk sewers, which vary in size from 18 to 42 inches in diameter, substantially reduce the size and number of sewers needed to be built and operated by the City. The OC San also operates seven pump stations in Newport Beach.

Irvine Ranch Water District

Treatment and Collection System

The existing collection system for the IRWD sewer system consists of gravity and force flow sewer mains. The wastewater collected by the IRWD collection system from the City is delivered via a system of pump stations for treatment. The Michelson Water Recycling Plant converts an average of 28 million gallons of sewage each day into recycled water. The water is used for landscape irrigation, industrial uses and toilet flushing. The plant was built in 1961 and is IRWD's primary source of recycled water. A major plant expansion was completed in 2014.

Costa Mesa Sanitary District

Treatment and Collection System

The existing collection system for the Costa Mesa Sanitary District sewer system consists of sewer mains, manholes, laterals, pumping stations and pressurized sewer lines (force mains). Costa Mesa Sanitary District sewer lines are tributary to the OC San treatment plants, and similar to the City, wastewater from the CMSD system is treated by the OC San. See the above referenced discussion for additional information regarding the OC San treatment system.

Thresholds of Significance: Wastewater

The City uses the thresholds of significance specified in *State CEQA Guidelines, Appendix G*. Impacts concerning wastewater would be significant if Project implementation would:

- Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.
- Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

¹² Orange County Water District. <https://www.ocwd.com/gwrs/>. Accessed January 2024.

Project Impacts and Mitigation: Wastewater

Threshold 4.17-3:	Would the Project require or result in the relocation or construction of new or expanded wastewater treatment facilities, the construction of which could cause significant environmental effects? And
Threshold 4.17-4:	Would the Project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

The City, Costa Mesa Sanitary District, and IRWD provide wastewater services to the City. Similar to the boundaries of the City's potable water system, the City provides sewer service to most of Newport Beach, IRWD provides service to the southeastern portion of Newport Beach, and Costa Mesa Sanitary District provides service to small portions of the City's western boundary.

Future housing development facilitated by the Project would incrementally increase wastewater generation in the City. As previously mentioned, the proposed Project would not directly construct new housing, but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. The resulting population growth of approximately 21,811 persons (see **Section 4.12: Population and Housing**) could incrementally increase the demand for wastewater service. Of the 247 housing sites, 227 housing sites are currently developed and are provided with wastewater service by the City, Costa Mesa Sanitary District, and IRWD. Of the 20 undeveloped housing sites, 19 sites are in the Banning Ranch Focus Area and 1 site is in the Coyote Canyon Focus Area. As noted in **Section 3.0: Project Description**, the Banning Ranch Focus Area is included in the 2021–2029 Housing Element's sites inventory but is not assumed in order to accommodate the City's 6th Cycle RHNA allocation. Banning Ranch is considered as additional dwelling unit opportunity beyond that needed to accommodate the RHNA.

As addressed in this Program EIR, the impact analysis is conservative because it accounts for additional housing units as a buffer to address future "no net loss" to preclude the need to identify replacement sites during 6th Cycle implementation. Therefore, this Program EIR conservatively analyzes a total development capacity of 9,914 units including future development capacity of up to 9,649 units on 247 housing sites, 25 units associated with pipeline projects, and 240 ADUs. Further, this EIR analysis does not consider any loss of existing on the ground development which may be displaced to accommodate 9,914 housing units; no net change is assumed.

The majority of housing sites are within urbanized and developed areas, where there is existing wastewater infrastructure. Therefore, it is anticipated that future housing development facilitated by the Project would connect to existing nearby sewer infrastructure of the respective districts with a limited need for relocation or construction of new or expanded infrastructure. Infrastructure improvements would likely require only a limited need for expansion or replacement of individual sewer line segments to meet increased residential wastewater demand. Construction of new sewer pipes or mains or replacement of existing facilities could require excavation, removal of older mains, removal of existing manholes, and installation of the new manholes and lines located within existing paved roads and public rights-of-way. Such infrastructure improvements are limited to short-term construction effects that cease upon completion of the improvement.

All future housing projects would be subject to the City's development review process including site-specific evaluation of the respective sanitation districts' existing infrastructure and treatment capacity to serve the development. Projects would be assessed on a case-by-case basis for potential effects concerning the secondary effects of population growth, including but not limited to the need for infrastructure improvements. Projects would need to demonstrate that adequate sewer infrastructure and treatment capacity is available or can be provided for new housing and continue to be provided for existing land uses. The City levies connection fees for new or expanded sewer connections, including those to new development. These connection fees help fund the costs associated with providing wastewater facility capacity to both new users requiring new connections, as well as existing users requiring additional capacity.

Projects would be required to adhere to all federal, State, and local requirements related to wastewater treatment during construction and operations, including the Municipal Code Chapter 21.35 (Water Quality Control), Municipal Code Chapter 14.36 (Water Quality), and the Construction Permit. General Plan policies require that adequate public services and infrastructure be provided as new development occurs. For example, compliance with Land Use Element Policies LU 2.8 and LU 3.2 require that land uses can be adequately supported by public services, transportation, and utility infrastructure. Future development facilitated by the Project would be subject to General Plan Policy NR 5.1 and NR 5.3 which require the renovation of all older sewer pump stations and the installation of new plumbing according to most recent standards, and implementation of the Sewer System Management Plan and Sewer Master Plan.

Additionally, all future housing development would be required to be designed, constructed, and operated in accordance with the respective service providers including OC San Ordinance Nos. 40 and 48, and all wastewater discharges into OC San facilities would be required to comply with the discharge standards set forth to protect the public sewage system and Waters of the United States.

Although future development may require the construction or relocation of sewer infrastructure, potential impacts would be addressed as a part of the individual projects and it is anticipated that impacts would be less than significant.

Impact Summary: **Less than Significant Impact.** Following compliance with the regulatory and General Plan policy requirements, the Project would result in a less than significant impact concerning its potential to cause environmental effects from the relocation or construction of new or expanded wastewater treatment or facilities.

4.17.4 Storm Water Facilities

Regulatory Setting

Federal

Clean Water Act

The Federal Water Pollution Control Act of 1972, more commonly known as the Clean Water Act, regulates the discharge of pollutants into watersheds throughout the nation. Under the Clean Water Act, the U.S. EPA implements pollution control programs and sets wastewater treatment standards.

National Pollution Discharge Elimination System

Section 402 of the Clean Water Act established the National Pollution Discharge Elimination System (NPDES) to regulate the discharge of pollutants from point sources. The U.S. Environmental Protection Agency (U.S. EPA) has authorized California to administer its NPDES permitting program. The NPDES permitting program prohibits the unauthorized discharge of pollutants from a point source (e.g., pipe, ditch, well) to waters of the United States. The permitting program addresses municipal, commercial, and industrial wastewater discharges and discharges from large animal feeding operations. Permittees must verify compliance with permit requirements by monitoring their effluent, maintaining records, and filing periodic reports. The program is administered at the local level by the RWQCBs. In California, the federal requirements are administered by the State Water Resources Control Board (SWRCB), and individual NPDES permits are issued by the California Regional Water Quality Control Boards (RWQCBs).

State

Porter-Cologne Water Quality Control Act

California's Porter-Cologne Water Quality Control Act of 1970 (Porter-Cologne Act) grants the State Water Resource Control Board (SWRCB) and the RWQCBs power to protect surface water and groundwater quality and is the primary vehicle for implementing California's responsibilities under the federal Clean Water Act. The SWRCB is divided into nine regions, each overseen by a RWQCB. The SWRCB is responsible for protecting California's surface waters and groundwater supplies.

Each RWQCB must formulate and adopt a Water Quality Control Plan (Basin Plan) for its region. The Basin Plan must conform to the policies set forth in the Porter-Cologne Act and established by the SWRCB in its State Water Policy. The Basin Plan establishes beneficial uses for surface and groundwater in the region, and sets forth narrative and numeric water quality standards to protect those beneficial uses. Basin plans are updated every three years and provide the basis of determining waste discharge requirements, taking enforcement actions, and evaluating clean water grant proposals. The Porter-Cologne Act also states that an RWQCB may include water discharge prohibitions applicable to particular conditions, areas, or types of waste within its regional plan. The Porter-Cologne Act is also responsible for implementing Clean Water Act Sections 401 and 402 and 303(d) to SWRCB and RWQCBs.

Water Quality Orders (SWRCB).

The SWRCB has adopted an NPDES General Permit for construction activities, known as the Construction General Permit (Construction General Permit). The current Construction General Permit (Order No. 2009-0009-DWQ, amended by 2010-0014-DWQ and 2012-006-DWQ) became effective on July 1, 2010. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) in conjunction with construction activities. The State SWPPP must contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, storm water collection and discharge points, general topography both before and after construction, and drainage patterns across the project. The SWPPP must list Best Management Practices (BMPs) that the discharger would use to protect storm water runoff and the placement of said BMPs. Additionally, the SWPPP must contain a Construction Site Monitoring Program to demonstrate that the site is in compliance with the Construction General Permit. Depending on the construction site risk level, the CSMP includes varying levels of visual monitoring and water quality sampling and analysis.

- The Construction General Permit also includes the following requirements and evaluation criteria:

- Rainfall Erosivity Waiver: This option allows a small construction site (>1 and <5 acres) to self-certify if the rainfall erosivity value (R value) for the site's given location and time frame compute to be less than or equal to 5.
- Technology-Based Numeric Action Levels: The Construction General Permit includes NALs (numeric action levels) for pH and turbidity.
- Risk-Based Permitting Approach: The Construction General Permit establishes three levels of risk possible for a construction site. Risk is calculated in two parts: Project Sediment Risk, and Receiving Water Risk.
- Effluent Monitoring and Reporting: The Construction General Permit requires effluent monitoring and reporting for pH and turbidity in storm water discharges. The purpose of this monitoring is to determine whether NALs and effluent limits for active treatment systems are exceeded.
- Receiving Water Monitoring and Reporting: The Construction General Permit requires some Risk Level 3 dischargers with direct discharges to surface waters to conduct receiving water monitoring whenever their effluent exceeds specified receiving water monitoring triggers.
- Rain Event Action Plan: The Construction General Permit requires certain sites to develop and implement a Rain Event Action Plan (REAP) that must be designed to protect all exposed portions of the site within 48 hours prior to any likely precipitation event.
- Annual Reporting: The Construction General Permit requires all projects that are enrolled for more than one continuous three-month period to submit information and annually certify that their site is in compliance with these requirements. The primary purpose of this requirement is to provide information needed for overall program evaluation and public information.
- Certification/Training Requirements for Key Project Personnel: The Construction General Permit requires that key personnel (e.g., State Water Project preparers, inspectors, etc.) have specific training or certifications to ensure their level of knowledge and skills are adequate to ensure their ability to design and evaluate project specifications in compliance with Construction General Permit requirements.

Regional and Local

Orange County Stormwater Program: Drainage Area Management Plan (DAMP)

Section 402(p) of the Clean Water Act, as amended by the Water Quality Act of 1987, requires that municipal NPDES Permits include requirements (1) to essentially prohibit non-storm water discharges into municipal storm sewers and (2) to control the discharge of pollutants from municipal storm drains to the maximum extent practicable. In response to this requirement, the Orange County Drainage Area Management Plan (DAMP) was developed in 1993, which has been updated several times in response to requirements associated with NPDES permit renewals. The City of Newport Beach is a member of the Orange County Stormwater Program, which coordinates all cities and the county government to regulate and control storm water and urban runoff into all Orange County waterways, and ultimately, into the Pacific Ocean. The Orange County Stormwater Program administers the current NPDES MS4 Permit and the DAMP for the County of Orange and the 34 incorporated cities within the region. The DAMP was prepared to meet the requirements of the stormwater permit by describing the overall storm water

management strategies planned by the County to protect the beneficial uses of the receiving waters in the Santa Ana drainage area.

The main objectives of the Orange County DAMP are to fulfill the Permittees' commitment to present a plan that satisfies NPDES permit requirements and to evaluate the impacts of urban storm water discharges on receiving waters. Orange County DAMP elements include (1) the establishment of public outreach and educational programs, management strategies, and inter-agency coordination; (2) continuing participation in the Regional Research/Monitoring program that is being conducted with the neighboring counties, the Southern California Coastal Waters Research Project (SCCWRP), and three Southern California Regional Boards; (3) the establishment of Best Management Practices (BMPs) aimed at managing project-induced hydrologic effects; and (4) the improvement of water quality throughout the region.

General Waste Discharge Requirements for Discharges to Surface Waters Which Pose an Insignificant (de minimus) Threat to Water Quality (Dewatering Permit)

The Santa Ana RWQCB issued Order No. R8-2003-0061 and Amendments to NPDES Permit No. CAG998001 (Dewatering Permit) to regulate the discharge of dewatering wastes from construction, subterranean seepage, and other similar types of discharges considered to have "de minimus" impacts on water quality within the jurisdictions covered by the County permit. This permit was updated in March 2009 (by Order No. R8-2009-0003, NPDES NP. CAG998001) and applies to projects in Newport Beach. To obtain coverage under this permit, an applicant must submit a Notice of Intent and data establishing the chemical characteristics of the dewatering discharge. A standard monitoring and reporting program is included as part of the permit. For dewatering activities that are not covered by the Construction General Permit, Waste Discharge Requirements, and an individual NPDES permit must be obtained from the applicable RWQCB.

City of Newport Beach General Plan

General Plan Land Use Policies LU 2.8, LU 3.2, and LU 6.4.10 and Natural Resources Policies NR 3.4 and NR 3.15 are applicable.

Newport Beach Municipal Code

Section 19.28.080. Section 19.28.080 (Storm Drains) of the City's Municipal Code requires developers to design and construct all drainage facilities necessary for the removal of surface water from the site (e.g., open/closed channels, catch basins, manholes, junction structures), and to protect off-site properties from a project's water runoff. The storm drain system must be designed in accordance with the standards of the Orange County Flood Division. A drainage fee is also charged to fund improvements to the City's drainage facilities.

Chapter 21.35 Water Quality Control. Developments that require a coastal development permit or have the potential for adverse water quality or hydrologic impacts to coastal waters, in most cases, require a construction-phase plan (Construction Pollution Prevention Plan) and post-development plan (Post-Development Runoff Plan or Water Quality and Hydrology Plan). The Construction Pollution Prevention Plan should describe the temporary best management practices (BMPs) that the development will implement to minimize erosion and sedimentation during construction, and to minimize pollution runoff and coastal waters by construction chemicals and materials. The Post-Development Runoff Plan should

describe the runoff management site design strategies, pollutant source control BMPs, and other measures the development will implement to protect coastal waters after the development is completed.

Existing Conditions: Storm Water¹³

The City provides storm drain service in Newport Beach. The Orange County Resources and Development Management Department maintains the regional drainage facilities in the City, including the Santa Ana River and San Diego Creek. The existing storm drain system owned and operated by the City consists of pipelines, catch basins, manholes, tide valves, open channels and retention basins located throughout the system. Pipelines range from 3 to 120 inches in diameter. Storm water drainage facilities are further described in **Section 4.9: Hydrology and Water Quality**.

Thresholds of Significance: Storm Water

The City uses the thresholds of significance specified in *State CEQA Guidelines, Appendix G*. Impacts concerning water would be significant if Project implementation would:

- Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

Project Impacts and Mitigation: Storm Water

Threshold 4.17-5:	Would the Project require or result in the relocation or construction of new or expanded storm water drainage facilities, the construction of which could cause significant environmental effects?
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Of the 247 housing sites, 227 housing sites are currently developed and are provided with storm water drainage facilities. Of the 20 undeveloped housing sites, 19 sites are in the Banning Ranch Focus Area and 1 site is in the Coyote Canyon Focus Area. As noted in **Section 3.0: Project Description**, the Banning Ranch Focus Area is included in the 2021–2029 Housing Element’s sites inventory but is not assumed in order to accommodate the City’s 6th Cycle RHNA allocation. Banning Ranch is considered as additional dwelling unit opportunity in addition to those that accommodate the RHNA.

All storm water infrastructure from future development facilitated by the Project, including on-site and off-site improvements, would connect to the City’s existing storm water infrastructure. Banning Ranch and Coyote Canyon would require the construction of new storm water infrastructure. All future development would be subject to the Orange County Drainage Area Management Plan which requires new developments to create and implement a Water Quality Management Plan (WQMP), which would ensure pollutant discharges are reduced to the maximum extent practicable and do not exceed existing storm drainage capacities. Projects are required to reduce discharge of storm water into urban runoff from the operational phase by managing site runoff volumes and flow rates through application of appropriate best management practices (BMPs) and be designed in accordance with the NPDES requirements.

¹³ City of Newport Beach (2006). *Newport Beach General Plan Update Draft EIR – Hydrology and Water Quality*. https://newportbeachca.gov/PLN/General_Plan/GP_EIR/Volume_1/12_Sec4.7_Hydrology.pdf. Accessed December 2023.

As a part of the site-specific development review process through the City, applicants would be required to demonstrate that drainage facilities would also be designed in accordance with Municipal Code Section 19.28.080, set forth in **SC UTIL-1**, which requires developers to design and construct all drainage facilities necessary for the removal of surface water from the site, and to protect off-site properties from a project's water runoff. Therefore, stormwater runoff expected at buildout of the proposed Project would not exceed existing storm drainage capacities and would not require the construction or expansion of stormwater facilities, the construction of which would cause significant environmental effects.

Impact Summary: **Less than Significant Impact.** Following compliance with the regulatory requirements and SC UTIL-1, the Project would result in a less than significant impact concerning its potential to cause environmental effects from the relocation or construction of new or expanded storm water improvements.

4.17.5 Dry Utilities: Electricity, Natural Gas, Telecommunications

Regulatory Setting

Federal

National Energy Conservation Policy Act

The National Energy Conservation Policy Act serves as the underlying authority for federal energy management goals and requirements. Signed into law in 1978, it has been regularly updated and amended by subsequent laws and regulations. This act is the foundation of most federal energy requirements.

Energy Policy Act of 2005

The Energy Policy Act of 2005 sets equipment energy efficiency standards and seeks to reduce reliance on non-renewable energy resources and provide incentives to reduce current demand on these resources. For example, under the Act, consumers and businesses can receive federal tax credits for purchasing fuel-efficient appliances and products, including hybrid vehicles; constructing energy-efficient buildings; and improving commercial buildings' energy efficiency. Additionally, tax credits are available for installing qualified fuel cells, stationary micro-turbine power plants, and solar power equipment.

Regional and Local

City of Newport Beach General Plan

General Plan Land Use Element Policies 2.8, 3.2, and 6.4.10 are applicable.

Newport Beach Municipal Code

Chapter 20.49 Wireless Telecommunications Facilities. This chapter provides the installation, modification, operation, and maintenance of wireless telecommunication facilities on public and private property consistent with State and federal law. Telecommunication facilities must ensure public safety, minimize the visual effects of telecom facilities on public streetscapes, protect public views, and otherwise avoid and mitigate the visual impacts of telecom facilities on the community.

*City of Newport Beach Local Coastal Program: Implementation Plan*¹⁴

The Implementation Plan is Title 21 of the Newport Beach Municipal Code, and contains the following chapters relevant to telecommunication systems:

Chapter 21.49 Wireless Telecommunications Facilities. This chapter provides the installation, modification, operation, and maintenance of wireless telecommunication facilities on public and private property in coastal areas consistent with State and federal law. Telecommunication facilities must ensure public safety, minimize the visual effects of telecom facilities on public streetscapes, protect public views, and otherwise avoid and mitigate the visual impacts of telecom facilities on the community.

Existing Conditions: Dry Utilities

Electricity

Southern California Edison Company (SCE) is the primary distribution provider for electricity in the City.¹⁵ SCE is a regulated electrical utility and maintains electrical facilities and infrastructure within the City and surrounding areas. SCE facilities and infrastructure are used to provide service to the City under the applicable rules and tariffs approved by the California Public Utilities Commission (CPUC), which is responsible for ensuring that California utilities' customers have safe and reliable utility service. SCE provides service in accordance with Tariff Rule 2 as authorized by the CPUC. In addition to the specific rule requirements, each service request is individually designed taking into consideration factors that include but are not limited to: the customer's projected electrical load, location of the customer's metering point, requested service voltage, reliability needs, proximity and delivery capacity of SCE's near-by facilities, potential for load expansions and future development of the SCE system.¹⁶

Natural Gas

The City is served by Southern California Gas Company (SoCalGas). SoCalGas services approximately 21 million people in a 20,000-square mile service territory.¹⁷ SoCalGas has four storage fields – Aliso Canyon, Honor Rancho, La Goleta, and Playa del Rey – with a combined storage capacity of approximately 134 billion cubic feet.¹⁸ According to the California Energy Commission (CEC), natural gas demand in the SoCalGas service area was 572 million therms in 2022 (most recent data).¹⁹

SoCalGas projects that total demand for natural gas will decline at an annual average rate of 1.1 percent per year through 2035.²⁰ The decline in demand is due to modest economic growth, California Public Utilities Commission mandated energy efficiency standards and programs, tighter standards created by

¹⁴ City of Newport Beach (2016). *Local Coastal Program Implementation Plan*. <https://www.codepublishing.com/CA/NewportBeach/html/NewportBeach21/NewportBeach21.html>. Accessed December 2023.

¹⁵ Southern California Edison. (2019). Southern California Edison's Service Area. https://download.newsroom.edison.com/create_memory_file/?f_id=5cc32d492cfac24d21aecf4c&content_verified=True. Accessed December 2023.

¹⁶ Southern California Edison. (ND). Expansion and New Facilities. <https://www.sce.com/business/consulting-services/expansion>. Accessed December 2023.

¹⁷ SoCalGas. (ND). Company Profile. <https://www.socalgas.com/about-us/company-profile>. Accessed December 2023.

¹⁸ SoCalGas. (ND). Storage Facility Safety. <https://www.socalgas.com/stay-safe/pipeline-and-storage-safety/storage-facility-safety>. Accessed December 2023.

¹⁹ California Energy Commission. (2022). *Gas Consumption by Southern California Gas*. <http://ecdms.energy.ca.gov/gasbycounty.aspx>. Accessed December 2023.

²⁰ California Gas and Electric Utilities (2022). *California Gas Report 2022, Page 5*. https://www.socalgas.com/sites/default/files/Joint_Utility_Biennial_Comprehensive_California_Gas_Report_2022.pdf Accessed December 2023

revised Title 24 Codes and Standards, renewable electricity goals, the decline in commercial and industrial demand, and conservation savings linked to Advanced Metering Infrastructure.

Telecommunications

Telecommunications are provided by Spectrum, Cox, and Google Fiber. Local telecommunications companies operate and maintain transmission and distribution infrastructure which currently serves the City.

Thresholds of Significance: Dry Utilities

The City uses the thresholds of significance specified in *State CEQA Guidelines, Appendix G*. Impacts concerning water would be significant if Project implementation would:

- Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

Project Impacts and Mitigation: Dry Utilities

Threshold 4.17-6: Would the Project require or result in the relocation or construction of new or expanded electric power, natural gas, or telecommunication facilities, the construction of which could cause significant environmental effects?

All housing sites except 20 sites (19 within the Banning Ranch Focus Area and 1 within the Coyote Canyon Focus Area) are currently developed with infrastructure in place to serve the existing land uses. Housing sites that are located in or near developed areas would connect to existing electric power provided by SCE, natural gas provided by SoCalGas, and telecommunications facilities provided by a variety of service providers. Future development would be subject to compliance with Title 24 energy efficiency standards. Additionally, any expansion of natural gas service necessitated by implementation of the proposed Project would be in accordance with SoCalGas's policies and extension rules on file with the California Public Utilities Commission at the time contractual agreements are made.

As described in **Section 4.5: Energy**, the project-related net annual electricity consumption represents approximately 0.04 percent of SCE's projected sales in 2030; therefore, it is anticipated that SCE would have sufficient capacity to the Project's electricity demand. Similarly, the Project's natural gas consumption represents approximately less than 0.01 percent of the forecasted natural gas consumption in the SoCalGas planning area annually. It is anticipated that SoCalGas would have sufficient capacity to serve the Project's natural gas demands. Therefore, because electricity and natural gas demands can be met by the current service providers, it is assumed that the Project would only require connections to existing facilities near future developments.

Future housing development in Banning Ranch and Coyote Canyon would require the construction of new dry utility infrastructure to connect to existing facilities. As noted in **Section 3.0: Project Description**, the Banning Ranch Focus Area is included in the 2021–2029 Housing Element's sites inventory but is not assumed in order to accommodate the City's 2021–2029 RHNA growth need. Banning Ranch is considered as additional dwelling unit opportunity in addition to those that accommodate the RHNA. Any future residential development in Banning Ranch and Coyote Canyon would be subject to the City's development review process, and required to adhere to all federal, State, and local requirements for avoiding and

minimizing impacts related to the relocation or construction of new or expanded electricity, natural gas, and telecommunication facilities. Future development of the housing sites evaluated in this Program EIR are located in an urban environment. The provision of electrical, natural gas, and telecommunication services would not result in foresee significant impacts.

Impact Summary: **Less than Significant Impact.** Following compliance with the regulatory requirements, the Project would result in a less than significant impact concerning its potential to cause environmental effects from the relocation or construction of new or expanded dry utilities.

4.17.6 Solid Waste

Regulatory Setting

State

Integrated Solid Waste Management Act

In September 1989, the California Integrated Solid Waste Management Act (also known as AB 939) was passed. AB 939 required each city in the State to divert at least 25 percent of its solid waste from landfill disposal through source reduction, recycling, and composting by the end of 1995. By 2000, cities were required to divert at least 50 percent of their waste stream from landfills. AB 939 further required each city to conduct a solid waste generation study and prepare an annual source reduction and recycling plan to describe how it will reach its goals.

Assembly Bill 341

AB 341, approved in October 2011, is intended to reduce greenhouse gas emissions by diverting commercial solid waste to recycling efforts and to expand the opportunity for additional recycling services and recycling manufacturing facilities in the State. It is the State's goal that not less than 75 percent of solid waste generated be source reduced, recycled, or composted by the year 2020. This law requires commercial businesses and public entities that generate four or more cubic yards of commercial solid waste per week or is a multi-unit residential dwelling with five or more units to arrange for recycling services.

Each local jurisdiction is required to inform businesses about the recycling requirement and to keep track of the level of recycling within the business community. In addition, each jurisdiction is required to report to CalRecycle, the State agency that oversees recycling and solid waste, on progress in the business community.

Assembly Bill 1826

In October 2014, Governor Brown signed AB 1826, Chesbro (Chapter 727, Statutes of 2014), which requires businesses to recycle their organic waste on and after April 1, 2016, depending on the amount of waste they generate per week. Organic waste means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste. For businesses that generate eight or more cy of organic waste per week, this requirement began April 1, 2016, while those that generate four cy of organic waste per week must have an organic waste recycling program in place beginning January 1, 2017. This law also requires that on and after January 1, 2016, local jurisdictions across the State to implement an organic waste recycling program to divert organic waste generated by businesses, including multi-unit residential dwellings that consist of five or more units.

Mandatory recycling of commercial organics would be phased in over time, and an exemption process is available for rural counties.

Senate Bill 1383

Senate Bill 1383 (Lara, Chapter 395, Statutes of 2016) passed in 2016 as part of California's larger strategy to combat climate change. This law is the largest and most prescriptive waste management legislative update in California since AB 939. As it pertains to municipal solid waste management, SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The law establishes an additional target that not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025. The regulations are effective January 1, 2022 and require jurisdictions to provide programs and enforcement necessary to ensure all residents and businesses recycle organics. Under this law, organics includes food and food-soiled paper waste, landscape cuttings, cardboard, paper, and non-treated wood waste. Certain businesses that make, package, prepare and/or sell food must donate edible food that would otherwise be disposed to food banks for redistribution to people in need.

Local

Newport Beach Municipal Code

Title 6 Health and Sanitation. This title of the Newport Beach Municipal Code (Municipal Code) establishes appropriate measures to protect the health, safety, and welfare of citizens of Newport Beach. Municipal Code Chapter 6.04, Garbage, Refuse and Cuttings, contains regulations for collection, storage, and transportation of solid waste and divertible materials generated within the City. Municipal Code Chapter 6.06, State Mandated Municipal Solid Waste Diversion Programs, provides the minimum standards for the collection, storage and transport of solid waste, food scraps, green waste, wood, and other materials generated within the City and the diversion of recyclable materials²¹ from the landfill.

Section 12.63.030 Franchise to Operate Required. Municipal Code Section 12.63.030 requires businesses that provide commercial solid waste handling services in City limits to obtain a franchise in order to operate. The ordinance states that because State law requires the City to substantially reduce the amount of solid waste it sends to landfills, and the City is required to report to the State the amount of materials diverted from landfills in compliance with State law, the City must be able to regulate the collection of solid waste from residential and commercial premises through the requirements of a franchise.

Section 20.30.120 Solid Waste and Recyclable Materials Storage. This section provides the standards for the provision of solid waste and recyclable materials storage areas in compliance with the California Solid Waste Reuse and Recycling Access Act (PRC §42900) and Municipal Code Chapters 6.04 and 6.06. All existing and new development projects that require building permits must provide adequate enclosed areas with solid roofs for collecting and loading solid waste and recyclable materials.

²¹ Recyclable materials include food scraps, green waste, wood, and other recyclable materials.

Existing Conditions: Solid Waste

The City has an exclusive franchise agreement with CR&R Environmental Services (CR&R) for solid waste services, including refuse, recycling, and green waste. Residential trash, recycling, and green waste is collected weekly. Curbside bulky items and hazardous waste can be collected upon agreement.²²

The Orange County Waste & Recycling Department (OCWR) presently owns and operates three active landfills, including: Frank R. Bowerman Landfill in Irvine; Olinda Alpha Landfill in Brea; and Prima Deshecha Landfill in San Juan Capistrano.²³ Frank R Bowerman Landfill is a Class III landfill with a remaining capacity of 205,000,000 cubic yards and a maximum permitted throughput of 11,500 tons per day.²⁴ Olinda Landfill is a Class III landfill with a remaining capacity of 17,500,000 cubic yards and a maximum permitted throughput of 8,000 tons per day.²⁵ Olinda Landfill is a Class III landfill with a remaining capacity of 17,500,000 cubic yards and a maximum permitted throughput of 8,000 tons per day.²⁶ Prima Deshecha Landfill is a Class III landfill with a remaining capacity of 128,800,000 cubic yards and a maximum permitted throughput of 4,000 tons per day.²⁷

Thresholds of Significance: Solid Waste

The City uses the thresholds of significance specified in *State CEQA Guidelines, Appendix G*. Impacts concerning solid waste would be significant if Project implementation would:

- Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.
- Conflict with federal, State, and local management and reduction statutes and regulations related to solid waste.

Project Impacts and Mitigation: Solid Waste

Threshold 4.17-7:	Would the Project generate solid waste in excess of State and local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? And
Threshold 4.17-8:	Would the Project comply with federal, State, and local management and reduction statutes and regulations related to solid waste?

Future housing development facilitated by the Project would incrementally increase solid waste generation in the City. The City contracts for waste collection services; the service purveyor would be responsible for solid waste collection and hauling during both construction and operational phases of any future development projects. Solid waste generated during construction activities typically includes

²² City of Newport Beach. *Trash and Recycling*. <https://www.newportbeachca.gov/government/departments/public-works/municipal-operations/trash-recycling>. Accessed December 8, 2023.

²³ OC Waste & Recycling. *Landfills*. <https://www.oilandfills.com/landfills>.

²⁴ California Department of Resources Recycling and Recovery (CalRecycle). (ND). *SWIS Facility/Site Details, Franks R. Bowerman Sanitary LF (30-AB-0360)*. <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2767?siteID=2103>. Accessed December 8, 2023.

²⁵ California Department of Resources Recycling and Recovery (CalRecycle). (ND). *SWIS Facility/Site Details, Olinda Alpha Landfill (30-AB-0035)*. <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2757?siteID=2093>. Accessed December 8, 2023.

²⁶ California Department of Resources Recycling and Recovery (CalRecycle). (ND). *SWIS Facility/Site Details, Prima Deshecha Landfill*. <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2757?siteID=2093>. Accessed December 8, 2023.

²⁷ California Department of Resources Recycling and Recovery (CalRecycle). (ND). *SWIS Facility/Site Details, Olinda Alpha Landfill (30-AB-0035)*. <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2757?siteID=2093>. Accessed December 8, 2023.

demolition of existing on-site structures, vegetation clearing, and grading would generate solid waste. Such waste would be source separated on-site for reuse, recycling, or proper disposal. Bins for the various construction material waste types would typically be provided on site by CR&R, who would also transport waste materials to the proper facilities for disposal. For future operations, CR&R would offer a variety of trash collection and recycling services. It is anticipated that solid waste from future housing development facilitated by the Project would be disposed of at the landfill nearest the City: Frank R. Bowerman Landfill in the City of Irvine.

As previously addressed, AB 341 requires cities and counties to implement recycling programs, reduce refuse at the source, and compost waste to achieve the established 75 percent diversion of solid waste from landfills. In addition, the City is also required to monitor activities to identify those sending their organic material to the landfill and direct them towards proper organics diversion options pursuant to AB 1826. To achieve this target, Municipal Code Section 6.06 (State Mandated Municipal Solid Waste Diversion Programs) provides minimum standards for the safe and sanitary collection, storage, and transportation of solid waste, food scraps, green waste, wood, and recyclable materials generated within the City and the diversion of these types of solid waste from the landfill. Future housing development under the Project would be required to recycle corrugated cardboard, plastic beverage bottles, glass jars and bottles, white goods (appliances), and tin and bi-metal cans. Additionally, containers would be provided for recyclables, and recyclables would be separated from other trash and segregated by type for proper collection and disposal. Such measures would reduce the amount of solid waste disposed of at the Frank R. Bowerman Landfill.

Future housing development facilitated by the Project would be subject to the City's development review process and be required to adhere to all federal, State, and local requirements for solid waste reduction and recycling. In addition, all future housing development would be required to comply with the Green Building Code, which implements design and construction measures that act to reduce construction-related waste through material conservation measures and other construction-related efficiency measures. Municipal Code Section 20.30.120 (Solid Waste and Recyclable Materials Storage) requires all new development projects requiring a building permit to provide adequate, enclosed areas with solid roofs for collecting and loading solid waste and recycling materials.

Therefore, Project implementation would not generate solid waste in excess of State or local standards, or in excess of local infrastructure's capacity or conflict with statutes and regulations related to solid waste. Impacts would be less than significant and no mitigation is required.

Impact Summary: **Less than Significant Impact.** Solid waste services can be provided to the Project without significantly impacting existing and planned development within the City and County.

4.17.7 Cumulative Impacts

The Project's anticipated impacts of future development on the housing sites facilitated by the Project, in conjunction with cumulative development in the City, would increase housing development in a largely developed area and could result in impacts to utilities and service systems. Potential impacts are site-specific and would require evaluation on a case-by-case basis at the project level when future development on the housing sites is proposed in accordance with the Project. Each cumulative project would require separate review, which would address potential effects to utilities and service systems, and identify necessary improvements, where appropriate.

Consequently, future housing development on the housing sites facilitated by the Project would not result in significant environmental impacts from the exceeding existing utility and system capacities, exceeding wastewater treatment capacities, interfering with solid waste reduction goals, or existing solid waste statutes or regulations. The Project would not cause a cumulatively considerable impact on utilities and service systems, and no mitigation is required.

Cumulative impacts to the water supply are considered on a city-wide and regional basis as the service districts for IRWD and Mesa Water span multiple jurisdictions: Irvine, Tustin, Lake Forest, Newport Beach, Orange, Costa Mesa, and unincorporated areas of Orange County. As concluded above, despite compliance with federal, State, and local requirements, it cannot be demonstrated that future housing development facilitated by the Project would have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years because the water districts' URWPs do not account for the respective jurisdictions' 6th Cycle RHNA allocation. Therefore, the Project's contribution to cumulative impacts concerning water supplies to serve future development would be considered cumulatively considerable.

4.17.8 Mitigation Program

General Plan Policies

See **Section 4.17.2: Regulatory Setting** for complete policy text.

- Policy LU 2.8
- Policy LU 3.2
- Policy LU 6.1.2
- Policy LU 6.4.10
- Policy NR 3.4
- Policy NR 3.11
- Policy NR 3.15

Standard Conditions

- SC UTIL-1** The project shall be required to comply with the City of Newport Beach Municipal Code Chapter 14.16 related to water conservation and supply level regulations in effect during the construction and operation of the project, and Municipal Code Chapter 14.17 with respect to water-efficient landscaping.
- SC UTIL-2** The project shall be required to comply with Section 19.28.080 (Storm Drains) of the City's Municipal Code which requires developers to design and construct all drainage facilities necessary for the removal of surface water from the site (e.g., open/closed channels, catch basins, manholes, junction structures), and to protect off-site properties from a project's water runoff. The storm drain system must be designed in accordance with the standards of the Orange County Flood Division. A drainage fee is also charged to fund improvements to the City's drainage facilities.
- SC UTIL-3** The Applicant shall prepare and obtain approval of a Construction and Demolition Waste Management Plan (CDWMD) for the project. The CWMP shall list the types and weights or volumes of solid waste materials expected to be generated from construction. The CDWMD shall include options to divert from landfill disposal, nonhazardous materials for reuse or recycling by a minimum of 65 percent of total weight or volume.

Mitigation Measures

No feasible mitigation for water supply is available to reduce impacts to less than significant.

4.17.9 Level of Significance After Mitigation

Because the UWMP's for the City, IRWD, and Mesa Water did not account for the population growth associated with the Project, it cannot be determined if there will be sufficient water supplies available to serve future development facilitated by the Project and reasonably foreseeable future development during normal, dry and multiple dry years. Despite compliance with federal, State, and local requirements, the water demands from future development facilitated by the Project would result in a significant and unavoidable impact concerning water supply. All other impacts would be less than significant.

4.17.10 References

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4.18 WILDFIRE

4.18.1 Introduction

This section of the Program EIR assesses the potential wildfire hazards associated with the City of Newport Beach General Plan Housing Implementation Program (Project). The analysis is based on existing conditions present in the City as well as applicable federal, State, and local regulations. Potential wildfire impacts from future development associated with the Project are evaluated at a programmatic level, where reasonably foreseeable, direct, and indirect physical changes in the environment could be considered.

4.18.2 Regulatory Setting

Federal

National Fire Prevention Association

The National Fire Prevention Association (NFPA) establishes fire safety standards in the United States and is responsible for developing more than 300 codes and standards, many of which have been adopted as law by federal, state, and local governments. The NFPA codes cover fire prevention, wildfire preparedness, and electrical safety to hazardous materials, community risk reduction, and public safety.

Federal Emergency Management Act

In March 2003, the Federal Emergency Management Act (FEMA) became part of the U.S. Department of Homeland Security. FEMA's continuing mission is to lead the effort to prepare the nation for all hazards and effectively manage federal response and recovery efforts following any national incident. FEMA also initiates proactive mitigation activities, trains first responders, and manages the National Flood Insurance Program (NFIP) and the U.S. Fire Administration.

Disaster Mitigation Act of 2000

The Disaster Mitigation Act (42 United States Code [USC] §5121) was signed into law to amend the Robert T. Stafford Disaster Relief Act of 1988 (42 USC §5121-5207). Among other things, this legislation reinforces the importance of pre-disaster infrastructure mitigation planning to reduce disaster losses nationwide and is aimed primarily at controlling and streamlining federal disaster relief and program administration to promote mitigation activities. The Disaster Mitigation Act's major provisions include:

- i) Funding pre-disaster mitigation activities;
- ii) Developing experimental multi-hazard maps to better understand risk;
- iii) Establishing state and local government infrastructure mitigation planning requirements;
- iv) Defining how states can assume more responsibility in managing the hazard mitigation grant program; and
- v) Adjusting ways in which management costs for projects are funded.

The mitigation planning provisions outlined in 42 USC Section 5165 establish performance-based standards for mitigation plans and require states to have a public assistance program (Advance Infrastructure Mitigation) to develop county government plans. The consequence for counties that fail to develop an infrastructure mitigation plan is the chance of a reduced federal share of damage assistance

from 75 percent to 25 percent if the damaged facility has been damaged on more than one occasion in the preceding ten-year period by the same type of event.

State

California Office of Emergency Services (Cal OES)

In 2009, the State of California passed legislation creating the California Emergency Management Agency (Cal EMA) and authorizing it to prepare a Standardized Emergency Management System program (Title 19 CCR §2400 *et seq.*), which sets forth measures by which a jurisdiction should handle emergency disasters. Non-compliance with the Standardized Emergency Management System could result in the State withholding disaster relief from the non-complying jurisdiction in the event of an emergency disaster. As part of former Governor Brown's Reorganization Plan #2, Cal EMA was eliminated and restored to the Governor's Office in 2013. Cal EMA was renamed Cal OES and merged with the office of Public Safety Communications.

Cal OES serves as the lead State agency for emergency management in California. Cal OES coordinates the State's response to major emergencies in support of local government. The primary responsibility for emergency management resides with local government. Local jurisdictions first use their own resources and, as these are exhausted, obtain more from neighboring cities and special districts, the county in which they are located, and other counties throughout the State through the statewide mutual aid system. In California, the Standardized Emergency Management System provides the mechanism by which local government requests assistance. Cal OES serves as the lead agency for mobilizing the State's resources and obtaining federal resources; it also maintains oversight of the State's mutual aid system.

Emergency Mutual Aid Agreements

The Emergency Mutual Aid Agreements system is a collaborative effort between city and county emergency managers in Cal OES's coastal, southern, and inland regions. The Emergency Mutual Aid Agreements provides service in the emergency response and recovery efforts at the Southern Regional Emergency Operations Center, local Emergency Operations Centers, the Disaster Field Office, and community service centers. The purpose of Mutual Aid Agreements is to support disaster operations in affected jurisdictions by providing professional emergency management personnel.

California Department of Forestry and Fire Prevention (CAL FIRE) and California Government Code (§51178)

The California Department of Forestry and Fire Protection (CAL FIRE) is dedicated to the fire protection and stewardship of over 31 million acres of California's privately-owned wildlands. In addition, CAL FIRE provides varied emergency services in 36 of the State's 58 counties through contracts with local governments. CAL FIRE uses a severity classification system to identify areas or zones of severity for fire hazards within the State to assist each fire agency in addressing its responsibility area.

CAL FIRE, in cooperation with local fire authorities, is required to identify areas that are Fire Hazard Severity Zones for State Responsibility Areas (SRAs) and Local Responsibility Areas (LRAs). SRAs denote lands where the State has financial responsibility for wildland fire protection. LRAs are areas of California where local governments have financial responsibility for wildland fire protection. Fire Hazard Severity Zone maps identify moderate, high, and very high hazard severity zones using a science-based and field-tested computer model that assigns a hazard score based on the factors that influence fire likelihood and fire behavior. Factors considered include fire history, existing and potential fuel (natural vegetation),

flame length, blowing embers, terrain, and typical weather for the area. Only lands mapped as Very High Fire Hazard Severity Zones (VHFHSZ) are identified within LRAs.

Per California Government Code (CGC) Section 51179 (b)(1), a local agency may, at its discretion, include areas within the jurisdiction of the local agency, not identified as a VHFHSZ by the State Fire Marshal, as VHFHSZs following a finding supported by substantial evidence in the record that the requirements of CGC Section 51178 are necessary for effective fire protection within the area. Additionally, local agencies may include areas not identified as VHFHSZ by the State Fire Marshal, as moderate and high fire hazard severity zones, respectively. According to CGC Section 51179 (b)(3), such changes made by a local agency shall not decrease the level of fire hazard severity zone as identified by the State Fire Marshal and a local agency may only increase the level of fire hazard severity zone for an area within the jurisdiction of a local agency..

Pursuant to CGC Section 51182, a person who “owns, leases, controls, operates or maintains an occupied dwelling or occupied structure in, upon or adjoining a mountainous area, forest-covered land, brush-covered land, grass-covered land or land that is covered with flammable material” in a VHFHSZ classified by the local agency pursuant to CGC Section 51179, must at all times maintain a specified amount of “defensible space” to protect structures in high fire hazard areas.

California Fire Code

As applicable to wildfires, the California Code of Regulations (CCR) Title 24, Part 9 (California Fire Code) establishes regulations for safeguarding life and property from the hazards of fire and explosion. The California Building Standards Commission updates the Fire Code every three years with the last update occurring in 2022 (effective January 1, 2023). The Fire Code sets forth regulations regarding building standards, fire protection and notification systems, fire protection devices, high-rise building standards, and fire suppression training. It contains regulations relating to construction, maintenance, and use of buildings. The Fire Code also includes regulations regarding fire services features such as fire apparatus access roads, means of egress, fire safety during construction and demolition, and wildland-urban interface areas.

California Building Code

CCR Title 24, Part 2 (California Building Code) contains general building design and construction requirements relating to fire and life safety, structural safety, and access compliance. The California Building Standards Commission updates the Building Code every three years with the last update occurring in 2022 (effective January 1, 2023). The Building Code provides minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all buildings and structures and certain equipment.

California Health and Safety Code

State fire regulations are set forth in California Health and Safety Code (HSC) Section 13000 et seq., and include provisions concerning building standards, fire protection and notification systems, fire protection devices, and fire suppression training, as also set forth in the 2022 CBC and related updated codes.

California Coastal Act

California Coastal Act (Coastal Act) Section 30253 requires that new development (1) minimize risks to life and property in areas of high geologic, flood, and fire hazard; and (2) assures stability and structural

integrity, and neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way requires the construction of protective devices that would substantially alter landforms along bluffs and cliffs. The California Coastal Commission (Coastal Commission) indicates that an appropriate setback from a coastal bluff is at the point where a Factor of Safety (FOS) of 1.5 can be demonstrated; the Coastal Commission notes that it is more difficult to determine for overhanging or notched coastal bluffs or bluffs undermined by sea caves. The Coastal Act is implemented in the City through its certified Local Coastal Program, which applies to all properties in the City located within the Coastal Zone boundary, with the exception of Banning Ranch which is in a Deferred Certification Area (DCA) and Newport Coast.

Local

City of Newport Beach General Plan

The *City of Newport Beach General Plan 2006 Update* (General Plan) includes goals and policies to protect human life and property from the risks of wildfires and urban fires. The General Plan Land Use Element and Safety Element describe various policies to minimize the community's fire risk. The following list includes General Plan goals and policies that have been adopted by the City for the purpose of avoiding or mitigating an environmental effect are applicable to future development projects associated with the proposed Project.

Land Use Element

- Goal LU 5.6** **Neighborhoods, districts, and corridors containing a diversity of uses and buildings that are mutually compatible and enhance the quality of the City's environment.**
- Policy LU 5.6.4** **Conformance with the Natural Environmental Setting.** Require that sites be planned and buildings designed in consideration of the property's topography, landforms, drainage patterns, natural vegetation, and relationship to the Bay and coastline, maintaining the environmental character that distinguishes Newport Beach.

Safety Element

- Goal S 6** **Protection of human life and property from the risks of wildfires and urban fires.**
- Policy S 6.2** **Development in Interface Areas.** Apply hazard reduction, fuel modification, and other methods to reduce wildfire hazards to existing and new development in urban wildland interface areas.
- Policy S 6.3** **New Development Design.** Site and design new development to avoid the need to extend fuel modification zones into sensitive habitats.
- Policy S 6.4** **Use of City-Approved Plant List.** Use fire-resistive, native plant species from the City-approved plant list in fuel modification zones abutting sensitive habitats.
- Policy S 6.5:** **Invasive Ornamental Plant Species.** Prohibit invasive ornamental plant species in fuel modification zones abutting sensitive habitats.

City of Newport Beach Local Coastal Program: Coastal Land Use Plan

The Coastal Act requires each local jurisdiction wholly or partly within the Coastal Zone to prepare a Local Coastal Program (LCP) which are used to carry out the polices and requirements of the Coastal Act. A certified LCP allows for Coastal Development Permit issuance by the local jurisdiction for all areas outside

of the California Coastal Commission's (Coastal Commission or CCC). A LCP typically consists of two parts: (1) a coastal element consisting of a land use plan and policies for development and conservation within the coastal zone, and (2) an implementation program consisting of ordinances, maps, and implementing actions for the land use plan and policies.

The City fulfills the requirements of part 1 with its adopted Coastal Land Use Plan. The City's Implementation Plan fulfills part 2. Pursuant to Newport Beach Municipal Code (Municipal Code) Section 21.10.030, any conflict between the policies set forth in any element of the City's General Plan, Zoning, or any ordinance and those of the Coastal Land Use Plan, policies of the Coastal Land Use Plan shall take precedence. However, in no case shall the policies of the Coastal Land Use Plan be interpreted to allow a development to exceed a development limit established by the General Plan or its implementing ordinances. As noted above, the City lies partly within the Coastal Zone boundary. The City received certification of its LCP with an effective date of January 30, 2017.

The City's Coastal Land Use Plan (CLUP) includes the following goals, objectives, and policies applicable to wildfire:

Hazards and Protective Devices¹

- Policy 2.8.1-1:** Review all applications for new development to determine potential threats from coastal and other hazards.
- Policy 2.8.1-2:** Design and site new development to avoid hazardous areas and minimize risk to life and property from coastal and other hazards.
- Policy 2.8.1-3:** Design land divisions, including lot line adjustments, to avoid hazardous areas and minimize risk to life and property from coastal and other hazards.
- Policy 2.8.8-1:** Apply hazard reduction, fuel modification, and other methods to reduce wildfire hazards to existing and new development in urban wildland interface areas.
- Policy 2.8.8-2:** Site and design new development to avoid fire hazards and the need to extend fuel modification zones into sensitive habitats.
- Policy 2.8.8-3:** Use fire-resistant, native plant species from the City-approved plant list in fuel modification zones abutting sensitive habitats.
- Policy 2.8.8-4:** Prohibit invasive ornamental plant species in fuel modification zones abutting sensitive habitats
- Policy 2.8.8-5:** Continue to maintain a database of parcels in urban wildland interface areas.
- Policy 2.8.8-6:** Continue annual inspections of parcels in urban wildland interface areas and, if necessary, direct the property owner to bring the property into compliance with fire inspection standards.

City of Newport Beach Emergency Operations Plan

The Emergency Operations Plan (EOP) provides guidance for the City's response to extraordinary emergency situations associated with natural disasters, technological incidents, and national security emergencies in or affecting the City. It seeks to mitigate the effects of hazards, prepare for measures to

¹ City of Newport Beach (2016). *City of Newport Beach Coastal Land Use Plan – Hazards and Protective Devices*. Pages 2-72 to 2-74. Retrieved from: [AB - Assembly Bill \(newportbeachca.gov\)](https://www.newportbeachca.gov/AB-Assembly-Bill) Accessed March 2023.

be taken that will preserve life and minimize damage, enhance response during emergencies, provide necessary assistance, and establish a recovery system in order to return the City to its normal state of affairs. It provides an overview of the National Incident Management Systems, Standardized Emergency Management System, and the Operational Area concepts. It also identifies components of the City Emergency Management Organization and describes the overall responsibilities of federal, State, region, operational area, and City entities.

Newport Beach Municipal Code

The City has adopted the 2022 California Fire Code. Chapter 9.04 of the City's Municipal Code (Municipal Code), also known as the Fire Code, establishes a variety of regulations related to hazards such as: recommendations for development on land containing or emitting toxic substances, hazardous materials documentation procedures, hazardous materials management plan, storage tank regulations, etc. In addition, the Newport Beach Fire Department enforces locally developed regulations which reduce the amount and continuity of fuel (vegetation) available, firewood storage, debris clearing, proximity of vegetation to structures and other measures aimed at "Hazard Reduction." Additional provisions include construction standards for new structures and remodels, road widths and configurations designed to accommodate the passage of fire trucks and engines, and requirements for minimum fire flow rates for water mains.

4.18.3 Existing Conditions

Wildland Fire

Wildfires occur when developments are located adjacent to open space or wildland fuels such as grass, leaf litter, trees, or shrubs that can ignite when exposed to a natural occurrence (e.g., lighting) or an unplanned, unauthorized, or accidental human-caused activity. Wildfire hazards are also based on factors such as topography and climatic conditions, including winds, humidity, droughts, and extreme temperatures.

The City defines a wildland fire hazard area as a geographic area that contains the type and condition of vegetation, topography, weather, and structure density that potentially increases the possibility of wildland fires. The eastern portion of the City contains grass- and brush-covered hillsides with significant topographic relief that facilitate the rapid spread of fire, especially if fanned by coastal breezes or Santa Ana winds.

Wildfires may originate in undeveloped areas and spread to developed or urban areas where landscape and structures are not designed and maintained to be fire-resistant. In general, a Wildland-Urban Interface (WUI) area is a geographical area where improved property intersects with wildland or vegetative fuels, including shrubs, trees, and grasses.² Homes and structures in and around the WUI areas have the greatest risk of wildland fire. These areas include lower Buck Gully, Morning Canyon, the mouth of Big Canyon, and Spyglass Canyon.

The City's LRA map includes Very High Fire Hazard Severity Zones (VHFHSZ).³ **Exhibit 4.15-1, Very High Fire Hazard Severity Zone Map**, depicts the Local Responsibility Areas (LRAs) VHFHSZ for Newport Beach.

² City of Newport Beach. Wildland-Urban Interface. Retrieved from: <https://www.newportbeachca.gov/government/departments/fire/fire-prevention-division/wildland-urban-interface>. Accessed March 2023.

³ City of Newport Beach. State LRA VHFHSZ Maps. Retrieved from: [State LRA VHFHSZ Maps | City of Newport Beach \(newportbeachca.gov\)](https://www.newportbeachca.gov/State-LRA-VHFHSZ-Maps). Accessed March 2023)

The VHFHSZ is exclusively located in the eastern portion of the City extending from the State Route (SR) 73 to the north to the Pacific Ocean to the south. The eastern portion of the City contains grass- and brush-covered hillsides with topographic relief that can facilitate the rapid spread of fire.

In those areas identified as susceptible to wildland fire, the Fire Department enforces locally developed regulations which reduce the amount and continuity of fuel (vegetation) available, firewood storage, debris clearing, proximity of vegetation to structures and other measures aimed at “Hazard Reduction.” New construction and development are further protected by local amendments to the Uniform Building Code. These amendments, which are designed to increase the fire resistance of a building, include: protection of exposed eaves, noncombustible construction of exterior walls, protection of openings, and the requirement for Class “A” fireproof roofing throughout the City. Additionally, a “Fuel Modification” plan aimed at reducing fire encroachment into structures from adjacent vegetation must be developed and maintained.

Fire Protection

Fire protection services in the City are provided by the Newport Beach Fire Department (NBFD), which is divided into the Fire Operations Division, Fire Prevention Division, Emergency Medical Services Division, Lifeguard Operations Division, and Community Emergency Response Team (CERT). The NBFD provides response to fires, medical emergencies, marine safety, hazardous materials incidents, natural and man-made disasters, automatic and mutual aid assistance to neighboring departments, and related emergencies in an effort to protect life, property, and the environment. In addition, the NBFD inspects businesses and properties, assists with code enforcement, and conducts public education programs. To support these efforts, the NBFD operates from eight fire stations and three lifeguard headquarters located within the City and includes 144 full-time and 220 seasonal/part-time employees.⁴ The Fire Department’s daily staffing, per shift, includes: one Battalion Chief, ten Fire Apparatus Engineers, ten Fire Captains, fourteen Paramedics/Firefighters, and three Firefighters. The front line apparatus serving the City daily includes eight Fire Engines (one at each fire station), two Aerial Ladder Trucks (one on each side of the City), and three Paramedic Rescue Ambulances.⁵

As described in **Section 4.13: Public Services**, fire stations are strategically located throughout the City to provide prompt assistance to area businesses and residents. Each fire station operates within a specific district that comprises the immediate geographical area around the station. Upper Newport Bay (and the circulation challenges it creates) results in Newport Beach having more fire stations per population than typical in order to maintain response times. A list of the fire stations in Newport Beach is provided in **Table 4.13.1-1: Newport Beach Fire Stations** in **Section 4.13: Public Services** of this EIR. The NBFD’s service area covers 47.9 square miles, including 24 square miles of land, 0.9 square mile of bay, and 23 square miles of ocean.⁶ In the case of additional fire response need, the Fire Department can request additional mutual aid assistance from other fire departments throughout Orange County. The average response time is less than five minutes.

⁴ Newport Beach Fire Department. (2021). *Annual Report 2020 and 2021*. Retrieved from: [637858722261100000 \(newportbeachca.gov\)](https://www.newportbeachca.gov/637858722261100000). Accessed March 2023.

⁵ City of Newport Beach. *Fire Operations Division*. Retrieved from: <https://newportbeachca.gov/government/departments/fire-department/fire-operations-division>. Accessed March 2023.

⁶ City of Newport Beach. *Fire Department Fact Sheet*. Retrieved from: www.newportbeachca.gov/home/showpublisheddocument/61911/636734647708530000. Accessed March 2023.

Within the Nbfd, the Fire Prevention Division has a goal to provide a full range of services encompassing community education and preparedness, emergency planning, fire prevention, code enforcement, fire inspections, vegetation management, and plan check services of new and tenant improvement construction projects. Staff works with developers, architects, and engineers to ensure that fire protection requirements are met for building improvements, new development, and structural modifications. Additionally, the Fire Prevention Division has a Fire Investigator section that determines the origin and cause of fires and conducts criminal investigations in cooperation with the Newport Beach Police Department.⁷

4.18.4 Thresholds of Significance

The City uses the thresholds of significance specified in *State CEQA Guidelines, Appendix G*.

If located in or near State Responsibility Areas (SRAs) or lands classified as Very High Fire Hazard Severity Zones (VHFHSZ), would the Project:

- Substantially impair an adopted emergency response plan or emergency evacuation plan.
- Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.
- Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.
- Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

4.18.5 Methodology

This analysis considers the *State CEQA Guidelines, Appendix G* thresholds, as described above, in determining whether the proposed Project would result in wildfire impacts. The determination of whether the Project would result in “substantial” temporary or permanent wildfire impacts considers the relevant policies and regulations established by local and regional agencies and the future housing development’s compliance with such policies and regulations.

⁷ City of Newport Beach. *Fire Prevention*. Retrieved from: [Fire Prevention | City of Newport Beach \(newportbeachca.gov\)](https://www.newportbeachca.gov/fire-prevention). Accessed March 2023.

4.18.6 Project Impacts and Mitigation

Threshold 4.18-1: If located in or near State Responsibility Areas (SRAs) or lands classified as Very High Fire Hazard Severity Zones (VHFHSZ), would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?

The proposed Project would not directly construct new housing, but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. Future housing development facilitated by the Project and the resulting population growth would allow for housing in or proximate to Very High Fire Hazard Safety Zone (VHFHSZ) areas.

Of the 247 housing sites, there are 2 housing sites within a VHFHSZ. The remainder of the sites are not in or proximate to a VHFHSZ. As shown in **Figure 4.18-1: Fire Hazard Severity Zones**, a small portion of housing site 131 is located within the VHFHSZ (northwestern edge) and all of housing site 336 is located within the VHFHSZ. Both housing sites are within the Coyote Canyon Focus Area. Although these two sites have the capacity to accommodate 2,630 housing units (at an assumed unit yield of 60 du/ac), assumed buildout is 1,530 units (see **Section 3.0: Project Description**). Based on 2.2 persons per household,⁸ the forecast population from these two housing sites is approximately 3,366 persons which could be located in areas of the City adjacent to or in a VHFHSZ.

The City has adopted and implemented programs to reduce and prevent risks associated with wildfire including Municipal Code Section 2.20.050 (Emergency Operations Plan), Municipal Code Chapter 9.04 (Fire Code), and Municipal Code Chapter 15.04 (Building Code). Municipal Code Sections 9.04.110 through 9.04.160 require compliance with emergency access design standards as part of new construction of roads to provide sufficient access for emergency equipment. The Fire Code also sets standards for road dimension, design, grades, and other fire safety features. Additionally, more stringent California Building Code standards also apply regarding new construction and development of emergency access issues associated with earthquakes, flooding, climate, strong winds, and water shortages. Future development on the housing sites would be required to comply with applicable building and fire safety regulations required for the design of new housing and emergency access.

The City's Emergency Operations Plans provides guidance for the City of Newport Beach's response to emergency situations associated with natural disasters, technological incidents, and national security emergencies.⁹ The Emergency Operations Plans identify evacuation routes, emergency facilities, and personnel, and describes the overall responsibilities of federal, State, regional, and city entities. The Newport Beach City Manager and the Emergency Services Coordinator are responsible for revisions to the Emergency Operations Plan and ensuring that revisions are coordinated, published, and distributed to Department Directors.

⁸ State of California, Department of Finance, E-5 Population and Housing Estimates for Cities, Counties and the State — January 1, 2021-2023. Sacramento, California, May 2023.

⁹ City of Newport Beach. *Emergency Operations Plan*. <https://www.newportbeachca.gov/home/showpublisheddocument/17901/635682493202100000>. Accessed December 5, 2023.

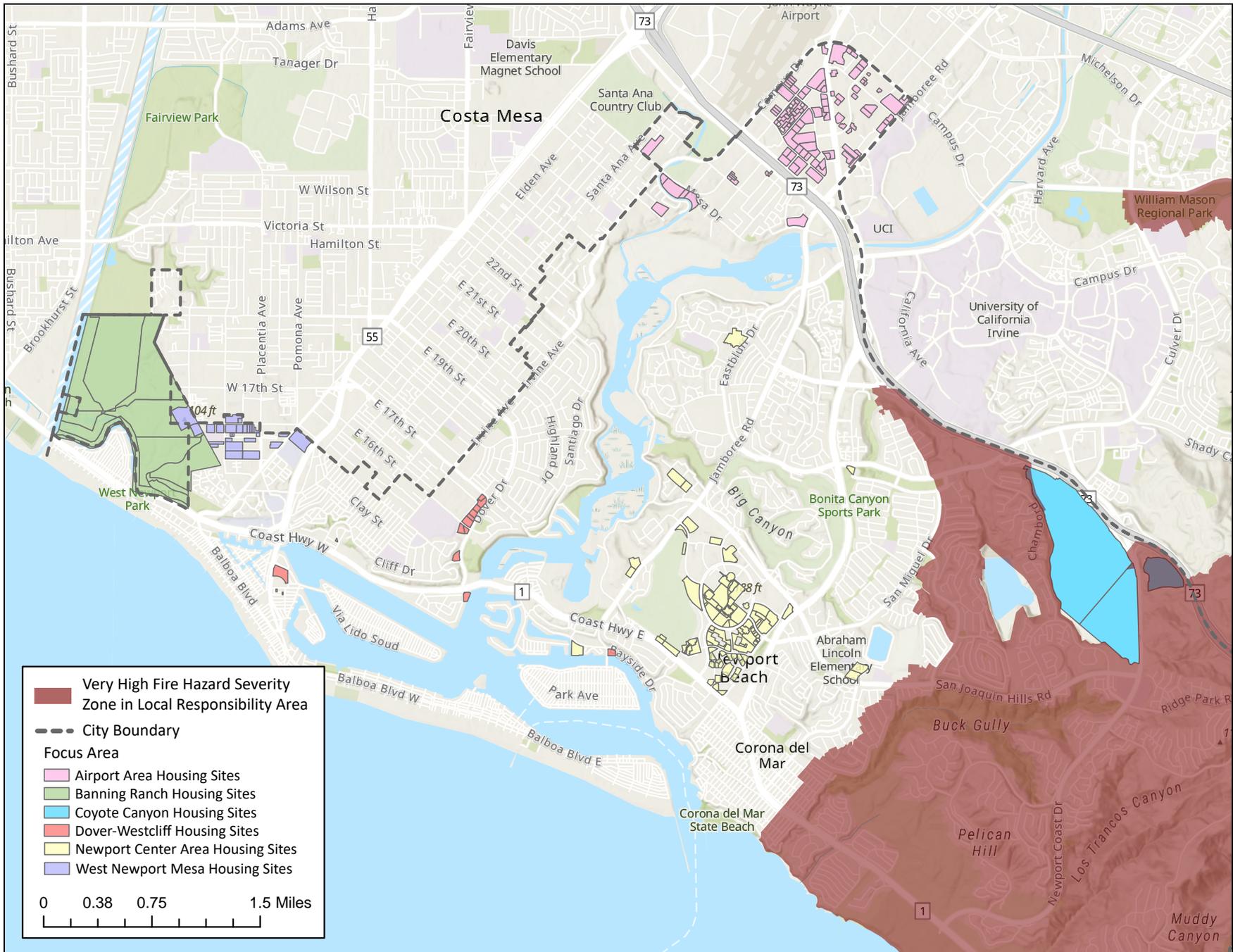


Figure 4.18-1: Fire Hazard Severity Zones
 City of Newport Beach General Plan Housing Implementation
 Program Environmental Impact Report

The General Plan Safety Element also contains Policies S 9.1, S 9.2, and S 9.3 to ensure that the City's Emergency Management Plan is regularly updated, provides for efficient and orderly citywide evacuation, and also ensures that emergency services personnel are familiar with the relevant response plans applicable to the City. Further, Policy S 9.5 calls for the distribution of information about emergency planning to community groups, schools, religious institutions, business associations, and residents.

Some construction activities associated with development on housing sites would likely occur within City rights-of-way. Future development would be required to provide the necessary on-site and off-site access and circulation for emergency vehicles and services during the construction and operation phases. The Nbfd would review site circulation features including width, turn arounds, turning capabilities, hydrant locations, gates, and other design features to ensure access for emergency vehicles. During these construction activities, traffic controls would be required to maintain safe conditions for roadway users and construction personnel along the affected roadways. Any traffic control plans would require review and approval by the City's Engineer and/or Traffic Engineer and Public Works Department.

In the case of a wildfire evacuation, an increase in housing development would incrementally increase vehicular traffic on evacuation routes. However, development on housing sites 131 and 336, which are located within a VHFHSZ could potentially impair implementation of or physically interfere with the emergency response or evacuation plans. Therefore, project-related impacts would be potentially significant. However, all future residential development in VHFHSZs would be subject to Section 4908 of the 2022 CFC, which requires compliance with the SRA Fire Safe Development Regulations as specified in Title 14. Additionally, the City would require as a mitigation measure (or standard condition for by-right projects), **MM W-1** which requires the preparation of a fire protection plan for those sites within or adjacent to a VHFHSZ.

Future development on the housing sites would be required to go through the City's development review and permitting process and would be required to comply with the regulations and measures described above to maintain adequate availability of emergency services during an emergency response or an emergency evacuation. As a result, the Project would not substantially impair an adopted local or county-wide emergency response or evacuation plan. Therefore, impacts would be mitigated to a less than significant level.

Impact Summary: **Less Than Significant Impact With Mitigation.** Although some housing sites are located in or near SRAs or LRA lands classified as VHFHSZ, with mitigation, the Project's potential impacts to an adopted emergency response or emergency evacuation route would be reduced to less than significant.

Threshold 4.18-2:	If located in or near State Responsibility Areas (SRAs) or lands classified as Very High Fire Hazard Severity Zones (VHFHSZ), would the Project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
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Wildfire likelihood and intensity are considered together qualitatively as wildfire potential, which depends on three main factors: fuel (wildland vegetation), topography, and weather. Development within or adjacent to areas designated as VHFHSZ has the potential to exacerbate wildfire risk, particularly if it occurs in areas with steep topography and/or prevailing winds as these conditions contribute to the

spread of wildfires. Housing sites 131 and 336 are located partially or totally within a VHFHSZ in the Coyote Canyon Focus Area. Development of future residential units on these sites are subject to higher wildfire hazards due to slope and prevailing winds based on their location which would consequently result in higher fire-related risks to people and structures. Sites within existing developed area would not exacerbate wildfire risk.

To minimize risk from wildfire, future development on the housing sites in high hazard severity zones are required to adhere to the CCR, Title 19, Division 1, Section 3.07(b),¹⁰ which states the following:

“Any person that owns, leases, controls, operates, or maintains any building or structure in, upon, or adjoining any mountainous area or forest-covered lands, brush covered lands, or grass-covered lands, or any land which is covered with flammable material, shall at all times do all of the following:

- Maintain around and adjacent to such building or structure a firebreak made by removing and clearing away, for a distance of not less than 30 feet on each side thereof or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This section does not apply to single specimens of trees, ornamental shrubbery, or similar plants which are used as ground cover, if they do not form a means of rapidly transmitting fire from the native growth to any building or structure.
- Maintain around and adjacent to any such building or structure additional fire protection or firebreak made by removing all bush, flammable vegetation, or combustible growth which is located from 30 feet to 100 feet from such building or structure or to the property line, whichever is nearer, as may be required by the enforcing agency if he finds that, because of extra hazardous conditions, a firebreak of only 30 feet around such building or structure is not sufficient to provide reasonable fire safety. Grass and other vegetation located more than 30 feet from such building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion.
- Remove that portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe.
- Cut and remove all dead or dying portions of trees located adjacent to or overhanging any building.
- Maintain the roof of any structure free of leaves, needles, or other dead vegetative growth.
- Provide and maintain at all times a screen over the outlet of every chimney or stovepipe that is attached to any fireplace, stove, or other device that burns any solid or liquid fuel. The screen shall be constructed of nonflammable material with openings of not more than 0.5 inch in size.
- Hazardous vegetation and fuels around all applicable buildings and structures shall be maintained in accordance with applicable regulations.”

¹⁰ State of California (2021). *California Code of Regulations*. Retrieved from: <https://regulations.justia.com/states/california/title-19/division-1/chapter-1/subchapter-1/article-3/section-3-07/>. Accessed March 2023.

Adherence to mandatory fire prevention requirements and regulations, including the California Fire Code Chapter 49, Requirements for WUI Fire Areas, would require applicants to prepare a fire protection plan for any sites located in the VHFHSZ or WUI areas. Chapter 49 requirements are provided as MM W-1. Adherence to State and local fire codes and Municipal Code Section 20.52 Permit Review Procedures, are intended to reduce risks in conjunction with future development related to wildland fire. Project implementation also would not conflict with any State or local plan aimed at reducing impacts to wildlife from wildfires.

As a result, proposed Project would not exacerbate wildfire risks due to slope, prevailing winds, and other factors, and thereby expose residents to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Impacts would be less than significant with the application of mitigation.

Impact Summary: **Less Than Significant Impact With Mitigation.** Although some housing sites are located in or near SRAs or lands classified as VHFHSZ, MM W-1 would address wildfire risks and would mitigate potential impacts to a less than significant level.

Threshold 4.18-3: **If located in or near State Responsibility Areas (SRAs) or lands classified as Very High Fire Hazard Severity Zones (VHFHSZ), would the Project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?**

The Project does not propose any development. Future housing development facilitated by the proposed Project would be subject to the City's development review process and would occur as market conditions allow and at the discretion of the individual property owners. The need for installation and maintenance of new infrastructure (such as roads, fuel breaks, emergency water resources, power lines, or other utilities) would be evaluated as part of the development permit review process. Potential impacts associated with infrastructure improvements including any required measures to address fire safety would be evaluated during the development review process to reduce physical impacts to the extent feasible. As addressed in the General Plan Land Use Element, Policy LU 2.8 notes that future development must be supported by adequate utility and transportation infrastructure. It is anticipated that future housing development facilitated by the Project would be served by the extension of existing utility infrastructure located primarily in existing rights-of-way because of the predominately developed nature of the City. The extension of existing utility infrastructure is not expected to exacerbate fire risk and applicants would be required to address wildfire exposure by complying with the wildfire protection building construction requirements contained in the then-current California Building Codes, including the California Building Code, Chapter 7A, California Residential Code, Section R327, and California Referenced Standards Code, Chapter 12-7A. Additionally, all future residential development in VHFHSZs would be subject to Section 4908 of the 2022 CFC, which requires compliance with the SRA Fire Safe Development Regulations as specified in Title 14. Therefore, impacts would be less than significant .

Impact Summary: **Less Than Significant Impact.** Potential impacts associated with infrastructure improvements including any required measures to address fire safety would be evaluated during the development review process to reduce physical impacts to the extent feasible.

Threshold 4.18-4: If located in or near State Responsibility Areas (SRAs) or lands classified as Very High Fire Hazard Severity Zones (VHFHSZ), would the Project expose people or structures, to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

As previously addressed, the VHFHSZ is exclusively located in the eastern portion of the City extending from SR-73 to the north to the Pacific Ocean to the south. The natural environment of the WUI sites indicates people and structures are highly prone to wildfires and downslope or downstream flooding as a result of runoff, post-fire instability or drainage.

Areas that are susceptible to flood hazards within the City are depicted in **Figure 4.9-2: Housing Sites within FEMA Special Flood Hazard Areas in Section 4.9: Hydrology and Water Quality**. Flooding impacts could occur if there are increases in the amount of runoff delivered to the surrounding waterways as a result of wildfire in VHFHSZs. Increased runoff could result in an increased total flow in the creeks or rivers causing flooding in flood hazard areas around the City. In addition to flooding impacts, downslope landslide hazards as a result of post-fire instability are also a possibility. As shown in **Figure 4.6-2: Housing Sites within Landslide Zones in Section 4.6: Geology and Soils**, many areas around the City are susceptible to landslides; however, areas susceptible to post-fire landslides would be concentrated around the VHFHSZs.

Future housing development would be subject to development review by the City and each development would be engineered and constructed to maximize stability and preclude safety hazards to on-site and adjacent areas. Applicants for future housing development within the WUI/VHFHSZ would be required to submit a fire protection plan (see **MM W-1**). Additionally, site-specific geotechnical studies would be required to determine the soil properties and specific potential for landslides in an area for new development per General Plan Policy S 4.7. Further, compliance with the CBC would require an assessment of hazards related to landslides and the incorporation of design measures into structures to mitigate this hazard if development were considered feasible. Municipal Code Chapter 15.10, Excavation and Grading Code, also contains regulations and design requirements for hillside developments which would reduce impacts to any developments located downslope or downstream. Adherence to State and City codes and emergency and evacuation plans set by the City¹¹ and County¹² would prevent impacts to people or structures from significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Therefore, impacts would be less than significant, and no mitigation is required.

Impact Summary: **Less Than Significant Impact.** Although some housing sites are located in or near SRAs or lands classified as VHFHSZ, the project would not expose people or structures, to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

¹¹ City of Newport Beach. *Emergency Operations Plan*. Retrieved from: <https://www.newportbeachca.gov/home/showpublisheddocument/17901/635682493202100000>. Accessed March 2023.

¹² County of Orange. (2019). *Unified County of Orange and Orange County Operational Area Emergency Operations Plan*. Retrieved from: [OC-Emergency-Operations-Plan-as-of-March-2020-approved-in-August-2019.pdf](https://www.voiceofoc.org/OC-Emergency-Operations-Plan-as-of-March-2020-approved-in-August-2019.pdf) (voiceofoc.org) Accessed March 2023.

4.18.7 Cumulative Impacts

Anticipated impacts of future development facilitated by the Project, in conjunction with cumulative development in the City, may include development in areas that are prone to wildfires. Each cumulative project would be subject to the City's development review process, which may include review under CEQA, to address potential adverse site-specific conditions and ensure compliance with federal, State, and local requirements.

As previously discussed, with the implementation of mitigation and compliance with regulatory requirements, Project implementation would not result in wildfire impacts, either directly or indirectly that would result in a significant impact on the environment. As a result, cumulative impacts related to consistency with policies, and regulations aimed at preventing and minimizing wildfire impacts would be less than significant because future development in wildfire risk areas would be required to also comply with applicable plans and policies. Therefore, the Project would not cumulatively contribute to significant wildfire impacts.

4.18.8 Mitigation Program

As noted, all future housing development facilitated by the Project would be subject to the City's development review process, which may include review pursuant to CEQA, and would be assessed on a case-by-case basis for potential effects concerning wildfire. Future housing development would be subject to compliance with relevant federal, State, and local requirements including requirements set forth in the Newport Beach General Plan and Newport Beach Municipal Code.

General Plan Policies

See **Section 4.18.2: Regulatory Setting** for complete policy text.

- Policy LU 5.6.4
- Policy S 6.2
- Policy S 6.3
- Policy S 6.4
- Policy S 6.5

Coastal Land Use Plan Policies

See **Section 4.18.2: Regulatory Setting** for complete policy text.

- Policy 2.8.1-1
- Policy 2.8.1-2
- Policy 2.8.1-3
- Policy 2.8.8-1
- Policy 2.8.8-2
- Policy 2.8.8-3
- Policy 2.8.8-4
- Policy 2.8.8-5
- Policy 2.8.8-6

Mitigation Measures

MM W-1 Prior to issuance of a grading permit for sites within or adjacent to a Very High Fire Hazard Safety Zone (VHFHSZ), the project applicant shall prepare a Fire Protection Plan (FPP). Prior to preparation of an FPP, the project applicant shall coordinate with City of Newport Beach Fire Department to ensure that modeling of the FPP and design of the Project is appropriate to meet the requirements and standards of the City. The FPP shall be subject to the review and approval from the Fire Department. The FPP shall assess the Project's

compliance with current regulatory codes and ensure that impacts resulting from wildland fire hazards have been adequately mitigated. The FPP shall also specifically identify the need for fire protection systems, water availability for structural firefighting, construction requirements, fire department access, locations and spacing of fire hydrants, fire-smart landscaping, and appropriate defensible space around structures (Fuel Modification Zones).

4.18.9 Level of Significance After Mitigation

With implementation of the mitigation program set forth in this section, potential impacts from wildfire would be reduced to a level considered less than significant.

4.18.10 References

- California Legislative Information. (2018). *Assembly Bill No. 2911 Chapter 641*. Retrieved from: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2911. Accessed March 2023.
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County of Orange. (2019). *Unified County of Orange and Orange County Operational Area Emergency Operations Plan*. Retrieved from: [OC-Emergency-Operations-Plan-as-of-March-2020-approved-in-August-2019.pdf \(voiceofoc.org\)](https://www.voiceofoc.org/OC-Emergency-Operations-Plan-as-of-March-2020-approved-in-August-2019.pdf). Accessed March 2023.

Newport Beach Fire Department. (2021). *Annual Report 2020 and 2021*. Retrieved from: [637858722261100000 \(newportbeachca.gov\)](https://www.newportbeachca.gov/637858722261100000). Accessed March 2023.

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5.0 LONG-TERM IMPLICATIONS OF THE PROPOSED PROJECT

5.1 SIGNIFICANT AND UNAVOIDABLE IMPACTS

Section 15126.2(b) of the State CEQA Guidelines requires that the EIR describe any significant impacts, including those that can be mitigated but not reduced to less than significant levels. The environmental effects of the proposed Project are addressed in Sections 4.1 through 4.18 of this Program EIR. Implementation of the proposed Project would result in potentially significant impacts for the following topical issues:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources (historic resources)
- Geology and Soils
- Greenhouse Gas (GHG) Emissions
- Noise
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

However, implementation of the Mitigation Program identified for these topical issues would reduce these impacts to levels considered less than significant except for aesthetics, air quality, cultural resources, GHG emissions, noise, and utilities and service systems.

5.1.1 Aesthetics

The proposed Project would not directly construct new housing but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. Most of the housing sites are currently developed and/or located adjacent to developed parcels with existing sources of lighting and/or glare. Housing sites 23 through 26 within the Airport Area Focus Area, housing site 215 within the West Newport Mesa Focus Area, housing site 131 within the Coyote Canyon Focus Area, and the housing sites within the Banning Ranch Focus Area (Sites 110-118, 120-124, and 126-131) do not contain existing sources of lighting or glare. Future housing development facilitated by the Project could add new light and glare sources and significant impacts could occur where new sources of light and glare that are presently not found on a housing site or proximate to a housing site.

All future development facilitated by the Project would be required to demonstrate consistency General Plan policies and Municipal Code requirements including General Plan Policy 5.6.3 on ambient lighting requirements and Municipal Code Section 20.30.070, which requires that all outdoor lighting fixtures be designed to shield adjacent properties and roadways from glare. These measures would reduce potential lighting impacts from future housing development to a less than significant level, except for Banning Ranch. Residential development in Banning Ranch, including roadways and a park, would introduce new sources of nighttime lighting, which would affect the existing adjacent uses. In addition, the new sources of nighttime lighting could also affect the sensitive habitat areas associated with Banning Ranch. However, regardless of compliance with the General Plan policies and Municipal Code requirements, the General Plan EIR found that the introduction of new sources of lighting associated with development of Banning Ranch would be considered significant and unavoidable.

5.1.2 Air Quality

This Program EIR conservatively analyzes a total development capacity of 9,914 units including future development capacity of up to 9,649 units on 247 housing sites, 25 units associated with pipeline projects, and 240 accessory dwelling units (ADUs), which would increase the Newport Beach's population by

approximately 21,811 persons. The proposed Project may result in significant impacts concerning emissions during long long-term operations and could delay the timely attainment of air quality standards or 2022 Air Quality Management Plan (AQMP) emissions reductions. Additionally, because this growth was not accounted for, the proposed Project would not be consistent with the land planning grown strategies set forth in the 2022 AQMP. There are no feasible mitigation measures to reduce this impact to a less than significant level, therefore, the Project would result in a significant and unavoidable impact concerning air quality plan consistency.

Future housing facilitated by the Project would result in short-term air pollutant emissions generated during construction activities and long-term air pollutant emissions during operational activities. Construction impacts associated with the buildout of the proposed Project would be less than significant through compliance with South Coast Air Quality Management District (SCAQMD) Rules 402, 403, 1113, and 1143. Buildout of the proposed Project would result in long-term operational emissions that would exceed the SCAQMD thresholds. There are no feasible mitigation measures to reduce this impact to a less than significant level, therefore, the Project would result in a significant and unavoidable impact concerning long-term air quality emissions.

Additionally, because the specific details (e.g., size, construction phasing, equipment, earthwork volumes, etc.) for individual future residential projects are unknown at this time, project-level analysis for localized pollutant concentrations impacts cannot be accurately determined using SCAQMD's localized significance thresholds (LST) analysis methodology. LSTs are applicable at the project-specific level and are not applicable to long-term planning documents such as Housing Elements. Depending on the size and location of each individual project, construction and operational emissions could exceed LSTs. Compliance with General Plan policies, Municipal Code requirements, SCAQMD rules and regulations, and supplemental mitigation measures (if required) would reduce air pollutant emissions. However, the potential emissions reductions from implementation of these measures cannot be quantified because specific details such as individual project size, construction scheduling, and earthwork quantities that would occur within the City is not available. Therefore, it is not feasible to conclude that air pollutant emissions from future development projects would be reduced to levels below the SCAQMD LST thresholds and localized air quality impacts would be significant and unavoidable.

5.1.3 Cultural Resources

Of the 247 housing sites, all are developed/occupied by structures except 21 sites; therefore, the developed housing sites could be (now or in the future) occupied by historic resources/buildings, as determined by the National Register of Historic Places (NRHP) or California Register of Historical Resources (CRHR)(50 years or greater). All future housing development facilitated by the Project would be required to comply with applicable federal State, and local laws that concern the preservation of historical resources, including the National Historic Preservation Act, State CEQA Guidelines, and General Plan Policies (HR 1.2, HR 1.4, HR 1.5, HR 1.6, HR 1.7, and LU 6.8.6). However, because the demolition of a historic significant resource would be a physical effect on the environment and neither the City's General Plan or CEQA statutes precludes this demolition or alteration, the potential loss of historically significant structures and resources would be a significant unavoidable impact.

5.1.4 Greenhouse Gas Emissions

Residential development associated with the 2021-2029 Housing Element would generate increases in GHG emissions, largely due to increased vehicle miles traveled (VMT), construction activities, stationary

area sources, energy consumption, water supply, and solid waste generation. The proposed Project would generate increases in GHG emissions from both the construction and operation of new housing. Future residential development facilitated by the Project would be subject to the City's development review process and would be required to demonstrate consistency with General Plan policies, Municipal Code requirements, and other applicable local and State requirements. The SCAQMD has not yet adopted a specific significance threshold for residential development; however, a 3,000 MTCO₂e threshold was proposed for non-industrial projects but has not been formally adopted. The increase of GHG emissions from the Project would be greater than 3,000 MTCO₂e. Despite incorporation of MM GHG-1, consistency with the City's GHG reduction goals and policies established in the Natural Resources Conservation Element and Energy Action Plan, GHG emissions impacts would remain significant and unavoidable at the program level.

Further, the significance of the GHG emissions associated with the proposed Project have been evaluated based on whether it would be consistent with the relevant statewide and regional mandates, plans, policies, and regulations to reduce GHG emissions. These include Assembly Bill (AB) 32 and Senate Bill (SB) 32 (Health and Safety Code Division 25.5), AB 1279, SB 375, Connect SoCal, and other statewide and regional regulations and programs. The proposed Project would be consistent with the California Renewables Portfolio Standard Program, SB 100, Title 24 of the CCR (Energy Code and CALGreen), SB 375, RTP/SCS and recommendations of the State Attorney General, California Office of Planning and Research, and Climate Action Team. Therefore, the proposed Project would be consistent with applicable plans, policies, and regulations. However, due to the magnitude of the Project's GHG emissions, impacts would be significant and unavoidable at the program level.

5.1.5 Noise

Construction and stationary source operational noise would be less than significant following individual design review and compliance with the City's noise standards, as well as Newport Beach General Plan policies. Operational stationary source noise would not exceed the City's standards and impacts would be less than significant. However, Project implementation would result in a significant increase along one roadway segment (Campus Drive between MacArthur Boulevard and Von Karman Avenue) in traffic noise levels under the current City of Newport Beach standards of significance for noise increases. Therefore, where residential development would occur along this roadway segment, traffic noise impacts would be significant and unavoidable.

5.1.6 Utilities and Service Systems

As previously mentioned, the proposed Project would not directly construct new housing, but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. The resulting population growth of approximately 21,811 persons could incrementally increase the demand for water. The 2020 Urban Water Management Plans (UWMP) for the City of Newport Beach, Irvine Ranch Water District, and Mesa Water District identify sufficient water supplies during normal, single-dry, and multiple-dry year scenarios from 2025 through 2045 for both imported and groundwater supplies. However, it is noted that the UWMPs for the respective water districts do not account for the 6th Cycle RHNA for the municipalities they serve. Although the 6th Cycle RHNA was not accounted for in the UWMPs, water efficiency measures and continued conservation, new building standards, and a conversion of potentially high demand uses to lower demand uses has allowed water districts to adequately serve their respective users in their service areas. However, because the

UWMPs did not account for the 6th Cycle RHNA, documentation is not available to substantiate that there will be sufficient water supplies available to serve future development facilitated by the Project and reasonably foreseeable future development during normal, dry and multiple dry years. Despite compliance with federal, State, and local requirements, the water demands from future development facilitated by the Project would result in a significant and unavoidable impact concerning water supply based on consistency with the UWMPs.

5.2 SIGNIFICANT AND IRREVERSIBLE ENVIRONMENTAL CHANGES

State CEQA Guidelines Section 15126.2(d) requires a discussion of any significant irreversible environmental changes that would be caused by a proposed project should it be implemented. Generally, the section notes that a project would result in significant irreversible environmental changes if the following occurs:

- The project would involve large amounts of nonrenewable resources during initial and continued phases in a way that would make their nonuse or removal unlikely;
- The primary and secondary impacts from the Project would generally commit future generations to similar uses;
- The project would involve uses in which irreversible damage could result from a potential environmental accident; and
- The proposed consumption of resources is not justified (e.g., the project involves the wasteful use of energy).

5.2.1 Would the Project involve a large commitment of nonrenewable resources in a way that would make their nonuse or removal unlikely?

This Program EIR evaluates the potential environmental effects from future housing development facilitated by the Project on the housing sites and the potential impacts of the implementing actions associated with the 2021-2029 Housing Element. Future housing development would be subject to the City's development review process.

Future development would consume limited, slowly renewable, and non-renewable resources during each individual project's construction and operation. Construction of future development would require a commitment of resources that would include: (1) building materials; (2) fuel and operational materials/resources; and (3) the transport of goods and persons to/from individual development sites.

Operation of future development would require a commitment of resources similar to those currently consumed within the City such as electricity and natural gas, petroleum-based fuels (e.g., gasoline and diesel for vehicle trips), fossil fuels (i.e., oil and natural gas), and water. Fossil fuels would represent the primary energy source associated with both short-term construction and long-term operations, and the existing, finite supplies of these natural resources would be incrementally reduced. Future development operations would occur in accordance with California Code of Regulations (CCR) Title 24, Part 6, which sets forth conservation practices that would limit energy consumption and requires energy efficiency. However, energy requirements would, nonetheless, represent a long-term commitment of non-renewable resources.

Future housing development facilitated by the Project could use and store limited amounts of potentially hazardous materials typical of residential uses. However, these materials would be used in small quantities and would be used, handled, stored, and disposed of in accordance with the manufacturer's instructions and established regulatory framework. Compliance with these regulations and standards would protect against significant and irreversible environmental changes resulting from the accidental release of hazardous materials.

Most housing sites are developed except for 21 vacant sites. Developed sites could require demolition activities to accommodate the residential uses. All potential future demolition activities must comply with the established regulatory framework to ensure that, if present, asbestos and lead-based paints are not released into the environment. Compliance with the existing regulatory framework would protect against a significant and irreversible environmental change resulting from the accidental release of hazardous materials.

In summary, the construction and operation of future development facilitated by the Project would result in the irreversible commitment of limited, slowly renewable, and non-renewable resources, which would limit the availability of these resource quantities for future generations or for other uses during the life of the individual developments. However, continued use of such resources would be on a relatively small scale in a regional context. Although future housing development facilitated by the Project would result in irreversible environmental changes, such changes would not be considered significant.

5.2.2 Would the primary and secondary impacts generally commit future generations to similar uses?

The Project involves amendments to the City's General Plan Land Use Element (goals and policies), Municipal Code (zoning map and adoption of Housing Overlay Zones and Objective Design Standards), and Local Coastal Program policies. The Project does not directly commit future generations to similar uses since the intention of the Project is to ensure compliance with State housing law and implementation of the 2021-2029 Housing Element. The Project does not propose any site development on housing sites evaluated in this Program EIR. Rather, it provides capacity for future development consistent with the 2021–2029 Housing Element.

5.2.3 Would the Project involve uses in which irreversible damage could result from any potential environmental accidents associated with the Project?

The Project does not propose any site development on housing sites evaluated in this Program EIR. Rather, it provides capacity for future development consistent with the 2021–2029 Housing Element. Future development would occur on these sites in incremental phases over time depending upon numerous factors such as market conditions, and economic and planning considerations, and at the individual property owners' discretion.

Exposure of the public or the environment to hazardous materials can occur through transportation accidents; environmentally unsound disposal methods; improper handling of hazardous materials or hazardous wastes (particularly by untrained personnel); and/or emergencies, such as explosions or fires. The severity of these potential effects varies by type of activity, concentration and/or type of hazardous materials or wastes, and proximity to sensitive receptors. However, residential and non-residential development must comply with State and local health and safety requirements designed to preclude significant impacts.

5.2.4 Is the Project's proposed consumption of resources not justified (e.g., the Project involves the wasteful use of energy)?

Public Resources Code (PRC) Section 21100(b)(3) and State CEQA Guidelines Section 15126.4 require EIRs to describe, where relevant, the wasteful, inefficient, and unnecessary consumption of energy caused by a project. Assembly Bill 1575 also amended PRC Section 21100(b)(3) to require EIRs to consider the wasteful, inefficient, and unnecessary consumption of energy caused by a project. Thereafter, the State Resources Agency created State CEQA Guidelines Appendix F (Energy Conservation). **Section 4.5: Energy**, of this Program EIR evaluates the future potential energy use associated with future housing on the housing sites. The analysis concludes that future housing development facilitated by the Project would not result in a wasteful or inefficient use of energy resources during construction or operations due to compliance with federal, State, and local requirements for energy efficiency, including the most current Title 24 standards.

5.3 GROWTH INDUCING IMPACTS

State CEQA Guidelines Section 15126.2(d) requires that EIRs include a discussion of ways in which a project could induce growth. The State CEQA Guidelines identify a project as "growth-inducing" if it fosters economic or population growth or if it encourages the construction of additional housing either directly or indirectly in the surrounding environment. New employees from commercial or industrial development and new population from residential development represent direct forms of growth. These direct forms of growth have a secondary effect of expanding the size of local markets and inducing additional economic activity in the area. The project would therefore have a growth-inducing impact if it would:

- Directly or indirectly foster economic or population growth, or the construction of additional housing;
- Remove obstacles to population growth;
- Require the construction of new or expanded facilities that could cause significant environmental effects; or
- Encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

A project's potential to induce growth does not automatically result in growth. The State CEQA Guidelines require an EIR to "discuss the ways" a project could be growth-inducing and to "discuss the characteristics of some projects that may encourage...activities that could significantly affect the environment." However, the State CEQA Guidelines do not require that an EIR predict (or speculate) specifically where such growth would occur, in what form it would occur, or when it would occur. According to State CEQA Guidelines Section 15145: Speculation, the answers to such questions require speculation, which CEQA discourages. Under CEQA, the potential for growth inducement is not considered necessarily detrimental nor necessarily beneficial, and neither is it automatically considered to be of little significance to the environment. This issue is presented to provide additional information on ways in which the proposed Project could contribute to significant changes in the environment, beyond the direct consequences of implementing the proposed project examined in the preceding sections of this Program EIR.

The following analyzes the Project's potential growth-inducing impacts for the criteria outlined above, in accordance with State CEQA Guidelines Section 15126.2(d). Potential growth-inducing effects are examined through analysis of the following questions:

5.3.1 Would the Project directly or indirectly foster economic or population growth, or the construction of additional housing?

The Housing Element is one of the mandated elements of the General Plan and must be updated every eight years to address existing and projected housing needs across all segments of the community. A discussion of population and employment effects associated with the implementation of the Project is provided in **Section 4.12: Population and Housing** of this Program EIR. The City's 6th Cycle RHNA allocation is 4,845 housing units, including 1,456 Very-Low-Income units and 930 Low-Income units. It is important to note that future housing applicants are not required to meet affordability goals. The City is obligated to ensure there is no net loss when projects are developed such that there are adequate opportunities for the City to meet its RHNA obligations, particularly in order to demonstrate that Low-Income and Very-Low-Income units are being constructed. Therefore, the proposed Project assumes a total development capacity of 9,914 units including future development capacity of up to 9,649 units on 247 housing sites, 25 units of pipeline projects, and 240 ADUs.

The State Employment Development Department reports that of the City's 2023 population of 83,411 persons, 43,700 persons were employed. The average household size was also established as 2.17 persons per household. While the Project would facilitate the development of additional housing throughout the City, resulting in a forecast population growth of approximately 21,811 persons, this forecast population growth would be attributed to accommodating the City's remaining RHNA allocation of 4,845 dwelling units plus the RHNA buffer. It is also important to note the following factors concerning the Project's forecast population growth:

- Future housing development would occur incrementally based on market conditions and other factors, such that potential effects concerning population growth (i.e., utilities, fire, police, and other services and infrastructure) would not occur at any single point in time.
- All future housing developments facilitated by the Project and within overlay zones would be subject to compliance with all federal, State, and local requirements for minimizing growth-related impacts through the City's development review process, which would occur on a project-by-project basis.

When adopting the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (Connect SoCal), the Southern California Association of Governments (SCAG) recognized that its growth projections do not constitute a prescriptive pattern of future development for General Plan or zoning code amendments. The distribution and types of RHNA housing units allocated within each local jurisdiction continues to be fully and completely subject to local control and subject to other applicable laws, and not be constrained or affected by Connect SoCal's growth projections. SCAG's Resolution No. 20-624-1 further notes that for many cities and counties, the required RHNA General Plan and zoning changes may need to accommodate more housing units than reflected in the Connect SoCal's household and population growth projections.

Given SCAG's use of growth projections for regional planning and modeling purposes, and the local jurisdictions' obligations to comply with State Housing laws including RHNA, SCAG agrees that potential

exceedances may not be used to impede a local jurisdiction's compliance with the 6th Cycle RHNA requirements or to assess impacts of a plan or project under CEQA. Further, it is anticipated that the next RTP/SCS update will incorporate the latest population and housing growth projections from the 6th Cycle RHNA and the Housing Elements of cities and counties within the SCAG region. Accordingly, the forecast population growth generated by the future housing development facilitated through Housing Element implementation would not be classified as unplanned growth, but rather would accommodate growth.

5.3.2 Would the Project remove obstacles to population growth?

The objective of the proposed Project is to ensure compliance with State housing law and implementation of the 2021–2029 Housing Element. Following certification of statutory compliance for the 2021-2029 Housing Element by the California Department of Housing and Community Development (HCD), the City is required to ensure the continued and effective implementation of the Housing Element programs including, but not limited to, the provision of sufficient adequately zoned land to accommodate its share of the regional growth and its required share of lower income dwelling units consistent with the General Plan and RHNA obligations.

HCD notes that various consequences may apply if a city or county does not have a Housing Element in compliance with State Housing Law. First, noncompliance would result in ineligibility or delay in receiving State funds that require a compliant Housing Element as a prerequisite. Second, jurisdictions that do not meet their Housing Element requirements may face additional financial and legal ramifications.

5.3.3 Would the Project require the construction of new or expanded facilities that could cause significant environmental effects?

Of the 247 housing sites, 21 housing sites are currently vacant and undeveloped; see **Table 3-12: Housing Sites Inventory** for the list of housing sites that are vacant. The City's communities are already served by essential public services (i.e., fire and police protection, parks and recreational facilities, schools, and solid waste disposal), an extensive network of utility/service systems (i.e., water, wastewater, electricity, and natural gas). The proposed Project would have no immediate impacts on public services and would not result in a need for expanded or newly constructed facilities. All future housing development facilitated by the Project and Alternative B would be subject to the City's development review process, which may include review pursuant to CEQA, and would be assessed on a project-specific basis for potential effects concerning the secondary effects of population growth, including but not limited to the need for public service improvements. The proposed Project would not require the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunication facilities resulting in significant impacts. Further, the Project would not require the construction of new roadway infrastructure. Roadway access either currently exists or is adjacent to and would be extended onto the housing site.

5.3.4 Would the Project encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively?

As previously stated, the Project would not directly result in the development of housing. Rather, it provides capacity for future development consistent with the 2021–2029 Housing Element. Future development would occur on these sites in incremental phases over time depending upon numerous factors such as market conditions, and economic and planning considerations, and at the individual property owners' discretion. These additional housing units have been distributed to the City based on a

region-wide analysis and RHNA determination by SCAG. The potential impacts associated with the Project have been analyzed in this Program EIR in Sections 4.1 through 4.18. The potential cumulative effects of future development of the additional housing units were evaluated; and the Program EIR concludes that the Project would cumulatively contribute to significant environmental impacts for Air Quality (cumulatively considerable increase in long-term air emissions and pollutant concentrations), GHG Emissions (cumulatively considerable contribution to GHG emissions), and Utilities and Service Systems (cumulatively considerable impact to water supply).

6.0 ALTERNATIVES TO THE PROPOSED PROJECT

6.1 CEQA REQUIREMENTS FOR ALTERNATIVES IDENTIFICATION AND ANALYSIS

Under CEQA, the identification and analysis of alternatives to a project is a fundamental part of the environmental review process. Public Resources Code (PRC) Section 21002.1(a) establishes the need to address alternatives in an EIR by stating that in addition to determining a project's significant environmental impacts and indicating potential means of mitigating or avoiding those impacts, "the purpose of an environmental impact report is ... to identify alternatives to the project."

Direction regarding the definition of project alternatives is provided in State CEQA Guidelines Section 15126.6(a):

An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives.

The State CEQA Guidelines emphasize that the selection of project alternatives be based primarily on the ability to reduce impacts relative to a proposed project, "...even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly."¹ The State CEQA Guidelines further direct that the range of alternatives be guided by a "rule of reason," such that only those alternatives necessary to permit a reasoned choice are addressed.²

Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.

Beyond these factors, the State CEQA Guidelines require the analysis of a "no project" alternative and an evaluation of alternative location(s) for a project, if feasible. Based on the alternatives analysis, the City of Newport Beach (City) must identify an environmentally superior alternative. If the environmentally superior alternative is the no project alternative, then the EIR must identify an environmentally superior alternative among the other alternatives.³ In addition, State CEQA Guidelines Section 15126.6(c) requires that an EIR identify any alternatives that were considered for analysis but rejected as infeasible and discuss the reasons for their rejection.

The Program EIR evaluates potential environmental impacts that could result from the Housing Implementation Project, including future housing development on the housing sites.

¹ State CEQA Guidelines Section 15126.6(b).

² State CEQA Guidelines Section 15126.6(f).

³ State CEQA Guidelines Section 15126.6(e)(2).

6.2 CRITERIA FOR SELECTING ALTERNATIVES

The range of feasible alternatives must be selected and discussed in a manner to foster meaningful public participation and informed decision making. Several criteria were used to select alternatives to the Proposed Project. These criteria are described below.

6.2.1 Ability to Achieve Project Objectives

Section 15126.6(f) of the State CEQA Guidelines (14 CCR) states:

The range of alternatives required in an EIR is governed by a ‘rule of reason’ that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project.

The State CEQA Guidelines do not require an EIR to consider every plausible alternative to a project, but rather must examine in detail only the ones which the lead agency determines could feasibly attain most of the basic project objectives.

The adopted and statutorily compliant (certified) 2021–2029 Housing Element provides the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing for all within the City. The 2021–2029 Housing Element was prepared to ensure the City establishes policies, procedures, and incentives in its land use planning and development activities that result in maintenance and expansion of the housing supply to adequately accommodate households currently living and expected to live in the City.

The objective of the proposed Project is to ensure compliance with State housing law and implementation of the 2021–2029 Housing Element, including an update to the City’s Land Use Element and rezoning of housing opportunity sites.

6.2.2 Elimination/Reduction of Significant Impacts

Section 15126.6(b) of the State CEQA Guidelines (14 CCR) states that “Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (PRC §21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly”.

Therefore, the alternatives evaluated in this Program EIR have been selected because they are anticipated to reduce and/or eliminate one or more significant impacts associated with the proposed Project. Potentially significant environmental impacts that would result from the Project are evaluated in Sections 4.1 through 4.18 of this Program EIR. With implementation of the Mitigation Program identified for each topical issue, many of the potentially significant impacts resulting from future development on the housing sites would be reduced to a level considered less than significant. The following topical issues are expected to result in significant and avoidable impacts even after mitigation:

- Aesthetics: light and glare (Banning Ranch)
- Air Quality
- Cultural Resources: historic resources
- Greenhouse Gas Emissions
- Noise
- Utilities and Service Systems: water supply

6.2.3 Feasibility

Section 15126.6(f)(1) of the State CEQA Guidelines (14 CCR) states:

Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent). No one of these factors establishes a fixed limit on the scope of reasonable alternatives (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; see *Save Our Residential Environment v. City of West Hollywood* (1992) 9 Cal.App.4th 1745, 1753, fn. 1).

An EIR also does not need to consider alternatives whose effects cannot be reasonably ascertained and whose implementation is remote and speculative. If the lead agency determines no alternative projects or locations are feasible, it must disclose the reasons for this conclusion in the EIR (State CEQA Guidelines §15126.6).

Unlike a typical development project or even an update to a General Plan initiated by a local agency, the proposed Project is being undertaken to implement the City's 2021-2029 Housing Element, a state-mandated 6th Cycle Regional Housing Needs Assessment (RHNA) that identified a specific number of new residential units that the City is required to plan for and accommodate. Each alternative was evaluated for its feasibility, its ability to attain the Project's objectives, and its ability to reduce and/or eliminate significant impacts associated with the Project.

6.3 DEVELOPMENT ALTERNATIVES CONSIDERED BUT NOT CARRIED FORWARD

Compliance with the 6th Cycle RHNA mandate significantly narrows options available for alternatives that both meet the basic Project objectives that are driven by the RHNA issued by the Southern California Association of Governments (SCAG) as well as those capable of avoiding or substantially reducing the potentially significant impacts identified for the proposed Project. The following alternative has not been carried forward in this Program EIR because it would not meet the basic objectives of the proposed Project; was not considered feasible; and/or would not result in any substantial avoidance or minimization of impacts that are not already accommodated in the other alternatives being evaluated.

6.3.1 Alternative Housing Sites

State CEQA Guidelines Section 15126.6(f)(2)(A) notes the following concerning alternative locations:

The key question and first step in (alternative location) analysis is whether any of the significant effects of the Project would be avoided or substantially lessened by putting the Project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR.

Under the Alternative Housing Sites scenario, the City would consider a different or broader range of sites to accommodate housing to be planned for to meet the RHNA while still meeting the basic objectives of the Project to ensure compliance with State housing law and implementation of the 2021–2029 Housing Element and avoiding or substantially reducing potentially significant environmental impacts.

Unlike a typical CEQA alternative site analysis for a development project (i.e., a different property), the proposed Project is a citywide planning effort that involves consideration and review of hundreds of potential housing sites throughout the City. The guidance provided by CEQA relates largely to how impacts associated with individual sites could be reduced or avoided by relocating the planned project.

As required by State Housing Law, the City adopted and HCD certified the 2021-2029 Housing Element, which identifies specific parcels/sites that may be available and suitable (e.g., avoids major constraints) for residential development in order to demonstrate that Newport Beach has adequate capacity to accommodate residential development as necessary to achieve the City's 6th Cycle RHNA. Alternate housing sites were considered but rejected during the preparation of the 2021-2029 Housing Element because they were determined to be Infeasible during the City's Candidate Sites Analysis process due to regulations, site constraints, property owner interest in developing housing, community input, and existing uses. Development on a different or amended set of sites throughout the City would be unlikely to avoid or substantially lessen potentially significant impacts identified for the proposed Project as the proposed levels of residential development and population growth would remain similar and therefore result in similar environmental impacts as identified in this Program EIR for the proposed Project. Therefore, based on the City's previous detailed screening of sites throughout the City and limited or no reduction in environmental impacts, the Alternative Housing Sites Alternative has been eliminated from further consideration in the Program EIR.

6.4 PROJECT ALTERNATIVES CONSIDERED

State CEQA Guidelines Section 15126.6 (d) of the CEQA Guidelines requires an EIR to provide sufficient information about each alternative to allow for meaningful evaluation, analysis, and comparison with the Project. Pursuant to State CEQA Guidelines Section 15126.6, an analysis of alternatives is presented in this Program EIR to provide decision-makers with alternatives to be considered. The State CEQA Guidelines specify that an EIR shall describe a reasonable range of alternatives that would avoid or substantially lessen the Project's significant effects but need not consider every conceivable alternative.

The following alternatives are analyzed in this Program EIR:

- Alternative A: No Project
- Alternative B: RHNA with Reduced Buffer
- Alternative C: RHNA Only

The three analyzed alternatives present a reasonable range of alternatives to the proposed Project. The analysis in this section focuses on significant and unavoidable impacts attributable to each alternative and the ability of each alternative to meet basic Project objectives. The evaluation of each alternative uses the same thresholds of significance identified in Sections 4.1 through 4.18.

6.4.1 Alternative A: No Project Alternative

Description of the Alternative

Alternative A is the “No Project” alternative required by the State CEQA Guidelines Section 15126.6(e) which allows the decision-makers to compare the potential impacts of the proposed Project with the potential impacts of not approving the proposed Project. Section 15126.6(e)(2) of the State CEQA Guidelines specifies the following:

The “no project” analysis shall discuss the existing conditions at the time the Notice of Preparation [NOP] is published, at the time environmental analysis is commenced, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.

State CEQA Guidelines Section 15126.6(e)(3)(A) states:

When the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the “no project” alternative will be the continuation of the existing plan, policy or operation into the future. Typically this is a situation where other projects initiated under the existing plan will continue while the new plan is developed. Therefore, the projected impacts of the proposed plan or alternative plans would be compared to the impacts that would occur under the existing plan.

There are 247 housing sites, of which only 21 sites are vacant. Alternative A assumes that future development of the sites could occur consistent with the existing underlying zoning of the sites. No overlays would be adopted and no General Plan Land Use Element policy amendments would occur to facilitate housing development and implement the 2021-2029 Housing Element. While the proposed Project does not consider any loss of existing on the ground development which may be displaced to accommodate 9,914 housing units, Alternative A acknowledges that fewer sites would be redeveloped.

It is speculative to know how many of the currently developed sites would be redeveloped. Future reuse would likely occur on these sites over time depending upon numerous factors such as market conditions, and economic and planning considerations, and at the individual property owners’ discretion.

Under Alternative A, no development would occur on 14 of the 21 vacant housing sites. The two housing sites in the Coyote Canyon Focus Area (housing sites 131 and 336) have a General Plan land use designation and is zoned Parks and Recreation (PR). Therefore, the Coyote Canyon Focus Area assumes development of the property with active public or private recreational use. Permitted uses could include active and passive parks, golf courses, tennis clubs and courts, private recreation, and similar facilities.

Banning Ranch is designated in the General Plan Land Use Element as OS(RV). The proposed Project does not include a zoning overlay for the Banning Ranch Focus Area. Consistent with the 2021-2029 Housing Element, Alternative A assumes the potential to accommodate 1,475 housing units (at an assumed unit yield of 50 du/ac) on 44 acres. The Banning Ranch Focus Area is included in the 2021–2029 Housing Element’s sites inventory but is not assumed in order to accommodate the City’s 6th Cycle RHNA growth allocation. Banning Ranch is considered as an additional dwelling unit opportunity beyond that needed to accommodate the RHNA.

The proposed Project's housing sites inventory is intended to accommodate future housing development on identified properties, consistent with the 2021-2029 Housing Element. The No Project Alternative is the circumstance under which the actions required to implement the Housing Element would not occur. Although the City would continue to have an approved and certified Housing Element, the City would not provide adequate opportunities to implement the 2021-2029 Housing Element because the City would not approve and/or amend (1) General Plan goals and policies; (2) Housing Opportunity Overlay zoning districts for the focus areas, including housing sites in the Coastal Zone; and (3) Local Coastal Program policies. Following certification by HCD, the City is required to ensure the continued and effective implementation of the Housing Element programs including, but not limited to, the provision of sufficient adequately zoned land to accommodate its share of the regional growth and its required share of lower income dwelling units consistent with the General Plan and RHNA obligations.

HCD notes that various consequences may apply if a city or county does not have a Housing Element in compliance with State Housing Element Law. First, noncompliance would result in ineligibility or delay in receiving State funds that require a compliant Housing Element as a prerequisite including, but not limited to, the Permanent Local Housing Allocation Program, the Local Housing Trust Fund Program, the Infill Infrastructure Grant Program, SB 1 Caltrans Sustainable Communities Grants; and the Affordable Housing and Sustainable Communities Program.

Second, jurisdictions that do not meet their Housing Element requirements may face additional financial and legal ramifications. HCD may notify the California Office of the Attorney General, which may bring suit for violations of State Housing Element Law. Further, State law provides for court-imposed penalties for persistent noncompliance, including financial penalties. For example, Government Code Section 65585(l)(1) establishes a minimum fine of \$10,000 per month, up to \$100,000 per month. If a jurisdiction remains noncompliant, a court can multiply those penalties by a factor of six. Other potential ramifications could include the loss of local land use authority to a court-appointed agent.

Future housing development facilitated by the 2021-2029 Housing Element would only occur where the proposed multi-unit use is currently consistent with applicable land use regulations; otherwise, future projects may require both amendments to General Plan land use designations and rezones.

In addition to the legal remedies available in the courts, under the Housing Accountability Act (Government Code §65589.5(d)), jurisdictions without a substantially compliant Housing Element cannot rely on inconsistency with zoning and general plan standards as a basis for denial of a housing project for Very-Low-, Low-, or Moderate-Income households.⁴

Impact Comparison to the Proposed Project

Aesthetics

Alternative A assumes future development on 7 of the 21 vacant sites and reuse of currently developed properties would occur on the housing sites consistent with the existing land use and zoning, and existing Municipal Code requirements. Like the proposed Project, Alternative A does not assume construction on the housing sites. Future development on identified housing sites would be subject to project-specific review, including design review, and would be required to comply with the goals and policies in the City's General Plan and Municipal Code.

⁴ For purposes of the Housing Accountability Act, housing for very low-, low-, or moderate-income households is defined as having at least 20 percent of units set aside for low-income residents or 100 percent of units set aside for middle-income residents. (Gov. Code §65589.5(h)(3)).

Under the Alternative A scenario, no General Plan Land Use Element or Local Coastal Plan policy amendments, including updates to policies that would minimize potential impacts to scenic vistas from future development, would be adopted. These policies include Policy LU 1.1 which would require future housing developments to be designed in a manner that maintains and enhances neighborhood character and public views.

Because Alternative A assumes development consistent with designated land uses, the General Plan EIR findings for aesthetics is applicable. The General Plan EIR notes that, with the exception of lighting associated with the development of Banning Ranch, impacts associated with aesthetics would be less than significant with compliance with General Plan policies and Municipal Code regulations. The “substantial increase of lighting” was identified as a significant impact to the Banning Ranch area, if the area is ultimately developed, with no feasible mitigation available to reduce the impact. With the exception of significant, unavoidable lighting impacts associated with Banning Ranch, potential impacts associated with the topic of Aesthetics would be less than significant for both the proposed Project and Alternative A.

Air Quality

The proposed Project would conflict with the growth assumptions in the Air Quality Management Plan (AQMP) and would exceed the South Coast Air Quality Management District (SCAQMD) daily emissions thresholds during long-term operations. There are no feasible mitigation measures to reduce this impact to a less than significant level. Therefore, on a programmatic level, the Project would result in a significant and unavoidable impact concerning air quality plan consistency, long-term air quality emissions, and exceedance of Localized Significance Thresholds (LSTs) associated with construction and operational emissions.

Under Alternative A, future development would occur consistent with the existing General Plan and zoning designations applicable to the housing sites, and therefore, would be consistent with growth assumptions in the SCAQMD AQMP. Alternative A would not conflict with or obstruct implementation of the AQMP. Similar to the Project, future development would generate air quality emissions, and SCAQMD rules and any applicable measures would be applied on a project-by-project basis in order to minimize those potential adverse air quality effects. Because Alternative A assumes that the vacant sites would be developed and the developed sites would be developed with non-residential uses (unless current zoned for residential uses), air quality impacts under Alternative A are expected to be similar when compared to the proposed Project. With respect to the topic of Air Quality, impacts for the proposed Project and Alternative A would be significant and unavoidable.

Biological Resources

Except for the vacant housing sites, all of the other housing sites are developed/occupied by structures and do not contain special status species, riparian habitats, other sensitive communities, or wetlands. The housing sites are also largely bordered by urban development. Following compliance with General Plan policies and **MM BIO-1**, the Project’s potential impacts to special-status species habitats, riparian habitats or other sensitive communities, and wetlands would be reduced to less than significant levels. Under Alternative A, these sites would have the potential to be developed consistent with their General Plan and zoning designation, subject to compliance with General Plan, Municipal Code, and relevant City policies. Therefore, Alternative A would result in the same or similar impacts to biological resources as the proposed Project.

Cultural Resources

The Project was determined to have the potential to impact historic and archaeological resources and to disturb human remains from ground disturbing activities. Following compliance with City Council and General Plan policies, **SC CUL-1** and **SC CUL-2**, and **MM CUL-1** and **MM CUL-2**, the proposed Project's potential impacts to archeological resources would be less than significant. However, potential impacts to historic resources would remain significant and unavoidable. Under Alternative A, historic and archaeological resources could be impacted, including by ground disturbing activities and redevelopment of non-vacant housing sites. Vacant sites would have the potential to be developed under the existing General Plan and zoning designations and could still affect cultural resources. Future projects under Alternative A would similarly implement **SC CUL-1** and **SC CUL-2**, and **MM CUL-1** and **MM CUL-2** to minimize potential impacts to cultural resources. Because Alternative A assumes that housing sites could be developed or redeveloped, there is the potential to discover and impact historic resources and previously undisturbed cultural resources and archaeological resources. Consistent with the findings for the proposed Project, Alternative A could result in significant unavoidable impacts to historic resources. Impacts to cultural and archaeological resources would be mitigated to a less than significant level.

Energy

Alternative A assumes less housing development than the proposed Project but would allow development to occur in the City consistent with the existing land use designations for the housing sites, which require use of energy resources for construction and operation. Alternative A may have a reduced total energy demand than the proposed Project. For example, the Coyote Canyon Focus Area housing sites could be developed with active and passive recreational uses that would have less energy demand than housing. Future development under both the proposed Project and Alternative A would be more-energy efficient development because Title 24 standards continue to be modified to include more energy efficiency requirements. Impacts would be less than significant under both the proposed Project and Alternative A because development under either scenario would not conflict with plans for energy efficiency or result in the wasteful use of energy.

Geology and Soils

The City is within a seismically active area that could be subject to strong seismic ground shaking with the highest risks originating from the Newport-Inglewood fault zone, the Whittier fault zone, the San Joaquin Hills fault zone, and the Elysian Park fault zone. Additionally, of the housing sites that have residential land use designations, 3 housing sites are located within liquefaction susceptibility zones and 3 housing sites within landslide susceptibility zones. The site-specific underlying geology is not known for the housing sites at this level of programmatic analysis; however, older shallow marine sediments that have the potential to produce paleontological resources have been identified within the City. Therefore, there is a likelihood that earthwork activities associated with future housing development facilitated by the proposed Project would encounter paleontological resources.

Alternative A would result in comparable impacts involving geology, soils, and paleontological resources as the Project, given the similar footprints of existing housing sites and potential for future development under the existing General Plan and zoning. Because both the proposed Project and Alternative A would result in an increase in potential geology and soil impacts, development under either alternative scenario would be subject to compliance with General Plan, Municipal Code, and Local Coastal Program policies, and **SC GEO-1**. Therefore, potential impacts associated with Alternative A would be the same or similar to the proposed Project; impacts would be less than significant.

Greenhouse Gas Emissions

The proposed Project would be consistent with applicable plans, policies, and regulations. However, due to the magnitude of the Project's GHG emissions, impacts would be significant and unavoidable at the program level. Alternative A assumes development or reuse of the housing sites consistent with the General Plan and zoning, which would generate GHG emissions. Future development under both Alternative A and the proposed Project would result in increased GHG emissions; however, as the ultimate land uses and nature of development under Alternative A cannot be known at this time, GHG emissions associated with vehicle miles travelled (VMT) could be greater due to greater distance between jobs and housing in the City. Additional GHG emissions would result from construction activities, stationary area sources (i.e., natural gas consumption for space and water heating devices, landscape maintenance equipment operations, and use of consumer products), energy consumption, water supply, and solid waste generation. As with the proposed Project, future projects under Alternative A would be subject to applicable General Plan policies and would be required to implement **MM GHG-1**. Therefore, both the proposed Project and Alternative A could result in significant unavoidable impacts.

Hazards and Hazardous Materials

Alternative A assumes less housing development than the proposed Project but would allow development to occur on the housing sites, consistent with the sites' existing General Plan designation and zoning. Similar to the proposed Project, compliance with established General Plan and Municipal Code policies would minimize impacts from the routine transport, use, and disposal of hazardous materials and from reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Alternative A would have similar impacts concerning demolition, transport, or disposal of hazardous materials associated with potential demolition, grading, and construction activities necessary (on a site-by-site basis) consistent with the existing General Plan and zoning.

With respect to proximity to John Wayne Airport, Alternative A assumes that less housing would be constructed in the future in the Airport Area Focus Area because this alternative would not adopt Housing Overlay Zones. No housing would occur in the Airport Environs Land Use Plan (AELUP) for John Wayne Airport Safety Zone 3, 4, or 6. While impacts associated with airport safety hazards would be less than significant for the proposed Project, Alternative A would limit the amount of future housing proximate to the airport.

Hydrology and Water Quality

Alternative A assumes development to occur on the housing sites, consistent with the sites' existing General Plan designation and zoning. Similar to the proposed Project, future development under Alternative A would be required to demonstrate compliance with water quality standards through compliance with all applicable local, State, federal regulatory requirements. Further, development under Alternative A and the Proposed Project would not deplete groundwater supplies or interfere with groundwater recharge. Therefore, hydrology and water quality effects would be similar when compared to the Proposed Project. Under both development scenarios, impacts would be less than significant.

Land Use and Planning

Under Alternative A, development on housing sites would occur in a manner that is consistent with the existing General Plan and zoning. Similar to the proposed Project, a majority of development under Alternative A would either redevelop existing sites or introduce development (infill) urbanized portions of the City. Alternative A would not divide the community with projects that typically create physical

divisions or separation within cities such as freeways or other large infrastructure projects that divide one portion of a City from another. Additionally, future development under Alternative A would be required to demonstrate consistency with applicable land use plans and policies, including the General Plan, Municipal Code, and SCAG's Connect SoCal. However, Alternative A would preclude the City from meeting its 6th Cycle RHNA allocation of 4,845 units. Therefore, the City would not be in compliance with State Housing laws. Following certification by HCD, the City is required to ensure the continued and effective implementation of the Housing Element programs including, but not limited to, the provision of sufficient adequately zoned land to accommodate its share of the regional growth and its required share of lower income dwelling units consistent with the General Plan and RHNA obligations.

Noise

Under both the proposed Project and Alternative A scenarios, construction activities would occur on the housing sites. Similarly, under Alternative A, development, consistent with existing General Plan land use and zoning, could occur throughout the City. Under both, construction activities associated with any individual development could also occur near noise-sensitive receptors and noise disturbances and excessive groundborne vibration/noise levels, could occur for prolonged periods of time. However, following compliance with Municipal Code Section 10.28.040 (Construction Activity – Noise Regulations) and Municipal Code Section 10.26.035(D), neither the Project nor Alternative A would result in significant impacts concerning noise.

Operational traffic noise impacts associated with the Project would be less than significant with the exception of the roadway segment of Campus Drive from MacArthur Boulevard to Von Karman Avenue where traffic noise impacts would be significant and unavoidable. Under Alternative A, future development with the potential to increase traffic noise in the City could occur. Development occurring in the City would take place consistent with the existing General Plan and zoning regulations and the anticipated growth and development of the City identified in the existing General Plan and would not be of the scale to result in significant and unavoidable operational traffic noise impacts at Campus Drive from MacArthur Boulevard to Von Karman Avenue.

Additionally, Alternative A would introduce less residential uses proximate to John Wayne Airport, specifically in the 60 dBA to 65 dBA CNEL noise contour where residential uses are “conditionally consistent” and the 65 dBA to 70 dBA CNEL noise contour where residential uses are “normally inconsistent.” While the proposed Project would result in less than significant impacts concerning housing development proximate to John Wayne Airport following compliance with established City policies, Alternative A would avoid potential impacts and conflicts with AELUP requirements. Therefore, potential impacts under Alternative A would be less than the proposed Project for construction and operations.

Population and Housing

Based on population projections from SCAG, population is anticipated to increase in the City with or without the proposed Project. The proposed Project would facilitate the development of additional housing throughout the City resulting in population growth in the City beyond existing conditions and growth planned under the General Plan. However, State law requires that the City accommodate its RHNA “fair share” of the region's housing needs, which cannot be achieved under Alternative A. Under Alternative A, housing sites would be developed consistent with the existing General Plan and zoning, which includes largely non-residential land uses and future development would be consistent with land use assumptions considered during the development of SCAG's Connect SoCal and other planning

documents. However, without the Project's proposed rezoning/land use amendments the City would not meet the RHNA mandated State law and the City would not provide its fair share of housing units.

Public Services

Implementation of the proposed Project would introduce additional housing and population to the City. A majority of the housing sites are currently developed and/or located in developed areas of the City, and served by existing public services including fire, police, schools, and libraries. Therefore, future housing development facilitated by the Project is not anticipated to require construction of new or physically alter fire, police, schools, or and library facilities, the construction of which could cause significant environmental impacts. Because Alternative A would involve development consistent with the existing General Plan and zoning, the potential development and redevelopment would be consistent with assumptions under the General Plan. The General Plan EIR determined that impacts would be less than significant base on compliance with General Plan policies and regulations. Non-residential development would not directly generate additional students. Alternative A would incrementally reduce the demand of public services when compared to the proposed Project. Under both development scenarios, impacts would be less than significant.

Recreation

When compared to the proposed Project, Alternative A would result in less demand for or impacts on parks and recreational facilities. Of the housing 247 sites, 226 of the sites are developed of which 12 sites are development with existing housing. Although there are additional sites that have existing General Plan land use and zoning that permit residential uses (see **Table 3-12 in Section 3.0: Project Description**), the majority of these sites are currently developed and it is unknown how many sites would be redeveloped with housing. Similar to the proposed Project, residential development projects under Alternative A would be required to demonstrate compliance with the City parkland requirements including the City's Park Dedication Fee Ordinance, General Plan Recreation Element Policies 1.2 and 2.1 and Land Use Element Policies LU 6.15.3 and 6.15.6, as applicable. Like the proposed Project, Alternative A would increase the use of existing neighborhood, community and regional parks or other recreational facilities but would not result in the substantial physical deterioration of park and recreational uses. The construction of new or expansion of existing recreational facilities would be subject to subsequent environmental review.

Transportation

As addressed in **Section 4.15: Transportation**, the procedure for evaluating Vehicle Miles Traveled (VMT) for land plans involves comparing the existing plan area VMT to Service Population (VMT/SP) with the expected horizon year VMT/SP. The target is to achieve a lower VMT/SP in the horizon year with the proposed land plan than occurs for the existing condition.

The proposed Project would decrease the amount of travel per individual that is forecast to occur in comparison to the existing conditions and in comparison to General Plan Buildout VMT. This is because the proposed Project would develop more housing proximate to where employment is located. In areas with a mix of residential and employment uses, VMT/SP is generally lower than in areas that have more uniform land uses. For example, a reduction in VMT can be attributed to the introduction of housing within areas that are currently characterized by predominantly office uses, resulting in a more balanced land uses. In other areas, VMT/SP increases due to a change from no residents (existing non-residential land uses) to a residential population greater than employment in the traffic analysis zone (TAZ). Because of

differences in the mix of land uses within different TAZs, the VMT/SP could be lower or higher when compared to the assumptions for the Project as a whole.

Alternative A assumes development or redevelopment of the housing sites consistent with the existing land use designations for the sites. Therefore, most of the sites would be developed or redeveloped with non-residential uses. The citywide Existing Conditions VMT/SP is 30.9 and buildout of the General Plan would have a VMT/SP of 32.2. Therefore, when compared to Existing Conditions VMT/SP of 30.9 and the Project VMT/SP of 30.2, VMP/SP would worsen based on General Plan buildout without the Project. This would occur because less housing would be located proximate to employment uses resulting in increased travel per individual. When compared to the proposed Project, Alternative A would have greater traffic impacts.

Tribal Cultural Resources

The proposed Project's potential impacts to tribal cultural resource would be reduced to a less than significant level following compliance with **MM TCR-1** and **MM TCR-2**. Alternative A could have similar impacts to the Project regarding tribal cultural resources because development could occur on the 247 housing sites. Construction would likely include grading activities that could unearth tribal cultural resources. The level of potential impacts on tribal cultural resources from construction and grading activities would be similar under both the proposed Project and Alternative A and would require implementation of applicable mitigation. As with the proposed Project, potential impacts associated with Alternative A can be mitigated to a less than significant level.

Utilities and Service Systems

Implementation of the proposed Project is anticipated to incrementally increase population by 21,811 persons. This increase in population growth would require additional potable water resources, would generate additionally wastewater, would generate solid waste, and would require additional electric, natural gas and telecommunication resources. However, the Project would result in a less than significant impact related to the relocation or construction of new or expanded wastewater treatment or storm water drainage, electric power, natural gas, or telecommunication facilities following compliance with the General Plan policies and **SC UTIL-1** through **SC UTIL-3**. However, despite compliance with federal, State, and local requirements, the water demands from future development facilitated by the Project would result in a significant and unavoidable impact concerning water supply because the Urban Water Management Plans (UWMP) for the City of Newport Beach, Irvine Ranch Water District (IRWD), and Mesa Water District do not include the 6th Cycle RHNA allocation for the jurisdictions within their respective service areas. Although it is expected that there would be adequate water supply for existing and future uses, documentation is not available to demonstrate that adequate water supply is available.

Under Alternative A, development would occur consistent with the existing General Plan land use and zoning, which were accounted for in the 2020 UWMP. Population growth under Alternative A would be less than the proposed Project. Alternative A is anticipated to incrementally reduce the demand on water, wastewater, solid waste, electric, natural gas and telecommunication resources when compared to the proposed Project and would be consistent with the UWMP assumptions for Newport Beach. Alternative A would eliminate the significant unavoidable impact associated with water supply. With respect to the remaining utilities, impacts would be less than significant for both the Project and Alternative A.

Wildfire

The proposed Project assumes future housing development on housing sites 131 and 336 in the Coyote Canyon Focus Area, which are located within Very High Fire Hazard Severity Zones (VHFHSZ). The remaining sites are outside Fire Hazard Severity Zones. Compliance with federal, State, and local laws and regulations, and implementation of **MM W-1** would ensure that impacts to the public and environment related to risk of hazards due to urban fires would be less than significant. Although the majority of the housing sites are developed, Alternative A would limit population growth and higher density in the City compared to the proposed Project and in turn further minimize the potential for wildfire or high wind exposure to new residents or structures. Further, Alternative A would allow for recreational development on housing sites 131 and 336, consistent with the existing General Plan and zoning, and would not introduce habitable structures or expose residents to wildfire hazards. Because Alternative A does not assume new residential uses within the Coyote Canyon Focus area, fewer residential uses would be within a VHFHZ. Although wildfire impacts associated with both the proposed Project and Alternative A would be mitigated to a less than significant level, Alternative A would have a reduced impact when compared to the Project.

Feasibility and Ability to Meet Project Objectives

The proposed Project objective is to ensure compliance with State housing law and implementation of the 2021–2029 Housing Element, including an update to the City’s Land Use Element and rezoning of housing opportunity sites. Alternative A would not facilitate development housing to ensure compliance with State housing law and implementation of the 2021–2029 Housing Element. Alternative A would not attain any of the Project objectives, including those that are required to comply with State law, except the Alternative A would preserve the community’s existing housing stock and no existing housing would be impacted.

Conclusion

Under the No Project Alternative, the City would not meet its 6th Cycle RHNA allocation and would result in risk of penalties and loss of eligibility for funding opportunities due to the City’s noncompliance with various State housing-related laws. Therefore, this alternative would directly conflict with California Government Code Section 65583, which stipulates that a jurisdiction must implement the Housing Element and facilitate development of housing to provide for the existing and projected needs of all economic segments of the community.

6.4.2 Alternative B: RHNA with Reduced Buffer

Description of the Alternative

The RHNA identified the projected number of dwelling units needed to accommodate estimated future growth during the 6th Cycle planning period (2021-2029) at specified levels of affordability. The City’s 6th Cycle RHNA allocation is 4,845 housing units, including 1,456 Very-Low-Income units and 930 Low-Income units. The City’s 2021–2029 Housing Element demonstrates compliance with its RHNA obligations including the identification of housing sites.

In addition to the 6th Cycle RHNA allocation, this Program EIR analysis accounts for additional housing units as a buffer to address future “no net loss” to preclude the need to identify replacement sites during 6th Cycle implementation. State Housing laws require cities and counties to identify RHNA obligations by income category. It is important to note that future housing applicants are not required to meet

affordability goals. The City is obligated to ensure there is no net loss when projects are developed such that there are adequate opportunities for the City to meet its RHNA obligations, particularly in order to demonstrate that Low-Income and Very-Low-Income units are being constructed. Therefore, the proposed Project assumes a total development capacity of 9,914 units including future development capacity of up to 9,649 units on 247 housing sites, 25 units of pipeline projects, and 240 units of anticipated accessory dwelling units (ADUs).

Alternative B assumes a reduced buffer, representing a range of units between the City's RHNA allocation (4,845 units) and the proposed Project (9,914 units), to address future "no net loss". Because future housing projects on the identified housing sites would occur incrementally over time, largely based on economic conditions, market demand, and other planning considerations, it is speculative to know how many of the housing sites will be developed, the number of housing units on a housing site, or the affordability characteristics of the projects. Should the City have an insufficient number of remaining sites to meet its RHNA obligations in the income categories resulting in a net loss, the City has 120 days to provide rezoning that accommodates the net loss.

This alternative would still require amendments/updates to General Plan Land Use policies, the Municipal Code, and Local Coastal Program. It is not possible to know which combination of housing sites would be developed at what densities; however, the overall development capacity would result in an incremental decrease in the number of housing units and/or housing throughout the City.

This alternative was selected for analysis because it would result in a lower intensity of development that could lessen some of the Project's environmental effects. It would not, however, substantially lessen or eliminate all of the Project's significant and unavoidable effects for the reasons discussed further below. Nevertheless, the alternative could potentially meet the City's RHNA obligations and Project objective of implementing the City's 2021-2029 Housing Element, while lessening some of the project's effects.

Impact Comparison to the Proposed Project

Aesthetics

Alternative B would result in a lower overall development capacity and could result in fewer visual changes than the Project because fewer housing sites may be developed or redeveloped. However, like the Project, Alternative B assumes that residences could be constructed in the future on the 247 housing sites throughout the City. If sites are developed at a lower density, building heights could be similar or the same as for the proposed Project consistent with the Housing Opportunity Zone building height standards. Housing development would be subject to the City's development review process including review with applicable General Plan policies, Municipal Code standards, proposed *Multi-Unit Objective Design Standards*, and subject to the City's development review process and other permit approval to minimize potential for significant impacts concerning scenic resources and lighting/glare, with the exception of Banning Ranch. Like the proposed Project and Alternative A, the 2021-2029 Housing Element identifies housing sites within the Banning Ranch Focus Area. The General Plan EIR found that development of Banning Ranch would have a "substantial increase of lighting" and no feasible mitigation was available to reduce the impact. With the exception of significant, unavoidable lighting impacts associated with Banning Ranch, potential impacts associated with the topic of Aesthetics would be less than significant for both the proposed Project and Alternative B.

Air Quality

Alternative B would result in a reduced overall development capacity and could result in fewer air quality impacts as compared to the proposed Project. Alternative B would still adopt Housing Overlay Zones to facilitate future development of housing on identified housing sites throughout the City. Similar to the Project, future housing development would result in air quality emissions, and SCAQMD Rules and any applicable measures would be applied on a project-by-project basis in order to minimize those potential negative air quality effects. However, due to the intensity of proposed development, Alternative B would similarly conflict with the growth assumptions in the AQMP and would exceed the SCAQMD daily emissions thresholds during long-term operations. Air quality emissions would be proportionally less than the proposed Project due to a reduced overall development capacity, but potential impacts to air quality would remain significant and unavoidable.

Biological Resources

Although overall development capacity would be reduced under Alternative B, housing development on each of the 247 housing sites would still be allowed. Following compliance with General Plan policies and **MM BIO-1**, both the Project and Alternative B's potential direct impacts to special-status species habitats, riparian habitats or other sensitive communities, and wetlands would be reduced to less than significant levels. Under Alternative B, although the total development capacity would be reduced, these sites would have the potential to be developed with housing and as such would result in a similar impact to biological resources as the proposed Project.

Cultural Resources

Although overall development capacity would be reduced under Alternative B, housing development on each of the 247 housing sites could occur. Similar to the proposed Project, Alternative B would have the potential to impact historic and archaeological resources and human remains from ground disturbing activities. Following compliance with City Council and General Plan policies, **SC CUL-1** and **SC CUL-2**, and **MM CUL-1** and **MM CUL-2**, both the Project and Alternative B would have a less than significant impact on archeological resources. However, potential impacts to historic resources for the proposed Project and Alternative B would remain significant and unavoidable.

Energy

Alternative B would demand less total energy than the Project given this alternative assumes a reduced overall development capacity. Similar to the Project, future development would result in more-energy efficient development because Title 24 standards continue to be modified to include more energy efficiency requirements. Overall, Alternative B would result in less intense housing development and proportionally reduced energy consumption. Neither the proposed Project nor Alternative B would result in the wasteful use of energy.

Geology and Soils

Although overall development capacity would be reduced under Alternative B, housing development on the 247 housing sites would still be allowed, including the 31 housing sites located within liquefaction susceptibility zones and 17 housing sites within landslide susceptibility zones. Alternative B would result in comparable impacts involving geology, soils, and paleontological resources as the Project, given the housing sites are the same. Both the proposed Project and Alternative B would be subject to compliance

with General Plan, Municipal Code, and Local Coastal Program policies, and **SC GEO-1** and would have less than significant impacts concerning geology, soils, and paleontological resources.

Greenhouse Gas Emissions

Alternative B would result in a reduced development capacity and could result in fewer GHG emission impacts as compared to the proposed Project. Similar to the Project, future housing development under Alternative B would result in increased GHG emissions and future developments would be evaluated on a project-by-project basis. Development under Alternative B or the proposed Project scenarios would be subject to applicable General Plan policies and would be required to implement **MM GHG-1**, as applicable to the specific development project. Greenhouse gas emissions would be proportionally less than the proposed Project due to a reduced overall development capacity, but potential impacts to GHG emissions would remain significant and unavoidable due to the scale of housing development and growth beyond assumptions of the General Plan and SCAG's Connect SoCal.

Hazards and Hazardous Materials

Although overall development capacity would be reduced under Alternative B, housing development on each of the 247 housing sites is assumed under this scenario. Similar to the proposed Project, compliance with established General Plan and Municipal Code policies would minimize impacts from the routine transport, use, and disposal of hazardous materials and from reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Alternative B would have similar impacts concerning demolition, transport, or disposal of hazardous materials associated with potential demolition, grading, and construction activities necessary (on a site-by-site basis) consistent with the existing General Plan and zoning.

With regards to operations, future development on housing sites under both the proposed Project and Alternative B would be required to comply with applicable building and fire safety regulations required for the design of new housing and emergency access and impacts would be less than significant. With respect to proximity to John Wayne Airport, Alternative B assumes that less housing could be constructed in the future in the Airport Area Focus Area because this alternative would have a reduced overall development capacity. However, similar to the proposed Project, residential development would be allowed in various Safety Zones. For those housing sites in Safety Zone 6, residential uses are allowed and would not impact the standards or operations of this zone. For those housing sites exclusively in Safety Zone 4, the AELUP for John Wayne Airport states that higher densities as infill in urban areas if alternative uses are impractical. For the four housing sites – 70, 360, 363, and 367 – that are partially within Safety Zone 3, housing development would be limited to low-density residential uses as identified in the R-1 zoning district. Therefore, impacts would be less than significant for both the proposed Project and Alternative B.

Hydrology and Water Quality

Although overall development capacity would be reduced under Alternative B, housing development on each of the 247 housing sites would still be allowed. Similar to the proposed Project, future housing development under Alternative B would be required to demonstrate compliance with water quality standards through compliance with all applicable local, State, federal regulatory requirements. As with the Proposed Project, this alternative would not deplete groundwater supplies or interfere with groundwater recharge. Impacts for both the proposed Project and Alternative B would be less than significant.

Land Use and Planning

Alternative B would facilitate housing development on the identified housing sites through the adoption of General Plan, zoning, and Local Coastal Program amendments, similar to the proposed Project. Development under Alternative B would redevelop existing sites or introduce housing on predominately infill housing sites in urbanized portions of the City and would not divide the community with projects that typically create physical divisions or separation within cities such as freeways or other large infrastructure projects that divide one portion of a city from another. Similar to the proposed Project, Alternative B would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigation an environmental effect and would be consistent with the requirements of State housing law. Neither the proposed Project nor Alternative B would result in significant land use impacts.

Noise

Although overall development capacity would be reduced under Alternative B, housing development within each of the 247 housing sites would still be allowed. Construction activities associated with any individual development could also occur near noise-sensitive receptors and noise disturbances and excessive groundborne vibration/noise levels, could occur for prolonged periods of time. However, individual developments would be subject to compliance with Municipal Code Section 10.28.040 (Construction Activity – Noise Regulations) and Municipal Code Section 10.26.035(D), and would not result in significant impacts concerning noise for either the Project or Alternative B.

Operational traffic noise impacts associated with Alternative B would be less than significant, including at the roadway segment of Campus Drive from MacArthur Boulevard to Von Karman Avenue. Due to the reduced development capacity, the average daily trips would be reduced, and Alternative B would not exceed traffic-noise thresholds. Additionally, similar to the proposed Project, Alternative B would introduce less residential uses proximate to John Wayne Airport, specifically the 60 dBA to 65 dBA CNEL noise contour where residential uses are “conditionally consistent” and the 65 dBA to 70 dBA CNEL noise contour where residential uses are “normally inconsistent.” Future housing development projects under Alternative B would be required to demonstrate compliance with established City policies concerning airport noises and AELUP requirements. Both Alternative B and the proposed Project would result in less than significant impacts for construction and operations.

Population and Housing

Under both the proposed Project and Alternative B, population is anticipated to increase in the City beyond growth projections of the General Plan and SCAG’s Connect SoCal. Alternative B would facilitate the development of additional housing throughout the City, inducing indirect population growth in the City beyond existing conditions and growth planned under the General Plan. Alternative B would also be consistent with State law requires that the City accommodate its RHNA “fair share” of the region’s housing needs. Alternative B would result in proportionally less population growth than the proposed Project due to a reduced overall development capacity but would still exceed planned growth for the City. Based on the thresholds of significance set forth in this Program, neither the proposed Project nor Alternative B would result in significant impacts. However, Alternative B would introduce fewer new residents into the City.

Public Services

Alternative B assumes additional housing on the identified 247 housing sites, but with a lower overall development capacity resulting in lower population growth when compared to the proposed Project. A

majority of the housing sites are currently developed and/or located in developed areas of the City, and served by existing public services. Similar to the proposed Project, Alternative B would have no immediate impacts on public services and would not result in a need for expanded or newly constructed facilities, and impacts associated with services would be less than significant. Future housing projects would be subject to the City's development review process and like the proposed Project would be required to comply with applicable General Plan policies and Municipal Code requirements. For example, compliance with Land Use Element Policies LU 2.8 and LU 3.2 require that land uses can be adequately supported by public services, transportation, and utility infrastructure.

The operating budget for public services including fire protection, police services, and libraries is generated primarily through tax revenues. Facilities, personnel, and equipment expansion and acquisition are tied to the City budget process and tax-base expansion. New development would be subject to Municipal Code Section 3.12 (Property Development Tax), which imposes an excise tax upon the construction and occupancy of each residential unit, commercial unit, industrial unit, and mobile home park in the City per square foot of gross floor area for all classes of new construction, including any area in a building designed for the parking of vehicles. Per Municipal Code Section 3.12.110 (Disposition of Proceeds – Funds Created), all tax proceeds would be used for acquiring, building, improving, expanding, and equipping City fire stations, City libraries and City parks. All future housing development facilitated by the Project and Alternative B would be subject to the City's development review process, which may include review pursuant to CEQA, and would be assessed on a project-specific basis for potential effects concerning the secondary effects of population growth, including but not limited to the need for public service improvements.

With respect to schools, schools in the Newport-Mesa Unified School District and Santa Ana Unified School District are currently operating below maximum capacity and have space to accommodate additional students. As Alternative B would have a reduced development capacity, additional students generated under both the Project and Alternative B could be served. Furthermore, the State of California is responsible for the funding of public schools. Future projects under both the Project and Alternative B would be required to pay fees, as required by California Government Code Sections 65995-65998, to offset impacts from increased demand for school services associated with development of the proposed Project by providing an adequate financial base to construct and equip new and existing schools.

Impacts would be less than significant under both the proposed Project and Alternative B. However, as the overall development capacity would be reduced under Alternative B, the resulting population and housing growth would be reduced resulting in a proportionally lesser demand for public services.

Recreation

Alternative B would introduce additional housing and population to the City that could result in increased demand for or impacts on recreational facilities or services. Like the proposed Project, future housing development projects under Alternative B would be subject to project-specific review and would be required to comply with the goals and policies in the City's General Plan and Municipal Code requirements, as applicable to the individual project. Where any future housing development would include the subdivision of land, the housing project would be required to provide land or in lieu fees for parks or recreation purposes to bear a reasonable relationship to the use of the park and recreational facilities by future inhabitants pursuant to Municipal Code Section 19.52.030 (Use of Park Dedications and Fees). Any land, fees, or combination thereof contributed would be required to be used for developing new or rehabilitating existing park and recreational facilities to serve the subdivision.

With respect to the maintenance and preservation of existing parks and recreation facilities (General Plan Goal R 2), General Plan Policy R 2.1 states “Use funding from the City’s Park Dedication Fee Ordinance to enhance existing parks and recreational facilities.” In addition to compliance with Policy R 2.1 to mitigate impacts to existing park facilities, the General Plan places additional park and recreational requirements on high-density residential developments in the City (Policy R.2) and for residential development in the Airport Area (Policy LU 6.15.13 and Policy LU 6.15.16).

While the maximum development capacity would be reduced under Alternative B, future development could increase the use of existing parks and recreational facilities. It is reasonable to assume that not all of the future housing projects would be subject to payment of park fees because not all projects would require a subdivision. While there would be an increased use of parkland and recreational facilities resulting from the increase in residential population, the City provides for the maintenance and enhancement of parks and recreational facilities through various funding sources. These existing funding sources currently include, in addition to the Park Dedication Fee Ordinance, property taxes, and long-term Facility and Park Plans funding sources. Because of the City’s commitment to the maintenance and enhancement of such facilities and exploration of potential future funding sources, increased use of existing parks and recreational facilities would not result in substantial physical degradation. Consistent with the findings for the proposed Project, impacts would be less than significant.

Transportation

The proposed Project would decrease the amount of travel per individual that is forecast to occur in comparison to the existing conditions and in comparison to General Plan Buildout VMT. This is because the proposed Project would develop more housing proximate to where employment is located. In areas with a mix of residential and employment uses, VMT/SP is generally lower than in areas that have more uniform land uses. Alternative B would allow for future residential development on the 247 housing site but with a reduced development capacity and would generate less daily traffic.

Like the proposed Project, Alternative B would allow for the introduction of housing within areas that are currently characterized by predominantly office uses, resulting in a more balanced land uses resulting in a lower VMT/SP than General Plan building without either the Project or Alternative B. As noted for the proposed Project, because of differences in the mix of land uses within different TAZs, the VMT/SP could be lower or higher when compared to the assumptions for the Project as a whole. Although Alternative B could result in fewer units on the housing sites, it is expected that Alternative B would still improve VMT/SP compared to General Plan buildout but less than for the proposed Project. For both the proposed Project and Alternative B, future housing projects that do not satisfy the VMT screening criteria would be required to prepare a full VMT analysis to determine whether the site-specific project would have a significant VMT impact.

Tribal Cultural Resources

Although overall development capacity would be reduced under Alternative B, housing development on each of the 247 housing sites would be allowed. Similar to the proposed Project, Alternative B would have the potential to impact tribal cultural resources and to disturb human remains from ground disturbing activities. Following compliance with General Plan policies and **MM TCR-1** and **MM TCR-2**, both the Project and Alternative B would have a less than significant impact on tribal cultural resources.

Utilities and Service Systems

Alternative B would introduce additional housing and population to the City that could result in increased demand for potable water resources, generate additionally wastewater and solid waste, and require additional electric, natural gas and telecommunication resources. However, demand on utilities and service systems would be incrementally reduced under Alternative B due to the reduced overall development capacity. Similar to the proposed Project, Alternative B would result in a less than significant impact related to the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunication facilities following compliance with the General Plan policies and **SC UTIL-1** through **SC UTIL-3**. However, despite compliance with federal, State, and local requirements, the water demands from future development facilitated by Alternative B would result in a significant and unavoidable impact concerning water supply, as population growth and water demand associated with proposed housing development were not accounted for in the three water district UWMPs, whose service areas include Newport Beach. When compared to the proposed Project, demand on utilities and service systems associated with Alternative B would be incrementally reduced.

Wildfire

Like the proposed Project, Alternative B assumes future housing development on housing site 131 and 336 which are located within a VHFHSZ. However, Alternative B may have fewer housing units on housing sites 131 and 336. The remaining housing sites would be located outside FHSZs. However, compliance with federal, state, and local laws and regulations, and implementation of **MM W-1** would ensure that impacts to the public and environment related to risk of hazards due to urban fires would be less than significant for both the proposed Project and Alternative B concerning wildfire.

Feasibility and Ability to Meet Project Objectives

Alternative B would facilitate future residential development on the 247 housing sites, but would include fewer units to serve as a buffer to address future “no net loss” to preclude the potential need to identify replacement sites associated with the 6th Cycle RHNA. Alternative B would meet the Project’s objective to ensure compliance with State housing law and implementation of the 2021–2029 Housing Element, including an update to the City’s Land Use Element goals and policies and the adoption of Housing Opportunity Zones. However, as Alternative B would include a reduced buffer, should the City have an insufficient number of remaining sites to meet its RHNA obligations in the income categories resulting in a net loss, the City would have 120 days to provide rezoning that accommodates the net loss. Although Alternative B would adopt state-mandated and locally desired programs to implement the City’s Housing Element, it would not provide a buffer to address “no net loss” to the same extent as the proposed Project.

Conclusion

Potential impacts from implementation of Alternative B would be similar to the proposed Project for a majority of resource areas, and impacts would remain significant and unavoidable for air quality, cultural resources (historic resources), GHG emissions, recreation, and utilities and service systems (water supply). Alternative B would not have a significant unavoidable roadway noise impact. Under Alternative B, while the City could meet its 6th Cycle RHNA allocation from future development on the housing sites, there would be greater risk of penalties and noncompliance with various State housing-related laws in case housing sites were removed from the inventory during the planning period or sufficient sites were not available to meet the RHNA at specified levels of affordability .

6.4.3 Alternative C: RHNA Only

Description of the Alternative

Alternative C assumes a maximum development capacity of 4,845 housing units, which is the City's 6th Cycle RHNA allocation. Following certification by HCD, the City is required to ensure the continued and effective implementation of the Housing Element programs including, but not limited to, the provision of sufficient adequately zoned land to accommodate its share of the regional growth and its required share of lower income dwelling units consistent with the General Plan and RHNA obligations. The City is obligated to ensure there is no net loss when projects are developed such that there are adequate opportunities for the City to meet its RHNA obligations, particularly in order to demonstrate that Low-Income and Very-Low-Income units are being constructed. Future housing applicants are not required to meet affordability goals, which could result in insufficient housing sites to comply with affordability requirements.

While a buffer is not required, it is recommended by HCD. Therefore, Alternative C assumes no buffer to address future "no net loss" if actual housing development does not provide Very-Low-Income and Low-Income housing consistent with the RHNA. Should the City have an insufficient number of remaining sites to meet its RHNA obligations in the income categories resulting in a net loss, the City has 120 days to provide rezoning that accommodates the net loss. This alternative would represent an approximate 50 percent reduction in overall development capacity as compared to the proposed Project. This alternative would still require amendments/updates to the General Plan Land Use Element policies, Municipal Code, and Local Coastal Program. It is not possible to know which combination of housing sites would be developed at what densities.

This alternative was selected for analysis because it would result in a lower intensity of development that could lessen some of the Project's environmental effects. It would not, however, substantially lessen or eliminate the Project's significant and unavoidable effects for the reasons discussed further below. Nevertheless, the alternative was selected for analysis because it could potentially meet the City's RHNA obligations and Project objective of implementing the City's 2021-2029 Housing Element, while lessening some of the proposed Project's effects.

Impact Comparison to the Proposed Project

Aesthetics

Alternative C would result in a lower overall development capacity and could result in fewer visual changes than the Project due to less intense housing development. However, like the proposed Project, Alternative C assumes that residences could be constructed in the future on the 247 housing sites throughout the City. If sites are developed at a lower density, building heights could be similar or the same as for the proposed Project consistent with the Housing Opportunity Zone building height standards. Housing development would be subject to the City's development review process including review with applicable General Plan policies, Municipal Code standards, and proposed *Multi-Unit Objective Design* Standards to minimize the potential for significant impacts concerning scenic resources and lighting/glare, with the exception of Banning Ranch. Like the proposed Project, Alternative C would facilitate future housing development within Banning Ranch, as the 2021-2029 Housing Element identifies housing sites within the Banning Ranch Focus Area. The General Plan EIR found that development of Banning Ranch would have a "substantial increase of lighting" and no feasible mitigation was available to reduce the impact. With the exception of significant, unavoidable lighting impacts associated with Banning Ranch, potential impacts

associated with the topic of Aesthetics would be less than significant for both the proposed Project and Alternative C.

Air Quality

Alternative C would result in a lower maximum development capacity (50% reduction) and could result in fewer air quality impacts as compared to the proposed Project. Alternative C assumes the adoption of Housing Overlay Zones to facilitate future development of housing on identified housing sites throughout the City. Similar to the Project, future development would result in air quality emissions, and SCAQMD Rules and any applicable measures would be applied to residential projects in order to minimize those potential negative air quality effects. However, due to the intensity of proposed development and addition of 4,845 residential units to the City, Alternative C would similarly conflict with the existing growth assumptions in the AQMP and would exceed the SCAQMD daily emissions thresholds during long-term operations. Air quality emissions would be proportionally reduced as compared to the proposed Project, but potential impacts to air quality would remain significant and unavoidable.

Biological Resources

Although maximum development capacity would be reduced under Alternative C, housing development on the 247 housing sites could occur. Following compliance with General Plan policies and **MM BIO-1**, both the Project and Alternative C's potential impacts to special-status species habitats, riparian habitats or other sensitive communities, and wetlands would be reduced to less than significant levels. Under Alternative C, although the maximum capacity would be reduced, these sites would have the potential to be developed with housing and as such would result in a similar impact to biological resources as the proposed Project.

Cultural Resources

Although overall development capacity would be reduced under Alternative C, housing development on the 247 housing sites is assumed. Similar to the proposed Project, Alternative C would have the potential to impact historic or archaeological resources and to disturb human remains from ground disturbing activities. Following compliance with City Council and General Plan policies, **SC CUL-1** and **SC CUL-2**, and **MM CUL-1** and **MM CUL-2**, both the Project and Alternative C would have a less than significant impact on archeological resources. However, potential impacts to historic resources would remain significant and unavoidable.

Energy

Alternative C would demand less total energy (50% reduction) than the Project given this alternative assumes a lower maximum development capacity. Similar to the Project, future development would result in more-energy efficient development because Title 24 standards continue to be modified to include more energy efficiency requirements. Overall, Alternative C would result in less intense housing development and proportionally reduced energy consumption. However, under both development scenarios, neither would not conflict with plans for energy efficiency or result in the wasteful use of energy.

Geology and Soils

Although maximum development capacity would be reduced under Alternative C, housing development is assumed on the 247 housing sites, including the 31 housing sites located within liquefaction susceptibility zones and the 17 housing sites within landslide susceptibility zones. Alternative C would result in comparable impacts involving geology, soils, and paleontological resources as the Project, given

the housing sites are the same. Both the proposed Project and Alternative C would be subject to compliance with General Plan, Municipal Code, and Local Coastal Program policies, and **SC GEO-1**. Both the Proposed Project and Alternative C would have less than significant impacts with respect to geology, soils, and paleontological resources.

Greenhouse Gas Emissions

Alternative C would result in a reduced development capacity and could result in fewer GHG emission impacts as compared to the proposed Project. Similar to the Project, future housing development under Alternative C would result in increased GHG emissions and future developments would be evaluated on a project-by-project. Development under Alternative C or the proposed Project scenarios would be subject to applicable General Plan policies and would be required to implement **MM GHG-1**. Greenhouse gas emissions would be proportionally less than the proposed Project due to a reduced overall development capacity, but potential impacts to GHG emissions would remain significant and unavoidable due to the scale of housing development and growth beyond assumptions of the General Plan and SCAG's Connect SoCal.

Hazards and Hazardous Materials

Although overall development capacity would be reduced under Alternative C, housing development on each of the 247 housing sites is assumed under this scenario. Similar to the proposed Project, compliance with established General Plan and Municipal Code policies would minimize impacts from the routine transport, use, and disposal of hazardous materials and from reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Alternative C would have similar impacts concerning demolition, transport, or disposal of hazardous materials associated with potential demolition, grading, and construction activities necessary (on a site-by-site basis) consistent with the existing General Plan and zoning.

With regards to operations, future development on housing sites under both the proposed Project and Alternative C would be required to comply with applicable building and fire safety regulations required for the design of new housing and emergency access and impacts would be less than significant. With respect to proximity to John Wayne Airport, Alternative C assumes that less housing could be constructed in the future in the Airport Area Focus Area because this alternative would have a lower overall development capacity. However, like the proposed Project, residential development would be allowed in various Safety Zones. For those housing sites in Safety Zone 6, residential uses are allowed and would not impact the standards or operations of this zone. For those housing sites exclusively in Safety Zone 4, the AELUP for John Wayne Airport states that higher densities as infill in urban areas if alternative uses are impractical. For the four housing sites – 70, 360, 363, and 367 – that are partially within Safety Zone 3, housing development would be limited to low-density residential uses as identified in the R-1 zoning district. Therefore, impacts would be less than significant for both the Project and Alternative C.

Hydrology and Water Quality

Although maximum development capacity would be reduced under Alternative C, housing development on each of the 247 housing sites would still be allowed. Similar to the proposed Project, future housing development under Alternative C would be required to demonstrate compliance with water quality standards through compliance with all applicable local, State, federal regulatory requirements. As with the Proposed Project, this alternative would not deplete groundwater supplies or interfere with

groundwater recharge. Impacts for both the proposed Project and Alternative C would be less than significant.

Land Use and Planning

Alternative C would facilitate housing development on the identified housing sites through the adoption of General Plan, zoning, and Local Coastal Program amendments, similar to the proposed Project. Development under Alternative C would redevelop existing sites or introduce housing on predominately infill housing sites in urbanized portions of the City and would not divide the community with projects that typically create physical divisions or separation within cities such as freeways or other large infrastructure projects that divide one portion of a City from another. Alternative C would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigation an environmental effect. Neither the proposed Project nor Alternative C would result in significant land use impacts.

Noise

Although overall development capacity would be reduced under Alternative C, housing development within each of the 247 housing sites would still be allowed. Construction activities associated with any individual development could also occur near noise-sensitive receptors and noise disturbances and excessive groundborne vibration/noise levels, could occur for prolonged periods of time. However, individual developments would be subject to compliance with Municipal Code Section 10.28.040 (Construction Activity – Noise Regulations) and Municipal Code Section 10.26.035(D), and would not result in significant impacts concerning noise for either the Project or Alternative C.

Operational traffic noise impacts associated with Alternative C would be less than significant, including at the roadway segment of Campus Drive from MacArthur Boulevard to Von Karman Avenue. Due to the reduced development capacity, the average daily trips would be reduced, and Alternative C would not exceed traffic-noise thresholds. Additionally, like the proposed Project, Alternative C would introduce less residential uses proximate to John Wayne Airport, specifically the 60 dBA to 65 dBA CNEL noise contour where residential uses are “conditionally consistent” and the 65 dBA to 70 dBA CNEL noise contour where residential uses are “normally inconsistent.” Future housing development projects under Alternative C would be required to demonstrate compliance with established City policies concerning airport noises and AELUP requirements. Both Alternative C and the proposed Project would result in less than significant impacts for construction and operations.

Population and Housing

Under both the proposed Project and Alternative C, population is anticipated to increase in the City beyond growth projections of the General Plan and SCAG’s Connect SoCal. Alternative C would facilitate the development of additional housing throughout the City, inducing indirect population growth in the City beyond existing conditions and growth planned under the General Plan. Alternative C would also be consistent with State law requires that the City accommodate its RHNA “fair share” of the region’s housing needs. Alternative C would result in proportionally less population growth than the proposed Project due to a lower maximum development capacity but would still exceed planned growth for the City. Based on the thresholds of significance set forth in this Program, neither the proposed Project nor Alternative C would result in significant impacts. However, Alternative C would introduce fewer new residents into the City.

Public Services

Alternative C assumes additional housing to the City on the identified 247 housing sites, but with at a lower overall development capacity resulting in lower population growth when compared to the proposed Project. A majority of the housing sites are currently developed and/or located in developed areas of the City, and served by existing public services. Similar to the proposed Project, Alternative C would have no immediate impacts on public services and would not result in a need for expanded or newly constructed facilities, and impacts associated with services would be less than significant. Future housing projects would be subject to the City's development review process and like the proposed Project would be required to comply with applicable General Plan policies and Municipal Code requirements. For example, compliance with Land Use Element Policies LU 2.8 and LU 3.2 require that land uses can be adequately supported by public services, transportation, and utility infrastructure.

The operating budget for public services including fire protection, police services, and libraries is generated primarily through tax revenues. Facilities, personnel, and equipment expansion and acquisition are tied to the City budget process and tax-base expansion. New development would be subject to Municipal Code Section 3.12 (Property Development Tax), which imposes an excise tax upon the construction and occupancy of each residential unit, commercial unit, industrial unit, and mobile home park in the City per square foot of gross floor area for all classes of new construction, including any area in a building designed for the parking of vehicles. Per Municipal Code Section 3.12.110 (Disposition of Proceeds – Funds Created), all tax proceeds would be used for acquiring, building, improving, expanding, and equipping City fire stations, City libraries and City parks. All future housing development facilitated by the Project and Alternative C would be subject to the City's development review process, which may include review pursuant to CEQA, and would be assessed on a project-specific basis for potential effects concerning the secondary effects of population growth, including but not limited to the need for public service improvements.

With respect to schools, schools in the Newport-Mesa Unified School District and Santa Ana Unified School District are currently operating below maximum capacity and have space to accommodate additional students. As Alternative C would have a reduced development capacity, additional students generated under both the Project and Alternative C could be served. Furthermore, the State of California is responsible for the funding of public schools. Future projects under both the Project and Alternative C would be required to pay fees, as required by California Government Code Sections 65995-65998, to offset impacts from increased demand for school services associated with development of the proposed Project by providing an adequate financial base to construct and equip new and existing schools.

Impacts would be less than significant under both the proposed Project and Alternative C. However, as the overall development capacity would be reduced under Alternative C, the resulting population and housing growth would be reduced resulting in a proportionally lesser demand for public services.

Recreation

When compared to the proposed Project, Alternative C would introduce less housing and population to the City that could result in increased demand for or impacts on recreational facilities or services. Future housing development projects under Alternative C would be subject to project-specific review and would be required to comply with the goals and policies in the City's General Plan and Municipal Code requirements, as applicable to the individual project. Where any future housing development would include the subdivision of land, the housing project would be required to provide land or in lieu fees for

parcs or recreation purposes to bear a reasonable relationship to the use of the park and recreational facilities by future inhabitants pursuant to Municipal Code Section 19.52.030 (Use of Park Dedications and Fees). Any land, fees, or combination thereof contributed would be required to be used for developing new or rehabilitating existing park and recreational facilities to serve the subdivision.

With respect to the maintenance and preservation of existing parks and recreation facilities (General Plan Goal R 2), General Plan Policy R 2.1 states “Use funding from the City’s Park Dedication Fee Ordinance to enhance existing parks and recreational facilities.” In addition to compliance with Policy R 2.1 to mitigate impacts to existing park facilities, the General Plan places additional park and recreational requirements on high-density residential developments in the City (Policy R.2) and for residential development in the Airport Area (Policy LU 6.15.13 and Policy LU 6.15.16).

While the maximum development capacity would be reduced under Alternative C to only accommodate the City’s RHNA allocation, future development could increase the use of existing parks and recreational facilities. While there would be an increased use of parkland and recreational facilities resulting from the increase in residential population, the City provides for the maintenance and enhancement of parks and recreational facilities through various funding sources. These existing funding sources currently include, in addition to the Park Dedication Fee Ordinance, property taxes, and long-term Facility and Park Plans funding sources. Because of the City’s commitment to the maintenance and enhancement of such facilities and exploration of potential future funding sources, increased use of existing parks and recreational facilities would not result in substantial physical degradation. Consistent with the findings for the proposed Project, impacts would be less than significant.

Transportation

The proposed Project would decrease the amount of travel per individual that is forecast to occur in comparison to the existing conditions and in comparison to General Plan Buildout VMT. This is because the proposed Project would develop more housing proximate to where employment is located. In areas with a mix of residential and employment uses, VMT/SP is generally lower than in areas that have more uniform land uses. Alternative C would allow for future residential development on the 247 housing site but with a 50 percent reduced development capacity and would generate less daily traffic.

Like the proposed Project, Alternative C would allow for the introduction of housing within areas that are currently characterized by predominantly office uses, resulting in a more balanced land uses resulting in a lower VMT/SP than General Plan buildout without either the Project or Alternative C. As noted for the proposed Project, because of differences in the mix of land uses within different TAZs, the VMT/SP could be lower or higher when compared to the assumptions for the Project as a whole. Although Alternative C could result in fewer units on the housing sites because it only assumes compliance with the City’s RHNA allocation with no buffer, it is expected that Alternative C would still improve VMT/SP compared to General Plan buildout but less than for the proposed Project. For both the proposed Project and Alternative C, future housing projects that do not satisfy the VMT screening criteria would be required to prepare a full VMT analysis to determine whether the site-specific project would have a significant VMT impact.

Tribal Cultural Resources

Although overall development capacity would be reduced under Alternative C, housing development on each of the 247 housing sites would still be allowed. Similar to the proposed Project, Alternative C would have the potential to impact tribal cultural resources and to disturb human remains from ground

disturbing activities. Following compliance with General Plan policies and **MM TCR-1** and **MM TCR-2**, both the Project and Alternative C would have a less than significant impact on tribal cultural resources.

Utilities and Service Systems

Alternative C would introduce additional housing and population to the City that could result in increased demand for potable water resources, generate additionally wastewater and solid waste, and require additional electric, natural gas and telecommunication resources. However, demand on utilities and service systems would be incrementally reduced under Alternative C due to the reduced overall development capacity. Similar to the proposed Project, Alternative C would result in a less than significant impact related to the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunication facilities following compliance with the General Plan policies and **SC UTIL-1** through **SC UTIL-3**. However, despite compliance with federal, State, and local requirements, the water demands from future development facilitated by Alternative C would result in a significant and unavoidable impact concerning water supply, as population growth and water demand associated with proposed housing development were not accounted for in the three water district UWMPs, whose service areas include Newport Beach. When compared to the proposed Project, demand on utilities and service systems associated with Alternative C would be incrementally reduced.

Wildfire

Similar to the proposed Project, Alternative C assumes housing development on housing sites 131 and 336 which are located within a VHFHSZ. However, Alternative C may have fewer housing units on housing sites 131 and 336. The remaining housing sites would be located outside FHSZs. However, compliance with federal, state, and local laws and regulations, and implementation of **MM W-1** would ensure that impacts to the public and environment related to risk of hazards due to urban fires would be less than significant for both the proposed Project and Alternative C concerning wildfire.

Feasibility and Ability to Meet Project Objectives

Alternative C would facilitate future residential development on 247 identified housing sites, but would not include any housing units to serve as a buffer to address future “no net loss” to preclude the need to identify replacement sites during 6th Cycle implementation. Alternative C would meet the Project’s objective to ensure compliance with State housing law and implementation of the 2021–2029 Housing Element, including goal and policy modifications City’s Land Use Element and adoption of Housing Opportunity Zones. However, as Alternative C does not include a buffer, should the City have an insufficient number of remaining sites to meet its RHNA obligations in the income categories resulting in a net loss, the City would have 120 days to provide rezoning that accommodates the net loss or risk conflicting with State law and the Project objectives.

Conclusion

Due to the intensity of development and consistency of identified housing sites, potential impacts from implementation of Alternative C would be similar or less than the proposed Project for a majority of resource areas because fewer housing units are assumed. Impacts would remain significant and unavoidable for air quality, cultural resources (historic resources), GHG emissions, and utilities and service systems (water supply assumptions). Alternative C eliminate significant, unavoidable roadway noise impacts. Under Alternative C, while the City may be able to meet its 6th Cycle RHNA allocation from future development on identified housing sites, it is important to note that future housing applicants are not

required to meet affordability goals. State Housing laws require cities and counties to identify RHNA obligations by income category. The City is obligated to ensure there is no net loss when projects are developed such that there are adequate opportunities for the City to meet its RHNA obligations, particularly in order to demonstrate that Low-Income and Very-Low-Income units are being constructed. Therefore, while Alternative C would reduce environmental impacts when compared to the proposed Project, it is reasonable to assume that the City may not meet its RHNA obligations in the various income categories and be required to rezone additional sites.

6.5 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires the identification of an environmentally superior alternative. Section 15126.6(e)(2) of the State CEQA Guidelines identifies that if the No Project Alternative is the environmentally superior alternative, then the EIR shall also identify an environmentally superior alternative among the other alternatives. **Table 6-1: Comparison of Project Alternatives**, summarizes the comparative analyses presented in this section to the proposed Project.

“No Project” Alternative (Alternative A): The No Project Alternative would result in fewer impacts than the Project. Although this Alternative could reduce environmental impacts from future housing development facilitated by the Project, Alternative A would not achieve the Project objectives. Alternative A would not provide adequate housing sites to meet the City’s 6th Cycle RHNA allocation or satisfy State housing law including AB 1397. Under Alternative A, the City would not meet its RHNA obligations. Therefore, this Alternative would directly conflict with California Government Code Section 65583, which stipulates that a jurisdiction must assess its Housing Element every eight years and identify adequate sites for housing and provide for the existing and projected needs of all economic segments of the community.

RHNA Only Alternative (Alternative C): This Alternative would meet the majority of the Project objectives as it is assumed that development under this alternative would meet the 6th Cycle RHNA housing needs. However, as Alternative C assumes no buffer, there is a higher chance that future rezonings would be required during the Housing Element planning period and that the City would be required to implement such actions within a 120 day period to address “no net loss,” should City have an insufficient number of remaining sites to meet its RHNA obligations in the income categories.

Resource Area	Proposed Project	Alternative A No Project	Alternative B RHNA with Reduced Buffer	Alternative C RHNA Only
Aesthetics	S/U	S/U	S/U	S/U
Air Quality	S/U	LS	S/U	S/U
Biological Resources	LS/M	LS/M	LS/M	LS/M
Cultural Resources	S/U	S/U	S/U	S/U
Energy	LS	LS	LS	LS
Geology and Soils	LS	LS	LS	LS
Greenhouse Gas Emissions	S/U	S/U	S/U	S/U
Hazards and Hazardous Materials	LS	LS	LS	LS
Hydrology and Water Quality	LS	LS	LS	LS
Land Use and Planning	LS	LS	LS	LS
Noise and Vibration	S/U	LS	LS	LS
Population and Housing	LS	LS	LS	LS
Public Services	LS	LS	LS	LS
Recreation	LS	LS	LS	LS
Transportation	LS	LS	LS	LS
Tribal Cultural Resources	LS	LS	LS	LS
Utilities and Service Systems	S/U	LS	S/U	S/U
Wildfire	LS	LS	LS	LS
Notes: LS = Less than Significant LS/M = Less than Significant with Mitigation S/U = Significant Unavoidable Impact				

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