

**Appendix A Initial Study/Notice of
Preparation and
Comment Letters**

CITY OF NEWPORT BEACH **GENERAL PLAN UPDATE**

Notice of Preparation/Initial Study

Prepared for
City of Newport Beach
Planning Department
3300 Newport Boulevard
Newport Beach, California 92658-8915

Prepared by
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January 2006



CITY OF NEWPORT BEACH

P.O. BOX 1768, NEWPORT BEACH, CA 92658-8915

DATE: January 27, 2006

TO: Agencies, Organizations, and Interested Parties (see distribution list)

FROM: City of Newport Beach, Planning Department

SUBJECT: Notice of Preparation of a Draft Environmental Impact Report

The City of Newport Beach will be the Lead Agency under the California Environmental Quality Act (CEQA) and will prepare a Draft Environmental Impact Report (EIR) for the Newport Beach General Plan Update (proposed project). The City has prepared an Initial Study and will prepare a comprehensive environmental document evaluating the potential environmental effects of the General Plan Update.

Agencies: The City requests your agency's views on the scope and content of the environmental information relevant to your agency's statutory responsibilities in connection with the proposed project, in accordance with California Code of Regulations, Title 14, Section 15082(b). Your agency will need to use the EIR when considering any permit or other approval that your agency must issue for the project.

Organizations and Interested Parties: The City requests your comments regarding the environmental issues that should be addressed in the EIR.

Project Location and Description: A detailed Project Description is attached. The entire Planning Area includes the existing City of Newport Beach boundaries (totaling 13,062 acres, excluding waterways) and its sphere of influence. The General Plan Update defines comprehensive land use, noise, housing, circulation and infrastructure, public service, resource conservation, and public safety policies for the entire City. While policies regarding future land use and growth are addressed from a citywide perspective, the majority of land use changes are limited to nine primary study areas. Accordingly, the EIR will comprehensively address the impacts of all policies throughout the City and, additionally, focus on those areas in which the most significant land use changes could occur. Refer to the attached Project Description for more information.

Environmental Impact Report: By its nature, the General Plan Update requires a program-level EIR. According to Title 12, Section 15168 of the California Code of Regulations, a program EIR may be prepared on a series of actions that can be characterized as one large project and are related geographically; as logical parts in the chain of contemplated actions; in connection with the issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or 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. A program-level EIR can provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR or on an individual action, ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis, and to allow the lead agency to consider broad policy alternatives and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts.

A program-level EIR differs from the more common type of EIR which evaluates environmental effects at the project level. A project-level EIR examines the environmental impacts of a specific development project. A project-level EIR focuses primarily on the changes in the environment that would result from a development project and

examines all phases of the project including planning, construction, and operation. Generally, the analysis contained in a program-level EIR is not as detailed as the analysis in a project-level EIR.

Potential Environmental Effects: The City has prepared an Initial Study that describes the potential environmental effects of the proposed project. An EIR will be prepared to evaluate the project's potential impacts on the environment and analyze alternatives. As identified in the Initial Study, the environmental issues listed below will be addressed in the EIR. With the exception of Agricultural Resources, the EIR will include all of the environmental issue areas contained in the CEQA Guidelines.

- Aesthetics and Visual Resources
- Biological Resources
- Air Quality
- Cultural and Historic Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services, including
 - › Fire Protection
 - › Police Protection
 - › Schools
 - › Parks
 - › Other public facilities
- Recreation
- Transportation/Traffic
- Utilities and Service Systems, including
 - › Sewer
 - › Water System and Storm Drainage
 - › Solid Waste

Document Availability: The Notice of Preparation, Initial Study, and Project Description are available for review at the following locations:

City of Newport Beach, Planning Department
3300 Newport Boulevard
Newport Beach, CA 92658-8915
Telephone: 949.644.3225

Newport Beach Public Library
1000 Avocado Avenue
Newport Beach, CA 92660
Telephone: 949.717.3800

Responses and Comments: If you would like to submit written comments on the Notice of Preparation, please send them to the City of Newport Beach at the address shown below. Please be specific in your statements describing your environmental concerns. Due to the time limits mandated by state law, your written response must be sent at the earliest possible date, but ***not later than February 27, 2006, which is 30 days from the date of this notice.***

Project Title: Newport Beach General Plan Update
Project Applicant: City of Newport Beach
Send Responses to: Gregg B. Ramirez, Senior Planner
Planning Department, Community and Economic Development
City of Newport Beach
3300 Newport Boulevard
P.O. Box 1768
Newport Beach, CA 92658-8915
Telephone: 949.644.3219
Facsimile: 949.644.3229

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PROJECT DESCRIPTION

ENVIRONMENTAL SETTING AND LOCATION

Located in the Southern California region, Newport Beach is at the western edge of Orange County, adjacent to the Pacific Ocean, as shown in Figure 1. Generally, Newport Beach is bordered by Costa Mesa to the northwest, Huntington Beach to the west, Irvine to the northeast, and unincorporated portions of Orange County to the southeast.

Regional access to the City is provided by several freeways. The 405 Freeway runs north to south within Southern California, and intersects both State Routes 73 and 55. State Route 55 extends south from State Route 91 and terminates in the City of Newport Beach. State Route 73 extends along the northern boundary of the City, connecting the 55 and 405 Freeways with Interstate 5. Highway 1 (Coast Highway) runs along the California coast and all the way through Newport Beach.

The entire Planning Area includes the existing City boundaries and its sphere of influence (SOI). The current City boundaries total 13,062 acres, excluding waterways. Approximately 53 acres of the area known as Banning Ranch is within the City boundaries, with another 361 acres of this property in the City's SOI, subject to Orange County jurisdiction. The entire property is surrounded by a one-foot strip within the City's jurisdiction. The Planning Area is illustrated in Figure 2. The City of Newport Beach General Plan Technical Background Report (TBR) provides existing data for the entire Planning Area. The TBR was published June 2004 and is available for review at the Planning Department and Central Library.

The General Plan Update provides comprehensive land use, housing, circulation and infrastructure, public service, resource conservation, and public safety policies for the entire city. While policies regarding future land use and development are addressed from a citywide perspective, the majority of land use changes are limited to nine primary study areas, which include about 10.5 percent of the City's land area. Accordingly, the EIR will comprehensively address the impacts of all policies throughout the City and, additionally, focus on those areas in which the most significant land use changes could occur. These areas are illustrated in Figure 3.

Background

General Plan

The General Plan is a state-required legal document (Government Code Section 65300) that provides guidance to decision makers regarding the conservation of resources and the future physical form and character of development for the city. It is the official statement of the jurisdiction regarding the extent and types of development of land and infrastructure that will achieve the community's physical, economic, social, and environmental goals. The General Plan expresses the City's goals and articulates the City's intentions with respect to the rights and expectations of the general public, property owners, community interest groups, prospective investors, and business interests. Although the General Plan consists of individual sections, or "elements," that address a specific area of concern, it also embodies a comprehensive and integrated planning approach for the jurisdiction.

Under state law, each General Plan must contain seven elements:

- Land Use
- Circulation
- Housing

- Conservation
- Open Space
- Noise
- Safety

Provisions of Orange County’s Measure M require jurisdictions to adopt a Growth Management Element describing how public services and facilities will be provided to residents and businesses within each community. The City’s has incorporated Growth Management policies into the Circulation Element to meet Measure M requirements.

Table 1 includes a list of current elements of the General Plan and when they were last revised.

It is important to note that all land use regulations, capital improvements, and other City actions pertaining to the physical development of the City must be consistent with the adopted General Plan. The General Plan policies for the SOI, however, are only advisory to Orange County as to the City’s intentions for development; the County still maintains jurisdictional authority over the SOI areas unless they are annexed to the City.

Table 1 Current Elements of the General Plan	
<i>Current Elements</i>	<i>Date of Adoption/Update</i>
Land Use	1988 with several amendments since
Housing	2003 with amendments and re-certification in 2005
Recreation and Open Space	1998
Conservation of Natural Resources	1974
Circulation	1998
Public Safety	1975
Noise	1994
Growth Management	1992
Harbor and Bay	2001

STATEMENT OF OBJECTIVES

The project seeks to achieve the objectives identified by the community during the extensive public outreach and participation process, as expressed in the Visioning Statement developed by the General Plan Advisory Committee (GPAC) and approved by the Planning Commission and the City Council.

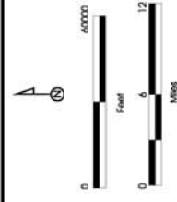
- Preserve and enhance Newport Beach’s character as a beautiful, unique residential community.
- Reflect a conservative growth strategy that
 - > Balances needs for housing, jobs and services
 - > Limits land use changes to a very small amount of the City’s land area
 - > Directs land use changes to areas where residents have expressed a willingness to consider change and where sustainable development can occur
 - > Protects natural resources, open space, and recreational opportunities
- Protect and enhance water quality.
- Protect and enhance recreational opportunities and public access to open space and natural resources.
- Modify land uses, densities, and intensities so that traffic generation is controlled.

CITY OF NEWPORT BEACH
GENERAL PLAN EIR

Figure 1
REGIONAL
LOCATION

- City of Newport Beach
 - City Boundary
 - County Boundary
- Hydrography
- Water Body
 - Waterway
- Roads
- State and Federal Highway
 - Primary Road

Note: GIS Data Projection - CA State Plane, Zone 6, NAD83, Feet

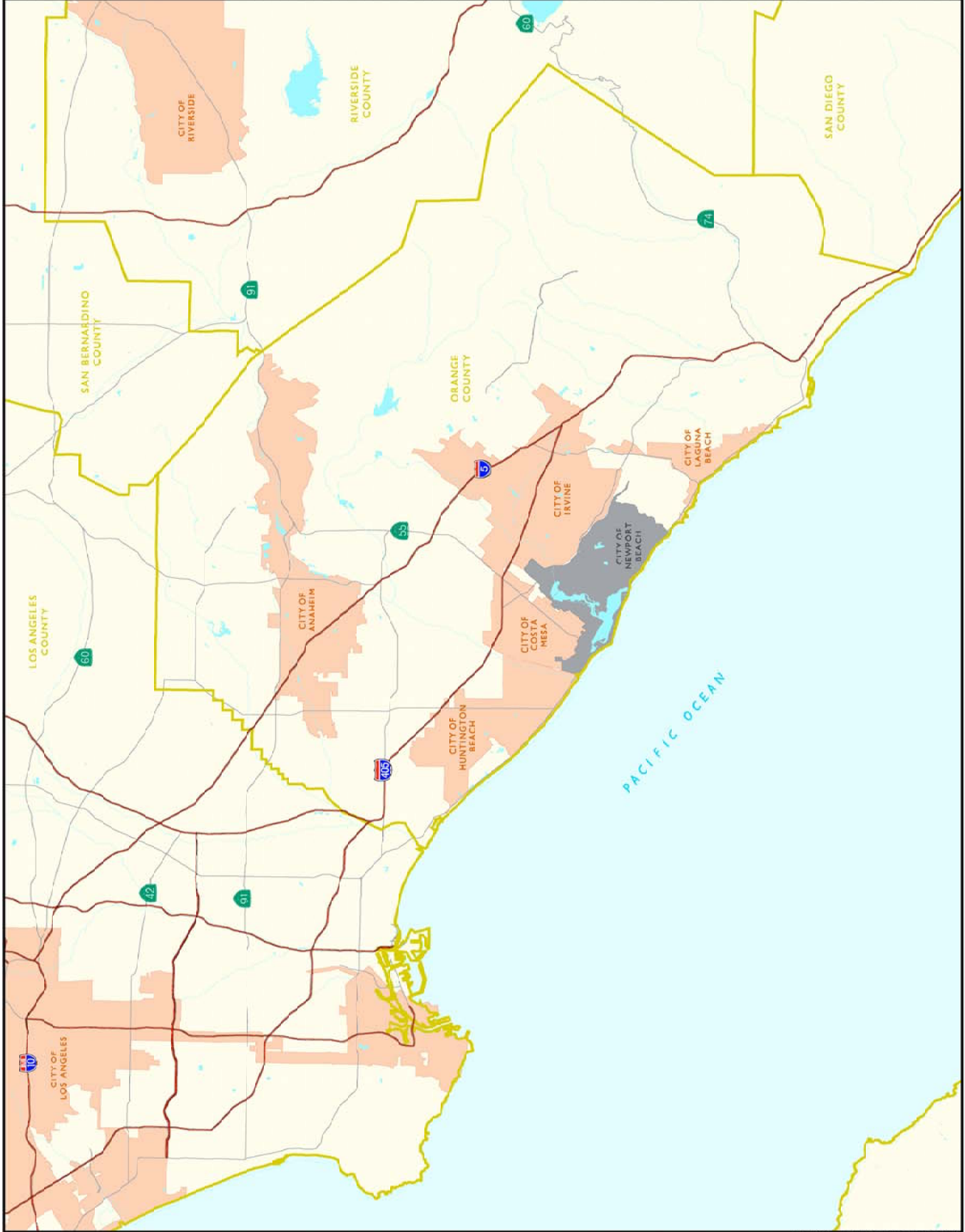


Source: City of Newport Beach, City Boundary, May 2003; Counties, May 2003; US Census Bureau, 2000 City Boundaries, 2000; SRI, 2000; San Diego County, 2000; San Bernardino County, 1997; and EIR Associates, GIS Program, November 14, 2003.

PROJECT NUMBER: 10579-01
Requested by: CP Created by: MV
Date: 1/11/06












EIR
ASSOCIATES



CITY OF NEWPORT BEACH
GENERAL PLAN EIR

Figure 3-2
PLANNING AREA

-  Planning Area Boundary
-  City*
-  Banning Ranch SOI
-  Hydrography
-  Tidelands and Submerged Lands
-  Waterway
-  Roads
-  State and Federal Highway
-  Streets

*Note: 1. Portion of Banning Ranch within City limits (approximately 48 acres).
2. City boundary includes a 1 foot strip around Banning Ranch.

Note: GIS Data Projection: California North Zone 6, NAD83, Feet

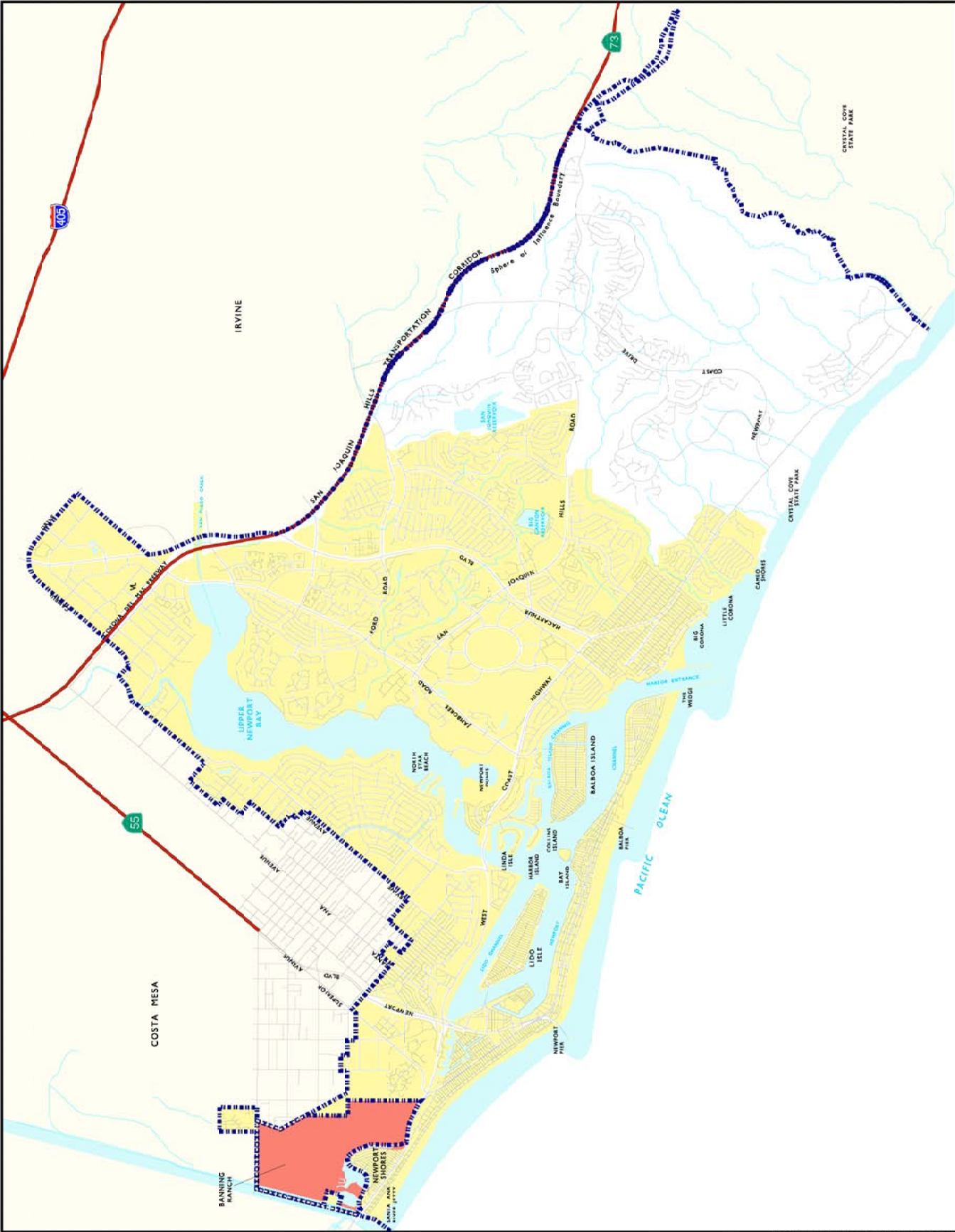


Source: City of Newport Beach, Parcels, July 2003; City boundary, May 2003; Counties, May 2003; US Census Bureau, Other Populations, February 2002; US Census Bureau, Other Populations, February 2002; and EIR Associates, GIS Program, February, 2004.

PROJECT NUMBER: 10579-01
Requested by: CP Created by: MV
Date: 01/24/06



EIR
ASSOCIATES



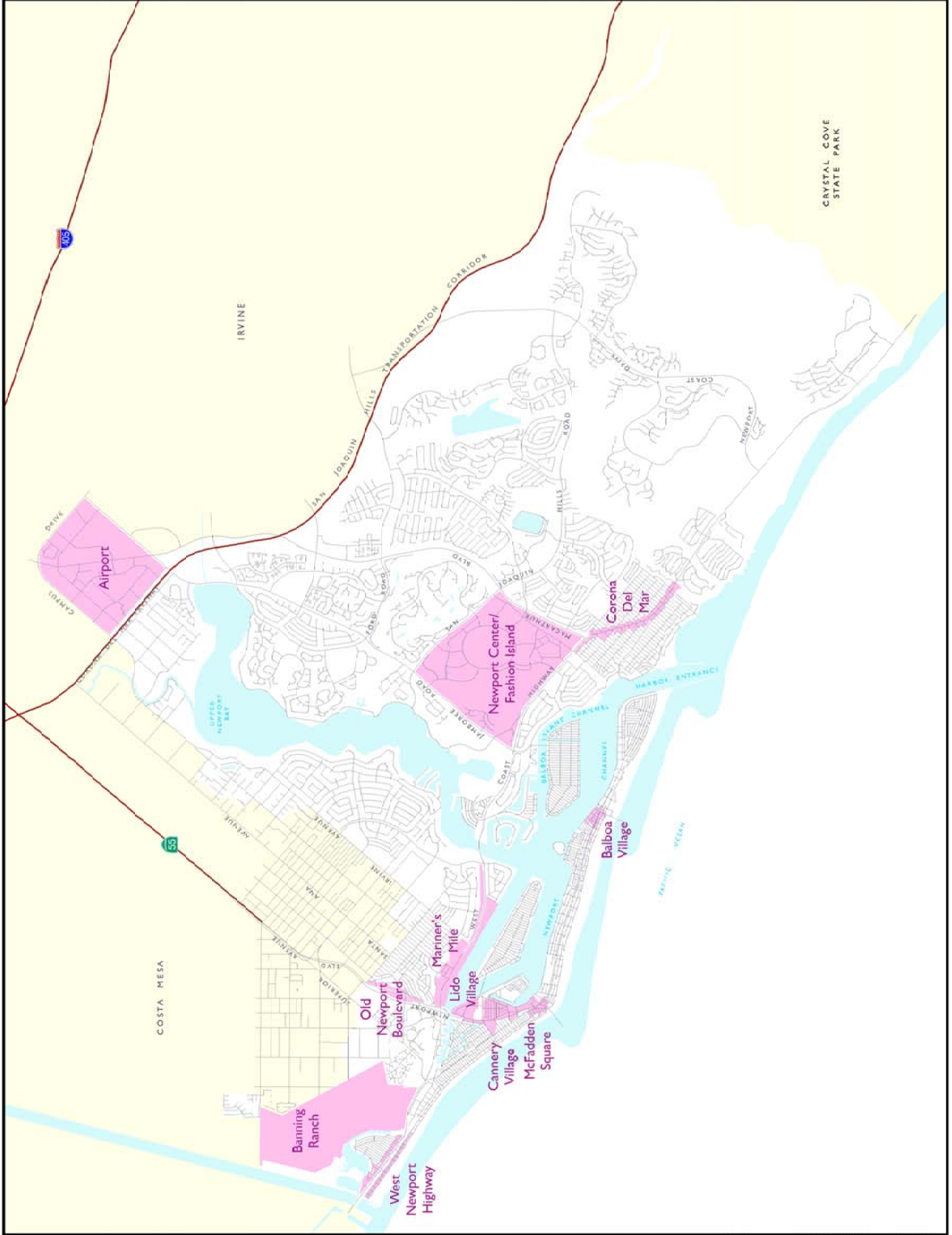
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FIGURE 3
PLANNING SUB-AREAS

Planning Sub-Area



Source: City of Newport Beach, City Boundary, May 2003; Borealis, October 2003; Statistics Alaska, August 2006; Sanborn Fire Insurance Maps, 1900-1940; and IP-Vectorline Database, September 2003.
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Date: 01/24/06



- Improve traffic flow without changing the character of the City.
- Preserve and enhance parks, art, cultural and education facilities and programs that contribute to residents' quality of life.
- Ensure the City has adequate municipal revenue to provide first rate municipal services, such as police, fire, lifeguard, library, recreation, refuse collection and recycling, and infrastructure maintenance.
- Attract visitors to Newport Beach's harbor, beaches, hotels, restaurants, and shops with as little impact as possible on residents and natural resources.
- Encourage revitalization of older and economically challenged commercial areas so that the areas continue to be community resources and have a positive impact on the value of nearby property and the local economy.
- Maintain Newport Harbor as one of the premier small boat recreational boating harbors in the world, while causing little or no impact on the environment.
- Control and contain noise and traffic impacts from operations at John Wayne Airport to protect the residents' quality of life and property values.
- Modify the Land Use Element and other elements to reflect changes in the law and planning practices that have occurred in the 17 years since the last comprehensive amendments were approved.
- Provide effective means to ensure compliance with Section 423 of the Charter.

PROJECT CHARACTERISTICS

Elements and Components of the Proposed General Plan

The proposed General Plan is a comprehensive update of the current General Plan. Elements of the existing General Plan have been re-organized by thematic topic for clarity and to avoid redundancy, as encouraged by the State's General Plan Guidelines. The updated City of Newport Beach General Plan is organized into the following elements:

- Land Use
- Housing
- Circulation
- Recreation
- Natural Resources
- Safety
- Noise
- Historic Resources
- Arts and Cultural Resources

Goals and policies in the existing Harbor and Bay Element will be retained in a separate element or incorporated in the Land Use, Circulation, Recreation, Safety, and Natural Resources Elements. Growth Management Element goals and policies are incorporated into the Circulation/Mobility Element. Goals and policies for the protection of the City's open spaces, currently found in the Recreation and Open Space Element, are incorporated into the Natural Resources Element.

Updated General Plan Potential Land Use Changes

Existing land uses by major category and potential land use changes resulting from the update of the General Plan are described below.

Existing Land Uses

Information regarding existing land uses and potential development within Newport Beach is presented below. More detail regarding the existing uses is presented in the General Plan TBR. The City of Newport Beach Planning Area contains 26,676 acres or 41.7 square miles. These are net acres and do not include streets and roadways, which account for approximately 20 percent of the total gross land acreage. Approximately 42 percent (11,119 acres) of the Planning Area is water, which includes the Upper and Lower Newport Bay and its channels, and the Pacific Ocean. The following discussion pertains to the 13,062 acres of developed and undeveloped land in the Planning Area.

Existing land uses in the Planning Area have been classified into seven primary categories:

- *Residential*—Residential uses include a mix of housing developed at varying densities and types. Residential uses in the Planning Area include single-family, multiple-family, condominium, mobile, and senior housing.
- *Commercial/Office*—This category includes commercial uses that offer goods for sale to the public (retail) and service and professional businesses housed in offices (accountants, architects, etc). Retail and commercial businesses include those that serve local needs, such as restaurants, neighborhood markets and dry cleaners, and those that serve community or regional needs, such as auto dealers and furniture stores. Visitor-serving retail uses such as regional shopping centers and hotels are also included in this category.
- *Industrial*—The industrial category includes a mix of manufacturing and light industrial uses, some of which are found in business, research, and development parks. Light industrial activities include warehousing and some types of assembly work. This category also includes wholesaling and warehousing.
- *Governmental, Educational, and Institutional Facilities (GEIF)*—Government buildings, libraries, schools and other public institutions are found in this category. Uses in this category support civic, cultural, and educational needs of residents.
- *Open Space*—This category encompasses public and private recreational spaces, local and regional parks, and beaches. Recreational areas, such as golf courses, also contribute to open space uses in the Planning Area.
- *Vacant*—Vacant lands are undeveloped lands (as of June 2003) that are not preserved in perpetuity as open space or for other public purposes.
- *Water*—The bay, harbor, channels and reservoirs are included in this category.

Existing land uses are listed below in Table 2.

Proposed Land Use Changes

Table 3 presents the proposed land uses for Newport Beach. As shown, City-wide changes would occur in the following land use categories: Residential (single- and multi-family), Commercial, Office, Industrial, Visitor Serving, Institutional, and Parks/Open Space.

Newport Beach is almost fully developed. Therefore, the General Plan focuses on how limited population and employment growth can be strategically accommodated to preserve the distinguishing and valued qualities of the community. For most of the City, the updated General Plan conserves the existing pattern of uses and intensity of development, and establishes policies for protection and long-term maintenance of established neighborhoods.

<i>Land Use</i>	<i>Acres</i>	<i>Percent of City's Total</i>
Residential	5,436.0	41.6%
Single-Family Detached	3,932.8	
Single-Family Attached	625.3	
Two-Family Residential	360.9	
Multi-Family Residential	480.0	
Mixed Residential	37.0	
Commercial	1,154.6	8.8%
Retail	382.0	
Administrative, Professional, and Financial	473.0	
Marine and Auto Related	73.7	
Visitor-serving	225.9	
Industrial	114.4	0.9%
Industrial	68.9	
Multi-Tenant Industrial	20.5	
Industrial Business Park	25.0	
Other	6,356.7	—
Government, Educational, Institutional Facilities	446.6	3.4%
▪ Quasi-Public	53.5	0.4%
▪ Right of Way/Undesignated	4.8	<1%
Recreation & Environmental Open Space	4,516.4	34.6%
Vacant Land	1,260.2	9.6%
Water	75.2	0.6%
Total	13,061.7	100%

SOURCE: EIP Associates GIS 2003

Generally, new development in accordance with the updated General Plan would result as re-use of economically underperforming properties and obsolete development, conversion of uses in response to market demand (e.g., office and industrial to residential) and more intense use of land in limited, defined areas. Several subareas within Newport Beach determined to have special planning considerations were the subjects of special study during the update process. These areas are described below. Largely, the existing General Plan provides adequate guidance for development outside of these subareas within the City and changes have been made only to select locations where circumstances warrant. The land use changes in each of the special study subareas, and citywide totals are presented in Table 3. It should be noted that the amount of development that could occur within the subareas does not add up to the citywide total because the subareas represent only 10.5% of the total land area of the City.

Table 3 City of Newport Beach General Plan Update Existing and Proposed Land Use

	Citywide	Subareas									
		West Newport Mesa	Mariners' Mile	Newport Center/ Fashion Island	John Wayne Airport Business	Banning Ranch	Balboa Village	Balboa Peninsula	West Newport Highway	Old Newport Boulevard	
Office (sf)											
Existing	12,616,827	453,530	266,270	3,592,080	5,427,333	0	22,920	305,540			97,740
Current GP	14,576,930	784,280	466,190	3,635,670	5,786,916	235,600	89,260	375,390			147,020
Proposed	12,687,500	1,025,865	294,725	3,675,670	4,825,101	0	12,000	80,656			185,696
Residential (du)											
Existing	MFR	2,472	188	245	0	0	178	8		292	8
	SFR(A)	108	820			0	1,191	257			384
Current GP	MFR	2,649	188	245	0	2,510	242	8		293	8
	SFR(A)	98	837			225	1,190	352			584
Proposed	MFR	3,492	625	845	4,300	687	512	823		361	244
	SFR(A)	98	837			688	1,196	291			579
Commercial (sf)											
Existing	5,154,398	72,170	633,950	1,556,320	665,019	0	203,360	643,020		35,350	48,700
Current GP	6,679,942	72,170	775,800	1,861,980	871,500	50,000	217,340	669,110		50,030	66,380
Proposed	7,005,520	50,910	853,208	1,986,980	880,620	75,000	192,503	745,320		57,935	92,848
Visitor Serving (hotel-motel rooms)											
Existing	3,365		177	925	974	0	34	41			23
Current GP	5,676		204	1,110	984	0	34	41			53
Proposed	6,549		204	1,175	1,213	75	265	240			53
Industrial (sf)											
Existing	1,291,079	678,530			508,759	0		58,950			300
Current GP	1,956,092	1,191,722			551,930	164,400		0			0
Proposed	885,310	837,270			0	0		0			0
Institutional (sf, beds, students)											
Existing	575,370 sf	351 beds	99,410 sf	100,000 sf	86,096 sf	0		21,710			
Current GP	743,913 sf	1,265 beds	105,260 sf	105,000 sf	97,000 sf	0		32,010			
Proposed	695,713 sf	1,265 beds	105,260 sf	105,000 sf	96,996 sf	500 students		96,710			

Table 3 City of Newport Beach General Plan Update Existing and Proposed Land Use

	Citywide	Subareas									
		West Newport Mesa	Mariners' Mile	Newport Center/ Fashion Island	John Wayne Airport Business	Banning Ranch	Balboa Village	Balboa Peninsula	West Newport Highway	Old Newport Boulevard	
Parks/Open Space (acres)											
Existing	128.4	0.2				0					
Current GP	127.8	0.2			0						
Proposed	183.8	1			60						

Subareas

The proposed Land Use Element identifies the special study subareas as districts or corridors, depending on their physical form, functional role, and how they relate to the land or water adjoining them.

Districts

Districts are uniquely identifiable by their common functional role, mix of uses, density/intensity, physical form and character, and/or environmental setting. Generally, they encompass areas that extend equally in length and breadth. While Newport Beach contains many subareas, the General Plan policies in the following areas focus on those that are likely to change over the next 20 years as existing viable land uses are enhanced, underperforming properties are revitalized, and opportunities are provided to accommodate the City's fair share of regional housing needs. Policies are directed to the management of these changes to assure that they complement the characteristics that are valued by Newport Beach's residents.

WEST NEWPORT MESA

The Plan allows for the establishment of a number of distinct and cohesive districts. Adjoining Hoag Hospital and on the Newport Technology Center site, properties would be designated for medical-related uses including offices, labs, convalescent and long-term care facilities, and limited retail sales. At its northern edge abutting the City of Costa Mesa, properties would be encouraged to retain light manufacturing and research and development uses. Multi-family housing would be maintained and newly developed on underutilized residential, commercial, and industrial properties between these nodes.

NEWPORT CENTER/FASHION ISLAND

The Plan allows for expanded retail opportunities at Fashion Island, including an additional anchor department store and ancillary shops, another hotel or additions to existing hotels, and 600 additional housing units. Limited new capacity for office development (40,000 square feet) would be limited to minor expansion of existing buildings and could not be converted to retail use. Plan policies encourage improved pedestrian connections and streetscape amenities connecting the area's diverse districts

JOHN WAYNE AIRPORT AREA

The Plan allows for the maintenance and/or limited expansion of the currently developed mix of uses, including office, airport-supporting commercial, hotel, and public uses. Additionally, it allows the opportunity for the development of new residential neighborhoods as replacement of existing and allowed future uses and, in some cases, on underutilized surface parking lots. Policies establish criteria for the development of cohesive residential neighborhoods oriented around neighborhood parks and local-serving convenience commercial facilities and interconnected by a network of pedestrian-oriented streets.

BANNING RANCH

The updated General Plan prioritizes the retention of the Banning Ranch property as open space, consolidating existing oil operations, restoring wetlands and habitat, and development of a community park with active playfields to serve adjoining neighborhoods. Should the property not be acquired for open space, the Plan considers the possible development of a mixed-density residential village, with housing oriented around a neighborhood park, convenience commercial, and small hotel, and preservation of the majority of the site as open space. Policies stipulate that any development would have to be located and designed to protect views, the bluffs, natural drainage, and important habitat.

BALBOA PENINSULA

The Plan differentiates Balboa Peninsula into a series of commercial, residential, mixed-use, and water-oriented districts. The Plan encourages enhancement of Lido Village as a pedestrian-oriented district of small retail shops, bay supporting uses, small lodging facilities (bed-and-breakfast and inns), and mixed-use buildings that integrate housing with retail uses. Properties inland of the bay front in Cannery Village containing a fragmented mix of housing, commercial, and industrial uses could be re-used as a primarily residential village of two family and townhome residential, with mixed-use and live/work structures at intersections. Bay fronting properties east of Lafayette Avenue would continue to support water-dependent and marine-related uses. The Plan supports the retention of McFadden Square as an ocean and pier-oriented village containing visitor-serving retail, small overnight lodging facilities, and mixed-use buildings. The Newport Boulevard Corridor would contain retail commercial and mixed-use buildings. Policies provide for the development of improved streetscapes and a waterfront promenade to link the districts. Cumulatively, the updated General Plan would allow for reductions in the area's commercial and industrial capacity, which would be replaced by opportunities for new housing. For Balboa Village, the General Plan would allow for the consolidation of commercial uses to enhance the area's economic vitality, which would be replaced by medium density housing (including townhomes and small-lot, attached single family) and mixed-use structures that would integrate housing with ground-level retail uses. Bay-fronting properties would be prioritized for marine-related and water-dependent uses. Programs for streetscape enhancements would be continued.

HARBOR AND BAY

The goals and policies in the existing Harbor and Bay Element will be retained, either in a separate element or incorporated in the Land Use, Circulation, Recreation, Safety, and Natural Resources Elements of the General Plan Update. The goals and policies pertaining to Harbor and Bay 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 Harbor and Bay related 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 related to the Harbor and Bay have been organized to address both water and land related issues.

Corridors

Corridors share common characteristics of districts by their identifiable functional role, land use mix, density/intensity, physical form and character, and/or environmental setting. They differ in their linear configuration, generally with shallow depth parcels located along arterial streets. They are significantly impacted by traffic, often inhibiting access during peak travel periods. While the City is crossed by a number of commercial corridors, the General Plan's policies focus on those in which change is anticipated to occur during the next 20 years. Additionally, they provide guidance for the maintenance of corridors in which it is the objective to maintain existing types and levels of development.

WEST NEWPORT HIGHWAY

Visitor- and neighborhood-serving commercial uses would be allowed in the area concentrated on the Pacific Coast Highway, near the Orange and Prospect Avenue intersections, with the intervening highway fronting properties developed for multi-family housing. The Plan encourages properties at the entry to the City to be enhanced as a "gateway" for amenities supporting Orange County River Park and/or new multi-family residential.

OLD NEWPORT BOULEVARD

The Plan allows for a mix of medical office and retail uses supporting Hoag Hospital, convenience retail, and mixed-use buildings that integrate housing with ground level retail or office uses on Old Newport Boulevard.

MARINERS' MILE

The Plan provides for the differentiation of Mariners' Mile into distinct commercial, water-related, and mixed-use districts. Bayfronting properties would be prioritized for water-dependent and marine-related uses, including restaurants and service uses, with the development of housing on a limited portion of the properties. The Coast Highway frontages of all inland properties would be restricted to community-serving and marine-related commercial uses. Interior sites, generally between Riverside Avenue and the extension of Irvine Avenue, would be developed for neighborhood-serving commercial uses, mixed-use buildings with housing above retail, and multi-family residential buildings. Streetscape improvements are proposed to enhance the area's pedestrian character, as well as its identity along Coast Highway. Policies also support the relocation of the City's parking lot and the Postal Distribution Center.

CORONA DEL MAR

The Plan encourages development along this corridor to include a pedestrian-oriented "village" serving as the center of community commerce, culture, and social activity and providing identity for Corona del Mar.

Other Land Use Changes

While land use changes would be accommodated in other areas of the City by the updated Plan, these are generally small and retain the basic land use character as provided by the existing General Plan. For example, the General Plan would allow for land use changes in the Dover Drive area. These changes include redesignating the area from Administrative, Professional, and Financial Commercial uses to "mixed use," allowing a mix of office and multi-family residential uses.

Transportation Improvements

Several transportation-related improvements are included in the proposed General Plan. The improvements listed in Table 4 would be implemented under the proposed General Plan to ensure that impacts resulting from buildout of the General Plan Update are minimized.

Goals and Policy Changes

The General Plan Update includes new policies in the Land Use Element, the Circulation Element, the Safety Element, the Natural Resources Element, and the Recreation Element. The new policies are briefly described below.

Land Use Element

The Land Use Element contains new General Plan policies related to Community Character. These policies encourage maintenance and enhancement of Newport Beach's residential neighborhoods, commercial districts, employment centers, corridors, and open spaces, and help assure that new development complements and reinforces these characteristics.

New policies related to Urban Form are also contained in this Element. These policies establish and reinforce particular area's scale and development pattern. These policies are included in the General Plan Update to help establish or maintain physical and visual continuity and a sense of complete and identifiable neighborhoods and established strategies for areas of the City that require enhancement and revitalization.

Table 4 Transportation Improvements under Proposed General Plan Update

	<i>Intersection</i>	<i>Additional Intersection Improvements with Project</i>
1.	Bluff Rd. (NS) at Coast Hw. (EW)	Provide two SB left-turn lanes and two SB right-turn lanes (2nd with overlap phase). Provide two EB left-turn lanes. Provide one WB right-turn lane.
2.	15th St. (NS) at Coast Hw. (EW)	Provide 2nd SB right turn lane with overlap phase. Provide 2nd EB left turn lane.
3.	Newport Bl. (NS) at Hospital Rd. (EW)	Provide 2nd NB left turn lane.
4.	Riverside Av. (NS) at Coast Hw. (EW)	Provide 3rd EB through lane.
5.	MacArthur Bl. (NS) at Campus Dr. (EW)	Provide 2nd NB left turn lane. Restripe SB to provide 3.5 through lanes and 1.5 right turn lanes.
6.	Von Karman Av. (NS) at Campus Dr. (EW)	Provide 2nd EB left turn lane.
7.	Jamboree Rd. (NS) at Campus Dr. (EW)	Provide NB 1st right turn lane with overlap phase. Provide 4th SB through lane. Provide WB right turn overlap phase for current right turn lane.
8.	Campus Dr. (NS) at Bristol St. N (EW)	Provide 5th WB through lane.
9.	Irvine Av. (NS) at Mesa Dr. (EW)— <i>Funded Improvements</i> University Dr. (EW)	<i>Provide 3rd NB through lane. Provide 3rd SB through lane. Provide 1st EB right turn lane. Provide 2nd WB left turn lane. Construct funded improvements, but EB right turn lane not necessary.</i> Provide 3rd NB through lane. Provide 3rd SB through lane. Restripe EB to include 1.5 left turn lanes, 1.5 through lanes, and 1 right turn lane.
10.	Dover Dr. (NS) at Coast Hw. (EW)	Provide 4th WB through lane.
11.	MacArthur Bl. (NS) at Jamboree Rd. (EW)	Provide 4th EB through lane. Provide 3rd WB left turn lane.
12.	Jamboree Rd. (NS) at Bristol St. S (EW)	Provide 6th NB through lane. Provide 4th SB through lane.
13.	MacArthur Bl. (NS) at Ford Rd./Bonita Canyon Dr. (EW) and San Joaquin Hills Rd. (EW)	Provide 3rd SB left turn lane. Provide 3rd SB left turn lane. Provide 3rd EB left turn lane. Provide 4th NB through lane.

Circulation Element

The Circulation Element contains new General Plan policies related to water transportation services and waterfront walkways. These policies encourage enhancement and maintenance of public water transportation services and expanded public water transportation uses and land support facilities. Policies related to waterfront walkways include encouraging the development of walkways along the Lido Marina Village boardwalk, along Rhine Channel, between Lido Village and Mariners' Mile, and along the Mariners' Mile waterfront.

Recreation Element

The Recreation Element contains new General Plan policies related to coastal recreation and support facilities. These policies encourage protection and enhancement of a wide range of recreational opportunities along the coast and beaches as well as the provision of adequate support facilities serving recreational opportunities within the coastal zone. The Recreation Element also contains policies that encourage the provision and maintenance of marine recreation related facilities that enhance the enjoyment of the City's natural resources and the provision and maintenance of public access for recreational purposes to the City's coastal resources. Many of these policies are in the existing Harbor and Bay element.

Safety Element

New General Plan policies related to hazardous materials, disaster planning, and coastal hazards are contained in the Safety Element. Policies related to hazardous materials minimize exposure of people and the environment to hazardous materials associated with methane gas extraction, oil operations, leaking underground storage tanks, and hazardous waste generators. Policies related to disaster planning include measures for effective emergency response to natural or human-induced disasters that minimizes the loss of life and damage to property, while also reducing disruptions in the delivery of vital public and private services during and following a disaster. Policies related to coastal hazards are included to ensure that adverse effects of coastal hazards related to tsunamis and rogue waves to people and property are minimized.

Natural Resources Element

New General Plan policies related to water quality are contained in the Natural Resources Element. These policies establish the goal of enhancing and protecting the water quality of all natural water bodies, including coastal waters, creeks, bays, harbors, and wetlands. Additionally, the General Plan Update contains new policies related to management of the Upper Newport Bay. These policies help achieve the goal of protection and management of Upper Newport Bay commensurate with the standards applicable to our nation's most valuable natural resources. Many of these policies are in the existing Harbor and Bay Element. Other new policies in this element include measures related to air quality, archaeology and paleontology, and energy conservation. Air Quality policies serve to reduce mobile source emissions, reduce air pollution emissions from stationary sources, and reduce air pollution emissions from aircraft.

Historical Resources Element

This new Element addresses the protection and sustainability of Newport Beach's historic 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.

Arts and Cultural Resources Element

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 Element is intended to serve as a mechanism for integrating these resources in order to provide improved and expanded arts and cultural facilities and programs to the community.

Alternatives

In accordance with Section 15126.6 of the CEQA Guidelines, alternatives to the proposed General Plan are analyzed. Four alternatives that would feasibly attain the most basic project objectives while avoiding or substantially lessening some of the significant effects of the project were analyzed. An environmentally superior alternative is also identified. These alternatives include the following:

- **No Project/No Development**—With this alternative, development under the proposed General Plan would not occur. The Planning Area would remain developed with existing land uses.
- **No Project/No Action Alternative**—With this alternative, development under the proposed General Plan would not occur. Development would be guided by continued implementation of the existing General Plan.
- **Alternative A: GPAC Recommendations**—With this alternative, development under the General Plan would consist of the land use recommendations formulated by GPAC. The

Alternatives Chapter of the EIR will provide a detailed breakdown of the proposed land uses under this Alternative.

- **Alternative B: Subarea Only Minimum**—With this alternative, development under the General Plan would consist of a mixture of land-use intensities for the various subareas. The Alternatives Chapter of the EIR will provide a detailed breakdown of the proposed land uses under this Alternative.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology / Water Quality | <input checked="" type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input checked="" type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input checked="" type="checkbox"/> Utilities / Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION (TO BE COMPLETED BY THE LEAD AGENCY)

On the basis of this initial evaluation:

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

Patricia L. Jeph
Signature

1-26-06
Date

Amy B. Bammy
Signature

1-26-06
Date

Potentially Significant Impact Less Than Significant with Mitigation Incorporated Less Than Significant Impact No Impact

EVALUATION OF ENVIRONMENTAL IMPACTS

I. AESTHETICS

Would the project:

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

Discussion

Although there are no officially designated scenic vistas in the City, many natural features such as the ocean and bay provide open coastal views. The City has identified particular roadway segments that provide coastal views as significant vistas. In addition, parks and viewing areas throughout the City also provide significant views. While future development within the City would generally consist of infill and intensification of uses within a primarily built-out area, development associated with the General Plan 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. This issue is potentially significant and will be further analyzed in the EIR.

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

Discussion

There are currently no officially designated scenic highways within the City of Newport Beach. However, SR-1 is identified by the City as eligible for State Scenic Highway designation. Although it is anticipated that this impact would be less than significant, this issue will be further analyzed in the EIR.

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

Discussion

The proposed General Plan Update would concentrate infill development and redevelopment in several specified subareas: Newport Center/Fashion Island, Balboa Village, Balboa Peninsula, West Newport Mesa, West Newport Highway, Mariner’s Mile, and the John Wayne Airport Area. In addition, while the General Plan Update prioritizes the retention of the Banning Ranch property as open space, the Plan also considers the possible development of a mixed- density residential village with a small component of resident- and visitor-serving commercial should the property not be acquired for open space. It is generally anticipated that development under the General Plan Update would compliment the areas surrounding new development, ultimately providing a more cohesive development pattern throughout the City. In addition, the General Plan Update would include policies to protect the character of the City’s communities. However, because some areas of the City, including Banning Ranch, could experience a significant change in the overall visual character, this impact is considered potentially significant. The EIR will evaluate the development scenarios under the General Plan Update to determine impacts to the existing visual character of the City.

Potentially Significant Impact Less Than Significant with Mitigation Incorporated Less Than Significant Impact No Impact

(d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

The City of Newport Beach is primarily built-out, and a significant amount of ambient light from urban uses already exists. However, new development permitted under the proposed General Plan Update could create new sources of light and glare from any of the following: exterior building lighting, lighted recreation facilities (such as outdoor ball fields), parking lots/structures, glare from reflective building surfaces, or the headlights of vehicular traffic. As a result, these new sources of light or glare could affect the day or nighttime views of adjacent sensitive land uses. This impact is considered potentially significant. With the incorporation of appropriate mitigation measures, this impact could be reduced to a less-than-significant level.

II. AGRICULTURE RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

(a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a–c: The City of Newport Beach does not contain any significant agricultural resources as the City is almost entirely built out. No impact would occur on agricultural resources and this issue area will not be analyzed in the EIR.

Potentially Significant Impact Less Than Significant with Mitigation Incorporated Less Than Significant Impact No Impact

III. AIR QUALITY

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

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

Discussion

The Planning Area is located within the South Coast Air Basin (SCAB), which is identified as a non-attainment area for various criteria pollutants. As a result, any new emissions into the SCAB are considered significant and adverse impacts. The Air Quality Management Plan (AQMP) for SCAB was prepared to accommodate growth, to reduce the high levels of pollutants within the areas of the South Coast Air Quality Management District’s (SCAQMD), and to return clean air to the region. Implementation of the proposed General Plan Update would result in increased population, development, and vehicular traffic in the Planning Area. These increases could lead to increases in construction and operation activities which could ultimately conflict with or obstruct implementation of the AQMP. Projects that are considered inconsistent with the AQMP would interfere with attainment because the growth induced by such projects is not included in the projections used to formulate the AQMP. Therefore, the EIR will evaluate whether the proposed General Plan Update is consistent with the AQMP. This issue is potentially significant and will be further analyzed in the EIR.

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

Discussion

Implementation of the proposed General Plan Update would result in increased population, development, and vehicular traffic in the Planning Area. These increases could lead to increases in construction and operation activities which could result in exceeding the SCAQMD’s thresholds of potential significance. Therefore, it is necessary that the EIR evaluate the proposed General Plan Update’s potential to violate any air quality standards or contribute substantially to an existing or projected air quality violation. This impact is considered potentially significant and will be further analyzed in the EIR.

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

Discussion

Activities associated with implementation of the General Plan Update may result in potentially significant air quality impacts that are cumulatively considerable. The possible General Plan Update components could result in air quality impacts, as well as contribute to cumulative impacts from the implementation of all possible projects. Additionally, the General Plan update could potentially contribute to air quality impacts when combined with other past, present, or reasonably foreseeable future projects within the Planning Area. Potentially significant impacts could occur, and therefore, the EIR will analyze and

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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evaluate air quality impacts related to potential increases of criteria pollutants for which the General Plan Update region is in non-attainment under federal or state ambient air quality standards.

(d) Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

Sensitive receptors are populations that are more susceptible to the effects of air pollution than are the population at large. The General Plan Update could have potentially significant impacts on sensitive receptors, as identified by the SCAQMD, in the Planning Area including single-family and multi-family residences located within the City. Carbon monoxide (CO) “hot spots,” or areas of high CO concentration, can occur at traffic congested roadway intersections as a result of accumulating vehicle CO emissions. A significant air quality impact would occur where sensitive receptors are exposed to CO levels that exceed state or federal standards. Potentially significant impacts could occur, and therefore, the EIR will further analyze and evaluate air quality impacts, including potentially significant impacts to sensitive receptors adjacent to, and in the immediate vicinity of, the City.

(e) Create objectionable odors affecting a substantial number of people?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

Implementation of the General Plan Update could create objectionable odors caused by construction and/or operational sources. This impact is considered potentially significant and will be further analyzed in the EIR.

IV. BIOLOGICAL RESOURCES

Would the project:

(a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

Eleven special-status wildlife species occur or have the potential to occur within the City of Newport Beach: 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. Implementation of the General Plan Update could potentially have a substantial adverse effect on special-status species within the Planning Area. This impact is considered potentially significant. The EIR will include an analysis of potential impacts to special-status species.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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(b) 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 California Department of Fish and Game or US Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

Many plant habitats can be found in Newport Beach that includes scrub, chaparral, grassland, and riparian habitats. Implementation of the General Plan Update could affect riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. This impact is considered potentially significant. The EIR will address the potential effects to riparian habitat or other sensitive natural communities as a result of build-out under the General Plan Update.

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

The marine resources of the City and surrounding ocean waters are very diverse. They include plants and animals of marshes and wetlands living in Upper Newport Bay, the developed channels, beaches, and areas 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. 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. Implementation of the General Plan Update could have a significant impact on these resources. This impact will be further analyzed in the EIR.

(d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

Undeveloped areas supporting natural habitats that may be capable of supporting sensitive biological resources within the City are referred to as Environmental Study Areas (ESAs) by the Local Coastal Plan. An ESA may support species and habitats that are sensitive and rare within the region or may function as a migration corridor for wildlife. There are 28 identified ESAs within the City of Newport Beach. Implementation of the General Plan Update could potentially interfere with the movement of native resident or migratory fish or wildlife species within these corridors. This impact is considered potentially significant and will be further analyzed in the EIR.

Potentially Significant Impact Less Than Significant with Mitigation Incorporated Less Than Significant Impact No Impact

(e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion

The EIR will identify any local policies and ordinances that relate to the protection of biological resources and evaluate the applicability and any impact to these policies or ordinances. It is not anticipated that the General Plan Update would conflict with any local policies or ordinances protecting biological resources. Impacts are considered less than significant.

(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion

The Orange County Central-Coastal NCCP Subregional Plan is the applicable habitat conservation plan for the Planning Area. In July of 1996, the City became a signatory agency in this plan. As a signatory agency, the City is responsible for enforcing mitigation measures and other policies identified in the NCCP/Habitat Conservation Plan Implementation Agreement for properties located within the City Limit that are part of the NCCP Subregional Plan. Impacts resulting from implementation of the General Plan Update would be less than significant.

v. CULTURAL RESOURCES

Would the project:

(a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

There are a number of federal, state, and locally recognized historical resources in the Planning Area. Redevelopment under the General Plan Update could result in the demolition of historic or potentially historic structures to enable a different or more intensive use of a site. Additionally, infrastructure or other public works improvements could result in damage to or demolition of other historic features. It is not anticipated that significant land use changes would occur in areas of the Planning Area that contain historical resources. This impact is considered potentially significant and will be further analyzed in the EIR.

(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

The Planning Area has a long cultural history and is known to have been home to Native American groups prior to settlement by Euro-Americans. Archaeological materials associated with occupation of the Planning Area are known to exist and have the potential to provide important scientific information regarding history and prehistory. Ground-disturbing activities associated with the General Plan Update, particularly in areas that have not previously been developed with urban uses have the potential to

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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damage or destroy historic or prehistoric archaeological resources that may be present on or below the ground surface. This impact is considered potentially significant. The EIR will recommend mitigation measures to reduce this impact to a less-than-significant level.

(c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

Paleontological resources may be present in fossil-bearing soils and rock formations below the ground surface. A number of locations in the City have a variety of known significant paleontological resources, including portions of the Vaqueros formation that underlie the Newport Coast, the Newport Banning Ranch portion of the SOI, the Topanga and Monterey Formations, and Fossil Canyon in the North Bluffs area of the Planning Area. Ground-disturbing activities in these fossil-bearing soils and rock formations have the potential to damage or destroy paleontological resources that may be present below the ground surface. This impact is considered potentially significant. The EIR will recommend mitigation measures to reduce this impact to a less-than-significant level.

(d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

Archeological materials, including human burials, have been found in the City. Human burials outside of formal cemeteries often occur in prehistoric archaeological contexts. Particularly in the areas of the City that are still mostly undeveloped for urban uses, such as the Banning Ranch area, the potential still exists for these resources to be present. Development under the General Plan Update could potentially affect these resources. This impact is considered potentially significant. The EIR will recommend mitigation measures to reduce this impact to a less-than-significant level.

VI. GEOLOGY AND SOILS

Would the project:

(a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

(i–ii) The City of Newport Beach is located in the northern part of the 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

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Park fault zone, each with the potential to cause moderate to large earthquakes that would cause ground shaking in Newport Beach and nearby communities. The area faults could significantly impact the City but these impacts generally can be addressed through adherence to applicable regulations (i.e., Uniform Building Code) and design, grading, and structural recommendations. The EIR will include an analysis of impacts associated with seismic hazards associated with implementation of the General Plan Update and will recommend mitigation measures to reduce or eliminate these impacts.

(iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

Areas of Newport susceptible to liquefaction and related ground failure (i.e., seismically induced settlement) include areas along the coastline that includes 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 likely that residential or commercial development will never occur in many of the other liquefiable areas, such as Upper Newport Bay, the Newport Coast beaches, and the bottoms of stream channels. However, implementation of the General Plan Update could affect other areas susceptible to liquefaction. This impact is considered potentially significant. The EIR will recommend mitigation measures to reduce this impact to a less-than-significant level.

(iv) Landslides?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

Much of the area in eastern Newport Beach has been identified as vulnerable to seismically induced slope failure. Approximately 90 percent of the land from Los Trancos Canyon to the Crystal Cove State Park boundary is mapped as susceptible to landsliding by the California Geologic Survey. Additionally, the sedimentary bedrock that crops out in the San Joaquin Hills is locally highly weathered. In steep areas, strong ground shaking can cause slides or rockfalls in this material. 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. 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. Thus, impacts resulting from development under the General Plan Update are considered potentially significant. The EIR will recommend mitigation measures to reduce this impact to a less-than-significant level.

(b) Result in substantial soil erosion or the loss of topsoil?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

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 erosion. This impact is considered potentially significant and will be further analyzed in the EIR.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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(c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

Compressible soils underlie a significant part of the City, typically in the lowland areas and in canyon bottoms. These are generally young sediments of low density with variable amounts of organic materials. Under the added weight of fill embankments or buildings, these sediments will settle, causing distress to improvements. Low-density soils, if sandy in composition and saturated with water, will also be susceptible of the effects of liquefaction during a moderate to strong earthquake. This impact is considered potentially significant and will be further analyzed in the EIR. The EIR will recommend mitigation measures to reduce this impact to a less-than-significant level.

(d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

Some of the geologic units in the Newport Beach area, including both surficial soils and bedrock, have fine-grained components that are moderate to highly expansive. These materials may be present at the surface or exposed by grading activities. Man-made fills can also be expansive, depending on the soils used to construct them. This impact is considered potentially significant and will be further analyzed in the EIR. The EIR will also recommend mitigation measures to reduce this impact to a less-than-significant level.

(e)	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion

The City of Newport Beach is almost entirely built out with established utility services and new development would not require the use of septic tanks. For this reason, this impact is not further analyzed in the EIR.

VII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

(a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion

Implementation of the General Plan Update would concentrate infill development and redevelopment in several specified subareas: Newport Center/Fashion Island, Balboa Village, Balboa Peninsula, West Newport Mesa, West Newport Highway, Mariner’s Mile, and the John Wayne Airport area. In addition,

	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Potentially Significant Impact			

while the General Plan Update prioritizes the retention of the Banning Ranch property as open space, the Plan also considers the possible development of a mixed-density residential village with a small component of resident- and visitor-serving commercial should the property not be acquired for open space. Implementation of these land use changes would not generally involve the transportation, use, or disposal of hazardous materials. Further, industrial uses within the City would decrease upon implementation of the General Plan Update and any development that would handle or use hazardous materials would be required to comply with the regulations, standards, guidelines established by the EPA, State of California, Orange County, and the City of Newport Beach. For these reasons, this impact is considered less than significant and will not be further analyzed in the EIR.

(b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

Demolition of existing structures in the City could result in exposure of construction personnel and the public to hazardous substances such as asbestos or lead-based paints. In addition, the disturbance of soils and the demolition of existing structures or the potential relocation of oil wells located on Banning Ranch could result in the exposure of construction workers or employees to health or safety risks if contaminated structures and/or soils are encountered during construction or maintenance activities. This impact is considered potentially significant and will be further analyzed in the EIR.

(c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

Under the General Plan Update, the increase of residential and mixed-use land uses could increase the quantity of sensitive receptors (including schools) in areas adjacent to industrial and commercial land uses, thereby potentially increasing the risk of exposure to hazardous materials. Thus, hazardous materials sites may be located within one-quarter mile from school sites. This impact is considered potentially significant and will be further analyzed in the EIR. The EIR will recommend mitigation measures that would reduce this impact to a less-than-significant level.

(d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

The City contains sites that have been identified as being contaminated from the release of hazardous substances in the soil, including oil fields, landfills, sites containing leaking underground storage tanks, and large and small-quantity generators of hazardous waste. Implementation of the proposed General Plan Update could lead to development of these sites that could create a significant hazard to the public or environment. This impact is considered potentially significant will be further analyzed in the EIR. The EIR will recommend mitigation measures that would reduce this impact to a less-than-significant level.

Potentially Significant Impact Less Than Significant with Mitigation Incorporated Less Than Significant Impact No Impact

(e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

Newport Beach borders the southeastern portion of John Wayne Airport. In addition, the City lies beneath the arrival traffic pattern of Long Beach Airport. Between the two airports, JWA generates nearly all aviation traffic directly above the City of Newport Beach because the descent pattern for Long Beach air traffic generally takes place over the ocean rather than over the City. An emergency incident, although rare, could impact the City’s response capabilities. Additionally, the potential growth and development that could occur through implementation of the General Plan Update, in particular residential development in the Airport Area, could place people at risk from an aviation hazard. This impact is considered potentially significant and will be further analyzed in the EIR.

(f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion

There are no existing private airstrips within the City. As a result, no safety hazard associated with location near a private airstrip would occur for the proposed General Plan Update.

(g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

With additional growth in the City’s population that could result from implementation of the proposed General Plan Update, traffic conditions could become more congested. In the event of an accident or natural disaster, the increase in traffic in the City may impede the rate of evacuation for the residents. Concurrently, the response times for emergency medical or containment services could also be adversely affected by the increased traffic conditions in the City. This issue area will be further analyzed in the EIR.

(h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion

The eastern portion of the City and portions of the Newport Beach region and surrounding areas to the north, east, and southeast include 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. In those areas identified as susceptible to wildland fire, land development is governed by special State codes. In addition, 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. In addition, new development that would occur in areas susceptible to wildland fires as a result of the General Plan Update would be subject to the

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Uniform Building Code, which is designed to increase the fire resistance of a building. This impact is considered less than significant.

VIII. HYDROLOGY AND WATER QUALITY

Would the project:

(a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

Implementation of the General Plan Update would involve infill development and redevelopment in several areas throughout the City that would potentially result in site characteristics that could cause runoff to adversely affect water quality. For projects that would potentially affect water quality, the City is required to prepare a water quality management plan pursuant to the National Pollutant Discharge Elimination System (NPDES) requirements, which addresses impacts on water quality. The ability of development under the General Plan Update to meet applicable waste discharge and water quality requirements will be addressed in the EIR. This impact is considered potentially significant will be further analyzed in the EIR. The EIR will also recommend mitigation measures to reduce this impact to a less-than-significant level.

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

Construction activities associated with the implementation of the General Plan Update could take place near or in natural groundwater recharge areas and sub-surface aquifers. This is particularly the case in the Banning Ranch subarea. Where construction activities take place on recharge areas, such as vacant fields, natural drainages, and other open spaces covered with permeable surfaces, percolation of water into the aquifer may be hindered by the presence of construction-related vehicles, stockpiles, tarps, etc. These activities could constitute a temporary impact on groundwater recharge at construction sites. Operation of development associated with the General Plan Update would not involve direct additions or withdrawals of groundwater. It is not anticipated that the City’s groundwater supply would be altered due to the implementation of the General Plan Update. Nonetheless, short term impacts are considered potentially significant and will be further analyzed in the EIR.

Potentially Significant Impact Less Than Significant with Mitigation Incorporated Less Than Significant Impact No Impact

(c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on or off site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

Development under the proposed General Plan would result in alterations to drainage, such as changes in ground surface permeability via paving, changes in topography via grading and excavation, and changes in the flow of waterways via filling. The potential for these impacts to occur exists primarily in the Banning Ranch subarea. This impact is considered potentially significant and will be further analyzed in the EIR.

(d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

Development under the proposed General Plan could result in alterations to natural drainages and could potentially alter storm drain infrastructure. Construction of buildings, roadways, and parking lots would increase impervious surfaces, which would subsequently increase stormwater runoff in the City. This increased runoff could exceed the capacity of existing and planned infrastructure and cause downstream flooding impacts. This impact is considered potentially significant and will be further analyzed in the EIR.

(e) Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

Development associated with the General Plan Update could result in alterations to natural drainages and could potentially exceed the capacity of storm drain infrastructure. Operation of the proposed General Plan could degrade runoff water quality by contributing chemicals associated with household, commercial, transportation, and landscape uses. This impact is considered potentially significant and will be further analyzed in the EIR.

(f) Otherwise substantially degrade water quality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

In coastal groundwater basins, such as the Orange County Groundwater Basin, groundwater quality can be degraded through the intrusion of seawater primarily by pumping the aquifer for domestic and irrigation water supply. It is possible that below-grade structures proposed for construction as a result of implementation of the General Plan Update would be comprised of materials capable of leaching out to the groundwater during the lifetime of the development, thereby degrading groundwater quality. Hazardous materials used during construction could contaminate surface water and percolate into the aquifer underlying the project site if the materials are not properly contained. Other common sources of groundwater contamination are leaking underground storage tanks, septic systems, oil fields, landfills, and

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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general industrial land uses. This impact is considered potentially significant and will be further analyzed in the EIR.

(g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

The 100-year flood zone generally lies in and along the edges of Newport Bay and along the coastline of the Planning Area. Because development associated with the General Plan Update includes an increase in residential development throughout the City, it is possible residential uses could be sited in the flood zone. This impact is considered potentially significant and will be further analyzed in the EIR.

(h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

Flood flows primarily travel along Newport Bay and across the coastline. Although structures that substantially impede flood flows, such as dams and levees, would not be constructed under the proposed General Plan, overall intensification of development could alter existing passages through which flood waters flow. This impact is considered potentially significant and will be further analyzed in the EIR.

(i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

Several dams are located within and in the vicinity of the City of Newport Beach. Portions of Newport Beach are threatened by inundation resulting from failure of Prado Dam, Santiago Creek Reservoir, Villa Park Reservoir, San Joaquin Reservoir, Big Canyon Reservoir, and Harbor View Reservoir. This impact is considered potentially significant and will be further analyzed in the EIR.

(j) Inundation by seiche, tsunami, or mudflow?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

Seiching in large, enclosed bodies of water, such as the reservoirs in the City and, to an extent, Newport Harbor and Newport Bay, would inundate immediate areas surrounding the body of water. Prolonged rainfall during certain storm events would saturate and could eventually loosen soil, resulting in the flow of mud down steep slopes and slope failure. In addition, the proximity to the ocean leads to natural risk of tsunamis from offshore and distant seismic events. This impact is considered potentially significant and will be further analyzed in the EIR.

Potentially Significant Impact Less Than Significant with Mitigation Incorporated Less Than Significant Impact No Impact

IX. LAND USE AND PLANNING

Would the project:

(a) Physically divide an established community?

Discussion

The implementation of the proposed General Plan Update would not physically divide an established community as it would provide increased development in various separate locations with the intention of increasing the cohesiveness of the city. This impact is considered less than significant but will be further analyzed in the EIR.

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

Discussion

The General Plan Update contains updated land use polices that govern development in the City and the Planning Area for the next 20 years. It also provides for new land use and development patterns, which are different from the City’s existing General Plan and Zoning Code for some areas, such as the Airport Area and Newport Center/Fashion Island. This impact is considered potentially significant and will be further analyzed in the EIR.

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

Discussion

The Orange County Central-Coastal NCCP Subregional Plan is the applicable habitat conservation plan for the Planning Area. In July of 1996, the City became a signatory agency in this plan. As a signatory agency, the City is responsible for enforcing mitigation measures and other policies identified in the NCCP/Habitat Conservation Plan Implementation Agreement for properties located within the City Limit that are part of the NCCP Subregional Plan. Impacts resulting from implementation of the General Plan Update would be less than significant.

Potentially Significant Impact Less Than Significant with Mitigation Incorporated Less Than Significant Impact No Impact

X. MINERAL RESOURCES

Would the project:

(a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

(a–b) Two separate production and reserve areas exist within the Planning Area: the Newport oil field and the West Newport oil field. The Newport Oil Field is located in the western portion of the Planning Area, and is estimated to have oil reserves of approximately 35 million barrels (Mbbbl) and produces approximately 55 billion cubic feet of gas. The West Newport oil field, located in the Banning Ranch area, produces approximately 20.5 billion cubic feet of gas with a daily production per oil well of approximately 5 bbl. Estimated oil reserves within this field are approximately 728 Mbbbl.

Thirty-three abandoned oil wells are located in numerous sites throughout the City, concentrated along the northwest boundary. Other than oil and gas resources, there is no active mining within the Newport Beach area. Mineral Resource Zones (MRZ) within the City are either classified as containing no significant mineral deposits (MRZ-1), or the significance of mineral deposits has not been determined (MRZ-3). Section 1401 of the City’s Charter does not allow new drilling, or production or refining of oil, gas, or other hydrocarbon substances within the City. However, the Section does not prohibit these activities within any area annexed to the City after the effective date of the Charter if these activities were already in operation. The City’s Municipal Code does allow for slant drilling activities for oil, gas, tar, and other hydrocarbon substances within a designated area of Newport Beach. Thus, this impact is considered potentially significant and will be further analyzed in the EIR.

XI. NOISE

Would the project result in:

(a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

With implementation of the General Plan Update, it is expected that there would be increases noise levels throughout the City. Noise levels associated with construction activities could temporarily exceed noise level standards established by the City. In addition, the increase population, commercial and retail, and corresponding traffic could cause operational increases in noise levels which could be in excess of established standards. This impact is considered potentially significant and will be further analyzed in the EIR.

Potentially Significant Impact Less Than Significant with Mitigation Incorporated Less Than Significant Impact No Impact

(b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

Implementation of the General Plan Update would include construction activities associated with development. Construction activities typically create an increase in groundborne vibrations and noise levels. Groundborne vibrations and noise generated by construction activities associated could increase noise levels intermittently at nearby sensitive receptors, which generally include residential and school land uses. Groundborne vibration impacts are considered potentially significant. This issue will be further analyzed in the EIR.

(c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

(c–d) Implementation of the General Plan Update could increase ambient noise in the City above existing levels. This would be due to the increase in population, traffic flow and patterns, increased business, and increased construction throughout the City. Some of these sources would be regulated by existing noise ordinances, but could still exceed existing levels. This impact is considered potentially significant and will be further analyzed in the EIR.

(e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

The General Plan Update covers an area that has flight paths directly overhead from John Wayne Airport. Although aircraft noise can be heard throughout Newport Beach, the highest noise levels are experienced just south of the airport, in the Airport Area, Santa Ana Heights Area, Westcliff, Dover Shores, the Bluffs, and Balboa Island, and are generated by aircraft departures. Development in these locations within the Planning Area would expose an increased a greater number of residents and visitors to noise generated by operations at John Wayne Airport. This impact is considered potentially significant and will be further analyzed in the EIR.

(f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion

There are no private airstrips in the vicinity of the City and would have no impact. This impact will not be further discussed in the EIR.

Potentially Significant Impact Less Than Significant with Mitigation Incorporated Less Than Significant Impact No Impact

XII. POPULATION AND HOUSING

Would the project:

<p>(a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion

Development associated with implementation of the General Plan Update would induce substantial population growth in the Planning Area. It is not anticipated that the population growth that would result from the General Plan Update would be greater than regional population projections since many of the land use changes in the General Plan Update would serve to accommodate these already-identified increases in population. The EIR will evaluate the changes in population resulting from proposed changes in land use designations. This impact is considered less than significant but will be further analyzed in the EIR.

<p>(b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>(c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

(b–c) Implementation of the General Plan Update would result in the development of single and multi-family residential uses. The increase in residential land uses in the City would serve to accommodate the increase in population that would occur as a result of State and regional population growth. Implementation of the General Plan would not displace substantial numbers of existing housing and/or people. This impact is considered less than significant.

XIII. PUBLIC SERVICES

<p>(a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</p>				
<p>(i) Fire protection?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

The Newport Beach Fire Department, the Orange County Fire Authority, and the Costa Mesa Fire Department provide fire protection services for the City and Planning Area. Development under the proposed General Plan would increase over existing conditions in the Planning Area. Any development

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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increase that would occur as a result of implementation of the proposed General Plan would have a corresponding increase in traffic volumes and congestion problems on surface streets, which could hinder response times for calls for service (for both fire protection and emergency medical service). This impact is considered potentially significant and will be further analyzed in the EIR. The EIR will recommend mitigation measures that would reduce this impact to a less-than-significant level.

(ii) Police protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

The Newport Beach Police Department, the Orange County Sheriff Department, and the Costa Mesa Police Department provide police services to the City and the Planning Area. Increases in population resulting from build out of the General Plan Update could affect the ratio of law enforcement officers per 1,000 residents. This impact is considered potentially significant and will be further analyzed in the EIR. The EIR will recommend mitigation measures that would reduce this impact to a less-than-significant level.

(iii) Schools?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

The Newport-Mesa Unified School District provides educational services to the City of Newport Beach as well as the City of Costa Mesa and other unincorporated areas of Orange County. The Airport Area is served by the Santa Ana Unified School District. Population increases resulting from implementation of the General Plan Update would increase the demand for school services which could ultimately result in an exceedance of capacity at the District’s schools. This impact is considered potentially significant and will be further analyzed in the EIR. The EIR will recommend mitigation measures that would reduce this impact to a less-than-significant level.

(iv) Parks?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

The City contains approximately 278 acres of developed parks. Implementation of the proposed General Plan Update would increase the population of the Planning Area and could ultimately increase demand on the City’s parkland resources. This impact is considered potentially significant and will be further analyzed in the EIR. The EIR will recommend mitigation measures that would reduce this impact to a less-than-significant level.

(v) Other public facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

An increase in population resulting from implementation of the General Plan Update would increase demand on other public facilities including libraries. This impact is considered potentially significant and will be further analyzed in the EIR. The EIR will recommend mitigation measures that would reduce this impact to a less-than-significant level.

Potentially Significant Impact Less Than Significant with Mitigation Incorporated Less Than Significant Impact No Impact

XIV. RECREATION

(a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

The City has approximately 286 acres of developed parks and approximately 90 acres of active beach recreation acreage, for a total of 376.8 acres. Although the City of Newport Beach appears largely built out, there are a number of vacant parcels available for future development. An increase in population resulting from implementation of the proposed General Plan Update may place an even higher demand on these existing facilities such that deterioration of these facilities would be accelerated. This impact is considered potentially significant and will be further analyzed in the EIR.

(b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

Development under the General Plan would include construction of recreational facilities that would serve current and future City residents. Construction of such facilities could have an adverse effect on the environment. This impact is considered potentially significant and will be further analyzed in the EIR. The EIR will recommend mitigation measures to reduce this impact to a less-than-significant level.

XV. TRANSPORTATION/TRAFFIC

Would the project:

(a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

(a–b) Development associated with the General Plan Update would result in an increase in traffic and modifications to existing roadways. A traffic analysis technical report will be prepared to assist in the evaluation of the potential impacts related to traffic that would result from project implementation. The General Plan Update would generate additional vehicular trips that could potentially result in a substantial traffic increase in the City. This increase in traffic would further add to the existing traffic load and could impact the existing capacity of the street system. The potential impacts due to increased

Potentially Significant Impact Less Than Significant with Mitigation Incorporated Less Than Significant Impact No Impact

trip generation, changes to the volume-to-capacity ratio on roads, and congestion at intersections will be analyzed in the EIR.

(c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion

Newport Beach borders the southeastern portion of John Wayne Airport. The increased in population and traffic volume resulting from implementation of the General Plan Update is, however, not anticipated to increase use of this airport to a level that would significantly increase air traffic levels or require a change in air traffic patterns. Impacts are considered less than significant.

(d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion

Implementation of the General Plan Update would include several roadway improvement measures, but would not include design features that would result in roadway hazards. The General Plan would also include goals and policies that would govern the safety of the City’s roadways. This impact is considered less than significant and will be further evaluated in the EIR.

(e) Result in inadequate emergency access?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

Development associated with the General Plan Update would be required to comply with the Municipal Code and other applicable polices that set forth guidelines for emergency access to and from development sites. However, on a City-wide scale, significant increases in traffic volumes on roadways could impede access for emergency vehicles such as ambulances and police cars. This impact is considered potentially significant and will be further analyzed in the EIR.

(f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion

The implementation of the General Plan Update would cause an increased demand for parking as new residential and commercial land uses would increase. However, new development that would occur under the General Plan would be required to adhere to the Municipal Code standards as well as any applicable parking policies for the area. This impact is considered less than significant and will not be further analyzed in the EIR.

(g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion

The General Plan Update will not conflict with any policies, plans, or programs which support alternative transportation in the City. The General Plan Updates contains updated policies regarding alternative transportation modes in the City. The General Plan Update contains updated transportation polices that

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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guide circulation issues in the City over the next 20 years. Thus, by its nature, the General Plan Update would not conflict with any adopted policies, plans, or programs supporting alternative transportation. No impact would result and no further analysis is required.

xvi. UTILITIES AND SERVICE SYSTEMS

Would the project:

(a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion

Any development resulting from implementation of the General Plan Update would be required to obtain a National Pollution Discharge Elimination System permit from the Regional Water Quality Control Board (RWQCB) that would contain requirements for wastewater discharge, Best Management Practices, and a Stormwater Pollution Prevention Program. Within the NPDES permit the effluent quality criteria shall be specified in the permit as determined by the RWQCB. Compliance with requirements set forth by the RWQCB would reduce impacts to a less-than-significant level.

(b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

Domestic water for the City is supplied by both groundwater and imported surface water. Groundwater is provided from the Orange County Groundwater Basin and the remaining water supply is provided to the City by the Metropolitan Water District. Wastewater generated in the City is treated by the Orange County Sanitation District (OCSD). Development resulting from implementation of the General Plan Update would result in increased demands on water and wastewater treatment facilities which could ultimately result in the construction of new facilities. This impact is considered potentially significant and will be further analyzed in the EIR. The EIR will recommend mitigation measures to reduce this impact to a less-than-significant level.

(c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

The City provides storm drain facilities to the Planning Area. Undeveloped areas within the Planning Area, including Banning Ranch, do not currently have storm water facilities and would require new facilities if development were to occur under the General Plan Update. Construction of new facilities or expansion of existing facilities could have adverse environmental effects in currently undeveloped areas. This impact is considered potentially significant and will be further analyzed in the EIR.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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(d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion

Domestic water for the City is supplied by both groundwater and imported surface water. Currently, about 64 percent of the water supplied to both the City and Costa Mesa’s service area is from groundwater from the Orange County Groundwater Basin (administered by the Orange County Water District or OCWD), and the remaining 36 percent of water supply is provided by the Metropolitan Water District (MWD), which delivers surface water imported from the Colorado River and State Water Project. Increases in population resulting from implementation of the General Plan Update could place a demand on water suppliers that would exceed existing entitlements and resources. This impact is considered potentially significant and will be further analyzed in the EIR. The EIR will recommend mitigation measures to reduce this impact to a less-than-significant level.

(e) Result in a determination by the wastewater treatment provider that 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

Wastewater treatment is provided by the OCSD. Increases in wastewater generation resulting from implementation of the General Plan could exceed the capacity of the existing treatment facilities. The EIR will include an analysis of the current and future capacity of OCSD facilities to determine whether impacts would result from implementation of the General Plan Update. If applicable, mitigation measures will be recommended to reduce any potentially significant impacts to a less-than-significant level.

(f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

(f–g) Implementation of the General Plan would result in increased generation of solid waste. The EIR will include an analysis of the ability for existing landfills to accommodate future solid waste disposal needs in the Planning Area. In addition, the EIR will discuss compliance with federal, state, and local statutes and regulations related to solid waste. If applicable, mitigation measures will be recommended to reduce any potentially significant impacts to a less-than-significant level.

Potentially Significant Impact Less Than Significant with Mitigation Incorporated Less Than Significant Impact No Impact

xvii. MANDATORY FINDINGS OF SIGNIFICANCE

<p>(a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

The General Plan Update could potentially convert open land within the City and already developed land to higher density development which could have the above listed impacts. As discussed above, the General Plan Update could potentially affect aesthetics, air quality, biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, recreation, transportation, and utilities and service systems. Additionally, impacts to any of the issue areas described above (which have potentially significant impacts identified) could be considered to affect the quality of the environment. This impact is considered potentially significant and will be further analyzed in the EIR.

<p>(b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

The implementation of the General Plan Update along with cumulative development in surrounding cities is considered the cumulative scenario, as the City as well as surrounding areas are the whole of the area that could be impacted. Because of this, each issue area will include an analysis of cumulative impacts. This impact is considered potentially significant and will be further analyzed in the EIR.

<p>(c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

As previously discussed, the proposed project could potentially result in environmental effects that may cause adverse effects on human beings with regard to aesthetics, air quality, biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, recreation, transportation, and utilities and service systems. Impacts are considered potentially significant and will be further analyzed in the EIR.



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

3160 Airway Avenue • Costa Mesa, California 92626 • 949.252.5170 fax: 949.252.6012

February 27, 2006

RECEIVED BY
PLANNING DEPARTMENT
CITY OF NEWPORT BEACH

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Gregg B. Ramirez, Senior Planner
Planning Department, Community and Economic Development
City of Newport Beach
3300 Newport Boulevard
P.O. Box 1768
Newport Beach, CA 92658-8915

Subject: City of Newport Beach General Plan Update

Dear Mr. Ramirez:

Thank you for the opportunity to review the Initial Study for the City of Newport Beach General Plan Update in the context of the Orange County Airport Land Use Commission's *Airport Environs Land Use Plan for John Wayne Airport (JWA AELUP)*. We wish to offer the following comments and respectfully request consideration of these comments as you proceed with the preparation of your Environmental Impact Report (EIR).

As you may know, the powers and duties of the Airport Land Use Commission (ALUC) include "... assisting local agencies in ensuring compatible land uses in the vicinity of all new airports and in the vicinity of existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses." CAL.PUB.UTIL.CODE §21674(a). To fulfill this basic obligation, the ALUC has two specific duties: (i) to prepare an airport land use plan for each airport within its jurisdiction; and (ii) to review local agency land use actions and plans. CAL.PUB.UTIL.CODE §§21674(c), 21674(d) and 21675(a). Therefore, the ALUC must provide appropriate prospective land use planning through, for example, the adoption of land use compatibility measures that minimize the public's exposure to excessive noise and safety hazards, such as height restrictions on buildings, appropriate land use compatibility determinations for specified areas, and building standards.

The proposed General Plan Update raises potentially significant land use compatibility impact concerns in the Subarea labeled "John Wayne Airport Area." In light of this Subarea's close proximity to John Wayne Airport, Orange County (SNA) ("JWA"), and its location which is directly under a general aviation, low-altitude, primary flight corridor, the EIR should specifically address the impacts of development of new residential neighborhoods as replacement of existing and allowed future uses.

With the proposed increase in residential and mixed use land uses it is important that the EIR address the portions of the proposed project area that are within the Federal Aviation Regulation (FAR) Part 77 Imaginary Surfaces aeronautical obstruction area in the vicinity of JWA and those portions located on the AELUP Height Restriction Zone Map for JWA. The environmental

document should address these height restrictions and imaginary surfaces within the Hazards and Hazardous Materials section.

Given that the proposed general plan amendment provides for new residential development patterns in the John Wayne Airport Area, the land use section of the environmental document should discuss the incompatibility of residential land uses within close proximity to JWA. General Plan policies and environmental mitigation measures should be included restricting residential uses within areas of the General Plan-designated "John Wayne Airport Area" that experience significant overflight by aircraft and aircraft noise. Future zoning level development standards related to residential development surrounding JWA should be considered.

The proposed project also affects areas within JWA noise impact zones. The Noise Section of the EIR should address impacts related to incompatible development within the 65 dB and 60 dB CNEL contours and address ALUC polices contained in the *JWA AELUP*.

Included in the following sections of this letter are more specific suggestions for the City to consider as General Plan policies and EIR mitigation measures.

Sound Attenuation: Include General Plan sound attenuation policies and EIR mitigation measures for all John Wayne Airport Area residential development in order to minimize the noise impacts on the residences from present and projected future noise levels, including roadway, aircraft, helicopter and railroad and other noise sources. The sound attenuation requirements should, at a minimum, meet all current City interior and exterior noise standards.

Avigation Easement: Include policies and mitigation measures requiring all John Wayne Airport Area residential development to record an avigation easement in the chain of title of each residential dwelling unit for noise and related aviation impacts in favor of the County of Orange, the airport proprietor of JWA, prior to issuance of building permits. The avigation easement should be in a form consistent with current Airport requirements. (This avigation easement is separate from and in addition to the "Avigation Easement for Orange County Airport" recorded March 17, 1964 in book 6965, page 721, which represents a separate John Wayne Airport "ownership" avigation easement already existing over portions of the City of Newport Beach.)

Height Limitations: Include General Plan policies and EIR mitigation measures addressing height limitations on all John Wayne Airport Area residential development to limit the height of any permanent or temporary structure, to a height under 203.68 feet Above Mean Sea Level ("AMSL"), reference National Geodetic Vertical Datum of 1929 (NGVD 29), consistent with current Orange County Surveyor Adjustment Datum.

Obstruction Lighting and Marking: Include General Plan policies and EIR mitigation measures addressing lighting and marking on all John Wayne Airport residential development to comply with the conditions and recommendations by the Federal Aviation Administration ("FAA") with respect to obstruction lighting and/or marking consistent with the criteria provided in FAA Advisory Circulars 70/7460-1 and 70/7460-1K.

Disclosure of JWA Proximity: Include General Plan policies and EIR mitigation measures for occupancy disclosure to be provided in future sales literature and sales/rental/lease agreements for the residential developments stating that the property is located in the vicinity of JWA.

Deed Disclosure Notice: Include General Plan policies and EIR mitigation measures for deed disclosure notification on all John Wayne Airport Area residential development units which

require a "Deed Disclosure Notice" of the avigation easement. This disclosure notice must be submitted to the City and signed as a part of each sales/rental/lease agreement.

Signage: Include General Plan policies and EIR mitigation measures for signage on all "John Wayne Airport Area" parks and recreational development which requires every local park, recreational area, and private recreational facility to place appropriate signage indicating the presence of operating aircraft.

Density and Intensity Limitations: Include General Plan policies and EIR mitigation measures in order to minimize the safety impacts on the residences from aircraft operations. The safety measures should establish appropriate criteria limiting the maximum number of dwellings or people in areas close to the airport. The density and intensity limitations should be consistent with those provided by the Airport Environs Land Use Plan for the Airport.

A referral by the City to the ALUC is required for this project due to the location of the proposal within an AELUP Planning Area and due to the nature of the required City approvals (i.e. General Plan Amendment) under PUC Section 21676(b). In this regard, please note that the Commission wants such referrals to be submitted and agendized by the ALUC staff between the Local Agency's expected Planning Commission and City Council hearings. Since the ALUC meets on the third Thursday afternoon of each month, submittals must be received in the ALUC office by the first of the month to ensure sufficient time for review, analysis, and agendizing.

Thank you for the opportunity to comment on this initial study. Please contact Lea Umnas at (949) 252-5123 or via email at lumnas@ocair.com if you need any additional details or information regarding the future referral of your project.

Sincerely,



Kari A. Rigoni
Executive Officer

cc: Gerald Bresnahan
Alan Murphy
Larry Serafini
John Leyerle

**JOHN P. AND SUZANNE V. CHAMBERLAIN
260 CAGNEY LANE - UNIT 304
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949.476.8303**

February 27, 2006

HAND DELIVERED and U.S. MAIL

Gregg B. Ramirez, Senior Planner
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P.O. Box 1768
3300 Newport Boulevard
Newport Beach, CA 92658-8915

RECEIVED by
PLANNING DEPARTMENT
CITY OF NEWPORT BEACH

FEB 27 2006

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RE: Newport Beach General Plan Update

Dear Mr. Ramirez:

This is in response to the Notice of Preparation of a Draft EIR for the Newport Beach General Plan Update ("Project"), and is made after review of the Initial Study and the City of Newport Beach General Plan Technical Background Report ("TBR").¹

Introduction: Role of the TBA as Stated in City Documents

"For the update of the General Plan, the City has identified a Planning Area for which the Plan will provide policies ... [The] TBR provides existing data for the entire Planning Area ..."² The

¹Initial review of the TBR was attempted at the Newport Beach Central Library, however, while the binder was full to overflowing, it was determined that certain chapters were missing sections, among them Chapter 3 Infrastructure, Section 3.1 Circulation. Then consulted was the only other copy of the TBR available to the public, a much-depleted version in the Planning Department. This too, was missing Section 3.1 Circulation. Upon inquiry as to the whereabouts of Section 3.1, staff provided a separate document designated "Draft" and entitled "Traffic Model Executive Summary Newport Beach General Plan Update Existing Conditions and Currently Adopted General Plan Buildout Forecasts," which document was reviewed.

Additionally, this response is made with certain questions to staff regarding the Initial Study and TBR, still unacknowledged and pending.

²TBR at page 1-3.

purpose of [the TBR], is to serve as a **comprehensive** database that describes the City's existing conditions for physical, social, and economic resources ... The TBR is the **foundation document** from which subsequent planning policies and programs will be formulated (emphasis added)."³ "From the key physical, environmental, and economic conditions and trends identified in the technical analyses contained in the TBR, implications for the City will be assessed and presented as planning issues. Consideration of the planning issues ... will be **critical** in updating the General Plan (emphasis added)."⁴

Central to this process and plan is the Planning Area which it appears has not been accurately identified in the TBR. Additionally, the TBR's determination and identification of existing conditions, together with its basis of assessment for potential development, appear fundamentally flawed. As "... the TBR will serve as the 'Environmental Setting' section for each technical environmental issue analyzed in the Environmental Impact Report ...,"⁵ it can be anticipated that this analysis too, would be flawed. Accordingly, the comments which follow, in highlighting deficiencies in the TBR, present environmental issues which should be addressed in the EIR.

Planning Area

The Planning Area upon which the TBR operates is the existing City boundaries and its sphere of influence ("SOI"). Both the Initial Study and the TBR agree that, exclusive of waterways, the City encompasses 13,062 acres. As to the Banning Ranch area, however, the two documents differ.

The TBR states, "[a]pproximately 45 acres of the area is within the City's SOI [and] the City has jurisdiction over a one-foot strip along the perimeter of Banning Ranch that totals approximately 25 acres, and Orange County has jurisdiction over the remainder of the area."⁶ The Initial Study states, "[a]pproximately 53 acres of the ... Banning Ranch is within the City's boundaries, with another 361 acres of this property in the City's SOI, subject to Orange County jurisdiction. The entire property is surrounded by a one-foot strip within the City's jurisdiction."⁷

³TBR at page 1-2.

⁴TBR at page 1-4.

⁵TBR at page 1-2.

⁶TBR at page 1-3.

⁷Initial Study at page 1.

Whether SOI, subject to jurisdiction or within City bounds, the discrepancy in land area to be planned is glaring, and it is neither explained or even acknowledged in the Initial Study, the most recent of the two documents. Requisite environmental analysis for the Project demands accurate determination of the area subject to it so that it is not parced and impacts accurately identified and assessed.

Land Use

Land use--existing and future--is the very reason for planning, and is the sole impetus for any document addressing development such as a General Plan. In the TBR, land use is discussed in Section 2.1 of Chapter 2 entitled "Community Development." For the TBR, information regarding existing land use and potential development was derived from "... a visual field survey and discussion with City staff, a review of July 2003 aerial data, and review of adopted Specific Plans, the General Plan, and Zoning Code."⁸

- Existing Land Use

As to existing land use, the TBR notes that data was derived upwards of three years ago from "... visual field surveys and discussions with City staff."⁹ These existing land uses are then classified by the TBR into seven categories, two of which are "Industrial," and "Governmental, Educational and Institutional Facilities." The General Plan breaks use and development into four major categories, each then refined by way of sub-categories. These General Plan categories include "Industrial," and a sub-category within "Public, Semi-Public and Institutional" designated "Governmental, Educational and Institutional Facilities."

In comparing uses as set forth in these two documents and among these particular categories, it becomes apparent that existing land use has been either miscategorized or ignored by the TBR. The degree to which this has been done across the developed and undeveloped land in the Planning Area is unknown. The problem which this presents for the public and any subsequent EIR or General Plan, however, can be illustrated by the use "hospital."

Both the Initial Study and the TBR contain descriptions of the seven categories of existing land use.¹⁰ None of these definitions, including those for "Industrial" or "Governmental, Educational and Institutional Facilities," mention hospital as a land use. Both documents contain identical Tables of "Existing

⁸TBR at page 2.1-1.

⁹TBR at page 2.1-1.

¹⁰Initial Study at page 10; TBR at pages 2.1-1 - 2.1-2.

Land Use" with percentages shown for each alleged use.¹¹

Whether by knowledge that since the early 1990's, the approximately 38 acres collectively constituted by the upper and lower campuses of Hoag Memorial Hospital Presbyterian ("Hoag" or "Hospital") have been zoned "Governmental, Educational and Institutional Facilities," or by intuition that a hospital would be considered an "institutional facility," many would view the Table and believe Hoag's acreage would be reflected in the 3.4% of the City's total for "Governmental, Educational and Institutional Facilities" use. They would be misled, however, for only by proceeding further in the text of the TBR is it disclosed that "hospital" is categorized as an "Industrial" use.

The Table further breaks "Industrial" into three sub-categories with corresponding acreage: Industrial/68.9 acres; Multi-Tenant Industrial/20.5 acres; and Industrial Business Park/25.0 acres. In that Hoag's property is about 38 acres, if it is included as "industrial" use, it constitutes 55% of the 68.9 acres for the sub-category and 33% of the total category "Industrial" use within the City. This would appear to be an inordinately high percentage and likely an incorrect representation of use.

The TBR represents that the data in Table 2.1-1, "... is illustrated in Figure 2.1-1,"¹² a map said to show existing land use by color code.

While the Figure includes three separate color codes corresponding to its three sub-categories noted above within the use "Industrial," again, using the Hoag example, no part of its property is coded for "Industrial." Rather, the Hospital's lower campus use is, by color code, "Governmental, Educational and Institutional Facilities." Oddly, its upper campus bears no color code which, according to the Figure's legend, indicates **existing land use** as "Study Area." Not only is "Study Area" nowhere defined but such a designation, whether based on visual survey or staff discussion, defies all reason when applied to a property on which upwards of 900,000 square feet of development exists.¹³

The problems associated with mischaracterizing use and the uncertain percentage within the City which it constitutes persist throughout the analysis of conditions in the TBR. Table 2.1-4

¹¹TBR/Table 2.1-1; Initial Study/Table 2.

¹²TBR at page 2.1-2.

¹³Problems with the visual survey, the TBR and this site are perhaps best illustrated by the picture at page 2.1-37 of a modest office building on the northeast corner of Hospital Road and Placentia Avenue, erroneously identified as Hoag Hospital.

illustrates this point.

This Table purports to set forth a "Comparison of Existing Land Uses vs. General Plan Designations." While combining some categories, the acreage figures shown for "Existing Land Use" are virtually the same as those as shown on Table 2.1-1.

It should be noted that in the General Plan, the sub-category "Governmental, Educational and Institutional Facilities" includes as an "institutional facility," among other things, hospitals.¹⁴ As demonstrated above, there is, at best, a reclassification of some use and, at worst, a misclassification of some use as between the General Plan and the TBR. To compare disparate data as Table 2.1-4 seeks to do can only result in mistakes presented as facts in the "Difference" column and error in conclusions.

- Potential Development

If determination of existing land use involved visual survey, it may be assumed that information regarding potential development was derived from the balance of resources as noted in the TBR, to wit, "... discussion with City staff, a review of July 2003 aerial data, and review of adopted Specific Plans, the General Plan, and Zoning Code."¹⁵ These resources are as incomplete as the picture of potential development which the TBR presents.

Many other plans and actions shape actual development within the City. Such plans include the Coastal Plan, County and State mandates and Development Agreements. Actions include such things as Planning Director Discretion which, deriving from certain code provisions, can excuse additional building bulk or add square footage in seeming contravention of articulated Policies or Statistical Area figures stated in the General Plan, or otherwise in the municipal code.

The TBR states, "[t]he General Plan clarifies and articulates the City's intentions with respect to the rights and expectations of the general public, property owners, special interest groups, prospective investors, and business interests. Through the General Plan, the City informs the community of its goals, policies, and development standards, thereby communicating the City's expectations of the private sector in meeting the intentions [again, as set forth in] the General Plan."¹⁶ This seems somewhat misleading given these other forces bearing on development.

¹⁴Land Use Element (as amended through August 2004) at page 25.

¹⁵TBR at page 2.1-1.

¹⁶TBR at page 1-1.

While addressing policies for the entire City, the General Plan Update focuses on areas where the most significant land use changes could occur. Though there is discrepancy between the TBR and the Initial Study as to how many and what constitutes these study areas, it appears that as many as five are in close proximity to Hoag.¹⁷

This serves as a telling example, in that the Development Agreement between the City and Hoag will run well into the 20-year life anticipated for the General Plan Update yet, like other Development Agreements for areas throughout the City, is virtually invisible in the discussion or analysis. While this is procedurally allowed, the substantive, reciprocal impact between Hoag's development and that of these other five areas--many of which have slated changes in land use attendant to which is greater trip-generation--cannot be denied. This is particularly disturbing when it has already been determined that many intersections within these areas, based on currently anticipated use per the General Plan buildout, will be deficient.¹⁸

These forces which alter stated development goals and limits, whether currently operating in a particular area or potentially applicable City-wide, should be identified, the range of their respective cumulative impacts assessed in the EIR, and ultimately reflected in the General Plan Update in order that it, "... provides a **comprehensive** land use, housing, circulation and infrastructure, public service, resource conservation, and public safety policies for the entire city [sic] (emphasis added)."¹⁹ To do any less is a disservice to the General Plan process and to the residents, investors and businesses who seek to rely on it.

¹⁷Special Study Areas identified in the TBR at Subsection 2.1-1 and believed of relevant impact: Mariner's Mile (also the subject of a Specific Plan); West Newport Industrial; Old Newport Boulevard (also the subject of a Specific Plan); Lido Village/City Hall; Newport Shores (also the subject of a Specific Plan).

Special Study sub-areas identified in the Initial Study at pages 14 - 16 and believed of relevant impact: Mariner's Mile (also the subject of a Specific Plan); West Newport Mesa; Old Newport Boulevard (also the subject of a Specific Plan); Banning Ranch; West Newport Highway.

¹⁸Traffic Model Executive Summary Newport Beach General Plan Update Existing Conditions and Currently Adopted General Plan Buildout Forecasts (March 26, 2003; revised December 8, 2003).

¹⁹Initial Study at page 1.

Conclusion

Though only few examples and brief discussion were provided herein, as they relate to land area and use from which virtually all General Plan concerns flow, it is believed they illustrate the inaccuracy of data and its attendant analysis likely throughout the TBR and so, draw into question its overall methodology, intent and value. Despite the Initial Study's findings of the Project's significant impact across most considered environmental factors, impact cannot be accurately assessed if its source has not been accurately identified, and the efficacy of any attendant mitigation would seem unlikely. As the TBR is represented to serve as the "environmental setting" for each environmental issue discussed in the EIR, its potential adequacy is suspect, and the document may fail to provide the disclosure CEQA requires and the public deserves.

Very truly yours,


Suzanne Viau Chamberlain



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

February 27, 2006

Mr. Gregg B. Ramirez, Senior Planner
Planning Department, Community and Economic Development
City of Newport Beach
3300 Newport Boulevard
P.O. Box 1768
Newport Beach, CA 92658-8915

**SUBJECT: NOTICE OF PREPARATION FOR DRAFT ENVIRONMENTAL IMPACT
REPORT FOR THE CITY OF NEWPORT BEACH GENERAL PLAN
UPDATE**

Dear Mr. Ramirez:

The City of Costa Mesa has reviewed the Notice of Preparation for Draft Environmental Impact Report for the City of Newport Beach General Plan update. The proposed project consists of a General Plan update including the existing City of Newport Beach boundaries (totaling 13,062 acres, excluding waterways) and its sphere of influence. Following are the City's comments on the proposed update.

- LAND USE PLANNING

The City would appreciate the acknowledgement and analysis of impacts to changes in the West Newport Mesa and Banning Ranch Planning Sub-Areas on Costa Mesa's Westside revitalization efforts as set forth in the draft urban plans for the Westside. Draft copies of the Westside urban plans are enclosed for your convenience.

- PUBLIC SERVICES

The Notice of Preparation acknowledges that Costa Mesa Police and Fire Departments currently provide services in Newport Beach. Additional analysis is recommended for the Environmental Impact Report to include the degree to which increases in population and employment as a result of the build out of the General Plan also results in increased demand for Costa Mesa Police and Fire service demands, personnel, and equipment.

Mr. Ramirez
February 27, 2006
Page 2

• TRANSPORTATION/CIRCULATION


For Year 2025, the City encourages that the future General Plan analysis be conducted under the following assumptions:

- (a) SR-55 Freeway is not extended south of 19th Street
- (b) 19th Street bridge over the Santa Ana River is not constructed

The City recommends that all mitigation measures be conditioned based on these assumptions.

Thank you for the opportunity to comment on this update. The City of Costa Mesa is very interested in the City of Newport Beach General Plan update. We hope to continue to have close communication on this update and an opportunity to fully understand any significant impacts. If you have any questions or need additional information, please contact me at (714) 754-5609.

Sincerely,



R. MICHAEL ROBINSON
Asst. Dev. Svs. Director

cc: Donald D. Lamm, Deputy City Mgr., Dev. Svs. Director
Kimberly Brandt, Principal Planner
Peter Naghavi, Transportation Mgr.
Raja Sethuraman, Assoc. Engineer
Rebecca Robbins, Assistant Planner



DEPARTMENT OF CONSERVATION

DIVISION OF OIL, GAS, AND GEOTHERMAL RESOURCES

5816 Corporate Avenue, Suite 200, Cypress, CA 90630-4731

PHONE 714/816-6847 • FAX 714/816-6853 • WEB SITE conservation.ca.gov

February 7, 2006

Mr. Greg B. Ramirez, Senior Planner
 City of Newport Beach
 3300 Newport Boulevard
 P.O. Box 1768
 Newport Beach, California 92658-8915

RECEIVED BY
 PLANNING DEPARTMENT
 CITY OF NEWPORT BEACH

FEB 07 2006

AM PM
 7 8 9 10 11 12 1 2 3 4 5 6

Subject: Notice of Preparation for the City of Newport Beach General Plan Update

Dear Mr. Ramirez:

The Department of Conservation's (Department) Division of Oil, Gas, and Geothermal Resources (Division) has reviewed the above referenced project. The Division supervises the drilling, maintenance, and plugging and abandonment of oil, gas, and geothermal wells in California.

The proposed project is located within the administrative boundaries of the West Newport and Newport oil fields. There are numerous active, idle, plugged and abandoned wells within or in proximity to the project boundaries. These wells are identified on Division Map 136 and records. The Division recommends that all wells within or in close proximity to project boundaries be accurately plotted on future project maps.

Building over or in the proximity of plugged and abandoned wells should be avoided if at all possible. If this is not possible, it may be necessary to plug or re-plug wells to current Division specifications. Also, the State Oil and Gas Supervisor is authorized to order the reabandonment of previously plugged and abandoned wells when construction over or in the proximity of wells could result in a hazard (Section 3208.1 of the Public Resources Code). If reabandonment is necessary, the cost of operations is the responsibility of the owner of the property upon which the structure will be located. Finally, if construction over an abandoned well is unavoidable an adequate gas venting system should be placed over the well.

Furthermore, if any plugged and abandoned or unrecorded wells are damaged or uncovered during excavation or grading, remedial plugging operations may be required. If such damage or discovery occurs, the Division's district office must be contacted to obtain information on the requirements for and approval to perform remedial operations.

Mr. Greg B. Ramirez, City of Newport Beach

February 7, 2006

Page 2

To ensure proper review of building projects, the Division has published an informational packet entitled, "Construction Project Site Review and Well Abandonment Procedure" that outlines the information a project developer must submit to the Division for review. Developers should contact the Division's Cypress district office for a copy of the site-review packet. The local planning department should verify that final building plans have undergone Division review prior to the start of construction.

Thank you for the opportunity to comment on the Notice of Preparation. If you have questions on our comments, or require technical assistance or information, please call me at the Cypress district office: 5816 Corporate Avenue, Suite 200, Cypress, CA 90630-4731; phone (714) 816-6847.

Sincerely,

A handwritten signature in cursive script that reads "Paul Frost". The signature is written in black ink and is positioned above the printed name and title.

Paul Frost
Associate Oil & Gas Engineer



Alan C. Lloyd, Ph.D.
Agency Secretary
Cal/EPA



Department of Toxic Substances Control

Maureen F. Gorsen, Director
5796 Corporate Avenue
Cypress, California 90630



Arnold Schwarzenegger
Governor

RECEIVED BY
PLANNING DEPARTMENT
CITY OF NEWPORT BEACH

FEB 27 2006
AM 7 8 9 10 11 12 1 2 3 4 5 6 PM

February 21, 2006

Mr. Gregg Ramirez
City of Newport Beach
Planning Department
3300 Newport Boulevard
Newport Beach, California 9285-8915

NOTICE OF PREPARATION FOR THE CITY OF NEWPORT BEACH GENERAL PLAN UPDATE DRAFT ENVIRONMENTAL IMPACT REPORT (SCH# 2006011119)

Dear Ms. Wellman:

The Department of Toxic Substances Control (DTSC) has received your submitted Notice of Preparation (NOP) for the draft Environmental Impact Report (EIR) for the above-mentioned project. The following project description is stated in your document: "The General Plan Update defines comprehensive land use, noise, housing, circulation, and infrastructure, public service, resource conservation, and public safety policies for the entire City. While policies regarding future land use and growth are addressed from a citywide perspective, the majority of land use changes are limited to nine primary study areas. Accordingly, the EIR will comprehensively address the impacts of all policies throughout the City and, additionally, focus on those areas in which the most significant land use changes could occur."

Based on the review of the submitted document, DTSC has comments as follow:

- 1) The EIR should identify and determine whether current or historic uses in the Project area may have resulted in any release of hazardous wastes/substances.
- 2) The EIR should identify any known or potentially contaminated sites within the proposed Project area. For all identified sites, the EIR should evaluate whether conditions at the site may pose a threat to human health or the environment.

A Phase I Assessment may be sufficient to identify these sites. Following are the databases of some of the regulatory agencies:

- National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
 - Site Mitigation Program Property Database (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control.
 - Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
 - Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
 - Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
 - Leaking Underground Storage Tanks (LUST) / Spills, Leaks, Investigations and Cleanups (SLIC): A list that is maintained by Regional Water Quality Control Boards.
 - Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
 - The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).
- 3) The EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If hazardous materials or wastes were stored at the site, an environmental assessment should be conducted to determine if a release has occurred. If so, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. It may be necessary to determine if an expedited response action is required

to reduce existing or potential threats to public health or the environment. If no immediate threat exists, the final remedy should be implemented in compliance with state regulations, policies, and laws.

- 4) All environmental investigations, sampling and/or remediation for the site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including Phase I and II investigations, should be summarized in the document. All sampling results in which hazardous substances were found should be clearly summarized in a table.
- 5) Proper investigation, sampling and remedial actions, if necessary, should be conducted at the site prior to the new development or any construction, and overseen by a regulatory agency.
- 6) If any property adjacent to a project site is contaminated with hazardous chemicals, and if the proposed project is within 2,000 feet from a contaminated site, except for a gas station, then the proposed development may fall within the "Border Zone of a Contaminated Property." Appropriate precautions should be taken prior to construction if the proposed project is within a "Border Zone Property."
- 7) If building structures, asphalt or concrete-paved surface areas or other structures are planned to be demolished, an investigation should be conducted for the presence of lead-based paints or products, mercury, and asbestos containing materials (ACMs). If lead-based paints or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations, policies, and laws.
- 8) The project construction may require soil excavation and soil filling in certain areas. Appropriate sampling is required prior to disposal of the excavated soil. If the soil is contaminated, properly dispose of it rather than placing it in another location. Land Disposal Restrictions (LDRs) may be applicable to these soils. Also, if the project proposes to import soil to backfill the areas excavated, proper sampling should be conducted to make sure that the imported soil is free of contamination.
- 9) Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. A study of the site, overseen by the appropriate government agency, might have to be conducted to determine if

there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.

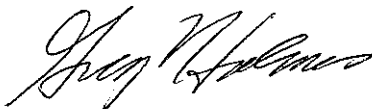
- 10) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5).
- 11) If it is determined that hazardous wastes are or will be generated and the wastes are (a) stored in tanks or containers for more than ninety days, (b) treated onsite, or (c) disposed of onsite, then a permit from DTSC may be required. If so, the facility should contact DTSC at (818) 551-2171 to initiate pre application discussions and determine the permitting process applicable to the facility.
- 12) If it is determined that hazardous wastes will be generated, the facility should obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942.
- 13) Certain hazardous waste treatment processes may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.
- 14) If the project plans include discharging wastewater to storm drain, you may be required to obtain a wastewater discharge permit from the overseeing Regional Water Quality Control Board.
- 15) If during construction/demolition in the Project area, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the EIR should identify how any required investigation and/or remediation will be conducted, and the appropriate government agency to provide regulatory oversight.
- 16) If a site in the Project area was and/or is used for agricultural activities, onsite soils may contain pesticide, herbicides and agricultural chemical residue. Proper investigation and remedial actions, if necessary, should be conducted at the site prior to construction of the project.

Mr. Gregg Ramirez
February 21, 2006
Page 5

DTSC provides guidance for cleanup oversight through the Voluntary Cleanup Program (VCP). For additional information on the VCP, please visit DTSC's web site at www.dtsc.ca.gov.

If you have any questions regarding this letter, please contact Mr. Joseph Cully, Project Manager, at (714) 484-5473 or email at jcully@dtsc.ca.gov.

Sincerely,



Greg Holmes
Unit Chief
Southern California Cleanup Operations Branch - Cypress Office

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Mr. Guenther W. Moskat, Chief
Planning and Environmental Analysis Section
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

CEQA # 1312

MEMORANDUM

To: Gregg Ramirez, Senior Planner, City of Newport Beach

From: Environmental Quality Affairs Citizens Advisory Committee
City of Newport Beach

Subject: **Notice of Preparation (“NOP”) for the City of Newport Beach
General Plan Update (the “Project”)**

Date: February 28, 2006

Thank you for the opportunity to comment on the NOP for the captioned Project. We offer the following comments in the hopes of improving the Draft Environmental Impact Report (“DEIR”) and the Project.

A. Project Description:

The NOP contains an incomplete and confusing Project description which the DEIR should complete and clarify. Nine planning subareas are identified, including Banning Ranch. Page 7, Figure 3 However, the subareas/districts discussion on pages 14-17, adds “West Newport Mesa” and “Harbor and Bay” subareas. The DEIR should use consistent terminology throughout the document.

The Statement of Objectives further refers to allowing growth where sustainable development can occur. The DEIR should define sustainable development and explain whether it will reduce or eliminate potential environmental impacts from the Project.

The Project Description conflicts with other parts of the NOP. The NOP states that Orange County Measure M Growth Management policies are incorporated in the Circulation Element of the NOP. However, the discussion of Circulation Element on Page 17 does not mention the Measure M requirement. Page 2, paragraph 1 If Measure M Growth Management policies are incorporated in the Circulation Element, that should be specifically identified in the DEIR.

Also, the term “Circulation” reportedly describes how “public services and facilities will be provided to businesses and residents,” but no mention of it is included in Section XV (Transportation/Traffic) and XVI (Utilities/Service Systems) on Pages 41-44. The DEIR should clarify the relationship of Circulation requirements to these areas.

The Alternatives Section of the Project description states that Alternative A: GPAC Recommendations and Alternate B: Subarea Only Minimum will be analyzed in the EIR. Pages 18-19 However, all four alternatives should also be analyzed for comparison purposes.

Figure 3 should be revised to include all the subareas. For example, West Newport Mesa and Balboa Peninsula are not depicted on the map. Further, the DEIR should include a discussion of whether the subarea Corona del Mar is intended to include only the properties with frontage on Pacific Coast Highway, or the larger area commonly referred to as Corona del Mar.

Figure 3-2 should be revised to depict Newport Coast within the city limits of the City of Newport Beach.

Table 3 should be revised to include all subareas, such as Corona del Mar, and provide a column that identifies the Existing, Current General Plan, and Proposed General Plan land use for the balance of the City.

The proposed General Plan Update will add approximately 15,000 dwelling units to the existing City inventory. At approximately 2.75 people per unit, this equals 42,000 additional residents. According to Table 3, only 61 additional park acres will be provided (60 acres in Banning Ranch). Using the Quimby Act park dedication ratio of 5 acres per 1,000 people, approximately 200 park acres is needed.

In order to further Project objectives to protect and enhance recreational and open space opportunities, the DEIR should evaluate whether additional Parks/Open Space land use is warranted and amend the land use table with the applicable open space acreage.

B. Environmental Checklist and Discussion:

I. Biological Resources:

The NOP states that there are eleven special-status wildlife species and states that there are 27 sensitive wildlife and 24 sensitive plant species that occur or potentially occur within the Newport Beach area. The Discussion states that the EIR will include an analysis of potential impacts to special-status species. The DEIR should include an analysis of potential impacts on the 27 sensitive wildlife and 24 sensitive plant species, including location, quality of habitat and risks, including the impacts associated with lighting, noise, etc.

II. Hazards and Hazardous Materials:

This section recognizes that the Project may create significant impacts unless mitigation occurs.

Sub-sections (c) and (d) address the potential for hazardous emissions within one-quarter mile of an existing or a proposed school and the potential to locate development on a site which is included on a list of hazardous materials sites. These two sub-sections are designated as “Less Than Significant With Mitigation Incorporated” on the Environmental Checklist.

This language is confusing. If the impact is currently “potentially significant,” the potential impacts should be analyzed as such. It is especially critical that there is a thorough evaluation of all the impacts associated with the potential to develop a school or a housing development on a hazardous materials site. It is especially The DEIR may point out what can or cannot be done about them and what specific mitigation measures can be taken for some of these impacts. However, it appears to be premature to determine that these potentially significant impacts can be mitigated to a less than significant level. It should not be predetermined that these potentially significant impacts will not be completely discussed in the DEIR.

The DEIR must identify the potential impacts, thoroughly examine these potential impacts, discuss the threshold of significance, study the significance of the potential impacts and, if necessary, propose mitigation.

III. Hydrology and Water Quality:

As with the discussion of Hazards and Hazardous Materials, sub-section (a) states that even though implementation of the General Plan Update “could cause runoff to adversely affect water quality, this potential impact is ‘Less Than Significant With Mitigation Incorporated.’” Without the full identification of the potential impacts, it appears premature to determine that these potentially significant impacts can be mitigated to a less than significant level.

The DEIR must identify the potential impacts to hydrology and water quality of the proposed Project, including the flooding impacts associated with urban streams, thoroughly examine these potential impacts, discuss the threshold of significance, study the significance of the potential impacts and, if necessary, propose mitigation.

IV. Land Use and Planning:

Sub-section (a) of the Land Use and Planning Section states that the purpose for increasing development in select areas of the City is to increase cohesiveness in the City. However, the objectives of the Statement of Objectives does not include the phrase “cohesiveness.” The DEIR should fully define the meaning of cohesiveness and discuss its relationship to the objectives of the General Plan Update.

In the John Wayne Airport area where 4,300 dwelling units are proposed, there are no public parks. Much of Newport Beach developed over the past 40 years with a single landowner and master planned neighborhoods. Acquisition of public parks in the

John Wayne Airport area presents a significant challenge because it is built-out and has numerous landowners that will make master planning and aggregation of property for neighborhood parks difficult.

The DEIR should include mitigation measures that provide creative methods to consolidate and acquire multiple properties into a large neighborhood park for the residents of the John Wayne Airport area. The DEIR should also identify whether the City's vision is for each project to meet its park dedication requirement with on-site private parks. If park dedication is dependent entirely upon on-site private parks, residents in the John Wayne Airport area will be left with very little choice over the parks available to them. This will lead to further use of existing public parks elsewhere in the City.

The NOP describes the addition of approximately 1,200 additional dwelling units on Balboa Peninsula and Balboa Village. This equates to approximately 3,300 additional residents, and 16 acres of additional parkland using the Quimby Act formula. Similar to the challenge of providing public parks in the John Wayne Airport Area, the DEIR should identify the means to acquire public parkland for residents to use in this area of the City. The same issue presents itself with approximately 1,000 additional dwelling units in West Newport Mesa.

The DEIR should disclose whether the Newport-Mesa Unified School District has formulated a strategy for accommodating students from 11,000 additional homes permitted under the proposed Project outside the John Wayne Airport Area.

The DEIR should evaluate the cumulative traffic, school, and park impacts of additional dwelling units in Irvine's IBC proposed through General Plan Amendments, Zoning Entitlement, Preapplications, and other criteria for appropriate mitigation measures. Solutions to school capacity issues in the Irvine Business Complex may be applicable to residential development in the John Wayne Airport Area.

The proposed Project will add approximately 1,000 hotel rooms within the subareas, and 2,100 additional hotel rooms throughout the rest of the City. The addition of 2,100 hotel rooms outside the subareas is a significant increase over the current hotel room inventory. The DEIR should identify the location of the additional hotel rooms outside the subareas and evaluate the environmental impacts of them.

The proposed land use plan redesignates large portions of the subareas from nonresidential to residential land uses. The transition from nonresidential to residential will take many years. The DEIR should evaluate whether this transition may cause blight if properties will become nonconforming uses, or if nonresidential buildings are not maintained because they will be recycled to residential use sometime in the future.

The NOP describes the plan for West Newport Mesa as encouraging the retention of light industrial. The DEIR should describe whether Newport Beach's plan is

compatible with Costa Mesa's plan for its property adjacent to West Newport Mesa, and provide mitigation measures that will ensure the two neighboring areas will become cohesive as each City implements its General Plan Update.

The NOP describes the plan for Corona del Mar as a pedestrian oriented village. Corona del Mar already meets this description. The DEIR should clearly contrast the new plan with the existing neighborhood and provide mitigation measures to ensure that the existing character of the neighborhood is maintained.

V. Transportation and Circulation:

Sub-sections (a) and (b) recognize that the proposed Project may create significant traffic impacts. Reference is made to increased traffic congestion due to the proposed Project and that these impacts will be analyzed in the DEIR. However, no critical areas of congestion are identified for analyses. If Table 4 on Page 17 is used as a guide for this analysis, it seems to be seriously lacking in understanding of the traffic impacts on Balboa Peninsula.

The proposed Project would add 471 hotel-motel rooms and 75,000 sq. ft. of institutional use on the Peninsula, but the NOP does not identify a need for additional Peninsula Transportation Improvements per Table 4. This appears to be a major oversight, which requires in-depth analysis the DEIR.

Sub-section (d) states that "less than significant" impacts will result from roadway improvements associated with implementation of the proposed Project. This assessment is premature and needs to be re-evaluated when the roadway improvements are actually identified in the DEIR analysis.

Sub-section (e) recognizes a "potentially significant impact" in emergency access resulting from implementation of the proposed Project. However, it is not specifically stated that certain areas within the City are vulnerable to this situation, including the Balboa Peninsula and the Airport Area. The DEIR should thoroughly analyze emergency access throughout the City and, if necessary, propose mitigation for Project impacts.

The discussion promises a traffic study, and if necessary, mitigation or Project features which may address potential impacts related to traffic that would result from the proposed Project implementation. The DEIR should incorporate the analysis promised by the NOP and also discuss, analyze and if necessary propose mitigation for Project impacts.

The DEIR should analyze whether the proposed Project adequately addresses alternative modes of transportation.

VI. Utilities and Service Systems:

The Discussion for Sub-section (b) notes that the potential need for new or expanded wastewater treatment facilities is “potentially significant” and states that this need will be analyzed in the DEIR. It is assumed that the analysis will lead to mitigation measures to reduce potential impact to “Less Than Significant With Mitigation Incorporated.” As stated previously, this designation appears to be premature. The NOP should designate this potential impact as “potentially significant” until the DEIR analysis is completed.

Sub-section (d) refers to availability of water supplies to support the proposed Project and should be designated as “potentially significant” until the EIR analysis shows otherwise. The DEIR analysis should consider how the proposed Project could be designed to make maximum use of recycled water to minimize the need for fresh water.

Sub-sections (e) and (f), which address wastewater generation and increased general of solid waste, should also be designated as “potentially significant” until the EIR analysis proves otherwise.

C. Conclusion:

Thank you for the opportunity to comment on this important Project. We hope that these comments will assist the City in the DEIR and the final Project.

GREENLIGHT
PO Box 3362
Newport Beach, CA 92659
(949) 721-1272

February 23, 2006

Mr. Greg Ramirez, Senior Planner
Planning Department
City of Newport Beach
3300 Newport Blvd.
P.O. Box 1768
Newport Beach, CA 92658-8915

References:

- 1.) City of Newport Beach, General Plan Update, Notice of Preparation/Initial Study (NOP)
- 2.) Draft Circulation Element 01232-28b.doc

Dear Mr. Ramirez:

The following eight points need to be addressed in the EIR prepared on the basis of Ref. 1. NOP. Importantly the EIR must assess its proposed mitigation measures for the traffic growth created by the General Plan Update and its handling by the city along with traffic growth permitted under the current General Plan and planned huge traffic growth in the Irvine Business Complex.

As a baseline, the latest city traffic studies currently show that six intersections in the city are unsatisfactory i.e. operate at LOS E or above. This means that the city does not have the funding to correct current discrepancies in its Circulation System.

(1.) The NOP projects major and expensive intersection and in some cases roadway improvements that are totally unfunded. The proposed improvements, whose funding is highly questionable as further described below, still leave four intersections remaining that are not operating at a satisfactory level (LOS D or below). These four intersections are shown in the Ref.2.) Traffic Study to operate at LOS E and above and therefore are in violation of the state requirement that the Land Use Element match the capacity of the Circulation Element.

An even larger problem presents itself in the proposed mitigation of the 13 intersections and/or arterials named in the NOP. Newport Beach City Law (The Traffic Phasing Ordinance) was changed to meet constitutional rulings that developments can be charged only for their proportional share of the cost of mitigating unsatisfactory traffic created by their project.

While many of the developments authorized by the General Plan Update will be built within a few years of its approval, it will take many years for additional developments to be built that will furnish sufficient additional funding to actually enlarge an intersection and/or roadway. It will also be that in many cases very close to a full additional load will be placed upon an intersection but the funds to complete the improvements will be lacking. During that interim period, that is indeterminate in length, the roadways will be more congested than would be indicated by the false assumption that all the intersections were improved as of the date of the EIR study.

(2.) A further problem presents itself in the city's proposed plan to enlarge 13 intersections. Most of these proposed improvements require widening of the intersection to add more turn lanes or through lanes. This widening will require expensive condemnation of land. Where is the funding for these actions plus noise abatement walls and the actual construction of the additional lanes?

(3.) Therefore, the EIR must examine a phased implementation of Circulation system improvements and the resultant traffic congestion until the time in the future when the city will be able to accumulate sufficient funding to actually improve all intersections. A summary of the proposed thirteen intersection and arterial street improvement costs is needed along with a timeline display of when the improvements will actually be made along with the projected construction rate of the proposed developments.

(4.) Also of great concern, the widening of intersections will place traffic closer to residential areas. Noise mitigation that is acceptable to the homeowners is also required.

(5.) Has the traffic generated by the huge residential dwelling complex in the City of Irvine on Jamboree Road near Campus Drive been included in the traffic calculations?

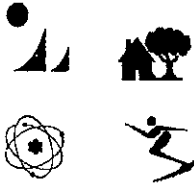
(6.) The City of Irvine has changed its General Plan and completed an EIR to permit the construction of approximately 10,000 more dwelling units in the Irvine Business Complex. The Circulation system traffic numbers and subsequent proposed mitigation must include provisions for a good portion of this excess traffic that will unquestionably use Newport Streets in the Airport Area, and Bristol, Campus, McArthur and Jamboree Roads. While the city of Newport Beach has announced it is looking into measures to block or mitigate this City of Irvine plan at this late date, the Newport EIR must contain provisions for this traffic even if only as an alternate case.

(7.) The intersection of Goldenrod and PCH has been shown in traffic studies conducted over the last five years to operate at unsatisfactory levels. Recently, a statement was issued that this intersection would operate at LOS F because it couldn't be mitigated. An explanation is needed as to how the traffic in this intersection was claimed to have been recalculated and the problem eliminated.

(8.) The impacts of summer traffic need to be studied and mitigation measures proposed. In particular, given the proposed 245 units of housing plus mixed use commercial projected for the Mariner's Mile section of Pacific Coast Highway, what will be the summer season impacts on Pacific Coast Highway, Newport Blvd and impacted arterials between the freeways and beach access locations. Given the 3300 housing units proposed for the airport area, how will summer traffic mix with those units plus the 10,000 additional city of Irvine Dwelling Units?

Thank you,
Greenlight

Philip Arst



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING

Phone 536-5271
Fax 374-1540
374-1648

February 27, 2006

Gregg B. Ramirez, Senior Planner
Planning Department, Community and Economic Development
City of Newport Beach
3300 Newport Boulevard
P.O. Box 1768
Newport Beach, CA 92658-8915

Subject: Notice of Preparation/Initial Study for City of Newport Beach General Plan Update

Dear Mr. Ramirez:

The City of Huntington Beach has reviewed the Notice of Preparation/Initial Study for the City of Newport Beach General Plan and does not have any comments at this time. We look forward to reviewing the Draft Environmental Impact Report when it is available.

Thank you for the opportunity to comment on the project.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Beth Broeren", written over a horizontal line.

Mary Beth Broeren
Principal Planner

Cc: Howard Zelefsky, Director of Planning
Scott Hess, Planning Manager



Community Development Department

www.ci.irvine.ca.us

City of Irvine, One Civic Center Plaza, P.O. Box 19575, Irvine, California 92623-9575 (949) 724-6000

February 27, 2006

Gregg B. Ramirez, Senior Planner
City of Newport Beach
3300 Newport Boulevard
PO Box 1768
Newport Beach, CA 92658-8915

RE: Notice of Preparation/IS – City of Newport Beach General Plan Update

Dear Mr. Ramirez:

The City of Irvine has received the Notice of Preparation for the above project. Based on its review, the City of Irvine has the following comments:

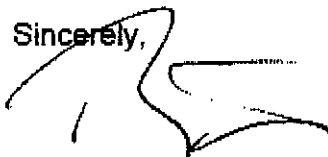
1. Land Use Changes in the John Wayne Airport Subarea. Please provide specific information on the location of proposed land use intensity changes that increase development potential in the John Wayne Airport area, as well as witywide. Table 3 of the NOP identifies an increase of 4,300 additional multi-family units over the existing General Plan. In particular, please identify each location where the increase is proposed, including surface parking lots. Provide information on the existing land use designation for each site and the current development potential as well as the proposed land use designation and site specific acreages. A comparison of each site's existing General Plan land use designation and its proposed General Plan designation will provide the City of Irvine with the opportunity to determine if a substantial environmental impact will occur as a result of the proposed General Plan Update.
2. Given the proposed General Plan intensity increases in the John Wayne Airport Business subarea, the traffic analysis should include arterials and intersections within the City of Irvine bounded by Main Street to the north, Red Hill Avenue to the west and Harvard Avenue/University Drive to the east. Depending on where the proposed intensification is within the subarea, the traffic analysis study area should be expanded to the north and east accordingly. Additionally, the study area should be expanded if impacts are identified along these boundary arterials and intersections.
3. The traffic analysis should analyze the cumulative impacts of the significant projects currently under review within the City of Irvine. Contact City staff for an active list of projects to include based on the cut-off date of the traffic analysis.

Mr. Gregg B. Ramirez
February 27, 2006
Page 2

4. Table 4, the EIR should include the analysis of the impacts due to these proposed transportation improvements. In particular, the City is concerned with those intersections bordering or located within the City of Irvine at MacArthur/Campus, Von Karman/Campus, Jamboree/Campus and MacArthur/Jamboree.
5. Transportation Improvements. Please provide a detailed analysis of the following transportation improvements described in Table 4 of the NOP:
 - MacArthur Bl. (NS) at Campus Dr. (EW)
 - Von Karman Av. (NS) at Campus Dr. (EW)
 - Jamboree Rd. (NS) at Campus Dr. (EW)
 - MacArthur Bl. (NS) at Ford Rd./Bonita Canyon Dr. (EW) and San Joaquin Hills Rd. (EW)

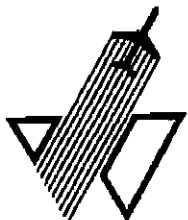
Thank you for the opportunity to provide input towards this proposal. The City of Irvine looks forward to review of this matter as additional information comes forward. Please feel free to contact me at (949) 724-6354 or by email at bcurtis@ci.irvine.ca.us if you have any questions regarding this matter.

Sincerely,



BARRY CURTIS, AICP
Principal Planner

cc: Director of Community Development
Manager of Planning Services
Kerwin Lau, Supervising Transportation Analyst
Amy Urcis, Associate Planner



**JOHN WAYNE
AIRPORT**
Orange County, California

Alan L. Murphy
Airport Director

February 27, 2006

Gregg B. Ramirez, Senior Planner
Planning Department, Community and Economic Development
City of Newport Beach
3300 Newport Boulevard
P.O. Box 1768
Newport Beach, CA 92658-8915

Subject: Notice of Preparation/Initial Study for City of Newport Beach General Plan Update

Dear Mr. Ramirez:

John Wayne Airport, Orange County (SNA) ("JWA" or "the Airport") appreciates this opportunity to comment on the Notice of Preparation/Initial Study ("NOP/IS") for the Environmental Impact Report ("EIR") that will be prepared for the City of Newport Beach's ("City") General Plan Update project. We understand from the NOP/IS that the General Plan Update includes a specific "John Wayne Airport Area" special study subarea which will allow for the development of new residential neighborhoods as replacement of existing and allowed future uses. We would appreciate an opportunity to review the General Pan Update document when it can be made available to us.

GENERAL COMMENTS

In the NOP/IS, references are made to policies that "establish criteria for the development of cohesive residential neighborhoods oriented around neighborhood parks and local-serving convenience commercial facilities and interconnected by a network of pedestrian-oriented streets" within the subarea designated as "John Wayne Airport Area." The Airport requests that the City address the impacts of any new residential development policies considering JWA's existing and future airport operations and given the proximity of this subarea to the Airport. General Plan policies and/or EIR mitigation measures should be considered which incorporate specific information regarding the following requirements: (1) sound attenuation; (2) height limitations; (3) density/intensity limitations; (4) notification requirements; (5) avigation easements; (6) obstruction lighting and marking requirements; and (7) compliance with all Federal Aviation Administration ("FAA"), California Department of Transportation, Division of Aeronautics ("Caltrans"), and Airport Land Use Commission ("ALUC") requirements.

In addition, the Airport has a number of more specific comments that we would like the City to consider as it moves forward on the General Plan Update, as provided below.

3160 Airway Avenue
Costa Mesa, CA

92626-4608

949.252.5171

949.252.5178 fax

www.ocair.com



Gregg Ramirez
City of Newport Beach
February 27, 2006
Page 2

SPECIFIC COMMENTS

GENERAL PLAN POLICIES AND EIR MITIGATION MEASURES

The following restrictions should be included as General Plan policies and EIR mitigation measures for all residential development within the John Wayne Airport Area residential development.

1. **Sound Attenuation:** Include General Plan sound attenuation policies and EIR mitigation measures for all John Wayne Airport Area residential development in order to minimize the noise impacts on the residences from present and projected future noise levels, including roadway, aircraft, helicopter, railroad and other noise sources. The sound attenuation requirements should, at a minimum, meet all current City interior and exterior noise standards.
2. **Avigation Easement:** Include General Plan policies and EIR mitigation measures requiring all John Wayne Airport Area residential development to record an avigation easement in the chain of title of each residential dwelling unit for noise and related aviation impacts in favor of the County of Orange, the airport proprietor of JWA, prior to issuance of building permits. The avigation easement should be in a form consistent with current Airport requirements. (This avigation easement is separate from and in addition to the "Avigation Easement for Orange County Airport" recorded March 17, 1964 in book 6965, page 721, which represents a separate John Wayne Airport "ownership" avigation easement already existing over portions of the City of Newport Beach.)
3. **Height Limitations:** Include General Plan policies and EIR mitigation measures addressing height limitations on all John Wayne Airport Area residential development to limit the height of any permanent or temporary structure, to a height under 203.68 feet Above Mean Sea Level ("AMSL") reference National Geodetic Vertical Datum of 1929 (NGVD 29) consistent with current Orange County Surveyor Adjustment Datum.
4. **Obstruction Lighting and Marking:** Include General Plan policies and EIR mitigation measures addressing lighting and marking on all John Wayne Airport Area residential development to comply with the conditions and recommendations by the FAA with respect to obstruction lighting and/or marking consistent with the criteria provided in FAA Advisory Circulars 70/7460-1 and 70/7460-1K.
5. **Disclosure of JWA Proximity:** Include General Plan policies and EIR mitigation measures for occupancy disclosure to be provided in future sales literature and sales/rental/lease agreements for the residential developments stating that the property is located in the vicinity of JWA.

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Page 3

6. **Deed Disclosure Notice:** Include General Plan policies and EIR mitigation measures for deed disclosure notification on all John Wayne Airport Area residential development units which require a "Deed Disclosure Notice" of the aviation easement. This disclosure notice must be submitted to the City and signed as a part of each sales/rental/lease agreement.
7. **Signage:** Include General Plan policies and EIR mitigation measures for signage on all John Wayne Airport Area parks and recreational development which requires every local park, recreational area, and private recreational facility to place appropriate signage indicating the presence of operating aircraft.
8. **Density and Intensity Limitations:** Include General Plan policies and EIR mitigation measures in order to minimize the safety impacts on the residences from aircraft operations. The safety measures should establish appropriate criteria limiting the maximum number of dwellings or people in areas close to the airport. The density and intensity limitations should be consistent with those provided by the Airport Environs Land Use Plan for the Airport.

EIR ANALYSIS

The land use designation changes being proposed for the John Wayne Airport Area are, in certain cases, significant departures from the land uses currently designated for the Area. The current nonresidential designations permit uses which are generally compatible with the nearby JWA use. In contrast, the proposed residential uses are generally not compatible with a nearby airport. We believe that the EIR needs to include a complete analysis of environmental impacts of the proposal to amend the General Plan to provide additional residential development in proximity of the Airport.

Consistent with our understanding of the City's goals of developing a strategy or plan for residential development in the John Wayne Airport Area, we have provided below specific comments related to the proposed residential policies for the area and potential impacts and mitigation measures that should be addressed in the EIR.

1. **General Plan Policies for Residential Development in the General Plan John Wayne Airport Area Subarea Should Include Adequately Protecting Future Residential Development From Operations at JWA.**

One of the goals of developing a strategy or plan for residential development in the City's JWA subarea should be to adequately protect future residential development from current and projected future aircraft operations at JWA. Specifically, one of the goals should be to ensure that any future residential projects are well planned and provided with the type of protections (*i.e.*, sound attenuation, height limitations, density/intensity limitations, and

Gregg Ramirez
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Page 4

adequate notice) needed. These protections should include all of the items specified previously in this letter and discussed in more detail below.

2. The General Plan Should Include Specific Development Policies for the John Wayne Airport Area Related to Operations at JWA.

The following issues should be addressed in the EIR related to any residential development that is proposed for the John Wayne Airport Area subarea:

- a. Sound attenuation development standards for all residential development.
- b. Avigation easement requirements for all residential development.
- c. Height limitation development standards for all residential development.
- d. Density/intensity limitation development standards for all residential development.
- e. Obstruction lighting and marking development standards for all residential development.
- f. Disclosure of JWA proximity development requirements.
- g. Deed disclosure development requirements.
- h. Signage development requirements for public parks and recreational areas.

3. General Plan and EIR Maps Depicting the John Wayne Airport Area Should Include JWA's 75, 70, 65 and 60 dB CNEL Noise Contour and the Airport's Runway Protection Zones.

A map should be included in the EIR depicting the 75, 70, 65 and 60 decibels ("dB") Community Noise Equivalent Level ("CNEL") noise contours for JWA. In addition, $L_{max}(10)$ single event noise levels should be determined through field measurements collected during an appropriate time period of representative aircraft operations and included in the EIR. Only in this way can the information provide a true and complete picture of the noise environment resulting from airport operations that would result if a residential project is built at a given location within the JWA planning subarea. Information regarding the number of flights that are projected to take off and land at JWA should also be provided. Finally, the map should include the current boundaries of the Airport's Runway Protection

Gregg Ramirez
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Page 5

Zones. The Airport is available to work with the City on these issues and to provide any necessary information.

4. The Airport Land Use Commission Compatibility Policies Should be Addressed in the General Plan and EIR.

The General Plan and EIR should include a detailed discussion regarding Airport Land Use Commission ("ALUC") land use compatibility policies and whether the proposed JWA planning subarea is consistent with these policies. Although the City is required to submit the proposed General Plan Update project to the ALUC for an independent consistency determination with the JWA Airport Environs Land Use Plan, the General Plan and EIR should provide a discussion of the ALUC policies and the extent to which the City believes that the General Plan Update is consistent with these policies.

5. The General Plan Update and EIR Should Address Policies and Mitigations for Residential Land Use in the JWA Planning Subarea including Sound Attenuation, Density/Intensity Limitations, Avigation Easement, Height Limitations, Obstruction Lighting and Marking, Occupancy and Deed Disclosure, and Signage.

Because the location of the subarea designated "John Wayne Airport Area" is in close proximity to JWA, the policies and mitigation measures used for residential development should be tailored toward minimizing incompatibilities between any new residential development and the ongoing operations at JWA, to the extent possible. We believe that using the following set of guidelines will help create the type of neighborhood that will be successful, desirable and sustainable in the long term.

A. *Sound Attenuation*

Portions of the General Plan/John Wayne Airport Area will be impacted by current and projected future aircraft noise levels. Single event noise level standards that apply to the interior of residential units located within the 60 dB CNEL noise contour should be incorporated into the General Plan policies and EIR mitigation measures as a standard for future residential development. In addition, the mitigation measures should provide detail regarding the type of acoustical testing that will be required to ensure that the interior noise level criteria has been met.

B. *Avigation Easements*

The General Plan and EIR should include policies and mitigation measures that require all John Wayne Airport Area residential development to record an avigation

Gregg Ramirez
City of Newport Beach
February 27, 2006
Page 6

easement for noise and related aviation impacts in favor of the County of Orange, the airport proprietor of JWA, prior to issuance of building permits. The aviation easement should be in a form consistent with current Airport requirements.

C. *Height Limitations*

The STATE AERONAUTICS ACT (PUBLIC UTILITIES CODE §§21001, *et seq.*) provides for the right of flight over private property, unless conducted in a dangerous manner or at altitudes below those prescribed by federal authority. PUB.UTIL.CODE §21403(a). No use shall be made of airspace above a property which would interfere with the right of flight, including established approaches to a runway. PUB.UTIL.CODE §21402. Specifically, the guidelines of FEDERAL AVIATION REGULATION (FAR) Part 77, *Objects Affecting Navigable Airspace* (14 C.F.R. §§77, *et seq.*), establishes imaginary surfaces for airports and runways as a means to identify objects that are obstructions to air navigation. Each surface is defined as a slope ratio or at a certain altitude above the airport elevation.

The FAA uses FAR Part 77 obstruction standards as elevations above which structures may constitute a safety problem. The regulations require that anyone proposing to construct an object which could affect the navigable airspace around an airport submit information about the proposed construction to the FAA. The FAA then conducts an aeronautical study, the outcome of which is a determination as to whether the object would be a potential hazard to air navigation. If the proposed object is determined to pose a hazard, the FAA may object to its construction and issue a determination of a hazard to air navigation, examine possible revisions of the proposal to eliminate the problem, require that the project be appropriately marked and lighted as an airspace obstruction, and/or initiate changes to the aircraft flight procedures for the airport so as to account for the object.

The dimensions of the imaginary surfaces vary depending on the type of approach to a particular runway based on the ultimate dimensions shown on the airport layout plan. Where imaginary surfaces overlap, the lowest surface is used to determine whether or not an object would be an obstruction to air navigation. The FAR Part 77 horizontal surfaces limit the height of structures on a project site to an elevation of 203.68 feet above mean sea level (AMSL) reference National Geodetic Vertical Datum of 1929 (NGVD 29) consistent with current Orange County Surveyor Adjustment Datum.

In addition to the FAR Part 77 requirements, the County of Orange imposes specific height restrictions on buildings and other structures in the environs of JWA.

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February 27, 2006
Page 7

Specifically, on March 17, 1964, the Orange County Board of Supervisors recorded an "Avigation Easement for Orange County Airport, In Book 6965, Page 721" covering approximately 18,500 acres around the airport. The avigation easement specifies: "the air avigation easement does not allow buildings or structures to project into the air space above the surfaces shown and defined, and allows aircraft using the Orange County Airport to operate above these surfaces." In the four decades history of the Avigation Easement the Board has, on a case-by-case basis and for substantial financial remuneration, allowed particular *non-residential* high-rise buildings to be constructed above, and therefore, into the County's avigation easement elevation of 203.68 feet AMSL in the "horizontal surfaces" area. However, also during this time period, the Board has maintained a consistent policy of not permitting any residential project to be constructed within the horizontal surfaces. In maintaining this strict standard, the Board has focused on the safety of, and environmental impact to, high-rise residential buildings near JWA that result from aircraft operations.

The General Plan Update/John Wayne Airport Area boundary falls within the approximate 10,000-foot radius "horizontal surface" area near JWA. The General Plan and EIR should therefore include a discussion of the County's avigation easement surrounding JWA and the FAR Part 77 requirements. In addition, the General Plan and EIR should include policies and mitigation measures that restrict the height of buildings consistent with Part 77 and the County's avigation easement height limitations.

D. *Obstruction Lighting and Marking*

In addition to the FAR Part 77 height requirements, the FAA also specifies lighting and marking requirements for structures and related land uses in order to minimize air hazards in the areas surrounding airports. It is important for the City of Newport Beach to impose consistent lighting and marking development standards on all John Wayne Airport Area residential development which requires all development to comply with the conditions and recommendations by the FAA with respect to obstruction lighting and/or marking consistent with the criteria provided in FAA Advisory Circulars 70/7460-1 and 70/7460-1K.

E. *Disclosure of JWA Proximity*

California Civil Code sections 1103.4(c)(1) and 1353(a), and California Business and Professions Code sections 11010(a) and 11010(b)(12)(B) require the disclosure of airport noise, vibration, and odors in expert-prepared natural hazard disclosure reports for residential property sales or lease. Specifically, if the property is located

Gregg Ramirez
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February 27, 2006
Page 8

within the airport influence area of JWA, the report must contain the following statement:

"NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you."

The General Plan policies and EIR mitigation measures for residential development in the JWA planning subarea should include this Notice of Airport in Vicinity notification requirement.

F. *Deed Disclosure Notice*

In addition to the disclosure of JWA proximity notice requirements discussed above, General Plan policies and EIR mitigation measures should specify that deed disclosure notice requirements be imposed on all John Wayne Airport Area residential development. A "Deed Disclosure Notice" of the aviation easement should be submitted to the City and signed as a part of each sales/rental/lease agreement.

G. *Signage*

It is important that the General Plan and EIR recognize the noise impacts associated with outdoor recreational use (as opposed to indoor residential use). In this regard, the General Plan and EIR should include policies and mitigation measures for signage on all John Wayne Airport Area park and recreational development indicating the presence of operating aircraft.

H. *Density/Intensity Limitations*

It is important that the General Plan and EIR recognize the safety impacts associated with development in proximity to the Airport. The overall objective of safety compatibility criteria is to minimize the risks associated with potential

Gregg Ramirez
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February 27, 2006
Page 9

aircraft accidents. There are two components to this objective, however. The most fundamental safety compatibility component is to provide for the safety of people and property on the ground in the event of an aircraft accident near an airport. The other important component is to enhance the chances of survival of the occupants of an aircraft involved in an accident which takes place beyond the immediate runway environment. Specific compatibility strategies must consider both components of the safety compatibility objective. The primary strategy is to limit the use (the number of people concentrated on the site) in locations most susceptible to an off-airport aircraft accident. The most direct method of reducing the potential severity of an aircraft accident is by the establishment of criteria limiting the maximum number of dwellings or people in areas close to the airport. The General Plan and EIR should include policies and mitigation measures that recognize these compatibility strategies related to safety concerns.

We appreciate your efforts to address the issues contained in this letter and look forward to continuing to work with you in connection with the preparation and approval of the City of Newport Beach General Plan Update and EIR in order to ensure that the General Plan and EIR provide adequate means for implementing policies and enforcing EIR mitigation measures, to the extent possible, to minimize the impact of airport operations on residential development within the General Plan area near JWA.

Sincerely,



Kari A. Rigoni
Planning Manager

cc: Airport Director
Assistant Airport Director
Deputy Airport Director, Public Affairs
Deputy Airport Director, Facilities
Manager, Airport Planning
Manager, Access and Noise
Senior Deputy County Counsel
Airport Special Counsel

Newport Banning Ranch LLC

February 21, 2006

RECEIVED BY
PLANNING DEPARTMENT
CITY OF NEWPORT BEACH

FEB 27 2006

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VIA FACSIMILE & OVERNIGHT MAIL

Mr. Gregg B. Ramirez, Senior Planner
Planning Department, Community and Economic Development
City of Newport Beach
3300 Newport Boulevard
P. O. Box 1768
Newport Beach, CA 92658-8915

SUBJECT: NEWPORT BEACH GENERAL PLAN UPDATE

Dear Mr. Ramirez:

On behalf of the property owners of the Newport Banning Ranch we appreciate the opportunity to offer comments to your Notice of Preparation ("NOP") of a Draft Environmental Impact Report in support of the City's General Plan Update. We have been participating in the General Plan Update through attendance at the various community workshops, committees and via testimony before the City Planning Commission and City Council.

Although some sentiment exists for acquisition of the entire Banning Ranch property for open space purposes, the property owners believe a high quality master planned re-development of the site holds the most promise. For many decades the Banning Ranch has been used for oil and gas production and these uses still encumber most of the site. In addition to land value, we believe the open space acquisition option in the City's General Plan needs to consider the significant additional costs associated with proper oil field closure and consolidation as well as the fiscal realities related to subsequent habitat restoration and long term maintenance obligations.

The owners have attempted to work with all interested parties on acceptable General Plan thresholds for the future use and/or development of the property. These thresholds for the property would allow for up to:

- a) 1375 residential dwelling units,
- b) 75,000 square feet of retail commercial uses,
- c) a 75 room coastal inn, and
- d) open space preservation and recreational uses.

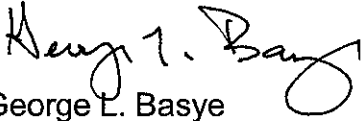
In reviewing table 3 of the City's NOP document, we noticed an effort had been made to essentially allocate the proposed 1375 dwelling units as one-half multi-family and

MP605502 - 1

one-half single family units. We expect the project to provide a range of residential housing types based on future planning and market studies and as such, would not want to be constrained by an artificial allocation at the present time. Table 3 also makes reference to up to 500 students as a proposed use. We assume this allocation is made in context of the property owned by the Newport-Mesa Unified School District. Although unknown at the present time, it is possible future discussion and planning with the school district could result in addressing school needs with offsite facilities. If that were the case, we would not want to create the burden of a future General Plan Amendment. We are not in a position to represent the views of the school district on this matter but would propose the 500 student reference to represent an "allowable but not mandatory" use for General Plan purposes. Finally, table 3 also shows what appears to be 60 acres of Park/Open Space. We acknowledge and support the City's desire to reflect adequate park and open space in a future re-use of our property but do not understand where the referenced acreage number came from and therefore are not in a position to offer our consent. We anticipate the Banning Ranch will feature large areas devoted to natural open space preserves, trails and active recreation uses. The precise size and location of which will be determined through a collaborative planning process.

In closing, we look forward to continuing our efforts to work with the City and its residents on the General Plan Update.

Sincerely,


George L. Basye
Manager
Newport Banning Ranch LLC

GLB:mep

cc: Sharon Wood
Assistant City Manager
3300 Newport Blvd.
Newport Beach, CA 92658-8915

Andy Stewart
Cherokee Newport Beach LLC
4600 South Ulster St., Suite 500
Denver, CO 80237

DEPARTMENT OF TRANSPORTATION

District 12
 3337 Michelson Drive, Suite 380
 Irvine, CA 92612-8894
 Tel: (949) 724-2267
 Fax: (949) 724-2592

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 CITY OF NEWPORT BEACH



*Flex your power!
 Be energy efficient!*

FEB 24 2006

February 10, 2006

AM 7 8 9 10 11 12 1 2 3 4 5 6 PM

Greg Ramirez
 City of Newport Beach
 3300 Newport Boulevard
 Newport Beach, California 92685

File: IGR/CEQA
 SCH#: 2006011119
 Log #: 1678
 SR-1, I-5, SR-73, SR-55

Subjects: City of Newport Beach General Plan Update

Dear Mr. Ramirez,

Thank you for the opportunity to review and comment on the **Notice of Preparation/Initial Study for and Environmental Impact Report (EIR)** for the City of Newport Beach General Plan Update. The General Plan Update includes the existing City of Newport Beach boundaries and its sphere of influence.

Caltrans District 12 status is a reviewing agency on this project at this time and would like to work in active partnership with the local jurisdictions and the private sector to ensure that:

1. The General Plan states policies stressing Caltrans coordination and early involvement in project and program development.
2. The General Plan addresses the fact that Caltrans has regulatory authority over certain developments that directly or indirectly impact State Transportation facilities.
3. The General Plan, specifically the Transportation/ Circulation element takes the regional overview of the transportation issues, problems, and solutions in to consideration. Including language requiring the City to develop policies stressing coordination between the City and Caltrans early in the land use and transportation planning process.
4. Caltrans right of way and possible need for encroachment permits are identified.

If you have any questions or need to contact us, please do not hesitate to call Maryam Molavi at (949) 724-2267.

Sincerely,


 ROBERT F. JOSEPH, Chief
 IGR/Community Planning Branch

C: Terry Roberts, Office of Planning and Research
 Terri Pencovic, Caltrans HQ IGR/Community Planning
 Gale McIntyre, Deputy District Director



STATE OF CALIFORNIA
 Governor's Office of Planning and Research
 State Clearinghouse and Planning Unit



Arnold
 Schwarzenegger
 Governor

Sean Walsh
 Director

Notice of Preparation

January 27, 2006

RECEIVED BY
 PLANNING DEPARTMENT
 CITY OF NEWPORT BEACH

FEB 06 2006
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 7 8 9 10 11 12 1 2 3 4 5 6

To: Reviewing Agencies

Re: City of Newport Beach General Plan Update EIR
 SCH# 2006011119

Attached for your review and comment is the Notice of Preparation (NOP) for the City of Newport Beach General Plan Update EIR draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Gregg Ramirez
City of Newport Beach
3300 Newport Boulevard
Newport Beach, CA 92685-8915

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
 Project Analyst, State Clearinghouse

Attachments
 cc: Lead Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2006011119
Project Title City of Newport Beach General Plan Update EIR
Lead Agency Newport Beach, City of

Type NOP Notice of Preparation
Description The General Plan Update defines comprehensive land use, noise, housing, circulation, and infrastructure, public service, resource conservation, and public safety policies for the entire City. While policies regarding future land use and growth are addressed from a citywide perspective, the majority of land use changes are limited to nine primary study areas. Accordingly, the EIR will comprehensively address the impacts of all policies throughout the City and, additionally, focus on those areas in which the most significant land use changes could occur.

Lead Agency Contact

Name Gregg Ramirez
Agency City of Newport Beach
Phone (949) 644-3219 **Fax**
email
Address 3300 Newport Boulevard
City Newport Beach **State** CA **Zip** 92685-8915

Project Location

County Orange
City Newport Beach
Region
Cross Streets
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways SR 55, SR 73
Airports John Wayne Airport
Railways
Waterways Newport Bay
Schools NMUSD schools
Land Use The existing General Plan for the City of Newport Beach currently designates land use.

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; California Coastal Commission; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Game, Region 5; Department of Health Services; Office of Emergency Services; Native American Heritage Commission; California Highway Patrol; Department of Housing and Community Development; Caltrans, District 12; Department of Toxic Substances Control; Regional Water Quality Control Board, Region 8

Date Received 01/27/2006 **Start of Review** 01/27/2006 **End of Review** 02/27/2006

NOP Distribution List

County: Orange

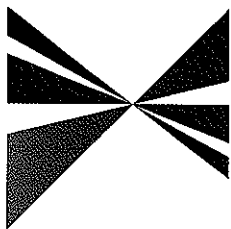
SCH#

- Resources Agency
- Resources Agency**
Nadell Gayou
- Dept. of Boating & Waterways**
David Johnson
- California Coastal Commission**
Elizabeth A. Fuchs
- Colorado River Board**
Gerald R. Zimmerman
- Dept. of Conservation**
Roseanne Taylor
- California Energy Commission**
Roger Johnson
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Allen Robertson
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Wayne Donaldson
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Environmental Stewardship Section
- Reclamation Board**
DeeDee Jones
- S.F. Bay Conservation & Dev't. Comm.**
Steve McAdam
- Dept. of Water Resources**
Resources Agency
Nadell Gayou
- Conservancy**
- Fish and Game
- Dept. of Fish & Game**
Scott Flint
Environmental Services Division
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Donald Koch
- Fish & Game Region 2**
Banky Curtis
- Fish & Game Region 3**
Robert Floerke
- Fish & Game Region 4**
Mike Mulligan
- Fish & Game Region 5**
Don Chadwick
Habitat Conservation Program
- Fish & Game Region 6**
Gabrina Gatchel
Habitat Conservation Program
- Fish & Game Region 6 I/M**
Tammy Allen
Inyo/Mono, Habitat Conservation Program
- Dept. of Fish & Game M**
George Isaac
Marine Region
- Other Departments
- Food & Agriculture**
Steve Shaffer
Dept. of Food and Agriculture
- Dept. of General Services**
Public School Construction
- Dept. of General Services**
Robert Sleppy
Environmental Services Section
- Dept. of Health Services**
Veronica Rameriz
Dept. of Health/Drinking Water
- Independent Commissions/Boards
- Delta Protection Commission**
Debby Eddy
- Office of Emergency Services**
Dennis Castrillo
- Governor's Office of Planning & Research**
State Clearinghouse
- Native American Heritage Comm.**
Debbie Treadway

- Public Utilities Commission**
Ken Lewis
- State Lands Commission**
Jean Sarino
- Tahoe Regional Planning Agency (TRPA)**
Cherry Jacques
- Business, Trans & Housing
- Caltrans - Division of Aeronautics**
Sandy Hesnard
- Caltrans - Planning**
Terri Pencovic
- California Highway Patrol**
Mark Mulgrew
Office of Special Projects
- Housing & Community Development**
Lisa Nichols
Housing Policy Division
- Dept. of Transportation
- Caltrans, District 1**
Rex Jackman
- Caltrans, District 2**
Marcelino Gonzalez
- Caltrans, District 3**
Alyssa Begley
- Caltrans, District 4**
Tim Sable
- Caltrans, District 5**
David Murray
- Caltrans, District 6**
Marc Birnbaum
- Caltrans, District 7**
Cheryl J. Powell
- Caltrans, District 8**
Dan Kopulsky
- Caltrans, District 9**
Gayle Rosander
- Caltrans, District 10**
Tom Dumas
- Caltrans, District 11**
Mario Orso
- Caltrans, District 12**
Bob Joseph
- Cal EPA
- Air Resources Board**
- Airport Projects**
Jim Lerner
- Transportation Projects**
Kurt Karperos
- Industrial Projects**
Mike Tollstrup
- California Integrated Waste Management Board**
Sue O'Leary
- State Water Resources Control Board**
Jim Hookenberry
Division of Financial Assistance
- State Water Resources Control Board**
Student Intern, 401 Water Quality Certification Unit
Division of Water Quality
- State Water Resources Control Board**
Steven Herrera
Division of Water Rights
- Dept. of Toxic Substances Control**
CEQA Tracking Center
- Department of Pesticide Regulation**

- Regional Water Quality Control Board (RWQCB)**
- RWQCB 1**
Cathleen Hudson
North Coast Region (1)
- RWQCB 2**
Environmental Document Coordinator
San Francisco Bay Region (2)
- RWQCB 3**
Central Coast Region (3)
- RWQCB 4**
Jonathan Bishop
Los Angeles Region (4)
- RWQCB 5S**
Central Valley Region (5)
- RWQCB 5F**
Central Valley Region (5)
Fresno Branch Office
- RWQCB 5R**
Central Valley Region (5)
Redding Branch Office
- RWQCB 6**
Lahontan Region (6)
- RWQCB 6V**
Lahontan Region (6)
Victorville Branch Office
- RWQCB 7**
Colorado River Basin Region (7)
- RWQCB 8**
Santa Ana Region (8)
- RWQCB 9**
San Diego Region (9)
- Other**

SOUTHERN CALIFORNIA



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Orange County Transportation Authority: Lou Correa, County of Orange

Riverside County Transportation Commission: Robin Lowe, Hemet

Ventura County Transportation Commission: Keith Millhouse, Moorpark

28 February 2005

Mr. Gregg Ramirez
Senior Planner
Planning Department
City of Newport Beach
3300 Newport Boulevard
PO Box 1768
Newport Beach, CA 92658-8915

RECEIVED BY
PLANNING DEPARTMENT
CITY OF NEWPORT BEACH

MAR 01 2006

AM 7 8 9 10 11 12 1 2 3 4 5 6 PM

RE: SCAG Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Newport Beach General Plan Update
SCAG No. I 20060066

Dear Mr. Ramirez:

Thank you for submitting the Notice of Preparation of a Draft Environmental Impact Report for the above-mentioned plan to the Southern California Association of Governments (SCAG) for review and comment. SCAG's responsibility as the region's clearinghouse per Executive Order 12372 includes the implementation of California Environmental Quality Act (CEQA) §15125 [d]. This legislation requires the review of local plans, projects and programs for consistency with regional plans.

We have determined that the proposed Plan is regionally significant per California Environmental Quality Act (CEQA) Guidelines (Section 15206). The project is a local General Plan Update. SCAG bases review of such plans on its adopted regional plans:

Destination 2030: 2004 Regional Transportation Plan (RTP)
Regional Comprehensive Plan and Guide (RCPG) -1996 Version
Compass Growth Vision

CEQA requires that EIRs discuss any inconsistencies between the proposed project and the applicable general plans and regional plans (Section 15125 [d]). Please state separately how the proposed plan will or will not support each regional plan. Please cite specific policies in the regional plans that the proposed plan supports. If there are inconsistencies, an explanation and rationalization for such inconsistencies should be provided. Visit www.scag.ca.gov for downloadable versions of these documents.

SCAG also offers the following comments:

The Compass Growth Vision embraces strategic residential infill to achieve improved mobility, livability, prosperity, and sustainability. It appears that the proposed Newport Beach General Plan Update would encourage a better jobs-housing balance in existing employment centers. Please explain how the Newport Beach General Plan Update will or will not encourage such policies consistent with the Compass Growth Vision.

Please provide a minimum of 45 days for SCAG to review the EIR when this document is available. If you have any questions regarding the attached comments, please contact me at (213) 236-1851. Thank you.

Sincerely,

Brian Wallace
Associate Regional Planner
Intergovernmental Review

DOCS # 119404v1



South Coast
Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

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PLANNING DEPARTMENT
CITY OF NEWPORT BEACH
FEB 01 2006
AM 7,8,9,10,11,12,1,2,3,4,5,6 PM

January 31, 2006

Mr. Gregg B. Ramirez, Senior Planner
Planning Dept., Community and Economic Development
City of Newport Beach
3300 Newport Boulevard
P.O. Box 1768
Newport Beach, CA 92658-8915

Dear Mr. Ramirez:

**Notice of Preparation of a Draft Environmental Impact Report for
City of Newport Beach General Plan Update**

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The SCAQMD's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the Draft Environmental Impact Report (EIR). Please send the SCAQMD a copy of the Draft EIR upon its completion. In addition, please send with the Draft EIR all appendices or technical documents related to the air quality analysis and electronic versions of all air quality modeling and health risk assessment files.

Air Quality Analysis

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. Alternatively, lead agency may wish to consider using the California Air Resources Board (CARB) approved URBEMIS 2002 Model. This model is available on the SCAQMD Website at: www.aqmd.gov/ceqa/models.html.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality impacts from both construction and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, that is, sources that generate or attract vehicular trips should be included in the analysis.

Consistent with the SCAQMD's environmental justice enhancement I-4, in October 2003, the SCAQMD Governing Board adopted a methodology for calculating localized air quality impacts and localized significance

thresholds (LSTs). LST's can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the proposed project, it is recommended that the lead agency perform a localized significance analysis by either using the LSTs developed by the SCAQMD or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at <http://www.aqmd.gov/ceqa/handbook/LST/LST.html>.

It is recommended that lead agencies for projects generating or attracting vehicular trips, especially heavy-duty diesel-fueled vehicles, perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis") can be found on the SCAQMD's CEQA webpages at the following internet address: http://www.aqmd.gov/ceqa/handbook/mobile_toxic/mobile_toxic.html. An analysis of all toxic air contaminant impacts due to the decommissioning or use of equipment potentially generating such air pollutants should also be included.

Mitigation Measures

In the event that the project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate significant adverse air quality impacts. To assist the Lead Agency with identifying possible mitigation measures for the project, please refer to Chapter 11 of the SCAQMD CEQA Air Quality Handbook for sample air quality mitigation measures. Additionally, SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook contain numerous measures for controlling construction-related emissions that should be considered for use as CEQA mitigation if not otherwise required. Other measures to reduce air quality impacts from land use projects can be found in the SCAQMD's Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. This document can be found at the following internet address: <http://www.aqmd.gov/prdas/aqguide/aqguide.html>. Pursuant to state CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed.

Data Sources

SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD's Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the SCAQMD's World Wide Web Homepage (<http://www.aqmd.gov>).

The SCAQMD is willing to work with the Lead Agency to ensure that project-related emissions are accurately identified, categorized, and evaluated. Please call Charles Blankson, Ph.D., Air Quality Specialist, CEQA Section, at (909) 396-3304 if you have any questions regarding this letter.

Sincerely,



Steve Smith, Ph.D.
Program Supervisor, CEQA Section
Planning, Rule Development and Area Sources

SS:CB:li

ORC060127-02LI
Control Number

JAN D. VANDERSLOOT, M.D.

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February 27, 2006

Mr. Greg Ramirez, Senior Planner
Planning Department
City of Newport Beach
3300 Newport Blvd.
P.O. Box 1768
Newport Beach, CA 92658-8915

City of Newport Beach
General Plan Update
Notice of Preparation/Initial Study
January 2006

By Fax: 949.644.3229

Dear Mr. Ramirez,

Thank you for the opportunity to comment on the NOP for the General Plan Update. I have the following questions that should be addressed in the EIR:

1. Table 3. City of Newport Beach General Plan Update Existing and Proposed Land Use. Can you provide a total of how many residential units (du) will be added to the existing dwelling units under the Existing, Current GP and Proposed GP, and what the incremental changes are? For example, I now have to add the Existing MFR and SFR to get 39,369 du, I have to add 29,504 MFR to 19,570 SFR to get 49,074 du under the Current GP, and I have to add Proposed MFR 34,303 plus 20,402 SFR to get 54,705 du under the Proposed General Plan. Thus, the Proposed General Plan will have 15,336 more du than existing, and 5,631 du more than the Current GP, and the Current GP over existing is 5,631. This is important for people to know how much the City will grow under the different scenarios.
2. What is the growth in population who will occupy the dwelling units, and what is the per cent growth compared to the existing?
3. What is the number of people per household under the different categories of Existing, Current GP, and Proposed GP?
4. What percent growth in population will occur under the Current GP and the Proposed GP?
5. What is the number of park acreage required under the Quimby Act and will the proposed GP meet these requirements?

JAN D. VANDERSLOOT, M.D.

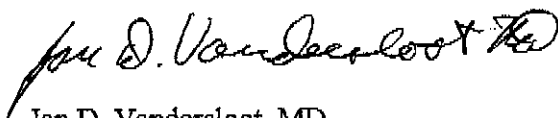
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6. Table 4, Transportation Improvements under Proposed General Plan Update. There are 13 additional intersection improvements with project proposed. The EIR should identify what actions need to be taken at each of these locations. Will land need to be acquired to improve the intersections? If so, from whom and at what cost? If land is not acquired, how will the improvements be accomplished?
7. Will parking need to be removed from the sides of streets to accomplish widening of highways such as Coast Highway in Mariners Mile?
8. Will land need to be acquired to widen streets? From whom? At what cost?
9. The EIR should examine eliminating alternatives that are not feasible, such as the 19th Street/Banning Bridge over the Santa Ana River. Both the cities of Huntington Beach and Costa Mesa are actively working to eliminate this bridge from the County Master Plan of Arterial Highways. What will happen to Newport Beach traffic circulation if this bridge is not built? The traffic alternatives should include this very possible scenario in the EIR. For example, the city of Costa Mesa has proposed a series of alternatives to mitigate for loss of the bridge. These alternatives can be obtained from the City Manager of Costa Mesa and should be included in the EIR.
10. How will the recently announced decision of the city of Irvine to add an overlay of 10,000 dwelling units near John Wayne Airport and Jamboree affect the circulation of Newport Beach and its capacity to handle the traffic from the development? See attached article from the Daily Pilot February 13, 2006 entitled: Housing Plans worry Newport".

Thanks again for the opportunity to comment on the NOP. Please put me on the mailing list for the EIR notices.

Sincerely,



Jan D. Vandersloot, MD

Attachment:

Daily Pilot Article February 13, 2006, "Housing plans worry Newport"