

2. Introduction

2.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

The California Environmental Quality Act (CEQA) requires that all state and local governmental agencies consider the environmental consequences of projects over which they have discretionary authority prior to taking action on those projects. This Draft Supplemental Environmental Impact Report (SEIR) has been prepared to satisfy CEQA, as set forth in the Public Resources Code Section 21000, et seq., and the State CEQA Guidelines, Title 14 California Code of Regulations, Section 15000, et seq. The environmental impact report (EIR) is the public document designed to provide decision makers and the public with an analysis of the environmental effects of the proposed project, to indicate possible ways to reduce or avoid environmental damage and to identify alternatives to the project. The EIR must also disclose significant environmental impacts that cannot be avoided; growth inducing impacts; effects not found to be significant; and significant cumulative impacts of all past, present and reasonably foreseeable future projects.

As discussed in Section 3.3.1, *Project Background*, of this Draft SEIR, in July 2006, the Newport Beach City Council adopted a comprehensive update of the City's General Plan and certified EIR No. 2006011119 as the environmental documentation for the 2006 General Plan. The General Plan is a document that represents a city's view of its future and is a blueprint for a city's growth and development. The city council and the planning commission use the General Plan to help guide their land use decisions. The 2006 General Plan EIR is incorporated by reference in this Draft SEIR. A summary of the 2006 General Plan EIR is provided in Section 3.3.1 of this Draft SEIR. This Draft SEIR contains information necessary to make the previous 2006 General Plan EIR adequate for the proposed General Plan Land Use Element (LUE) Amendment Project (proposed project).

The proposed project requires discretionary actions by one or more public agencies. The City is the lead agency for the proposed project. Pursuant to CEQA Section 21067, the lead agency means "the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment." As the lead agency, the City has the responsibility for, among other things, preparing and certifying an SEIR that analyzes the potential environmental impacts of the proposed project compared to the 2006 General Plan, identifying feasible mitigation measures that could avoid or minimize the proposed project's significant environmental impacts, describing and analyzing feasible alternatives to the proposed project, adopting findings with regard each significant effect of the proposed project, providing a Statement of Overriding Considerations for all environmental impacts of the proposed project that cannot be mitigated to a less than significant level, and adopting a Mitigation Monitoring and Reporting Program to ensure that all required mitigation measures are implemented during the lifetime of the proposed project.

The overall purpose of this Draft SEIR is to inform the City's decision makers and the general public whether the proposed project, compared to the 2006 General Plan, would result in any new significant

2. Introduction

impacts or an increase in the severity of significant impacts previously identified for the 2006 General Plan. The 2006 General Plan is the “baseline” for the analysis in this Draft SEIR and was used in preparing the Initial Study to evaluate the potential incremental impacts of the proposed project.

As stated in Section 15121(a) of the CEQA Guidelines, the Draft SEIR is an "informational document" intended to inform the City; other public agencies with discretionary authority over aspects of the proposed project; the general public; the local community; and other organizations, entities, and interested persons of the scope and significant environmental effects of the proposed project compared to the 2006 General Plan; feasible measures to avoid or minimize the significant effects; and a reasonable range of feasible alternatives to the proposed project that would avoid or minimize the significant effects. The City must consider the information in this Draft SEIR and make certain findings with respect to each significant effect identified. The City will use the information in the Draft SEIR, along with other information received and/or developed during the public review process for the Draft SEIR, to determine whether to approve, modify, or not approve the proposed project or an alternative to the proposed project, and, if approval is granted, to specify applicable and enforceable environmental mitigation measures as part of the proposed project approvals. Specific discretionary actions to be reviewed by the City and potential project permits and approvals required from other regulatory agencies for the proposed project are described later in Section 3.4, *Intended Uses of the EIR*, of this Draft SEIR.

This Draft SEIR, which has been prepared at the direction and under the supervision of the City, has been prepared in accordance with the requirements of:

- California Environmental Quality Act (CEQA) of 1970, as amended (Public Resources Code Section 21000 et seq.),
- State Guidelines for the Implementation of the CEQA of 1970 (herein referenced as CEQA Guidelines), as amended (California Code of Regulations Sections 15000 et seq.), and
- City of Newport Beach Implementation Procedures for CEQA.

2.2 NOTICE OF PREPARATION AND INITIAL STUDY

The City of Newport Beach determined that an SEIR would be required for this project and issued a Notice of Preparation (NOP) and Initial Study on October 22, 2013 (see Appendix A). A scoping meeting was held on November 5, 2013, in order to elicit comments on the scope of the SEIR. Table 2-1 summarizes the comments received during the scoping meeting, along with a reference to the section(s) of this Draft SEIR where the issues are addressed.

2. Introduction

Table 2-1 Scoping Meeting Comment Summary

Commenting Agency/Person	Comment Summary	Issue Addressed In:
Dorothy Kraus	<p>Requested an inventory of all properties reviewed by the Land Use Element Amendment Advisory Committee, the criteria used to select each property, and the rationale for inclusion/exclusion of properties from the proposed amendment.</p> <p>Pursuant to CEQA guidelines, requested that a “No Project” alternative be analyzed in the EIR.</p> <p>Requested discussion of traffic impact analysis methodology in lay person’s terms.</p> <p>Requested inclusion of consistency analysis between the amendment and the City’s Coastal Land Use Plan.</p> <p>Requests analysis on cumulative traffic impacts from current and probable future projects.</p>	Section 2.2.1, <i>Expanded Discussion</i> ; Chapter 7, <i>Alternatives to the Proposed Project</i> ; Section 5.11, <i>Transportation and Traffic</i> ; Section 5.7, <i>Land Use and Planning</i> ;
Gregg Sullivan	<p>Requests that individual projects in the Airport Area considered to be trip neutral be analyzed separately from those that would generate significant additional ADTs.</p> <p>Requests that allowing development of Congregate Care use on the UAP Companies property be addressed separately as a zoning issue and not be tied to a particular property.</p>	Section 2.2.1, <i>Expanded Discussion</i>
Jean Watt	<p>Suggests inclusion of the Airport Settlement Agreement in the scope of work of the SEIR analysis.</p> <p>Concerned that using the 2006 EIR buildout as the “baseline” is not real existing conditions.</p> <p>Requests complete disclosure of traffic analysis methodology to the public.</p> <p>Believes that traffic counts should be taken during summer peak hours rather than non-peak hours to more conservatively analyze the City streets’ levels of service.</p>	Section 5.11, <i>Transportation and Traffic</i> ; Section 1.2.1, <i>Type and Purpose of This Draft EIR</i>
Norm Suker	Wanted to suggest additional properties to be analyzed in the EIR.	The LUE provided a recommendation on the inventory of proposed project properties prior to the date of the scoping meeting.
Philip Bettencourt	Concerned that EIR would not analyze complete project if land use policies are not finalized prior to EIR preparation	The EIR focuses on the potential direct and indirect physical impacts of the proposed project on the environment (i.e., land use changes); each topical impact section (e.g., air quality, traffic, etc.) discloses both existing General Plan policies and the proposed new and modified policies relative to the potential impact of the General Plan LUE Amendment.

2. Introduction

In addition to the scoping meeting, the public was provided with a 30-day public review period to comment on the Initial Study and NOP, which extended from October 22, 2013, to November 21, 2013. Table 2-2 compiles the comments received from commenting agencies/persons during the NOP process and provides a reference to the section(s) of this Draft SEIR where the issues are addressed.

Table 2-2 NOP Written Comment Summary

Commenting Agency/Person	Letter Dated	Comment Summary	Issue Addressed In:
Meyer Properties James B. Hasty, Senior Vice President	10/28/2013	Requests a third-party review of the EIR to ensure credibility and objectivity.	This comment is not relevant to the scope of the EIR and therefore is not addressed in the EIR.
Caltrans – Division of Aeronautics Philip Crimmins, Aviation Environmental Specialist	10/30/2013	Concerned about potential impacts related to noise, airport aviation safety, and airport land use compatibility (i.e., consistency with JWA AELUP).	Section 5.5, <i>Hazards and Hazardous Materials</i> ; Section 5.7, <i>Land Use and Planning</i> ; Section 5.8, <i>Noise</i>
King Burstein and Eileen Kaufman	10/31/2013	Concerned about potential impacts related to air quality and increased traffic, population, and housing in Newport Beach.	Section 5.1, <i>Air Quality</i> ; Section 5.9, <i>Population and Housing</i> ; Section 5.11, <i>Transportation and Traffic</i>
California Cultural Resource Preservation Alliance (CCRPA) Patricia Martz, President	11/5/2013	Concerned about potential impacts related to cultural resources and Native American sites.	Section 5.3, <i>Cultural Resources</i>
WD Land* Greg Sullivan, Senior Land Advisor	11/12/2013	Refer to Table 2-1 above.	Section 2.2.1, <i>Expanded Discussion</i>
Dorothy Kraus*	11/14/2013	Refer to Table 2-1 above.	Section 2.2.1, <i>Expanded Discussion</i> ; Chapter 7, <i>Alternatives to the Proposed Project</i> ; Section 5.11, <i>Transportation and Traffic</i> ; Section 5.7, <i>Land Use and Planning</i>
Acjachemen Tribe Rebecca Robles	11/19/2013	Concerned about potential impacts related to cultural resources and Native American sites.	Section 5.3, <i>Cultural Resources</i>
Caltrans – District 12 Maureen El Harake, Branch Chief	11/19/2013	Concerned about potential traffic impacts to Caltrans facilities.	Section 5.11, <i>Transportation and Traffic</i>
California Department of Fish and Wildlife Betty J. Courtney, Environmental Program Manager	11/20/2013	Concerned about potential impacts related to biological resources.	This issue was adequately addressed in Section 4.3, <i>Biological Resources</i> , in the 2006 General Plan EIR and scoped out in the Initial Study. Refer to Appendix A (Initial Study) for a detailed explanation.

2. Introduction

Table 2-2 NOP Written Comment Summary

Commenting Agency/Person	Letter Dated	Comment Summary	Issue Addressed In:
City of Irvine David R. Law, Senior Planner	11/20/2013	Concerned about potential cumulative impacts related to traffic from proposed project and current City of Irvine projects. Requests clarifications on proposed development capacity changes for each Airport Area property (i.e., square footage, FAR, replacement DUs, etc.).	Section 5.11, <i>Transportation and Traffic</i> ; Chapter 3, <i>Project Description</i>
Government Solutions Coralee S. Newman, Principal	11/20/2013	Supports FAR modification on UAP Companies properties to allow for development of Congregate Care use. Given that the proposed change in the UAP Companies subarea would be trip neutral, suggests that UAP Companies be analyzed independently from other Airport Area properties that would produce significant additional ADTs.	Section 5.7, <i>Land Use and Planning</i>
Native American Heritage Commission Dave Singleton, Program Analyst	11/20/2013	Concerned about potential impacts related to cultural resources and Native American sites.	Section 5.3, <i>Cultural Resources</i>
South Coast Air Quality Management District Ian MacMillan, Program Supervisor	11/20/2013	Concerned about potential impacts related to air quality and greenhouse gas emissions.	Section 5.1, <i>Air Quality</i> ; Section 5.4, <i>Greenhouse Gas Emissions</i> .
Airport Land Use Commission Kari A. Rigoni, Executive Officer	11/21/2013	Concerned about potential impacts related to the John Wayne Airport aviation hazards (i.e., noise impact zones, building height restrictions, incompatible land uses, heliport development).	Section 5.5, <i>Hazards and Hazardous Materials</i> ; Section 5.7, <i>Land Use and Planning</i> ; Section 5.8, <i>Noise</i>
Debbie Bright Stevens, City resident	11/21/2013	Concerned about the use of the 2006 General Plan EIR as baseline rather than existing conditions (2013) for impact analyses.	Section 1.2.1, <i>Type and Purpose of This Draft EIR</i>
Jim Mosher, City resident	11/21/2013	Concerned about adequacy of rationale to support impact analyses on environmental impacts identified as Less Than Significant in the Initial Study.	Refer to Appendix A (Initial Study) for a discussion of how these initial determinations were made.
Orange County Sanitation District Daisy Covarrubias, Senior Staff Analyst	11/21/2013	Concerned about potential impacts related to OCSD regional sewer systems serving Newport Beach.	Section 5.12, <i>Utilities and Service Systems</i>
University of California, Irvine Alex Marks, Senior Planner	11/21/2013	Concerned about potential land use and traffic impacts related to UC Irvine's 2007 Long Range Development Plan, in particular to the North Campus area that abuts the proposed project's Airport Area along Jamboree Road.	Section 5.7, <i>Land Use and Planning</i>
Orange County Public Works/Planning Services Polin Modanlou, Manager	11/25/2013	Concerned about potential impacts related to water quality and stormwater runoff.	Section 5.6, <i>Hydrology and Water Quality</i>

2. Introduction

Table 2-2 NOP Written Comment Summary

Commenting Agency/Person	Letter Dated	Comment Summary	Issue Addressed In:
Administrative/Non-substantive Comments			
Governor's Office of Planning and Research, State Clearinghouse Scott Morgan, Director	10/22/2013	Provided the NOP's letter of transmittal.	
The Gas Company Armando Torrez Technical Services Supervisor	10/30/2013	Notification that the Southern California Gas Company would be able to provide gas facilities and services to the proposed project's subarea locations.	
City of Huntington Beach	11/18/2013	Confirmed receipt of the Initial Study and NOP.	
Belmont Village Senior Living Douglas A. Lessard, Senior Vice President	11/27/2013	Supports FAR modification on UAP Companies properties to allow for development of Congregate Care use.	
WPI Campus LLC; UAP Jamboree LLC John Young, Manager			
* These scoping meeting commenters sent formal written comments during the Initial Study public review period that addressed the same concerns; refer to Table 2-1 for the comment summaries and the City's response.			

The NOP process is used to help determine the scope of the environmental issues to be addressed in the Draft SEIR. Based on this process and the Initial Study for the project, certain environmental categories were identified as having the potential for significant environmental impacts over and above those found for the 2006 General Plan. Issues identified as Potentially Significant in the Initial Study for the proposed project are addressed in detail in this Draft SEIR. Issues identified as Less Than Significant or No Impact in the Initial Study are summarized in Chapter 8, *Impacts Found Not to Be Significant*. Refer to the Initial Study in Appendix A of this Draft SEIR for a discussion of how these initial determinations were made.

2.2.1 Expanded Discussion

This section provides additional explanation regarding some of the comments received in response to the NOP and comments voiced at the public scoping meeting. Reference to this section is included in Table 2-1 and 2-2, as applicable.

Land Use Amendment: Project Description and Evolution

As summarized above, commenters requested an explanation of the process and rationale for selection of proposed land use changes. This explanation is beyond the realm of the Draft SEIR. The purpose of the Draft SEIR as described in Section 1.2, *Environmental Procedures*, is to disclose potential environmental effects of the proposed project to the public and decision makers and to identify ways to avoid or reduce environmental damage (mitigation measures and/or project alternatives. As also summarized in the SEIR Introduction, Section 1.1, *Introduction, Project Background*, the General Plan LUE Amendment was developed in conjunction with City Council's establishment of the Land Use Element Amendment Advisory Committee (Advisory Committee), City staff, and the City's consultants. The process included 11 Advisory Committee

2. Introduction

meetings, a public information workshop, and ongoing outreach to the public. All Advisory Committee meetings were noticed and the agenda posted in conformance with the Ralph M. Brown Act, and the public was provided an opportunity to provide comments at each meeting. This process and all advisory committee meetings, agendas, and minutes are available on the City's website (City Government/Current Project and Issues/LUE Amendment).

Specific requests were also made via NOP comments and the scoping meeting regarding appropriate processing for a congregate care facility. The commenter requested that it be addressed as a zoning issue instead of a parcel-specific project. The proposed congregate care use would require a General Plan LUE Amendment. It would not be allowed under the existing MU_H2 designation. For zoning, it would be allowed in the Private Institutional zoning district, but would require a Conditional Use Permit. The proposed LUE Amendment is required to increase the allowable floor area for the congregate care use. The site is currently limited to 46,044 square feet of office, and the request is for 148,000 square feet of congregate care, which is trip neutral with the 46,044 square feet of office. This Draft SEIR, therefore, analyzes the proposed congregate care facility in relationship to its proposed location as described for the General Plan LUE Amendment (UAP Companies, 4699 Jamboree Road, and 5190 Campus Drive).

Traffic Methodology

Comments received during the NOP comment period and scoping meeting requested that potentially trip-neutral Airport Area projects be analyzed independently from other Airport Area properties that would produce significant additional average daily trips. The Draft SEIR is a supplement to a Program EIR, and therefore appropriately addresses potential impacts at a broad scale. As a programmatic level EIR, the Draft SEIR appropriately facilitates consideration of project effect and alternatives and potential mitigation at a larger scale. Refer to Appendix I, *Traffic Impact Analysis*, for a description of the tiered Newport Beach Transportation Model (NBTM) and its application to General Plan LUE Amendment.

2.3 SCOPE OF THIS DRAFT SEIR

As described in Section 1.2.1, *Type and Purpose of this Draft SEIR*, this Draft SEIR has been prepared as a supplement to the 2006 General Plan EIR consistent with Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15163. Pursuant to those sections, the Draft SEIR analyzes the impacts of the proposed project as compared to the 2006 General Plan.

Under CEQA Guidelines Sections 15126.2 and 15126.4, the Draft SEIR must identify any potentially significant adverse impacts of the proposed project, as compared to the 2006 General Plan, and recommend mitigation measures that would reduce those impacts to levels of insignificance or eliminate the impacts altogether. The overall scope of this Draft SEIR was determined based on the Initial Study completed by the City and comments received in response to the NOP, as noted in Section 2.2.

The description of the proposed project in the project description (Chapter 3 of this Draft SEIR) establishes the basis for analyzing proposed project-related environmental impacts as compared to the 2006 General Plan.

2. Introduction

2.3.1 Impacts Unchanged or Considered Less Than Significant

Five environmental factors from Appendix G of the CEQA Guidelines have been identified as not being significantly affected by the proposed project compared to the 2006 General Plan, and therefore they are not analyzed in this Draft SEIR. This determination was made by the City of Newport Beach in its preparation of the Initial Study. The following topical issues are therefore not addressed in the Draft SEIR:

- Agriculture and Forestry Resources
- Biological Resources
- Geology and Soils
- Mineral Resources
- Recreation

2.3.2 Potentially Significant Adverse Impacts

Twelve environmental factors have been identified as having potentially significant impacts if the proposed project is implemented. These factors are:

- Aesthetics
- Air Quality
- Cultural Resources
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise and Vibration
- Population and Housing
- Public Services
- Transportation/Traffic
- Utilities and Service Systems

Greenhouse gas emissions are being analyzed for the first time as part of this Draft SEIR, in accordance with SB 97, which went into effect January 1, 2010.

2.3.3 Unavoidable Significant Adverse Impacts

No significant, unavoidable adverse impacts were identified in the 2006 General Plan EIR. This Draft SEIR identifies four topical areas of significant and unavoidable adverse impacts for the proposed project: greenhouse gas emissions, noise and vibration, population and housing, and transportation and traffic. Unavoidable adverse impacts may be considered significant on a project-specific basis, cumulatively

2. Introduction

significant, and/or potentially significant. If the City, as the lead agency, determines that unavoidable significant adverse impacts will result from the proposed project, the City must prepare a “Statement of Overriding Considerations” before it can approve the proposed project. A Statement of Overriding Considerations states that the decision-making body has balanced the benefits of the proposed project against its unavoidable significant environmental effects and has determined that the benefits of the project outweigh the adverse effects and, therefore, the adverse effects are considered to be acceptable. The impacts that were found in the Draft SEIR to be significant and unavoidable are:

- **Greenhouse Gas Emissions**
 - **Impact 5.4-1** Similar to impacts under the 2006 EIR, the City would not achieve the long-term GHG reductions goals under Executive Order S-03-05.
- **Noise and Vibration**
 - **Impact 5.8-6** Changes of land uses would substantially increase groundborne vibration and groundborne noise related to construction activities.
- **Population and Housing**
 - **Impact 5.9-1** Buildout of the General Plan LUE Amendment would directly result in an estimated population increase of up to 3,838 persons in comparison to buildout of the 2006 General Plan (approximately 3.7 percent increase). This increase would exceed the 2035 SCAG population projections for the City by almost 18 percent, but slightly improve the jobs-housing balance.
- **Transportation and Traffic**
 - **Impact 5.11-3** Vehicular traffic from the modified project in conjunction with the Airport Settlement Agreement scenario would impact levels of service for study area intersections.
 - **Impact 5.11-5** Project-related trip generation would worsen operations at freeway facilities operating at unacceptable levels of service.

These impacts are individually analyzed in Section 5.4, *Greenhouse Gas Emissions*; Section 5.8, *Noise*, Section 5.9, *Population and Housing*, and Section 5.11, *Transportation and Traffic*, and summarized in Chapter 6 of this Draft SEIR.

2.4 INCORPORATION BY REFERENCE

All documents cited or referenced are incorporated into the Draft SEIR in accordance with CEQA Guidelines Sections 15148 and 15150, including but not limited to:

- City of Newport Beach General Plan
- City of Newport Beach Municipal Code
- City of Newport Beach Zoning Ordinance

2. Introduction

- Final EIR for the Newport Beach General Plan Update, State Clearinghouse Number 2006011119, July 2006
- Southern California Association of Governments, 2012–2035 Regional Transportation Plan/Sustainable Communities Strategy, April 2012
- South Coast Air Quality Management District (SCAQMD), Final 2012 Air Quality Management Plan, December 2012
- South Coast Air Quality Management District, CEQA Air Quality Handbook, 1993 (as amended)

In each instance where a document is incorporated by reference for purposes of this report, the Draft SEIR shall briefly summarize the incorporated document or briefly summarize the incorporated data if the document cannot be summarized. In addition, the Draft SEIR shall explain the relationship between the incorporated part of the referenced document and the Draft SEIR.

This Draft SEIR relies upon previously adopted regional and statewide plans and programs, agency standards, and background studies in its analyses, such as the City's General Plan, SCAQMD's Air Quality Management Plan, and the SCAQMD *CEQA Air Quality Handbook*. Chapter 13, *Bibliography*, provides a complete list of references utilized in preparing this Draft SEIR. All of the documents listed above that are incorporated by reference are available for review at:

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

2.5 FINAL EIR CERTIFICATION

This Draft SEIR is being circulated for public review for a period of 45 days. Interested agencies and members of the public are invited to provide written comments on the Draft SEIR to the City address shown on the title page of this document. Upon completion of the 45-day review period, the City of Newport Beach will review all written comments received and prepare written responses for each comment. A Final SEIR will then be prepared incorporating all of the comments received, responses to the comments, and any changes to the Draft SEIR that result from the comments received. This Final SEIR will then be presented to the City of Newport Beach for potential certification as the environmental document for the proposed project. All persons who commented on the Draft SEIR will be notified of the availability of the Final SEIR and the date of the Newport Beach Planning Commission and City Council public hearings concerning potential certification of the Final SEIR.

2. Introduction

The Draft SEIR is available to the general public for review at the following locations:

- City of Newport Beach Planning Division
100 Civic Center Drive
Newport Beach, CA 92660
- Newport Beach Public Library
Central Library
1000 Avocado Avenue
Newport Beach, CA 92660
- Newport Beach Public Library
Balboa Branch
100 East Balboa Boulevard
Newport Beach, CA 92660
- City of Newport Beach, Planning Division Website
<http://www.newportbeachca.gov/index.aspx?page=1872>
(Click on the link to “Projects/Environmental Document Download Page” followed by the link to “General Plan Land Use Element Amendment October 2013.”)
- Newport Beach Public Library
Mariners Branch
1300 Irvine Avenue
Newport Beach, CA 92660
- Newport Beach Public Library
Corona del Mar Branch
420 Marigold Ave.
Corona Del Mar, CA 92625

All comments received from agencies and individuals on the Draft SEIR will be accepted during the 45-day public review period. All comments on the Draft SEIR should be sent to:

Gregg Ramirez, Senior Planner
City of Newport Beach Planning Division
100 Civic Center Drive
Newport Beach, CA 92660
gramirez@newportbeachca.gov

All public agencies that submit comments during the 45-day public review period on the Draft SEIR will receive written responses to their comments at least 10 days prior to final action on the proposed project. If the City Council decides to certify the Final SEIR, the City Council will make the necessary findings required by CEQA and the CEQA Guidelines regarding the extent and nature of the impacts as presented in the Final SEIR. The Final SEIR must be certified by the City prior to making a decision to approve the proposed project. Public input is encouraged at all public hearings and meetings before the City Council and Planning Commission concerning the proposed project.

2.6 CEQA FINDINGS FOR PROJECT APPROVAL

CEQA and the CEQA Guidelines require that the environmental impacts of a project be examined before a project is approved. Specifically, CEQA Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the

2. Introduction

project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

In addition, for a Supplemental EIR, CEQA Guideline 15163(e) requires:

- (b) When the agency decides whether to approve the project, the decision-making body shall consider the previous EIR as revised by the supplemental EIR. A finding under Section 15091 shall be made for each significant effect shown in the previous EIR as revised.

Concurrent with its final action on the FSEIR, the City Council will issue findings that comply with the requirements of CEQA Guidelines Sections 15091 and 15163(e), and with Public Resources Code Section 21081.

2.7 MITIGATION MONITORING

Public Resources Code Section 21081.6 requires that agencies adopt a mitigation monitoring or reporting program (MMRP) for any project for which it has made findings pursuant to Public Resources Code 21081 or adopted a Negative Declaration pursuant to 21080(c). Such a program is intended to ensure the implementation of all mitigation measures adopted through the preparation of an EIR, SEIR, or Negative Declaration.

An updated MMRP will be prepared alongside the Final SEIR and will be completed prior to consideration of the proposed project by the Newport Beach City Council.