5. Environmental Analysis

This section provides evidence to substantiate the conclusions in the environmental checklist. The section will briefly summarize the conclusions of both the 2006 GPU EIR and the 2014 General Plan Land Use Element Amendment Supplemental EIR, then discuss whether or not the proposed project is consistent with the findings contained in the respective EIR.

Applicable 2006 General Plan policies are reproduced for each topical area, and upon approval, the project would be required to comply with these policies. The 2006 GPU EIR did not include any mitigation measures.

As described under Section 3.12, *General Plan Land Use Amendment*, of this Addendum, after City Council approval of the LUE Amendment and the statute of limitations ran on the certified EIR, the voters declined to approve the project in the November 2014 election. The EIR as certified was not challenged and remains valid for environmental analysis, but since project approval was rescinded, any revised or supplemental General Plan policies in the General Plan LUE Supplement EIR are not applicable.

Various topical analyses throughout this Addendum will refer to Table 3, below. This table provides a summary of proposed project site land uses in comparison to the maximum allowed uses for the project site under the approved 2006 General Plan and the 2014 General Plan Land Use Amendment (LUE Amendment). The table also quantifies the net difference (increase or decrease in allowable residential units and nonresidential building square footages) of the project in comparison to the 2006 General Plan and 2014 LUE Amendment.

5. Environmental Analysis

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Table 3 Allowable Land Use Comparison: Proposed Project, 2006 General Plan and 2014 LUE Amendment for the Project Site

Permitted/Proposed Land Use

Project/Plan	Land Use Designation*	Allowable SF	Description	SF Conversion to Replacement Units	Remaining SF (Project Site)	Replacement Units	Density Bonus Units	New Units	Total Units	Explanation
Airport Village - Proposed Project	MU-H2= 16.46 acres	358,498 SF	Land use re-designation to mixed use horizontal	60,926 SF	297,572 SF	329	115	0	444	– 60,926 SF commercial area within Airport Village converted to replacement units. – 329 units are part of 2,200 replacement units allocated under GP. 115 density bonus units (up to 35% base units) are based on maximum bonus for affordable units.
2006 GP	AO = 16.46 acres	358,498 SF	Includes professional offices, aviation, retail, automobile rental, sales, and service, hotels, and ancillary retail, restaurant and service uses	0	358,498 SF	0	0	0	0	AO applies under 2006 GP to entire project site.
Net Change Between Proposed Project and 2006 GP					**–60,926**	**329**	**115**	**0**	**444**	In comparison to the GP, Airport Village adds units to the project site but does NOT result in a net increase in units for the Airport Area, where 2,200 residential units (1,650 replacement and 550 additional units) are allowed under the 2006 GP.
2014 LUE Amend	MU-H2 = 16.46 acres	507,772 SF	include professional offices, aviation, retail, automobile rental, sales, and service, hotels, and ancillary retail, restaurant and service uses	0	507,772 SF	0	0	444	444	– Non-residential SF 358,498 SF allowable per 2006 GP The 2014 LUE Amend would have added 288,077 SF to the 26.25-acre Campus Tract and 62.7% of this amount, 149.274 SF, would have been allocated to the 16.46-acre site. Residential includes 329 additional DU (not replacement units), plus up to 35% density bonus for 444 new DU.

5. Environmental Analysis

Table 3 Allowable Land Use Comparison: Proposed Project, 2006 General Plan and 2014 LUE Amendment for the Project Site

Permitted/Proposed Land Use

Project/Plan	Land Use Designation*	Allowable SF	Description	SF Conversion to Replacement Units	Remaining SF (Project Site)	Replacement Units	Density Bonus Units	New Units	Total Units	Explanation
Net Change Between Proposed Project and LUE Amendment					**–210,200**	**329**	**115**	**–444**	**0**	In comparison to the LUE Amendment, the proposed project would result in a reduction of 210,200 SF (507,772-297,572) commercial floor area. The LU amendment also added 444 DU above the 2006 GP. The proposed project adds DU to the site, but those DUs are in the approved 2006 GP

* AO= Airport Office
* MU-H2 = Mixed Use/Horizontal

5.1 AESTHETICS

5.1.1 Summary of Impacts Identified in the Program EIRs

5.1.1.1 2006 GENERAL PLAN EIR

After implementation of 2006 General Plan policies, impacts related to aesthetics and scenic vistas were deemed less than significant and no mitigation measures were required. The GPU EIR acknowledged that new uses, including the introduction of mixed-use development and higher density residential development in the Newport Center/Fashion Island area, the Airport Area, and West Newport Mesa would change the visual character of these areas of the City. The GPU EIR noted that both City-wide and area-specific policies would reinforce design standards, protect visual character and views, and enhance the City's existing aesthetic qualities while simultaneously accommodating projected growth. The GPU EIR also stipulated that new development would undergo a subsequent environmental review consisting of a case-by-case analysis of visual impacts, and that these developments would be required to conform to general plan update standards, the City's municipal code, and as applicable, the local coastal plan. Visual impacts were concluded to be less than significant.

5.1.1.2 2014 LUE AMENDMENT SEIR

There are no designated public viewpoints or coastal view roads within or in proximity of the Airport Area. The closest designated coastal view road is Jamboree Road south of SR-73, approximately 0.7 mile southwest. Due to the distance and highly urbanized nature of the Airport Area, the 2014 LUE SEIR determined that public views along this coastal view road would not be impacted by the 2014 LUE Amendment.

The General Plan LUE Amendment proposed the following changes to parcels within the Airport Area, all of which would increase development capacity relative to the 2006 General Plan:

- #4A, Saunders Property:[1] +238,077 SF retail; +329 DU
- #4B, The Hangars: +11,800 SF retail
- #4C: +85,000 SF retail; +850 replacement DU; +150 hotel rooms
- #4D, UAP Companies: +148,000 SF congregate care (increase FAR to 2.0 if trip neutral)

The 2014 LUE SEIR concluded that future development and/or redevelopment in accordance with the LUE Amendment would change the visual character and appearance of the Airport Area. New development intensity would require an increase in building massing and/or heights. Additionally, the introduction of residential and congregate care uses would change the general character of the Airport Area.

The 2014 LUE SEIR noted that all of the airport area properties are subject to height restrictions governed by the John Wayne Airport Environs Land Use Plan (AELUP) and Federal Aviation Administration (FAA) regulations.

[1] The proposed project is located on the Saunders Property.

5. Environmental Analysis

The 2014 LUE SEIR noted that development within the Airport Area would be subject to case-by-case review, including site-specific environmental review with respect to aesthetic impacts. Projects within the Airport Area also must comply with specific policies identified in the 2006 General Plan as applicable to this area (as shown in Section 5.1.4). Among other categories, these policies include detailed urban form and structure, regulatory plans, and design and development standards. Design and development standards detail neighborhood park, streets and pedestrian ways, and building massing requirements. Implementation of the LUE Amendment was therefore found not to degrade the existing visual character or quality of the Airport Area.

5.1.2 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major EIR Revisions	Substantial Change in Circum-stances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR	No Impact
a) Have a substantial adverse effect on a scenic vista?					x
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?					x
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?				x	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?					x

Comments:

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

No Impact.

Project Comparison to 2006 General Plan EIR

Vistas provide visual access or panoramic views to a large geographic area and are generally located at a point where surrounding views are greater than one mile away. Panoramic views are usually associated with vantage

points over a section of urban or natural areas that provide a geographic orientation not commonly available. Examples of panoramic views might include an urban skyline, valley, mountain range, a large open space area, the ocean, or other water bodies.

The Airport Area does not have public viewpoints or coastal view roads. The closest designated coastal view road is Jamboree Road south of SR-73. Since the coastal view portion of Jamboree road is 0.7 mile from the Airport Area, the project would not impact public views along this coastal road. Therefore, there are no impacts to scenic vistas and no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

The 2014 LUE SEIR stated that there were no designated public viewpoints or coastal view roads within or in proximity of the Airport Area. The closest designated coastal view road is Jamboree Road south of SR-73, approximately 0.7 mile southwest. The project site would be too far from the coastal view portion of Jamboree Road to cause any impacts. Therefore, there are no impacts to scenic vistas and no changes or new significant information that would require preparation of an EIR.

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

No Impact.

Project Comparison to 2006 General Plan EIR

State Route 1, also known as Pacific Coast Highway, is identified as eligible for State Scenic Highway designation, but the City of Newport Beach would need to adopt a scenic corridor protection program and apply for scenic approval from Caltrans to officially designate the highway. Therefore, there are currently no officially designated state scenic highways in the City of Newport Beach. Thus, the proposed project would have no impact on scenic resources within a state scenic highway, and there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

As mentioned above, the City of Newport Beach has no officially designated state scenic highways. Therefore, no impacts to scenic highways would arise.

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR

5. Environmental Analysis

Project Comparison to 2006 General Plan EIR

The proposed project would result in a change in land use designation and development capacity for the project site, as shown in Table 3. The proposed land use changes would allow residential development and alter the visual character of the site in comparison to the office, retail, and service uses permitted under the 2006 General Plan EIR.

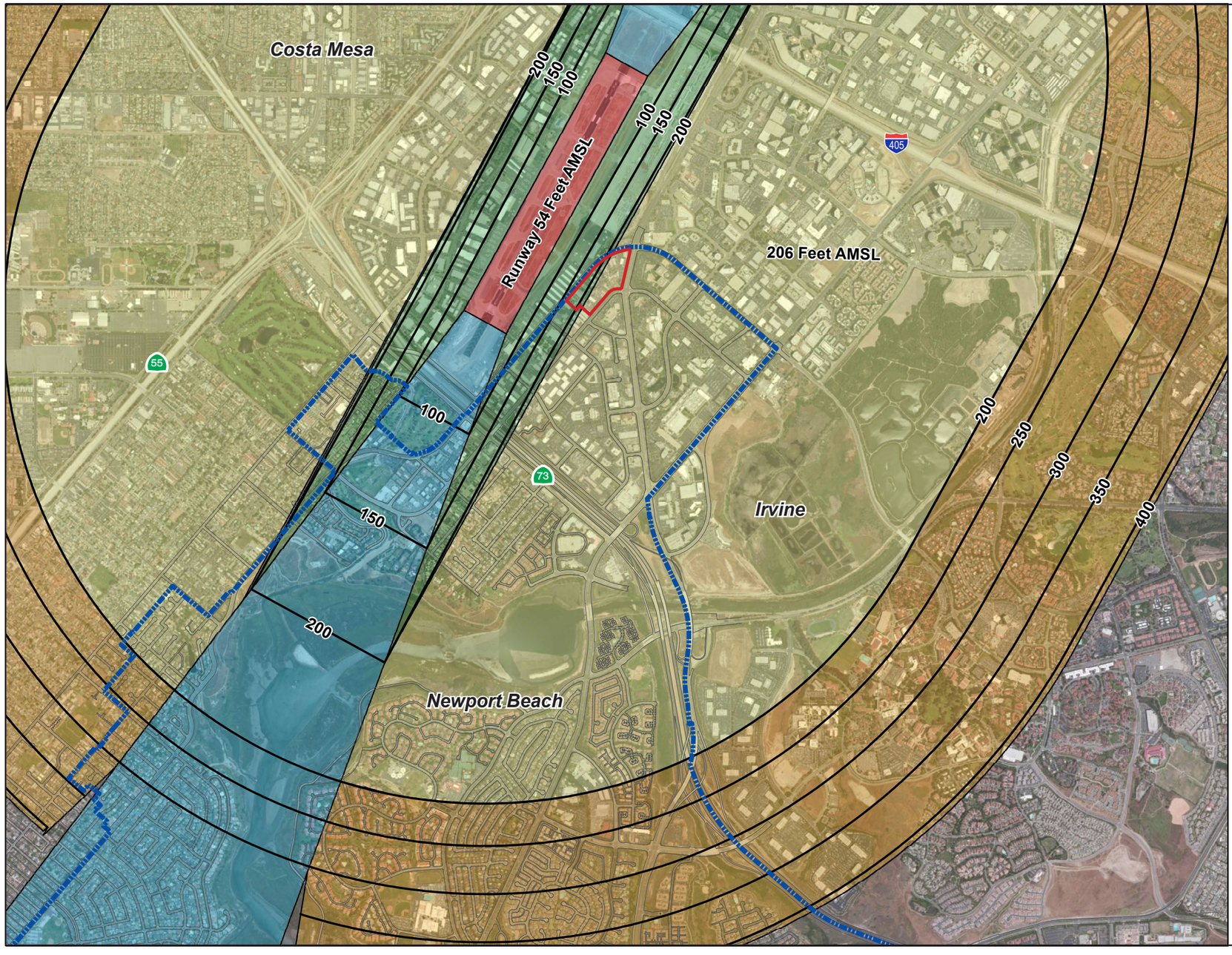
The City's zoning code (Title 20 of the municipal code) identifies land use categories, development standards, and other general provisions that ensure consistency between the City's General Plan and proposed development projects. Property development standards, including height limits and floor area ratio (FAR), are established in Chapter 20.20.030 for the Commercial Zoning Districts. For the project site, the height limit for nonresidential and mixed-use structures with flat roofs is 300 feet (pursuant to the High Rise and Shoreline Height Limit Areas Map (Map H-1) of the NBMC). The FAR is 0.5 for office uses and 0.75 for warehouse uses.

Upon approval, the Newport Airport Village PCDP would become the zoning for the project area and would provide development standards and guidelines for buildout of property. As described in Section 3.3.1.1, *Land Uses, Development Regulations and Development Standards,* different development standards would apply to the respective planning areas (see Figure 9, *PC Land Use Planning Areas 1 and 2*). The boundaries for the Planning Areas are comparable with the FAA height restriction zones shown in Figure 11. The AELUP also designates safety zones for the airport area, as depicted in Figure 12, *Airport Area Safety Zones*, and summarized in Table 4. The PCDP height and land use limitations correspond with FAA height limits and compatible land uses defined for the airport safety zones.

In comparison to the maximum 300-foot height limit under existing site zoning, PCDP Planning Area 1 would allow a maximum height of 85 feet for residential and mixed use structures, including architectural features, and mechanical equipment. Non-residential structures within Planning Area 1 would be limited to a maximum of 55 feet (with Site Development Review). Up to six-story buildings (consistent with the 85-foot-high maximum PCDP standard) are proposed within the residential portion of the project site.

The increase in allowable maximum building heights for Planning Area 1 (up to 85 feet) in comparison to the maximum building height currently allowed by the site's zoning (55 feet) would alter the future character of the project site. This increased height, however, is consistent with several surrounding area buildings in the Airport Area within Newport Beach and surrounding City of Irvine. Across Birch Street, there are several multistory buildings that range from 3 to 14 stories (office, hotel and retail/restaurant uses). Across MacArthur Boulevard is a nine-story office building.

Figure 11 - Height Restrictions per Federal Air Regulations Part 77



Project Boundary
City Boundary
Elevation Contours in feet above mean sea level (AMSL)

Airport Surfaces

Horizontal Surface - Elevation 206 Feet AMSL
Departure Surface - Slope 50:1 (Horizontal:Vertical)
Transitional Surface - Slope 7:1 (Horizontal:Vertical)
Conical Surface - Slope 20:1 (Horizontal:Vertical)
Runway - Elevation 54 Feet AMSL

0 2,400
Scale (Feet)

Source: Orange County Airport Land Use Commission Airport Environs Land Use Plan for John Wayne Airport, 2008

5. Environmental Analysis

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Figure 12 - Safety Zones Airport Area

Project Boundary

City Boundary

Long Runway Safety Zones

1 - Runway Protection Zone
2 - Inner Approach/Departure Zone
3 - Inner Turning Zone
4 - Outer Approach/Departure Zone
5 - Sideline Zone
6 - Traffic Pattern Zone

Short Runway Safety Zones

1 - Runway Protection Zone
2 - Inner Approach/Departure Zone
3 - Inner Turning Zone
4 - Outer Approach/Departure Zone
5 - Sideline Zone
6 - Traffic Pattern Zone

0 1,300
Scale (Feet)

Source: Orange County Airport Land Use Commission Airport Environs Land Use Plan for John Wayne Airport, 2008

5. Environmental Analysis

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The maximum building height in Planning Area 2 would be 37 feet unless a Site Development Review is approved in which the review authority may allow buildings to a maximum of 55 feet. The 55-foot height limit would be the same as for the site's existing zoning for commercial uses. The proposed project's nonresidential buildings would be within Airport Safety Zone 3, in which buildings with more than three habitable floors are generally unacceptable. Three-story buildings, therefore, are proposed in the nonresidential portion of the proposed project. Figure 10, *Conceptual Architecture*, shows concepts consistent with the PCDP's height limitations.

Table 4 Land Use Compatibility: John Wayne Airport Safety Zones

Safety Zone	Land Use Compatibility
1	• Airport ownership of property encouraged • Prohibit all new structures • Prohibit residential land uses • Avoid nonresidential uses except if very low intensity in character and confined to the sides and outer end of the area
2	• Prohibit residential uses except on large, agricultural parcels • Limit nonresidential uses to activities which attract few people (uses such as shopping centers, most eating establishments, theaters, meeting halls, multi-story office buildings, and labor-intensive manufacturing plants unacceptable) • Prohibit children's schools, day care centers, hospitals, nursing homes • Prohibit hazardous uses (e.g. aboveground bulk fuel storage)
3	• Limit residential uses to very low densities (if not deemed unacceptable because of noise) • Avoid nonresidential uses having moderate or higher usage intensities (e.g., major shopping centers, fast food restaurants, theaters, meeting halls, buildings with more than three aboveground habitable floors are generally unacceptable) • Prohibit children's schools, large day care centers, hospitals, nursing homes
4	• In undeveloped areas, limit residential uses to very low densities (if not deemed unacceptable because of noise); if alter- native uses are impractical, allow higher densities as infill in urban areas • Limit nonresidential uses as in Zone 3 • Prohibit children's schools, large day care centers, hospitals, nursing homes
5	• Avoid residential uses unless airport related (noise usually also a factor) • Allow all common aviation-related activities provided that height-limit criteria are met • Limit other nonresidential uses similarly to Zone 3, but with slightly higher usage intensities • Prohibit children's schools, large day care centers, hospitals, nursing homes
6	• Allow residential uses • Allow most nonresidential uses; prohibit outdoor stadiums and similar uses with very high intensities • Avoid children's schools, large day care centers, hospitals, nursing homes

Source: OCALUC 2008.

The FARs specified in the PCDP are 0.5 for office uses, 0.75 for warehouse uses, and no restrictions for residential or mixed uses. The PCDP would allow for the same massing for nonresidential land uses when compared to the 2006 GPU. The PCDP also includes general principles for architectural design and additional principles by land use: mixed use, residential, and nonresidential. Development would be designed to convey a unified character with abundant use of landscape. Figure 10, *Conceptual Architecture*, shows PCDP renderings by land use type to guide development with respect to architectural massing, detail, building material variety, and pedestrian-orientation integration. The project's conceptual architecture is typical for multifamily and mixed-

use projects in the city and nearby jurisdictions and would not unusually impact the design character or quality of the area.

Therefore, the proposed project would have a less than significant impact on the visual character of the site, and there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

Compared to the 2014 LUE Amendment, the proposed project would reduce the maximum allowed nonresidential use by 210,200 square feet and permit the same number of residential dwelling units (maximum 444 units with density bonus) (see Table 3). The proposed PCDP land use designation (MU-H2) would be the same as proposed under the 2014 LUE Amendment. The proposed project, therefore, would reduce site development intensity compared to the 2014 proposed land use. In addition, the project would improve the visual quality of the site through implementation of the PCDP principles for architectural design. Overall, development of the proposed project would be similar to development pursuant to the 2014 LUE proposal and would have a less than significant impact on the visual character of the site.

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

No Impact.

Project Comparison to the 2006 General Plan EIR

The Airport Area is nearly built out, and a significant amount of ambient light already exists due to urban uses. General Plan policies and regulatory requirements per the City's municipal code Title 20, Chapter 20.60, Section 20.30.070 "Outdoor Lighting," includes general outdoor lighting standards, parking lot lighting standards, and outdoor lighting (spotlighting and floodlighting). The PCDP provides standards beyond existing regulatory requirements. The PCDP would require that the lighting system be designed and maintained to conceal the light source and minimize light spillage and glare outside of the boundary of the PC District. Walkways accessing buildings and parking areas would be illuminated with a minimum maintained 0.5 foot-candle average on the driving or walking surface during the hours of operation and one hour thereafter. The project site is in a highly urban area with existing sources of light and glare. The replacement of existing uses with new sources of light and glare would not substantially alter the amount of lighting or glare on the site.

Municipal code and PCDP requirements would ensure that lighting impacts associated with the proposed project, similar to development pursuant to the 2006 GPU, would be less than significant. Thus, the proposed project would not adversely affect day or nighttime views, and there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to the 2014 LUE Amendment SEIR

The proposed project, similar to development pursuant to the 2014 LUE Amendment, would comply with General Plan policies and regulatory requirements. Light and glare impacts for the proposed project would be

similar to the development intensity contemplated in the LUE Amendment and would therefore be less than significant.

5.1.3 Adopted Mitigation Measures Applicable to the Proposed Project

There were no mitigation measures in the 2006 GPU EIR or the 2014 LUE Amendment SEIR.

5.1.4 Relevant General Plan Policies

The 2006 General Plan includes the following goals and policies that relate specifically to potential aesthetics and visual character impacts of the proposed Airport Village project.

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

- **LU 6.15.1 - Land Use Districts and Neighborhoods:** Provide for the development of distinct business park, commercial, and airport serving districts and residential neighborhoods that are integrated to ensure a quality environment and compatible land uses.

- **LU 6.15.3 - Airport Compatibility:** Require that all development be constructed in conformance with the height restrictions set forth by Federal Aviation Administration (FAA), Federal Aviation Regulations (FAR) Part 77, and Caltrans Division of Aeronautics, and that residential development be located outside of the 65 dBA CNEL noise contour specified by the 1985 JWA Master Plan.

- **LU 6.15.7 - Overall Density and Housing Types:** Require that residential units be developed at a minimum density of 30 units and maximum of 50 units per net acre averaged over the total area of each residential village. Net acreage shall be exclusive of existing and new rights-of-way, public pedestrian ways, and neighborhood parks. Within these densities, provide for the development of a mix of building types ranging from townhomes to high-rises to accommodate a variety of household types and incomes and to promote diversity of building masses and scales.

- **LU 6.15.8 - First Phase Development Density:** Require a residential density of 45 to 50 units per net acre, averaged over the first phase for each residential village. This shall be applied to 100 percent of properties in the first phase development area whether developed exclusively for residential or integrating service commercial horizontally on the site or vertically within a mixed-use building. On individual sites, housing development may exceed or be below this density to encourage a mix of housing types, provided that the average density for the area encompassed by the first phase is achieved.

- **LU 6.15.9 - Subsequent Phase Development Location and Density:** Subsequent phases of residential development shall abut the first phase or shall face the first phase across a street. The minimum density of residential development (including residential mixed-use development) shall be 30 units per net acre and shall not exceed the maximum of 50 units per net acre averaged over the development phase.

5. Environmental Analysis

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

5.2 AGRICULTURE AND FORESTRY RESOURCES

5.2.1 Summary of Impacts Identified in the Program EIRs

5.2.1.1 2006 GENERAL PLAN EIR

The 2006 General Plan Initial Study (IS) indicated that the City of Newport Beach does not contain any significant agricultural resources as the city is almost entirely built out. The IS concluded that there would be no impacts to agricultural and forestry resources and did not discuss the topic in the EIR.

5.2.1.2 2014 LUE AMENDMENT SEIR

The 2014 LUE Amendment IS referenced the California Resource Agency's Department of Conservation "Orange County Important Farmland 2010" map, substantiating that the city does not have any significant agricultural resources. Therefore, the IS concluded that no impacts to farmland were found due to development pursuant to the 2014 LUE Amendment, and the topic was not discussed in the EIR.

5.2.2 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major EIR Revisions	Substantial Change in Circum-stances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?					x
b) Conflict with existing zoning for agricultural use, with a designated Agricultural Opportunity Area, or with a Williamson Act contract?					x
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?					x
d) Result in the loss of forest land or conversion of forest land to non-forest use?					x

5. Environmental Analysis

Environmental Issues	Substantial Change in Project Requiring Major EIR Revisions	Substantial Change in Circum-stances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR	No Impact
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?					x

Comments:

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

No Impact.

Project Comparison to the 2006 General Plan EIR

The proposed project, similar to development pursuant to the 2006 General Plan, would have no impact on Prime Farmland, Unique Farmland, or Farmland of Statewide Importance because it is not on a site that is designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Thus, there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to the 2014 LUE Amendment SEIR

Since the City does not have any significant agricultural resources, the proposed project, similar to development pursuant to the 2014 LUE Amendment, would have no impact on Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

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

No Impact.

Project Comparison to the 2006 General Plan EIR

The City of Newport Beach does not have any land designated or zoned for agricultural use, used for agriculture, or subject to a Williamson Act contract. Thus, the proposed project, similar to all development pursuant to the 2006 GPU, would have no impacts to agricultural zoning or a Williamson Act contract. No impacts would occur, and there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to the 2014 LUE Amendment SEIR

The conclusions regarding agricultural zoning, opportunity areas and/or a Williamson Act contract in the 2014 LUE Amendment were consistent with the 2006 GPU EIR, and no impacts would occur.

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

No Impact.

Project Comparison to the 2006 General Plan EIR

The City of Newport Beach does not have any land designated or zoned for forestland, timberland, or timberland zoned Timberland Production. Thus, the proposed project, similar to all development pursuant to the 2006 GPU, would have no impacts, and there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to the 2014 LUE Amendment SEIR

Since the City of Newport Beach does not have any land designated or zoned for forestland, timberland, or timberland zoned Timberland Production, the proposed project, similar to all development pursuant to the 2014 LUE Amendment, would have no impacts.

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

No Impact.

Project Comparison to the 2006 General Plan EIR

See response to Section 5.2.2(c), above.

Project Comparison to the 2014 LUE Amendment SEIR

See response to Section 5.2.2(c), above.

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

No Impact.

Project Comparison to the 2006 General Plan EIR

See responses to Sections 5.2.2(a), (b), and (c), above.

Project Comparison to the 2014 LUE Amendment SEIR

See responses to Sections 5.2.2(a), (b), and (c), above.

5.2.3 Mitigation Measures Identified in the Program EIR and Applicable to the Proposed Project

There were no mitigation measures specified in the 2006 GPU EIR and the 2014 LUE Amendment SEIR, and no mitigation measures are required for the proposed project.

5.2.4 Relevant General Plan Policies

There were no relevant General Plan policies in the 2006 GPU EIR or the 2014 LUE Amendment SEIR.

5.3 AIR QUALITY

5.3.1 Summary of Impacts Identified in the Previous EIRs

5.3.1.1 2006 GENERAL PLAN EIR

Air Quality Management Plan Consistency

The 2006 GPU EIR concluded that the project (General Plan Update) would potentially conflict with implementation of South Coast Air Quality Management District's (South Coast AQMD) 2003 Air Quality Management Plan (AQMP). The 2006 GPU EIR identified that the land plan would increase residential growth projections slightly over what was projected by Southern California Association of Governments (SCAG) for Orange County in 2030. Since preparation of the 2006 GPU EIR, South Coast AQMD has adopted the 2016 AQMP, which is the current AQMP for the South Coast Air Basin (SoCAB).

Regional Construction Impacts

The 2006 GPU EIR concluded that, even after mitigation, construction air emissions could exceed South Coast AQMD's significance thresholds as a result of the amount of development activity that is anticipated in the City.

Regional Operational Impacts

The 2006 GPU EIR concluded that the operational emissions would cumulatively contribute to the nonattainment designations of the SoCAB. At the time of the 2006 GPU EIR, the SoCAB was designated as nonattainment for ozone (O_3), carbon monoxide (CO) (Los Angeles County only), and coarse particulate matter (PM_{10}).

Localized Impacts

The 2006 GPU EIR demonstrated that there would be no CO exceedances caused by vehicular emissions idling at intersections, and therefore localized CO hot spot impacts would be less than significant.

Odors

The 2006 GPU EIR identified that odors generated within the City would not affect a substantial number of people, and impacts would be less than significant.

5.3.1.2 2014 LUE AMENDMENT SEIR

Air Quality Management Plan Consistency

The 2014 LUE Amendment SEIR determined that air quality impacts would be less than significant because the incremental increase in emissions associated with the LUE Amendment compared to the project as analyzed under the 2006 GPU EIR would not exceed the South Coast AQMD's regional significance threshold.

Regional Construction Impacts

The 2014 LUE Amendment SEIR concluded that the construction emissions and resulting impacts would be similar to the those analyzed in the 2006 GPU EIR and impacts would be less than significant.

Regional Operational Impacts

The 2014 LUE Amendment SEIR concluded that the incremental increase in operational emissions from the 2006 GPU EIR would not exceed the South Coast AQMD regional significance thresholds. Therefore, operation-related regional air quality impacts were determined to be less than significant.

Localized Impacts

The Initial Study prepared for the 2014 LUE Amendment SEIR determined that it would result in similar CO hotspot impacts as the 2006 General Plan, and impacts would be less than significant. In addition, the 2014 SEIR determined that with implementation of mitigation, which would require installation of maximum efficiency rating value filters, localized impacts on new sensitive receptors would be less than significant.

Odors

The Initial Study prepared for the 2014 SEIR concluded that odor impacts would be similar to those analyzed in the 2006 EIR, and impacts would be less than significant.

5.3.2 Impacts Associated with the Proposed Project

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 proposed project:

Environmental Issues	Substantial Change in Project Requiring Major EIR Revisions	Substantial Change in Circum-stances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?				X	
c) Expose sensitive receptors to substantial pollutant concentrations?				X	

Environmental Issues	Substantial Change in Project Requiring Major EIR Revisions	Substantial Change in Circum-stances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR	No Impact
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?				x	
e) Conflict with or obstruct implementation of the applicable air quality plan?				x	

Comments:

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

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR. A consistency determination with an AQMP plays an important role in local agency project review by linking local planning and individual projects to the AQMP. It fulfills the CEQA goal of informing decision makers of the environmental efforts of the project under consideration early enough to ensure that air quality concerns are fully addressed. It also provides the local agency with ongoing information as to whether they are contributing to the clean air goals in an AQMP. The South Coast AQMD is the responsible in developing AQMPs for the SoCAB region.

The current air quality plan for the SoCAB region is the 2016 AQMP, which was adopted March 2017 (SCAQMD 2017). Regional growth projections are used by South Coast AQMD to forecast future emission levels in the SoCAB. For southern California, these regional growth projections are provided by SCAG and are partially based on land use designations included in city/county general plans. Projects that are consistent with the local general plan are considered consistent with the air quality-related regional plan.

Project Comparison to 2006 General Plan EIR

As stated, AQMPs utilize regional growth projections that are based on the land use designations in the local general plans. Thus, the land uses assumed and the growth anticipated in the 2006 GPU EIR have been incorporated into the current 2016 AQMP. The proposed project would redesignate the project site from AO to MU-H2, which would expand the overall geographic area designated as MU-H2 in the Airport Area. Although the overall geographic area designated MU-H2 would be expanded in the Airport Area, the proposed project would not increase the overall development capacity in the MU-H2-designated areas as analyzed in the 2006 GPU EIR. Additionally, , the proposed project would reduce the amount of allowable nonresidential land uses both within the project site and Airport Area. Because the land uses allowed under the proposed project would be within the development capacity assumed in the 2006 GPU EIR, its implementation would not result in increasing growth and would be within the growth assumptions of the 2016 AQMP. Additionally, and as discussed in Section 5.3(b), below, the proposed project is not anticipated to result in a substantial increase in operation-phase emissions compared to what was previously analyzed in the 2006 GPU EIR and could result

in a reduction in emissions. Therefore, the proposed project would be consistent with the 2016 AQMP and its implementation is not anticipated to result in new or increase the severity of impacts as it pertains to consistency with the AQMP when compared to the 2006 GPU EIR. Therefore, there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

Compared to the 2014 LUE Amendment SEIR, the proposed project would result in less commercial space and the same number of residential dwelling units allowed for the project site. Thus, because the proposed project would include less commercial space, it would generate fewer emissions from area, mobile, and energy sources compared to the land uses assumed for the project site as considered in the 2014 LUE Amendment SEIR. Therefore, buildout of the proposed project is not anticipated to result in new impacts or increase the severity of impacts as it pertains to consistency with the AQMP compared to what was previously analyzed in the 2014 LUE Amendment SEIR. Overall, there are no changes or new significant information that would require preparation of an EIR.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR. The SoCAB is designated nonattainment for O_3 and $PM_{2.5}$ under the California and National AAQS, nonattainment for lead (Los Angeles County only) under the National AAQS, and nonattainment for PM_{10} under the California AAQS (CARB 2017a). According to South Coast AQMD methodology, any project that does not exceed or can be mitigated to less than the daily threshold values would not add significantly to a cumulative impact (South Coast AQMD 1993). The following describes changes in regional impacts from short-term construction activities and long-term operation of the proposed project.

Project Comparison to 2006 General Plan EIR

Regional Construction Impacts

Construction activities would result in the generation of air pollutants. These emissions would primarily be 1) exhaust emissions from off-road diesel-powered construction equipment; 2) dust generated from demolition, site preparation, earthmoving, and other construction activities; 3) exhaust emissions from on-road vehicles; and 4) off-gas emissions of volatile organic compounds (VOCs) from application of asphalt, paints, and coatings.

When compared to the land uses considered for the project site under the 2006 GPU EIR, the proposed project would accommodate similar types of land uses. While the proposed 2006 GPU EIR does not include residential uses on the project site, the project would not result in an increase in residential units within the Airport Area in comparison to the General Plan. Overall, it is anticipated that the required construction processes and activities needed to develop the land uses accommodated under both the proposed project and the 2006 GPU EIR would be similar.

The 2006 GPU EIR determined that construction activities would generate short-term emissions that would exceed the South Coast AQMD regional significance thresholds. Thus, construction activities associated with buildout of the proposed project would result in similar regional air quality impacts as identified in the 2006 GPU EIR. Therefore, buildout of the proposed project is not anticipated to result in a substantial increase in construction emissions compared to what was previously analyzed in the 2006 GPU EIR. Overall, there are no changes or new significant information that would require preparation of an EIR.

Development of individual land uses accommodated under the proposed project would adhere to General Plan Policy NR 8.1 and regulatory measures (e.g., South Coast AQMD Rule 201, Rule 403, Rule 1113, Rule 1403, and California Air Resources Board Rule 2840), which would minimize construction-related regional air quality impacts.

Regional Operational Impacts

The proposed project would result in the land use redesignation of the project site from AO to MU-H2. However, though the overall geographic area designated MU-H2 would be expanded in the Airport Area, the proposed project would not increase the overall development capacity of the allowable uses in the MU-H2-designated areas as analyzed in the 2006 GPU EIR. In addition, redesignation of the project site from AO to MU-H2 would generate slightly fewer average daily vehicle trips (ADT)—6,630 ADTs compared to 6,829 ADTs (see Table 1, Appendix B). The estimated 6,630 trips is also conservative since it assumes buildout of the maximum number of density bonus units for a total of 444 residential units. Because the proposed project would reduce allowable non-residential building square footage on the project site, and overall Airport Area and generate fewer vehicle trips, its implementation would reduce emissions from area, mobile, and energy sources compared to the land uses assumed in the 2006 GPU EIR. Therefore, buildout of the proposed project is not anticipated to result in an increase in operation-phase emissions compared to what was analyzed in the 2006 GPU EIR. Overall, there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

Regional Construction Impacts

The proposed project would result in similar land use types as the previously considered under the 2014 LUE Amendment SEIR, but would reduce the intensity of these uses (see Table 3). Thus, it is anticipated that the types of construction activities and construction processes associated with the land use development projects accommodated under the proposed project would be less than what was considered in the 2014 LUE Amendment SEIR. Similar to the 2014 LUE Amendment SEIR, development of individual land uses accommodated under the proposed project would adhere to General Plan Policy NR 8.1 and regulatory measures (e.g., South Coast AQMD Rule 201, Rule 403, Rule 1113, Rule 1403, and California Air Resources Board Rule 2840), which would contribute to minimizing construction-related regional air quality impacts.

The 2014 LUE Amendment SEIR determined that construction activities would generate short-term emissions that would exceed the South Coast AQMD regional significance thresholds. Thus, construction activities associated with buildout of the proposed project would result in similar regional air quality impacts as identified

in the 2014 LUE Amendment SEIR. Therefore, buildout of the proposed project is not anticipated to result in an increase in construction emissions compared to what was analyzed in the 2014 LUE Amendment SEIR. Overall, there are no changes or new significant information that would require preparation of an EIR.

Regional Operational Impacts

Buildout of the proposed project would result in less commercial space and the same number of residential dwelling units on-site. In comparison to the proposed project, however, the 329 residential units (plus up to 115 density bonus units) are already allocated for the Airport Area as within the MU-H2 uses. Overall, similar to what was identified in the 2014 LUE Amendment SEIR, operation of the land uses accommodated under the proposed project could generate daily long-term emissions that exceed the South Coast AQMD long-term regional emissions thresholds. However, because the proposed project would include less commercial space, it would generate less emissions from area, mobile, and energy sources compared to the land uses assumed for the project site in the 2014 LUE Amendment SEIR. Therefore, buildout of the proposed project would decrease operation-phase emissions compared to what was analyzed in the 2014 LUE Amendment SEIR. There are no changes or new significant information that would require preparation of an EIR.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR. The following describes changes in localized impacts from short-term construction activities and long-term operation of the proposed project.

Project Comparison to 2006 General Plan EIR

Localized Construction Impacts

Localized Significance Thresholds

The localized significance thresholds (LSTs) are the amount of project-related emissions at which localized concentrations (ppm or $\mu g/m^3$) would exceed the ambient air quality standards for criteria air pollutants for which the SoCAB is designated a nonattainment area (SCAQMD 2008). Per the LST methodology, information regarding specific development projects and the locations of receptors would be needed in order to quantify the levels of localized operation and construction-related impacts associated with future development projects. Due to the programmatic nature of the General Plan Update, it was not possible to calculate individual, project-related operation and construction emissions at this time. The LST analysis can only be conducted at a project level. Per South Coast AQMD methodology, quantification of LSTs was not applicable for this program-level environmental analysis.

When compared to the land uses considered for the project site under the 2006 GPU EIR, the proposed project would result in a reduction in commercial square footage and an increase in residential dwelling units on the project site. The proposed project, however, would not increase residential units within the Airport Area (see Table 3 comments). Overall, the amount of development would require approximately equivalent construction activities as those anticipated in the 2006 GPU EIR. Additionally, the proposed project would not result in developing a new area because the project site was considered for development under the 2006 GPU EIR.

Thus, it is not anticipated that development of the land uses accommodated under the proposed project would result in new or increase the severity of construction-related LST impacts compared to the land uses considered for the project site in the 2006 GPU EIR.

Off-Site Health Risk

Similar to the LST evaluation, construction health risk can only be conducted at a project level; therefore, quantification of construction-related health risk was found inapplicable for this program-level environmental analysis conducted for the General Plan update.

The South Coast AQMD currently does not require health risk assessments to be conducted for short-term emissions from construction equipment. Emissions from construction equipment primarily consist of diesel particulate matter (DPM). The Office of Environmental Health Hazards Assessment (OEHHA) issued new guidance for the preparation of health risk assessments in March 2015 (OEHHA 2015). The OEHHA has developed a cancer risk factor and non-cancer chronic reference exposure level for DPM, but these levels are based on continuous exposure over a 30-year time frame. No short-term acute exposure levels have been developed for DPM.

It is not anticipated that any individual land use development projects accommodated under the proposed project would have a construction duration of 30 years or more, which would limit the exposure to on-site and off-site receptors. It is likely that construction of individual developments accommodated under the plans would be spread out incrementally over this period of time, which would also limit the exposure of on- and off-site receptors to elevated concentrations of DPM. Furthermore, improvements under the proposed project would not introduce new types of construction processes or activities compared to what was previously considered in the 2006 GPU EIR. Thus, it is not anticipated that construction of the land uses accommodated under the proposed project would result in new or increase the severity of construction-related health risk impacts compared to the land uses considered for the project site in the 2006 GPU EIR. Therefore, no changes or new information would require preparation of a subsequent EIR.

Localized Operational Impacts

Off-Site LSTs and Health Risks

Because a quantified LST analysis can only be conducted at a project level it was not possible to calculate individual, project-related, operation emissions for the General Plan Update. Types of land uses that typically generate substantial quantities of criteria air pollutants and toxic air contaminants (TAC) include industrial (stationary sources) and warehousing (truck idling) land uses. The types of land uses planned for the proposed project include 297,572 square feet of office, commercial, and auto rental facilities and up to 444 residential dwelling units. Thus, the types of land uses proposed under the proposed project would not be expected to generate substantial quantities of criteria air pollutants and TACs. Development of the commercial land uses may result in stationary sources of TAC emissions—e.g., dry cleaners, restaurants with char-broilers, or buildings with emergency generators and boilers. However, these sources are not considered large emitters by South Coast AQMD. Furthermore, they are subject to South Coast AQMD's new source review through their permitting requirements and would be subject to further study and health risk assessment prior to the issuance of any necessary air quality permits under South Coast AQMD Rule 1401. The permitting process ensures that

stationary source emissions would be below the South Coast AQMD significance thresholds of 10 in a million cancer risk and 1 for acute risk at the maximally exposed individual.

When compared to the land uses considered for the project site under the 2006 GPU EIR, the proposed project would accommodate similar types of non-residential land uses and introduce residential uses. The proposed project would not result in developing a new area as the project site was considered for development under the 2006 GPU EIR. Thus, overall, it is not anticipated that development of the land uses accommodated under the proposed project would result in new or increased severity of operation-related localized air quality impacts compared to the land uses considered in the 2006 GPU EIR.

CO Hotspot

The 2006 GPU EIR conducted a carbon monoxide (CO) hotspot analysis to identify whether the General Plan would expose sensitive receptors to substantial pollutant concentrations. At that time, the SoCAB was designated nonattainment under the California AAQS and National AAQS for CO. With the turnover of older vehicles, introduction of cleaner fuels, and implementation of control technology on industrial facilities, CO concentrations in the SoCAB and the state have steadily declined. In 2007, the South Coast AQMD was designated in attainment for CO under both the California AAQS and National AAQS. As identified in South Coast AQMD's 2003 AQMP and the 1992 Federal Attainment Plan for Carbon Monoxide (1992 CO Plan), peak carbon monoxide concentrations in the SoCAB were a result of unusual meteorological and topographical conditions and not a result of congestion at a particular intersection (SCAQMD 1992; SCAQMD 2003).

The 2006 GPU EIR identified less than significant impacts related to CO hotspots. Compared to the land uses for the project site analyzed in the 2006 GPU EIR, the proposed project would result in minor changes to peak hour vehicle trips—615 evening peak hour trips compared to 637 evening peak hour trips, and 660 morning peak hour trips compared to 548 for the 2006 GPU EIR uses (note that these estimates conservatively assume maximum bonus density units for the proposed project). Given the reduction in trips compared to the 2006 GPU EIR, CO hotspot impacts related to mobile-source emissions from implementation of the proposed project would be reduced compared to the 2006 GPU EIR and would be less than significant. Therefore, compared to what was previously analyzed in the 2006 GPU EIR, buildout of the proposed project is not anticipated to result in new significant impacts or impacts of greater severity pertaining to CO hotspots. Overall, there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

Localized Construction Impacts: LSTs and Health Risks

The land use types accommodated under the proposed project would be the same as the uses analyzed for the 2014 LUE Amendment SEIR for the project site, but the overall intensity of these uses would be reduced. Thus, for the same reasons in the discussion of construction LSTs and health risk in comparison to the 2006 GPU EIR, it is not anticipated that development of the land uses accommodated under the proposed project would result in new or increase the severity of construction-related LST and health risk impacts compared to the land uses considered for the project site in the 2014 LUE Amendment SEIR. Therefore, there are no changes or new significant information that would require preparation of an EIR.

Localized Operational Impacts

Off-Site LSTs and Health Risks

The land uses accommodated under the proposed project would be less than the development capacity considered for the project site in the 2014 LUE Amendment SEIR. Thus, implementation of the proposed project is not anticipated to result in new or increase the severity of operation-related localized air quality impacts related to criteria air pollutants and TACs compared to the land uses considered in the 2014 LUE EIR. Therefore, there are no changes or new significant information that would require preparation of an EIR.

On-Site LSTS and Heath Risks

The 2014 LUE Amendment SEIR analyzed potential localized impacts related to siting sensitive land uses near sources of emissions. The proposed project proposes a similar amount and type of development in the same footprint as development anticipated on the site in the 2014 LUE SEIR. Therefore, the project would not alter the localized impacts related to siting sensitive land uses near sources of emissions. In general, residential, commercial, office, and institutional uses (such as the hospital land uses) do not use substantial quantities of TACs and typically do not exacerbate existing hazards.

CO Hotspot

The project as considered in the 2014 LUE Amendment SEIR was determined to result in less than significant CO hotpot impacts overall. Because the proposed project would result in similar land use types, but overall less development capacity compared to the 2014 LUE Amendment SEIR, its implementation would generate fewer peak hour trips. Thus, similar to the project considered in the 2014 LUE Amendment SEIR, the proposed project would not result in significant CO hotpot impacts, but would result in slightly less CO hotspot impacts when compared to the 2014 LUE Amendment SEIR. Therefore, compared to what was previously analyzed in the 2014 LUE Amendment SEIR, buildout of the proposed project is not anticipated to result in new significant impacts or impacts of greater severity as it pertains to CO hotspots. Overall, there are no changes or new significant information that would require preparation of an EIR.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR. Nuisance odors from land uses in the SoCAB are regulated under South Coast AQMD Rule 402, Nuisance, which states:

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

The type of facilities that are considered to have objectionable odors include wastewater treatments plants, chemical manufacturing, sanitary landfill, fiberglass manufacturing, transfer station, painting/coating operations (e.g., autobody shops), composting facility, food processing facility, petroleum refinery, feed lot/dairy, asphalt batch plant, and rendering plant.

Project Comparison to 2006 General Plan EIR

The types of land uses that would be accommodated under the proposed project would consist of office, commercial, auto rental facilities, and residential. These types of uses do not usually generate significant or highly objectionable odors. In addition, land uses accommodated under the proposed project would be subject to South Coast AQMD Rule 402, which would contribute to minimizing odor-related nuisances. In addition to operation-related generation of odors, emissions from construction equipment, such as diesel exhaust, and from volatile organic compounds from architectural coatings and paving activities, may generate odors. However, these odors would be temporary and intermittent, and are not expected to affect a substantial number of people. Thus, similar to the 2006 GPU EIR, implementation of the proposed project would result in less than significant odors impacts. Furthermore, compared to the land uses considered for the project site in the 2006 GPU EIR, the types of land uses accommodated under the proposed project would result in similar construction odors. It is not anticipated that the proposed project would introduce or require any new construction processes that would generate substantial odors compared with what was previously considered in the 2006 GPU EIR. Therefore, buildout of the proposed project is not anticipated to result in new significant impacts or impacts of greater severity pertaining to objectionable odors compared to the 2006 GPU EIR. Overall, there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

The land uses accommodated under the proposed project would be within the development capacity considered for the project site as analyzed in the 2014 LUE Amendment SEIR. Thus, the odors impacts discussion provided above comparing the proposed project and the 2006 GPU EIR is applicable, and for the same reasons, implementation of the proposed project is not anticipated to result in new or increase the severity of odor-related impacts compared to the land uses in the 2014 LUE Amendment SEIR. Therefore, there are no changes or new significant information that would require preparation of an EIR.

5.3.3 Adopted Mitigation Measures Applicable to the Proposed Project

No mitigation measures related to air quality were outlined in the 2006 GPU EIR.

5.3.4 Relevant General Plan Policies

The General Plan includes several policies that would reduce air quality emissions associated with future development projects in the City:

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

- **NR 6.2 – Mixed-Use Development:** Support mixed-use development consisting of commercial or office with residential uses in accordance with the Land Use Element that increases the opportunity for residents to live in proximity to jobs, services, and entertainment.
- **NR 6.3 – Vehicle-Trip Reduction Measures:** Support measures to reduce vehicle-trip generation such as at-work day care facilities, and on-site automated banking machines.
- **NR 6.4 – Transportation Demand Management Ordinance:** Implement the Transportation Demand Management (TDM) Ordinance, which promotes and encourages the use of alternative transportation modes, and provides those facilities such as bicycle lanes that support such alternate modes.
- **NR 6.5 – Local Transit Agency Collaboration:** Collaborate with local transit agencies to: develop programs and educate employers about employee rideshare and transit; establish mass transit mechanisms for the reduction of work-related and non-work-related vehicle trips; promote mass transit ridership through careful planning of routes, headways, origins and destinations, and types of vehicles; and develop bus shelters, bicycle lanes, and other bicycle facilities.
- **NR 6.6 – Traffic Signal Synchronization:** Encourage synchronization of traffic signals throughout the City and with adjoining cities and counties to allow free flow of traffic.
- **NR 6.7 – City Fleet Vehicles:** Implement the program to replace existing vehicles in the City fleet with clean vehicles that are commercially available and will provide needed services.
- **NR 6.8 – Accessible Alternative Fuel Infrastructure:** Support the development of alternative fuel infrastructure that is available and accessible to the public, and provide incentives for alternative fuel vehicles.
- **NR 6.9 – Education on Mobile Source Emission Reduction Techniques:** Provide education to the public on mobile source emission reduction techniques such as using alternative modes of transportation.
- **NR 7.1 – Fuel Efficient Equipment:** Support the use of fuel efficient heating equipment and other appliances.
- **NR 7.2 – Source Emission Reduction Best Management Practices:** Require the use of Best Management Practices (BMP) to minimize pollution and to reduce source emissions.
- **NR 7.3 – Incentives for Air Pollution Reduction:** Provide incentives to promote siting or to use clean air technologies and building materials (e.g., fuel cell technologies, renewable energy sources, UV coatings, hydrogen fuel).
- **NR 8.1 – Management of Construction Activities to Reduce Air Pollution:** Require developers to use and operate construction equipment, use building materials and paints, and control dust created by construction activities to minimize air pollutants.

- **NR 24.1 – Incentives for Energy Conservation:** Develop incentives that encourage the use of energy conservation strategies by private and public developments.
- **NR 24.2 – Energy-Efficient Design Features:** Promote energy-efficient design features.
- **NR 24.3 – Incentives for Green Building Program Implementation:** Promote or provide incentives for "Green Building" programs that go beyond the requirements of Title 24 of the California Administrative Code and encourage energy efficient design elements as appropriate to achieve "green building" status.
- **NR 24.4 – Incentives for Provision of LEED Certified Buildings:** Provide incentives for implementing Leadership in Environmental and Energy Design (LEED) certified building such as fee waivers, bonus densities, and/or awards recognition programs.

5.4 BIOLOGICAL RESOURCES

5.4.1 Summary of Impacts Identified in the Program EIRs

5.4.1.1 2006 GENERAL PLAN EIR

The GPU EIR identifies City-wide biological resources, including habitat types; sensitive biological resources, including special status species; marine resources; and sensitive marine sources. Identified biological resources are mapped in the GPU EIR (Figure 4.3-1) and reproduced here as Figure 13, *2006 General Plan Biological Resources*. The EIR also delineates Environmental Study Areas (ESAs), as shown on Figure 14, *Environmental Study Areas (ESAs*). As shown, there are no identified biological resources on the project site, and the project site is not within an ESA.

The GPU would allow infill development throughout the City. A variety of plant and animal species are present within the GPU planning area, including, but are not limited to, California least tern (*Sterna antillarum browni*), yellow warbler (*Dendroica petechia brewsteri*), Belding's savannah sparrow (*Passerculus sandwichensis beldingi*), golden eagle (*Aquila chrysaetos*), light-footed clapper rail (*Rallus longitrostris levipes*), and western snowy plover (*Charadrius alexandrinus nivosus*).

Numerous GPU-identified goals and policies would aid in protecting sensitive habitats and species. These policies provide protection to habitats containing candidate and special status plant and wildlife species and increase the level of protection of these plant and wildlife species within the City's regulatory framework. Compliance with federal and California Environmental Species Act and CEQA, and implementation of proposed GPU goals and policies would reduce potential impacts on sensitive plant and wildlife species to less than significant.

Development under the proposed GPU could also result in the removal of mature trees that may serve as perching or nesting sites for migratory birds and raptors in both developed and undeveloped areas. Several federal and state regulations restrict activities that may result in the "take" (kill, harm, harass, etc.) of certain species, including active nests. During the project-level analysis of development proposed under the GPU, project-specific mitigation, such as preconstruction surveys, may be necessary to ensure that development under the GPU does not result in the "take" of such species as a result of vegetation removal.

The General Plan includes policies restricting development within wetland areas and ESAs. The project site is not within a wetland area or ESA, and therefore these policies would not be directly applicable to the project site.

The Orange County Central-Coastal Subregional Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) is the applicable habitat conservation plan for the GPU 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/HCP Implementation Agreement for properties within the City limit that are part of the NCCP Subregional Plan. The 2006 GPU IS found that impacts resulting from the implementation of the GPU to this plan were less than significant. The 2006 GPU

IS also found that the GPU would not conflict with any local policies or ordinances protecting biological resources.

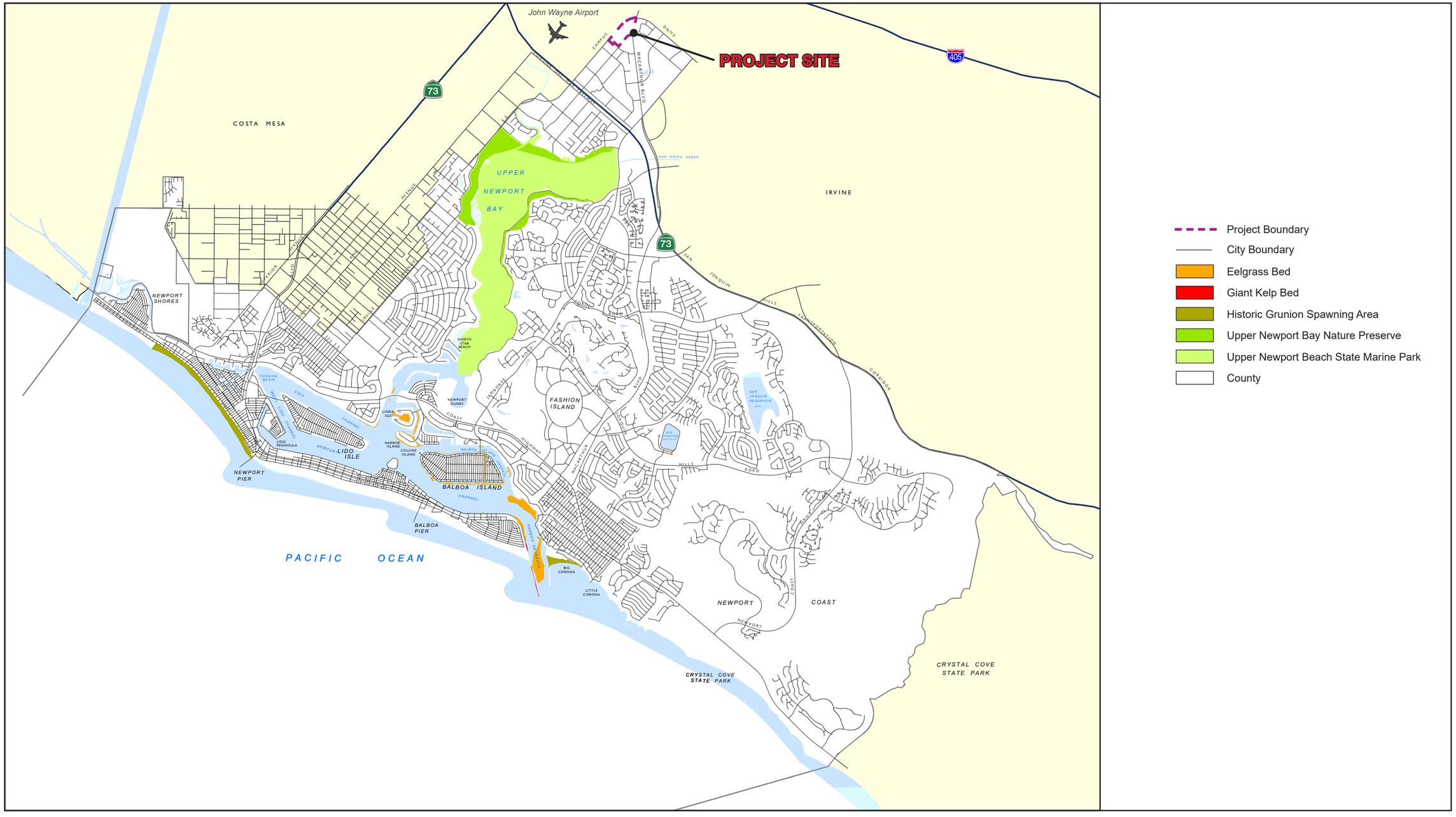
5.4.1.2 2014 LUE AMENDMENT SEIR

As explained in the 2014 LUE SEIR, the City of Newport Beach is nearly built out, and the 2014 LUE Amendment consists mainly of infill development and intensification and increases/reductions in allowable development capacity. The land use changes considered in the SEIR for the project at that time reflected consideration that the site was in an urban developed areas with a number of existing buildings, structures, and other hardscape improvements already in place. The City is known to have special-status and sensitive wildlife and plant species, and Newport Beach is also located along the coast where there are natural riparian areas, wetlands, and wildlife corridors that may be affected by intensification and infill development. However, any development under the 2014 LUE Amendment would only be concentrated in urbanized areas and would not involve habitat modifications on any candidate, sensitive, or special-status species identified to occur or have the potential to occur within the City of Newport Beach. The land use changes proposed would also preclude most sites containing riparian habitats or wetland from being developed, and do not include any undeveloped areas that may currently be used as wildlife corridors or nursery sites for native and migratory wildlife. Impacts were found to be less than significant.

Furthermore, new developments would have to adhere to policies under the federal and California Environmental Species Acts, state regulations by the California Department of Fish and Wildlife that protect stream beds and nearby riparian communities, and state and federal laws and regulations that protect wetlands through the Corps Section 404 permitting process and the California Wetlands Conservation Policy. New development also needs to complete CEQA environmental reviews on a project- by-project basis. Additionally, the 2006 General Plan policies require site-specific biological studies and compliance with the Orange County Central-Coastal Subregional NCCP/HCP. Therefore, the IS for the 2014 LUE Amendment found that impacts to candidate, sensitive, or special status species; riparian habitats; and wildlife movement, corridors, and nursery sites would be less than significant. The IS found that there would be no impacts on wetlands.

Furthermore, the City of Newport Beach has local policies and ordinances protecting biological resources within its neighborhoods. Council Policy G-1 (Retention or Removal of City Trees) and Chapter 7.26 (Protection of Natural Habitat for Migratory and Other Waterfowl) of the City's municipal code regulate new development to ensure local biological resources are preserved. Specifically, Council Policy G-1 acts as the City's tree preservation policy to enhance and maintain appropriate tree diversity in the City's urban forest. Chapter 7.26 of the municipal code protects the natural habitat of migratory waterfowl and other birds. The 2014 LUE Amendment would not conflict with any of these local policies or ordinances protecting biological resources, and there would be no impact. The LUE Amendment would also not change or contradict any policies within the Orange County Central-Coastal NCCP/HCP, and all future development would be required to comply with these policies.

Figure 13 - 2006 General Plan Biological Areas



Source: EIP Associates, 2006

5. Environmental Analysis

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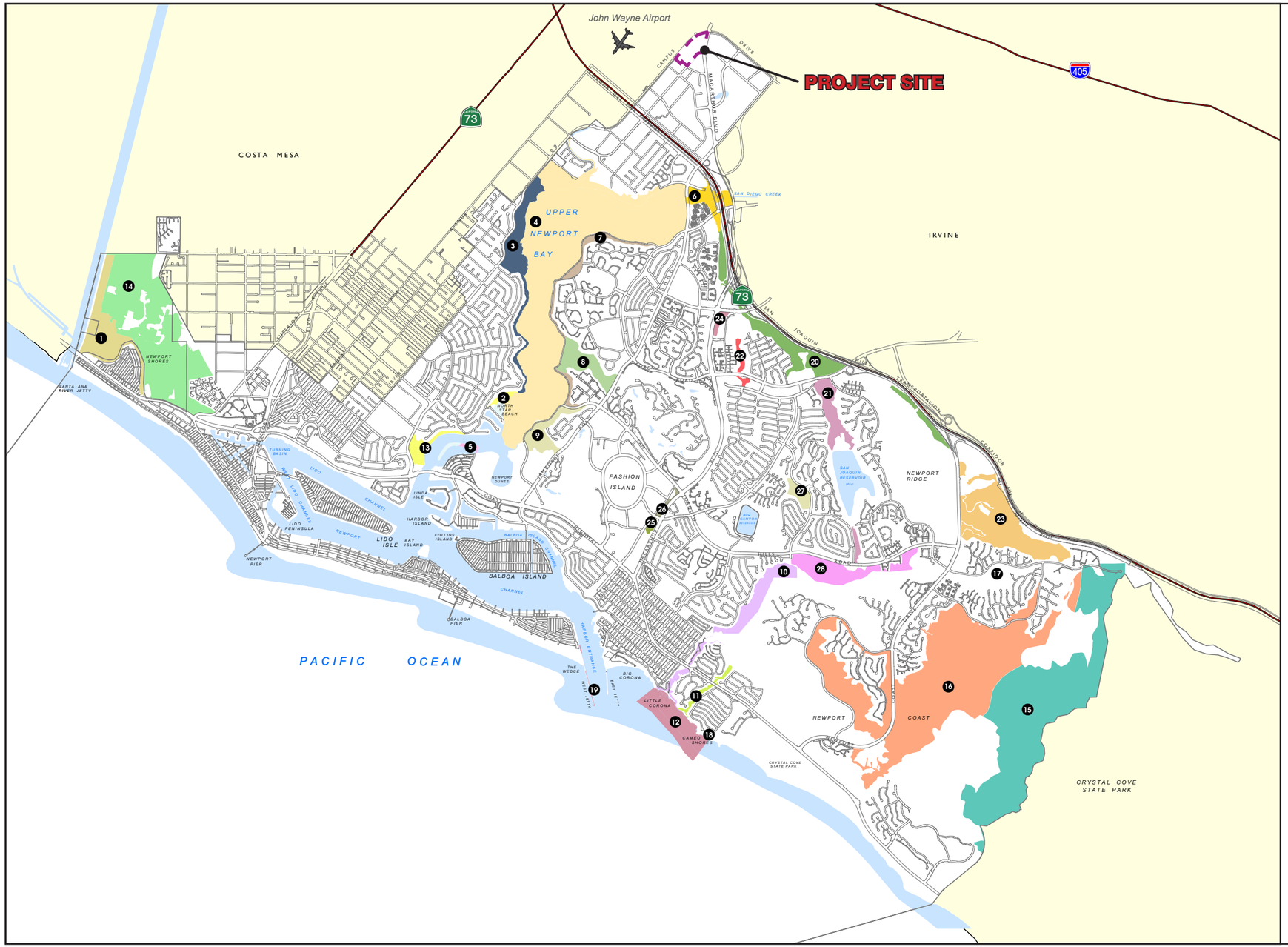
Figure 14 - Environmental Study Areas



0 1
Scale (Miles)

Source: General Plan, 2006

5. Environmental Analysis

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5.4.2 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major EIR Revisions	Substantial Change in Circum-stances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR	No Impact
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 Wildlife or U.S. Fish and Wildlife Service?					x
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?					x
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?					x
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?					x
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?					x
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?					x

Comments:

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 Wildlife or U.S. Fish and Wildlife Service?

No Impact.

Project Comparison to 2006 General Plan EIR

The project site is fully developed and there is no natural habitat on-site. As shown in Figures 13 and 14, the General Plan did not identify biological resources in the project area and did not designate the area as an Environmental Study Area. Vegetation is limited to ornamental species, including trees and bushes. In comparison to the General Plan, the proposed project would reduce nonresidential building square footage by approximately 60,000 square feet and introduce up to 444 residential units to the site. None of the project's land use changes—in comparison to the uses permitted in the General Plan—would affect the potential impact of biological resources on the site. There are no changes or new information requiring preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

Development under the proposed project is reduced under the proposed project (see Table 3). The project site is fully developed, and biological resources are limited to ornamental vegetation. As with development under the LUE Amendment proposed land uses, the proposed project would not impact sensitive biological resources. There would be no new significant adverse impacts.

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

No Impact.

Project Comparison to 2006 General Plan EIR

Riparian habitats and sensitive natural communities can be found in the City, particularly along the coast and in the Upper and Lower Newport Bay. The project site is approximately 5.5 miles from the coast and 1.15 miles from Upper Newport Bay and would not impact these habitats. Thus, no impacts would occur, and there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

The proposed project, similar to development pursuant to the 2014 LUE Amendment in the Airport Area, would preclude sites containing riparian habitats. Thus, no impacts would occur.

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact.

Project Comparison to 2006 General Plan EIR

Areas within the GPU planning area containing wetland habitat include Upper Newport Bay, Lower Newport Bay (Newport Harbor), and the coast of Newport Beach between the Santa Ana River and the boundary between the City and unincorporated Orange County. Additionally, Banning Ranch contains federally restored wetlands. The project site is approximately 5.5 miles from the coast, 1.15 miles from Upper Newport Bay, and 5.4 miles from Banning Ranch. Thus, no impacts would occur, and there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

The proposed project, similar to development pursuant to the 2014 LUE Amendment in the Airport Area, would preclude sites containing wetlands from being developed. Thus, no impacts would occur.

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

No Impact.

Project Comparison to 2006 General Plan EIR

Banning Ranch is the only site in the City that provides wildlife with a significantly large, diverse area for foraging, shelter, and movement. The project site is approximately 5.4 miles from Banning Ranch. Furthermore, the proposed project would allow for development in an area that is currently almost fully built out and does not include any undeveloped areas that may currently be used as wildlife corridors or nursery sites for native and migratory wildlife. No habitat fragmentation would occur because there would be no disturbances of undeveloped areas under the proposed project; any new development would occur only within urbanized areas of the City.

Migratory nongame native bird species are protected by the California Fish and Game Code, Sections 3503, 3503.5, and 3513, which prohibit the take of all birds and their active nests. The proposed project would comply with the California Fish and Game Code, which would ensure that if construction occurs during the avian breeding season, appropriate measures would be taken to avoid impacts to nesting birds. Compliance would involve preconstruction surveys. The surveys would be conducted no more than three days prior to construction activities. If an active bird nest is observed, the surveyor/biologist shall determine the appropriate buffer around the nest. Buffers are determined on species-specific requirements and nest location. No construction activity would occur within the buffer zone until the nest is vacated, juveniles have fledged, and

there is no evidence of a second attempt at nesting. With mandatory compliance with California Fish and Game Code, impacts to nesting birds would be less than significant.

Thus, no impacts would occur and there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

The proposed project, similar to development pursuant to the 2014 LUE Amendment in the Airport Area, does not include any undeveloped areas that may currently be used as wildlife corridors or nursery sites for native and migratory wildlife. Thus, no impacts would occur.

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

No Impact.

Project Comparison to 2006 General Plan EIR

The proposed project, similar to development pursuant to the 2006 GPU, would adhere to GPU policies, the Orange County Central-Coastal Subregional NCCP/HCP, the City's Council Policy G-1 (Retention or Removal of City Trees) and Chapter 7.26 (Protection of Natural Habitat for Migratory and Other Waterfowl) of the City's municipal code. The proposed project would not conflict with any of these local policies or ordinances protecting biological resources, and there would be no impact. Thus, there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

The proposed project, similar to development pursuant to the 2014 LUE Amendment, would implement the GPU policies and adhere to the requirements of the Orange County Central-Coastal Subregional NCCP/HCP, the City's Council Policy G-1, and Chapter 7.26 of the City's municipal code. Thus, no impacts would occur.

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

No Impact.

Project Comparison to 2006 General Plan EIR

The proposed project, similar to development pursuant to the 2006 General Plan, would not change or contradict any policies within the Orange County Central-Coastal NCCP/HCP, and all future development would be required to comply with these policies. Thus, no impacts would occur, and there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

The proposed project, similar to development pursuant to the 2014 LUE Amendment, would adhere to the policies of the Orange County Central-Coastal NCCP/HCP. Thus, no impacts would occur.

5.4.3 Mitigation Measures Identified in the Program EIR and Applicable to the Proposed Project

There were no mitigation measures in the 2006 GPU EIR or the 2014 LUE Amendment SEIR.

5.4.4 Relevant General Plan Policies

The 2006 General Plan includes the following goals and policies that are relevant to biological resources.

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

- **NR 10.2 - Orange County Natural Communities Conservation Plan:** Comply with the policies contained within the Orange County Natural Communities Conservation Plan.
- **NR 10.5 - New Development Siting and Design Require:** that the siting and design of new development, including landscaping and public access, protect sensitive or rare resources against any significant disruption of habitat values.
- **NR 10.7 - Use of Buffers:** Maintain a buffer of sufficient size around significant or rare biological resources, if present, to ensure the protection of these resources. Require the use of native vegetation and prohibit invasive plant species within these buffer areas.
- **NR 10.8 - Exterior Lighting:** Shield and direct exterior lighting away from significant or rare biological resources to minimize impacts to wildlife.

5.5 CULTURAL RESOURCES

5.5.1 Summary of Impacts Identified in the Program EIRs

5.5.1.1 2006 GENERAL PLAN EIR

Historic Resources

The City of Newport Beach has 11 properties listed or designated eligible for listing on the National Register of Historic Resources (NRHP) or California Register of Historic Resources (CRHR), or otherwise listed as historic or potentially historic in the California Historic Resources Information System (CHRIS) maintained by the Office of Historic Preservation. The City has listed five additional properties in the City Register in recognition of their local historical or architectural significance. The locations of these resources are mapped on GPU EIR Figure 4.4-1, Historic Resources. None of these recognized resources is located within or proximate to the proposed project site.

Archaeological Resources

Archaeological resources were also analyzed in the 2006 GPU EIR, which concluded that impacts would be less than significant. Archaeological resources that are often culturally or religiously important to Native American groups would be protected; information resources would be maintained; grading and excavation activities where there is a potential to affect archaeological resources would be monitored by a qualified archaeologist; cultural organizations, including Native American groups, would be notified of all potentially adverse impacts; and all scientifically valuable archeological resources would be donated to responsible public or private institutions (per Goal HR 2 and NR 18 of the 2006 General Plan). The Newport Beach City Council also established "Archaeological Guidelines (K-5)" requiring the City to prepare and maintain sources of information regarding archaeological sites. Thus, impacts to archaeological resources would be less than significant.

Excavation during construction activities consistent with the 2006 General Plan has the potential to disturb human burial grounds, including Native American burials, in underdeveloped areas of the City. Human burials have specific provisions for treatment in Section 5097 of the California Public Resources Code, which authorizes the Native American Heritage Commission to resolve any disputes related to the disposition of Native American burials. The California Health and Safety Code (Sections 7050.5, 7051, and 7054) also have provisions protecting human burial remains from disturbance, vandalism, or destruction. Therefore, compliance with these regulations would ensure impacts to human burial grounds remain less than significant.

5.5.1.2 2014 LUE AMENDMENT SEIR

There are 23 previously recorded cultural resource studies with 16 recorded resources in the subareas proposed for land use change under the 2014 LUE Amendment. However, there are no new impacts to archaeological resources relative to the 2006 GPU EIR. The 2014 LUE Amendment would only change development capacities or land use designations on already developed properties, and no new undisturbed areas are included.

In case future developments in accordance with the 2014 LUE Amendment require additional ground-disturbing activities (e.g., deeper excavation) that may impact previously undisturbed grounds, the City of Newport Beach City Council has established "Archaeological Guidelines (K-5)" to ensure that if cultural resources are found, the developer would be required to preserve any significant archaeological resources and mitigate any impacts. Furthermore, various policies within the 2006 GPU under Goals HR 2 and NR 18 specify requirements to identify, protect, and preserve important archaeological resources. Thus, compliance with the City's "Archaeological Guidelines (K-5)" and policies in the 2006 GPU would ensure that impacts to archaeological resources remain less than significant.

Furthermore, the IS for the 2014 LUE Amendment found that although soil-disturbing activities associated with development could result in the discovery of human remains, compliance with California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98 would ensure that significant impacts to human remains would not occur.

5.5.2 Impacts Associated with the Proposed Project

CEQA Guidelines Section 15064.5 provides direction on determining significance of impacts to archaeological and historical resources. Generally, a resource shall be considered "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- Is associated the with lives of persons important in our past;
- Embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- Has yielded, or may be likely to yield, information important in prehistory or history. (PRC § 5024.1; 14 CCR § 4852)

The fact that a resource is not listed in the California Register of Historical Resources, not determined to be eligible for listing, or not included in a local register of historical resources does not preclude a lead agency from determining that it may be a historical resource.

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

5. Environmental Analysis

Environmental Issues	Substantial Change in Project Requiring Major EIR Revisions	Substantial Change in Circum-stances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?					x
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?				x	
c) Disturb any human remains, including those interred outside of dedicated cemeteries?					x

Comments:

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

No Impact.

Project Comparison to 2006 General Plan EIR

The City of Newport Beach has properties listed or designated eligible for listing on the NRHP, the CRHR, and CHRIS. The City Register also recognizes properties of local historical or architectural significance that meet the definition of historical resources under Section 15064.5(a) of the CEQA Guidelines. In addition, the City's Historic Resource Inventory includes properties with cultural significance to the City. However, none of the recognized sites are within the proposed project site boundaries. Thus, no impacts would occur and there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

There are 16 recorded resources in the subareas proposed for land use change under the 2014 LUE Amendment, and no new impacts to archaeological resources relative to the 2006 GPU EIR. None of these are located on the proposed site. Therefore, the proposed project, similar to development pursuant to the 2014 LUE Amendment, would have no impacts.

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

Less than Significant/No Changes or New Information Requiring Preparation of an EIR.

Project Comparison to 2006 General Plan EIR

As with land uses permitted under the General Plan, the proposed project would involve redevelopment and land disturbance. It is anticipated that grading/earthwork impacts would be similar and have comparable potential impacts to any unknown, cultural resources. The proposed project, similar to development pursuant to the 2006 GPU, would adhere to applicable GPU policies listed under Section 5.5.4, *Relevant General Plan Policies*.

The proposed project, similar to development pursuant to the 2006 GPU, would also comply with the City's "Archaeological Guidelines (K-5)." Thus, impacts would be less than significant and there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

The intensity of land development permitted under the proposed project would be reduced in comparison to land uses under the 2014 LUE Amendment for the project site. The potential for disturbing unknown archaeological resources, however, would be similar because the project would disturb the same amount of the site as contemplated in the 2014 LUE Amendment. The proposed project, similar to development pursuant to the 2014 LUE Amendment, would comply with the City's "Archaeological Guidelines (K-5)" and policies within the 2006 GPU. Impacts would be less than significant and there are no changes or new significant information that would require preparation of an EIR.

c) Disturb any human remains, including those interred outside of dedicated cemeteries?

No Impact.

Project Comparison to 2006 General Plan EIR

California Health and Safety Code Section 7050.5 requires that if human remains are discovered within the project site, disturbance of the site shall remain halted until the coroner has conducted an investigation into the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes or has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

The proposed project, similar to development pursuant to the 2006 GPU, would comply with California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98. Therefore, no impacts would occur, and there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

The proposed project, similar to development pursuant to the 2014 LUE Amendment, would comply with California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98. Therefore, no

impacts would occur. There are no changes or new significant information that would require preparation of an EIR.

5.5.3 Mitigation Measures Identified in the Program EIR and Applicable to the Proposed Project

There were no mitigation measures in the 2006 GPU EIR or the 2014 LUE Amendment SEIR.

5.5.4 Relevant General Plan Policies

The 2006 General Plan includes the following goals and policies that are relevant to cultural resources.

Goal HR 2: Identification and protection of important archeological and paleontological resources within the City.

- **HR 2.1 - New Development Activities:** Require that, in accordance with CEQA, new development protect and preserve paleontological and archaeological resources from destruction and avoid and mitigate impacts to such resources. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.

- **HR 2.2 - Grading and Excavation Activities:** Require a qualified paleontologist/archeologist to monitor all grading and/or excavation where there is a potential to affect cultural, archeological or paleontological resources. If these resources are found, the applicant shall implement the recommendations of the paleontologist/archeologist, subject to the approval of the City Planning Department.

- **HR 2.3 - Cultural Organizations:** Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow representatives of such groups to monitor grading and/or excavation of development sites.

- **HR 2.4 - Paleontological or Archaeological Materials:** Require new development to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach, or Orange County, whenever possible.

Goal NR 18: Protection and preservation of important paleontological and archaeological resources.

- **NR 18.1 - New Development:** Require new development to protect and preserve paleontological and archaeological resources from destruction, and avoid and minimize impacts to such resources in accordance with the requirements of CEQA. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.

- **NR 18.3 - Potential for New Development to Impact Resources:** Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely

impact cultural resources. Allow qualified representatives of such groups to monitor grading and/or excavation of development sites.

Require new development, where on site preservation and avoidance are not feasible, to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach or Orange County, whenever possible.

5.6 ENERGY

5.6.1 Summary of Impacts Identified in the Program EIRs

5.6.1.1 2006 GENERAL PLAN EIR

Impacts related to energy were not analyzed in the 2006 GPU EIR because they were not officially part of the CEQA Guidelines' Appendix G checklist until January 1, 2019, long after the certification date (July 25, 2006) of the 2006 GPU EIR by the Newport Beach City Council. Therefore, the analysis of energy impacts is new in this Addendum.

However, the 2006 GPU EIR did include an analysis of the impacts on other public services or utilities, which included electricity and natural gas. Specifically, the analysis was in Section 4.14, "Utilities and Service Systems." As concluded in the 2006 GPU EIR, impacts to electricity and natural gas services were found to be less than significant. The electricity and natural gas analysis in Section 4.14 did not respond to the specific questions in the new energy section, which are provided below; however, the analysis (as applicable) is carried through to this new energy section for context, discussion, and comparison purposes.

5.6.1.2 2014 LUE AMENDMENT SEIR

Impacts related to energy were also not analyzed in the 2014 LUE Amendment SEIR, which was certified July 22, 2014. However, an analysis of the impacts on other public services or utilities, which included electricity and natural gas, was included in Section 5.12, "Utilities and Service Systems." Impacts to electricity and natural gas services were found to be less than significant. This analysis did not respond to the specific questions in the new energy section, but the analysis (as applicable) is carried through to this new energy section for context, discussion, and comparison purposes.

5.6.2 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major EIR Revisions	Substantial Change in Circum-stances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?				x	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				x	

Comments:

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less than Significant/No Changes or New Information Requiring Preparation of an EIR.

Project Comparison to 2006 General Plan EIR

Construction

As with the development pursuant to the 2006 GPU, construction of the proposed project would consume energy in the short term through electricity use, construction vehicles and equipment fuel consumption, and bound energy in construction materials (e.g., asphalt, steel, concrete, pipes, lumber, glass).

Electricity

Construction would require the use of equipment for grading, hauling, and building activities. Electricity use during construction would vary during different phases of construction—most of the construction equipment during grading would be gas or diesel powered, and the later construction phases would require electricity-powered equipment for interior construction and architectural coatings. The use of electricity would be temporary and would fluctuate according to the phase of construction. Neither the development pursuant to the 2006 GPU nor the proposed project would result in wasteful or unnecessary electricity demands. Therefore, the proposed project would not result in a significant impact related to electricity use during the construction phase.

Transportation

Transportation energy use depends on the type and number of trips, vehicle miles traveled, fuel efficiency of vehicles, and travel mode. Transportation energy use during construction would come from the transport and use of construction equipment (off-road), delivery and haul trucks (on-road), and construction employee passenger vehicles (on-road). The majority of construction equipment during grading would be diesel powered.

Construction contractors are required to minimize idling of construction equipment during construction, per California Code of Regulations Section 2485. This code requires that nonessential idling for all diesel-fueled commercial motor vehicles must not exceed five consecutive minutes at any location. Such practices would limit wasteful and unnecessary energy consumption. Furthermore, the use of fuel by on-road and off-road vehicles would be temporary and would fluctuate according to the phase of construction. Construction fuel use for the proposed project would cease upon completion of project construction. No unusual project characteristics would necessitate the use of construction equipment that would be less energy efficient than for development pursuant to the 2006 GPU. Therefore, it is expected that construction fuel consumption associated with the proposed project would not be any more inefficient, wasteful, or unnecessary than the energy required for development contemplated in the 2006 GPU.

5. Environmental Analysis

Construction Materials

Construction building materials may include recycled materials and products originating from nearby sources in order to reduce the costs of transportation. With increasing transportation costs and fuel prices, contractors and owners have a strong financial incentive to avoid wasteful, inefficient, and unnecessary consumption of energy during construction. The type of construction for the proposed project is conventional and would be similar to development pursuant to the 2006 GPU. Substantial reductions in energy inputs for construction materials can be achieved by building with recycled materials, which require much less energy to produce.

The Newport Beach Municipal Code, Chapter 15.11, adopts the 2019 California Green Building Standards Code (CALGreen; Title 24, California Code of Regulations, Part 11). CALGreen Section 5.408, Construction Waste Reduction, Disposal, and Recycling, requires that at least 65 percent of the nonhazardous construction and demolition waste from nonresidential construction operations be recycled and/or salvaged for reuse. The incremental increase in the use of energy bound in construction materials, such as asphalt, steel, concrete, pipes, and manufactured or processed materials (e.g., lumber and gas), would not substantially increase demand for energy compared to overall local and regional demand for construction materials. It is reasonable to assume that production of building materials such as concrete, steel, etc. would employ reasonable energy conservation practices in the interest of minimizing the cost of doing business.

Therefore, it is expected that energy consumption associated with construction materials for the proposed project would not be any more inefficient, wasteful, or unnecessary than development pursuant to the 2006 GPU.

Operation

Building Energy Use

Operation of the proposed project would increase electricity use by 1.1 million kilowatt hours per year and natural gas use by 9.2 million kilo–British thermal units in comparison to permitted land uses for the site under the General Plan (see Tables 21 and 22 in Section 5.19, *Utilities and Service Systems*). However, total mid-electricity consumption[2] in Southern California Edison Company's (SCE's) service area is forecast to increase by approximately 12,723 gigawatt hours between 2015 and 2027 (CEC 2016), and SCE forecasts that it will have sufficient electricity supplies to meet demands in its service area. The Southern California Gas Company's (SCGC's) residual supplies are forecast to remain constant at 3,775 million cubic feet (MMCF) per day from 2020 through 2035. Total natural gas consumption in SCGC's service area is forecast to decline slightly from 2,591 MMCF/day in 2019 to 2,313 MMCF/day in 2035 (CGEU 2018). SCGC forecasts that it will have sufficient natural gas supplies to meet gas demands.

Additionally, the 2019 Building Energy Efficiency Standards, adopted on May 9, 2018, went into effect for new construction starting January 1, 2020. The 2019 standards focus on four key areas: 1) smart residential photovoltaic systems; 2) updated thermal envelope standards (preventing heat transfer from the interior to

[2] The high electricity demand case incorporates relatively high economic/demographic growth, relatively low electricity rates, and relatively low committed efficiency program, self-generation, and climate change impacts. The low electricity demand case includes lower economic/demographic growth, higher assumed rates, and higher committed efficiency program and self-generation impacts. The mid case uses input assumptions at levels between the high and low cases.

exterior and vice versa); 3) residential and nonresidential ventilation requirements; 4) and nonresidential lighting requirements (CEC 2018). Under the 2019 standards, nonresidential buildings will be 30 percent more energy efficient than under the 2016 standards (CEC 2018). It should be noted that the electricity and natural gas demands shown in Tables 21 and 22 do not account for this 30 percent reduction in energy use and are therefore more conservative estimates. Furthermore, the proposed project would be in compliance with 2019 Energy Efficiency Standards as well as the 2019 CALGreen standards. All appliances would comply with the 2012 Appliance Efficiency Regulations. The proposed project would be consistent with the requirements of these energy-related regulations and would not result in wasteful or unnecessary electricity demands.

Therefore, the proposed project, similar to development pursuant to the 2006 GPU, would not result in a significant impact related to energy for building use.

Transportation

Redesignation of the project site from AO (2006 General Plan) to MU-H2 is projected to generate fewer average daily vehicle trips—6,630 ADTs compared to 6,829 (see Appendix B, *Newport Airport Village Trip-Making Assessment*). As shown in Appendix B, Table 1, the estimated 6,630 ADT for the proposed project is the higher estimate of potential trips and includes development of all 115 possible density bonus units for a total of 444 residential units.

Furthermore, fuel consumption in passenger vehicles and trucks is regulated by federal and state laws regarding average corporate fuel economy of vehicles. Additionally, one of the primary goals of the California Air Resources Board's (CARB) 2017 Scoping Plan is to provide clean transportation options for California residents. In January 2012, CARB approved the Advanced Clean Cars program for model years 2017 through 2025. The program combines the control of smog, soot, and global warming gases with requirements for greater numbers of zero-emission vehicles into a single package of standards. The proposed project, similar to development pursuant to the 2006 GPU, would be consistent with the requirements of these energy-related regulations and would not result in wasteful or unnecessary fuel demands. Therefore, the proposed project would not result in a significant impact related to transportation energy during the operational phase.

Conclusion

As substantiated above, the proposed project, as with development pursuant to the 2006 GPU, would not result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation. Thus, impacts would be less than significant and there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

Construction

Refer to the discussion of construction related energy impacts above. Given that the proposed project would result in the same amount of residential as anticipated in the 2014 LUE Amendment SEIR and reduced non-residential development compared to that anticipated in the 2014 LUE Amendment SEIR, it is expected that energy consumption associated with electricity, transportation, and construction materials for the proposed

project would not be any more inefficient, wasteful, or unnecessary than development pursuant to the 2014 LUE Amendment.

Operation

Building Energy Use

The land uses accommodated under the proposed project would be within and less than the development capacity considered for the project site as analyzed in the 2014 LUE Amendment. Therefore, the proposed project would result in a decrease in electricity and natural gas demand.

Additionally, the proposed project would comply with the requirements of the 2019 Building Energy Efficiency Standards, and the 2019 CALGreen standards. All appliances would comply with the 2012 Appliance Efficiency Regulations. The proposed project would be consistent with the requirements of these energy-related regulations and would not result in wasteful or unnecessary electricity demands.

Therefore, the proposed project, similar to development pursuant to the 2014 LUE Amendment, would not result in a significant impact related to energy for building use.

Transportation

Nonresidential building square footage would be reduced for proposed project relative to the LUE Amendment proposal for the project site. Both the proposed project and LUE Amendment uses would include up to 444 residential units. The proposed project, therefore, would generate fewer vehicle trips, resulting in reduced energy use. Furthermore, the proposed project would be in compliance with CARB's Scoping Plan and the Advanced Clean Cars program and would not result in wasteful or unnecessary fuel demands. Therefore, the proposed project would not result in a significant impact related to transportation energy during the operational phase.

Conclusion

As substantiated above, the proposed project would reduce development intensity in comparison with land uses under the proposed 2014 LUE Amendment and would not result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation. Thus, impacts would be less than significant.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Less than Significant/No Changes or New Information Requiring Preparation of an EIR.

Project Comparison to 2006 General Plan EIR

The California Renewables Portfolio Standard (RPS) was established in 2002 under SB 1078 and was amended in 2006 and 2011. The RPS program requires investor-owned utilities, electric service providers, and community choice aggregators to increase the use of eligible renewable energy resources to 33 percent of total procurement by 2020. Renewable energy sources include wind, small hydropower, solar, geothermal, biomass, and biogas.

Executive Order S-14-08, signed in November 2008, expanded the state's RPS to 33 percent renewable power by 2020. This standard was adopted by the legislature in 2011 (SB X1-2). Senate Bill 350 (de Leon) was signed into law September 2015 and established tiered increases to renewable energy resources of 40 percent by 2024, 45 percent by 2027, and 50 percent by 2030. Senate Bill 350 also set a new goal to double the energy-efficiency savings in electricity and natural gas through energy-efficiency and -conservation measures. On September 10, 2018, Governor Brown signed Senate Bill 100, which raised California's RPS requirements to 60 percent by 2030, with interim targets, and 100 percent by 2045. The bill also established a state policy that eligible renewable energy resources and zero-carbon resources supply 100 percent of all retail sales of electricity to California end-use customers and 100 percent of electricity procured to serve all state agencies by December 31, 2045. Under SB 100 the state cannot increase carbon emissions elsewhere in the western grid or allow resource shuffling to achieve the 100 percent carbon-free electricity target.

The project site is currently being serviced by SCE, which obtains electricity from conventional and renewable sources. In 2018, 36 percent of SCE's electricity was generated from eligible renewables; 6 percent from nuclear power; 4 percent from large hydroelectric generators; and 37 percent from unspecified sources (SCE 2019). SCE is scheduled to reach California's 2020 renewable energy as mandated. The net increase in power demand associated with the proposed project, similar to the projects pursuant to the 2006 GPU, is anticipated to be within the service capabilities of SCE and would not impede SCE's ability to implement California's renewable energy goals. Therefore, the proposed project would not obstruct a state or local plan for renewable energy.

Thus, impacts would be less than significant and there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

Refer to the discussion above. It is expected that energy consumption associated with electricity, transportation, and construction materials for the proposed project would not be any more inefficient, wasteful, or unnecessary than development pursuant to the 2014 LUE Amendment. The power demand associated with the proposed project, similar to the projects pursuant to the 2014 LUE Amendment, is anticipated to be within the service capabilities of SCE and would not impede SCE's ability to implement California's renewable energy goals. Therefore, the proposed project would not obstruct a state or local plan for renewable energy.

5.6.3 Mitigation Measures Identified in the Program EIR and Applicable to the Proposed Project

There were no mitigation measures in the 2006 GPU EIR or the 2014 LUE Amendment SEIR.

5.6.4 Relevant General Plan Policies

The 2006 General Plan does not include any energy goals or policies that are relevant to the proposed project.

5.7 GEOLOGY AND SOILS

5.7.1 Summary of Impacts Identified in the Program EIRs

5.7.1.1 2006 GENERAL PLAN EIR

Seismic Hazards

Newport Beach is exposed to risk from multiple earthquake fault zones. High risk fault zones include the Newport-Inglewood fault zone, Whittier fault zone, San Joaquin Hills fault zone, and Elysian Park fault zone. However, none of these faults are zoned under the guidelines of the Alquist-Priolo Earthquake Fault Zoning Act. Thus, there are no Alquist-Priolo fault zones within the vicinity of the City, and no impact would occur.

The GPU would allow infill development throughout the City, consistent with existing land use patterns, intensities, and building types. The fault zones located within the City each have the potential to cause moderate to large earthquakes that would cause ground shaking. Policies contained in the GPU would ensure that adverse effects caused by seismic and geologic hazards, such as strong seismic ground shaking, are minimized. Additionally, the California Building Code (CBC) Chapter 33 includes building design standards for the construction of new buildings and/or structures and specific engineering design and construction measures to avoid the potential for adverse impacts. Site-specific geotechnical studies and hazards assessments would be required on a project-by-project basis to determine site-specific soil properties and potential for ground failure. Furthermore, compliance with standards in the CBC requires implementation of design measures to mitigate any potential ground failure hazards. Standards related to site-specific slope stability by the City's Building Code and those related to shoring and stabilization by the California Division of Occupational Safety and Health would ensure seismic-related ground failure would be less than significant.

A considerable part of the City's mapped liquefiable areas (West Newport, Balboa Peninsula, the harbor islands and vicinity) are already built upon, mostly with residential and commercial development. A portion of the City's active oil field is also built on liquefiable soils. Furthermore, many of the areas in central and eastern Newport Beach have been identified as vulnerable to seismically induced slope failure due to steep terrain. However, proposed project is not within an area vulnerable to liquefaction or landslides (see Figure 4.5-2 of the 2016 GPU EIR).

Compliance with the standards in the current CBC would also require an assessment of hazards related to landslides and liquefaction and the incorporation of design measures into structures to mitigate this hazard if development were considered feasible. The City has included policies in its Safety Element to achieve the goal of minimizing the risk of injury, loss of life, and property damage caused by earthquake hazards or geologic disturbances. Additionally, if any development on steep terrain were to occur upon implementation of the GPU, site-specific slope stability design would be required to ensure adherence to the standards in Appendix Chapter A33, Excavation and Grading, of the City Building Code, as well as to California Division of Occupational Safety and Health (Cal/OSHA) requirements for shoring and stabilization. After compliance with applicable regulations as well as policies in the GPU, impacts would be less than significant.

Soil Erosion and Compressible Soils

Much of the City is built out and topsoil erosion is not an issue because there is no exposed topsoil or any agricultural or biological production that would be affected. Soil erosion is a significant problem in Newport Beach because wave actions along the coast cause sediment and coastal bluff erosion. However, the project site is not near the coast.

All demolition and construction activities within the City would be required to comply with CBC Chapter 70 standards, which would ensure implementation of appropriate measures during grading activities to reduce soil erosion. In addition, all new developments would be subject to regional and local regulations pertaining to construction activities. Specifically, development that is greater than five acres would be required to comply with the provisions of the General Construction Activity Stormwater Permit adopted by the State Water Resources Control Board (SWRCB), which would require the employment of best management practices (BMPs) to limit the extent of eroded materials from a construction site. All development that is between one and five acres would be required to comply with the provisions of the National Pollutant Discharge Elimination System (NPDES) Phase II regulations concerning the discharge of eroded materials and pollutants from construction sites.

Compliance with policies in the GPU would further ensure that new development would not result in substantial soil erosion or loss of topsoil. Compliance with the NPDES permit would minimize effects from erosion and ensure consistency with the Regional Water Quality Control Board (RWQCB) Water Quality Control Plan. In view of these policies, implementation of the GPU would have a less than significant impact associated with soil erosion or topsoil.

Furthermore, compressible soils underlie a significant part of the City. Under the added weight of fill embankments or buildings, these sediments will settle, causing distress to improvements. Also, 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. An acceptable degree of soil stability is required by the Building Code and can be achieved for expansive or compressible material by the incorporation of soil treatment programs (replacement, grouting, compaction, drainage control, etc.) in the excavation and construction plans to address site-specific soil conditions. A site-specific evaluation of soil conditions is required by the City's Building Code and must contain recommendations for ground preparation and earthwork specific to the site that become an integral part of the construction design. As part of the construction permitting process, the City requires completed reports of soil conditions at specific construction sites to identify potentially unsuitable soil conditions, including liquefaction, subsidence, and collapse. Adherence to the City's codes and policies in the GPU would ensure the maximum practicable protection for users of buildings and infrastructure and associated trenches, slopes, and foundations, and impacts are less than significant.

Paleontological Resources

Paleontological resources were analyzed in the 2006 GPU EIR, which concluded that impacts would be less than significant. Grading and excavation activities where there is a potential to affect paleontological resources

would be monitored by a qualified paleontologist, and all scientifically valuable paleontological resources would be donated to responsible public or private institutions (per Goal HR 2 and NR 18 of the 2006 General Plan). The Newport Beach City Council also established "Paleontological Guidelines (K-4)" requiring the City to prepare and maintain sources of information regarding paleontological sites. Thus, impacts to paleontological resources would be less than significant.

5.7.1.2 2014 LUE AMENDMENT SEIR

The 2014 LUE Amendment EIR reflects the geotechnical and paleontological conditions and the regulatory requirements summarized above for the 2006 GPU.

The 2014 LUE Amendment EIR did not find specific constraints relative to the Saunders property, which includes the project site, and concluded that compliance with regulatory requirements would reduce impacts to less than significant.

5.7.2 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major EIR Revisions	Substantial Change in Circum-stances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR	No Impact
a) Directly or indirectly cause 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.					X
ii) Strong seismic ground shaking?				X	
iii) Seismic-related ground failure, including liquefaction?					X
iv) Landslides?					X
b) Result in substantial soil erosion or the loss of topsoil?				X	

Environmental Issues	Substantial Change in Project Requiring Major EIR Revisions	Substantial Change in Circum-stances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR	No Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				x	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?				x	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?					x
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				x	

Comments:

a) Directly or indirectly cause substantial adverse effects, including the risk of loss, injury, or death involving:

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

No Impact.

Project Comparison to 2006 General Plan EIR

As mentioned above, there are no Alquist-Priolo fault zones within the City of Newport Beach. Therefore, the proposed project, similar to development pursuant to the 2006 GPU, would have no impact. There are no changes or new information requiring preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

Since there are no faults zoned under the guidelines of the Alquist-Priolo Earthquake Fault Zoning Act within or in the vicinity of the City of Newport Beach, the proposed project, similar to development pursuant to the 2014 LUE Amendment, would have no impact.

ii) Strong seismic ground shaking?

Less Than Significant/No Changes or New Information Requiring Preparation of an EIR.

Project Comparison to 2006 General Plan EIR

Relative to land uses under the General Plan, the proposed project would reduce potential noncommercial use (by approximately 60,000 square feet) and introduce up to 444 housing units on the project site. Seismic ground shaking caused by the Newport-Inglewood fault zone, Whittier fault zone, San Joaquin Hills fault zone, and Elysian Park fault zone could occur at the project site. All new development would implement the requirements of the 2019 CBC. Thus, similar to the 2006 GPU, seismic ground shaking impacts would be less than significant, and there are no changes or new information requiring preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

Similar to development pursuant to the 2014 LUE Amendment, the proposed project would implement the requirements of the 2019 CBC, and seismic ground shaking impacts would be less than significant. There are no changes or new information requiring preparation of an EIR.

iii) Seismic-related ground failure, including liquefaction?

Less Than Significant/No Changes or New Information Requiring Preparation of an EIR.

Project Comparison to 2006 General Plan EIR

The proposed project is not within an area vulnerable to liquefaction or landslides. Thus, there are no changes or new information requiring preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

The proposed project is not in an area susceptible to liquefaction or landslide, and no impacts would arise. There are no changes or new information requiring preparation of an EIR.

iv) Landslides?

No Impact.

Project Comparison to 2006 General Plan EIR

See response to Section 5.7.2 a(iii), above. The project site is not within a landslide zone, and no impacts would arise. Thus, there are no changes or new information requiring preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

See response to Section 5.7.2 a(iii), above. The project site is not within a landslide zone and no impacts would arise.

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

Less than Significant/No Changes or New Information Requiring Preparation of an EIR.

Project Comparison to 2006 General Plan EIR

Since the City is mostly built out, topsoil erosion is not an issue, especially in developed areas like the project site. However, soil erosion is a concern in Newport Beach. The demolition and construction of the proposed project, similar to all development in Newport Beach, would comply with CBC Chapter 70 standards, which would ensure implementation of appropriate measures during grading activities to reduce soil erosion. In addition, the proposed project, similar to applicable development pursuant to the 2006 GPU, would implement the requirements of the General Construction Activity Stormwater Permit, the RWQCB Water Quality Control Plan, and the provision of the NPDES Phase II regulations. The 2006 GPU also includes policies that address soil erosion. Compliance with policies in the 2006 GPU and regulatory requirements would reduce impacts to less than significant. Thus, there are no changes or new information requiring preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

Topsoil erosion is not an issue in the City. However, soil erosion is a concern in Newport Beach. Similar to development pursuant to the 2014 LUE Amendment, all demolition and construction activities associated with the proposed project would comply with applicable local, state, and federal laws. These include regulations in CBC Chapter 70, the SWRCB's General Construction Activity Stormwater Permit and related BMPs, the NPDES Phase II regulations, and the RWQCB Water Quality Control Plan. By complying with these regulations and the policies of the 2006 GPU, soil erosion impacts from new developments would be less than significant.

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.

Less than Significant/No Changes or New Information Requiring Preparation of an EIR.

Project Comparison to 2006 General Plan EIR

Compressible soils underlie a significant part of the City, and some geologic units in the Newport Beach area are moderately to highly expansive. However, the proposed project, similar to development pursuant to the 2006 GPU, would comply with the requirements for expansive or compressible material in the 2019 CBC. Furthermore, the City Building Code requires a site-specific evaluation of soil conditions that must contain recommendations for ground preparation and earthwork specific to the site that become an integral part of the construction design. As part of the construction permitting process, the City also requires completed reports of soil conditions at specific construction sites to identify potentially unsuitable soil conditions, including liquefaction, subsidence, and collapse. Compliance with the CBC, the City's codes, and policies in the GPU would ensure impacts would be less than significant. Thus, there are no changes or new information requiring preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

The proposed project, similar to development pursuant to the 2014 LUE Amendment, involves infill development that could potentially add weight of fill and foundation support that could decrease soil stability and lead to lateral spreading, subsidence, or collapse problems in the future. However, adherence to the City's codes, CBC standards, and GPU policies would ensure maximum protection against unstable soils, and these impacts would be less than significant.

d) Be located on expansive soil, as defined in Table 19-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

Less than Significant/No Changes or New Information Requiring Preparation of an EIR.

Project Comparison to 2006 General Plan EIR

See response to Section 5.7.2 c, above.

Project Comparison to 2014 LUE Amendment SEIR

See response to Section 5.7.2 c, above.

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

No Impact.

Project Comparison to 2006 General Plan EIR

The City of Newport Beach is almost entirely built out with established utility services. Therefore, the proposed project, similar to development pursuant to the 2006 GPU, would not require the use of septic tanks and no impacts would arise. There are no changes or new information requiring preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

The City of Newport Beach has established utility services throughout the City and does not use septic tanks. Thus, the proposed project, similar to development pursuant to the 2014 LUE Amendment, would have no impact on soils incapable of adequately supporting septic tanks or alternative wastewater disposal systems. There are no changes or new information requiring preparation of an EIR.

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

Less than Significant/No Changes or New Information Requiring Preparation of an EIR.

Project Comparison to 2006 General Plan EIR

There are no known unique paleontological resources of unique geologic features on-site. The proposed project, similar to development pursuant to the 2006 GPU, would adhere to the GPU policies under Goals

HR 2 and NR 18 in case future development requires ground-disturbing activities that may impact previously undisturbed grounds. New development would:

- Protect and preserve paleontological resources from destruction and avoid and mitigate impacts to such resources.
- Require a qualified paleontologist to monitor all grading and/or excavation where there is a potential to affect paleontological resources. If these resources are found, the applicant shall implement the recommendations of the paleontologist, subject to the approval of the City Planning Department.
- Donate any scientifically valuable paleontological materials to a responsible public or private institution with a suitable repository, located within Newport Beach, or Orange County, whenever possible.

Furthermore, the proposed project, similar to development pursuant to the 2006 GPU, would comply with the City's "Paleontological Guidelines (K-4)." Thus, impacts would be less than significant, and there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

The proposed project, similar to development pursuant to the 2014 LUE Amendment, would comply with the City's "Paleontological Guidelines (K-4)" and policies in the 2006 GPU. Thus, impacts would be less than significant.

5.7.3 Mitigation Measures Identified in the Program EIR and Applicable to the Proposed Project

There were no mitigation measures in the 2006 GPU EIR or the 2014 LUE Amendment SEIR.

5.7.4 Relevant General Plan Policies

The 2006 General Plan includes the following goals and policies that are relevant to geology and soils.

Goal NR 3: Enhancement and protection of water quality of all natural water bodies, including coastal waters, creeks, bays, harbors, and wetlands.

- **NR 3.5 - Storm Sewer System Permit:** Require all development to comply with the regulations under the City's municipal separate storm sewer system permit under the National Pollutant Discharge Elimination System.
- **NR 3.10 - Water Quality Management Plan:** Require new development applications to include a Water Quality Management Plan (WQMP) to minimize runoff from rainfall events during construction and post-construction.
- **NR 3.11 - Best Management Practices:** Implement and improve upon Best Management Practices (BMPs) for residences, businesses, development projects, and City operations.

- **NR 3.12 - Site Design and Source Control:** Include site design and source control BMPs in all developments. When the combination of site design and source control BMPs are not sufficient to protect water quality as required by the National Pollutant Discharge Elimination System (NPDES), structural treatment BMPs will be implemented along with site design and source control measures.

- **NR 3.13 - Reduction of Infiltration:** Include equivalent BMPs that do not require infiltration, where infiltration of runoff would exacerbate geologic hazards.

- **NR 3.16 - Street Drainage Systems:** Require all street drainage systems and other physical improvements created by the City, or developers of new subdivisions, to be designed, constructed, and maintained to minimize adverse impacts on water quality. Investigate the possibility of treating or diverting street drainage to minimize impacts to water bodies.

- **NR 3.18 - Parking Lots and Rights-of-Way:** Require that parking lots and public and private rights-of-way be maintained and cleaned frequently to remove debris and contaminated residue.

- **NR 3.21 - Impervious Surfaces:** Require new development and public improvements to minimize the creation of and increases in impervious surfaces, especially directly connected impervious areas, to the maximum extent practicable. Require redevelopment to increase area of pervious surfaces, where feasible.

Goal NR 4: Maintenance of water quality standards through compliance with the total maximum daily loads (TMDLs) standards.

- **NR 4.4 - Erosion Minimization:** Require grading/erosion control plans with structural BMPs that prevent or minimize erosion during and after construction for development on steep slopes, graded, or disturbed areas.

Goal HR 2: Identification and protection of important archeological and paleontological resources within the City.

- **HR 2.1 - New Development Activities:** Require that, in accordance with CEQA, new development protect and preserve paleontological and archaeological resources from destruction and avoid and mitigate impacts to such resources. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.

- **HR 2.2 - Grading and Excavation Activities:** Require a qualified paleontologist/archeologist to monitor all grading and/or excavation where there is a potential to affect cultural, archeological or paleontological resources. If these resources are found, the applicant shall implement the recommendations of the paleontologist/archeologist, subject to the approval of the City Planning Department.

- **HR 2.4 - Paleontological or Archaeological Materials:** Require new development to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach, or Orange County, whenever possible.

Goal NR 18 Protection and preservation of important paleontological and archaeological resources.

- **NR 18.1 - New Development:** Require new development to protect and preserve paleontological and archaeological resources from destruction, and avoid and minimize impacts to such resources in accordance with the requirements of CEQA. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.

- **NR 18.3 - Potential for New Development to Impact Resources:** Require new development, where on site preservation and avoidance are not feasible, to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach or Orange County, whenever possible.

5.8 GREENHOUSE GAS EMISSIONS

5.8.1 Summary of Impacts Identified in the Previous EIRs

5.8.1.1 2006 GENERAL PLAN EIR

The 2006 GPU EIR did not evaluate greenhouse gas (GHG) emissions impacts because it was prior to Senate Bill 97 (SB 97), which went into effect January 1, 2010. Thus, GHG was not included in the CEQA Guidelines Appendix G checklist, and the City did not have adopted thresholds at the time of preparation.

5.8.1.2 2014 LUE AMENDMENT SEIR

GHG Emissions Impacts

The 2014 LUE Amendment SEIR determined that the LUE Amendment would achieve South Coast AQMD's efficiency metric and would not conflict with plans adopted for the purpose of reducing GHG emissions. However, the SEIR concluded that additional statewide measures would be necessary to reduce GHG emissions to meet the long-term GHG reduction goals under Executive Order S-03-05, which identified a goal to reduce GHG emissions to 80 percent of 1990 levels by 2050. Because no additional statewide measures were available, GHG emissions impacts were determined to be significant and unavoidable.

Consistency with Plans to Reduce GHG

The 2014 LUE Amendment SEIR determined that the LUE Amendment was consistent with the California Air Resources Board (CARB) Scoping Plan and SCAG's Regional Transportation Plan/Sustainable Communities Strategy, and impacts were less than significant.

5.8.2 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major EIR Revisions	Substantial Change in Circum-stances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				x	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				x	

Comments:

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

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR. Global climate change is not confined to a particular project area and is generally accepted as the consequence of global industrialization over the last 200 years. A typical project, even a very large one, does not generate enough greenhouse gas emissions on its own to influence global climate change significantly; hence, the issue of global climate change is by definition a cumulative environmental impact.

Project Comparison to 2006 General Plan EIR

The proposed project would redesignate the project site from AO to MU-H2 and allow a maximum of 297,572 square feet of office, retail, service, and auto rental facilities, along with 329 residential dwelling units with an additional 115 density bonus units. However, while the overall geographic area designated as MU-H2 would be expanded within the Airport Area, the proposed project would not increase the overall development capacity of the allowable uses in the MU-H2 designated areas as analyzed in the 2006 GPU EIR. Thus, the proposed land uses would be within the development capacity analyzed in the 2006 GPU EIR. In addition, redesignation of the project site from AO to MU-H2 as proposed would slightly reduce daily vehicle trip generation—6,630 ADTs compared to 6,829 ADTs (see Appendix B). Because the proposed project would reduce non-residential uses and generate slightly fewer vehicle trips, it would reduce area and mobile sources. As quantified in Section 5.19, water demand, wastewater generation and solid waste generation, and energy demand for the project site would increase relative to the 2006 General Plan due to the introduction of up to 444 units on the project site. Since the 329 units (444 units with maximum density bonus) allocation for the site, however, would be within the overall 2,200 maximum units for the Airport Area for the MU-H2 designation, the number of units in the Airport Area would not be increased. Overall, therefore, GHG emissions would be reduced because of the reduction in non-residential development. Furthermore, as discussed in Section 5.3(b), it is anticipated that the construction activities under the proposed project and 2006 GPU EIR would be similar. Thus, construction-related emissions between the proposed project and 2006 GPU EIR would also be similar. Therefore, implementation of the proposed project is not anticipated to result in a substantial increase in GHG emissions compared to what was previously considered in the 2006 GPU EIR. Overall, there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

Similar to potential impacts identified in the 2014 LUE Amendment SEIR, implementation of the proposed project would generate GHG emissions that exceed the South Coast AQMD GHG threshold. However, because the proposed project would reduce non-residential uses, it would also reduce emissions from area, mobile, and energy sources in addition to emissions associated with water demand, wastewater generation, solid waste generation, and construction activities when compared to the 2014 LUE Amendment SEIR permitted site land uses. Therefore, buildout of the proposed project is not anticipated to result in a substantial increase in operation-phase emissions compared to what was previously analyzed in the 2014 LUE Amendment SEIR. Overall, there are no changes or new significant information that would require preparation of an EIR.

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

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR. Applicable plans adopted for the purpose of reducing GHG emissions include the CARB Scoping Plan and the SCAG's 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). A consistency analysis with these plans is presented below.

Project Comparison to 2006 General Plan EIR

CARB's Scoping Plan

In accordance with Assembly Bill 32 (AB 32) and Senate Bill 32 (SB 32), CARB's Scoping Plan outlines the State's strategy to achieve 1990 level emissions by year 2020 and a 40 percent reduction from 1990 emissions by year 2030 (CARB 2017a). The CARB Scoping Plan has been the primary tool to develop performance-based and efficiency-based CEQA criteria and GHG reduction targets for climate action planning efforts.

Statewide strategies to reduce GHG emissions in the latest 2017 Climate Change Scoping Plan include implementing Senate Bill 350, which expands the Renewables Portfolio Standard to 50 percent by 2030 and doubles energy efficiency savings; expanding the Low Carbon Fuel Standard to 18 percent by 2030; implementing the Mobile Source Strategy to deploy zero-electric vehicle buses and trucks; implementation of the Sustainable Freight Action Plan; implementation of the Short-Lived Climate Pollutant Reduction Strategy, which reduces methane and hydrofluorocarbons 40 percent below 2013 levels by 2030 and black carbon emissions 50 percent below 2013 levels by 2030; continuing to implement Senate Bill 375; creation of a post-2020 Cap-and-Trade Program; and development of an Integrated Natural and Working Lands Action Plan to secure California's land base as a net carbon sink. Statewide GHG emissions reduction measures that are being implemented as a result of the Scoping Plan would reduce the Proposed Revised Project's GHG emissions.

The GHG emissions associated with the land uses accommodated under the 2006 GPU EIR would be reduced through compliance with statewide measures that have been adopted since AB 32 and SB 32 were adopted. Similarly, the land uses that would be accommodated under the proposed project would also be reduced through compliance with statewide measures that have been adopted since AB 32 and SB 32 were adopted. Thus, the proposed project would not conflict with the above statewide strategies identified to implement the CARB Scoping Plan. Therefore, there are no changes or new significant information that would require preparation of an EIR.

SCAG's Regional Transportation Plan/Sustainable Communities Strategy

The SCAG 2016-2040 RTP/SCS was adopted April 7, 2016 (SCAG 2016). It identifies that land use strategies that focus on new housing and job growth in areas served by high quality transit and other opportunity areas would be consistent with a land use development pattern that supports and complements the proposed transportation network. The overarching strategy in the 2016-2040 RTP/SCS is to plan for the southern California region to grow in more compact communities in existing urban areas; provide neighborhoods with efficient and plentiful public transit and abundant and safe opportunities to walk, bike, and pursue other forms

of active transportation; and preserve more of the region's remaining natural lands (SCAG 2016). The 2016-2040 RTP/SCS contains transportation projects to help more efficiently distribute population, housing, and employment growth, as well as a forecast development that is generally consistent with regional-level general plan data. The projected regional development pattern, when integrated with the proposed regional transportation network identified in the 2016-2040 RTP/SCS, would reduce per capita vehicular travel-related GHG emissions and achieve the GHG reduction per capita targets for the SCAG region. The 2016-2040 RTP/SCS does not require that local general plans, specific plans, or zoning be consistent with the 2016-2040 RTP/SCS, but provides incentives for consistency for governments and developers.

As stated, the 2016-2040 RTP/SCS utilizes regional-level growth data from local general plans. Because the proposed project would be within the development capacity considered under the 2006 GPU EIR (it would result in a net decrease in commercial square footage and no net chance in residential units since the proposed 444 residential units are within the anticipated 2,200 replacement units allocated to the Airport Area in the GPU), its implementation would not result in additional growth compared to the growth forecasted in the 2006 GPU EIR. Thus, implementation of the proposed project would not interfere with SCAG's ability to implement the regional strategies outlined in the RTP/SCS. Therefore, there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

CARB's Scoping Plan

The Scoping Plan consistency discussion provided above comparing the proposed project and the 2006 GPU EIR is applicable. For the same reasons outlined in the aforementioned discussion, implementation of the proposed project is not anticipated to result in new or increase the severity of impacts as it pertains to consistency with the Scoping Plan when compared to the land uses considered for the project site in the 2014 LUE Amendment SEIR. Therefore, there are no changes or new significant information that would require preparation of a subsequent EIR.

SCAG's Regional Transportation Plan/Sustainable Communities Strategy

The SCAG 2016-2040 RTP/SCS consistency discussion provided above comparing the proposed project and the 2006 GPU EIR is applicable. For the same reasons outlined in the aforementioned discussion, implementation of the proposed project is not anticipated to result in new or increase the severity of impacts as it pertains to consistency with the SCAG 2016-2040 RTP/SCS when compared to the land uses considered for the project site in the 2014 LUE Amendment SEIR. Therefore, there are no changes or new significant information that would require preparation of an EIR.

5.8.3 Adopted Mitigation Measures Applicable to the Proposed Project

No mitigation measures related to GHG emissions were outlined in the 2006 GPU EIR.

5.8.4 Relevant General Plan Policies

The 2006 General Plan includes several policies that would reduce GHG emissions associated with future development projects in the City, including:

- **NR 6.1 – Walkable Neighborhoods:** Provide for walkable neighborhoods to reduce vehicle trips by siting amenities such as services, parks, and schools in close proximity to residential areas.
- **NR 6.2 – Mixed-Use Development:** Support mixed-use development consisting of commercial or office with residential uses in accordance with the Land Use Element that increases the opportunity for residents to live in proximity to jobs, services, and entertainment.
- **NR 6.3 – Vehicle-Trip Reduction Measures:** Support measures to reduce vehicle-trip generation such as at-work day care facilities, and on-site automated banking machines.
- **NR 6.4 – Transportation Demand Management Ordinance:** Implement the Transportation Demand Management (TDM) Ordinance, which promotes and encourages the use of alternative transportation modes, and provides those facilities such as bicycle lanes that support such alternate modes.
- **NR 6.5 – Local Transit Agency Collaboration:** Collaborate with local transit agencies to: develop programs and educate employers about employee rideshare and transit; establish mass transit mechanisms for the reduction of work-related and non-work-related vehicle trips; promote mass transit ridership through careful planning of routes, headways, origins and destinations, and types of vehicles; and develop bus shelters, bicycle lanes, and other bicycle facilities.
- **NR 6.6 – Traffic Signal Synchronization:** Encourage synchronization of traffic signals throughout the City and with adjoining cities and counties to allow free flow of traffic.
- **NR 6.7 – City Fleet Vehicles:** Implement the program to replace existing vehicles in the City fleet with clean vehicles that are commercially available and will provide needed services.
- **NR 6.8 – Accessible Alternative Fuel Infrastructure:** Support the development of alternative fuel infrastructure that is available and accessible to the public, and provide incentives for alternative fuel vehicles.
- **NR 6.9 – Education on Mobile Source Emission Reduction Techniques:** Provide education to the public on mobile source emission reduction techniques such as using alternative modes of transportation.
- **NR 7.1 – Fuel Efficient Equipment:** Support the use of fuel efficient heating equipment and other appliances.
- **NR 7.2 – Source Emission Reduction Best Management Practices:** Require the use of Best Management Practices (BMP) to minimize pollution and to reduce source emissions.

- **NR 7.3 – Incentives for Air Pollution Reduction:** Provide incentives to promote siting or to use clean air technologies and building materials (e.g., fuel cell technologies, renewable energy sources, UV coatings, hydrogen fuel).

- **NR 8.1 – Management of Construction Activities to Reduce Air Pollution:** Require developers to use and operate construction equipment, use building materials and paints, and control dust created by construction activities to minimize air pollutants.

- **NR 24.1 – Incentives for Energy Conservation:** Develop incentives that encourage the use of energy conservation strategies by private and public developments.

- **NR 24.2 – Energy-Efficient Design Features:** Promote energy-efficient design features.

- **NR 24.3 – Incentives for Green Building Program Implementation:** Promote or provide incentives for "Green Building" programs that go beyond the requirements of Title 24 of the California Administrative Code and encourage energy efficient design elements as appropriate to achieve "green building" status.

- **NR 24.4 – Incentives for Provision of LEED Certified Buildings:** Provide incentives for implementing Leadership in Environmental and Energy Design (LEED) certified building such as fee waivers, bonus densities, and/or awards recognition programs.

5.9 HAZARDS AND HAZARDOUS MATERIALS

5.9.1 Summary of Impacts Identified in the Program EIRs

5.9.1.1 2006 GENERAL PLAN EIR

Hazardous Materials

The 2006 GPU EIR found that implementation of the GPU could result in an increase in commercial development that could increase the overall routine transport, use, storage, and disposal of hazardous materials within the City.

Construction activities associated with implementation of the GPU could result in the release of hazardous materials to the environment through reasonably foreseeable upset and accident conditions. Compliance with existing regulations and GPU policies would ensure that construction workers and the general public would not be exposed to any unusual or excessive risks related to hazardous materials during construction activities. Therefore, impacts associated with the exposure of construction workers and the public to hazardous materials during construction activities would be less than significant.

Operation of future land uses that could be developed under the GPU could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Compliance with Titles 8, 22, 26, and 49 of the California Code of Regulations, and their enabling legislation in Chapter 6.95 of the California Health and Safety Code, would ensure that this impact is less than significant by requiring compliance with applicable laws and regulations that would reduce the risk of hazardous materials use, transportation, and handling through the implementation of established safety practices, procedures, and reporting requirements.

Implementation of the GPU could emit hazardous emissions or handle acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The California Pacific Charter School is located 0.25 mile southwest of the project site at 4101 Birch Street. Businesses that handle hazardous materials would be required to comply with Article 1 of the California Health and Safety Code and would prepare and implement a business emergency plan. Development would also implement the provisions of the City's Fire Code. With the implementation of these regulatory requirements impacts were found to be less than significant.

Furthermore, the 2006 GPU EIR listed sites which were included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; thus, implementation of the GPU could create a significant hazard to the public or the environment. The 2006 GPU EIR found that hazard impacts arising from existing hazardous materials sites would be less than significant after implementation of the GPU policies.

Airport-Related Hazards

Newport Beach borders the southeastern portion of John Wayne Airport (JWA) and lies under the approach path for Long Beach Airport. The 2006 GPU EIR found that the potential growth and development that could occur through implementation of the GPU could place people at risk for an aviation hazard. The northern

inland portions of the City to the south just past Fashion Island are in the AELUP's height restriction zone for JWA. The AELUP referenced in the 2006 GPU EIR was dated December 19, 2002. Airport-related hazards were found to be less than significant after implementation of General Plan policies.

5.9.1.2 2014 LUE AMENDMENT SEIR

Hazardous Materials

The 2014 LUE Amendment consisted of changes to land use designations and increases and reductions in development capacities in certain subareas of the City. These changes in land use and allowable development did not involve any industrial uses that could result in the use of hazardous materials and/or the generation of hazardous materials that were not considered in the 2006 GPU EIR. Additionally, all new developments that would handle or use hazardous materials would be required to comply with regulations and standards established by the US Environmental Protection Agency (EPA) and by the State, County, and City. Specifically, any new business is required to submit a full hazardous materials disclosure report, including an inventory of hazardous materials used, generated, stored, handled, or emitted; emergency response plans; evacuation plan; and a training program for personnel. The Newport Beach Fire Department (NBFD) conducts yearly inspections of all businesses to ensure business plans are in order. Additionally, all businesses that handle or have on-site transportation of hazardous materials would be required to comply with the provisions of the City's Fire Code and the California Health and Safety Code, Article 1, Chapter 6.95 for a business emergency plan. By complying with federal, State, and City regulations, the 2014 LUE would result in a less than significant impact on the public or environment through the use, transport, or disposal of hazardous materials.

Furthermore, compliance with South Coast Air Quality Management District (AQMD) Rules and Regulations (pertaining to asbestos); Code of Federal Regulations; California Code of Regulations, Title 8 Party 61, Subpart M Construction Safety Orders 1529 (pertaining to asbestos) and 1532.1 (pertaining to lead); and the US Department of Housing and Urban Development's (HUD) guidelines for lead exposure would ensure that construction workers and the general public are not exposed to any risks related to hazardous materials during demolition and construction activities. Cal/OSHA also has regulations concerning the use of hazardous materials, including requirements for safety training, exposure warnings, availability of safe equipment, and prepared emergency action/prevention plans. Existing contaminated sites would be required to be documented and remediated under the supervision of the State Department of Toxic Substance Control (DTSC) before construction activities could begin. Furthermore, any existing old underground storage tanks (USTs) that may be disturbed during construction activities would be managed under the guidance of Orange County Department of Environmental Health regulations, and if groundwater contamination is identified, remediation activities would be required by the Santa Ana RWQCB. By complying with federal, State, and City regulations, the 2014 LUE would result in a less than significant impact on the public or environment during the construction and demolition phases of proposed development.

The NBFD Emergency Services Office published the City of Newport Beach Emergency Management Plan in 2004 and updates it every three years. The Emergency Management Plan guides responses to extraordinary emergency situations associated with natural disasters, technological incidents, and nuclear defense operations. The City Manager is also responsible for updating, revising, publishing, and distributing the plan, with assistance

from NBFD. Updating the emergency management plan every three years to incorporate changes to the City, including potentially increased traffic conditions from the 2014 LUE Amendment, would reduce impacts associated with emergency response and evacuation in the City to less than significant.

Furthermore, buildout of the 2014 LUE Amendment within the Airport Area was found to place 841 household residents, guests in 150 hotel rooms, and residents in congregate care in subareas with known hazardous materials releases on and next to those areas. However, upon implementation of regulatory requirements and standard conditions of approval, the impact was found to be less than significant.

Airport-Related Hazards

Subsequent to the adoption of the 2006 GPU, the 2008 AELUP was adopted on April 17, 2008, by the Airport Land Use Commission (ALUC). The 2008 AELUP included Safety Zones—discussed in the 2014 LUE Amendment EIR—that depict which land uses are acceptable and which are unacceptable in various portions of airport environs. Safety zones in the City range from Zone 1 to Zone 6; land use restrictions are greatest in Zone 1 and least restrictive in Zone 6.

Most of the Airport Area is in Safety Zone 6 for the long runway (Runway 19R/1L) at JWA. However, some areas are within Safety Zone 3 for the short runway (Runway 19L/1R) (see Figure 12). Land use restrictions and compatibility for each zone are described in Table 4, *Land Use Compatibility: John Wayne Airport Safety Zones.*

Safety Zone 3

General Plan Policy LU 6.15.7, Overall Density and Housing Types, for mixed use districts (MU-H2) stipulates that residential units be developed at a minimum density of 30 units and a maximum of 50 units averaged over the total area of each residential village. The placement of high-density housing is not consistent with the land use compatibility standards for Safety Zone 3. For consistency with the AELUP safety zones, the residential units for the proposed project would not be within Safety Zone 3.

Safety Zone 6

Restricted land uses in Safety Zone 6 consist of outdoor stadiums and similar uses with very high intensities—children's schools, large day care centers, hospitals, and nursing homes. Compatible land uses in the proposed MU-H2 zone include office; research and development; and similar uses that support the primary office and business park functions, such as retail and financial services, while allowing for the reuse of properties for the development of cohesive residential villages that are integrated with business park uses. Land uses permitted in the proposed MU-H2 zone would not conflict with prohibited land uses in Safety Zone 6.

By abiding by the standards of the Safety Zones, impacts were found to be less than significant.

FAR Part 77 Height Restrictions Compared to Maximum Permitted Building Heights

The 2014 LUE does not propose changes to height limits under City of Newport Beach Planned Community regulations and Municipal Code Section 20.30.060(E). All existing height limits would remain.

The maximum permitted building heights in the Airport Area for subareas with proposed development capacity increases and/or changes in land use designations under the LUE Amendment are compared in Table 5. FAA height limitations and subareas are shown in Figure 15, *FAA Part 77 Height Restrictions – 2014 LUE Amendment Airport Area Change Areas*.

Table 5 Existing Maximum Permitted Building Heights

Location	Existing Planned Community or Zoning[1]	Subarea	Maximum Permitted Height
Saunders Properties[2]	AO – Airport Office and Supporting Uses	All	The height limit for nonresidential and mixed-use structure with flat roofs is 300 feet. However, buildings and structures shall not penetrate Federal Aviation Regulation (FAR) Part 77, Obstruction—Imaginary Surfaces, for John Wayne Airport unless approved by the Airport Land Use Commission (ALUC). Height limit ranges from 150 to 206 feet amsl.
The Hangars	Planned Community 11 - Newport Place Professional & Business Office – Site 9	All	Six stories above ground level
Lyon Companies	Planned Community 15 -Koll Center Office D Area	All	12 stories; must also comply with FAA height restrictions
UAP Companies 4699 Jamboree Road and 5190 Campus Drive	Planned Community 15 -Koll Center Office F Area	All	12 stories; must also comply with FAA height restrictions

[1] Height limits for zoning districts, including District APF listed here, are set forth in Newport Beach Municipal Code Section 20.30.060(E).
[2] The proposed project is located in this subarea.

The entire Airport Area is within the Height Restriction Zone designated in the Airport Environs Land Use Plan for John Wayne Airport (see Figure 11). In most of the Airport Area the height limit is 206 feet above mean sea level (amsl).

By abiding by the City of Newport Beach Planned Community regulations and the Height Restriction Zone in the Airport Environs Land Use Plan for John Wayne Airport, impacts were found to be less than significant.

5.9.2 Impacts Associated with the Proposed Project

Would the project:

Issues	Substantial Change in Project Requiring Major EIR Revisions	Substantial Change in Circum-stances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X	

5. Environmental Analysis

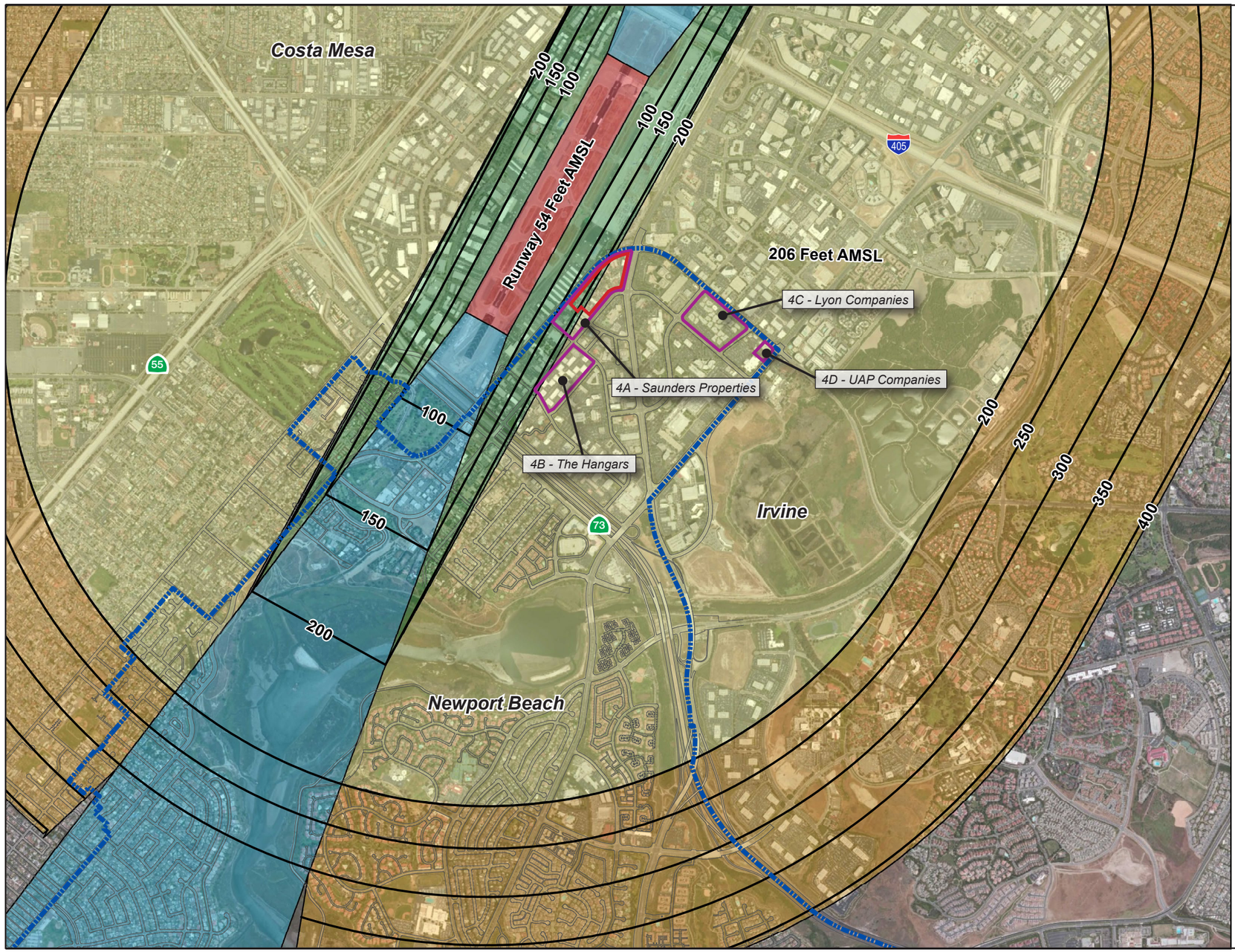
Issues	Substantial Change in Project Requiring Major EIR Revisions	Substantial Change in Circum-stances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR	No Impact
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				X	
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?					X

Comments:

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

Less than Significant/No Changes or New Information Requiring Preparation of an EIR.

Figure 15 - Height Restrictions per Federal Air Regulations Part 77 - 2014 LUE Amendment Airport Area Changes



Project Boundary

City Boundary

Elevation Contours in feet above mean sea level (AMSL)

Airport Surfaces

- Horizontal Surface - Elevation 206 Feet AMSL
- Departure Surface - Slope 50:1 (Horizontal:Vertical)
- Transitional Surface - Slope 7:1 (Horizontal:Vertical)
- Conical Surface - Slope 20:1 (Horizontal:Vertical)
- Runway - Elevation 54 Feet AMSL

0 2,400
Scale (Feet)

Source: Orange County Airport Land Use Commission Airport Environs Land Use Plan for John Wayne Airport, 2008; PlaceWorks, 2014

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Project Comparison to the 2006 General Plan EIR

The proposed project, similar to development pursuant to the 2006 GPU, would comply with regulations and standards established by the EPA, the State, Orange County, the City of Newport Beach, and NBFD. Furthermore, the proposed project, similar to development pursuant to the 2006 GPU, would implement the rules and regulations of the South Coast AQMD, HUD, Cal/OSHA, DTSC, the Orange County Department of Environmental Health, and the Santa Ana RWQCB. Compliance with regulatory requirements would ensure that the proposed project would not create a significant hazard to the public or the environment through the routine transport, storage, production, use, or disposal of hazardous materials. Thus, similar to the 2006 GPU, impacts would be less than significant and there are no changes or new information requiring preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

By complying with federal, State, and City regulations, the proposed project, similar to development pursuant to the 2014 LUE Amendment, would result in a less than significant impact on the public or environment through the use, transport, or disposal of hazardous materials. Therefore, there are no changes or new information requiring preparation of an 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?

Less than Significant/No Changes or New Information Requiring Preparation of an EIR.

Project Comparison to 2006 General Plan EIR

The proposed project, similar to development pursuant to the 2006 GPU, would be subject to the City of Newport Beach Emergency Management Plan. The emergency management plan would reduce impacts associated with emergency response and evacuation in the City.

Furthermore, the proposed project, similar to development pursuant to the 2006 GPU, would be constructed and operated with strict adherence to all emergency response plan requirements set forth by OC Environmental Health Department and the NBFD. The proposed project would also abide by the requirements of Title 22, Division 4.5, of the California Code of Regulations (CCR) and the California Fire Code (CCR Title 24 Part 9). Title 22 specifies the requirements for transporting shipments of hazardous waste, including manifesting, vehicle registration, and emergency accidental discharges during transportation. The California Fire Code sets requirements pertaining to fire safety and life safety, including for building materials and methods, fire protection systems in buildings, emergency access to buildings, and handling and storage of hazardous materials. Additionally, commercial business within the proposed project would prepare business plans that must include emergency response plans and procedures to be used in the event of a significant or threatened significant release of a hazardous material.

With the implementation of the emergency management plan and regulatory requirements, impacts of the proposed project, similar to development pursuant to the 2006 GPU, would be less than significant. Therefore, there are no changes or new information requiring preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

The proposed project, similar to development pursuant to the 2014 LUE Amendment, would be subject to the City of Newport Beach Emergency Management Plan and would implement emergency response requirements of the OC Environmental Health Department; the NBFD; Title 22, Division 4.5, of the CCR; and the California Fire Code. Impacts would be less than significant, and there are no changes or new information requiring preparation of an 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?

Less than Significant/No Changes or New Information Requiring Preparation of an EIR.

Project Comparison to 2006 General Plan EIR

The California Pacific Charter School is located 0.25 mile southwest of the project site. As stated in the 2006 GPU EIR, all businesses that handle or have on-site transportation of hazardous materials would be required to comply with the provisions of the City's Fire Code and the California Health and Safety Code, Article 1, Chapter 6.95, for a business emergency plan. Therefore, compliance with City and State regulations would minimize the risks associated with exposure of sensitive receptors to hazardous materials and would result in a less than significant impact. There are no changes or new information requiring preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

As mentioned above, the California Pacific Charter School is within one-quarter mile of the project site. All businesses that handle or have on-site transportation of hazardous materials would be required to comply with the provisions of the City' Fire Code and the California Health and Safety Code, Article 1, Chapter 6.95 for a business emergency plan. Therefore, impacts would be less than significant, and there are no changes or new information requiring preparation of an EIR.

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

Less than Significant/No Changes or New Information Requiring Preparation of an EIR.

Project Comparison to 2006 General Plan EIR

The proposed project includes development in areas listed as hazardous materials sites on environmental databases. An updated data search was conducted for this Addendum as shown in Table 6. The table shows

areas on the project site listed on the GeoTracker[3] and RCRAInfo[4] databases. The table also shows sites within 0.25 mile of the project site that are listed as hazardous materials sites.

All hazardous materials sites listed in Table 6 are known to regulatory agencies. The permitted UST and small quantity generator (SQG) listings document the presence of hazardous materials on those sites, but do not document hazardous releases. There are three open cases for leaking USTs and one open cleanup program case within 0.25 mile of the proposed project. Of the three open leaking UST cases, site assessment has occurred on one; remediation has occurred on the second; and verification monitoring to assess adequacy of site remediation is ongoing on the third. Site assessment has occurred on the open cleanup program site.

Regulatory requirements for hazardous issues related to the project site would be the same for 2006 General Plan uses as the currently proposed project. Preparation of a Phase I Environmental Site Assessment (Phase I ESA) would be required for each project considered for approval on the project site. Where recognized environmental conditions are identified by the Phase I ESA, a Phase II ESA would be required. Recognized environmental conditions are the presence or likely presence of hazardous materials or petroleum products under conditions indicating an existing or past release or a material threat of a release. A Phase II ESA consists of sampling and testing of soil, soil vapor, and/or groundwater from the site for hazardous materials and a health risk assessment for any hazardous materials identified. Where a Phase II ESA identified human health risks from hazardous materials over regulatory thresholds for the proposed land use, site cleanup for hazardous materials would be required before occupancy of any proposed development on-site. These requirements would reduce impacts to less than significant. The changes due to the proposed project do not change the conclusions in the 2006 GPU EIR and there are no changes or new information requiring preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

Table 6 shows areas on the project site and within a 0.25-mile radius that are listed on the GeoTracker and RCRAInfo databases. There have been no changes since the 2014 LUE Amendment EIR other than the closure of the leaking UST case at the Beacon Bay Auto Wash. Any development associated with the proposed project, similar to development pursuant to the 2014 LUE Amendment, would prepare a Phase I and/or Phase II ESA, as applicable, and impacts would be less than significant.

[3] GeoTracker is the Water Boards' data management system for sites that impact, or have the potential to impact, water quality in California, with emphasis on groundwater. GeoTracker contains records for sites that require cleanup, such as Leaking Underground Storage Tank (LUST) Sites, Department of Defense Sites, and Cleanup Program Sites. GeoTracker also contains records for various unregulated projects as well as permitted facilities including: Irrigated Lands, Oil and Gas production, operating Permitted USTs, and Land Disposal Sites.

[4] RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984.

5. Environmental Analysis

Table 6 GeoTracker and RCRA Info Sites

Area	Database	Site Name and Address[1]	Type of Site	Map ID No.
Onsite	GeoTracker	Texaco 4678 Campus	Leaking Underground Storage Tank (LUST). Gasoline release affected groundwater other than drinking water Case closed.	8
		Alamo Rent A Car 4361 Birch St	Permitted Underground Storage Tank (UST)	21
		National Car Rental Inc 4242 Campus Dr	Permitted UST	20
		Avis Rent A Car 4201 Birch St	Permitted UST	19
	RCRAInfo	Orange County Business Journal 4590 Macarthur Blvd Suite 100	SQG	5
		Sutton Place Hotel 4500 Macarthur	SQG	6
Within 0.25 miles	GeoTracker	Hertz Rent A Car 4000 Campus Dr	Permitted UST	34
		Edler Industries 2101 Dove St	Permitted UST	39
		Edler Industries 2101 Dove St	LUST. Release of Waste Oil / Motor / Hydraulic / Lubricating oil affected Soil. Case closed.	36
		Beacon Bay Auto Wash #08 4200 Birch	LUST Gasoline release affected groundwater other than drinking water Case closed.	40
			Permitted UST	41
		Koll Center Newport #8 4590 Macarthur Blvd	Permitted UST	22
		Sheraton Hotel Newport 4545 Macarthur Blvd	Permitted UST	43
		Reef Funds USA#1 1301 Dove St	Permitted UST	66
		Westerly Place 1500 Quail St	LUST Diesel release affected soil Case closed.	69
			Permitted UST	65
		American Air Center 19461 S Airport Way Santa Ana	LUST Gasoline release affected drinking water aquifer Case closed.	2
		Orange County Fire Station 27 19459 Airport S Santa Ana	Permitted UST	3

Table 6 GeoTracker and RCRA Info Sites

Area	Database	Site Name and Address[1]	Type of Site	Map ID No.
		Santa Ana Tower F.A.A. 18990 Ike Jones Rd Santa Ana	LUST Heating Oil / Fuel Oil release affected drinking water aquifer Case open: site assessment.	4
		Tallmantz Aviation 19711 S Airport Way Santa Ana	LUST solvents release affected drinking water aquifer Case closed.	17
		Martin Aviation 19331 Campus Dr Santa Ana	Permitted UST	38
		UCO Air 19461 Campus Dr Santa Ana	Permitted UST	33
		Pan Western Fuel Farm JWA 19711 Campus Dr Santa Ana	Permitted UST	32
		John Wayne Airport 3151 Airway Avenue Costa Mesa	Cleanup Program site Contaminants of concern: Aviation, Diesel, Gasoline, MTBE / TBA / Other Fuel Oxygenates, Trichloroethylene (TCE), Waste Oil / Motor / Hydraulic / Lubricating oil. Case Open - Site Assessment 2009	31
		Amr Combs Fuel Farm 19301 Campus Dr Santa Ana	LUST Aviation fuel release affected Groundwater other than drinking water Case open, remediation 2010	59
		Martin Aviation (Fuel Farm) 19331 S Airport Way Santa Ana	LUST Kerosene release affected drinking water aquifer Case open: verification monitoring	58
	RCRAInfo	Execair Maintenance Inc 19301 Campus Ste 255 Santa Ana	SQG	4
		Sunbird Aviation 19531 Campus Drive Suite 20 Santa Ana	SQG	4
		Alaska Airlines Inc 18601 Airport Wy Santa Ana	SQG	18
		Newport Car Clinic 4360 Campus Dr	SQG	37
		Atlantic Aviation Center 19711 Campus Drive Santa Ana	SQG	60
		Sunny Fresh Cleaners 4200 Campus Dr	SQG	60
		Hertz Corp	SQG	61

Table 6 GeoTracker and RCRA Info Sites

Area	Database	Site Name and Address[1]	Type of Site	Map ID No.
		4000 Campus Dr		
		SSO Medical Waste Management 3720 Campus Dr	Transporter	61
		Edler Industries 2101 Dove St	SQG	35
		Physician Care Walk In Medical 4030 Birch St 107	SQG	63
		Cosmos Sport Cars 4001 Birch St	SQG	63
		Jetronic Industries Inc - Transchem Div 3767 Birch	SQG	62
		Emerald Cleaners 4341 MacArthur Blvd	SQG	44
		Macarthur Square Cleaners 1701 H Corinthian Way	SQG	42
		Bacons Airport Photo Inc 4251-B Martingale Wy	SQG	42

Sources: GeoTracker 2020, RCRAInfo 2020.
Notes:
UST – Underground Storage Tank
LUST – Leaking Underground Storage Tank
SQG - Small Quantity Generators

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 or excessive noise for people residing or working in the project area?

Less than Significant/No Changes or New Information Requiring Preparation of an EIR.

Project Comparison to 2006 General Plan EIR

The central portion of the proposed project, approximately 10 acres, is within Safety Zone 3 for the short runway (Runway 19L/1R) at JWA (see Figure 12, *Airport Area Safety Zones*). The rest of the property is within Safety Zone 6 for the long runway (Runway 19R/1L).

Land use restrictions in Safety Zone 3 include limiting residential uses to very low densities. General Plan Policy LU 6.15.7 stipulates that for MU-H2, residential units should be developed at a minimum density of 30 units and a maximum of 50 units averaged over the total area of each residential village. The placement of high-density housing is not consistent with the land use compatibility standards for Safety Zone 3. For consistency with the AELUP safety zones, the residential units on the project site would be within Safety Zone 6.

Furthermore, the project site is at an elevation of about 45 feet amsl. The FAA height restriction is at 206 feet amsl over approximately the eastern half of the project site (see Figure 11) and declines to 150 feet amsl at the southeast corner of at the intersection of Campus Drive and Dove Street. Pursuant to the AELUP land use

compatibility guidelines, buildings with more than three aboveground habitable floors are generally unacceptable in Safety Zone 3. Assuming that a three-story building would be 35 feet high, and given the elevation on-site of about 45 feet amsl, the top of such a building would be about 80 feet amsl. The lowest building height restriction is about 150 feet amsl; thus, within Safety Zone 3, the land use restriction in the safety zone is more restrictive than the FAA height restriction.

With implementation of regulations specified in the AELUP, the proposed project, similar to development pursuant to the 2006 GPU, would have a less than significant impact. Thus, there are no changes or new information requiring preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

As with the proposed project, the LUE Amendment included introducing up to 444 residential units within Airport Safety Zone 6. Only nonresidential uses would be allowed within Safety Zone 3. As shown in Table 4, *Land Use Compatibility Zones: John Wayne Airport Safety Zones*, residential uses are a compatible land use within Zone 6 pursuant to the AELUP. The proposed project, similar to development pursuant to the 2014 LUE Amendment, would abide by the safety regulations of the AELUP. Impacts would be less than significant, and there are no changes or new information requiring preparation of an EIR.

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

Less than Significant/No Changes or New Information Requiring Preparation of an EIR.

Project Comparison to 2006 General Plan EIR

The proposed project involves changes in land use designations and would result in a decrease of approximately 60,000 square feet of nonresidential uses and would introduce up to 444 residential units to the project site. Since the residential units would be within the 2,200 housing units already allocated for the MU-H2 area, it would not increase residential units within the overall Airport Area. As quantified in Section 5.17, *Transportation/Traffic,* the proposed project would result in nominal changes to traffic congestion (as demonstrated by the minimal changes in intersection levels of service).

The City of Newport Beach Emergency Management Plan guides responses to extraordinary emergency situations associated with natural disasters, technological incidents, and nuclear defense operations. Updating the emergency management plan every three years to incorporate changes to the City, including potential changes in traffic conditions from the proposed project, would reduce impacts associated with emergency response and evacuation in the City to less than significant. Thus, there are no changes or new information requiring preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

As noted above, the City's Emergency Management Plan would reduce impacts associated with the proposed project and development pursuant to the 2014 LUE Amendment to less than significant. The project proposes

no net increase in development compared to the 2014 LUE Amendment SEIR land uses. Thus, there are no changes or new information requiring preparation of an EIR.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

No Impact/No Changes or New Information Requiring Preparation of an EIR.

Project Comparison to 2006 General Plan EIR

Refer to Section 5.20. There are no impacts and no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

Refer to Section 5.20. There are no impacts and no changes or new significant information that would require preparation of an EIR.

5.9.3 Mitigation Measures Identified in the Program EIR and Applicable to the Proposed Project

There were no mitigation measures in the 2006 GPU EIR or the 2014 LUE Amendment SEIR..

5.9.4 Relevant General Plan Policies

The 2006 General Plan includes the following goals and policies that are relevant to hazards and hazardous materials.

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

- **LU 6.15.24- Airport Compatibility:** Require that all development be constructed within the height limits and residential be located outside of areas exposed to the 65 dBA CNEL noise contour specified by the Airport Environs Land Use Plan (AELUP), unless the City Council makes appropriate findings for an override in accordance with applicable law.

Goal S 7: Exposure of people and the environment to hazardous materials associated with methane gas extraction, oil operations, leaking underground storage tanks, and hazardous waste generators is minimized.

- **S 7.1 - Known Areas of Contamination:** Require proponents of projects in known areas of contamination from oil operations or other uses to perform comprehensive soil and groundwater contamination assessments in accordance with American Society for Testing and Materials standards, and if contamination exceeds regulatory action levels, require the proponent to undertake remediation procedures prior to grading and development under the supervision of the County Environmental Health

Division, County Department of Toxic Substances Control, or Regional Water Quality Control Board (depending upon the nature of any identified contamination).

- **S 7.4 - Implementation of Remediation Efforts:** Minimize the potential risk of contamination to surface water and groundwater resources and implement remediation efforts to any resources adversely impacted by urban activities.
- **S 7.5 - Siting of Sensitive Uses:** Develop and implement strict land use controls, performance standards, and structure design standards including development setbacks from sensitive uses such as schools, hospitals, day care facilities, elder care facilities, residential uses, and other sensitive uses that generate or use hazardous materials.
- **S 7.6 - Regulation of Companies Involved with Hazardous Materials:** Require all users, producers, and transporters of hazardous materials and wastes to clearly identify the materials that they store, use, or transport, and to notify the appropriate City, County, State and Federal agencies in the event of a violation.

5.10 HYDROLOGY

5.10.1 Summary of Impacts Identified in the Program EIRs

5.10.1.1 2006 GENERAL PLAN EIR

The 2006 EIR found that development under the approved 2006 General Plan could increase pollutants in stormwater and wastewater, although water quality standards and waste discharge requirements would not be violated.

The 2006 EIR also found that development under the 2006 General Plan could change the existing drainage pattern of the planning area and substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site or exceed the capacity of existing or planned stormwater drainage systems. However, implementation of the GPU policies and compliance with NPDES regulations, the City's municipal code, and California Department of Fish and Wildlife regulations would reduce the risk of flooding resulting from drainage alterations to less than significant.

All new development in the city in areas that are subject to flood hazards would be required to comply with the flood damage prevention provisions of the City's municipal code, and impacts were less than significant.

5.10.1.2 2014 LUE AMENDMENT SEIR

The 2014 LUE Amendment SEIR found that enforcement of water quality standards by the Santa Ana RWQCB's NPDES program, in addition to implementation of General Plan policies, would reduce water quality impacts to less than significant.

Domestic water for the city is supplied by both groundwater and imported surface water sources. The operation of the proposed land uses under the 2014 LUE Amendment would not involve direct additions or withdrawals of groundwater or have the potential to lower the local groundwater table level or interfere with groundwater recharge.

None of the proposed land use changes in accordance with the 2014 LUE Amendment had the potential to substantially alter existing drainage patterns, including the course of a stream or river. Site-specific drainage improvements and erosion control would be subject to regulatory requirements, General Plan policies, and review at the time of specific project approval.

Because Newport Beach is largely built out, 2014 SEIR found that the increased development intensity in accordance with the 2014 LUE Amendment would only nominally increase the amount of runoff from impervious surfaces and did not have the potential to result in flooding on- or off-site. Moreover, compliance with General Plan policies and regulatory requirements rendered impacts less than significant.

None of the subareas proposed for change under the 2014 LUE Amendment are within a 100-year flood zone or a dam inundation area. The coastal city of Newport Beach overall is at risk of inundation by seiches and tsunamis, but the proposed LUE Amendment introduced a nominal increase of land use intensity in areas

potentially subject to these hazards, and these land uses would be subject to the same General Plan policies and flood hazard provisions in the City's municipal code. These impacts would be less than significant.

5.10.2 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major EIR Revisions	Substantial Change in Circum-stances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?				X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?					X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:					
i) Result in a substantial erosion or siltation on- or off-site.				X	
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite.				X	
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.				X	
iv) Impede or redirect flood flows.					X
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?					X
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				X	

Comments:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less than Significant/No Changes or New Information Requiring Preparation of an EIR. Areas that disturb one or more acres of land surface are subject to the Construction General Permit, 99-08-DWQ adopted by the SWRCB. Preparation of a Stormwater Pollution Prevention Plan (SWPPP) is required for compliance with the NPDES General Construction Stormwater Activity Permit. Compliance with the permit would involve filing a Notice of Intent with the SWRCB and preparing and submitting a SWPPP prior to construction activities. The Construction General Permit requirements would need to be satisfied prior to beginning construction on any project located on a site greater than one acre. Furthermore, certain projects require the preparation of a water quality management plan (WQMP). Construction would also need to abide by the requirements of Chapter 14.36 of the City's municipal code. Under the provisions of this chapter, any discharge that would result in or contribute to degradation of water quality via stormwater runoff is prohibited. Contractors constructing new development or redevelopment projects are required to comply with provisions in the Orange County Drainage Area Management Plan (DAMP), including the implementation of appropriate BMPs to control stormwater runoff so as to prevent any deterioration of water quality that would impair subsequent or competing beneficial uses of the water.

Project Comparison to 2006 General Plan EIR

Construction of the proposed project, similar to construction associated with development under the 2006 GPU, would be subject to the Construction General Permit, the requirements of Chapter 14.36 of the City's municipal code, the Orange County DAMP, and the General Plan policies. Furthermore, operation of the proposed project, similar to development pursuant to the 2006 GPU, would comply with provisions in the DAMP, the NPDES permit, and GPU policies. Thus, impacts would be less than significant and there are no changes or new information requiring preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

The proposed project, similar to development pursuant to the 2014 LUE Amendment, would implement state and local regulations and General Plan polices that would reduce impacts from the construction and operational phases to less than significant. There are no changes or new information requiring preparation of an EIR.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

No Impact.

Proposed Project Comparison to 2006 General Plan EIR

The proposed project could create additional impervious surfaces; however, similar to the 2006 GPU, new development would be focused in areas that are currently developed and would not substantially decrease groundwater recharge.

As shown in Section 5.19.2 (d), the City's groundwater supply would be sufficient to meet the demand of the proposed project. Therefore, the proposed project, similar to development pursuant to the 2006 GPU, would not decrease groundwater supplies. Thus, there are no changes or new information requiring preparation of an EIR.

Proposed Project Comparison to 2014 LUE Amendment SEIR

The proposed project, similar to development pursuant to the 2014 LUE Amendment, would not involve direct additions or withdrawals of groundwater or have the potential to lower the local groundwater table level or interfere with groundwater recharge.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i) Result in a substantial erosion or siltation on- or off-site.

Less than Significant /No Changes or New Information Requiring Preparation of an EIR.

Proposed Project Comparison to the 2006 General Plan EIR

Refer to Section 5.10(a) above. Impacts would be less than significant and there are no changes or new information requiring preparation of an EIR.

Proposed Project Comparison to the 2014 LUE Amendment SEIR

Refer to Section 5.10(a) above. Impacts would be less than significant.

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.

Less than Significant /No Changes or New Information Requiring Preparation of an EIR.

Proposed Project Comparison to 2006 General Plan EIR

The proposed project site is currently developed and it is unlikely that redevelopment would increase the rate or amount of surface runoff so that it would result in flooding on- or off-site or exceed the capacity of existing or planned stormwater drainage systems. The proposed project, similar to applicable development pursuant to the 2006 GPU, would prepare a WQMP including measures to reduce the volume of runoff generated. Furthermore, compliance with Chapter 15.50 of the City's municipal code and NPDES regulations would also minimize flood hazards resulting from drainage alterations. Therefore, implementation of the General Plan policies and compliance with NPDES regulations and the City's municipal code would reduce the risk of flooding resulting from drainage alterations to less than significant. Thus, no changes or new information require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

The proposed project, similar to development pursuant to the 2014 LUE Amendment, would implement state and local regulations and General Plan policies that would reduce impacts from the construction and operational phases to less than significant.

iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

Less than Significant /No Changes or New Information Requiring Preparation of an EIR.

Proposed Project Comparison to 2006 General Plan EIR

Refer to Section 5.10.c(i) above. Impacts would be less than significant and there are no changes or new information requiring preparation of an EIR.

Proposed Project Comparison to 2014 LUE Amendment SEIR

Refer to Section 5.10.c(i) above. Impacts would be less than significant.

iv) Impede or redirect flood flows.

No Impact

Proposed Project Comparison to 2006 General Plan EIR

The proposed project is not within a 100-year flood, a dam inundation area (Newport Beach 2014), or a tsunami inundation zone, or at risk of flooding from seiches (Newport Beach 2014). Moreover, project land uses, similar to development pursuant to the 2006 General Plan update, would be subject to the same General Plan policies and flood hazard provisions in the City's municipal code. There would be no impacts and no changes or new information requiring preparation of an EIR.

Proposed Project Comparison to 2014 LUE Amendment SEIR

The proposed project is not at a risk of flooding and, similar to development pursuant to the 2014 LUE Amendment, would implement state and local regulations and General Plan policies, and no impacts would arise.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

No Impact

Proposed Project Comparison to 2006 General Plan EIR

The proposed project is not within a 100-year flood zone designated by FEMA or within a dam inundation area (Newport Beach 2014). Furthermore, the proposed project would not introduce land use intensity within areas potentially subject to tsunami or seiches (Newport Beach 2014). Moreover, these land uses, similar to

development pursuant to the 2006 General Plan update, would be subject to the same General Plan policies and flood hazard provisions in the City's municipal code. Therefore, there would be no impacts and no changes or new information requiring preparation of an EIR.

Proposed Project Comparison to 2014 LUE Amendment SEIR

The proposed project would not be exposed to flood hazard due to a 100-year flood, dam inundation, tsunami, or seiches. Additionally, the proposed project, similar to development pursuant to the 2014 LUE Amendment, would be subject to the same General Plan policies and flood hazard provisions in the City's municipal code, and no impacts would arise.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less than Significant/No Changes or New Information Requiring Preparation of an EIR.

Proposed Project Comparison to 2006 General Plan EIR

The City of Newport Beach is under the jurisdiction of the Santa Ana RWQCB. RWQCBs adopt a water quality control plan, or basin plan, that recognizes and reflects regional differences in existing water quality, the beneficial uses of the region's ground and surface waters, and local water quality conditions and problems. The Santa Ana River Basin Water Quality Control Plan is the plan adopted by the Santa Ana RWQCB. The water quality control plan is the basis for the RWQCB's regulatory programs and establishes water quality standards for the ground and surface waters of the region. The term "water quality standards," as used in the federal Clean Water Act, includes both the beneficial uses of specific water bodies and the levels of quality that must be met and maintained to protect those uses. The water quality control plan includes an implementation plan describing the actions by the RWQCB and others that are necessary to achieve and maintain the water quality standards (Santa Ana RWQCB 2008).

As indicated under Section 5.10 (a), the proposed project, similar to development pursuant to the 2006 General Plan update, would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality, and would therefore not conflict with the water quality control plan.

The Orange County Water District (OCWD) is a special district formed to manage the Orange County Groundwater Basin, which supplies water to residents in north and central Orange County. OCWD adopted its first groundwater management plan in 1989. The latest update was completed in 2015. This plan sets basin management goals and objectives and describes how the basin is managed. Basin management goals are (1) to protect and enhance groundwater quality, (2) to protect and increase the sustainable yield of the basin in a cost-effective manner, and (3) to increase the efficiency of OCWD operations. (OCWD 2015). As indicated under Sections 5.10 (a) and (b), the proposed project, similar to development pursuant to the 2006 General Plan update, would not degrade groundwater quality, substantially decrease groundwater supplies, or interfere substantially with groundwater recharge. Thus, impacts would be less than significant, and there are no changes or new information on requiring preparation of an EIR.

Proposed Project in Comparison to 2014 LUE Amendment SEIR

The proposed project, similar to development pursuant to the 2014 LUE Amendment, would not conflict with the Santa Ana RWQCB's Water Quality Plan or the OCWD's Groundwater Management Plan. Thus, impacts would be less than significant.

5.10.3 Mitigation Measures Identified in the Program EIR and Applicable to the Proposed Project

There were no mitigation measures in the 2006 GPU EIR or the 2014 LUE Amendment SEIR.

5.10.4 Relevant General Plan Policies

The 2006 General Plan includes the following goals and policies that are relevant to hydrology and water quality.

Goal NR 3: Enhancement and protection of water quality of all natural water bodies, including coastal waters, creeks, bays, harbors, and wetlands.

- **NR 3.2 - Chemical Use Impacts:** Support regulations limiting or banning the use insecticides, fertilizers, and other chemicals which are shown to be detrimental to water quality.
- **NR 3.4** - **Ground Water Contamination:** Suspend activities and implement appropriate health and safety procedures in the event that previously unknown groundwater contamination is encountered during construction. Where site contamination is identified, implement an appropriate remediation strategy that is approved by the City and the state agency with appropriate jurisdiction.
- **NR 3.5** - **Storm Drain Sewer System Permit:** Require all development to comply with the regulations under the City's municipal separate storm drain system permit under the National Pollutant Discharge Elimination System.
- **NR 3.6 - Natural Water Bodies:** Require that development does not degrade natural water bodies.
- **NR 3.10 - Water Quality Management Plan:** Require new development applications to include a Water Quality Management Plan (WQMP) to minimize runoff from rainfall events during construction and post-construction.
- **NR 3.11 - Best Management Practices:** Implement and improve upon Best Management Practices (BMPs) for residences, businesses, development projects, and City operations.
- **NR 3.12 - Site Design and Source Control:** Include site design and source control BMPs in all developments. When the combination of site design and source control BMPs are not sufficient to protect water quality as required by the National Pollutant Discharge Elimination System (NPDES), structural treatment BMPs will be implemented along with site design and source control measures.

- **NR 3.13 - Reduction of Infiltration:** Include equivalent BMPs that do not require infiltration, where infiltration of runoff would exacerbate geologic hazards.

- **NR 3.16 - Street Drainage Systems:** Require all street drainage systems and other physical improvements created by the City, or developers of new subdivisions, to be designed, constructed, and maintained to minimize adverse impacts on water quality. Investigate the possibility of treating or diverting street drainage to minimize impacts to water bodies.

- **NR 3.17 - Siting of New Development:** Require that development be located on the most suitable portion of the site and designed to ensure the protection and preservation of natural and sensitive site resources that provide important water quality benefits.

- **NR 3.18 - Parking Lots and Rights-of-Way:** Require that parking lots and public and private rights-of-way be maintained and cleaned frequently to remove debris and contaminated residue.

- **NR 3.20 - Natural Drainage Systems:** Require incorporation of natural drainage systems and stormwater detention facilities into new developments, where appropriate and feasible, to retain stormwater in order to increase groundwater recharge.

- **NR 3.21 - Impervious Surfaces:** Require new development and public improvements to minimize the creation of and increases in impervious surfaces, especially directly connected impervious areas, to the maximum extent practicable. Require redevelopment to increase area of pervious surfaces, where feasible.

Goal NR 4: Maintenance of water quality standards through compliance with the total maximum daily loads (TMDLs) standards

- **NR 4.4 - Erosion Minimization:** Require grading/erosion control plans with structural BMPs that prevent or minimize erosion during and after construction for development on steep slopes, graded, or disturbed areas.

Goal NR 5: Sanitary Sewer Outflows—Minimal adverse effects to water quality from sanitary sewer outflows

- **NR 5.2 - Waste Discharge Permits:** Require waste discharge permits for all food preparation facilities that produce grease.

5.11 LAND USE AND PLANNING

5.11.1 Summary of Impacts Identified in the Program EIRs

5.11.1.1 2006 GENERAL PLAN EIR

The 2006 GPU EIR concluded that the General Plan update would not include any roadway extensions or other development features through currently developed areas; instead, it would allow limited infill development in select subareas in the City. Therefore, the 2006 GPU would not physically divide an established community and impacts were less than significant.

The 2006 GPU EIR also analyzed land use incompatibility with regard to introducing new land uses and structures that could result in intensification of development in the city. Analyzing subareas of the City, the 2006 GPU EIR concluded that the majority of land use changes proposed would not result in incompatibilities or nuisances that rose to a level of significance. Impacts were less than significant.

The 2006 GPU was found to be consistent with all applicable land use plans for the City. The General Plan Update was modified after preparation of the 2006 GPU Draft EIR to eliminate any potential residential development within the 65 dBA CNEL contour, and therefore was found to be consistent with John Wayne Airport AELUP. The City of Newport Beach is subject to policies within the Orange County Central and Coastal Natural Community Conservation Plan (NCCP). Future development was required to comply with policies within the plan, and therefore no impact occurred.

5.11.1.2 2014 LUE AMENDMENT SEIR

The 2014 LUE Amendment primarily increased or decreased development capacity of certain areas of the city. However, it did not propose any extensions of roadways or other development features through areas that could physically divide an established community. Impacts were found to be less than significant.

The 2014 LUE Amendment was found to be consistent with the CLUP, the 2012–2035 SCAG's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), the AELUP for JWA, the 2006 GPU policies, the University of California, Irvine Long Range Development Plan, and all Planned Community Development Plans.

5.11.2 Impacts Associated with the Proposed Project

Would the project:

Issues	Substantial Change in Project Requiring Major EIR Revisions	Substantial Change in Circum-stances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR	No Impact
a) Physically divide an established community?					x
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				x	

Comments:

a) Physically divide an established community?

No Impact.

Project Comparison to the 2006 General Plan EIR

The City of Newport Beach is nearly built out, and the proposed project consists of infill and intensification of development on the project site. The proposed project would not include any roadway extensions or other development features through currently developed areas. Therefore, the proposed project, similar to development pursuant to the 2006 GPU, would not physically divide an established community and there would be no impacts. Thus, there are no changes or new significant information that would require preparation of an EIR.

Proposed Project Comparison to the 2014 LUE Amendment SEIR

Similar to development pursuant to the 2014 LUE Amendment, the proposed project would not introduce a physical barrier that would separate land uses that are not already separated. Vehicular and pedestrian connections and access for residential uses in the surrounding area would remain. Except for driveways accessing the project site, the proposed project would not physically change the neighborhood's street pattern or otherwise impede movement through the neighborhood. Therefore, there would be no impact.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Proposed Project Comparison to the 2006 General Plan EIR

Adopted land use regulations applicable to the proposed project include the AELUP for JWA, and the 2006 GPU policies.

5. Environmental Analysis

SCAG's RTP/SCS is a long-range visioning plan that balances future mobility and housing needs with economic, environmental, and public health goals. The proposed project is not considered a project of "regionwide significance" pursuant to the criteria in SCAG's *Intergovernmental Review Procedures Handbook* (November 1995) and Section 15206 of the CEQA Guidelines. Therefore, this section does not address the proposed project's consistency with SCAG's regional planning guidelines and policies.

The proposed project is within the following JWA zones:

- Clear Zone/Runway Protection Zones and Accident Potential Zones
- Federal Aviation Regulation (FAR) Part 77 Obstruction Imaginary Surfaces and Notification Area
- 65 dBA CNEL aircraft operation noise contours of JWA

Potential project impacts associated with airport-related hazard impacts (Safety Zones and FAR Part 77) are addressed in Section 5.9, *Hazards and Hazardous Materials*. Airport-related noise impacts are addressed in Section 5.13, *Noise*. By complying with the AELUP safety zone land use compatibility requirements, FAR Part 77 regulations, Policy N 3.2 of the General Plan, and CCR Title 21, the proposed project would be consistent with JWA's land use plan. Thus, impacts to airport-related hazards and noise are less than significant.

A detailed analysis of the proposed project's consistency with the applicable goals and policies of the various elements of the City's 2006 GPU is provided in Table 7, *General Plan Consistency Analysis*. The analysis in the table concludes that the proposed project would be consistent with the applicable goals and policies of the City's 2006 GPU, and the proposed project would not result in significant land use impacts related to the General Plan's goals and policies.

Table 7 Newport Beach General Plan Consistency Analysis

Applicable Goals and Policies	Project Consistency
Goal LU 1: A unique residential community with diverse coastal and upland neighborhoods, which values its colorful past, high quality of life, and community bonds, and balances the needs of residents, businesses, and visitors through the recognition that Newport Beach is primarily a residential community.	
LU 1.1. Unique Environment. Maintain and enhance the beneficial and unique character of the different neighborhoods, business districts, and harbor that together identify Newport Beach. Locate and design development to reflect Newport Beach's topography, architectural diversity, and view sheds.	**Consistent.**. The PCDP enhances the distinct, urban character of the Airport Area by providing a means for replacing parking lots and small-scale commercial structures with attractive and functional mixed-use development, in line with the General Plan goal of transitioning the Airport Area to a mixed-use community. The Property is not in or near any of the City's areas featuring the harbor, unique topography, or view sheds. The proposed project would introduce a mix of land uses, including residential units to the Property consistent with the uses and urbanized character of the JWA area and the MU-H2 designation.
LU 1.4. Growth Management. Implement a conservative growth strategy that enhances the quality of life of residents and balances the needs of all constituencies with the preservation of open space and natural resources.	**Consistent:** The Newport Airport Village Development Plan allows the City to meet the demand for additional housing without developing open space or natural areas, and without densification of existing residential areas. The PCDP enhances the quality of life for the community by improving the aesthetics of the PC District in accordance with the Site Development Standards and Architectural Design Considerations contained in Sections III and IV, respectively.

Table 7 Newport Beach General Plan Consistency Analysis

Applicable Goals and Policies	Project Consistency
LU 1.5. Economic Health. Encourage a local economy that provides adequate commercial, office, industrial, and marine-oriented opportunities that provide employment and revenue to support high-quality community services.	**Consistent.** By developing a mix of residential and nonresidential uses, the proposed project represents an investment in the economic health of the City, including by adding residents to a mixed-use area that will help support other nearby commercial uses.
Goal LU 2: A living, active, and diverse environment that complements all lifestyles and enhances neighborhoods, without compromising the valued resources that make Newport Beach unique. It contains a diversity of uses that support the needs of residents, sustain and enhance the economy, provide job opportunities, serve visitors that enjoy the City's diverse recreational amenities, and protect its important environmental setting, resources, and quality of life.	
LU 2.1. Resident-Serving Land Uses. Accommodate uses that support the needs of Newport Beach's residents including housing, retail, services, employment, recreation, education, culture, entertainment, civic engagement, and social and spiritual activity that are in balance with community natural resources and open spaces.	**Consistent.** Consistent with housing needs demonstrated in the City's housing element, the proposed project includes housing opportunities in the form of 444 dwelling units, including 115 units reserved for lower-income households. The project also would provide office, industrial, and commercial space in a mixed-use setting..
LU 2.2. Sustainable and Complete Community. Emphasize the development of uses that enable Newport Beach to continue as a self-sustaining community and minimize the need for residents to travel outside of the community for retail, goods and services, and employment.	**Consistent.** The project introduces 444 new residential units to the project site in an existing major employment center (the Airport Area, Irvine Business Complex, and surrounding areas), providing new opportunities for those working in the area to live near work. The project also provides office, industrial, and commercial space that will help to meet the needs of residents and employees. The introduction and subsequent integration of a mixed-use development into a well-established neighborhood of primarily commercial, retail, and office uses would provide a greater balance between housing, employment, and retail opportunities within the Airport Area. Potential employment opportunities for future residents of the proposed project that may arise in the surrounding area would be within walking/bicycle riding distance of the proposed homes. In addition, those who are currently employed in the area would be afforded a rental housing opportunity within walking/bicycle riding distance of their place of employment.
LU 2.3. Range of Residential Choices. Provide opportunities for the development of residential units that respond to community and regional needs in terms of density, size, location, and cost. Implement goals, policies, programs, and objectives identified within the City's Housing Element.	**Consistent.** The PCDP allows for multi-family residential uses, including affordable units, offering a variety of product types that can respond to market needs and diversify the City's housing stock.
LU 2.4. Economic Development. Accommodate uses that maintain or enhance Newport Beach's fiscal health and account for market demands, while maintaining and improving the quality of life for current and future residents.	**Consistent.** See response to Policy LU 1.5. The project applicant/developer would pay the City's development impact fees, which are designed to ensure that new development does not have a negative fiscal impact on the City, and the school district's development impact fee. Additionally, a public benefit fee will be paid to the City as specified in the development agreement. The Newport Airport Village Development Plan facilitates the retention of commercial uses in the Airport Area while allowing residential uses that would enhance the economic viability of retail, restaurants, and commercial services.
LU 2.8. Adequate Infrastructure. Accommodate the types, densities, and mix of land uses that can be adequately supported by transportation and utility infrastructure (water, sewer, storm drainage, energy, and so on) and public services (schools, parks, libraries, seniors, youth, police, fire, and so on).	**Consistent.** Because the proposed project involves redevelopment of existing urbanized parcels instead of developing on a greenfield (undeveloped) site, it would benefit from the efficiency of connecting to existing utility infrastructure and the existing street network. For more information about the provision of public services and utilities, see

5. Environmental Analysis

Table 7 Newport Beach General Plan Consistency Analysis

Applicable Goals and Policies	Project Consistency
	Sections 5.15, *Public Services*, and 5.19, *Utilities and Service Systems*.
Goal LU 3: A development pattern that retains and complements the City's residential neighborhoods, commercial and industrial districts, open spaces, and natural environment.	
LU 3.1. Neighborhoods, Districts, Corridors, and Open Spaces. Maintain Newport Beach's pattern of residential neighborhoods, business and employment districts, commercial centers, corridors, and harbor and ocean districts.	**Consistent.** The proposed project is a mixed use (residential and nonresidential) project that would be built in a mixed-use context of commercial, industrial, and offices. Furthermore, consistent with long-range planning efforts implemented by the cities of Newport Beach and Irvine designed to change the areas around JWA to provide residential uses, the project provides 444 residential units. Therefore, the proposed project would maintain the overall land use pattern of the Airport Area.
LU 3.2. Growth and Change. Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach's share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.	**Consistent.** The proposed project would represent a substantial investment in an existing district (the JWA Airport Area) that is important to the City's economic health. The proposed housing units would contribute toward Newport Beach accommodating its share of projected regional population growth. The proposed housing also could reduce commuting distances and traffic by providing residences in an employment-rich area. For more information about the provision of public services and infrastructure to the project site, see Sections 5.15, *Public Services*, 5.18 *Transportation and Traffic*, and 5.19, *Utilities and Service Systems*, of this Addendum. The Newport Airport Village Development Plan facilitates reuse of existing underutilized properties and infill development that is complementary to recent development in the Airport Area. The Development Plan enhances the economic viability of local retail, restaurants, and commercial services by allowing for residential uses that increases the residential population in the area.
LU 3.3. Opportunities for Change. Provide opportunities for improved development and enhanced environments for residents in the following districts and corridors, as specified in Polices 6.3.1 through 6.22.7: **John Wayne Airport Area:** re-use of underperforming industrial and office properties and development of cohesive residential neighborhoods in proximity to jobs and services.	**Consistent.** The premise of the proposed project is exactly what is articulated by this policy—the project would redevelop and reuse a site featuring underperforming commercial uses and would develop residential uses in a cohesive design near existing jobs and services.
LU 3.8 Project Entitlement Review with Airport Land Use Commission. Refer the adoption or amendment of the General Plan, Zoning Code, specific plans, and Planned Community development plans for land within the John Wayne Airport planning area, as established in the JWA Airport Environs Land Use Plan (AELUP), to the Airport Land Use Commission (ALUC) for Orange County for review, as required by Section 21676 of the California Public Utilities Code. In addition, refer all development projects that include buildings with a height greater than 200 feet above ground level to the ALUC for review.	**Consistent.** Development within Newport Airport Village will be subject to ALUC review.
Goal LU 4: Management of growth and change to protect and enhance the livability of neighborhoods and achieve distinct and economically vital business and employment districts, which are correlated with supporting infrastructure and public services and sustain Newport Beach's natural setting.	
LU 4.1. Land Use Diagram. Accommodate land use development consistent with the Land Use Plan. Figure LU1 depicts the general distribution of uses throughout the City and Figure LU2 through Figure LU15 depict specific use categories	**Consistent.** Figure LU1 in the land use element shows that the Airport Area is primarily intended for commercial and mixed uses. Figures LU11 and LU22 show that adjacent parcels are designated MU-H2.

Table 7 Newport Beach General Plan Consistency Analysis

Applicable Goals and Policies	Project Consistency
for each parcel within defined Statistical Areas. Table LU1 (Land Use Plan Categories) specifies the primary land use categories, types of uses, and, for certain categories, the densities/intensities to be permitted. See page 3-11 of the City's General Plan for the full policy.	The proposed project would extent the MU-H2 designation and upon approval would be consistent with this policy.
Goal LU 5.1: Residential neighborhoods that are well-planned and designed contribute to the livability and quality of life of residents, respect the natural environmental setting, and sustain the qualities of place that differentiate Newport Beach as a special place in the Southern California region.	
LU 5.1.1. Compatible but Diverse Development. Establish property development regulations for residential projects to create compatible and high-quality development that contributes to neighborhood character.	**Consistent.** The PCDP includes development standards and residential design guidelines to create a compatible and high-quality development that contributes to the emerging urban neighborhood character of the Airport Area.
LU 5.1.2 Compatible Interfaces. Require that the height of development in nonresidential and higher-density residential areas transition as it nears lower-density residential areas to minimize conflicts at the interface between the different types of development.	**Consistent.** Newport Airport Village is not located near any lower-density residential areas, thus no compatibility conflicts would occur.
Goal LU 5.3: Districts where residents and businesses are intermixed that are designed and planned to ensure compatibility among the uses, that they are highly livable for residents, and are of high quality design reflecting the traditions of Newport Beach.	
LU 5.3.1 Mixed-Use Buildings. Require that mixed-use buildings be designed to convey a high level of architectural and landscape quality and ensure compatibility among their uses in consideration of the following principles: • Design and incorporation of building materials and features to avoid conflicts among uses, such as noise, vibration, lighting, odors, and similar impacts • Visual and physical integration of residential and nonresidential uses • Architectural treatment of building elevations and modulation of their massing • Separate and well-defined entries for residential units and nonresidential businesses • Design of parking areas and facilities for architectural consistency and integration among uses • Incorporation of extensive landscape appropriate to its location; urbanized streetscapes, for example, would require less landscape along the street frontage but integrate landscape into interior courtyards and common open spaces.	**Consistent.** Development will be required to comply with the development and design standards in the PCDP. Conceptual renderings of the proposed project are shown in Figure 10. The proposed buildings, landscaping, and other built elements have been designed to exhibit high quality design and complement the surrounding urban context. As illustrated in the renderings, the project would integrate the nonresidential uses with the residential uses through a common design theme. For an additional evaluation of visual and aesthetic impacts generated by the proposed project, see Section 5.1, *Aesthetics*, of this Addendum.
LU 5.3.2 Mixed-Use Building Location and Size of Nonresidential Uses. Require that 100 percent of the ground floor street frontage of mixed-use buildings be occupied by retail and other compatible nonresidential uses, unless specified otherwise by policies LU 6.1.1 through LU 6.20.6 for a district or corridor.	**Consistent.** Within mixed-use buildings, ground floor nonresidential use is promoted through the Architectural Design Considerations provided in Section IV of the PCDP.
LU 5.3.3 Parcels Integrating Residential and Nonresidential Uses. Require that properties developed with a mix of residential and nonresidential uses be designed to achieve high levels of architectural quality in accordance with policies LU 5.1.9 and LU 5.2.1 and planned to ensure compatibility among the uses and provide adequate circulation and parking. Residential uses should	**Consistent.** As shown in Figure 10, the nonresidential component would be compatible with the residential uses. Given the AELUP safety zones for the project site and land use compatibility criteria, the residential use (limited to safety zone 6) is necessarily separated from the nonresidential uses in safety zone 3. Nevertheless, the commercial uses are allowed in the mixed-use potion of the project site identified

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be seamlessly integrated with nonresidential uses through architecture, pedestrian walkways, and landscape. They should not be completely isolated by walls or other design elements.	as Planning Area 1 in the PCDP. Future development would require uses to be integrated through architecture, pedestrian walkways, and landscaping.
LU 5.3.4. Districts Integrating Residential and Nonresidential Uses. Require that sufficient acreage be developed for an individual use located in a district containing a mix of residential and nonresidential uses to prevent fragmentation and ensure each use's viability, quality, and compatibility with adjoining uses.	**Consistent.** As described above under Policy LU 3.1, the Airport Area is increasingly home to residential uses that are intermingled with nonresidential uses. The project would develop sufficient acreage for mainly residential uses to prevent fragmentation and ensure the viability of the residential uses. In addition, the project proposes some commercial uses that provide a connection to surrounding commercial areas. The addition of residential uses in the area will help ensure the viability of the remaining, existing retail uses in the vicinity.
LU 5.3.6 Parking Adequacy and Location. Require that adequate parking be provided and is conveniently located to serve tenants and customers. Set open parking lots back from public streets and pedestrian ways and screen with buildings, architectural walls, or dense landscaping.	**Consistent.** Required number of parking spaces and parking location guidelines for development within the PC District are addressed in the Site Development Standards and Architectural Design Considerations provided in Sections III and IV, respectively, of PCDP.
Goal LU 5.4: Office and business districts that exhibit a high quality image, are attractive, and provide quality working environments for employees.	
LU 5.4.1 Site Planning. Require that new and renovated office and retail development projects be planned to exhibit a high-quality and cohesive "campus environment," characterized by the following: • Location of buildings around common plazas, courtyards, walkways, and open space • Incorporation of extensive on-site landscaping that emphasizes special features such as entryways • Use of landscape and open spaces to break the visual continuity of surface parking lots • Common signage program for tenant identification and wayfinding • Common streetscapes and lighting to promote pedestrian activity • Readily observable site access, entrance drives and building entries and minimized conflict between service vehicles, private automobiles, and pedestrians	**Consistent.** The development of the Planned Community will result in high quality, cohesive development based upon the PCDP regulations. Pedestrian and bicycle connections are required between the residential areas and non-residential areas, primary access to the residential buildings will face a public right-of-way or central courtyard, and signs will be reviewed to ensure compatibility with the development.
LU 5.4.2 Development Form and Architecture. Require that new development of business park, office, and supporting buildings be designed to convey a unified and high-quality character in consideration of the following principles: • Modulation of building mass, heights, and elevations and articulation of building • Avoidance of blank building walls that internalize uses with no outdoor orientation to public spaces • Minimize the mass and bulk of building facades abutting streets • Consistent architectural design vocabulary, articulation, materials, and color palette • Clear identification of entries through design elements • Integration of signage with the building's architectural style and character	**Consistent.** High quality, unified development, including mixed use, residential, office and retail uses, is addressed through the Site Development Standards and Architectural Design Considerations provided in Sections III and IV, respectively, of the PCDP.

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• Architectural treatment of parking structures consistent with their primary commercial or office building	
Goal LU 5.6: Neighborhoods, districts, and corridors containing a diversity of uses and buildings that are mutually compatible and enhance the quality of the City's environment.	
LU 5.6.1. Compatible Development. Require that buildings and properties be designed to ensure compatibility within and as interfaces between neighborhoods, districts, and corridors.	**Consistent.** The vicinity surrounding the project site contains a variety of nonresidential land uses at a variety of building intensities and scales. Although the height of the proposed project would be greater than some of the surrounding commercial and office buildings, the Airport Area is a district in transition with new projects—like the proposed project—introducing more street-facing urban building typologies. The design and scale of the proposed project will contribute to the evolving urban neighborhood that is gradually developing in the Airport Area. It includes features such as landscaped setbacks, street trees, outdoor retail-adjacent dining and lounging space, articulated facades with balconies and windows, and varying colors and material. These outward-facing features will add visual interest and integrate the project site with neighborhood activity on surrounding streets and buildings.
LU 5.6.2. Form and Environment. Require that new and renovated buildings be designed to avoid the use of styles, colors, and materials that unusually impact the design character and quality of their location such as abrupt changes in scale, building form, architectural style, and the use of surface materials that raise local temperatures, result in glare and excessive illumination of adjoining properties and open spaces, or adversely modify wind patterns.	**Consistent.** The project's design is typical for multifamily and mixed-use projects in the city and nearby jurisdictions and would not unusually impact the design character or quality of the area. The project's proposed material and color palette would not raise local temperatures or result in glare. See response to Policy LU 5.6.1. See additional analysis in Section 5.1, which analyzes the proposed project's potential impacts related to aesthetics, light, and glare.
LU 5.6.3. Ambient Lighting. Require that outdoor lighting be located and designed to prevent spillover onto adjoining properties or significantly increase the overall ambient illumination of their location.	**Consistent.** All project-related exterior lighting would be designed, arranged, directed, or shielded in such a manner as to contain direct illumination on-site, in accordance with the provisions of Subsection 20.30.070.A (General Outdoor Lighting Standards) of the City's zoning code, thereby preventing excess illumination and light spillover onto adjoining land uses and/or roadways. For additional analysis, see Impact 5.1-3 in Section 5.1.
Goal LU 6.2: Residential neighborhoods that contain a diversity of housing types and supporting uses to meet the needs of Newport Beach's residents and are designed to sustain livability and a high quality of life.	
LU 6.2.1. Residential Supply. Accommodate a diversity of residential units that meets the needs of Newport Beach's population and fair share of regional needs in accordance with the Land Use Plan's designations, applicable density standards, design and development policies, and the adopted Housing Element.	**Consistent.** See response to Policy LU 2.1.
LU 6.2.3. Residential Affordability. Encourage the development of residential units that are affordable for those employed in the City.	**Consistent.** As described under Policy LU 2.1, up to 35 percent of the project would be affordable units (115 units reserved for lower-income households). This would be consistent with the City's housing element.
Goal LU 6.15: A mixed-use community that provides jobs, residential, and supporting services in close proximity, with pedestrian-oriented amenities that facilitate walking and enhance livability.	
LU 6.15.1. Land Use Districts and Neighborhoods. Provide for the development of distinct business park, commercial, and airport-serving districts and residential neighborhoods that are integrated to ensure a quality environment and compatible land uses.	**Consistent.** High quality, integrated development, including mixed use, residential, office, and retail uses, is addressed through the Land Use and Development Regulations (Section II), Architectural Design Considerations (Section III), and Residential Design Guidelines (Section IV) sections of the PCDP provide a comprehensive set of standards and guidelines to implement this policy.

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LU 6.15.2. Underperforming Land Uses. Promote the redevelopment of sites with underperforming retail uses located on parcels at the interior of large blocks for other uses, with retail clustered along major arterials (e.g., Bristol, Campus, MacArthur, and Jamboree), except where intended to serve and be integrated with new residential development.	**Consistent.**. The PCDP facilitates the reuse of underperforming properties by allowing the addition of mixed-use and residential use. Land Use and Development Regulations (Section II), Architectural Design Considerations (Section III), and Residential Design Guidelines (Section IV) provide a comprehensive set of standards and guidelines to promote high-quality new development.
LU 6.15.3. Airport Compatibility. Require that all development be constructed in conformance with the height restrictions set forth by Federal Aviation Administration (FAA), Federal Aviation Regulations (FAR) Part 77, and Caltrans Division of Aeronautics, and that residential development be located outside of the 65 dBA CNEL noise contour specified by the 1985 JWA Master Plan.	**Consistent.** The Project would be constructed in conformance with the FAA's height restrictions, and all residential development would be located outside the 65 dBA CNEL noise contour and outside the boundaries of Safety Zone 3 where high density residential development is not allowed. The Applicant has received a determination of no hazard to aviation with development up to 85 feet in height from the FAA.
LU 6.15.4 Priority Uses Accommodate office, research and development, and similar uses that support the primary office and business park functions such as retail and financial services, as prescribed for the "CO-G" designation, while allowing for the re-use of properties for the development of cohesive residential villages that are integrated with business park uses.	**Consistent.** Office and commercial uses would be compatible with residential uses in accordance with the Land Use and Development Regulations (Section II) and Architectural Design Considerations (Section III) of the PCDP. Residential uses would support local retail, restaurants, and services. The PCDP design and connectivity requirements would integrate residential and non-residential uses and ensure adequate circulation and parking within the PC District.
LU 6.15.5 Residential and Supporting Uses Accommodate the development of a maximum of 2,200 multi-family residential units, including work force housing, and mixed-use buildings that integrate residential with ground level office or retail uses, along with supporting retail, grocery stores, and parklands. Residential units may be developed only as the replacement of underlying permitted nonresidential uses. When a development phase includes a mix of residential and nonresidential uses or replaces existing industrial uses, the number of peak hour trips generated by cumulative development of the site shall not exceed the number of trips that would result from development of the underlying permitted nonresidential uses. However, a maximum of 550 units may be developed as infill on surface parking lots or areas not used as occupiable buildings on properties within the Conceptual Development Plan Area depicted on Figure LU22 provided that the parking is replaced on site.	**Consistent.** The GPA and PCDP provides development capacity and standards for mixed-use development. The proposed development limit is 329 dwelling units (plus up 115 density bonus when affordable housing is provided) and 297,572 square feet for commercial development. The Property is not located within the Conceptual Development Plan Area depicted on Figure LU22, and therefore, any residential units allocated to the site are not any portion of the 550 infill units allocated to the Conceptual Development Plan Area As described in Chapter 3 of the Addendum, the Project's residential uses would replace some of the permitted underlying commercial development capacity. Specifically, the 329 units would replace 60,926 square feet of permitted retail commercial uses using the City-approved Airport Area Residential and Mixed-Use Adjustment factors prepared by the City Traffic Engineer to ensure that the number of peak hour trips generated by the redevelopment of the Property would not exceed the number of trips attributable to the existing permitted non-residential uses. Any density bonus units, up to 115 units in this case are above and beyond what the General Plan allocates in accordance with Chapter 20.32 (Density Bonus) of the Newport Beach Municipal Code and State law. Two (2) projects have been approved within the Airport Area to date. Uptown Newport was approved for 632 replacement units, 290 additive units, and with a density bonus of 322 units for a total of 1,244 residential units. Newport Crossings was approved for 259 replacement units and 91 density bonus units. Therefore, the total remaining number of replacement units is 759 units and the 329 units requested by the applicant would not exceed the remaining units to be allocated pursuant to this policy. If approved, 430 replacement dwelling units would be available for other MU-H2 (Mixed-Use Horizontal 2) designated properties in the Airport Area.

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LU 6.15.6. Size of Residential Villages. Allow development of mixed-use residential villages, each containing a minimum of 10 acres and centered on a neighborhood park and other amenities (as conceptually illustrated in Figure LU23). The first phase of residential development in each village shall encompass at least 5 gross acres of land, exclusive of existing rights-of-way. This acreage may include multiple parcels provided that they are contiguous or face one another across an existing street. At the discretion of the City, this acreage may also include part of a contiguous property in a different land use category, if the City finds that a sufficient portion of the contiguous property is used to provide functionally proximate parking, open space, or other amenity. The "Conceptual Development Plan" area shown on Figure LU22 shall be exempt from the 5-acre minimum, but a conceptual development plan described in Policy LU 6.15.11 shall be required.	**Consistent.** The Property is 16.46 acres in total area and does not include a centered public park. The Property is not identified on Figure LU22 or Figure LU23. The first phase, Planning Area 1, allows residential and mixed-use development is 7.14 acres and would be developed in one phase. The remaining area would be developed in subsequent phases after existing commercial leases expire. The Applicant requests the City Council waive the park dedication requirement pursuant to Policy LU 6.15.13 and instead, pay the park in-lieu fee . If the City Council waives the dedication requirement, the proposed project is consistent with this policy.
LU 6.15.7. Overall Density and Housing Types. Require that residential units be developed at a minimum density of 30 units and maximum of 50 units per net acre averaged over the total area of each residential village. Net acreage shall be exclusive of existing and new rights-of-way, public pedestrian ways, and neighborhood parks. Within these densities, provide for the development of a mix of building types ranging from townhomes to high-rises to accommodate a variety of household types and incomes and to promote a diversity of building masses and scales.	**Consistent.** The residential component of the Project is 329 units (without density bonus units) within the 16.46-acre residential village and the density is about 20 du/ac and below the minimum 30 du/ac standard. If the density bonus units were included, the result would be about 27 du/ac. To comply, additional units would need to be included and required to be replacement units pursuant to Policy LU 6.15.5, meaning the additional units would come at the expense of underlying permitted non-residential uses. The 16.46-acre Property is partially constrained by the JWA 65 dBA CNEL noise contour and all residential use is inconsistent in this high noise area. The Property is also partially constrained by JWA Safety Zones 3 that limits residential uses to very low densities if not deemed unacceptable because of noise. Planning Area 1 is 7.14 acres and the area outside both the 65 dBA CNEL noise contour and Safety Zone 3 where residential use would be allowed consistent with the Airport Environs Land Use Plan for JWA is further limited to 6.02 acres. To comply with the Policy LU 6.15.7, 493 units would need to be constructed on 6.02 acres resulting in a density of 81.9 du/ac units per acre without including potential density bonus units which would exceed the maximum allowable density. However, California Government Code Section 65915(e)(1) prohibits a City from applying a development standard that will have the effect of physically precluding the construction of a development for projects that propose a density bonus. Waiver of height standards, number of stories and setbacks to accommodate project amenities such as an interior courtyard, community plaza and high ceilings have been interpreted as physical constraints that warrant waiver under Section 65915(e)(1). Wollmer v. City of Berkeley, (2011) 193 Cal. App. 4th 1329. With the waiver of LU 6.15.7 pursuant to Government Code §65915(e)(1), the 30-50 du/acre over the total area of each residential village would not be required. However, the Project would create a 46 du/acre development not including the density bonus units in Planning Area 1 which is within the density range of the Policy LU 6.15.7.
LU 6.15.8. First Phase Development Density. Require a residential density of 45 to 50 units per net acre, averaged over the first phase for each residential village. This shall be applied to 100 percent of properties in the first phase development area whether developed exclusively for residential or integrating service commercial horizontally on the site or vertically within a	**Consistent.** The PCDP is divided into two (2) planning areas. Planning Area 1 allows residential and mixed-use development and is 7.14 acres. Three hundred twenty-nine dwelling units constructed over 7.14 acres results in a density of 46 du/acre which is consistent with LU 6.15.8. Planning Area 2 allows commercial development only and is 9.32 acres.

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mixed-use building. On individual sites, housing development may exceed or be below this density to encourage a mix of housing types, provided that the average density for the area encompassed by the first phase is achieved	
LU 6.15.9 Subsequent Phase Development Location and Density Subsequent phases of residential development shall abut the first phase or shall face the first phase across a street. The minimum density of residential development (including residential mixed-use development) shall be 30 units per net acre and shall not exceed the maximum of 50 units per net acre averaged over the development phase.	**Consistent.** The residential component of the PCDP in Planning Area 1 would be developed in one phase and checked for consistency with this requirement. Planning Area 2 only includes non-residential development. Therefore, there would be no subsequent phases of residential development.
LU 6.15.12. Development Agreements. A Development Agreement shall be required for all projects that include infill residential units. The Development Agreement shall define the improvements and public benefits to be provided by the developer in exchange for the City's commitment for the number, density, and location of the housing units.	**Consistent.** The proposed project includes approval of a development agreement which will be implemented through the PCDP.
LU 6.15.13 Neighborhood Parks Standards. To provide a focus and identity for the entire neighborhood and to serve the daily recreational and commercial needs of the community within easy walking distance of homes, require dedication and improvement of at least 8 percent of the gross land area (exclusive of existing rights-of-way) of the first phase development in each neighborhood, or ½ acre, whichever is greater, as a neighborhood park. This requirement may be waived by the City where it can be demonstrated that the development parcels are too small to feasibly accommodate the park or inappropriately located to serve the needs of local residents, and when an in-lieu fee is paid to the City for the acquisition and improvement of other properties as parklands to serve the Airport Area. In every case, the neighborhood park shall be at least 8 percent of the total Residential Village Area or one acre in area, whichever is greater, and shall have a minimum dimension of 150 feet. Park acreage shall be exclusive of existing or new rights-of-way, development sites, or setback areas. A neighborhood park shall satisfy some or all of the requirements of the Park Dedication Ordinance, as prescribed by the Recreation Element of the General Plan.	**Consistent.** No park is proposed, and the Applicant asks the City Council to waive the requirement. The Applicant believes the location proximate to John Wayne Airport is inappropriate to serve the needs of the area and they have agreed to pay an in-lieu fee consistent with this policy. A significant portion of the Property is impacted by high noise levels and within JWA Safety Zone 3 and locating a park in such areas may not be appropriate or desirable. Additionally, predominant uses in Planning Area 2 are vehicle storage lots for car rental agencies operating with long-term leases. Air quality in the area and the limited residential density planned for the Airport Area are also factors suggesting a new public park within the Property may not be desirable. If the park dedication was required, the best potential location would be within Planning Area 1 outside the 65 dBA noise contour and JWA Safety Zone 3 further reducing the available land for residential or mixed-use development. In this scenario, a 1-acre dedication of 6.02 acres of relatively unconstrained land is a significant percentage of the area potentially available for residential use. If the dedication were required in conjunction with the first phase density bonus development, the cost of the dedication could render the density bonus financially infeasible. These or other potential factors could provide sufficient grounds for the City Council to waive the dedication requirement. If the City Council chooses not to waive the parkland dedication requirement, development of the future park would be required in accordance with this policy. With either outcome the City Council chooses, neighborhood park dedication or waiver, the Project is consistent with LU 6.15.13.
LU 6.15.14 Location. Require that each neighborhood park is clearly public in character and is accessible to all residents of the neighborhood. Each park shall be surrounded by public streets on at least two sides (preferably with on-street parking to serve the park), and shall be linked to residential uses in its respective neighborhood by streets or pedestrian ways.	**Consistent.** No public park is proposed, and the Applicant askes the City Council to waive the neighborhood park dedication requirement pursuant to Policy 6.15.13 and, instead, pay an in-lieu fee. If the City Council acts to waive the park dedication, this policy would not apply. If the City Council chooses not to waive the parkland dedication, development of the future park would be posted as a public park in accordance with this policy.

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LU 6.15.15. Aircraft Notification. Require that all neighborhood parks be posted with a notification to users regarding proximity to John Wayne Airport and aircraft overflight and noise.	**Consistent.** The proposed project would comply with notification requirements related to aircraft overflight and noise if parks are developed.
LU 6.15.16 On-Site Recreation and Open Space Standards. Require developers of multi-family residential developments on parcels 8 acres or larger to provide on-site recreational amenities. For these developments, 44 square feet of on-site recreational amenities shall be provided for each dwelling unit in addition to the requirements under the City's Park Dedication Ordinance and in accordance with the Parks and Recreation Element of the General Plan. On-site recreational amenities can consist of public urban plazas or squares where there is the capability for recreation and outdoor activity. These recreational amenities may also include swimming pools, exercise facilities, tennis courts, and basketball courts. Where there is insufficient land to provide on-site recreational amenities, the developer shall be required to pay cash in-lieu that would be used to develop or upgrade nearby recreation facilities to offset user demand as defined in the City's Park Dedication Fee Ordinance. The acreage of on-site open space developed with residential projects may be credited against the parkland dedication requirements where it is accessible to the public during daylight hours, visible from public rights-of-way, and is of sufficient size to accommodate recreational use by the public. However, the credit for the provision of on-site open space shall not exceed 30 percent of the parkland dedication requirements.	**Consistent.** Section II of the PCDP requires 75 square feet of common open space per dwelling unit in a future residential or mixed-use project and it exceeds the minimum standard. Separate from the City's park dedication and/or in-lieu requirement under the General Plan, Chapter 19.52 (Park Dedications and Fees) of the NBMC also require park dedication and/or in-lieu fees in accordance with California Government Code Section 66477 et seq. also referred to as the Quimby Act. However, Chapter 19.52 only applies to subdivisions or condominiums. While the Applicant plans the construction of apartments that would not generate a park dedication requirement, condominium development would be allowed by the PCDP. Should a condominium project be proposed, it would be subject to NBMC Chapter 19.52. Should a future residential development include publicly accessible open space that meets the policy criteria, the Applicant could request a credit toward parkland dedication requirements (if any). Please refer to the discussion of Policy LU 6.15.13 for additional analysis regarding park dedication requirements.
LU 6.15.17 Street and Pedestrian Grid. Create a pattern of streets and pedestrian ways that breaks up large blocks, improves connections between neighborhoods and community amenities, and is scaled to the predominantly residential character of the neighborhoods.	**Consistent:** Any new streets and pedestrian ways in the PC District would be designed to break up large blocks, improve connections and links between uses and be scaled to the residential component of the PC District in Planning Area 1, as described in the Land Use and Development Regulations (Section II) and Architectural Design Considerations (Section III), of the PCDP. The City would confirm compliance during future Site Development Review process.
LU 6.15.18 Walkable Streets. Retain the curb-to-curb dimension of existing streets, but widen sidewalks to provide park strips and generous sidewalks by means of dedications or easements. Except where traffic loads preclude fewer lanes, add parallel parking to calm traffic, buffer pedestrians, and provide short-term parking for visitors and shop customers.	**Consistent:** A future applicant be required to retain the curb-to-curb dimension of existing streets and would widen sidewalks to create park strips and sidewalks in compliance with General Plan policy 6.15.18. The City would confirm compliance with this General Plan policy during Site Development Review.
LU 6.15.21 Required Spaces for Primary Uses. Consider revised parking requirements that reflect the mix of uses in the neighborhoods and overall Airport Area, as well as the availability of on-street parking.	**Consistent**. Future development will be required to comply with City of Newport Beach Municipal Code parking requirements, including Section 20.32.040 of the Newport Beach Municipal Code for a density bonus project. The City will confirm compliance with this General Plan policy during Site Development Review**.**
LU 6.15.22 Building Massing. Require that high-rise structures be surrounded with low- and mid-rise structures fronting public streets and pedestrian ways or other means to promote a more pedestrian scale.	**Not Applicable.** The PC District would include low- and mid-rise structures (85 feet maximum) in Planning Areas 1 and 2. No high-rise structures would be constructed in the PC District. Therefore, this General Plan policy does not apply to the PC District.
LU 6.15.23. Sustainable Development Practices. Require that development achieves a high level of environmental	**Consistent.** The proposed project is a mixed-use development that, because of compliance with modern state regulations related to energy

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sustainability that reduces pollution and consumption of energy, water, and natural resources. This may be accomplished through the mix and density of uses, building location and design, transportation modes, and other techniques. Among the strategies that should be considered are the integration of residential with jobs-generating uses, use of alternative transportation modes, maximized walkability, use of recycled materials, capture and re-use of storm water on-site, water conserving fixtures and landscapes, and architectural elements that reduce heat gain and loss.	efficiency and climate change, would be more energy efficient than the project site's existing commercial uses. For more information about this topic see Section 5.8, *Greenhouse Gas Emissions*. Future development would comply with the CALGreen Code, including its water conservation measures and City water conservation codes and standards.
Goal H 2: A balanced residential community, comprised of a variety of housing types, designs, and opportunities for all social and economic segments.	
H 2.1. Encourage preservation of existing and provision of new housing affordable to extremely low-, very low-, low-, and moderate-income households.	**Consistent.** The proposed project would include affordable housing units in accordance with Chapter 20.32 of the Municipal Code. Upon provision of affordable housing units, the project would be eligible for up to a 35 percent density bonus (up to 115 additional units)
H 2.2. Encourage the housing development industry to respond to existing and future housing needs of the community and to the demand for housing as perceived by the industry.	**Consistent.** The proposed project would help meet existing housing needs in Newport Beach and Orange County, which are jobs-rich and currently experiencing a housing shortage.
Housing Program 2.2.4. All required affordable units shall have restrictions to maintain their affordability for a minimum of 30 years.	**Consistent.** All proposed affordable units will be made available to low income households for a minimum period of 30 years.
Housing Program 2.2.8. Implement Chapter 20.32 (Density Bonus) of the Zoning Code and educate interested developers about the benefits of density bonuses and related incentives for the development of housing that is affordable to very low-, low-, and moderate-income households and senior citizens.	**Consistent.** The project utilizes a density bonus and will consider requests for incentives/waivers consistent with the City's zoning code and Government Code Section 65915.
H 2.3. Approve, wherever feasible and appropriate, mixed residential and commercial use developments that improve the balance between housing and jobs.	**Consistent.** The proposed project is a mixed-use project with both residential and commercial uses.
Goal H 3: Housing opportunities for as many renter- and owner-occupied households as possible in response to the demand for housing in the City.	
H 3.1. Mitigate potential governmental constraints to housing production and affordability by increasing the City of Newport Beach role in facilitating construction of affordable housing for all income groups.	**Consistent.** This policy addresses City strategy and not individual development projects.
Housing Program 3.1.2. When a residential developer agrees to construct housing for persons and families of very low-, low-, and moderate-income above mandated requirements, the City shall (1) grant a density bonus as required by state law and/or (2) provide additional incentives of equivalent financial value.	**Consistent.** The project utilizes a density bonus and requests incentives/waivers consistent with City's zoning code and Government Code Section 65915.
H 3.2. Enable construction of new housing units sufficient to meet City quantified goals by identifying adequate sites for their construction. Development of new housing will not be allowed within the John Wayne Airport (JWA) 65 dB CNEL contour, no larger than shown on the 1985 JWA Master Plan.	**Consistent.** The proposed project aids the City in its goal to provide new housing opportunities by including 444 housing units. As discussed in Section 5.13, *Noise*, a portion of the project site is within the airport's 65 dB CNEL, and the PCDP restricts housing within this zone.
Goal H 4: Preservation and increased affordability of the City's housing stock for extremely low-, very low–, low-, and moderate-income households.	
H 4.1. Continue or undertake the following programs to mitigate potential loss of "at risk" units due to conversion to market-rate units. These efforts utilize existing City and local resources. They	**Consistent.** The housing programs listed under Policy H 4.1 in the Housing Element are identified as being the responsibility of the City. However, the proposed project would comply with all requirements

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include efforts to secure additional resources from public and private sectors should they become available.	enforced by the City, including restrictions regarding maintenance of units as affordable.
H 4.2. Improve energy efficiency of all housing unit types (including mobile homes).	**Consistent.** As discussed in Section 5.8, *Greenhouse Gas Emissions*, and Section 5.6, *Energy,* the proposed project would be constructed to adhere to the California Building Energy and Efficiency Standards and the California Green Building Standards Code (CALGreen). The 2016 Building Energy Efficiency Standards and CALGreen were effective starting on January 1, 2017, and the 2019 standards were effective starting January 1, 2020. These standards achieve higher energy efficiency that most existing housing units.
Goal NR 1. Minimized water consumption through conservation methods and other techniques.	
NR 1.1. Water Conservation in New Development. Enforce water conservation measures that limit water usage, prohibit activities that waste water or cause runoff, and require the use of water–efficient landscaping and irrigation in conjunction with new construction projects.	**Consistent.** Section 5.19, *Utilities and Service Systems*, discusses the numerous water conservation requirements applicable to the proposed project, including those found in the Newport Beach Municipal Code. The proposed project would comply with these regulations.
NR 1.6. Services for Lower Income Households. New developments which provide housing for lower income households that help meet regional needs shall have priority for the provision of available and future resources or services, including water and sewer supply and services.	**Consistent.** The proposed project would include housing units affordable to lower-income households. Furthermore, because the project is in an existing developed urban area, it is already well served by water, sewer, and other services.
Goal NR 3: Enhancement and protection of water quality of all natural water bodies, including coastal waters, creeks, bays, harbors, and wetlands.	
NR 3.9. Water Quality Management Plan. Require new development applications to include a Water Quality Management Plan (WQMP) to minimize runoff from rainfall events during construction and post-construction.	**Consistent.** All development under the proposed project would have WQMPs in place and would implement post-construction BMPs to maintain surface and groundwater quality.
NR 3.11. Site Design and Source Control. Include site design and source control BMPs in all developments. When the combination of site design and source control BMPs are not sufficient to protect water quality as required by the National Pollutant Discharge Elimination System (NPDES), structural treatment BMPs will be implemented along with site design and source control measures.	**Consistent.** Section 5.10 includes analysis of the proposed project's drainage and stormwater runoff impacts. Development would involve implementation of low-impact development BMPs, site design BMPs, and structural and nonstructural source control BMPs that would reduce the amount of runoff generated onsite and discharged off-site as well as reduce the potential for pollutants to contaminate runoff.
NR 3.14. Runoff Reduction on Private Property. Retain runoff on private property to prevent the transport of pollutants into natural water bodies, to the maximum extent practicable.	**Consistent.** See response to Policy NR 3.11, above.
NR 3.20. Impervious Surfaces. Require new development and public improvements to minimize the creation of and increases in impervious surfaces, especially directly connected impervious areas, to the maximum extent practicable. Require redevelopment to increase area of pervious surfaces, where feasible.	**Consistent.** The proposed project's site design BMPs would minimize impervious surfaces wherever possible, as discussed in Section 5.10.
Goal NR 6: Reduced mobile source emissions.	
NR 6.1. Walkable Neighborhoods. Provide for walkable neighborhoods to reduce vehicle trips by siting amenities such as services, parks, and schools in close proximity to residential areas.	**Consistent.** The proposed project's context is Newport Beach's Airport Area, which features a variety of amenities (including restaurants, medical offices, and professional services) within walking distance of the project site.
NR 6.2. Mixed-Use Development. Support mixed-use development consisting of commercial or office with residential uses in accordance with the Land Use Element that increases	**Consistent.** As discussed throughout this section, the proposed project is mixed-use project that would add housing units in an employment-rich area.

Table 7 Newport Beach General Plan Consistency Analysis

Applicable Goals and Policies	Project Consistency
the opportunity for residents to live in proximity to jobs, services, and entertainment.	
NR 6.3. Vehicle-Trip Reduction Measures. Support measures to reduce vehicle-trip generation such as at-work day care facilities, and on-site automated banking machines.	**Consistent.** The proposed project's introduction of residential uses in a largely nonresidential area with numerous services and amenities nearby would reduce the need for off-site vehicle trips. See the response to Policy NR 6.1 for additional information.
Goal NR 18: Protection and preservation of important paleontological and archaeological resources.	
NR 18.1. New Development. Require new development to protect and preserve paleontological and archaeological resources from destruction, and avoid and minimize impacts to such resources in accordance with the requirements of CEQA. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.	**Consistent.** This topic is discussed in Section 5.5, *Cultural Resources*. The proposed project would be required to comply with regulatory requirements and GPU policies regarding monitoring and discovery of paleontological and archaeological resources, and would reduce potential impacts to less than significant.
NR 18.3. Potential for Development to Impact Resources. Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow qualified representatives of such groups to monitor grading and/or excavation of development sites.	**Consistent.** This topic is discussed in Section 5.18, *Tribal Cultural Resource*s.
Goal R 1. Provision of Facilities: Provision of adequate park and recreation facilities that meet the recreational needs of existing and new residents of the community	
R 1.4. Density Bonuses. Consider development of incentives such as density bonuses for private commercial, office, and other developments to provide usable open space such as rooftop courts, pocket parks, public plazas, jogging trails, and pedestrian trails.	**Consistent.** The proposed project uses the City's density bonus incentives, as discussed in this table.
R 1.12. Aircraft Overflight and Noise. Require that all public parks located within the noise impact zones as defined in the 1985 JWA Master Plan for John Wayne Airport be posted with a notification to users regarding aircraft overflight and noise.	**Consistent.** The proposed park will be posted with the required notification to park users. This will be ensured through the City's development review and plan check process.

5.11.3 Mitigation Measures Identified in the Program EIR and Applicable to the Proposed Project

There were no mitigation measures in the 2006 GPU EIR or the 2014 LUE Amendment SEIR.

5.11.4 Relevant General Plan Policies

Relevant 2006 General Plan goals and policies are reviewed in detail in Table 7, above. Applicable General Plan policies for specific environmental topics are listed in the topical analysis sections of this Addendum.

5.12 MINERAL RESOURCES

5.12.1 Summary of Impacts Identified in the Program EIR

5.12.1.1 2006 GENERAL PLAN EIR

Based on the California Geological Survey, areas known as mineral resource zones (MRZs) are classified according to the presence or absence of mineral resources. All of Newport Beach is zoned either MRZ-1 or MRZ-3, areas with no significant mineral deposits and areas containing mineral deposits of undetermined significance, respectively. The City is required to evaluate potential impacts to mineral resource recovery areas designated MRZ-2, areas with significant mineral deposits; however, there are no areas zoned MRZ-2 in the city.

Furthermore, most of the active oil wells are in the West Newport and Newport production areas. Generally, these areas overlap with the Banning Ranch subarea, with a smaller portion of the Newport Oil Field within the Balboa Peninsula subarea.

Consequently, the EIR found that implementation of the 2006 GPU would not substantially alter the projected production or consumption of the city, county, or state and no impact occurred.

5.12.1.2 2014 LUE AMENDMENT SEIR

There are no regional, state, or locally important mineral resource recovery sites in the city. Furthermore, the active oil fields are in the Banning Ranch subarea, with a smaller portion in the Balboa Peninsula subarea. The 2014 LUE Amendment did not affect any land uses in the northwest area of the City. Therefore, there were no impacts to mineral resources.

5.12.2 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major EIR Revisions	Substantial Change in Circum-stances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR	No Impact
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?					x
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?					x

Comments:

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

No Impact.

Project Comparison to 2006 General Plan EIR

All of Newport Beach is zoned either MRZ-1 or MRZ-3, and most active oil wells are in the Newport Oil Field and the West Newport Oil Field, in the northwest area of the city. Therefore, the proposed project, similar to development pursuant to the 2006 GPU, would have no impact to mineral resources, and there are no changes or new information requiring preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

The proposed project, similar to development pursuant to the 2014 LUE Amendment, would not introduce new development into areas designated as MRZ-2. Furthermore, no development would affect active oil wells in the northwest area of the City. Therefore, the proposed project, similar to development pursuant to the 2014 LUE Amendment, would have no impact to potential mineral resources..

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

No Impact.

Project Comparison to 2006 General Plan EIR

The City of Newport Beach 2006 GPU EIR states that there are no regional, state, or locally important mineral resource recovery sites in the city. Consequently, the proposed project, similar to development pursuant to the 2006 GPU, would have no impact on mineral resource recovery sites in the city, and there are no changes or new information requiring preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

The proposed project, similar to development pursuant to the 2014 LUE Amendment, would not introduce development into areas with regional, state, or locally important mineral resources and no impacts would arise.

5.12.3 Mitigation Measures Identified in the Program EIR and Applicable to the Proposed Project

There were no mitigation measures in the 2006 GPU EIR or the 2014 LUE Amendment SEIR.

5.12.4 Relevant General Plan Policies

The 2006 General Plan does not include any mineral resources goals or policies that are relevant to the proposed project.

5.13 NOISE

5.13.1 Summary of Impacts Identified in the Previous EIRs

5.13.1.1 2006 GENERAL PLAN EIR

The 2006 GPU EIR concluded that regional growth would create noise that would affect new and existing receptors. Most of this noise would be produced by increased traffic on local roads. Many of the General Plan policies, especially those associated with Goal N-2, Transportation Noise, would reduce the impact. However, existing receptors would still be exposed to new noise levels in excess of standards, and this impact, even with the proposed General Plan policies, was found to be significant and unavoidable.

The 2006 GPU EIR concluded that vibration impacts would potentially exceed the threshold of 72 VdB, if construction activities occurred within 150 feet of sensitive receptors (e.g., residences and schools). No feasible mitigation measures were identified, and this impact was found to be significant and unavoidable.

Construction noise was determined to be less than significant. Construction noise would be exempt from the City code during limited hours of the day and days of the week, and construction noise would comply with Municipal Code standards.

Impacts due to airport noise were also found to be less than significant. Receptors that would fall under the John Wayne Airport (JWA) 60 dBA or 65 dBA CNEL noise contours would be required to be consistent with General Plan Policies N.3.1 and N.3.2. These policies ensure that new uses are compatible and achieve interior noise levels of 45 dBA CNEL or less for residential uses.

5.13.1.2 2014 LUE AMENDMENT SEIR

The 2014 LUE Amendment SEIR concluded that stationary, nontransportation noise would be less than significant. This was based on the traffic noise increase of the LUE Amendment in comparison to the 2006 General Plan buildout on study roadway segments. The SEIR also found that although some roadway segments could experience noise increases due to traffic, no roadway segments would exceed the City's transportation noise thresholds, so the impact of transportation noise was found to be less than significant.

Airport noise impacts from JWA were found to be less than significant with the application of Policy N 3.2 of the Noise Element and compliance with Title 21 of the California Code of Regulations, which ensure that new uses are compatible and residential uses achieve interior noise levels of 45 dBA CNEL or less.

The 2014 LUE Amendment SEIR concluded that construction noise impacts would not substantially differ from the 2006 GPU EIR and would be less than significant. However, like the 2006 GPU EIR, construction vibration could not be mitigated in all cases and would remain significant and unavoidable.

5.13.2 Impacts Associated with the Proposed Project

Would the proposed project result in:

Environmental Issues	Substantial Change in Project Requiring Major EIR Revisions	Substantial Change in Circum-stances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				x	
b) Generation of excessive groundborne vibration or groundborne noise levels?				x	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				x	

Comments:

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less Than Significant Impact/No Changes or New Information Preparation of an EIR.

Project Comparison to 2006 General Plan EIR

Traffic Noise

Policy N 1.8 of the General Plan Noise Element requires the employment of noise mitigation measures for existing sensitive uses when a significant noise impact is identified for new development impacting existing sensitive uses, as presented in Table 8.

5. Environmental Analysis

Table 8 City of Newport Beach Incremental Noise Impact Criteria for Noise-Sensitive Uses (dBA CNEL)

No Project Noise Exposure	Allowable Noise Exposure Increment
55	3
60	2
65	1
70	1
75	0

Source: City of Newport Beach General Plan.

The proposed project would not increase the overall development capacity of the allowable uses as analyzed in the 2006 GPU EIR. In addition, redesignation of the project site from AO to MU-H2 would generate 327 fewer daily trips (Urban Crossroads 2020). Because the proposed project would generate fewer vehicle trips, its implementation would result in less overall traffic noise. Therefore, buildout of the proposed project is not anticipated to result in a substantial increase in traffic noise compared to what was previously analyzed in the 2006 GPU EIR. Therefore, impacts would be less than significant and there are no changes or new significant information requiring the preparation of an EIR.

Stationary Noise

The proposed project would change the land use designation of the site from AO to MU-H2. The site is currently developed as office and commercial uses. Stationary noise sources associated with these uses include rooftop mechanical equipment such as HVAC equipment and truck loading and unloading. The land use re-designation would not introduce new types of noise sources that were not already anticipated under the existing land use designation. In general, stationary noise sources associated with the proposed residential uses are similar to or less than commercial uses. Stationary noise sources associated with residential uses include HVAC equipment, but would not require truck loading and unloading needed for retail uses. Future development would be subject to the City of Newport Beach exterior noise standards from the Municipal Code. Therefore, impacts would be less than significant and there are no changes or new significant information that would require preparation of an EIR.

Construction Noise

As discussed in Section 5.13.1, the 2006 GPU EIR concluded that construction noise would be less than significant. When compared to the land uses considered for the project site under the 2006 GPU EIR, the proposed project would accommodate land uses that would require similar construction processes and intensities. Though the proposed 2006 GPU EIR does not include residential uses for the proposed project area, overall it is anticipated that the required construction processes and activities needed to develop the land uses accommodated under both the proposed project and the 2006 GPU EIR would be similar.

Certain land uses are particularly sensitive to noise and vibration. These uses include residential, schools, libraries, churches, nursing homes, hospitals, hotels, and open space/recreation areas where quiet environments

are necessary for enjoyment, public health, and safety. Commercial and industrial uses are generally not considered noise and vibration sensitive unless noise and vibration would interfere with normal operations and business activities. The closest sensitive receptor to the site is the Hyatt Regency John Wayne Airport Hotel, approximately 80 feet east of the project boundary. Potential construction noise related to this use would be similar to noise as addressed in the 2006 GPU EIR and would not represent a new impact.

Construction noise would be subject to General Plan Policy N 4.6, which would require enforcement of the noise ordinance limits and hours in the City's municipal code. Because the project's construction noise levels would not substantially differ from the 2006 GPU EIR, construction noise impacts with implementation of the proposed project would be less than significant. Therefore, there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

Traffic Noise

Buildout of the proposed project would result in less commercial space and the same number of residential dwelling units compared to the 2014 LUE SEIR. Implementation of the proposed project is anticipated to result in a minimum of 3,899 fewer daily trips with density bonus units and an estimated 4,463 fewer daily trips without density bonus (Urban Crossroads 2020). Because the proposed project would generate fewer vehicle trips, its implementation would result in less overall traffic noise. Therefore, buildout of the proposed project is not anticipated to result in a substantial increase in traffic noise compared to what was previously analyzed in the 2014 LUE Amendment SEIR. Therefore, there are no changes or new significant information requiring the preparation of an EIR.

Stationary Noise

The 2014 LUE Amendment SEIR concluded that stationary, non-transportation noise would be less than significant. Buildout of the proposed project would result in less commercial space and the same number of residential dwelling units. The proposed project would not introduce new types of noise sources that were not already anticipated under the 2014 LUE Amendment SEIR. Because the proposed project would result in less commercial space, stationary noise impacts are anticipated to be less than what was previously analyzed. Future development would be subject to the City of Newport Beach exterior noise standards from the Municipal Code. Therefore, there are no changes or new significant information that would require preparation of an EIR.

Construction Noise

The proposed project would result in similar land use types and be within the land use amounts previously considered under the 2014 LUE Amendment SEIR. Buildout of the proposed project would result in less commercial space and the same number of residential units. Thus, it is anticipated that the types of construction activities and construction processes associated with the land use development projects accommodated under the proposed project would be similar to or less intensive than what was considered in the 2014 LUE

Amendment SEIR. Therefore, there are no changes or new significant information that would require the preparation of an EIR.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less Than Significant Impact/No Changes or New Information Preparation of an EIR.

Project Comparison to 2006 General Plan EIR

When compared to the land uses considered for the project site under the 2006 GPU EIR, the proposed project would accommodate similar types of land uses, although the 2006 GPU EIR does not include residential uses for the proposed project area. Nevertheless, it is anticipated that the required construction processes and activities needed to develop the land uses accommodated under both the proposed project and the 2006 GPU EIR would be similar. The GPU EIR states that construction-related vibration levels could be problematic if sensitive uses are located within about 100 feet of potential project construction sites. There are no sensitive receptors (residents, school children, hospitals) within 100 feet of the project site. Given the potential that other site may not be able to be adequately mitigated for construction-related vibration, this impact was concluded to be potentially significant in the GPU EIR. Vibration impacts for the Airport Village Planned Community would be anticipated to be less than the potential impacts anticipated overall for the GPU. Therefore, there are no changes or new significant information that would require the preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

The proposed project would result in similar land use types and be within the land use amounts previously considered under the 2014 LUE Amendment SEIR. Buildout of the proposed project would result in less commercial space and the same number of residential dwelling units. Thus, it is anticipated that the types of construction activities and construction processes associated with the land use development projects accommodated under the proposed project would be similar to or less intensive than what was considered in the 2014 LUE Amendment SEIR. Therefore, there are no changes or new significant information that would require the preparation of an EIR.

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

Less Than Significant Impact/No Changes or New Information Preparation of an EIR.

Project Comparison to 2006 General Plan EIR

Policy N 3.2 of the Noise Element requires that residential development in the Airport Area be located outside of the 65 dBA CNEL noise contour, which can be no larger than shown in the 1985 JWA Airport Environs Land Use Plan (AELUP). In addition, it requires that residential developers notify prospective purchasers or tenants of aircraft overflight and noise.

The Airport Land Use Commission (ALUC) of Orange County adopted an AELUP, amended April 17, 2008, that included JWA. The AELUP is a land use compatibility plan that is intended to protect the public from

adverse effects of aircraft noise. The proposed project is within the "airport influence area" defined by the AELUP. In most instances, the airport influence area is designated by the ALUC as its planning area boundary for the airport, and the two terms can be considered synonymous. The aircraft noise contours that are used for planning purposes by the County of Orange and Airport Land Use Commission are found in the AELUP and derived from the 1985 Master Plan for JWA and the accompanying EIR 508. These noise contours are based on fleet mix and flight level assumptions developed in EIR 508.

The AELUP identifies noise impact zones based on the airport noise contour projections:

- **Noise Impact Zone "1"** is the high noise impact that would occur in areas within the 65 dBA CNEL noise contour. The ALUC does not support residential development within this zone. All residential units would be inconsistent in this area unless it can be shown that the interior 45 dBA CNEL noise level is not exceeded in interior areas with an accompanying avigation easement for noise. Commercial, industrial, and recreational uses may be acceptable in this zone providing that commercial and industrial structures are sufficiently sound attenuated to allow normal work activities. The 12-hour Leq interior noise standards due to exterior noise are measured from 7 am to 7 pm (or another approved time period):

    - 45 dBA—private offices, church sanctuary, board room, conference room
    - 50 dBA—general office, reception, clerical
    - 55 dBA—bank lobby, retail store, restaurant
    - 65 dBA—manufacturing, kitchen, warehousing

- **Noise Impact Zone "2"** is the moderate noise impact that would occur in areas within the 60 dBA CNEL noise contour. Even though residential units are not incompatible in this area, the ALUC strongly recommends that residential units be limited or excluded from this area unless sufficiently sound attenuated, that is, with a CNEL value not exceeding an interior level of 45 dBA.

Since the 2006 GPU EIR was approved, the 2014 John Wayne Airport Settlement Agreement Amendment EIR was approved. This amendment approved an increase in the number of passengers per year in three phases. The EIR concluded that the CNEL noise increases due to Phases 1 and 2 would result in less than a 1 dBA CNEL increase, and that Phase 3 would result in noise level increases less than 1.5 dBA CNEL. These increases did not exceed FAA or County of Orange noise standards.

Figure 16, *2008 AELUP JWA Noise Exposure at the Project Site*, shows how airport noise and noise impact zones affect the project site. Consistent with General Plan Policy N 3.2, the project does not propose residential uses in Noise Impact Zone 1. That is, the proposed residential uses would be outside the AELUP 65 dBA CNEL noise contour. The proposed project includes residential uses in Noise Impact Zone 2, which is the area in the AELUP 60 dBA CNEL noise contour. Consistent with Title 21 of the California Code of Regulations, which requires an interior noise level of 45 dBA CNEL, and with 45 dBA CNEL interior noise requirement for any residential uses proposed in Noise Impact Zone 2, project-level design review will be required prior to the issuance of a building permit, which demonstrates to the City per General Plan Policy N 1.2 that all residential units of the proposed project will meet the 45 dBA CNEL interior noise level.

5. Environmental Analysis

Office uses within the 65 dBA CNEL noise contour were already considered under the 2006 GPU EIR and would be "normally compatible" per General Plan land use compatibility standards and ALUC noise compatibility guidelines. Project-level design review prior to the issuance of a building permit demonstrates to the City, per General Plan Policy N 1.2, that the 12-hour L_{eq} interior noise level due to exterior noise measured from 7 am to 7 pm—or another approved time period—does not exceed 50 dBA.

The noise contours associated with the settlement for Phases 1, 2, and 3 of the 2014 John Wayne Airport Settlement Agreement Amendment EIR show that the proposed residential development as part of the proposed project would remain outside the 65 CNEL contour. Therefore, there are no changes or new significant information that would require the preparation of an EIR.

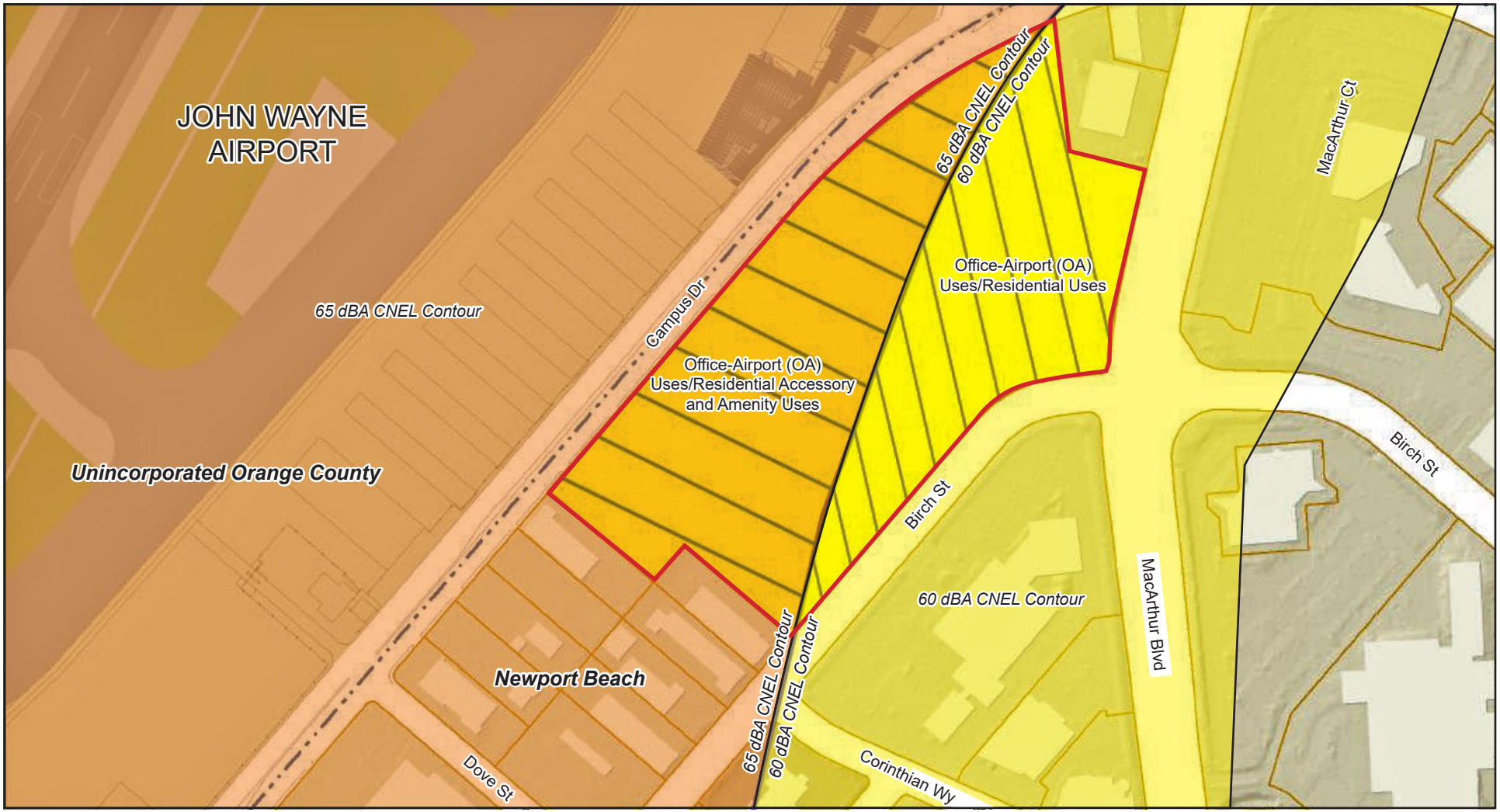
Project Comparison to 2014 LUE Amendment SEIR

The 2014 LUE Amendment SEIR concluded that with the application of Policy N 3.2 of the Noise Element and compliance with Title 21 of the California Code of Regulations, which ensure that new uses are compatible and achieve interior noise levels of 45 dBA CNEL or less for residential uses, airport noise impacts from JWA would be less than significant. Similar to the 2014 LUE Amendment SEIR, the project proposes residential uses within the Airport Area near the intersection of Birch Street and MacArthur Boulevard. Consistent with General Plan Policy N 3.2, the project does not propose residential uses within Noise Impact Zone 1, but outside the AELUP 65 dBA CNEL noise contour. The proposed project includes residential uses in Noise Impact Zone 2, within the AELUP 60 dBA CNEL noise contour. Consistent with Title 21 of the California Code of Regulations, which requires an interior noise level of 45 dBA, and with the 45 dBA CNEL interior noise requirement for residential uses in Noise Impact Zone 2, project-level design review will be required prior to the issuance of a building permit to demonstrate to the City, per General Plan Policy N 1.2, that all residential units of the proposed project will meet the 45 dBA CNEL interior noise level.

Office uses as part of the proposed project were already considered under the 2006 GPU EIR and would be "normally compatible" per General Plan land use compatibility standards within the 65 dBA CNEL noise contour. Office uses are "normally consistent" with the ALUC noise compatibility guidelines within the 65 dBA CNEL noise contour and must demonstrate through project-level design review, prior to the issuance of a building permit, which demonstrates to the City per General Plan Policy N 1.2 that the 12-hour L_{eq} interior noise level due to exterior noise measured from 7 am to 7 pm, or other appropriate, approved time periods does not exceed 50 dBA.

The noise contours associated with the settlement for Phases 1, 2, and 3 of the 2014 John Wayne Airport Settlement Agreement Amendment EIR show that the proposed residential development as part of the proposed project would remain outside the 65 CNEL contour. Therefore, there are no changes or new significant information that would require the preparation of an EIR.

Figure 16 - 2008 AELUP JWA Noise Exposure at the Project Site



Source: Airport Land Use Commission, 2008

5. Environmental Analysis

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5.13.3 Adopted Mitigation Measures Applicable to the Proposed Project

No mitigation measures related to noise and vibration were outlined in the 2006 GPU EIR.

5.13.4 Relevant General Plan Policies

The General Plan includes several policies that would reduce noise associated with future development projects in the City.

Noise Element

Goal N 1: Noise Compatibility: Minimized land use conflicts between various noise sources and other human activities.

- **N 1.1 - Noise Compatibility of New Development:** Require that all proposed projects are compatible with the noise environment through use of Table N2 of the Noise Element, and enforce the interior and exterior noise standards shown in Table N3 of the Noise Element.

- **N 1.2 - Noise Exposure Verification for New Development:** Applicants for proposed projects that require environmental review and are, located in areas projected to be exposed to a CNEL of 60 dBA and higher, as shown on Figure N4, Figure N5, and Figure N6 of the Noise Element may conduct a field survey, noise measurements or other modeling in a manner acceptable to the City to provide evidence that the depicted noise contours do not adequately account for local noise exposure circumstances due to such factors as, topography, variation in traffic speeds, and other applicable conditions. These findings shall be used to determine the level of exterior or interior, noise attenuation needed to attain an acceptable noise exposure level and the feasibility of such mitigation when other planning considerations are taken into account.

- **N 1.4 - New Developments in Urban Areas:** Require that applicants of residential portions of mixed-use projects and high density residential developments in urban areas (such as the Airport Area and Newport Center) demonstrate that the design of the structure will adequately isolate noise between adjacent uses and units (common floor/ceilings) in accordance with the California Building Code.

- **N 1.6 - Mixed Use Developments:** Encourage new mixed-use developments to site loading areas, parking lots, driveways, trash enclosures, mechanical equipment, and other noise sources away from the residential portion of the development.

- **N 1.7 - Commercial/Entertainment Uses:** Limit hours and/or requires attenuation of commercial/ entertainment operations adjacent to residential and other noise sensitive uses in order to minimize excessive noise to these receptors.

Goal N 2: Minimized motor vehicle traffic and boat noise impacts on sensitive noise receptors

- **N 2.1 - New Development:** Require that proposed noise-sensitive uses in areas of 60 dBA and greater, as determined the analyses stipulated by Policy N1.1, demonstrate that they meet interior and exterior noise levels.

- **N 2.2 - Design of Sensitive Land Uses:** Require the use of walls, berms, and interior noise insulation, double paned windows, or other noise mitigation measures, as appropriate, in the design of new residential or other new noise sensitive land uses that are adjacent to major roads. Application of the Noise Standards in Table N3 of the Noise Element shall govern this requirement.

- **N 2.3 - Limiting Truck Deliveries:** Limit the hours of truck deliveries to commercial uses abutting residential uses and other noise sensitive land uses to minimize excessive noise unless there is no feasible alternative. Any exemption shall require compliance with nighttime (10:00 P.M. to 7:00 A.M.) noise standards.

Goal N 3: Protection of Newport Beach residents from the adverse noise impacts of commercial air carrier operations at John Wayne Airport as provided in the City Council Airport Policy.

- **N 3.1 - New Development:** Ensure new development is compatible with the noise environment by using airport noise contours no larger than those contained in the 1985 JWA Master Plan, as guides to future planning and development decisions.

- **N 3.2 - Residential Development:** Require that residential development in the Airport Area be located outside of the 65 dBA CNEL noise contour no larger than shown in the 1985 JWA Master Plan and require residential developers to notify prospective purchasers or tenants of aircraft overflight and noise.

- **N 3.3 - Avigation Easement:** Consider requiting the dedication of avigation easements in favor of the County of Orange when noise sensitive uses are proposed in the JWA planning area, as established in the JWA Airport Environs Land Use Plan (AELUP).

Goal N 4: Minimization of Nontransportation-Related Noise: Minimized nontransportation-related noise impacts on sensitive noise receptors.

- **N 4.1 - Stationary Noise Sources:** Enforce interior and exterior noise standards outlined in Table N3 of the Noise Element and in the City's Municipal Code to ensure that sensitive noise receptors are not exposed to excessive noise levels from stationary noise sources, such as heating, ventilation, and air conditioning equipment.

- **N 4.2 - New Uses:** Require that new uses such as restaurants, bars, entertainment, parking facilities, and other commercial uses where large numbers of people may be present adjacent to sensitive noise receptors obtain a use permit that is based on compliance with the noise standards in Table N3 of the Noise Element and the City's Municipal Code.

- **N 4.3 - New Commercial Developments:** Require that new commercial developments abutting residentially designated properties be designed to minimize noise impacts generated by loading areas,

parking lots, trash enclosures, mechanical equipment, and any other noise generating features specific to the development to the extent feasible.

- **N 4.6 - Maintenance or Construction Activities:** Require the enforcement of the Noise Ordinance noise limits and limits hours of maintenance or construction activity in or adjacent to residential areas, including noise that results from in-home hobby or work related activities.

Goal N 5: Minimized excessive construction-related noise.

- **N 5.1 - Limiting Hours of Activity:** Enforce the limits on hours of construction activity.

Land Use Element

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

- **LU 5.3.1 - Mixed-Use Buildings:** Require that mixed-use buildings be designed to convey a high level of architectural and landscape quality and ensure compatibility among their uses in consideration of the following principles:
  - Design and incorporation of building materials and features to avoid conflicts among uses, such as noise, vibration, lighting, odors, and similar impacts
  - Visual and physical integration of residential and nonresidential uses
  - Architectural treatment of building elevations and modulation of their massing
  - Separate and well-defined entries for residential units and nonresidential businesses
  - Design of parking areas and facilities for architectural consistency and integration among uses
  - Incorporation of extensive landscape appropriate to its location; urbanized streetscapes, for example, would require less landscape along the street frontage but integrate landscape into interior courtyards and common open spaces.

Goal LU 6.1: A diversity of governmental service, institutional, educational, cultural, social, religious, and medical facilities that are available for and enhance the quality of life for residents and are located and designed to complement Newport Beach's neighborhoods.

- **LU 6.1.3: Architecture and Planning that Complements Adjoining Uses:** Ensure that the City's public buildings, sites, and infrastructure are designed to be compatible in scale, mass, character, and architecture with the district or neighborhood in which they are located, following the design and development policies for private uses specified by this Plan. Design impacts on adjoining uses shall be carefully considered in development, addressing such issues as lighting spillover, noise, hours of operation, parking, local traffic impacts, and privacy.

5. Environmental Analysis

Goal LU 6.2: Residential neighborhoods that contain a diversity of housing types and supporting uses to meet the needs of Newport Beach's residents and are designed to sustain livability and a high quality of life.

- **LU 6.2.5: Neighborhood Supporting Uses:** Allow for the integration of uses within residential neighborhoods that support and are complementary to their primary function as a living environment such as schools, parks, community meeting facilities, religious facilities, and comparable uses. These uses shall be designed to ensure compatibility with adjoining residential addressing such issues as noise, lighting, and parking.

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

- **LU 6.15.3 - Airport Compatibility:** Require that all development be constructed in conformance with the height restrictions set forth by Federal Aviation Administration (FAA), Federal Aviation Regulations (FAR) Part 77, and Caltrans Division of Aeronautics, and that residential development be located outside of the 65 dBA CNEL noise contour specified by the 1985 JWA Master Plan.

- **LU 6.15.15 - Aircraft Notification:** Require that all neighborhood parks be posted with a notification to users regarding proximity to John Wayne Airport and aircraft overflight and noise.

5.14 POPULATION AND HOUSING

5.14.1 Summary of Impacts Identified in the Program EIRs

5.14.1.1 2006 GENERAL PLAN EIR

The 2006 GPU EIR projected that buildout of the 2006 GPU would add 31,131 residents and 14,215 residential units to the City—at buildout the population would be 103,753 and the number of residential units 54,394. In 2004, SCAG forecast that the city would have 94,167 residents and 43,100 residential units in regional projections. General Plan buildout added 8,192 more residents and 8,810 more households to the city in 2030 than the regional forecasts. Implementation of the General Plan was therefore concluded to result in a significant and unavoidable population growth impact. No mitigation measures were identified to reduce or eliminate this significant impact.

The 2006 GPU primarily planned development 1) on the sparse developable land the City had left, 2) by intensifying current land uses, and 3) through the conversion of land uses of economically underperforming and obsolete development. Also, new development could take place on the vacant Banning Ranch area if it could not be retained for open space. No substantial demolition of residential uses was proposed under the 2006 GPU. Since the 2006 GPU did not propose uses that would displace substantial numbers of existing housing or people, the EIR found no impact.

5.14.1.2 2014 LUE AMENDMENT SEIR

Population and Housing

Buildout of the General Plan as amended by the 2014 LUE Amendment added up to 1,729 more residential units in the city. This total assumed that the maximum number of units was developed, including potential density bonus units. In comparison to the 2006 GPU EIR and based on the 2013 average household of 2.22 for the city, this resulted in an additional 3,838 persons and a total population of 106,197 at General Plan buildout. This population exceeded the 2035 SCAG population projection for the City of 90,030 by 16,167 persons (approximately 18 percent). This impact was found to be significant.

Employment

The General Plan LUE Amendment resulted in a net increase of 388 employees in comparison to buildout of the 2006 GPU. Estimated employment at buildout of the General Plan as amended was 85,905. Table 9, *Projected Jobs-Housing Ratio*, compares the resultant jobs-housing balance between buildout of the 2006 GPU and the 2014 LUE Amendment. Implementation of the LUE Amendment would reduce the jobs-housing ratio by 0.07, from 1.83 to 1.76 (a 3.8 percent reduction). Since the City was jobs-rich, this reduction was considered a beneficial impact.

5. Environmental Analysis

Table 9 Projected Jobs-Housing Ratio

	2006 General Plan Buildout	General Plan LUE Amendment Buildout	Change	Percent Change
Total Employees	85,517	85,905	388	0.04%
Housing Units	46,601	48,330	1729	3.7%
Jobs/Housing Ratio	1.84	1.78	-.0.06	-3.2%

The 2014 LUE Amendment involved changes in land use designations and increasing or reducing development capacities within subareas of the city. The areas proposed for decreased development capacities were Westcliff Plaza, Newport Coast Center, Newport Coast Hotel, Bayside Center, Harbor View Center, The Bluffs, Gateway Park, and Newport Ridge. The majority of these areas are commercial shopping centers with reduced square footage or, in the case of Newport Coast Hotel, a reduction in allowable hotel rooms. The only residential use subarea with reduced allowable dwelling units was Newport Ridge. However, the reduction was in the allowable development capacity of existing dwelling units in Newport Ridge. Thus, the 2014 LUE Amendment was found not to displace any existing housing in the city or necessitate the need to construct replacement housing elsewhere, resulting in no impact.

5.14.2 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major EIR Revisions	Substantial Change in Circum-stances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?					x
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?					x

Comments:

a) Induce substantial unplanned 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)?

No Impact.

Project Comparison to 2006 General Plan EIR

Population and Housing

As detailed in Chapter 3, *Project Description,* buildout of the proposed project would result in up to 444 more residential units on the project site. This total assumes that the maximum number of units are developed, including the potential for density bonus units. Based on the 2019 average household of 2.27 for the city (Census Bureau 2019), this would result in an additional 1,008 persons on the project site. In comparison to the 2006 GPU, the proposed project adds this population to the project site but does not result in a net increase in population for the Airport Area. The proposed 329 units and up to 115 density bonus units would be introduced to the project site under the proposed MU-H2 land use classification. A total of 2,200 units are allowed in the Airport Area, and the project would involve a redistribution of these future units, not a net increase. Therefore, the proposed project would not exceed the 2040 SCAG population projection for the city.

Employment

Implementation of the proposed project would result in a decrease of 61,000 square feet of nonresidential space in comparison to buildout of the 2006 General Plan. Using the employment density factor of one retail and service-use job per 617 square feet (Natelson 2001), the proposed project would result in a decrease of 98 jobs. Therefore, the proposed project would not induce population growth through job creation.

Since the proposed project would not result in an increase in population compared to the 2006 GPU and would result in a decrease in the number of employees, there would not be substantial unplanned population growth. Therefore, there are no impacts and no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

The 2014 LUE Amendment allocated 596,575 square feet of office uses and 444 dwelling units to the proposed project site. Under the LUE Amendment, the new residential units were additive to the 2,200 units allocated to the Airport Area under the General Plan. Since the proposed project would use a portion of the 2,200 units allocated to the MU-H2 designated areas, it would not increase housing units. Therefore, in comparison to the LUE Amendment, the proposed project would reduce housing units by 444 units.

Compared to the 2014 LUE Amendment, the proposed project would reduce nonresidential space. The proposed project would reduce impacts related to induced growth in comparison to the 2104 LUE Amendment for both housing and employment.

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

No Impact.

Project Comparison to 2006 General Plan EIR

There was no housing on the site at the time the 2006 General Plan was adopted. As with existing conditions for the 2006 GPU EIR, there are no residential units currently on the project site, and project development would not displace any existing housing. Therefore, there are no impacts and no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

The proposed project would be developed on a site with no current housing units. Therefore, there are no impacts and no changes or new significant information that would require preparation of an EIR.

5.14.3 Mitigation Measures Identified in the Program EIR and Applicable to the Proposed Project

There were no mitigation measures in the 2006 GPU EIR or the 2014 LUE Amendment SEIR..

5.14.4 Relevant General Plan Policies

The City of Newport Beach's General Plan Housing Element was updated in 2013. This is in accordance with the state's requirement to update housing elements every five years in response to the Regional Housing Needs Assessment (RHNA). Goals and policies particularly relevant to the proposed project, including affordable housing and airport-area-related policies, are reproduced below.

Housing Element (2013)

- **H 1.1 -** Support all reasonable efforts to preserve, maintain, and improve availability and quality of existing housing and residential neighborhoods, and ensure full utilization of existing City housing resources for as long into the future as physically and economically feasible.
- **H 2.1 -** Encourage preservation of existing and provision of new housing affordable to extremely low-, very low-, low-, and moderate-income households.
- **H 2.2 -** Encourage the housing development industry to respond to existing and future housing needs of the community and to the demand for housing as perceived by the industry.
- **H 3.1 -** Mitigate potential governmental constraints to housing production and affordability by increasing the City of Newport Beach role in facilitating construction of affordable housing for all income groups.

- **H 3.2 -** Enable construction of new housing units sufficient to meet City quantified goals by identifying adequate sites for their construction. Development of new housing will not be allowed within the John Wayne Airport (JWA) 65 dB CNEL contour, no larger than shown on the 1985 JWA Master Plan.

5.15 PUBLIC SERVICES

5.15.1 Summary of Impacts Identified in the Program EIRs

5.15.1.1 2006 GENERAL PLAN EIR

Fire Protection

The Newport Beach Fire Department (NBFD) is responsible for reducing loss of life and property from fire, medical, and environmental emergencies. The GPU EIR noted that new Airport Area residential uses would increase demands for 24-hour medical service and than an increase in density by both infill and conversion of low rise properties to mid and high rise would necessitate the addition of a ladder truck company to the Santa Ana Heights fire station. To support the needs of future growth, the GPU included policies that ensure development would only occur with the provision of adequate infrastructure. Thus, fire staffing and facilities would expand commensurately to serve the needs of new development and maintain response times. The 2006 GPU EIR found that buildout of the GPU would have a less than significant impact on fire services.

Police Protection

Buildout of the 2006 GPU was determined to have a less than significant impact on police services. In order to maintain acceptable levels of service, the GPU includes policies to ensure adequate law enforcement is provided as the City experiences future development (Policy LU 2.8). Furthermore, to maintain the ratio of 1.7 officers per 1,000 residents (148 officers and 85,120 residents) at the time the 2006 GPU EIR was prepared, the Newport Beach Police Department (NBPD) would have had to provide an additional 53 officers upon GPU buildout. Maintaining NBPD's ratio of 0.60 nonsworn personnel per sworn officer would result in the addition of 32 nonsworn personnel. The addition of 85 police personnel would require NBPD to expand police facilities. However, since NBPD did not have near-term plans for expansion of police facilities, staff, or equipment inventory, it was speculative to determine whether a new substation would be considered. Furthermore, all new development would be subject to the City's project-specific environmental review under CEQA. Thus, impacts were determined to be less than significant.

Schools

The 2006 GPU EIR analyzed school capacity in Newport-Mesa Unified School District (NMUSD), Santa Ana Unified School District (SAUSD), and Laguna Beach Unified School District (LBUSD), comparing existing enrollment to projected enrollment at GPU buildout. At buildout, the student population in the City was estimated to increase by approximately 6,230 students, using the assumption that approximately. The Airport Area is served by the SAUSD. The GPU EIR projected that the Airport Area would experience an increase of 4,300 residential units and contribute approximately 1,883 students (of the total 6,230 students generated City-wide under GPU buildout). The GPU EIR also noted that anticipated growth within the Irvine Business Complex (IBC) would have the potential to cumulatively impact Airport Area schools.

The 2006 GPU included goals and policies to address capacity issues for NMUSD and SAUSD. Buildout would likely require construction of new school facilities; however, the EIR concluded that compliance with 2006 General Plan policies would reduce impacts to less than significant.

Parks

(Note that the following information is excerpted from the GPU EIR Section 4.12, *Parks and Open Space*. Inclusion of this analysis is included under Public Services in this Addendum for consistency with the updated CEQA Guidelines Appendix G checklist, as adopted December 2018.)

The 2006 GPU EIR found that there was an existing deficit of approximately 38.8 acres of combined park and beach acreage citywide, with 7 of the 12 service areas experiencing the deficit. An increase in population in accordance with buildout of the GPU would potentially generate a higher demand on recreational facilities. The 2006 GPU includes goals and policies to address the potential increase in demand and accelerated deterioration of existing facilities. Goal R 2 requires the maintenance and preservation of existing parks and recreation facilities. More specifically, Policy R 2.1 promotes the City's Park Dedication Fee Ordinance, which requires new development to pay fees or dedicate land as parkland. Policy R 2.2 protects public parkland from nonrecreational uses, requiring in-kind replacement of any parkland lost through governmental action. Goal R 1 strives to provide adequate park and recreational facilities to existing and future residents of the City. Specifically, Policy R 1.1 requires future development to dedicate land or pay in-lieu fees to maintain a minimum of five acres of parkland per 1,000 residents, per Section 19.52.040 (Parkland Standard) of the City's municipal code. Policy R 1.4 requires park fees to be updated regularly for new residential developments, and Policy R 1.5 promotes development of incentives for private projects to provide usable open space to the public. High-density residential developments on parcels eight acres or larger are required to provide on-site recreational amenities per Policy R 1.3. Lastly, Policy R 1.10 provides additional park and recreational facilities that meet the needs as identified by direct feedback from residents, analysis of trends, and observation by City staff. The 2006 GPU EIR concludes that these goals and policies would ensure that increased demand from the larger population would not significantly accelerate the deterioration of existing recreational facilities, and new parks and facilities would be constructed to meet the needs of the growing population.

Based on the 2006 GPU EIR, future development of parks and recreational facilities to meet the parkland ratio of five acres per 1,000 residents may adversely impact the existing environment. For example, lighted sports fields may cause light and glare impacts in communities, biological habitats may be impacted, or hydrology and drainage may be altered due to new park development. Nevertheless, significant new development would be subject to the City's environmental review process, which includes project-specific environmental review under CEQA. Thus, future provisions of new or improved parks and recreational facilities would not result in substantial adverse impacts and would be less than significant.

5.15.1.2 2014 LUE AMENDMENT SEIR

Fire Protection

NBFD indicated that there were no deficiencies in the level of fire protection service provided to the city and that the proposed changes within the 2014 LUE Amendment were minor and incremental in scope relative to overall NBFD service demand levels. Therefore, increases to fire services were found to be less than significant.

Police Protection

In order to maintain the ratio of officers to residents at the buildout of the 2014 LUE Amendment, NBPD would have to provide an additional 5 sworn officers upon buildout. The 2014 LUE Amendment EIR found that NBPD did not have near-term plans for expansion of police facilities, staff, or equipment inventory. Though an increase in population and structures, whether residential or commercial, would require an increase in police presence, the department stated that the 2014 LUE Amendment would not have an adverse impact on its existing level of service. Furthermore, not knowing the exact types and locations of new structures makes it difficult to determine how much, if any, additional police facilities, personnel, or equipment would be needed. As development occurs, property and sales tax revenue would grow in rough proportions and provide more funding for the City's general funds, which would allocate funding to NBPD as necessary to ensure the department has enough facility space, personnel, and equipment to maintain a high-quality level of service for its residents.

Schools

The 2014 LUE Amendment EIR found that buildout would have no impact on SAUSD and LBUSD, and that NMUSD had enough capacity to accommodate the growth associated with the 2014 LUE Amendment buildout.

Parks

The 2014 LUE Amendment EIR found that the Airport Area does not have any existing parkland because there are currently no residential developments in the area. Within the Airport Area, the 2014 LUE Amendment would allow for the development of up to 329 dwelling units on Saunders Properties, 850 replacement units on Lyon Communities, and a land use designation for Congregate Care use on UAP Companies property. The future residents in the Airport Area would most likely use existing park facilities in the closest service areas—Santa Ana Heights, Eastbluff, and Big Canyon. Eastbluff and Big Canyon have substantial surpluses of 38.1 and 21.96 acres, respectively. In addition, future residential developments in the Airport Area would be required to comply with the same policies outlined in the 2006 GPU EIR to address potential park and recreation facilities, and Chapter 19.52 of the municipal code requires parkland dedication or payment of in-lieu fees for all new developments, which would ensure park and recreation facilities are simultaneously developed with residential dwelling units in the Airport Area.

Furthermore, the new and/or revised land use policies proposed under the General Plan LUE Amendment ensured the availability and maintenance of City parkland. Thus, impacts on the demand of existing park and recreational facilities in Newport Beach were less than significant.

Library Services

The land use changes in the 2014 LUE Amendment allowed for increased development capacity in some areas of the city; these changes had the potential to affect library services to the general Newport Beach population if demands substantially increased. However, increased development in the City does not necessarily immediately equate to an increase in total volumes or square feet of library space, especially given the growing need for electronic resources rather than physical library collection items. Therefore, library service impacts due to the 2014 LUE Amendment were found to be less than significant.

5.15.2 Impacts Associated with the Proposed Project

Would the project:

Issues	Substantial Change in Project Requiring Major EIR Revisions	Substantial Change in Circum-stances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR	No Impact
Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:					
a) Fire protection?				X	
b) Police protection?				X	
c) Schools?				X	
d) Parks?				X	
e) Other public facilities?				X	

Comments:

a) Fire protection?

Less than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR.

Project Comparison to 2006 General Plan EIR

The proposed project would result in an increase of 444 dwelling units on the project site and a decrease of 61,000 square feet of nonresidential space. The 444 proposed project housing units, however, are well within the 4,300 units anticipated for the Airport Area in the General Plan Update. GPU Policy LU 3.2 would ensure that fire staffing and facilities would expand commensurately to serve the needs of new development and maintain current response times. Furthermore, the proposed project complies with all applicable federal, state,

and local regulations governing fire protection services, such as adequate fire and emergency access, fire flows, and number of fire hydrants. Therefore, impacts from the proposed project, similar to development pursuant to the 2006 GPU, would be less than significant, and there are no changes or new information requiring preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

As shown in Table 3, development under the 2014 LUE Amendment would increase residential units for the project site (and Airport Area) up to an additional 444 units and would also increase allowable nonresidential development for the project site (by approximately 238,000 square feet). Therefore, the proposed project would reduce potential fire protection service impacts compared to the 2014 LUE Amendment..

b) Police protection?

Less than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR.

Project Comparison to 2006 General Plan EIR

The proposed project would result in an increase of 444 dwelling units on the project site and a decrease of 61,000 square feet of nonresidential space. The number of residential units within the Airport Area as a whole, however, would not increase in comparison to the GPU. To maintain acceptable levels of service, the GPU included policies to ensure adequate law enforcement is provided as the City experiences development (Policy LU 2.8). Furthermore, property and sales tax revenue from the proposed project would provide more funding for the City's general funds, which would allocate funding to NBPD. Therefore, impacts from the proposed project, similar to development pursuant to the 2006 GPU, would be less than significant, and there are no changes or new information requiring preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

As shown in Table 3, development under the 2014 LUE Amendment would increase residential units for the project site (and Airport Area) up to an additional 444 units. The proposed units under the LUE Amendment were additive to the 4,300 units evaluated in the GPU EIR for the Airport Area. Nonresidential development for the project site was also contemplated to be greater under the 2014 LUE Amendment than under the proposed project. Therefore, the proposed project would reduce potential police protection services relative to the proposed site uses under the LUE Amendment. .

c) Schools?

Less than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR.

Project Comparison to 2006 General Plan EIR

The proposed project is within the service area of SAUSD, which services the entire Airport Area (CSCD 2020). The proposed project would result in an increase of 444 dwelling units at the project site but would not increase the number of households within the Airport Area.

Table 10 shows the estimated student generation (K–12) from an additional 444 dwelling units in accordance to the proposed project. Student generation rates are used by school districts to estimate the number of students generated by new development in order to determine whether or not existing school facilities would be adequate for future student enrollment. The estimates use student generation rates specific to SAUSD.

Table 10 Projected Student Population in SAUSD

Grade Level	Student Generation Rate	Proposed Project Buildout	Estimated Buildout Generated Students
K–5	0.194	444 DU	86
6–8	0.111		49
9-12	0.143		64
		Project Total	177
		Existing District Enrollment	51,482
		Total District Enrollment + Project	51,659
		Total District Capacity	62,672
		Remaining Capacity	**11,013**

Source: CDE 2020; SAUSD 2018; SAUSD 2020a.

According to Table 10, buildout of the proposed project would generate 177 more students. Using SAUSD's current capacity and enrollment, SAUSD would have enough capacity to accommodate 11,013 additional students beyond those generated from buildout of the proposed project.

Also, the need for additional services is addressed through compliance with the school impact fee assessment. SB 50 (Chapter 407 of Statutes of 1998) set a state school facilities construction program that restricts a local jurisdiction's ability to condition a project on mitigation of school impacts in excess of fees in Education Code Section 17620. These fees are collected by school districts at the time building permits are issued for commercial, industrial, and residential projects. SAUSD charges $3.79 per square foot of residential development greater than 500 square feet, and $0.61 per square foot of commercial development. It would collect these fees from individual developers, pursuant to SB 50 (SAUSD 2020b). The State Legislature has declared that the payment of school impact fees constitutes full mitigation for the impacts of new development, per Government Code Section 65995.

Furthermore, Chapter 19.48 (School Sites and Fees) of the City's municipal code may require, as a condition of approval, dedication of land within a subdivision development for the construction of elementary and high schools necessary to ensure that residents of the subdivision have adequate public school service.

Thus, impacts from implementation of the proposed project on school services would be less than significant and no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

Compared to the 2014 LUE Amendment, the proposed project would reduce nonresidential space and reduce the number of residential dwelling units allowed within the Airport Area (see Table 3). Therefore, the proposed

project would reduce student generation in comparison to uses allowed under the LUE Amendment, and reduce potential impacts to the SAUSD..

d) Parks?

Less than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR.

Project Comparison to 2006 General Plan EIR

Refer to Section 5.16.2. Impacts would be less than significant, and there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

Compared to the 2014 LUE Amendment, the proposed project would reduce nonresidential space and reduce the number of residential dwelling units allowed within the Airport Area (see Table 3) Therefore, the proposed project would reduce potential impacts to park services relative to the LUE Amendment.

e) Other public facilities?

Less than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR.

Project Comparison to 2006 General Plan EIR

As summarized in Table 3, the proposed project would reduce nonresidential development by approximately 60,000 square feet and would not increase the number of residential units within the Airport Area or city. It would introduce up to 444 residential units on the project site, but these units are already allocated in the 2,200 allowable units in MU-H2 designated areas in the Airport Area. The GPU EIR analyzed a total of 4,300 units within the Airport Area. The proposed project, therefore, would not increase the demand on other public facilities, including library services. It would not increase population in the city and would reduce nonresidential, airport/office land use. Residents of the proposed project would be served by the Newport Beach Public Library (NBPL); the nearest NBPL facility to the project site is the Crean Mariners Library at 1300 Irvine Avenue, approximately three miles southwest of the project site. The proposed project would pay a property excise tax per City municipal code Chapter 3.12, part of which is designated for libraries, and would generate additional tax revenues supporting the City's General Fund. Therefore, impacts on library facilities and services would be less than significant and no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

As shown in Table 3, development under the 2014 LUE Amendment increased residential units for the project site (and Airport Area) up to an additional 444 units. The proposed units under the LUE Amendment were additive to the 4,300 units evaluated in the GPU EIR for the Airport Area. Nonresidential development for the project site was also greater under the 2014 LUE Amendment in comparison to the proposed project. Therefore, the proposed project would reduce potential impacts to other public service, including library services, in comparison to proposed site uses under the LUE Amendment.

5.15.3 Mitigation Measures Identified in the Program EIR and Applicable to the Proposed Project

There were no mitigation measures in the 2006 GPU EIR or the 2014 LUE Amendment SEIR..

5.15.4 Relevant General Plan Policies

The 2006 General Plan includes the following goals and policies that are relevant to public services.

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

- **LU 6.15.15 - Aircraft Notification:** Require that all neighborhood parks be posted with a notification to users regarding proximity to John Wayne Airport and aircraft overflight and noise.

Goal R 1: Provision of Facilities—Provision of adequate park and recreation facilities that meet the recreational needs of existing and new residents of the community.

- **R 1.4 - Density Bonuses:** Consider development of incentives such as density bonuses for private commercial, office, and other developments to provide usable open space such as rooftop courts, pocket parks, public plazas, jogging trails, and pedestrian trails.

- **R 1.12 - Aircraft Overflight and Noise:** Require that all public parks located within the noise impact zones as defined in the 1985 JWA Master Plan for John Wayne Airport be posted with a notification to users regarding aircraft overflight and noise.

5.16 RECREATION

5.16.1 Summary of Impacts Identified in the Program EIRs

5.16.1.1 2006 GENERAL PLAN EIR

Although impacts related to physical deterioration of recreational facilities were considered less than significant for the majority of the city, there was a greater possibility for impacts in the Airport Area. At the time of the 2006 GPU, the Airport Area had no residential units and no park facilities. The 2006 GPU added up to 4,300 multifamily residential units to this area. Policy LU 6.15.15 of the 2006 GPU required residential developers to dedicate and develop a neighborhood park of at least 8 percent of gross land area, with a minimum size of one acre, in the first phase of development in each residential neighborhood or pay in-lieu fees when development is inappropriately located to serve the needs of the residents. This was in addition to the private recreational facilities required in Policy R 1.3. The recreational facilities provided by these policies was at the neighborhood level, and there was the potential for additional use and deterioration of existing sports fields at Bonita Creek and Bonita Canyon Sports Park. However, the policies under Goal R 2 helped ensure that existing parks and recreation facilities were maintained and preserved. Implementation of Policy R 2.1 would maintain existing facilities, thereby reducing impacts related to deterioration, by using funding from the City's Park Dedication Fee Ordinance to enhance existing parks and facilities such as Bonita Canyon Sports Park.

With implementation of Policy R 2.1, impacts related to deterioration of parks and recreation facilities in the Airport Area were less than significant. Through the environmental review process, the future provision of new or physically altered parks or recreational facilities would not result in substantial adverse physical impacts and this impact was found to be less significant.

5.16.1.2 2014 LUE AMENDMENT SEIR

The intensification of some land uses pursuant to the 2014 LUE Amendment could result in an increased demand for parks and recreational facilities. However, the increase in demand was determined not to result in an acceleration of deterioration of existing facilities.

The 2014 LUE Amendment did not include changes to parks or recreational facilities that had the potential to have an adverse physical effect on the environment. The proposed increased development capacity included increases in dwelling units and hotel rooms, which would lead to an increase in visitors and overall population and related increase in park demands and consequently, the construction or expansion of recreational facilities that might have an adverse physical effect on the environment. However, as stated in the 2006 General Plan EIR, all significant new development of recreational facilities would be subject to the City's environmental review process, which includes project-specific environmental review under CEQA. Thus, the future provision of new or expanded parks or recreational facilities would result in a less than significant impact.

5.16.2 Impacts Associated with the Proposed Project

Environmental Issues	Substantial Change in Project Requiring Major EIR Revisions	Substantial Change in Circum-stances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?					x
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?					x

Comments:

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?

No Impact.

Project Comparison to 2006 General Plan EIR

Development of up to 329 residential units (444 with density bonus) would be within the number of units projected and analyzed for the Airport Area within the GPU EIR. Development would be required to comply with the 2006 GPU policies and Chapter 19.52 of the municipal code, which requires parkland dedication or payment of in-lieu fees. This would ensure park and recreation facilities are simultaneously developed with residential dwelling units. Thus, the proposed project would have no impact relative to the impacts as analyzed in the GPU EIR.

Project Comparison to 2014 LUE Amendment SEIR

The project proposes the same number of residential units as analyzed in the 2014 LUE SEIR. The proposed project, similar to development pursuant to the 2014 LUE Amendment, would implement Policies LU 6.15.15, R 1.1, R 1.2, and R 1.3 in addition to the requirements of Chapter 9.52 of the City's municipal code. Adherence to the 2006 GPU policies and the municipal code would ensure park and recreation facilities are simultaneously developed with residential dwelling units. Thus, impacts of the proposed project, similar to development pursuant to the 2014 LUE Amendment, would be less than significant.

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

No Impact.

Project Comparison to the 2006 General Plan EIR

The proposed project does not include development of any recreational facilities. It would also not result in the need for construction or expansion of recreational facilities relative to the GPU EIR. The proposed project would introduce up to 444 new residential units to the project site, but these units are already accommodated within the Airport Area under the GPU EIR analysis of up to 4,300 units. The proposed project, therefore, would not have the potential to require recreational facilities that could have an adverse physical effect on the environment. Thus, the future provision of new or expanded parks or recreational facilities associated with the proposed project, similar to development pursuant to the 2006 GPU, would result in no impact, and there are no changes or new information requiring preparation of an EIR.

Project Comparison to the 2014 LUE Amendment SEIR

The proposed project does not include development of any recreational facilities. It would reduce residential units by up to 444 units in comparison to the 2014 LUE Amendment (see Table 3), and therefore would not result in the need for construction or expansion of recreational facilities relative to the LUE Amendment. There would be no impacts.

5.16.3 Mitigation Measures Identified in the Program EIR and Applicable to the Proposed Project

There were no mitigation measures in the 2006 GPU EIR or the 2014 LUE Amendment SEIR.

5.16.4 Relevant General Plan Policies

The 2006 General Plan includes the following goals and policies that are relevant to recreation.

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

Goal R 1: Provision of Facilities—Provision of adequate park and recreation facilities that meet the recreational needs of existing and new residents of the community.

- **R 1.1 - Provision of Parkland:** Require future development to dedicate land or pay in-lieu fees at a minimum of 5 acres of parkland per 1,000 persons.
- **R 1.3 - High-Density Residential Developments:** Require developers of new high-density residential developments on parcels eight acres or larger, to provide on-site recreational amenities. For these developments, 44 square feet of on-site recreational amenities shall be provided for each dwelling unit in addition to the requirements under the City's Park Dedication Ordinance. On-site recreational amenities

can consist of public urban plazas or squares where there is the capability for recreation and outdoor activity. These recreational amenities can also include swimming pools, exercise facilities, tennis courts, and basketball courts. Where there is insufficient land to provide on-site recreational amenities, the developer shall be required to pay the City of Newport Beach cash in-lieu that would be used to develop or upgrade nearby recreation facilities to offset user demand as defined in the City's Park Dedication Fee Ordinance. The acreage of on-site open space developed with residential projects may be credited against the parkland dedication requirements where it is accessible to the public during daylight hours, visible from public rights-of-way, and is of sufficient size to accommodate recreational use by the public. However, the credit for the provision of on-site open space shall not exceed 30% of the parkland dedication requirement.

5.17 TRANSPORTATION

This section, in part, has been excerpted from the analysis in the following study prepared for this Addendum:

- *Newport Airport Village Trip Making Assessment,* Urban Crossroads, March 5, 2020

This report is included in its entirety as Appendix B to this Addendum.

5.17.1 Summary of Impacts Identified in the Program EIRs

5.17.1.1 2006 GENERAL PLAN EIR

With respect to transportation/circulation impacts, the 2006 General Plan EIR concluded:

- Implementation of the 2006 General Plan would contribute to a substantial impact at freeway ramps that exceeds thresholds and would result in operational deficiencies. This would be a significant and unavoidable impact.

- Implementation of the 2006 General Plan would result in a substantial increase in the number of vehicle trips, volume-to-capacity ratio on roads, or congestion at intersections compared to existing conditions. With improvements proposed in the Circulation Element, growth related to buildout of the proposed 2006 General Plan alone would be reduced to less than significant levels. The improvements included in the City of Newport Beach Circulation Element are detailed in the GPU EIR.

- The 2006 General Plan would not result in a substantial impact to CMP arterials in Newport Beach. Impacts related to CMP facilities would be less than significant.

- Circulation improvements would be implemented, and no improvements would introduce new safety hazards at intersections or along roadway segments. Implementation of Circulation and Land Use policies in the 2006 General Plan would provide for increasing safety of roadways, balancing safety, quality of life, and efficiency in the design of circulation and access. Impacts would be less than significant.

- The 2006 General Plan would provide adequate emergency access to the project area, and impacts would be less than significant.

- The 2006 Circulation Element contained new policies to encourage alternatives modes of transportation, use of intelligent transportation systems, and the development of waterfront walkways. Intersection improvements would not affect implementation of these policies. The 2006 General Plan did not conflict with existing policies regarding alternative transportation, and impacts would be less than significant.

5.17.1.2 2014 LUE AMENDMENT SEIR

Trip Generation and Intersection Performance

The LUE Amendment altered, intensified, and redistributed land uses in certain subareas of the city, including major areas such as Newport Center/Fashion Island, Newport Coast, and the Airport Area near John Wayne Airport. The changes were projected to result in a citywide increase of 260 morning peak hour inbound trip ends, 521 morning peak hour outbound trip ends, 434 evening peak hour inbound trip ends, 324 evening peak hour outbound trip ends, and 8,221 daily trip ends.

The Airport Area land use changes were described in the LUE Amendment EIR as follows:

> Airport Area: The Airport Area is another subarea proposed for considerable changes from the existing land use plan. The project proposes changes to four properties within the subarea: Saunders Properties, The Hangars, Lyon Communities, and UAP Companies. Currently, the four properties only consist of office buildings. The proposed project would allow for increased square footage for retail and office uses as well as residential units and hotel rooms. As with Newport Center/Fashion Island, the Airport Area would allow for denser infill development and an estimated additional 10,771 daily trips.

Table 11, *Project Trip Generation - LUE Amendment Airport Area Change Areas*, shows the trip changes anticipated within the proposed change areas in the Airport Area (see Figure 6, *Airport Area Proposed Changes, 2014 LUE Amendment*).

Table 11 Project Trip Generation – LUE Amendment Airport Area Change Areas

Area	Area Name	Land Use Change	AM		PM		ADT
			In	Out	In	Out	
42	Saunders Property	329 du Apartment 238.077 TSF General Office	239	220	211	221	4,651
	The Hangars	11.8 TSF General Commercial -10 TSF General Office	13	6	14	17	340
	Lyon Homes	850 du Apartment (High-Rise) 150 room Hotel 85 TSF General Commercial -250.176 TSF General Office	103	352	321	210	5,780
	UAP Companies	trip neutral land uses	0	0	0	0	0
		Citywide Total	**355**	**578**	**546**	**448**	**10,771**

Source: Urban Crossroads 2014.
TSF = thousand square feet

The General Plan LUE Amendment would result in the redistribution of peak hour directional traffic movements, which generally would not degrade roadway system performance in comparison to the 2006 General Plan. In summary, based on the intersection impact criteria described, there would be no significant impacts with the planned improvements at study-area intersections.

Congestion Management Program Intersections

The Orange County Congestion Management Program (CMP) was established in 1991 to reduce traffic congestion and to provide a mechanism for coordinating land use and development decisions. Compliance with CMP requirements ensures a city's eligibility to compete for state gas tax funds for local transportation projects. For OCTA CMP intersections, the acceptable LOS is E. If the intersection would operate at unacceptable LOS and the project increases the volume-to-capacity (V/C) ratio by 0.03 or greater, mitigation is required to bring the intersection back to an acceptable level of service or to no-project conditions. CMP intersections in the vicinity of the LUE Amendment consist of:

- I-405 Northbound Ramps/Jamboree Road
- I-405 Southbound Ramps/Jamboree Road
- MacArthur Boulevard/Jamboree Road
- MacArthur Boulevard/Coast Highway
- Newport Boulevard/Coast Highway

Implementation of the LUE Amendment would not cause a CMP intersection to fall below LOS E and would not cause a cumulative increase of more than 0.03 in the V/C ratio at any CMP intersection with an established LOS standard worse than LOS E for any scenario. The LUE Amendment's contribution to trips at CMP intersections would be less than significant.

Alternative Transportation Consistency

Implementation of the LUE Amendment would have no impact on policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. Development in accordance with the LUE Amendment would not result in changes to the circulation system and would not conflict with the design of pedestrian and bicycle facilities. Development of each site would have to comply with policies in the Land Use Element and Circulation Element related to alternative transportation.

5.17.2 Impacts Associated with the Proposed Project

Would the project:

Environmental Issues	Substantial Change in Project Requiring Major EIR Revisions	Substantial Change in Circum-stances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?					x
b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?					x

Environmental Issues	Substantial Change in Project Requiring Major EIR Revisions	Substantial Change in Circum-stances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR	No Impact
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?					x
d) Result in inadequate emergency access?					x

Comments:

a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR

Project Comparison to 2006 General Plan EIR

The proposed project would comply with General Plan policies and ordinances, as well as regional programs addressing the circulation system. It would not impact transit, roadway, bicycle or pedestrian facilities.

The Urban Crossroads study (in Appendix B) evaluated the project's potential impact on trip generation and intersection performance in comparison to development of the site under the 2006 General Plan land use designations. Table 12 summarizes allowed site uses for the project site that were evaluated using the Newport Beach Traffic Model (NBTM) for the 2006 General Plan traffic study in comparison to the proposed land uses for the project.

Table 12 2006 General Plan Update Traffic Analysis – Land Use Comparison to Proposed Project

	TAZ 1377	TAZ 1378	Total Studied (2006)	Adjustment for smaller project area: 62.7%[1]	Proposed Project Studied
General Commercial	79,715	91,476	171,191	107,336	46,410[2]
General Office	172,715	198,198	370,913	232,562	232,562
Industrial	19,929	22,869	42,798	26,834	18,600[3]
Apartments	0	0	0		329[4] (444 w/density bonus)

[1] Proposed project area is 62.7% (16.46 acres) of TAZs 1377 and 1378 combined (26.24 acres).
[2] 60,926 sq. ft. converted into 329 dwelling units per Airport Area Conversion Rates (107,336 – 60,926 = 46,410).
[3] Total floor area studied overestimated allowed capacity so industrial was reduced by 8,234.
[4] Proposed project requests a GPA to allow 329 of the 1,650 replacement dwelling units already allowed by the general plan in the MU-H2 land use category.

As shown, in comparison to the 2006 land uses analyzed for the project site, the proposed project reduces commercial and industrial building space and introduces up to 444 residential units. Table 13 compares the trip

generation, including AM and PM peak hour trips and average daily trips (ADT) for the proposed project in comparison to the 2006 General Plan land uses for the site.

Table 13 Project Site Trip Generation – 2006 GPA vs Proposed Project

Land Use	NBTM Code	Quantity[1]	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
2006 General Plan Update (Approved General Plan) Trip Generation Results									
General Commercial	10a	107.366 TSF	191	86	277	164	217	381	4,105
General Office	23a	232.562 TSF	195	60	255	91	151	242	2,577
Industrial	26	26.834 TSF	13	3	16	5	9	14	147
TOTAL			**399**	**149**	**548**	**260**	**377**	**637**	**6,829**
Proposed Project Trip Generation Results									
Apartment (High-Rise)	3c	329 DU	33	125	158	95	53	148	1,612
General Commercial	10a	46.41 TSF	83	37	120	71	94	165	1,775
General Office	23a	232.562 TSF	195	60	255	91	151	242	2,577
Industrial	26	18.6 TSF	9	2	11	3	6	9	102
TOTAL Density without Bonus			**320**	**224**	**544**	**260**	**304**	**564**	**6,066**
Apartment (High-Rise)	3c	115 DU	12	44	56	33	18	51	564
TOTAL with Density Bonus			**332**	**268**	**600**	**293**	**322**	**615**	**6,630**
Difference without Density Bonus			-79	75	-4	0	-73	-73	-763
Difference without Density Bonus			-67	119	52	33	-55	-22	-199

[1] DU = dwelling unit
TSF = thousand square feet

As shown, in comparison to the 2006 GPU land uses for the project site, the proposed project would reduce daily trip generation even with full buildout of the 115 additional units under the density bonus (199 fewer daily trips than the GPU land uses). It would result in a decrease of 22 total PM peak hour trips, but increase total AM peak hour trips by 33.

The projected inbound and outbound trip distribution for the proposed project is shown on Exhibits A and B, respectively, of the traffic report. The peak hour trip differences were applied to the trip distributions to develop AM and PM peak hour intersection volume changes. Exhibits showing the AM and PM peak trip difference with the proposed project (with and without the density bonus) are included in Appendix B, Exhibits C through F. Intersection Capacity Utilization (ICU) changes due to the project were calculated. The performance changes at area intersections due to the proposed project are shown in Table 14. The analysis conservatively assumes that buildout of the proposed project includes all potential density bonus units (total 444 residential units).

Table 14 Intersection Level of Service – 2006 GPU vs Proposed Project

Intersection	Approved GP				Approved GP with Project DB			
	AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
	ICU	LOS[1]	ICU	LOS[1]	ICU	LOS[1]	ICU	LOS[1]
9 MacArthur Bl. & Campus Dr.	0.58	A	0.67	B	0.58	A	0.67	B
10 MacArthur Bl. & Birch St.	0.53	A	0.65	B	0.54	A	0.65	B
11 Von Karman Av. & Campus Dr.	0.69	B	0.74	C	0.69	B	0.74	C
12 MacArthur Bl. & Von Karman Av.	0.64	B	0.56	A	0.64	B	0.56	A
15 Campus Dr. & Bristol St. N.	0.51	A	0.75	C	0.51	A	0.75	C
16 Birch St. & Bristol St. N.	0.64	B	0.64	B	0.63	B	0.64	B
17 Campus Dr. & Bristol St. S.	0.81	D	0.59	A	0.81	D	0.59	A
18 Birch St. & Bristol St. S.	0.49	A	0.53	A	0.50	A	0.53	A
29 MacArthur Bl. & Jamboree Rd..	0.62	B	0.88	D	0.62	B	0.88	D
69 MacArthur Bl. & I-405 NB Ramps	0.68	B	0.67	B	0.68	B	0.67	B
70 MacArthur Bl. & I-405 SB Ramps	0.61	B	0.77	C	0.61	B	0.76	C
71 MacArthur Bl. & Michelson Dr.	0.68	B	0.88	D	0.69	B	0.88	D

[1] LOS is a qualitative description of traffic flow based on such factors as speed, travel time, delay, and freedom to maneuver. Six levels are defined from LOS "A", representing completely free-flow conditions, to LOS "F", representing breakdown in flow resulting in stop-and-go conditions.

As shown, implementation of the proposed project would have a nominal effect on the performance of intersections surrounding the project site in comparison to the 2006 GPU land uses. The impact of the project would be less than significant, and no changes or new information require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

The proposed project would comply with General Plan policies and ordinances as well as regional programs addressing the circulation system. It would not impact transit, roadway, bicycle, or pedestrian facilities given the net decrease in development compared to development anticipated in the 2014 LUE SEIR.

The Urban Crossroads study in Appendix B evaluated the project's potential impact on trip generation and intersection performance in comparison to development of the site under the 2014 LUE Amendment. Table 15 summarizes allowed site uses for the project site that were evaluated using the Newport Beach Traffic Model (NBTM) for the 2014 LUE Amendment traffic study in comparison to the proposed land uses for the project.

5. Environmental Analysis

Table 15 2014 LUE Amendment Traffic Analysis – Land Use Comparison to Proposed Project

	TAZ 1377	TAZ 1378	Total Studied (2014)	Adjustment for smaller project area: 62.7%[1]	Proposed Project Studied
General Commercial	79,715	91,476	171,191	107,336	46,410[2]
General Office	243,262	347,115	590,377	370,166	232,562[3]
Industrial	19,929	22,869	42,798	26,834	18,600[4]
Apartments	297	147	444	N/A[5]	329 (444 w/density bonus)

[1] Proposed project area is 62.7% (16.46 acres) of TAZs 1377 and 1378 combined (26.24 acres).
[2] 60,926 sq. ft. converted into 329 dwelling units per Airport Area Conversion Rates (107,336 – 60,926 = 46,410).
[3] 2014 study included an increase of 238,077 square feet of office in TAZs 1377 and 1378. No increase in the allowed office development for the proposed project.
[4] Total floor area studied in 2014 overestimated allowed capacity so industrial was reduced by 8,234 sq. ft.
[5] All 444 dwelling units were planned to go into the same general area as the current proposed project.

As shown, in comparison to the 2014 LUE Amendment land uses analyzed for the project site, the proposed project reduces commercial, office, and industrial uses on the project site and includes development of the same number of residential units. Table 16 compares the trip generation, including AM and PM peak hour trips, and ADT for the proposed project in comparison to the 2014 LUE Amendment uses for the project site.

Table 16 Project Site Trip Generation – 2014 LUE Amendment vs Proposed Project

Land Use	NBTM Code	Quantity[1]	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
2014 LUE Amendment Trip Generation Results									
Apartment (High-Rise)	3c	444 DU	44	169	213	129	71	200	2,176
General Commercial	10a	107.336 TSF	191	86	277	164	217	381	4,105
General Office	23a	370.166 TSF	311	96	407	144	241	385	4,101
Industrial	26	26.834 TSF	13	3	16	5	9	14	147
TOTAL			**559**	**354**	**913**	**442**	**538**	**980**	**10,529**
Proposed Project Trip Generation Results									
Apartment (High-Rise)	3c	329 DU	33	125	158	95	53	148	1,612
General Commercial	10a	46.41 TSF	83	37	120	71	94	165	1,775
General Office	23a	232.562 TSF	195	60	255	91	151	242	2,577
Industrial	26	18.6 TSF	9	2	11	3	6	9	102
TOTAL Density without Bonus			**320**	**224**	**544**	**260**	**304**	**564**	**6,066**
Apartment (High-Rise)	3c	115 DU	12	44	56	33	18	51	564
TOTAL with Density Bonus			**332**	**268**	**600**	**293**	**322**	**615**	**6,630**
Difference without Density Bonus			-239	-130	-369	-182	-234	-416	-4,463
Difference with Density Bonus			-227	-86	-313	-149	-216	-365	-3,899

[1] DU = dwelling unit
TSF = thousand square feet

As shown, in comparison to the 2014 LUE Amendment land uses for the project site, the proposed project would reduce AM and PM peak hour trips and daily trip generation even with full buildout of the 115 additional units. It would decrease ADT by 3,899 trips, PM trips by 365, and AM peak trips by 313.

The traffic study evaluated the potential changes to intersection performance for the proposed project in comparison to the LUE Amendment. Table 17 shows the resulting ICU values and levels of service.

Table 17 Intersection Level of Service – 2014 LUE Amendment vs Proposed Project

	LUE				LUE Update with Project DB			
	AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
Intersection	ICU	LOS[1]	ICU	LOS[1]	ICU	LOS[1]	ICU	LOS[1]
9 MacArthur Bl. & Campus Dr.	0.62	B	0.70	B	0.62	B	0.70	B
10 MacArthur Bl. & Birch St.	0.57	A	0.71	C	0.57	A	0.71	C
11 Von Karman Av. & Campus Dr.	0.66	B	0.74	C	0.66	B	0.73	C
12 MacArthur Bl. & Von Karman Av.	0.62	B	0.58	A	0.62	B	0.57	A
15 Campus Dr. & Bristol St. N.	0.50	A	0.73	C	0.50	A	0.73	C
16 Birch St. & Bristol St. N.	0.60	A	0.64	B	0.60	A	0.64	B
17 Campus Dr. & Bristol St. S.	0.79	C	0.59	A	0.79	C	0.59	A
18 Birch St. & Bristol St. S.	0.49	A	0.53	A	0.49	A	0.53	A
29 MacArthur Bl. & Jamboree Rd..	0.64	B	0.89	D	0.64	B	0.89	D
69 MacArthur Bl. & I-405 NB Ramps	0.69	B	0.66	B	0.69	B	0.66	B
70 MacArthur Bl. & I-405 SB Ramps	0.63	B	0.79	C	0.63	B	0.79	C
71 MacArthur Bl. & Michelson Dr.	0.70	B	0.90	D	0.70	B	0.90	D

[1] LOS is a qualitative description of traffic flow based on such factors as speed, travel time, delay, and freedom to maneuver. Six levels are defined from LOS "A", representing completely free-flow conditions, to LOS "F", representing breakdown in flow resulting in stop-and-go conditions.

As shown, implementation of the proposed project would have a nominal effect on the performance of intersections surrounding the project site in comparison to the LUE Amendment land uses. The impact of the project would be less than significant, and no changes or new information require preparation of an EIR.

b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?

No Impact.

Project Comparison to 2006 General Plan EIR

This Appendix G checklist question and the referenced CEQA Guidelines section were added to the CEQA Guidelines updates in 2018, and therefore were not addressed in the 2006 GPU EIR.

The legislature found that with the adoption of the SB 375, the state had signaled its commitment to encourage land use and transportation planning decisions and investments that reduce vehicle miles traveled (VMT) and contribute to the reduction of greenhouse gas emissions, as required by the California Global Warming Solutions Act of 2006 (AB 32). Additionally, AB 1358 (Complete Streets Act) requires local governments to plan for a balanced, multimodal transportation network that meets the needs of all users.

5. Environmental Analysis

On September 27, 2013, SB 743 was signed into law and started a process that could fundamentally change transportation impact analysis as part of CEQA compliance. These changes include the elimination of auto delay, level of service (LOS), and similar measures of vehicular capacity or traffic congestion as a basis for determining significant environmental impacts. On January 20, 2016, OPR released revisions to its proposed CEQA guidelines for the implementation of SB 743, and final review and rulemaking for the new guidelines were completed in December 2018. OPR allows agencies an opt-in period to adopt the guidelines, and they become mandatory on July 1, 2020.

In *Citizens for Positive Growth & Preservation v. City of Sacramento* (2019) 43 Cal.App.5th 609, 625-626, the Third District Court of Appeal refused to address the merits of a pending CEQA appeal involving the sufficiency of an EIR's LOS-based analysis of transportation-related impacts. The court found that this particular challenge was moot, in that, if the court were to find problems with the analysis and remand the matter back to the respondent city, the city would be under no obligation to undertake additional LOS-based analysis. After noting that section 15064.3 was "[t]he regulation was promulgated, in part, pursuant to section 21099 and certified by the Secretary of the Natural Resources Agency before being approved by the Office of Administrative Law on December 28, 2018," the court reasoned as follows:

> In mandamus proceedings like this one, "the law to be applied is that which is current at the time of judgment in the appellate court." [Citations.] Under section 21099, subdivision (b)(2), existing law is that "automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment" under CEQA, except for roadway capacity projects. Accordingly, the 2035 General Plan's impacts on LOS (i.e., automobile delay) cannot constitute a significant environmental impact, as Citizens argues, rendering Citizens's traffic impacts argument moot.

In short, as of December 28, 2018, "automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment" under CEQA, except for roadway capacity projects. Thus, the former obligation under CEQA to address LOS in transportation analyses ceased to exist as of that date, except (at agencies' discretion) with respect to transportation projects.

The City of Newport Beach has not implemented VMT metrics yet and currently uses the established LOS criteria. The guidelines are not yet mandatory. Therefore, no new significant impacts result from project modification or changed circumstances, and no revisions to the 2006 GPU EIR are necessary. No changes or new information would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

The referenced section of the CEQA Guidelines and Appendix G checklist question were added in 2018, and therefore not addressed in the 2014 LUE Amendment SEIR. As described above, the City of Newport Beach has not implemented VMT metrics yet and currently uses the established LOS criteria. The guidelines are not yet mandatory. Therefore, no new significant impacts result from project modification or changed circumstances, and no revisions to the 2014 LUE SEIR are necessary. No changes or new information would require preparation of an EIR.

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

No Impact.

Project Comparison to 2006 General Plan EIR

The project site is already developed, and the proposed development would be accessed from the existing arterials fronting the project site. The project would not introduce roadway hazards or incompatible uses. It would not increase transportation hazards in comparison to the 2006 GPU. Impacts would be less than significant.

Project Comparison to 2014 LUE Amendment SEIR

The proposed project site is already developed and the proposed development would be accessed from the existing arterials fronting the project site. The project would not introduce roadway hazards or incompatible uses. It would not increase transportation hazards in comparison to the 2014 LUE Amendment. Impacts would be less than significant.

d) Result in inadequate emergency access?

No Impact.

Project Comparison to 2006 General Plan EIR

The proposed project would not modify any public road or introduce features that would affect vehicular, pedestrian, or bicycle circulation in the vicinity of the site. In addition, project traffic would not result in substantial delays and congestion that would affect the circulation of emergency vehicles in the study area compared to the 2006 General Plan EIR because the project would reduce the total number of onsite trips. The proposed project would not result in new impacts in comparison to the 2006 GPU EIR.

Project Comparison to 2014 LUE Amendment SEIR

The proposed project would not result in inadequate emergency access and would not introduce impacts in comparison to the 2014 LUE Amendment.

5.17.3 Adopted Mitigation Measures Applicable to the Proposed Project

There were no transportation/traffic mitigation measures in the 2006 GPU EIR or the 2014 LUE Amendment SEIR.

5.17.4 Relevant General Plan Policies

The 2006 General Plan includes the following goals and policies from the Circulation Element that are relevant to transportation/traffic impacts of the proposed project.

Goal CE 1.1: An overall transportation system that facilitates the movement of people and goods within and through the City of Newport Beach and accommodates conservative growth within the City of Newport Beach, but is not expanded primarily to accommodate growth in the surrounding region.

- **CE 1.1.1 - Comprehensive Transportation System:** Provide a diverse transportation system that provides mobility options for the community.

- **CE 1.1.2 - Integrated System of Multiple Modes:** Provide an integrated transportation system that supports the land use plan set forth in the Land Use Element.

- **CE 1.1.3 - Levels of Service Related to Community Character:** Establish level of service standards that reflect the character of the various unique districts and neighborhoods of Newport Beach.

Goal CE 1.2: Reduced summertime visitor traffic impacts.

- **CE 1.2.4 - Public Transit:** Support and encourage OCTA efforts to provide/fund summertime expanded bus service and/or local shuttle services to reduce visitor traffic.

Goal CE 2.1: A roadway system that provides for the efficient movement of goods and people in the City of Newport Beach, while maintaining the community's character and its residents' quality of life.

- **CE 2.1.1 - Level of Service Standards:** Plan the arterial roadway system to accommodate projected traffic at the following level of service standards:

  a. Level of Service (LOS) "D" throughout the City, unless otherwise noted

  b. LOS "E" at any intersection in the Airport Area shared with Irvine

  c. LOS "E" at Coast Highway (EW) and Dover Drive (NS) due to right-of-way Limitations

  d. LOS "E" at Marguerite Avenue (NS) and Coast Highway (EW) in the pedestrian oriented area of Corona del Mar

  e. LOS "E" at Goldenrod Avenue (NS) and Coast Highway (EW) in the pedestrian oriented area of in Corona del Mar

- **CE 2.1.2 - Street and Highway Network:** Construct the circulation system described on the map entitled Newport Beach Circulation Element-Master Plan of Streets and Highways shown in Figure CE1 and Figure CE2 (cross-section).

- **CE 2.1.4 - Roadway Improvements:** Pursue construction of intersection improvements shown on Figure CE3 or alternate improvements that achieve an acceptable level of service.

- **CE 2.1.6 - Protection of Right-of-Way:** Protect right-of-way for designated future streets and highways through all practicable means.

Goal CE 2.3: Optimal roadway system operation.

- **CE 2.3.4 - Improvements to Reflect Changing Traffic Conditions:** Based on the monitoring of traffic conditions, consider additional improvements in areas with operations issues, such as intersections with heavy turn volumes (e.g. additional turn lanes, traffic signal progression, etc.).

Goal CE 5.1: Convenient trail systems that satisfy recreational desires and transportation needs.

- **CE 5.1.2 - Pedestrian Connectivity:** Link residential areas, schools, parks, and commercial centers so that residents can travel within the community without driving.

- **CE 5.1.3 - Pedestrian Improvements in New Development Projects:** Require new development projects to include safe and attractive sidewalks, walkways, and bike lanes in accordance with the Master Plan, and, if feasible, trails.

- **CE 5.1.4 - Linkages to Citywide Trail System and Neighborhoods:** Require developers to construct links to the planned trail system, adjacent areas, and communities where appropriate.

- **CE 5.1.5 - Bikeway System:** Cooperate with state, federal, county, and local agencies to coordinate bikeways and trails throughout the region.

- **CE 5.1.6 - Bicycle Supporting Facilities:** Incorporate bicycle and pedestrian facilities in the design plans for new streets and highways and, where feasible, in the plans for improving existing roads.

- **CE 5.1.7 - Bicycle Safety:** Provide for safety of bicyclists, equestrians, and pedestrians by adhering to current national standards and uniform practices.

- **CE 5.1.8 - Bicycle Conflicts with Vehicles and Pedestrians:** Minimize conflict points among motorized traffic, pedestrians, and bicycle traffic.

- **CE 5.1.9 - Integrated Bicycle Improvements:** Coordinate community bicycle and pedestrian facilities in a citywide network for continuity of travel.

Goal CE 6.2: Reduced automobile travel through the use of travel demand management strategies.

- **CE 6.2.1 - Alternative Transportation Modes:** Promote and encourage the use of alternative transportation modes, such as ridesharing, carpools, vanpools, public transit, bicycles, and walking; and provide facilities that support such alternate modes.

- **CE 6.2.2 Support Facilities for Alternative Modes:** Require new development projects to provide facilities commensurate with development type and intensity to support alternative modes, such as preferential parking for carpools, bicycle lockers, showers, commuter information areas, rideshare vehicle loading areas, water transportation docks, and bus stop improvements.

- **CE 6.2.3 - Project Site Design Supporting Alternative Modes:** Encourage increased use of public transportation by requiring project site designs that facilitate the use of public transportation and walking.

Goal CE 8.1: Adequate funding for needed transportation infrastructure and operations.

- **CE 8.1.9 - Right-of-Way Dedication:** Require the dedication of needed right-of-way in conjunction with approval of subdivision maps or other discretionary approvals.

- **CE 8.1.10 - Development Requirements:** Require development to provide the needed roadway improvements adjacent to a site, commensurate with project impact and in accordance with the Master Plan of Streets and Highways.

- **CE 8.1.11 - Joint Funding with Adjoining Jurisdictions:** Pursue joint funding of improvements in areas (such as the Airport Area) where traffic growth and/or needed improvements are demonstrably based upon traffic contributions or improvements that are a joint responsibility of Newport Beach and one or more adjacent jurisdictions/agencies.

- **CE 8.1.12 - Measure M Restrictions:** Measure M sales tax revenues shall not be used to replace private developer funding that has been committed for any project or normal subdivision obligations.

- **CE 8.1.13 - Transportation Improvement or Special Assessment District:** Establish a transportation improvement or special assessment district to fund improvements needed in the Airport Area.

5.18 TRIBAL CULTURAL RESOURCES

The City of Newport Beach 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 city are known to exist and have the potential to provide important scientific information regarding history and prehistory. Archaeological resources are often of cultural or religious importance to Native American groups, particularly if the resource includes human and/or animal burials. Consequently, ground-disturbing activities, particularly in areas that have not previously been developed with urban uses, have the potential to damage or destroy Native American resources that may be present on or below the ground surface.

AB 52, which took effect July 1, 2015, requires analysis of tribal cultural resources (TCR) in CEQA documents. Tribal cultural resources are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either included or eligible for inclusion in the California Register of Historic Resources or included in a local register of historical resources. Or the lead agency, supported by substantial evidence, chooses at its discretion to treat the resource as a tribal cultural resource.

AB 52 requires consultation with tribes at an early stage to determine whether the project would have an adverse impact on TCRs. Consultation concludes when both parties have agreed on measures to mitigate or avoid a significant effect to a tribal cultural resource, or a party, after a reasonable effort in good faith, decides that mutual agreement cannot be reached. Consultation only applies to CEQA documents that require public circulation; however, the CEQA document must disclose significant impacts to TCRs and discuss feasible alternatives or mitigation that avoid or lessen the impact.

Although this Addendum does not require public review and therefore does not require consultation with Native American tribes, impacts to TCRs are analyzed in this section for consistency with the updated CEQA Guidelines, adopted December 2018.

5.18.1 Summary of Impacts Identified in the Program EIRs

5.18.1.1 2006 GENERAL PLAN EIR

Impacts related to tribal cultural resources were not analyzed in the 2006 GPU EIR because this analysis was not required in environmental documents until AB 52 became effective in 2015, long after the 2006 GPU EIR was certified.

5.18.1.2 2014 LUE AMENDMENT SEIR

Impacts related to tribal cultural resources were not analyzed in the 2014 LUE Amendment SEIR because this analysis was not required in environmental documents until AB 52 became effective in 2015, after the 2014 LUE Amendment SEIR was certified.

However, Senate Bill (SB) 18, which went into effect on March 1, 2005, required local jurisdictions to provide opportunities for involvement of California Native Americans tribes in the land planning process during this time. The City did consult with applicable tribes, pursuant to SB 18, on the 2014 LUE Amendment. The

5. Environmental Analysis

Cultural Resources section of the 2014 LUE Amendment SEIR included a Sacred Lands File search from the Native American Heritage Commission (NAHC). The NAHC recommended contact with 14 Native American tribes or individuals who might have additional knowledge of the religious and cultural significance of historic properties within or immediately adjacent to the study area. Upon implementation of GPU policies, the requests of the tribes, and regulatory requirements, impacts to Native American resources were found to be less than significant.

5.18.2 Impacts Associated with the Proposed Project

Would the project:

Issues	Substantial Change in Project Requiring Major EIR Revisions	Substantial Change in Circum-stances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:					
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or					x
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.					x

Comments:

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?

Less than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR.

Project Comparison to 2006 General Plan EIR

The proposed project would alter land uses and intensities on the project site. The entire site, however, is previously developed, and project implementation would not result in disturbing new areas. The proposed project, similar to development pursuant to the 2006 GPU, would adhere to the GPU policies under Goals HR 2 and NR 18 in case future development requires ground-disturbing activities that may impact previously undisturbed ground. Furthermore, the proposed project, similar to development pursuant to the 2006 GPU, would comply with the City's "Archaeological Guidelines (K-5)." Although soil-disturbing activities associated with development could result in the discovery of human remains, compliance with California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98 would ensure that significant impacts to human remains would not occur.

No impact would occur in comparison to the GPU EIR, which was assessed as less than significant, and there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

On October 14, 2013, the NAHC replied that there were no known Native American cultural resources within the planned land use change areas within the LUE Amendment, including the proposed project site (Saunders Property). The proposed project, similar to development pursuant to the 2014 LUE Amendment, would be required to implement the requirements of the "Archaeological Guidelines (K-5)" and policies in the 2006 GPU under Goals HR 2 and NR 18. Therefore, there would be no impact to tribal cultural resources relative to the conclusions in the 2014 LUE Amendment SEIR.

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Less than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR.

Project Comparison to the 2006 General Plan EIR

See Impact 5.17.2 (a).

Project Comparison to the 2014 LUE Amendment SEIR

See Impact 5.17.2 (a).

5.18.3 Mitigation Measures Identified in the Program EIR and Applicable to the Proposed Project

There were no mitigation measures in the 2006 GPU EIR or the 2014 LUE Amendment SEIR.

5.18.4 Relevant General Plan Policies

The 2006 General Plan includes the following goals and policies that are relevant to tribal cultural resources.

Goal HR 2: Identification and protection of important archeological and paleontological resources within the City.

- **HR 2.1 - New Development Activities:** Require that, in accordance with CEQA, new development protect and preserve paleontological and archaeological resources from destruction and avoid and mitigate impacts to such resources. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.

- **HR 2.2 - Grading and Excavation Activities**: Require a qualified paleontologist/archeologist to monitor all grading and/or excavation where there is a potential to affect cultural, archeological or paleontological resources. If these resources are found, the applicant shall implement the recommendations of the paleontologist/archeologist, subject to the approval of the City Planning Department.

- **HR 2.3 - Cultural Organizations:** Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow representatives of such groups to monitor grading and/or excavation of development sites.

- **HR 2.4 - Paleontological or Archaeological Materials:** Require new development to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach, or Orange County, whenever possible.

Goal NR 18: Protection and preservation of important paleontological and archaeological resources.

- **NR 18.1 - New Development:** Require new development to protect and preserve paleontological and archaeological resources from destruction, and avoid and minimize impacts to such resources in accordance with the requirements of CEQA. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.

- **NR 18.3 - Potential for New Development to Impact Resources:** Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow qualified representatives of such groups to monitor grading and/or excavation of development sites.

Require new development, where on site preservation and avoidance are not feasible, to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach or Orange County, whenever possible.

5.19 UTILITIES AND SERVICE SYSTEMS

5.19.1 Summary of Impacts Identified in the Previous EIRs

5.19.1.1 2006 GENERAL PLAN EIR

Wastewater Treatment and Collection

The 2006 GPU EIR concluded that the 2006 GPU would have no impact on wastewater treatment requirements of the Regional Water Quality Control Board (RWQCB) because the City requires National Pollutant Discharge Elimination System (NPDES) permits. The permits contain limits on allowable concentrations and mass discharge of pollutants from both point and nonpoint sources. Development in accordance with the 2006 GPU would be required to comply with all provisions of the NPDES program, as enforced by RWQCB. In addition, the City's municipal code mandates dwelling units and businesses to connect to the City's public sewer and prohibits the discharge of polluting substances into public sewers. Furthermore, the NPDES Phase I and Phase II requirements regulate discharge from construction sites. Policies in the 2006 GPU also specify minimal adverse effects to water quality from sanitary sewer outflows (Policies HB 7.6, NR 4.1, NR 5.1, NR 5.3, NR 5.4). Thus, no impact to the City's wastewater treatment quality would occur.

Using the City's 1996 Master Plan of Sewer's wastewater generation factors, buildout of the 2006 GPU was estimated to produce an additional 4.12 million gallons per day (mgd) of wastewater. The additional 4.12 mgd of wastewater would be distributed between Orange County Sanitation District (OCSD) Reclamation Plants Nos. 1 and 2. Reclamation Plant No. 1 was found to have a capacity of 174 mgd and treated an average flow of 90 mgd, approximately 52 percent of its design capacity. Reclamation Plant No. 2 was found to have a capacity of 276 mgd and treated an average of 153 mgd, approximately 55 percent of its design capacity. The additional 4.12 mgd from buildout of the 2006 GPU was nominal compared to the capacities of the two plants. In addition, policies within the 2006 General Plan require adequate wastewater facilities and conveyance systems to be available to the City residents through renovations, installations, and improvements when needed. Thus, impacts were determined less than significant.

Lastly, according to the 2006 EIR, the City served approximately 1,200 acre-feet per year (afy) of irrigation demand using potable recycled water. Policy NR 2.1 of the 2006 General Plan encourages the use of recycled water in the City by continuing to provide financial incentives, staff assistance, and training opportunities for customers, and expanding recycled water infrastructure and programs, when feasible. Future recycled water infrastructure developments, if necessary, would require further environmental review when project-level details are known. Thus, impacts associated with the construction of new recycled water conveyance systems within the City were considered less than significant.

Water Supply and Distribution

The City's surface water supply comes from the City, the Mesa Consolidated Water District (MCWD), and the Irvine Ranch Water District (IRWD), which source their imported water from the Municipal Water District of Orange County (MWDOC). In addition, all three service providers use groundwater and recycled water to supplement their supply. Development in accordance with the 2006 GPU would increase water demand within

the City; however, the 2006 EIR concluded that impacts to existing water supply and infrastructure would be less than significant.

The 2006 General Plan buildout would increase the City's water demands by approximately 998 afy; however, MWDOC, the City's imported water supplier, indicated that its 2030 projected availability of imported water supply exceeds the 2030 projected regionwide demand for imported water supply by at least 155,000 acre-feet. Thus, MWDOC would be able to meet 100 percent of the City's imported water needs through 2030. Beyond 2030, additional water transfers, local projects, conservation efforts, and State Water Project improvements may be necessary to meet Newport Beach's future demand requirements. Groundwater supplies were also identified to meet demands through 2030. Various policies in the 2006 General Plan Natural Resource Element aimed to increase the use of recycled water, provide financial incentives for reduced water use, offer alternative water resources through advance water treatment processes, and implement water conservation measures.

Furthermore, the 2006 General Plan buildout would increase water demand by 270 afy in the IRWD service area. The additional water demand, however, would not change IRWD's urban water management plan (UWMP) conclusions with respect to projected water supply reliability. IRWD identified surplus water supplies under normal, single dry year, and multiple dry year scenarios for both imported and groundwater supplies.

The MCWD service area would experience an increase in water demand by approximately 58.6 afy. However, Mesa indicated that they had adequate water supply sources to supply the additional demand.

In addition, any new development would be subject to site-specific evaluation of existing water system's capacity to service the development. If improvements are required, developers are required to pay its share of costs of all or portions of the needed improvements. Environmental impacts associated with these improvements would be evaluated at a project-level. Policy LU 2.8 of the 2006 General Plan also directs the City to accommodate land uses that can be adequately supported by infrastructure, including water treatment and conveyance facilities. Thus, overall impacts to the three water suppliers were found to be less than significant.

Storm Drainage Systems

The 2006 GPU EIR found that development would have a less than significant impact on Newport Beach's storm drainage system capacity. Buildout would generally result in infill development or redevelopment, which would not substantially alter drainage patterns because these areas are already developed with existing uses and impervious surfaces. The City's Storm Drain Master Plan was completed in 2000 and addressed drainage deficiencies. However, no upgrades were proposed as necessary with implementation of the 2006 GPU. Several GPU policies addressed stormwater. Section 15.50.160 of the City's municipal code also regulates flood hazards resulting from drainage alterations. By complying with the General Plan policies and City's municipal code, impacts to existing drainage system capacities would be less than significant.

Solid Waste

The 2006 EIR found that impacts on existing solid waste facilities from project-generated solid waste were less than significant. Development of the 2006 GPU would result in an additional 21,659 tons per year of solid waste to be disposed of at the Frank R. Bowerman Sanitary Landfill, which represented approximately 0.68

percent of the amount of solid waste the landfill accepts annually. Given the landfill's 16-year lifespan and remaining capacity of approximately 44.6 million tons at the time the 2006 EIR was prepared, the increase in solid waste generated from buildout of the 2006 GPU was considered less than significant.

Other Utilities

The projected electrical demand for buildout under the GPU was found to be within the SCE's 2016 load forecast. Though SCE's total system demand was expected to continue to increase annually, excluding any unforeseen problems, SCE's plans for new distribution resources would be adequate to serve all existing and new customer loads throughout the coming decade. However, to reduce any potential impacts associated with buildout of the proposed GPU, SCE recommended the use of energy efficient and high-performance design for nonresidential and residential building design and construction. SCGC also indicated the natural gas level of service provided to the City would not be impaired by buildout under the GPU.

5.19.1.2 2014 LUE AMENDMENT SEIR

Wastewater Treatment and Collection

The 2014 LUE Amendment would result in an additional 431,340 gallons per day (gpd) of wastewater in the City's service area when compared with the buildout of the 2006 GPU buildout. According to OCSD, the growth would not necessitate new or expanded treatment facilities. Furthermore, if development under the General Plan LUE Amendment required additional sewer flow connections to the OCSD sewer lines or pump stations, then OCSD design guidelines would apply. Additionally, a sewer connection fee would be required prior to issuance of building permits, pursuant to Chapter 14.24 of the City's municipal code (Leon 2013). Developers are also required to pay for infrastructure expansions or improvements, including sewer improvements, if their projects could have a significant adverse impact on existing conditions. Therefore, impacts to the sewer system were found to be less than significant.

Water Supply and Distribution

The 2014 LUE Amendment SEIR found that buildout under this amendment would increase water demand within the City's service area by an additional 422 afy when compared to the 2006 GPU buildout. According to the City's 2010 UWMP, the 2035 projected availability of imported water supply from MWDOC meets the 2035 projected imported water demand.

Due to its active efforts in promoting water conservation and water use efficiency to residents, the City is projecting a flattening demand trend in the next 25 years despite a projected 11 percent population growth. Projects pursuant to the 2014 LUE Amendment would comply with the requirements of the City's municipal code Chapter 14.16, Water Conservation and Supply Level Regulations, and Chapter 14.17, Water-Efficient Landscaping; the policies of the 2006 GPU; and the requirements of the 20x2020 Water Conservation Plan.[5] Therefore, the City's existing and future water supply could accommodate the increased water demand

[5] The 20x2020 Water Conservation Plan was issued by the California Department of Water Resources in 2010 pursuant to the Water Conservation Act of 2009 (SBX7-7), and established a statewide water conservation target of 20 percent reduction in water use by 2020 compared to the State's 2005 baseline use.

associated with the 2014 LUE Amendment. Furthermore, IRWD's water system was found to be sufficient and operating at a high level of service. According to IRWD's 2010 UWMP, the water supply was 100 percent reliable and able to accommodate normal years, single dry years, and multiple dry-year events, if needed. IRWD's 2035 projected availability exceeds the projected water demands by at least 51,082 afy. IRWD also indicated that there is adequate existing and planned water supply to accommodate future development and its associated water demands. Lastly, the LUE Amendment proposed only one land use designation change within the MCWD at King's Liquor Store, 1526 Placentia Avenue. All subsequent developments on the property would be required to go through a project-level environmental review by the City to determine adequate water supply to future development. Therefore, impacts to water supply and delivery systems were found to be less than significant.

Storm Drainage System

Implementation of the LUE Amendment would allow for development in various subareas proposed for changes in land use designation and/or development capacities. Since the City of Newport Beach is almost entirely built out, development would occur only in areas with existing storm drainage infrastructure. The Orange County Drainage Area Management Plan requires new developments to create and implement a Water Quality Management Plan (WQMP), which would ensure pollutant discharges are reduced to the maximum extent practicable and do not exceed existing storm drainage capacities. Thus, any additional stormwater runoff expected at buildout of the LUE Amendment would not exceed existing storm drainage capacities, and impacts were found to be less than significant.

Solid Waste

The buildout of the General Plan LUE Amendment was estimated to generate an additional 66,615 pounds of solid waste per day (approximately 12,157 tons per year) when compared to the 2006 General Plan buildout. The two landfills accepting nearly all solid waste landfilled from Newport Beach—Frank R. Bowerman Landfill and Olinda Alpha Landfill—had residual capacities of 192,300,000 and 43,900,000 cubic yards and estimated closure dates of 2053 and 2021, respectively. For a more conservative approach, if all 66,615 pounds generated per day (approximately 33.3 tons per day) from the buildout of the LUE Amendment were sent to the Frank R. Bowerman Landfill, it would represent only 0.30 percent of its maximum daily permitted tonnage. If all 12,157 tons generated per year were sent to the Olinda Alpha Landfill, it would represent only 0.42 percent of its maximum daily permitted tonnage. Thus, both landfills, individually, would be able to take in the complete amount of solid waste generated, and impacts were found to be less than significant.

Other Utilities

Similar to the 2006 GPU EIR, implementation of the General Plan LUE Amendment was found not to increase energy demands to exceed forecast energy supplies through 2030. Development in accordance with the 2014 LUE Amendment resulted in a net increase for electricity demand of approximately 8,026,488 kilowatt hours (KWh) per year. SCE forecast that it would have adequate electricity to meet the expected growth in its service area through 2022. Using SCE's anticipated consumption in 2022 in a high-demand consumption scenario, electricity demand was expected to be 116,637 gigawatt hours (GWh). The increase in electricity demand from the 2014 LUE Amendment would be 0.006 percent of overall demand in SCE's service area. The increase in

demand would be nominal from that expected from the 2006 General Plan buildout. Therefore, no additional electricity production facilities would be needed.

Furthermore, implementation of the LUE Amendment would result in a net increase for natural gas demand of 380,043 KBTU per year, approximately 1,014 cubic feet per day, in comparison to the 2006 General Plan buildout. The increase in natural gas demand from the LUE Amendment would be less than 0.0001 percent of overall demand in SCGCs' service area. Thus, the increase in demand would be nominal from that expected from the 2006 GPU buildout, and no additional natural gas facilities would be needed.

5.19.2 Impacts Associated with the Proposed Project

Would the proposed project:

Environmental Issues	Substantial Change in Project Requiring Major EIR Revisions	Substantial Change in Circum-stances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR	No Impact
a) Require or result in the relocation or construction of new or expanded wastewater treatment the construction or relocation of which could cause significant environmental effects?				X	
b) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X	
c) Require or result in the relocation or construction of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects?				X	
d) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?				X	
e) Require or result in the relocation or construction of new or expanded storm water drainage facilities, the construction or relocation of which could cause significant environmental effects?				X	

Environmental Issues	Substantial Change in Project Requiring Major EIR Revisions	Substantial Change in Circum-stances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR	No Impact
f) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?				x	
g) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				x	
h) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?				x	

Comments:

a) Require or result in the relocation or construction of new or expanded wastewater treatment the construction or relocation of which could cause significant environmental effects?

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR.

Project Comparison to 2006 General Plan EIR

The proposed project would include the redesignation of the project site from AO to MU-H2, thus expanding the overall geographic area designated as MU-H2 within the Airport Area. The proposed project would include up to 297,572 square feet of nonresidential uses and up to 444 residential units. For purposes of the traffic study and analyzing potential utility impacts, the following breakdown of the nonresidential uses was assumed: 232,562 square feet of office use, 46,410 square feet of commercial use, 18,600 square feet of industrial use. In comparison to the 2006 GPU, the proposed project reduces commercial square footage and adds units to the project site but does not result in a net increase in units for the Airport Area.

Using the City's wastewater generation factors from the 2010 Sewer Master Plan, the proposed project would generate 123,560 gallons per day (gpd), as shown in Table 18. The net change in wastewater generation for the project site compared to what is allowed for the site under the 2006 GPU is also shown in Table 18. It should be noted that even though the 329 units were accommodated within the airport MU-H2 area in the 2006 GPU, these units were considered to be new for purposes of this analysis to provide a conservative estimate of impacts.

Table 18 Net Increase in Wastewater Generation

Land Use	Total Buildout Proposed Project	Wastewater Generation Factor	Projected Wastewater Generation For the Proposed Project (gpd)	Total Buildout 2006 GPU	Wastewater Generation Factor	Projected Wastewater Generation For the 2006 GPU (gpd)	Net Increase (gpd)
Residential – Single and Multifamily	444 du	240 gpd/du	106,560	0	240 gpd/du	0	106,560
Office/commercial/industrial	6.8 ac (297,572 SF)	2,500 gpd/ac[1]	17,000	8.2 ac (358,572 SF)	2,500 gpd/ac[a]	20,500	(3,500)
Total	-	-	**123,560**	-	**-**	**20,500**	**103,060**

Source: City of Newport Beach Sewer Master Plan, August 2010.
1 The 2010 Sewer Master Plan does not have a wastewater generation factor for Office land use; therefore, a conservative generation factor of 2,500 gpd/ac, currently used for Commercial, Industrial, Public Facilities, and Private Institutions, is used for Office. A single wastewater generation rate is used for the office, commercial, and industrial uses proposed for the project.
ac – acres
SF – square feet
du – dwelling unit
gpd – gallons per day

Wastewater collected by the City would be treated at OCSD's two reclamation plants, with a small portion of wastewater treated at IRWD's treatment plant. Reclamation Plant No. 1 has a capacity of 208 mgd and an estimated average daily influent of 120 mgd. Reclamation Plant No. 2 has a capacity of 168 mgd and an estimated average daily influent of 65 mgd (OCSD 2018). Collectively, the two plants have a residual capacity of 191 mgd. Given that the proposed project would generate an additional 103,060 gpd (0.10 mgd) of wastewater, this increase is nominal compared to the combined residual capacity of both treatment plants. Thus, existing wastewater treatment facilities would accommodate the project-generated wastewater and continue maintaining a substantial amount of remaining capacity for future wastewater treatment.

Furthermore, if development under the proposed project requires new sewer flow connections through OCSD, all connections are required to comply with current OCSD design guidelines and pay a sewer connection fee. Thus, impacts would be less than significant and there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

The 2014 LUE Amendment allocated 596,575 square feet of office uses and 444 dwelling units to the proposed project site. Compared to the 2014 LUE Amendment, the proposed project would reduce nonresidential space and maintain the number of residential dwelling units allowed for the project site (although reduce overall residential uses within the Airport Area). The wastewater generation rate for office uses is equivalent to other non-residential uses (i.e., commercial and industrial) (see Table 18); therefore, the wastewater generation factor used for office in the 2014 LUE Amendment would be the same generation factor that would apply to the project's non-residential uses. Thus, the proposed project would generate less wastewater and would reduce wastewater-related impacts in comparison to the 2014 LUE Amendment.

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

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR.

Project Comparison to 2006 General Plan EIR

As mentioned above, implementation of the proposed project would not result in an increase in wastewater that cannot be accommodated by OCSD's treatment plants. Furthermore, the City requires NPDES permits, which set limits on allowable concentrations in any wastewater discharge. The City's municipal code also requires dwelling units and commercial uses to connect to the City's public sewer network and prohibits certain polluting substances from being discharged into a public sewer. The proposed project, similar to development in accordance with the 2006 GPU, would be required to comply with all provisions of the NPDES program and the municipal code and would not exceed wastewater treatment requirements. Therefore, impacts would be less than significant and there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

Implementation of the proposed project would generate less wastewater than the buildout proposed for the project site under the 2014 LUE Amendment. Furthermore, both the proposed project and development pursuant to the 2014 LUE Amendment would need to comply with the requirements of the NPDES permit and the City's municipal code and would not exceed the wastewater treatment requirements of the RWQCB. Thus, impacts would be less than significant.

c) Require or result in the relocation or construction of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects?

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR.

Project Comparison to 2006 General Plan EIR

Buildout of the proposed project is estimated to generate a water demand of approximately 211,084 gpd, or 236 afy (see Table 19). Residential water demand calculations are based on 202 gallons per capita per day (gpcd), which is the City's target goal for year 2020 (Arcadis 2018). The number of persons expected to reside in each residential unit is 2.22 persons, which is the average cited by the Department of Finance for Newport Beach for 2019 (DOF 2020).

Table 19 shows the net change in water demand for the project site compared to what is allowed for the site under the 2006 GPU. As shown, the net increase in water demand is 195,672 gpd (219 afy). It should be noted that even though the 329 units (or 444 units with density bonus) were accommodated within the airport MU-H2 area in the 2006 GPU, these units were assumed to be new for purposes of this analysis to provide a conservative approach.

5. Environmental Analysis

Table 19 Net Increase in Water Demand

Land Use	Total Buildout Proposed Project	Water Demand Factor	Projected Water Demand For the Proposed Project (gpd)	Total Buildout 2006 GPU	Water Demand Factor	Projected Water Demand For the 2006 GPU (gpd)	Net Increase (gpd)
Residential – Single and Multifamily	986 persons (444 du)	202 gpcd	199,172	0	202 gpcd	0	199,172
Office	5.3 ac (232,562 SF)	1,757 gpad	9,312	5.3 ac (232,562 SF)	1,757 gpad	9,312	0
Commercial	1 ac (46,410 SF)	2,200 gpad	2,200	2.5 ac (107,336 SF)	2,200 gpad	5,500	(3,300)
Industrial	0.4 ac (18,600 SF)	1,000 gpad	400	0.6 ac (26,834 SF)	1,000 gpad	600	(200)
Total	-	-	**211,084**	-	-	**15,412**	**195,672**

Source: Arcadis, August 2019.
SF – square feet
du – dwelling unit
ac -acres
gpd – gallons per day
gpcd – gallons per capita per day
gpad – gallons per acre per day

The proposed project is within the City of Newport Beach's water service area. According to the City's 2015 UWMP, the 2040 projected availability of water supply meets the 2040 projected water demand for its residents during normal years, single dry years, and multiple dry-year events. The 2040 projected water demand for normal years is 16,973 afy. The 195,672 gpd (219 acre-feet/year) net increase for the project site water demand equates to 1.3 percent of the total water demand for the City. Since the residential units for the project, however, are already allocated within the Airport Area, placing the units on the project site would not increase water demand relative to another location within the Airport Area. The net, citywide water demand for the project, therefore, would be due to the reduction in non-residential square footage, resulting in a decrease of 3,500 gpd (3.9 afy). Therefore, the City's existing and future water supply is able to accommodate the increased water demand associated with the proposed project. Additionally, if development of the proposed project requires improvements to the existing water system capacity, the developer would be required to pay their share of costs for all or portions of the needed improvements. Thus, overall impacts to the water supply are less than significant. Overall, buildout of the proposed project is not anticipated to result in new or increase the severity of impacts to the water service. Therefore impacts are less than significant and there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

Compared to the 2014 LUE Amendment SEIR, the proposed project would reduce nonresidential space and result in the same number of residential dwelling units allowed for the project site. Thus, the proposed project would reduce water demand, and impacts would be less than significant.

d) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR.

Project Comparison to 2006 General Plan EIR

As detailed above, the proposed project would generate an increase in water demand of 55.6 afy for the project site, but a net 3.9 afy decrease in water demand compared to the city-wide 2006 GPU buildout. The City's 2015 UWMP found that water supplies are sufficient to meet the 2040 projected water demand for its residents during normal years, single dry years, and multiple dry-year events. Therefore, the City's existing and future water supply is able to accommodate the increased water demand associated with the proposed project. Impacts are less than significant, and there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

Implementation of the proposed project would require less water supply than the buildout proposed for the project site under the 2014 LUE Amendment. Since the City has sufficient water supply for the future water demand and can accommodate the 2014 LUE Amendment, water supplies would also be able to accommodate the proposed project and impacts would be less than significant.

e) Require or result in the relocation or construction of new or expanded storm water drainage facilities, the construction or relocation of which could cause significant environmental effects?

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR.

Project Comparison to 2006 General Plan EIR

Development of the proposed project would alter the on-site drainage patterns with the development of the buildings, roadways, and associated site improvements. However, the proposed project, similar to other projects developed pursuant to the 2006 General Plan, would be required to implement a WQMP. The WQMP would reduce discharge of stormwater into urban runoff from the operational phase by managing site runoff volumes and flow rates through application of appropriate best management practices. BMPs would be designed in accordance with the NPDES requirements. Any drainage facilities would also be designed in accordance with Section 19.28.080 of the City's municipal code. Thus, stormwater runoff expected at buildout of the proposed project would not exceed existing storm drainage capacities. Impacts would be less than significant, and there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

Both the implementation of projects pursuant to the 2014 LUE Amendment and the proposed project would implement WQMPs to manage post-construction runoff. The goal of the WQMP is to ensure that new development and significant redevelopment does not contribute to increased urban runoff flow rates and velocities to the maximum extent practicable. Furthermore, any new drainage facilities would be designed pursuant to the requirements of the City's municipal code, and impacts would be less than significant.

5. Environmental Analysis

f) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR.

Project Comparison to 2006 General Plan EIR

Buildout of the proposed project is estimated to generate approximately 26,740 pounds of solid waste per day, shown in Table 20, which also shows the net change in solid waste generation for the project site. Buildout of the proposed project is estimated to generate a net increase of approximately 4,119 pounds per day (2.05 tons/day) of solid waste compared to the 2006 GPU buildout. It should be noted that even though the 329 units (444 with density bonus) were accommodated within the airport MU-H2 area in the 2006 GPU, these units are considered new for purposes of this analysis for a conservative estimate of impacts.

The Frank R. Bowerman Landfill and Olinda Alpha Landfill have residual capacities of 3,600 tons/day and 867 tons/day and estimated closure dates of 2053 and 2021, respectively (CalRecycle 2019c, 2019d). Thus, both landfills, individually, would be able to take in the complete amount of additional solid waste generated by the proposed project. Furthermore, the proposed project, similar to other projects developed pursuant to the 2006 General Plan, would comply with the California Green Building Standards, Assembly Bill (AB) 341, and AB 1826. The 2019 California Green Building Standards Code requires that at least 65 percent of the nonhazardous construction and demolition waste from nonresidential construction operations be recycled and/or salvaged for reuse. AB 341 mandates a statewide solid waste diversion rate of 75 percent by 2020. AB 1826 requires businesses to recycle their organic waste on and after April 1, 2016, depending on the amount of waste they generate per week. Therefore, impacts would be less than significant, and there are no changes or new significant information that would require preparation of an EIR.

Table 20 Net Increase in Solid Waste Generation

Land Use	Total Buildout Proposed Project	Solid Waste Generation Factor	Projected Solid Waste Generation for the Proposed Project (lbs/day)	Total Buildout 2006 GPU	Solid Waste Generation Factor	Projected Solid Waste Generation For the 2006 GPU (lbs/day)	Net Increase (lbs/day)
Residential – Single and Multifamily	444 du	12.23 lbs/household/day	5,430	0	12.23 lbs/household/day	0	5,430
Office	232,562 SF	0.084 lbs/SF/day	19,535	232,562 SF	0.084 lbs/SF/day	19,535	0
Commercial	46,410 SF	0.013 lbs/SF/day	603	107,336 SF	0.013 lbs/SF/day	1,395	(792)
Industrial	18,600 SF	0.063 lbs/SF/day	1,172	26,834 SF	0.063 lbs/SF/day	1,691	(519)
Total	-	-	**26,740**	-	-	**22,621**	**4,119**

Source: CalRecyle 2019a.
SF – square feet
du – dwelling unit
lbs - pounds

Project Comparison to 2014 LUE Amendment SEIR

Implementation of the proposed project would generate less solid waste than the buildout proposed for the project site under the 2014 LUE Amendment. Since the Frank R. Bowerman Sanitary Landfill can accommodate the 2014 LUE Amendment, the landfill can also accommodate the proposed project. Additionally, the proposed project, similar to other projects developed pursuant to the 2014 LUE Amendment, would comply with the California Green Building Standards, AB 341, and AB 1826. Therefore, impacts would be less than significant, and there are no changes or new significant information that would require preparation of an EIR.

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

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR.

Project Comparison to 2006 General Plan EIR

AB 939, the Integrated Waste Management Act of 1989 (California Public Resources Code §§ 40000 et seq.) requires all local governments to develop source reduction, reuse, recycling, and composting programs to reduce tonnage of solid waste going to landfills. Cities must divert at least 50 percent of their solid waste generation into recycling. Compliance with AB 939 is measured for each jurisdiction, in part, as actual disposal amounts compared to target disposal amounts. Target disposal rates for the City are 9.6 pounds per day (ppd) per resident and 11.5 ppd per employee. Actual disposal rates in 2018 were 6.9 ppd per resident and 7.4 ppd per employee (CalRecycle 2019b). Thus, solid waste diversion in Newport Beach is consistent with AB 939 and the project's solid waste generation would be consistent with AB 939.

AB 1327, the California Solid Waste Reuse and Recycling Access Act of 1991 (California Public Resources Code §§ 42900 et seq.) required the California Integrated Waste Management Board to develop a model ordinance requiring adequate areas for the collection and loading of recyclable materials in development projects. Local agencies were then required to adopt and enforce either the model ordinance or an ordinance of their own by September 1, 1993. The City's municipal code includes waste recycling requirements in conformance with AB 1327. Therefore, the project's solid waste generation would be consistent with AB 1327.

Furthermore, the proposed project, similar to all projects pursuant to the 2006 GPU, is required to recycle construction waste in compliance with the 2019 California Green Building Code, store and collect recyclable materials in compliance with AB 341 and handle green waste in accordance with AB 1826. Overall, impacts would be less than significant and there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

As mentioned above, the proposed project, similar to projects pursuant to the 2014 LUE Amendment, would be in compliance with federal, state, and local management and reduction statutes and regulations and impacts would be less than significant.

h) Require or result in the relocation or construction of new or expanded electric power or natural gas facilities, the construction or relocation of which could cause significant environmental effects?

Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR.

Project Comparison to 2006 General Plan EIR

Buildout of the proposed project is expected to use approximately 5.9 million kilowatt hours (kWhr) of electricity per year (see Table 21). When compared to the buildout allocated for the project site in the 2006 GPU, development on the project site would result in an increase of approximately 1.1 million kWhr per year in electricity use. It should be noted that even though the 329 units (444 units with density bonus) were accommodated within the airport MU-H2 area in the 2006 GPU, these units were considered new for purposes of this analysis to provide a conservative approach.

Total mid-electricity consumption in SCE's service area is forecast to increase by approximately 12,723 GWh between 2015 and 2027. SCE forecasts that it will have sufficient electricity supplies to meet demands in its service area, and impacts would be less than significant (CEC 2018).

Table 21 Annual Net Increase in Electricity Use – Project Site

Land Use	Total Buildout Proposed Project	Electricity Use Factor[1]	Projected Electricity Use for the Proposed Project (kWhr/year)	Total Buildout 2006 GPU	Electricity Use Factor	Projected Electricity Use For the 2006 GPU (kWhr/year)	Net Increase (kWhr/year)
Residential – Single and Multifamily	444 du	4,230 kWhr/du	1,878,120	0	4,230 kWhr/du	0	1,878,120
Office	232,562 SF	14.34 kWhr/SF	3,334,939	232,562 SF	14.34 kWhr/SF	3,334,939	0
Commercial	46,410 SF	11.72 kWhr/SF	543,925	107,336 SF	11.72 kWhr/SF	1,257,978	(714,053)
Industrial	18,600 SF	8.62 kWhr/SF	160,332	26,834 SF	8.62 kWhr/SF	231,309	(70,977)
Total	-	-	**5,917,316**	-	-	**4,824,226**	**1,093,090**

Source: CalEEMod 2016.
[1] Climate Zone 8 was used for Newport Beach ZIP Code 92660. The electricity use factors for T24 Electricity, NT24 Electricity, and Lighting Electricity were summed up. Since the buildings would be new construction, nonhistorical factors were used. For the dwelling units, the factors for high-rise apartments were used.
SF – square feet
du – dwelling unit
kWh – kilowatt hours

For natural gas, the proposed project is estimated to use about 9.0 million kilo British Thermal Units (kBTU) annually (see Table 22). When compared to the buildout allocated for the project site in the 2006 GPU, the project site would generate about an additional 5.9 million kBTU annually.

SCGC's residual supplies were forecast to remain constant at 3,775 MMCF/day from 2020 through 2035. Total natural gas consumption in SCGC's service area is forecast to decline slightly from 2,591 MMCF/day in 2019

to 2,313 MMCF/day in 2035. SCGC forecasts that it will have sufficient natural gas supplies to meet gas demands, and the proposed project would not require SCGC to obtain new or expanded gas supplies. Impacts would be less than significant (CGEU 2018).

Table 22 Annual Net Increase in Natural Gas Use

Land Use	Total Buildout Proposed Project	Natural Gas Use Factor[1]	Projected Natural Gas Use for the Proposed Project (kBTU/year)	Total Buildout 2006 GPU	Natural Gas Use Factor	Projected Natural Gas Use For the 2006 GPU (kBTU/year)	Net Increase (kBTU/year)
Residential – Single and Multifamily	444 du	14,046 kBTU/du	6,236,424	0	14,046 kBTU/du	0	6,236,424
Office	232,562 SF	10 kBTU/SF	2,325,620	232,562 SF	10 kBTU/SF	2,325,620	0
Commercial	46,410 SF	2 kBTU/SF	92,820	107,336 SF	2 kBTU/SF	214,672	(121,852)
Industrial	18,600 SF	21 kBTU/SF	390,600	26,834 SF	21 kBTU/SF	563,514	(172,914)
Total	-	-	**9,045,464**	-	-	**3,103,806**	**5,941,658**

Source: CalEEMod 2016.

[1] Climate Zone 8 was used for Newport Beach ZIP Code 92660. The electricity use factors for T24 Natural Gas, and NT24 Natural Gas were summed up. Since the buildings would be new construction, non-historical factors were used. For the dwelling units, the factors for high-rise apartments were used. For the office land use, factors for general office building were used. For industrial land use, factors for general light industrial were used. For commercial land use, factors for a strip mall were used.

SF – square feet
du – dwelling unit
kBTU – kilo British thermal units

Furthermore, the proposed project would comply with the requirements of the current California Building Energy and Efficiency Standards (Title 24, Part 6) and the California Green Building Standards Code (CALGreen). All new appliances would comply with the 2012 Appliance Efficiency Regulations (Title 20, CCR Sections 1601 through 1608). Therefore, impacts would be less than significant and there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

The land uses accommodated under the proposed project would be within and less than the development capacity considered for the project site as analyzed in the 2014 LUE Amendment. Therefore, the proposed project would not result in the relocation or construction of new or expanded electric power or natural gas facilities.

Furthermore, the proposed project would comply with the electricity and natural gas efficiency requirements as mentioned above and impacts would be less than significant. There are no changes or new significant information that would require preparation of an EIR.

5.19.3 Adopted Mitigation Measures Applicable to the Proposed Project

There were no mitigation measures in the 2006 GPU EIR or the 2014 LUE Amendment SEIR..

5.19.4 Relevant General Plan Policies

The General Plan includes several policies that would reduce impacts to utilities and service systems associated with future development projects in the City, including:

Goal HB 8: Enhancement and protection of water quality of all natural water bodies, including coastal waters, creeks, bays, harbors and wetlands.

- **HB 8.4 - Storm Drain Sewer System Permit:** Require all development to comply with the regulations under the City's municipal separate storm sewer system permit under the National Pollutant Discharge Elimination System.
- **HB 8.9 - Water Quality Management Plan:** Require new development applications to include a Water Quality Management Plan (WQMP) to minimize runoff from rainfall events during construction and post-construction.
- **HB 8.11 - Site Design and Source Control:** Include site design and source control BMPs in all developments. When the combination of site design and source control BMPs are not sufficient to protect water quality as required by the National Pollutant Elimination System, structural treatment BMPs will be implemented along with site design and source control measures.
- **HB 8.14 - Runoff Reduction on Private Property:** Retain runoff on private property to prevent the transport of pollutants into recreational waters, to the maximum extent practicable.
- **HB 8.20 - Impervious Surfaces:** Require new development and public improvements to minimize the creation of and increases in impervious surfaces, especially directly connected impervious areas, to the maximum extent practicable. Require redevelopment to increase area of pervious surfaces, where feasible.

Goal NR 1: Minimized water consumption through conservation methods and other techniques.

- **NR 1.1 - Water Conservation in New Development:** Enforce water conservation measures that limit water usage, prohibit activities that waste water or cause runoff, and require the use of water–efficient landscaping and irrigation in conjunction with new construction projects.

5.20 WILDFIRE

5.20.1 Summary of Impacts Identified in the Program EIRs

5.20.1.1 2006 GENERAL PLAN EIR

Impacts related to wildfire were not analyzed in the 2006 GPU EIR because the requirement to analyze wildfire in CEQA documents did not become effective until January 1, 2019, after of the 2006 GPU EIR by the Newport Beach City Council (July 25, 2006). However, the 2006 General Plan identified areas with high and moderate fire susceptibility (Figure S4, Wildfire Hazards). Nonetheless,, the analysis of wildfire impacts is new in this Addendum.

5.20.1.2 2014 LUE AMENDMENT SEIR

The 2015 LUE Amendment SEIR did not analyze impacts related to wildfire. The requirement to analyze wildfire in environmental documents came into effect on January 1, 2019, after the SEIR certification date (July 22, 2014).

5.20.2 Impacts Associated with the Proposed Project

Would the project:

Issues	Substantial Change in Project Requiring Major EIR Revisions	Substantial Change in Circum-stances Requiring Major EIR Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of an EIR	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?					x
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?					x
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?					x
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?					x

Comments:

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if located in or near state responsibility areas or lands classified as very high fire hazard severity zones.

Wildland fire protection in California is the responsibility of the state, local, and federal governments. In state responsibility areas (SRA), the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. SRAs cover over 31 million acres, for which the State Department of Forestry and Fire Protection (CAL FIRE) provides a basic level of wildland fire prevention and protection services.

Fire protection for local responsibility areas (LRA) is typically provided by city fire departments, fire protection districts, counties, and by CAL FIRE under contract to local government (CAL FIRE 2012). CAL FIRE is mandated by California Public Resources Code Sections 4201 to 4204 and California Government Code Sections 51175 to 51189 to identify fire hazard severity zones (FHSZ) for all communities in California. Local governments accept CAL FIRE's determination or make other, local determinations.

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact.

Project Comparison to 2006 General Plan EIR

The City of Newport Beach is nearly built out, and the proposed project consists mainly of infill and intensification of development on the project site. New development would occur in urbanized and developed areas far from the City's eastern grassy hillsides and brush-covered areas, which are more susceptible to wildfire. The project site is not within areas designated as High or Moderate fire susceptibility per the 2006 General Plan (Figure S4, Wildfire Hazards). Therefore, there are no impacts and no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

The project site is not in or near state responsibility areas or lands classified as a very high FHSZ. Therefore, there are no impacts.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

No Impact.

Project Comparison to 2006 General Plan EIR

The project site is not located in or near state responsibility areas or lands classified as very high FHSZ. Therefore, the proposed project would not exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. No impacts would arise and there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

The project site is not within areas designated as High or Moderate fire susceptibility per the 2006 General Plan (Figure S4, Wildfire Hazards). Therefore, there are no impacts.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

No Impact.

Project Comparison to 2006 General Plan EIR

The project site is not located in or near state responsibility areas or lands classified as very high FHSZ. Therefore, the proposed project would not require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. No impacts would arise and there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to 2014 LUE Amendment SEIR

The proposed project would not require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. Therefore, no impacts would arise.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impact/No Changes or New Information Requiring Preparation of an EIR.

Project Comparison to 2006 General Plan EIR

The project site is not within areas designated as High or Moderate fire susceptibility per the 2006 General Plan (Figure S4, Wildfire Hazards). Therefore, the proposed project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. No impacts would arise and there are no changes or new significant information that would require preparation of an EIR.

Project Comparison to the 2014 LUE Amendment SEIR

As noted above, the proposed project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Therefore, no impacts would arise.

5.20.3 Mitigation Measures Identified in the Program EIR and Applicable to the Proposed Project

There were no mitigation measures in the 2006 GPU EIR or the 2014 LUE Amendment SEIR.

5.20.4 Relevant General Plan Policies

The 2006 General Plan does not include any wildfire goals or policies that are relevant to the proposed project.

6. Summary

This document is Addendum No. 3 to the previously – certified City of Newport Beach General Plan EIR and Addendum No. 1 to the previously certified General Plan Land Use Element Amendment Final Supplemental EIR, May 2014. As such, this Addendum analyzes the potential differences between the environmental impacts identified in each of the previous Program EIRs and the impacts anticipated for the proposed project (Airport Village PCDP).

CEQA Guidelines Section 15168(a) states that a Program EIR is appropriate for a series of actions that can be characterized as one large project and are related either:

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

CEQA Guidelines Section 15168(c) states that subsequent activities undertaken pursuant to a Program EIR must be examined in the light of the Program EIR to determine whether an additional environmental document must be prepared. Pursuant to CEQA Guidelines Section 15168(c)(4), Where the subsequent activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the Program EIR."

This EIR Addendum provides the environmental information necessary for the City to make an informed decision about the proposed project, as more fully described in Section 3, *Project Description*. The City has determined that an Addendum to the above-referenced Program EIRs is appropriate, rather than a Supplement or Subsequent EIR, based on the following:

a. As demonstrated in Section 5, *Environmental Analysis,* the proposed project would not require major revisions to the previously-certified EIRs because the project would not result in any new significant impacts to the physical environment nor would it create substantial increases in the severity of the environmental impacts previously disclosed in the respective programmatic EIRs.

6. Summary

b. There have been no substantial changes in circumstances subsequent to the certification of the 2006 GPU EIR and 2014 LUE Amendment EIR that would require major EIR revisions. The topical analysis in Section 5 of this Addendum describes updated regulatory requirements and conditions that could affect the potential significance of impacts associated with the proposed project. Existing, surrounding land uses have been described. Moreover, the project-related land use changes in comparison to both previous Program EIRs (square footage by use and number of residential uses) have been quantified, and the analysis for these changes, quantified as applicable. The incremental environmental impact due to the project would not combine with other related projects to result in new significant cumulative impacts.

c. There is no known new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIRs that would result in increased significant impacts.

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