

# **Attachment D**

Planning Commission Resolution No. PC2025-004

**RESOLUTION NO. PC2025-004**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE AN AMENDMENT TO SECTION 20.28.050 (HOUSING OPPORTUNITY (HO) OVERLAY ZONING DISTRICTS) OF TITLE 20 (PLANNING AND ZONING) AND PENDING SECTION 21.28.070 [HOUSING OPPORTUNITY (HO) OVERLAY COASTAL ZONING DISTRICTS] IN TITLE 21 (LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN) OF THE NEWPORT BEACH MUNICIPAL CODE (PA2024-0205)**

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. On September 24, 2024, the City Council adopted Ordinance Nos. 2024-16 and 2024-17, approving amendments to Title 20 (Planning and Zoning) of the Newport Beach Municipal Code ("NBMC"), to establish the Housing Opportunity (HO) Overlay Zoning Districts in Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) and to create multi-unit objective design standards in Section 20.48.185 (Multi-Unit Objective Design Standards). The new sections serve to implement Policy Actions 1A through 1G and 3A in the General Plan 6<sup>th</sup> Cycle Housing Element ("Housing Element").
2. Section 20.28.050 of the NBMC allows for new housing opportunities within five subareas to ensure the City can accommodate its 6<sup>th</sup> Cycle Regional Housing Needs Assessment ("RHNA") allocation. These subareas correspond to the Focus Areas identified in the Housing Element and are as follows: Airport Area Environs Area (HO-1), West Newport Mesa Area (HO-2), Dover-Westcliff Area (HO-3), Newport Center Area (HO-4), and Coyote Canyon Area (HO-5). Properties identified within these subareas are eligible for specified development allowances conducive to residential development at the prescribed average density of 20 to 50 dwelling units per acre. The standards include but are not limited to minimum lot area, setbacks, height, open space, landscaping, and parking.
3. On July 23, 2024, the City Council adopted Resolution No. 2024-52, authorizing submittal of the Local Coastal Program Amendment to the California Coastal Commission to amend the City's Coastal Land Use Plan and Title 21 (Local Coastal Program Implementation Plan) of the NBMC to establish the Housing Opportunity (HO) Overlay Coastal Zoning Districts and their corresponding development standards applicable to properties located within the Coastal Zone to implement the Housing Element.
4. On November 19, 2024, the City Council adopted Resolution No. 2024-85, initiating an amendment to Section 20.28.050 of the NBMC and the pending complementary amendments in Title 21 of the NBMC, to review and make possible adjustments to certain development standards, including but not limited to building height limits specified in Table 2-16 (Development Standards for Housing Opportunity Overlay Zones) of Section

20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) and pending Table 21.28-1 (Development Standards for Housing Opportunity Overlay Zones) of the NBMC.

5. An amendment to Table 2-16 of Section 20.28.050 and pending Table 21.28-1 of the NBMC is necessary to adjust the height limitations of certain properties within the HO-4 subarea to accommodate potential residential development with the intended prescribed density range, and to identify a certain number of units being allocated from the respective development limits for a selected group of City-owned properties located within HO-1 and HO-4 subareas. The corresponding Housing Opportunity Overlay District Maps in Section 20.80.025 and pending Section 21.80.035 would also be amended accordingly (“Amendment”).
6. A public hearing was held on January 23, 2025, in the Council Chambers at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with California Government Code Section 54950 *et seq.* (“Ralph M. Brown Act”) and Chapters 20.62 (Public Hearings) and 21.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing.

## SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. Pursuant to the California Environmental Quality Act (“CEQA”) as set forth in California Public Resources Code Section 21000 *et seq.* and its implementing guidelines set forth in California Code of Regulations, Title 14, Division 6, Chapter 3 (“CEQA Guidelines”), the City Council adopted Resolution No. 2024-50 on July 23, 2024, certifying Final Program Environmental Impact Report SCH No. 2023060699 (“PEIR”), approving a Mitigation Monitoring and Reporting Program (“MMRP”), and adopting Findings and a Statement of Overriding Considerations related to the implementation of the Housing Element involving amendments to the General Plan, Coastal Land Use Plan, and Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the NBMC which are available at: [Housing Implementation Program EIR](#).
2. Pursuant to Section 21166 of the California Public Resources Code and Section 15162 of the CEQA Guidelines, when an environmental impact report (“EIR”) is adopted for a project, no subsequent EIR is required unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
  - a. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
  - b. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

- c. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was adopted as complete, shows any of the following:
- i. The project will have one or more significant effects not discussed in the previous negative declaration;
  - ii. Significant effects previously examined will be substantially more severe than shown in the adopted negative declaration;
  - iii. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives; or
  - iv. Mitigation measures or alternatives which are considerably different from those analyzed in the previous negative declaration would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternatives.
3. The Amendment, which include adjustment to the height limitations of certain properties within the HO-4 Subarea to accommodate potential residential development with the intended prescribed density range, and to identify the number of units being allocated from the residential development limits for certain City-owned properties within HO-1 and HO-4 Subareas, does not constitute substantial changes to the circumstances under which the project would be undertaken that would result in new or more severe environmental impacts than previously addressed in the EIR, nor has any new information regarding the potential for new or more severe significant environmental impacts been identified as detailed in the CEQA Consistency Memorandum, which is attached hereto as Exhibit "A" and incorporated by reference. Therefore, in accordance with Section 21166 of the California Public Resources Code and Section 15162 of the CEQA Guidelines, no additional environmental review is required to adopt the Amendments.

### SECTION 3. FINDINGS.

#### **Title 20 (Planning and Zoning) Amendment**

An amendment to Title 20 (Planning and Zoning) of the NBMC is a legislative act. Neither Title 20 itself nor California Government Code Section 65000 *et seq.*, sets forth any required findings for approval of such amendments. However, Section 20.66.040 (Commission Recommendation) of the NBMC requires the Planning Commission to make and file a report of its findings and recommendations with the Council.

Findings and Facts in Support of Finding:

1. Title 20 of the NBMC serves as the City's Zoning Code, which is a tool to ensure consistency with and implementation of the General Plan. It is necessary to amend and update Title 20 from time to time to ensure the policies set forth by the General Plan are being implemented effectively.
2. The Amendment specific to Title 20 (Planning and Zoning) of the NBMC, which is attached hereto as Exhibit "B" and incorporated herein by reference will further enable the implementation of the Housing Element's key objective, which is to accommodate the development of housing to fulfill City's obligation to meet regional housing demands. Specifically, the Amendment will allow increased height limitations for certain properties within HO-4 to accommodate residential developments within the intended prescribed density range while furthering the longstanding vision for development in Newport Center, as noted in General Plan Land Use Element Policy 6.14.4 (Development Scale). Increased heights will accommodate density on smaller sites and/or fewer sites and will increase walkability for residents and activate the urban core of Newport Center to create a true mixed-use community while decreasing development footprints and encouraging increased open space and views through developments.
3. The Amendment will also allocate a portion of the development limits in HO-1 and HO-4 to City-owned sites where there is a potential for redevelopment with housing projects within the Housing Element's planning period.

**Title 21 (Local Coastal Program Implementation Plan) Amendment**

An amendment to Title 21 (Local Coastal Program Implementation Plan) of the NBMC is a legislative act. Neither Title 21 itself nor California Government Code Section 65000 et seq., sets forth any required findings for approval of such amendments.

Findings and Facts in Support of Finding:

1. The Housing Element includes Section 4 (Housing Plan), which sets forth programs and strategies to facilitate and encourage the development of the City's obligation to meet regional housing demand. Appendix B of the Housing Element is the Sites Analysis and identifies several sites to be rezoned to allow for potential redevelopment with housing projects. A number of these sites are within the Coastal Zone. As Title 20 has been amended to add the new HO Overlay Zones with associated development standards, similarly, the amendment to Local Coastal Program Implementation Plan to add the new Overlay Coastal Zones for properties within the Coastal Zone has been prepared and submitted to the California Coastal Commission for consideration.
2. The Amendment specific to Title 21 (Local Coastal Program Implementation Plan) of the NBMC, attached hereto as Exhibit "C," and incorporated herein by reference, will create consistency in implementation between Titles 20 and 21 of the NBMC and will help to fulfill the Housing Plan, as the proposed Amendment will facilitate the development of housing consistent with the Housing Element.

SECTION 4. DECISION.

**NOW, THEREFORE, BE IT RESOLVED:**

1. In accordance with Section 21166 of the California Public Resources Code and Section 15162 of the of the CEQA Guidelines, no additional environmental review is required as the Amendment does not constitute substantial changes to the circumstances under which the project would be undertaken that would result in new or more severe environmental impacts than previously addressed in the EIR, nor has any new information regarding the potential for new or more severe significant environmental impacts been identified as detailed in the CEQA Consistency Memorandum, which is attached hereto as Exhibit "A."
  
2. The Planning Commission hereby recommends to the City Council approval of the Amendment to Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of NBMC as part of the consideration of the adopted 6<sup>th</sup> Cycle Housing Element implementation programs, as contained in Exhibits "B" and "C," and identified as PA2024-0205, and with inclusion of Housing Element Site ID Nos. 146 and 147 with a maximum height limit of 50 feet (flat) and 55 feet (sloped) and Site ID No. 141 with a maximum height limit of 48 feet.


**PASSED, APPROVED, AND ADOPTED THIS 23<sup>RD</sup> DAY OF JANUARY, 2025.**

AYES: Ellmore, Harris, Lowrey, Rosene, and Salene

NOES: None

ABSENT: None

RECUSED: Langford

BY:   
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 Mark Rosene, Chair

BY:   
 \_\_\_\_\_  
 David Salene, Secretary

- Attachments:
- Exhibit A – CEQA Consistency Memorandum
  - Exhibit B – Amendment to Chapter 20.28 (Overlay Zoning Districts (MHP, PM, B, and H)) of Title 20 (Planning And Zoning)
  - Exhibit C – Amendment to Pending Chapter 21.28 (Overlay Coastal Zoning Districts (MHP, PM, B, C, H, and HO)) of Title 21 (Local Coastal Program Implementation Plan)

**EXHIBIT "A"**

**CEQA CONSISTENCY MEMORANDUM**



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## City of Newport Beach General Plan Housing Implementation Program Consistency Analysis

The purpose of this memo is to provide the City of Newport Beach (City) with information to substantiate that the proposed changes to the City of Newport Beach General Plan Housing Implementation Program (approved Project) are within the scope of the certified City of Newport Beach General Plan Housing Implementation Program Final Environmental Impact Report (Final EIR; State Clearinghouse Number 2023060699). The proposed changes would increase the maximum building heights on specified housing sites in the Newport Center Housing Opportunity (HO) Overlay Zoning District, as set forth in Chapter 20.28 and pending Chapter 21.28 [Housing Opportunity (HO) Overlay Zoning Districts] of City of Newport Municipal Code (Municipal Code), hereinafter referred to as “proposed Project.”

State California Environmental Quality Act (CEQA) Guidelines (Title 14, California Code of Regulations [CCR] §§15000 et seq.) State CEQA Guidelines Sections 15162 and 15164 provide guidance regarding when additional environmental review is required. The following discussion identifies the applicable subsections of State CEQA Guidelines Sections 15162 and 15164 and provides justification for the City to make a determination that subsequent review pursuant to CEQA is not required for the proposed Project, based on the environmental analysis provided in the Final EIR and this consistency analysis.

### **State CEQA Guidelines Section 15162 – Subsequent EIRs and Negative Declarations**

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

As documented in the consistency analysis, no new or substantially more severe significant environmental effects beyond what was evaluated in the Final EIR would occur that would require substantive revisions to the Final EIR. The proposed Project would not result in substantially increased impacts beyond what was evaluated in the Final EIR.

- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

As documented in the consistency analysis, there have been no changes in circumstances under which the proposed Project is being undertaken compared to the Final EIR. The proposed Project would be implemented within the same study areas evaluated in the Final EIR. The proposed Project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effect, as compared to those previously identified in the Final EIR.

- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

- (A) The project will have one or more significant environmental effects not discussed in the previous EIR or negative declaration;
- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

No new information of substantial importance, which was not known at the time the Final EIR was certified is now available or shows that the proposed Project will result in a new or more significant environmental effect. As documented in the consistency analysis, the previously examined significant effects would not be substantially more severe than shown in the Final EIR as a result of the proposed Project. The Final EIR's findings are applicable to the proposed Project.

- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

No mitigation measures in the Final EIR were found infeasible, as documented in the consistency analysis. All Final EIR mitigation measures would also apply to the proposed Project and are provided in **Attachment A: Mitigation Monitoring and Reporting Program**.

As documented in the consistency analysis in this document, the proposed Project would not result in any new significant environmental effects that are substantially different from those identified in the Final EIR, nor would it substantially increase the severity of significant effects previously identified in the Final EIR.

Therefore, a consistency analysis to the Final EIR is the appropriate documentation for the proposed Project to supplement the Final EIR. The City will consider this consistency analysis with the Final EIR prior to making a decision on the proposed Project.

## Background

The Final EIR was previously prepared to evaluate the potential environmental impacts of the implementing actions associated with the City's 6<sup>th</sup> Cycle Housing Element for 2021-2029 (2021-2029 Housing Element). The Housing Element is one of the state-mandated General Plan elements and must be updated every eight years to address existing and projected housing needs across all segments of the community. The City Council adopted the 2021-2029 Housing Element on September 13, 2022. The State of California Department of Housing and Community Development (HCD) subsequently found the 2021-2029 Housing Element to be in compliance with State housing law (i.e., certified) on October 5, 2022. The Regional Housing Needs Assessment (RHNA) is a State housing law requirement that is part of the periodic updating of local General Plan Housing Elements. It is a process that determines the existing and projected housing needs (i.e., RHNA allocation) for all jurisdictions (cities and unincorporated county areas) to provide opportunities for a mix of unit types, tenure, and affordability. Each jurisdiction must demonstrate that its Housing Element can accommodate its RHNA allocation at all income levels. The City's 6<sup>th</sup> Cycle RHNA allocation is 4,845 housing units, including 1,456 Very-Low-Income and 930 Low-Income units.

In addition to the 6<sup>th</sup> Cycle RHNA allocation, the Final EIR analysis accounted for additional housing units as a buffer to address future “no net loss” to preclude the need to identify replacement sites during 6<sup>th</sup> Cycle implementation.<sup>1</sup> Therefore, the Final EIR conservatively analyzed a total development capacity of 9,914 units, including future residential development capacity of up to 9,649 units (4,845 RHNA plus a 5,069-unit buffer) on 247 housing sites, 25 units of pipeline projects, and 240 accessory dwelling units. However, only a portion of the housing units identified on the housing sites are necessary to accommodate the City’s RHNA planning obligation of 4,845 housing units.

The City is not required to build housing units to meet its RHNA allocation; it is only required to identify potential sites and create the framework to allow the market the opportunity to develop these units. The 2021-2029 Housing Element does not directly construct new housing but facilitates the development of housing units by adopting implementing actions.

The 2021-2029 Housing Element identifies six Focus Areas in the City with sufficient capacity to meet its RHNA allocation for the 6<sup>th</sup> Cycle. The six Focus Areas in the 2021-2029 Housing Element are:

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

As part of the approved Project, amendments to the General Plan Land Use Element’s goals and policies were adopted, including modifications to existing land use goals and policies, as well as the addition of new policies that further the implementation of the 2021-2029 Housing Element. Amendments were also adopted to the City’s Local Coastal Program Coastal Land Use Plan, including modifications to existing policies and additions of new policies. To facilitate future housing development within the six identified Focus Areas, five corresponding “Housing Overlay Zones” were proposed and adopted to increase the maximum allowable density for future housing projects on identified housing sites within each Focus Area. A Housing Overlay Zone was not proposed for Banning Ranch. A sixth Housing Overlay Zone applies to the 5<sup>th</sup> Cycle Housing Element for 2014-2021 housing sites. In addition to the Housing Overlay Zones, the Municipal Code was amended to add Multi-Unit Objective Design Standards and Zoning Maps were amended to identify the Housing Overlay Zoning Districts.

The City of Newport Beach General Plan Housing Implementation Program was approved, and the Final EIR was certified on July 23, 2024. Approval of the City of Newport Beach General Plan Housing Implementation Program included the following discretionary actions:

- **Certification of the City of Newport Beach General Plan Housing Implementation Program Final Program Environmental Impact Report.** (Resolution No. 2024-50)
- **General Plan Amendment.** Amend the General Plan Land Use Element to include changes to goals and policies consistent with the adopted and certified 2021-2029 Housing Element. (Resolution No. 2024-51)
- **Municipal Code Amendment.** (1) Amend Newport Beach Municipal Code Chapter 20.28, Overlay Zoning Districts, to include Section 20.28.050: Housing Opportunity (HO) Overlay Zoning Districts.

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

(2) Amend the Zoning Map to identify the HO Overlay Zoning Districts. (3) Adopt City of Newport Beach Multi-Unit Objective Design Standards. (Resolution Nos. 2024-17 and 2024-16).

- **Local Coastal Program Amendment.** Amend the Local Coastal Program for rezoning program implementation for those sites located in the Coastal Zone. (Resolution No. 2024-52)
- **City Charter Section 423.** Approve a ballot measure for a major amendment to the General Plan in compliance with City Charter Section 423. (Resolution No. 2024-58)

**Proposed Project Description**

The proposed Municipal Code Amendment would increase the maximum building height requirement for specified housing sites in the Newport Center Housing Opportunity (HO) Overlay Zoning District, as outlined in the City of Newport Municipal Code (Municipal Code) Chapter 20.28 and pending Chapter 21.28. Specifically, the proposed Project would increase the maximum building heights for only 32 (all within the Newport Center Focus Area) of the 247 housing sites identified in the 2021-2029 Housing Element, as outlined in **Table 1: HO-4 Newport Center Area - Existing and Proposed Height Limits** and depicted on **Exhibit 1: HO-4 Newport Center Area Existing Height Limits, Exhibit 2: HO-4 Newport Center Area Proposed Height Limits, and Exhibit 3: HO-4 Newport Center Area Existing/Proposed Height Limits.** No increases in development capacities or changes to other development standards or development areas are proposed on any of these housing sites. Additionally, the proposed Project does not propose any changes to the other 215 housing sites identified in the 2021-2029 Housing Element.

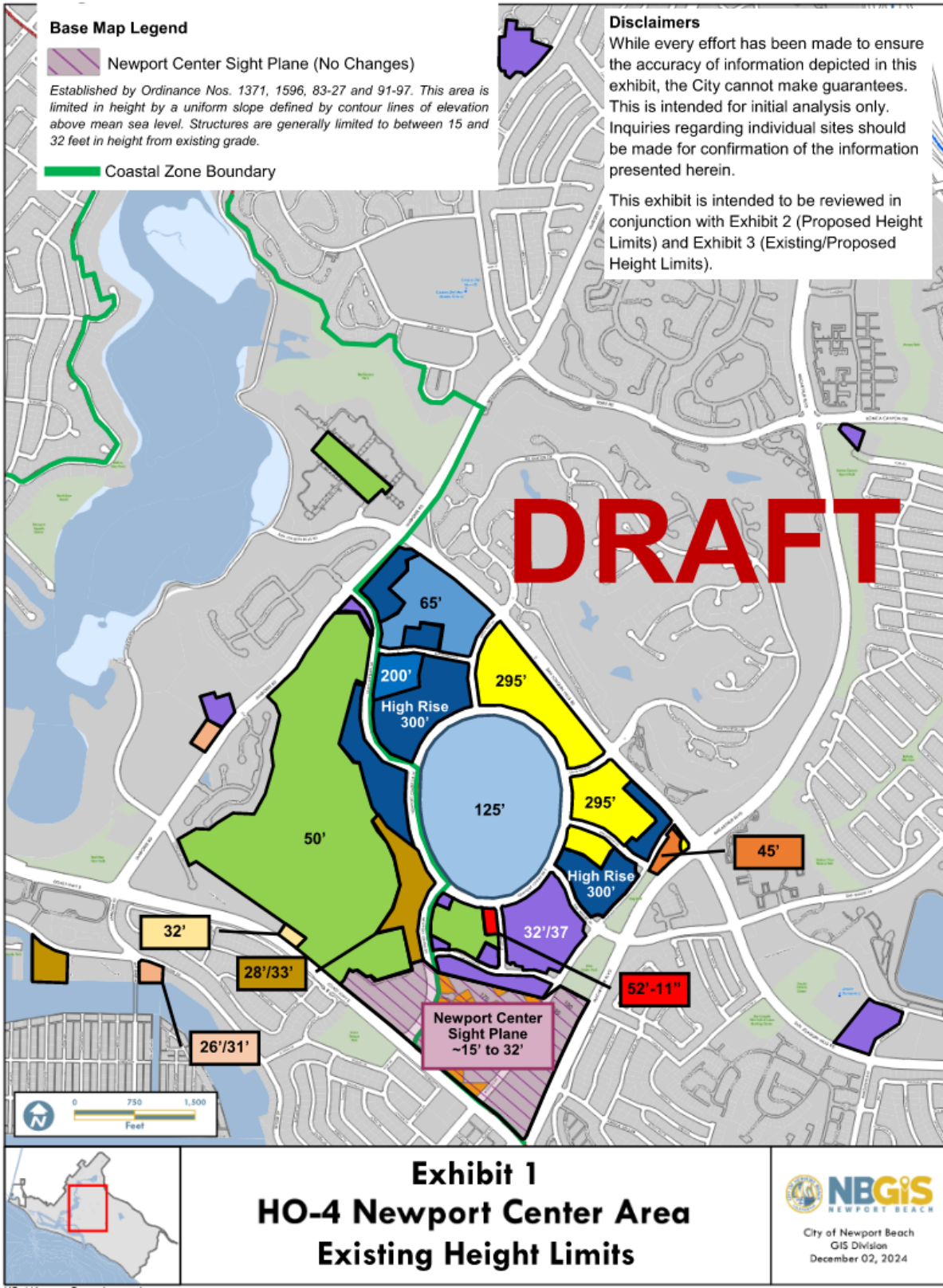
Housing Site	Existing Height	Proposed Height
148 <sup>(1)</sup>	32'/37'	60'
149	32'/37'	60'
155	32'/37'	85'
164	32'/37'	60'
168	32'/37'	60'
169	32'/37'	60'
173 <sup>(1)</sup>	32'/37'	60'
175	32'/37'	60'
181	50'	50'
182	50'	60'
185	32'/37'	85'
186	32'/37'	85'
187	32'/37'	85'
192	50'	85'
203	50'	85'
212	32'	50'
240	50'	60'
257	50'	60'
339	32'/37' <sup>(2)</sup>	110'
340	32'/37'	85'
341	32'/37'	85'
345	32'/37'	270'
346	32'/37'	270'
347	32'/37'	270'

<b>Housing Site</b>	<b>Existing Height</b>	<b>Proposed Height</b>
348	32'/37'	270'
349	32'/37'	270'
350	32'/37'	270'
351	32'/37'	270'
352	32'/37'	270'
353	300'	110'
354	50'	60'
E	32'/37'	270'

Notes:

1. The maximum allowable height for portions of Housing Sites 148 and 173 within the Newport Center Sight Plane would not change. These sites' maximum allowable height would remain between 15' to 32'.
2. The "32'/37'" limit reflects "flat/sloped" height limits.

In addition, the proposed Municipal Code Amendment would add footnotes for the Airport Area Housing Opportunity (HO-1) Overlay Zoning District and HO-4 Overlay Zoning District to identify a certain number of units being allocated from the respective development limits to a select group of City-owned properties.









## Consistency Analysis

See **Attachment A: Mitigation Monitoring and Reporting Program** for the mitigation measures and standard conditions discussed below.

### Aesthetics

**Approved Project Summary.** The Final EIR found that impacts concerning aesthetics would be less than significant and no mitigation was required, except that light and glare impacts would be significant and unavoidable if housing development occurred within the Banning Ranch Focus Area. No feasible mitigation measures were identified to reduce this impact to a less than significant level.

Further, future housing development would be required to adhere to General Plan policies that govern scenic quality, including updated policies in the City's Land Use Element that support the City's goal to maintain scenic quality and minimize potential impacts from future housing development (e.g., Policy LU 1.1, which requires future housing developments to be designed in a manner that maintains and enhances neighborhood character and views). Future housing development would also be subject to compliance with adopted citywide design guidelines that are intended to ensure that future projects provide well-designed corridors, community subareas, buildings, streets, and public spaces that contribute to a strong sense of place.

**Proposed Project.** Consistent with the findings concerning the approved Project, the proposed Project would also have a less than significant impact concerning aesthetics. The proposed Project would increase the maximum allowable height on 32 housing sites but would not increase the residential development capacities of any housing sites or change their development areas, as assumed for the approved Project. None of the specified housing sites are located immediately in front of or adjacent to viewpoints. Therefore, future development on these housing sites, even with the increased allowable height, would not have the potential to obstruct views or degrade the visual quality of scenic vistas within the City.

Like the approved Project, the proposed Project would not directly construct new housing but would increase the maximum allowable height on specified housing sites. Buildings associated with future housing development on these housing sites could disrupt existing views, including coastal and open space views. Future housing development would be required to adhere to General Plan policies that govern scenic quality, including but not limited to Policy LU 5.6.1 through LU 5.6.3, Policy NR 20.1 through NR 20.4, and Policy NR 23.1 through 23.7. Future housing development would also be subject to compliance with adopted citywide Design Guidelines, which would ensure that future individual development projects provide well-designed corridors, community subareas, buildings, streets, and public spaces that contribute to a strong sense of place. Therefore, the proposed amendment to the HO-4 Overlay Zoning District would not conflict with applicable zoning, General Plan policies, and other regulations governing scenic quality upon its adoption.

The proposed Project's identified housing sites are in the Newport Center Area, where existing development generates light/glare. Further, the proposed Project does not include revisions to lighting or glare standards that would introduce new sources of substantial light or glare, which would adversely affect day or nighttime views in the area.

**Conclusion.** Accordingly, no new or substantially more severe significant environmental effects concerning aesthetics would occur beyond what was evaluated in the Final EIR. Additionally, no new information of substantial importance that was not known and could not have been known at the time the Final EIR was certified is available that would change the prior finding of less than significant. The Final EIR's findings apply to the proposed Project.

## Air Quality

**Approved Project Summary.** The Final EIR concluded that the approved Project would result in significant and unavoidable impacts concerning implementation of the South Coast Air Quality Management District (SCAQMD) Air Quality Management Plan (AQMP). The approved Project was found not to be consistent with the land planning growth strategies outlined in the 2022 AQMP and that it would exceed the SCAQMD daily emissions thresholds during short-term construction and long-term operations. No feasible mitigation measures were identified to reduce this impact to a less than significant level. Further, because buildout of the approved Project would result in construction and long-term operational emissions that would exceed the SCAQMD thresholds, the Final EIR concluded a significant and unavoidable impact would occur. At a programmatic level of analysis, there are no feasible mitigation measures to reduce long-term emissions to levels below the SCAQMD's thresholds of significance.

Because localized significant thresholds (LSTs) are applicable only at the project-specific level and do not apply to long-term planning documents such as Housing Elements, the Final EIR found that it is not feasible to conclude that air pollutant emissions from future development projects would be reduced to levels below SCAQMD LSTs. Thus, the Final EIR concluded that a significant and unavoidable impact would occur concerning LSTs.

The approved Project could expose sensitive receptors to substantial pollutant concentrations associated with diesel particulate matter emissions from heavy trucks, which could result in health effects. Eight housing sites (i.e., 63, 64, 65, 68, 84, 85, 131, and 336) are within the California Air Resources Board (CARB) specified freeway buffer distances. The proximity of housing sites to State Route 73 could potentially expose future development to toxic air contaminants (TACs) from these sources. Therefore, the Final EIR concluded that impacts would be less than significant with Mitigation Measure (MM) AQ-1, which requires a Health Risk Assessment for future residential development proposed within 500 feet of State Route 73.

Odors resulting from development facilitated by the approved Project may be perceived during construction, but these are temporary, short-term impacts typical of construction operations and, therefore, result in less than significant impacts.

**Proposed Project.** The proposed Project would increase the maximum allowable height on 32 housing sites but would not increase the residential development capacities of any housing sites or change their development areas, as assumed for the approved Project. The proposed Project would generally have no change concerning air quality compared to the anticipated development assumed in the Final EIR. Like the approved Project, residential development on the specified sites would result in construction and long-term operational emissions that would exceed the SCAQMD thresholds.

**Conclusion.** Accordingly, no new or substantially more severe significant environmental effects concerning air quality would occur beyond what was evaluated in the Final EIR. Additionally, no new information of substantial importance that was not known and could not have been known at the time the Final EIR was certified is available that would change the prior finding of less than significant. The Final EIR's findings apply to the proposed Project.

## Biological Resources

**Approved Project Summary.** The Final EIR found that impacts concerning biological resources would be less than significant with mitigation incorporated. Sites with sensitive biological resources could result in direct impacts concerning special-status wildlife and plant species. Additionally, the approved Project could directly impact nesting birds during construction or operation. With Standard Condition (SC) BIO-1 and MM BIO-1 incorporated, impacts would be less than significant.

Future housing projects facilitated by the approved Project could directly impact sensitive vegetation communities. Disturbance or removal of these vegetation communities associated with future development on a site containing these resources could have a significant impact. Additionally, the Final EIR concluded that an indirect impact to riparian habitats could result from the future development of existing vacant sites. This impact would be mitigated to a less than significant level with MM BIO-1.

While the approved Project does not propose to alter a State or federally protected wetland on any housing site, future development facilitated by the approved Project could directly or indirectly impact wetlands through activities such as vegetation removal and grading activities. Adherence to federal and State laws and regulations and General Plan and Local Coastal Program policies would ensure that any future development facilitated by the approved Project would result in less than significant impacts on State or federally protected wetlands.

All future development facilitated by the approved Project would be subject to the City's development review process and required to comply with relevant federal, State, and local regulations protecting biological resources. General Plan Policy NR 10.3 through NR 10.7 and City Council Policy G-1 would ensure that future development would not conflict with any local policies or ordinances protecting biological resources, and therefore, no impact would occur.

Future development facilitated by the approved Project would be required to comply with the Central-Coastal Natural Community Conservation Plan / Habitat Conservation Plan (NCCP/HCP) provisions. The Central-Coastal NCCP/HCP is included as part of the General Plan policies. Compliance with the General Plan policies would ensure that future development facilitated by the approved Project would not conflict with the Central-Coastal NCCP/HCP provisions, and therefore, no impact would occur.

**Proposed Project.** The proposed Project would increase the maximum allowable height on specified housing sites but would not increase the residential development capacities of any housing sites or change their development areas, as assumed for the approved Project. The proposed Project would not facilitate additional construction activities, tree removals, nor expand future construction areas. Any future development facilitated by the proposed Project would be subject to SC BIO-1, MM BIO-1, and applicable General Plan and Coastal Land Use Plan policies concerning biological resources, including General Plan Policy NR 10.3 through NR 10.7 and City Council Policy G-1, which would reduce impacts concerning a less than significant level.

**Conclusion.** Accordingly, no new or substantially more severe significant environmental effects concerning biological resources would occur beyond what was evaluated in the Final EIR. Additionally, no new information of substantial importance that was not known and could not have been known at the time the Final EIR was certified is available that would change the prior finding of less than significant. The Final EIR's findings apply to the proposed Project.

### Cultural Resources

**Approved Summary.** The Final EIR found that future housing development could cause a substantial adverse change in the significance of a historical resource on the housing sites. The developed housing sites could be (now or in the future) occupied by historic (over 50 years) buildings. Because demolition of a historically significant resource would have a physical effect on the environment, and neither the City's General Plan nor CEQA statutes precludes this demolition or alteration, the potential loss of historically significant structures and resources would be a significant unavoidable impact that would not be mitigated to a less than significant level with MM CUL-1.

The approved Project would potentially have direct impacts on archaeological resources. Future development facilitated by the Project would be subject to City Council Policy K-5, which requires

preserving significant archeological (and tribal cultural resources) (see SC CUL-1). The Final EIR found that this impact would be mitigated to a less than significant level with MM CUL-2.

The Final EIR found that the approved Project could impact human remains, which could be uncovered during future grading activities facilitated by the approved Project. Following compliance with the established regulatory framework and SC CUL-2, future housing development would have a less than significant impact concerning human remains.

**Proposed Project.** The proposed Project would increase the maximum allowable height on specified housing sites but would not increase the residential development capacities of any housing sites or change their development areas, as assumed for the approved Project. Any future development projects facilitated by the proposed Project would be subject to the City's development review process and required to comply with applicable federal, State, and local laws that concern the preservation of historical resources, including the National Historic Preservation Act and State CEQA Guidelines. Additionally, because various structures on the specified housing sites could age beyond 50 years during Project implementation, any future development facilitated on a site with buildings or structures aged 50 years or more having its original structural integrity intact would be required to comply with MM CUL-1, which requires the applicant to retain a qualified professional historian to determine whether the affected buildings or structures are historically significant.

The housing sites affected by the proposed Project are in the Newport Center area, which is fully developed. Any surface and shallow subsurface archaeological deposits at the specified housing sites have likely been destroyed or heavily disturbed by previous development. However, future development facilitated by the proposed Project still has the potential to disturb and potentially destroy subsurface prehistoric/historic archaeological resources through grading and development; therefore, future development facilitated by the proposed Project would be subject to City Council Policy K-5, which requires preservation of significant archeological and tribal cultural resources, as set forth in SC CUL-1.

Compliance with General Plan Policy HR 2.1, Policy HR 2.2, and Policy NR 18.1 requires new development projects to identify and protect important archaeological resources within the City. Specifically, General Plan Policy HR 2.1 and Policy NR 18.1 require new development to protect and preserve archaeological resources from destruction and avoid or mitigate impacts to such resources. General Plan Policy HR 2.2 would require any future development with the potential to affect archaeological resources to have a qualified archeologist on site to monitor all ground-disturbing activities and outline the procedure if such resources are found. General Plan Policy HR 2.3 and Policy NR 18.3 require the notification of cultural groups to proposed development adversely impacting cultural resources and permitting monitoring during grading. Additionally, Policy HR 2.4 and Policy NR 18.4 require any new development where on-site preservation is infeasible to donate archaeological resources to responsible institutions. Compliance with these City policies would ensure that future development facilitated by the proposed Project would protect and preserve archaeological and tribal resources from destruction.

In addition to the noted General Plan policies, to ensure that archaeological resources are properly identified prior to construction of any future development facilitated by the proposed Project, MM CUL-2 is required, which requires the preparation of an archaeological survey where deemed necessary by the City. Like the approved Project, following compliance with General Plan and Coastal Land Use Plan policies and MM CUL-2, the proposed Project's potential to cause a substantial adverse change in the significance of an archaeological resource would be reduced to a less than significant level.

**Conclusion.** Accordingly, no new or substantially more severe significant environmental effects concerning cultural resources would occur beyond what was evaluated in the Final EIR. Additionally, no

new information of substantial importance that was not known and could not have been known at the time the Final EIR was certified is available that would change the prior finding of less than significant. The Final EIR's findings apply to the proposed Project.

## Energy

**Approved Project Summary.** The Final EIR concluded that the approved Project would have a less than significant impact concerning wasteful, inefficient, or unnecessary consumption of energy resources during construction or operations. Fuel consumption during construction of future housing development facilitated by the approved Project would not be any more inefficient, wasteful, or unnecessary than other residential developments. The energy consumption associated with the approved Project operations would occur from building energy (i.e., electricity and natural gas) use, water use, and transportation-related fuel use. Approved Project operations would not substantially affect existing energy or fuel supplies or resources. The approved Project would be required to adhere to all federal, State, and local requirements for energy efficiency, including the latest Title 24 standards. The future housing development facilitated by the approved Project would be required to comply with existing energy standards. The Final EIR concluded that compliance with State and local energy efficiency standards would ensure that the approved Project meets all applicable energy conservation policies and regulations and impacts were concluded to be less than significant.

**Proposed Project.** The proposed Project would increase the maximum allowable height on specified housing sites but would not increase the residential development capacities of any housing sites or change their development areas, as assumed for the approved Project. Like the approved Project, any future development projects facilitated by the proposed Project would be required to adhere to all federal, State, and local requirements for energy efficiency, including the latest Title 24 standards. Any future housing development facilitated by the proposed Project would be required to comply with the existing energy standards, which would ensure that, like the approved Project, the proposed Project would not conflict with applicable plans for renewable energy or energy efficiency.

**Conclusion.** Accordingly, no new or substantially more severe significant environmental effects concerning energy would occur beyond what was evaluated in the Final EIR. Additionally, no new information of substantial importance that was not known and could not have been known at the time the Final EIR was certified is available that would change the prior finding of less than significant. The Final EIR's findings apply to the proposed Project.

## Geology and Soils

**Approved Project Summary.** The Final EIR concluded that the approved Project would result in no impact or less significant impacts concerning geology and soils. The approved Project would not directly or indirectly cause potential substantial adverse effects involving rupture of a known earthquake fault because no delineated Alquist-Priolo Earthquake Fault zones traverse the City. The City is within a seismically active area that could be subject to strong seismic ground shaking, with the highest risks originating from the Newport-Inglewood fault zone, the Whittier fault zone, the San Joaquin Hills fault zone, and the Elysian Park fault zone. Future residential development would be subject to the City's development review process and would be required to demonstrate consistency with General Plan policies, Municipal Code requirements, and seismic design standards required by the current California Building Code (CBC). The housing sites are in seismically active areas, and there are housing sites located in liquefaction and landslide hazard areas. Following compliance with the regulations for minimizing potential seismic impacts, including compliance with the CBC, the approved Project was found to have a less than significant impact concerning adverse effects involving strong seismic ground shaking and seismic-related ground failure. Future residential development facilitated by the approved Project could

result in grading activities that would disrupt soil profiles, resulting in potential increased soil exposure to wind and rain. However, future residential development would be required to comply with applicable General Plan policies and Municipal Code regulations, the CBC, National Pollutant Discharge Elimination System (NPDES) permits, and the Regional Water Quality Control Board (RWQCB) Water Quality Control Plan and therefore would not result in substantial erosion or loss of topsoil.

Some of the City's areas are susceptible to earthquake-induced landslides, lateral spreading, subsidence, liquefaction, and/or collapse. However, adherence to the CBC, the City's codes, and General Plan policies would ensure the maximum practicable protection for users of buildings and infrastructure and associated trenches, slopes, and foundations. The Final EIR found that the approved Project would have a less than significant impact concerning potential substantial adverse effects involving exposure to unstable geological units or soils. The City contains surficial soils and bedrock with fine-grained moderately to highly expansive components. The City's Building Code adopts the latest CBC regulations, which require geotechnical investigations that identify potentially unsuitable soil conditions and contain appropriate recommendations for foundation type and design criteria that conform to the analysis and implementation criteria described in Municipal Code Title 15, Building and Construction. General Plan Safety Element Policy S.4.7 requires that development not be located on unstable soils or geological units. Through compliance with applicable CBC requirements, General Plan Policy S.4.7, and Municipal Code Title 15 requirements, the approved Project would not create substantial direct or indirect risks to life or property due to a project located on expansive soils.

**Proposed Project.** The proposed Project would increase the maximum allowable height on specified housing sites but would not increase the residential development capacities of any housing sites or change their development areas, as assumed for the approved Project. None of the 32 housing sites (see **Table 1**) affected by the proposed Project are located in the liquefaction or landslide hazard areas identified in Final EIR Table 4.6-1: Housing Sites Within Landslide Zones. Future residential development would be subject to the City's development review process and would be required to demonstrate consistency with General Plan policies, Municipal Code requirements, and seismic design standards required by the current CBC. Following compliance with applicable General Plan and Municipal Code policies and regulations, the CBC, NPDES permits, and the RWQCB Water Quality Control Plan, the proposed Project would result in a less than significant impact concerning geology and soils.

**Conclusion.** Accordingly, no new or substantially more severe significant environmental effects concerning geology and soils would occur beyond what was evaluated in the Final EIR. Additionally, no new information of substantial importance that was not known and could not have been known at the time the Final EIR was certified is available that would change the prior finding of less than significant. The Final EIR's findings apply to the proposed Project.

## Greenhouse Gas Emissions

**Approved Project Summary.** The Final EIR concluded that greenhouse gas (GHG) emissions would be significant and unavoidable. The approved Project would increase GHG emissions from the construction and operation of new housing. Projects would need to demonstrate compliance with the City's GHG thresholds. Due to the forecast population growth and GHG emissions associated with future housing development and the lack of specificity of future development, program-level GHG emissions impacts would be potentially significant and would not be mitigated to a less than significant level with MM GHG-1. The approved Project would be consistent with the California Renewables Portfolio Standard Program, Senate Bill (SB) 100, Title 24 of the California Code of Regulations (CCR) (Energy Code and CALGreen), SB 375. RTP/SCS and recommendations of the State Attorney General, California Office of Planning and Research, and Climate Action Team. The approved Project would be consistent with applicable plans,

policies, and regulations. However, due to the magnitude of the approved Project's GHG emissions, at a programmatic level of analysis, impacts would be significant and unavoidable, and no feasible mitigation measures exist to reduce this impact to a less than significant level.

**Proposed Project.** The proposed Project would increase the maximum allowable height on specified housing sites but would not increase the residential development capacities of any housing sites or change their development areas, as assumed for the approved Project. The approved Project would increase GHG emissions from construction and operation of new housing, like the approved Project. Future residential development facilitated by the proposed Project would be subject to the City's development review process and would be required to demonstrate consistency with General Plan policies, Municipal Code requirements, and other applicable local and State requirements. A case-by-case review of future development provides flexibility to incorporate the latest analysis methods, technological advancements, mitigation options, and GHG significance thresholds (including using thresholds that meet the latest GHG reduction goals). Future housing projects on the specified sites would need to demonstrate compliance with the City's GHG thresholds. MM GHG-1 requires future housing development to conduct a project-level GHG emissions impact assessment and mitigate potentially significant emissions to the extent feasible. A future housing development project with GHG emissions below SCAQMD thresholds is considered to have a less than significant impact. Future housing development projects that are allowed "by right" (e.g., without a Conditional Use Permit, Planned Unit Development Permit, or other discretionary action) would be required to submit documentation to the City demonstrating GHG emissions would be less than significant or otherwise have to prepare CEQA documentation. Therefore, the proposed Project would result in a less than significant impact concerning GHG emissions.

**Conclusion.** Accordingly, no new or substantially more severe significant environmental effects concerning GHG emissions would occur beyond what was evaluated in the Final EIR. Additionally, no new information of substantial importance that was not known and could not have been known at the time the Final EIR was certified is available that would change the prior finding of less than significant. The Final EIR's findings apply to the proposed Project.

### Hazards and Hazardous Materials

**Approved Project Summary.** The Final EIR concluded that the approved Project would have no impact or a less than significant impact concerning hazards and hazardous materials, and no mitigation was required. As part of the approved Project's operations, hazardous materials would be limited to those associated with common household fertilizers, pesticides, paint, solvents, and petroleum products. Implementation of the approved Project would potentially create a hazard to the public or the environment through exposure to contaminated materials as a result of a previous hazardous material incident at a housing site or through the presence of asbestos-containing materials or lead-based paint. Residential development is typically not associated with the handling of hazardous materials, substances, or waste in significant quantities that would have an impact to surrounding schools, aside from construction activities. Through compliance with applicable laws, regulations, and General Plan policies, the approved Project would not create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

None of the housing sites are included on a hazardous site list compiled pursuant to California Government Code Section 65962.5. Some housing sites are in the safety zones identified in the Airport Environs Land Use Plans (AELUP) for John Wayne Airport. Housing in AELUP Safety Zone 3 would be restricted to low-density residential uses consistent with the AELUP, and residential uses in Safety Zones 4 and 6 are considered less than significant. While future housing development in the City, including the

Airport Area, would increase the number of residents and non-residents proximate to the John Wayne Airport, individual projects would be subject to development review by the City. Where a General Plan amendment, Specific Plan amendment, or a rezone is required, the project would also be subject to the review of the Airport Land Use Commission.

Future development would increase housing density in some portions of the City, resulting in greater population concentrations within certain areas. However, the approved Project would not change the City's circulation network. No land uses are proposed that would impair the implementation of or physically conflict with the City's Emergency Management Plan. Future residential development facilitated by the approved Project in the Very High Fire Hazard Severity Zone (VHFHSZ) would result in higher fire-related risks to people and structures. Compliance with the California Fire Code, CBC, would reduce impacts to a less than significant level.

**Proposed Project.** The proposed Project would increase the maximum allowable height on specified housing sites but would not increase the residential development capacities of any housing sites or change their development areas, as assumed for the approved Project. Like the approved Project, through compliance with applicable laws, regulations, and General Plan policies, the proposed Project would not create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

As concluded in the Final EIR, none of the housing sites are included on a hazardous site list compiled pursuant to California Government Code Section 65962.5. None of the 32 housing sites affected by the proposed Project are located in the safety zones identified in the AELUP for John Wayne Airport. Future development would increase housing density in certain areas of the City, resulting in greater population concentrations within certain areas. However, the proposed Project would not change the City's existing circulation network. Like the approved Project, the proposed Project does not propose land uses that would impair the implementation of or physically conflict with the City's Emergency Management Plan. Further, none of the specified housing sites affected by the proposed Project are within the VHFHSZ.

Therefore, the proposed Project would not create a significant hazard to the public or the environment, and a less than significant impact would occur. The Final EIR's findings apply to the proposed Project.

**Conclusion.** Accordingly, no new or substantially more severe significant environmental effects concerning hazards and hazardous materials would occur beyond what was evaluated in the Final EIR. Additionally, no new information of substantial importance that was not known and could not have been known at the time the Final EIR was certified is available that would change the prior finding of less than significant. The Final EIR's findings apply to the proposed Project.

### Hydrology and Water Quality

**Approved Project Summary.** The Final EIR found that there would be a less than significant impact concerning hydrology and water quality. Future residential development facilitated by the approved Project could result in potential impacts concerning water quality during earthwork and construction, following construction, and after completion. Future projects would be required to implement post-construction best management practices (BMPs) in project design to capture and treat runoff. Projects would be required to demonstrate consistency with the General Plan, Municipal Code, and Local Coastal Plan requirements, including those intended to protect water quality.

Future housing development facilitated by the approved Project would result in an incrementally increased demand for groundwater as supplied by the City, Irvine Ranch Water District, and Mesa Water District. Future housing projects would be required to incorporate features that would reduce impervious



areas as much as feasible and promote water infiltration and groundwater recharge. Compliance with General Plan Natural Resources policies would ensure water conservation and reduce potential impacts concerning groundwater supply.

Compliance with the existing regulatory framework and General Plan policies would reduce, prevent, or minimize soil erosion from project-related grading and construction activities. Future housing development would be required to adhere to all federal, State, and local requirements for avoiding construction and operations impacts that could substantially alter the existing drainage pattern or the course of a stream or river, including the City's Erosion Control Section 15.10.130. Compliance with General Plan policies and Municipal Code requirements would minimize stormwater runoff and would not exceed the capacity of existing or planned stormwater drainage systems. Compliance with General Plan policies and Municipal Code requirements would reduce impacts concerning flood flows.

Three housing sites (i.e., 133, 134, and 334 in the Dover-Westcliff Focus Area) are in tsunami-evacuation areas. The General Plan Safety Element establishes goals to minimize adverse effects of coastal hazards, including tsunamis. Future housing projects within tsunami evacuation areas would be covered by the established evacuation plan, including routes along the Balboa Peninsula and Mariner's Mile. Additionally, future projects would be required to adhere to all federal, State, and local requirements for avoiding and minimizing impacts concerning flood hazards, tsunamis, or seiches, including General Plan policies and Municipal Code regulations.

The City is under the jurisdiction of the Santa Ana RWQCB, which establishes water quality control objectives and standards for both the region's surface and groundwater, as well as water quality discharge requirements. Under Santa Ana's RWQCB NPDES permit system, all existing and future municipal discharges to surface waters within the City would be subject to these regulations. Future development would be required to comply with NPDES standards and implement environmentally sustainable practices, including but not limited to water-efficient landscaping, energy-efficient water fixtures, and water quality BMPs to treat surface runoff from the future development sites.

**Proposed Project.** The proposed Project would increase the maximum allowable height on specified housing sites but would not increase the residential development capacities of any housing sites or change their development areas, as assumed for the approved Project. Like the approved Project, future development facilitated by the proposed Project would be required to demonstrate consistency with General Plan, Municipal Code, and Local Coastal Program requirements, including those intended to protect water quality, groundwater supply, erosion control, and flood flows. The proposed Project would not increase the development capacities of any housing sites; therefore, it would not result in an increased demand for groundwater compared to the approved Project. None of the 32 sites affected by the proposed Project are within tsunami evacuation areas. Following compliance with applicable General Plan, Municipal Code, and Local Coastal Program policies and regulations, the proposed Project would result in a less than significant impact concerning hydrology and water quality.

**Conclusion.** Accordingly, no new or substantially more severe significant environmental effects concerning hydrology and water quality would occur beyond what was evaluated in the Final EIR. Additionally, no new information of substantial importance that was not known and could not have been known at the time the Final EIR was certified is available that would change the prior finding of less than significant. The Final EIR's findings apply to the proposed Project.

## Land Use and Planning

**Approved Project Summary.** The Final EIR concluded that there would be a less than significant impact concerning land use and planning. The approved Project would not result in the division of an established community because housing sites are located throughout the City rather than in a single concentrated area. The approved Project did not propose any major roadways that would traverse an existing community or neighborhood. The approved Project did not propose any changes to the existing General Plan land use categories that govern land uses within the City, including the five land use designations that solely accommodate residential development. No changes were proposed to the designations' densities or housing types. The approved Project did propose amendments to the General Plan Land Element goals and policies. However, upon approval, a less than significant impact concerning conflicts with Municipal Code plans and standards adopted for the purpose of avoiding or mitigating an environmental effect would occur. The approved Project was found to be consistent with applicable existing and proposed General Plan goals and policies and the Local Coastal Program's existing and proposed policies.

**Proposed Project.** The proposed Project would increase the maximum allowable height on specified housing sites but would not increase the residential development capacities of any housing sites or change their development areas, as assumed for the approved Project. The proposed Project would not result in the division of an established community because it does not propose any major roadways that would traverse an existing community or neighborhood. The proposed Project involves a Zone Change to increase the maximum building heights on specified housing sites in the HO-4 Overlay Zoning District, as set forth in Municipal Code Chapter 20.28 and pending Chapter 21.28. The proposed Project is consistent with the General Plan's goals and objectives, including, but not limited to:

- **Policy LU 5.1.2 – Compatible Interfaces.** Require that the height of development in nonresidential and higher density residential areas transition as it nears lower density residential areas to minimize conflicts at the interface between the different types of development.
- **Policy LU 6.14.4 – Newport Center/Fashion Island Development Scale.** Reinforce the original design concept for Newport Center by concentrating the greatest building mass and height in the northeasterly section along San Joaquin Hills Road, where the natural topography is highest, and progressively scaling down building mass and height to follow the lower elevations toward the southwesterly edge along East Coast Highway.

In addition, the proposed Project is consistent with the following Coastal Land Use Plan policies:

- **Policy 2.2.2-4.** Implement building design and siting regulations to protect coastal resources and public access through height, setback, floor area, lot coverage, building bulk, and other property development standards of the Zoning Code intended to control building height.
- **Policy 2.7-1.** Continue to maintain appropriate setbacks and density, floor area, and height limits for residential development to protect the character of established neighborhoods and to protect coastal access and coastal resources.
- **Policy 4.4.2-2.** Continue to regulate the visual and physical mass of structures consistent with the unique character and visual scale of Newport Beach.
- **Policy 4.4.2-3.** Implement the regulation of the building envelope to preserve public views through the height, setback, floor area, lot coverage, and building bulk regulation of the Zoning Code.

The proposed Project would be consistent with or otherwise would not conflict with the identified General Plan goals and policies. Therefore, the proposed Project would not conflict with any land use plan, policy, or regulation adopted to mitigate an environmental effect. The findings of the Final EIR would, therefore, apply to the proposed Project.

**Conclusion.** Accordingly, no new or substantially more severe significant environmental effects concerning land use and planning would occur beyond what was evaluated in the Final EIR. Additionally, no new information of substantial importance that was not known and could not have been known at the time the Final EIR was certified is available that would change the prior finding of less than significant. The Final EIR's findings apply to the proposed Project.

## Noise

**Approved Project Summary.** The Final EIR concluded that with implementation of MM NOI-1, potential traffic noise impacts would remain significant and unavoidable. Impacts concerning construction noise, operational stationary noise, and vibration would be less than significant on a project-specific and cumulative basis. Implementation of MM NOI-1 and compliance with Municipal Code Section 20.30.080(F) would also reduce impacts concerning housing development near John Wayne Airport to a less than significant level.

**Proposed Project.** The proposed Project would increase the maximum allowable height on specified housing sites but would not increase the residential development capacities of any housing sites or change their development areas, as assumed for the approved Project. The proposed Project would not intensify construction activities, increase traffic volumes, or use of stationary mechanical equipment beyond the levels evaluated in the Final EIR. As a result, project-level and cumulative noise level impacts of the proposed Project would be the same as under the approved Project, the same mitigation measures would apply, and no new mitigation measures are required.

**Conclusion.** Accordingly, no new or substantially more severe significant environmental effects concerning noise would occur beyond what was evaluated in the Final EIR. Additionally, no new information of substantial importance that was not known and could not have been known at the time the Final EIR was certified is available that would change the prior finding of less than significant. The Final EIR's findings apply to the proposed Project.

## Population and Housing

**Approved Project Summary.** The Final EIR found that the approved Project would have less than significant impacts on population and housing as it would not result in substantial unplanned population growth and would not displace people or housing. Additionally, the approved Project did not include the extension of roads or other infrastructure to unserved areas, which could induce indirect growth. The Final EIR concluded that the approved Project would not induce substantial unplanned growth but would accommodate projected growth in the region. The approved Project would be consistent with State and local land use plans and would not displace a substantial number of housing units requiring replacement.

**Proposed Project.** The proposed Project would increase the maximum allowable height on specified housing sites but would not increase the residential development capacities of any housing sites or change their development areas, as assumed for the approved Project. Therefore, because the proposed Project would not result in additional residential units or non-residential square footage that would increase the onsite population compared to the approved Project, like the approved Project, the proposed Project would have less than significant impacts on population and housing.

**Conclusion.** Accordingly, no new or substantially more severe significant environmental effects concerning population and housing would occur beyond what was evaluated in the Final EIR. Additionally, no new information of substantial importance that was not known and could not have been known at the time the Final EIR was certified is available that would change the prior finding of less than significant. The Final EIR's findings apply to the proposed Project.

## Public Services

**Approved Project Summary.** The Final EIR concluded that the approved Project would have less than significant impacts concerning fire and police protection services and facilities, schools, parks, and other public facilities. Future housing development facilitated by the proposed Project could result in population growth of approximately 21,811 persons. Future housing would incrementally increase the demand for fire protection, emergency, police protection, school and library services. All future housing development would be subject to the City's development review process. At the program-level review, the Project would not result in a need for expanded or newly constructed facilities, and impacts associated with public services would be less than significant. Should construction of new facilities be required in the future, each would undergo site-specific environmental review.

**Proposed Project.** The proposed Project would increase the maximum allowable height on specified housing sites but would not increase the residential development capacities of any housing sites or change their development areas, as assumed for the approved Project. Therefore, because the proposed Project would not result in additional residential units or non-residential square footage that would increase the onsite population and, consequently, the demand for public services, compared to the approved Project, the proposed Project would not substantially increase demand for public services and no significant impacts would occur.

**Conclusion.** Accordingly, no new or substantially more severe significant environmental effects concerning public services would occur beyond what was evaluated in the Final EIR. Additionally, no new information of substantial importance that was not known and could not have been known at the time the Final EIR was certified is available that would change the prior finding of less than significant. The Final EIR's findings apply to the proposed Project.

## Recreation

**Approved Project Summary.** The Final EIR found that the approved Project would have a less than significant impact concerning the accelerated physical deterioration of existing parks and the need to construct or expand existing recreational facilities, which would result in an adverse physical effect on the environment. An increase in City residents associated with the future development of housing sites would result in an increased demand for recreational facilities. Individual housing developments would occur over time. Where a future housing project includes the subdivision of land, the housing development would be required to provide land or in lieu fees for parks or recreation purposes to bear a reasonable relationship to the use of the park and recreational facilities by future inhabitants (Municipal Code Section 19.52.030: Use of Park Dedications and Fees). While there would be an increased use of parkland and recreational facilities resulting from the increase in residential population, the City provides for the maintenance and enhancement of parks and recreational facilities through various funding sources. Because of the City's commitment to maintaining and enhancing such facilities and exploring potential future funding sources, increased use of existing parks and recreational facilities would not result in substantial physical degradation.

**Proposed Project.** The proposed Project would increase the maximum allowable height on specified housing sites but would not increase the residential development capacities of any housing sites or change their development areas, as assumed for the approved Project. Therefore, because the proposed Project

would not result in additional residential units or non-residential square footage that would increase the onsite population and, consequently, the demand for recreational facilities, compared to the approved Project, the proposed Project would not increase the use of existing neighborhood or regional parks or other recreational facilities, nor does it require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment.

**Conclusion.** Accordingly, no new or substantially more severe significant environmental effects concerning recreation would occur beyond what was evaluated in the Final EIR. Additionally, no new information of substantial importance that was not known and could not have been known at the time the Final EIR was certified is available that would change the prior finding of less than significant. The Final EIR's findings apply to the proposed Project.

## Transportation

**Approved Project Summary.** The Final EIR found that the approved Project would have a less than significant impact concerning transportation. Following compliance with Circulation Element policies and Municipal Code regulations, the approved Project's potential to conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle, and pedestrian facilities, would be less than significant. The existing citywide VMT per service population (VMT/SP) for Newport Beach is 30.9, whereas the approved Project's VMT/SP is 30.3, which is a 0.6 VMT/SP decrease from existing conditions. This suggests that the approved Project would decrease the amount of travel per individual that is forecast to occur compared to the existing conditions and the 2006 General Plan Buildout VMT. This is because the approved Project would develop more housing near where employment is located, reducing Citywide VMT/SP compared to the 2006 General Plan Baseline (Buildout Land Use). While Project implementation would decrease the Citywide VMT/SP, the VMT/SP varies for each individual Traffic Analysis Zone (TAZ). Future housing projects would be evaluated to determine if the VMT screening criteria are met. The Final EIR concluded that potential VMT impacts could be mitigated through compliance with MM TRANS-1, which outlines VMT-reduction measures for future projects that cannot be screened out from the VMT analysis process. The approved Project did not propose any changes to the existing roadway network. Future site-specific development would be subject to the City's development review process, including design and engineering reviews to ensure roads and access are configured in a manner consistent with established roadway design standards. Future housing development would be required to comply with applicable building and fire safety regulations required for the design of new housing and emergency access and would be required to adhere to applicable State and local requirements.

**Proposed Project.** The proposed Project would increase the maximum allowable height on specified housing sites but would not increase the residential development capacities of any housing sites or change their development areas, as assumed for the approved Project. As such, no new trips would be added by the proposed Project. Further, the proposed Project does not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. The proposed Project does not propose any changes to the existing roadway network. Future site-specific development would be subject to the City's development review process, which would include design and engineering reviews to ensure roads and access are configured consistent with established roadway design standards, MM TRANS-1, and applicable building and fire safety regulations. Therefore, following compliance with MM TRANS-1, the proposed Project would have a less than significant impact concerning transportation.

**Conclusion.** Accordingly, no new or substantially more severe significant environmental effects concerning transportation would occur beyond what was evaluated in the Final EIR. Additionally, no new

information of substantial importance that was not known and could not have been known at the time the Final EIR was certified is available that would change the prior finding of less than significant. The Final EIR's findings apply to the proposed Project.

### Tribal Cultural Resources

**Approved Project Summary.** The Final EIR concluded that the approved Project would have a less than significant impact on tribal cultural resources with mitigation incorporated. In compliance with SB 18, AB 52, and the State Native American Heritage Commission, the City sent letters to multiple Native American tribal representatives who may have knowledge regarding tribal cultural resources in the City. The City received one response. The Gabrieleño Band of Mission Indians – Kizh Nation responded on April 13, 2023, noting their concurrence with the approved Project but would request consultation on future projects. Future development facilitated by the Project would be subject to City Council Policy K-5, which requires preserving significant archeological and tribal cultural resources, as outlined in SC CUL-1. Additionally, compliance with these City policies would ensure that future development facilitated by the approved Project would protect and preserve archaeological and tribal resources from destruction during new development construction facilitated by the approved Project. This impact would be mitigated to a less than significant level with MMs TCR-1 and TCR-2.

**Proposed Project.** The proposed Project would increase the maximum allowable height on specified housing sites but would not increase the residential development capacities of any housing sites or change their development areas, as assumed for the approved Project. The proposed Project would not result in or facilitate additional demolition, changes in the excavation area, or other changes in ground disturbance compared to the approved Project. Therefore, impacts concerning tribal cultural resources would be the same as under the approved Project. Therefore, like the approved Project, the proposed Project's compliance with MM TCR-1 and MM TCR-2 would reduce potential impacts concerning tribal cultural resources to less than significant.

**Conclusion.** Accordingly, no new or substantially more severe significant environmental effects concerning tribal cultural resources would occur beyond what was evaluated in the Final EIR. Additionally, no new information of substantial importance that was not known and could not have been known at the time the Final EIR was certified is available that would change the prior finding of less than significant. The Final EIR's findings apply to the proposed Project.

### Utilities and Service Systems

**Approved Project Summary.** The Final EIR found that because the Urban Water Management Plans for the City, Irvine Ranch Water District, and Mesa Water did not account for the population growth associated with the approved Project, it could not be determined if there would be sufficient water supplies available to serve future development facilitated by the approved Project and reasonably foreseeable future development during normal, dry, and multiple dry years. Despite compliance with federal, State, and local requirements, the Final EIR concluded that the water demands from future development facilitated by the approved Project would result in a significant and unavoidable impact concerning water supply. All other impacts concerning utilities and service systems were found to be less than significant, and no mitigation was required.

**Proposed Project.** The proposed Project would increase the maximum allowable height on specified housing sites but would not increase the residential development capacities of any housing sites or change their development areas, as assumed for the approved Project. Therefore, the proposed Project would not increase the onsite service population and/or utilities demand. The proposed Project would not result in new significant impacts or a substantial increase in the impacts identified in the Final EIR, and impacts concerning utilities and service systems would be the same as under the approved Project.

**Conclusion.** Accordingly, no new or substantially more severe significant environmental effects concerning utilities and service systems would occur beyond what was evaluated in the Final EIR. Additionally, no new information of substantial importance that was not known and could not have been known at the time the Final EIR was certified is available that would change the prior finding of less than significant. The Final EIR's findings apply to the proposed Project.

## Wildfire

**Approved Project Summary.** The Final EIR found that impacts concerning wildfire would be less than significant with mitigation incorporated. Of the 247 housing sites, two sites are within a VHFHSZ area. The remainder of the sites are not in or near a VHFHSZ area. These two housing sites would be required to go through the City's development review and permitting process and would be required to comply with the regulations and measures described above (see Public Services) to maintain adequate availability of emergency services during an emergency response or an emergency evacuation. Future residential development in VHFHSZs would be subject to Section 4908 of the 2022 CFC, which requires compliance with the State Responsibility Area Fire Safe Development Regulations specified in Title 14. Development within or adjacent to areas designated as VHFHSZ can potentially exacerbate wildfire risk, particularly in areas with steep topography and/or prevailing winds, as these conditions contribute to the spread of wildfires. Adherence to mandatory fire prevention requirements and regulations, including the California Fire Code Chapter 49, Requirements for WUI Fire Areas, would require applicants to prepare a fire protection plan for any sites in the VHFHSZ or WUI areas. These impacts would be mitigated to less than significant with MM W-1.

The need to install and maintain new infrastructure (e.g., roads, fuel breaks, emergency water resources, power lines, or other utilities) would be evaluated as part of the development permit review process. Potential impacts associated with infrastructure improvements, including any required fire safety measures, would be identified. Applicants would be required to address wildfire exposure by complying with the wildfire protection building construction requirements contained in the then-current CBC, including Chapter 7A, California Residential Code, Section R327, and California Referenced Standards Code, Chapter 12-7A. The natural environment of the wildland-urban Interface (WUI) sites indicates people and structures are highly prone to wildfires and downslope or downstream flooding due to runoff, post-fire instability, or drainage. Future housing development would be subject to development review by the City. Each development would be engineered and constructed to maximize stability and preclude safety hazards to on-site and adjacent areas. Adherence to State and City codes and emergency and evacuation plans set by the City and County would prevent impacts to people or structures from significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

**Proposed Project.** The proposed Project would not affect the two housing sites within the VHFHSZ. Therefore, no impacts concerning wildfire would occur as a result of the proposed Project.

**Conclusion.** Accordingly, no new or substantially more severe significant environmental effects concerning wildfire would occur beyond what was evaluated in the Final EIR. Additionally, no new information of substantial importance that was not known and could not have been known at the time the Final EIR was certified is available that would change the prior finding of less than significant. The Final EIR's findings apply to the proposed Project.

**Attachment A**

**Mitigation Monitoring and Reporting Program**

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# MITIGATION MONITORING AND REPORTING PROGRAM

## THE CITY OF NEWPORT BEACH GENERAL PLAN HOUSING IMPLEMENTATION PROGRAM

(STATE CLEARINGHOUSE NO. 2023060699)  
PA2022-0245

Prepared for | City of Newport Beach  
Community Development Department  
100 Civic Center Drive  
Newport Beach, California 92660

Prepared by | Kimley-Horn and Associates, Inc.  
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APRIL 2024

**Kimley»Horn**

## PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires that all public agencies establish monitoring and/or reporting procedures for mitigation adopted as conditions of approval in order to mitigate or avoid significant environmental impacts. This Mitigation Monitoring and Reporting Program (MMRP) has been developed to provide a vehicle by which to monitor the Mitigation Program outlined in the City of Newport Beach General Plan Housing Implementation Program Final Program Environmental Impact Report (EIR), State Clearinghouse No. 2023060699. The MMRP has been prepared in conformance with Section 21081.6 of the Public Resources Code. Specifically, Section 21081.6 states:

- (a) When making findings required by paragraph (1) of subdivision (a) of Section 21081 or when adopting a mitigated negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, the following requirements shall apply:
  - (1) The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program.
  - (2) The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.

CEQA Guidelines Section 15097 provides clarification of mitigation monitoring and reporting requirements and guidance to local lead agencies on implementing strategies. The reporting or monitoring program must be designed to ensure compliance during project implementation. The City of Newport Beach is the Lead Agency for the Project and is therefore responsible for ensuring the implementation of the MMRP. The MMRP has been drafted to meet the requirements of Public Resources Code Section 21081.6 as a fully enforceable monitoring program.

## BACKGROUND

The Mitigation Program identified in the Program EIR outlines General Plan Policies, Coastal Land Use Plan Policies, standard conditions of approval, and mitigation measures for which implementation of future housing development associated with the proposed Project would be consistent with.

The MMRP defines the following for each Mitigation Program element:

- **Definition.** The Mitigation Program element contains the criteria for mitigation, either in the form of adherence to certain adopted regulations or identification of the steps to be taken in mitigation.
- **Time Frame.** In each case, a time frame is provided for performance of the mitigation or the review of evidence that mitigation has taken place. The performance points selected are designed

to ensure that impact-related components of Project implementation do not proceed without establishing that the mitigation is implemented or ensured. All activities are subject to the approval of all required permits from agencies with permitting authority over the specific activity.

- **Monitoring/Reporting Method.** The actions required to ensure the measure is implemented are noted.
- **Responsible Party or Designated Representative.** Unless otherwise indicated, an applicant would be the responsible party for implementing the mitigation, and the City Newport Beach or designated representative would be responsible for monitoring the performance and implementation of the mitigation measure. To guarantee that the mitigation will not be inadvertently overlooked, a supervising public official acting as the Designated Representative is the official who grants the permit or authorization called for in the performance. Where more than one official is identified, permits or authorization from all officials shall be required.

The last column of the MMRP table will be used by the parties responsible for documenting when implementation of the measure has been completed. The ongoing documentation and monitoring of mitigation compliance will be completed by the City of Newport Beach. The completed MMRP and supplemental documents will be kept on file at the City of Newport Beach Community Development Department.

The mitigation measures and/or the performance standards of the mitigation measures identified in the City of Newport Beach General Plan Housing Implementation Program EIR would be implemented as part of consideration of subsequent projects within the City. Implementation would consist of determining whether subsequent projects are consistent with the General Plan, utilization of policies and action items as conditions of approval and/or mitigation measures and any applicable City-initiated planning activities.

City of Newport Beach General Plan Housing Implementation Program  
Mitigation Monitoring and Reporting Program

City of Newport Beach General Plan Housing Implementation Program Mitigation Monitoring and Reporting Program						
Impact Thresholds	General Plan Policies, Local Coastal Program Coastal Land Use Plan (Local Coastal Program) Policies, Regulatory Requirements	Mitigation Measures (MM)/Conditions of Approval	Implementation Timing	Responsible Party for Implementation/ Approval	Verification	
					Date	Initials
<b>4.1: Aesthetics</b>						
<b>Threshold 4.1-1:</b> Have a substantial adverse effect on a scenic vista.	<b>General Plan Land Use (LU) Element Policies:</b> LU 6.5.5 (Banning Ranch) <b>General Plan Natural Resources (NR) Element Policies:</b> NR 20.1, NR 20.2, NR 20.3, NR 20.4, NR 23.1, NR 23.2, NR 23.3 <b>Local Coastal Program Policies:</b> 4.4.1-2, 4.4.1-3, 4.4.1-4, 4.4.1-5, 4.4.1-7, 4.4.3-1 <b>Municipal Code:</b> Chapter 20.30; Chapter 20.52 Section 20.52.080; Chapter 21.30	No mitigation.	-	-		
<b>Threshold 4.1-2:</b> Conflict with applicable zoning and other regulations governing scenic quality.	<b>General Plan Land Use (LU) Element Policies:</b> LU 3.2, LU 5.1.2, LU 5.1.6, LU 5.1.9 (Not applicable to Newport Center and Airport Area), LU 5.3.1, LU 5.3.3, LU 5.3.5, LU 5.3.6, LU 5.6.1, LU 6.10.2 (Cannery Village), Policy LU 6.14.4 (Newport Center), LU 6.15.3 (Airport Area), LU 6.15.6 (Airport Area), LU 6.15.22 (Airport Area), LU 6.15.27 (Airport Area), LU 6.16.6, LU 6.17.3 (West Newport), LU 6.18.3 (West Newport), LU 6.19.7 (Mariners' Mile), LU 6.19.8 (Mariners' Mile), LU 6.19.9 (Mariners' Mile), LU 6.19.12 (Mariners' Mile) <b>General Plan Natural Resources (NR) Element Policies:</b> NR 20.3, NR 21.1, NR 23.6 <b>Local Coastal Program Policies:</b> 4.4.1-8, 4.4.2-4, 4.4.4-1, 4.4.4-6 <b>Municipal Code:</b> Chapter 20.30; Chapter 20.52 Section 20.52.080; Chapter 21.30; City of Newport Beach Multi-Unit Objective Design Standards	No mitigation.	-	-		
<b>Threshold 4.1-3:</b> Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.	<b>General Plan Land Use (LU) Element Policies:</b> LU 5.6.2, LU 5.6.3 <b>Municipal Code:</b> Chapter 20.30 Section 21.30.070; City of Newport Beach Multi-Unit Objective Design Standards	Regarding Banning Ranch, consistent with the City of Newport Beach General Plan Program EIR, there are no feasible mitigation measures to reduce this impact to a less than significant level. No mitigation is required for the other housing sites.	-	-		

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Impact Thresholds	General Plan Policies, Local Coastal Program Coastal Land Use Plan (Local Coastal Program) Policies, Regulatory Requirements	Mitigation Measures (MM)/Conditions of Approval	Implementation Timing	Responsible Party for Implementation/ Approval	Verification	
					Date	Initials
<b>4.2: Air Quality</b>						
<b>Threshold 4.2-1:</b> Conflict with or obstruct implementation of the applicable air quality plan.	<b>General Plan Natural Resources (NR) Element Policies:</b> NR 6.1, NR 6.3, NR 7.1, NR 7.2, NR 8.1 <b>Municipal Code:</b> Chapter 15.19 <b>South Coast Air Quality Management District (SCAQMD) Rules and Regulations:</b> Rule 401, Rule 402, Rule 403, Rule 445, Rule 1113, Rule 1120, Rule 1143	There are no feasible mitigation measures to reduce this impact to a less than significant level.	-	-		
<b>Threshold 4.2-2:</b> Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or State ambient air quality standard.	<b>General Plan Natural Resources (NR) Element Policies:</b> NR 6.1, NR 6.3, NR 7.1, NR 7.2, NR 8.1 <b>Municipal Code:</b> Chapter 15.19 <b>South Coast Air Quality Management District (SCAQMD) Rules and Regulations:</b> Rule 401, Rule 402, Rule 403, Rule 445, Rule 1113, Rule 1120, Rule 1143	There are no feasible mitigation measures to reduce this impact to a less than significant level.	-	-		
<b>Threshold 4.2-3:</b> Expose sensitive receptors to substantial pollutant concentrations.	<b>General Plan Natural Resources (NR) Element Policies:</b> NR 6.1, NR 6.3, NR 7.1, NR 7.2, NR 8.1 <b>Municipal Code:</b> Chapter 15.19 <b>South Coast Air Quality Management District (SCAQMD) Rules and Regulations:</b> Rule 401, Rule 402, Rule 403, Rule 445, Rule 1113, Rule 1120, Rule 1143	Note: There are no feasible mitigation measures to reduce this impact to a less than significant level. The following mitigation measure is applicable. <b>MM AQ-1:</b> A project-specific Health Risk Assessment shall be conducted for future residential development proposed within 500 feet of the State Route 73 right-of-way, pursuant to the recommendations set forth in the California Air Resources Board (CARB) <i>Air Quality and Land Use Handbook</i> . The Health Risk Assessment shall evaluate a project per the following South Coast Air Quality Management District (SCAQMD) thresholds: <ul style="list-style-type: none"> <li>▪ <b>Cancer Risk:</b> Emit carcinogenic or toxic contaminants that exceed the maximum individual cancer risk of 10 in one million.</li> <li>▪ <b>Non-Cancer Risk:</b> Emit toxic contaminants that exceed the maximum hazard quotient of one in one million.</li> </ul> The SCAQMD has also established non-carcinogenic risk parameters for use in HRAs. Noncarcinogenic risks are	If found to be applicable on a project-specific basis for future housing on the identified housing sites.  Preparation during development review process.	City of Newport Beach Community Development Department		

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Impact Thresholds	General Plan Policies, Local Coastal Program Coastal Land Use Plan (Local Coastal Program) Policies, Regulatory Requirements	Mitigation Measures (MM)/Conditions of Approval	Implementation Timing	Responsible Party for Implementation/ Approval	Verification	
					Date	Initials
		quantified by calculating a "hazard index," expressed as the ratio between the ambient pollutant concentration and its toxicity or Reference Exposure Level (REL). An REL is a concentration at or below which health effects are not likely to occur. A hazard index less of than one (1.0) means that adverse health effects are not expected. If projects are found to exceed the SCAQMD's Health Risk Assessment thresholds, mitigation shall be incorporated to reduce impacts to below SCAQMD thresholds.				
<b>Threshold 4.2-4:</b> Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.	<b>General Plan Natural Resources (NR) Element Policies:</b> NR 7.2, NR 8.1 <b>South Coast Air Quality Management District (SCAQMD) Rules and Regulations:</b> Rule 402	No mitigation.	-	-		
<b>4.3: Biological Resources</b>						
<b>Threshold 4.3-1:</b> Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDWG or USFWS.	<b>General Plan Natural Resources (NR) Element Policies:</b> NR 10.3, NR 10.4, NR 10.5, NR 10.6, NR 10.7, NR 10.9 (Banning Ranch) <b>General Plan Safety (S) Element Policies:</b> S 6.3, S 6.4, S 6.5 <b>Local Coastal Program Policies:</b> 4.1.1-13 <b>Municipal Code:</b> Chapter 13.08, 21.30, 21.20B, 21.52 Federal and State Regulatory Requirements determined on project-specific basis	<b>SC BIO-1:</b> Prior to the commencement of any proposed actions (e.g., site clearing, demolition, grading) during the breeding/nesting season (September 1 through February 15), a qualified biologist shall conduct a preconstruction survey(s) to identify any active nests in and adjacent to the project site no more than three days prior to initiation of the action. Costs associated with the biologist shall be the responsibility of the project applicant. If the biologist does not find any active nests that would be potentially impacted, the proposed action may proceed. However, if the biologist finds an active nest within or directly adjacent to the action area (within 100 feet) and determines that the nest may be impacted, the biologist shall delineate an appropriate buffer zone around the nest using temporary plastic fencing or other suitable materials, such as barricade tape and traffic cones. The buffer zone shall be determined by the biologist in consultation with applicable resource agencies and in consideration of species sensitivity and	Prior to the commencement of any proposed actions (e.g., site clearing, demolition, grading) during the breeding/nesting season (September 1 through February 15)	City of Newport Beach Community Development Department		

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Impact Thresholds	General Plan Policies, Local Coastal Program Coastal Land Use Plan (Local Coastal Program) Policies, Regulatory Requirements	Mitigation Measures (MM)/Conditions of Approval	Implementation Timing	Responsible Party for Implementation/ Approval	Verification	
					Date	Initials
		<p>existing nest site conditions, and in coordination with the construction contractor. The qualified biologist shall serve as a construction monitor during those periods when construction activities occur near active nest areas to ensure that no inadvertent impacts on these nests occur. Only specified construction activities (if any) approved by the qualified biologist shall take place within the buffer zone until the nest is vacated. At the discretion of the qualified biologist, activities that may be prohibited within the buffer zone include but not be limited to grading and tree clearing. Once the nest is no longer active and upon final determination by the biologist, the proposed action may proceed within the buffer zone.</p> <p>The qualified biologist shall prepare a survey report/memorandum summarizing his/her findings and recommendations of the preconstruction survey. Any active nests observed during the survey shall be mapped on a current aerial photograph, including documentation of GPS coordinates, and included in the survey report/memorandum. The completed survey report/memorandum shall be submitted to the City of Newport Beach Community Development Department prior to construction-related activities that have the potential to disturb any active nests during the nesting season.</p>				
		<p><b>MM BIO-1:</b> Applications for future housing development facilitated by the Project, where the City has determined a potential for impacts to special-status wildlife and plants species, shall be required to comply with the following mitigation framework:</p> <p>Prior to the issuance of any permit for future development consistent with the Project, a site-specific general biological resources survey shall be conducted to</p>	<p>If found to be applicable on a project-specific basis for future housing on the identified housing sites.</p> <p>Submittal during development review</p>	<p>City of Newport Beach Community Development Director</p>		

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City of Newport Beach General Plan Housing Implementation Program Mitigation Monitoring and Reporting Program						
Impact Thresholds	General Plan Policies, Local Coastal Program Coastal Land Use Plan (Local Coastal Program) Policies, Regulatory Requirements	Mitigation Measures (MM)/Conditions of Approval	Implementation Timing	Responsible Party for Implementation/ Approval	Verification	
					Date	Initials
		identify the presence of any sensitive biological resources, including any sensitive plant or wildlife species. A biological resources report shall be submitted to the City to document the results of the biological resources survey. The report shall include (1) the methods used to determine the presence of sensitive biological resources; (2) vegetation mapping of all vegetation communities and/or land cover types; (3) the locations of any sensitive plant or wildlife species; (4) an evaluation of the potential for occurrence of any listed, rare, and narrow endemic species; and (5) an evaluation of the significance of any potential direct or indirect impacts from the proposed project. If potentially significant impacts to sensitive biological resources are identified, future project site grading and site plans shall incorporate project design features required by the applicant to minimize direct impacts on sensitive biological resources to the extent feasible, and the report shall also recommend appropriate mitigation to be implemented by the applicant to reduce the impacts to below a level of significance. The project design features shall be submitted to the Community Development Director or their designee for review and approval.	process; Prior to issuance of first permit.			
<b>Threshold 4.3-2:</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 Service or U.S. Fish and Wildlife Service.	<b>General Plan Natural Resources (NR) Element Policies:</b> NR 10.3, NR 10.4, NR 10.5, NR 10.6, NR 10.7, NR 10.9 (Banning Ranch) <b>Local Coastal Program Policies:</b> 4.1.1-13 <b>Municipal Code:</b> Chapter 13.08, 21.30, 21.20B, 21.52 Federal and State Regulatory Requirements determined on project-specific basis	<b>MM BIO-1</b> would apply.	If found to be applicable on a project-specific basis for future housing on the identified housing sites.  Submittal during development review process; Prior to	City of Newport Beach Community Development Director		



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City of Newport Beach General Plan Housing Implementation Program Mitigation Monitoring and Reporting Program						
Impact Thresholds	General Plan Policies, Local Coastal Program Coastal Land Use Plan (Local Coastal Program) Policies, Regulatory Requirements	Mitigation Measures (MM)/Conditions of Approval	Implementation Timing	Responsible Party for Implementation/ Approval	Verification	
					Date	Initials
			issuance of first permit.			
<b>Threshold 4.3-3:</b> 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.	<b>General Plan Natural Resources (NR) Element Policies:</b> NR 10.3, NR 10.4, NR 10.5, NR 10.6, NR 10.9 (Banning Ranch), NR 13.1, NR 13.2 <b>Local Coastal Program Policies:</b> 2.1.7-2, 2.2.1-2 <b>Municipal Code:</b> Chapter 13.08, 21.30, 21.20B, 21.52 Federal and State Regulatory Requirements determined on project-specific basis	No mitigation.	-	-		
<b>Threshold 4.3-4:</b> Interfere substantially with the movement of any native or migratory fish or wildlife species; inhibit established native resident or migratory fish or wildlife corridors; or impede the use of native wildlife nursery sites.	<b>General Plan Natural Resources (NR) Element Policies:</b> NR 10.3, NR 10.4, NR 10.9 (Banning Ranch) <b>Municipal Code:</b> Chapter 7.26 Federal and State Regulatory Requirements determined on project-specific basis	No mitigation.	-	-		
<b>Threshold 4.3-5:</b> Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	<b>General Plan Natural Resources (NR) Element Policies:</b> NR 10.3, NR 10.4, NR 10.5, NR 10.6, NR 10.7, NR 10.9 (Banning Ranch), NR 13.1, NR 13.2 <b>General Plan Safety (S) Element Policies:</b> S 6.3, S 6.4, S 6.5 <b>Local Coastal Program Policies:</b> 2.1.7-2, 2.2.1-2, 2.8.8-1, 2.8.8-2, 2.8.8-4, 4.1.1-2, 4.1.1-3, 4.1.1-6, 4.1.1-13, 4.1.1-17, 4.3-8	No mitigation.	-	-		
<b>Threshold 4.3-6:</b> Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.	<b>General Plan Natural Resources (NR) Element Policies:</b> NR 10.3, NR 10.4 <b>Local Coastal Program Policies:</b> 4.1.1-2, 4.1.1-3, 4.1.1-13, 4.1.1-17, 4.3-8 <b>Municipal Code:</b> Chapter 13.08, 21.30, 21.20B, 21.52	No mitigation.	-	-		

City of Newport Beach General Plan Housing Implementation Program  
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City of Newport Beach General Plan Housing Implementation Program Mitigation Monitoring and Reporting Program						
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					Date	Initials
	Federal and State Regulatory Requirements determined on project-specific basis					
<b>4.4: Cultural Resources</b>						
<b>Threshold 4.4-1:</b> Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.	<p><b>General Plan Historical Resources (HR) Element Policies:</b> HR 1.2, HR 1.4, HR 1.5, HR 1.6, HR 1.7</p> <p><b>General Plan Land Use (LU) Element Policies:</b> LU 6.8.6</p> <p><b>Local Coastal Program Policies:</b> 4.5.1-1, 4.5.1-2, 4.5.1-4</p> <p><b>Municipal Code:</b> Chapter 21.20.105</p> <p><b>Newport Beach City Council Policy Manual:</b> Places of Historical and Architectural Significance (K-2)</p>	<p>Note: There are no feasible mitigation measures to reduce this impact to a less than significant level. The following mitigation measure is applicable.</p> <p><b>MM CUL-1:</b> Applications for future development facilitated by the Project, where the City has determined a potential for impacts to historic resources, shall be required to comply with the following mitigation framework: For any building/structures in excess of 50 years of age having its original structural integrity intact, the applicant shall retain a qualified professional historian to determine whether the affected building/structure is historically significant. The evaluation of historic architectural resources shall be based on criteria such as age, location, context, association with an important person or event, uniqueness, or structural integrity, as indicated in State CEQA Guidelines Section 15064.5. A historical resource report shall be submitted by the applicant to the City and shall include the methods used to determine the presence or absence of historical resources, identify potential impacts from the proposed project, and evaluate the significance of any historical resources identified.</p>	<p>If found to be applicable on a project-specific basis for future housing on the identified housing sites.</p> <p>Determination made during development review process; Submittal of report as part of CEQA review.</p>	<p>Project Applicant</p> <p>City of Newport Beach Community Development Director</p>		
<b>Threshold 4.4-2 :</b> Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.	<p><b>General Plan Historical Resources (HR) Element Policies:</b> HR 2.1, HR 2.2, HR 2.3, HR 2.4</p> <p><b>General Plan Natural Resources (NR) Element Policies:</b> NR 18.1, NR 18.3, NR 18.4</p>	<p><b>SC CUL-1:</b> In compliance with City Council Policy K-5, prior to the issuance of a grading permit by the City of Newport Beach, the Applicant shall retain a qualified archaeologist to periodically monitor ground-disturbing activities onsite and provide documentation of such retention to the City of Newport Beach Community Development Director. The archaeologist shall train</p>	<p>If found to be applicable on a project-specific basis for future housing on the identified housing sites.</p>	<p>City of Newport Beach Community Development Director</p>		

City of Newport Beach General Plan Housing Implementation Program  
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City of Newport Beach General Plan Housing Implementation Program Mitigation Monitoring and Reporting Program						
Impact Thresholds	General Plan Policies, Local Coastal Program Coastal Land Use Plan (Local Coastal Program) Policies, Regulatory Requirements	Mitigation Measures (MM)/Conditions of Approval	Implementation Timing	Responsible Party for Implementation/ Approval	Verification	
					Date	Initials
	<p><b>Local Coastal Program Policies:</b> 4.5.1-1, 4.5.1-2, 4.5.1-3, 4.5.1-4, 4.5.1-5</p> <p><b>Municipal Code:</b> Municipal Code: Chapter 21.20.105</p> <p><b>Newport Beach City Council Policy Manual:</b> Paleontological and Archaeological Resource Protection Guidelines (K-5).</p>	<p>project construction workers on the types of archaeological resources that could be found in site soils. The archaeologist shall periodically monitor project ground-disturbing activities. During construction activities, if Native American resources (i.e., Tribal Cultural Resources) are encountered, a Cultural Resource Monitoring and Discovery Plan (CRMDP) shall be created and implemented to lay out the proposed personnel, methods, and avoidance/recovery framework for tribal cultural resources monitoring and evaluation activities within the project area. A consulting Native American tribe shall be retained and compensated as a consultant/monitor for the project site from the time of discovery to the completion of ground disturbing activities to monitor grading and excavation activities. If archaeological resources are encountered, all construction work within 50 feet of the find shall cease, and the archaeologist shall assess the find for importance and whether preservation in place without impacts is feasible. Construction activities may continue in other areas. If, in consultation with the City and affected Native American tribe (as deemed necessary), the discovery is determined to not be important, work will be permitted to continue in the area. Any resource that is not Native American in origin and that cannot be preserved in place shall be curated at a public, nonprofit institution with a research interest in the materials, such as the South Central Coastal Information Center at California State University, Fullerton.</p>	<p>During the development review process; Compliance with City requirements for archaeological, paleontological, and tribal cultural resources. Monitoring during ground disturbing activities.</p>			
		<p><b>MM CUL-2:</b> Prior to any earth-disturbing activities (e.g., excavation, trenching, grading) that could encounter undisturbed soils, the project-level applicant for future development shall retain an archaeologist who meets the Secretary of the Interior’s Professional Qualifications</p>	<p>If found to be applicable on a project-specific basis for future housing on</p>	<p>Project Applicant  City of Newport Beach Community Development Director</p>		

City of Newport Beach General Plan Housing Implementation Program  
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City of Newport Beach General Plan Housing Implementation Program Mitigation Monitoring and Reporting Program						
Impact Thresholds	General Plan Policies, Local Coastal Program Coastal Land Use Plan (Local Coastal Program) Policies, Regulatory Requirements	Mitigation Measures (MM)/Conditions of Approval	Implementation Timing	Responsible Party for Implementation/ Approval	Verification	
					Date	Initials
		Standards for Archaeology to determine if site-specific development allowed under the General Plan Update could result in a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines. The investigation shall include, as determined appropriate by the archaeologist and the City of Newport Beach, an updated records search of the South Central Coastal Information Center of the California Historical Resources Information System, updated Native American consultation, and a pedestrian survey of the area proposed for development. The results of the investigation shall be documented in a technical report or memorandum that identifies and evaluates any archaeological resources within the development area and includes recommendations and methods for eliminating or avoiding impacts on archaeological resources or human remains. The measures shall include as appropriate, subsurface testing of archaeological resources and/or construction monitoring by a qualified professional and, if necessary, appropriate Native American monitors identified by the applicable tribe and/or the Native American Heritage Commission.	the identified housing sites. During the development review process; prior to ground-disturbing activities. Compliance with City requirements for archaeological, paleontological, and tribal cultural resources. Monitoring during ground disturbing activities.			
<b>Threshold 4.4-3:</b> Disturb any human remains, including those interred outdoors of dedicated cemeteries.	<b>General Plan Historical Resources (HR) Element Policies:</b> HR 2.1, HR 2.2, HR 2.3, HR 2.4 <b>Local Coastal Program Policies:</b> 4.5.1-2 <b>Municipal Code:</b> Municipal Code: Chapter 21.20.105 <b>Newport Beach City Council Policy Manual:</b> Paleontological and Archaeological Resource Protection Guidelines (K-5).	<b>SC CUL-2:</b> California Health and Safety Code Section 7050.5, CEQA Guidelines Section 15064.5, and Public Resources Code Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. California Health and Safety Code Section 7050.5 requires that in the event that human remains are discovered within the project site, disturbance of the site shall be halted until the coroner has conducted an investigation into the circumstances, manner and cause of death, and the recommendations concerning the	If found to be applicable on a project-specific basis for future housing on the identified housing sites.  Compliance with regulatory requirements during	City of Newport Beach Community Development Department		

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					Date	Initials
		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.	ground disturbing activities.			
<b>4.5: Energy</b>						
<b>Threshold 4.5-1:</b> Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation.	<b>General Plan Housing (H) Element Policies:</b> Policy Action 5G <b>General Plan Land Use (LU) Element Policies:</b> LU 6.15.25 <b>Municipal Code:</b> Chapter 15.18	No mitigation.	-	-		
<b>Threshold 4.5-2:</b> Conflict with or obstruct a State or Local plan for renewable energy or energy efficiency	<b>General Plan Housing (H) Element Policies:</b> Policy Action 5G <b>General Plan Land Use (LU) Element Policies:</b> LU 6.15.25	No mitigation.	-	-		
<b>4.6: Geology and Soils</b>						
<b>Threshold 4.6-1:</b> Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based	<b>General Plan Safety (S) Element Policies:</b> S 4.7 <b>General Plan Natural Resources (NR) Element Policies:</b> NR 3.12 <b>Municipal Code:</b> Title 15, Chapter 15.04	No mitigation.	-	-		

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					Date	Initials
on other substantial evidence of a known fault.						
<b>Threshold 4.6-2:</b> Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.	<b>General Plan Safety (S) Element Policies:</b> S 4.7 <b>General Plan Natural Resources (NR) Element Policies:</b> NR 3.12 <b>Municipal Code:</b> Title 15, Chapter 15.04	No mitigation.	-	-		
<b>Threshold 4.6-3 :</b> Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction, and landslides.	<b>General Plan Safety (S) Element Policies:</b> S 3.9, S 3.10, S 3.11, S 4.3, S 4.7 <b>General Plan Natural Resources (NR) Element Policies:</b> NR 3.12 <b>Municipal Code:</b> Title 15, Chapter 15.04	No mitigation.	-	-		
<b>Threshold 4.6-4:</b> Result in substantial soil erosion or the loss of top soil.	<b>General Plan Safety (S) Element Policies:</b> S 3.9, S 3.10, S 3.11, S 3.12, S 4.3 <b>General Plan Natural Resources (NR) Element Policies:</b> NR 3.9, NR 3.11, NR 3.12, NR 3.14, NR 3.15, NR 3.19, NR 3.20, NR 4.4 <b>Municipal Code:</b> Title 15, Chapter 15.04	No mitigation.	-	-		
<b>Threshold 4.6-5:</b> 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.	<b>General Plan Safety (S) Element Policies:</b> S 3.9, S 3.10, S 3.11, S 4.3, S 4.7 <b>General Plan Natural Resources (NR) Element Policies:</b> NR 3.12 <b>Municipal Code:</b> Title 15, Chapter 15.04	No mitigation.	-	-		
<b>Threshold 4.6-6:</b> Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating	<b>General Plan Safety (S) Element Policies:</b> S 3.9, S 3.10, S 3.11, S 4.3 <b>General Plan Natural Resources (NR) Element Policies:</b> NR 3.4, NR 3.9	No mitigation.	-	-		

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					Date	Initials
substantial direct or indirect risks to life or property.	<b>Municipal Code:</b> Title 15, Chapter 15.04					
<b>Threshold 4.6-7:</b> Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	<b>General Plan Historical Resources (HR) Element Policies:</b> HR 2.1, HR 2.2, HR 2.3, HR 2.4 <b>General Plan Natural Resources (NR) Element Policies:</b> NR 18.1, NR 18.3, NR 18.4 <b>Local Coastal Program Policies:</b> 4.5.1-2, 4.5.1-5 <b>Municipal Code:</b> Chapter 21.20.105 <b>Newport Beach City Council Policy Manual:</b> Paleontological and Archaeological Resource Protection Guidelines (K-5).					
<b>4.7: Greenhouse Gas Emissions</b>						
<b>Threshold 4.7-1:</b> Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	<b>General Plan Natural Resources (NR) Element Policies:</b> NR 6.1, NR 7.2, NR 8.1 <b>Municipal Code:</b> Chapter 15.19	Note: There are no feasible mitigation measures to reduce this impact to a less than significant level. The following mitigation measure is applicable. <b>MM GHG-1:</b> Prior to demolition, grading, or building permit approval, and in accordance with SCAQMD’s guidance, a project-specific Greenhouse Gas Emissions Assessment shall be prepared for residential developments that would exceed SCAQMD’s 3,000 MTCO <sub>2</sub> e proposed threshold of significance (or those in place at the time of the development application). Future development shall mitigate GHG emissions to below SCAQMD’s thresholds of significance to the extent feasible.	If found to be applicable on a project-specific basis for future housing on the identified housing sites. Submittal during the development review process; Prior to issuance of the first permit.	City of Newport Beach Community Development Department		
<b>Threshold 4.7-2:</b> Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gas.	<b>General Plan Natural Resources (NR) Element Policies:</b> NR 6.1, NR 7.2, NR 8.1 <b>Municipal Code:</b> Chapter 15.19	There are no feasible mitigation measures to reduce this impact to a less than significant level.	-	-		

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<b>4.8: Hazards and Hazardous Materials</b>						
<b>Threshold 4.8-1:</b> Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	<b>General Plan Safety (S) Element Policies:</b> S 7.6 <b>Municipal Code:</b> Chapter 9.04	No mitigation.	-	-		
<b>Threshold 4.8-2:</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.	<b>General Plan Safety (S) Element Policies:</b> S 7.6 <b>Municipal Code:</b> Chapter 9.04	No mitigation.	-	-		
<b>Threshold 4.8-3:</b> Emit hazardous emissions or handle hazardous or acutely hazardous material, substances, or waste within one-quarter mile of an existing or proposed school.	<b>General Plan Safety (S) Element Policies:</b> S 7.6 <b>Municipal Code:</b> Chapter 2.20, Chapter 9.04	No mitigation.	-	-		
<b>Threshold 4.8-4:</b> Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.	<b>General Plan Safety (S) Element Policies:</b> S 7.1, S 7.2 <b>Municipal Code:</b> Section 15.55.040 (Methane Overlay Zone)	No mitigation.	-	-		
<b>Threshold 4.8-5:</b> Be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use	<b>General Plan Safety (S) Element Policies:</b> S 8.6 <b>General Plan Land Use (LU) Element Policies:</b> LU 6.15.3 <b>Municipal Code:</b> Chapter 20.080(F)	No mitigation.	-	-		



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airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area						
<b>Threshold 4.8-6:</b> Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan	<b>General Plan Safety (S) Element Policies:</b> S 7.6 <b>Municipal Code:</b> Chapter 2.20	No mitigation.	-	-		
<b>Threshold 4.8-7:</b> Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.	<b>General Plan Safety (S) Element Policies:</b> S 6.2, S 6.7, S 6.4, S 6.5 <b>Local Coastal Program Policies:</b> 2.8.8-1, 2.8.8-2, 2.8.8-4 <b>Municipal Code:</b> Chapter 2.20, Chapter 9.04	No mitigation.	-	-		
<b>4.9: Hydrology and Water Quality</b>						
<b>Threshold 4.9-1:</b> Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.	<b>General Plan Natural Resources (NR) Element Policies:</b> NR 1.1, NR 3.5, NR 3.7, NR 3.16, NR 4.1, NR 4.3, NR 3.11, NR 3.14, NR 3.15, NR 3.19 <b>Local Coastal Program Policies:</b> 4.3.2-1, 4.3.2-6, 4.3.2-7, 4.3.2-8, 4.3.2-12, 4.3.2-13, 4.3.2-14, 4.3.2-23 <b>Municipal Code:</b> Chapter 14.36	No mitigation.	-	-		
<b>Threshold 4.9-2:</b> Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin	<b>General Plan Natural Resources (NR) Element Policies:</b> NR 3.5, NR 4.1, NR 4.3, NR 3.4, NR 3.11, NR 3.14, NR 3.19, NR 3.20 <b>Local Coastal Program Policies:</b> 4.3.2-6, 4.3.2-9, 4.3.2-12, 4.3.2-13, 4.3.2-15, 4.3.2-17, 4.3.2-24 <b>Municipal Code:</b> Chapter 14.17	No mitigation.	-	-		

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					Date	Initials
<b>Threshold 4.9-3:</b> Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: i) result in substantial erosion or siltation on-or off-site; ii) increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; iii) create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or iv) impede or redirect flood flows.	<b>General Plan Natural Resources (NR) Element Policies:</b> NR 1.1, NR 3.4, NR 3.5, NR 3.9, NR 3.11, NR 3.14, NR 3.19, NR 3.20, NR 4.1, NR 4.3, NR 4.4 <b>General Plan Safety (S) Element Policies:</b> S 2.7, S 5.1, S 5.3 <b>General Plan Land Use (LU) Element Policies:</b> LU 6.4.10 <b>Local Coastal Program Policies:</b> 4.3.1-5, 4.3.1-7, 4.3.1-8, 4.3.2-1, 4.3.2-2, 4.3.2-6, 4.3.2-7, 4.3.2-8, 4.3.2-9, 4.3.2-10, 4.3.2-11, 4.3.2-12, 4.3.2-13, 4.3.2-14, 4.3.2-15, 4.3.2-17, 4.3.2-22, 4.3.2-23, 4.3.2-24 <b>Municipal Code:</b> Chapter 14.36, Chapter 15.50	No mitigation.	-	-		
<b>Threshold 4.9-4:</b> In flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation.	<b>General Plan Safety (S) Element Policies:</b> S 2.7, S 3.9, S 3.10, S 3.11, S 3.12 S 5.1, S 5.3 <b>General Plan Natural Resources (NR) Element Policies:</b> NR 3.11 <b>Local Coastal Program Policies:</b> 4.3.1-5, 4.3.1-6, 4.3.1-7, 4.3.2-2, 4.3.2-6, 4.3.2-22 <b>Municipal Code:</b> Chapter 14.36, Chapter 15.50	No mitigation.	-	-		
<b>Threshold 4.9-5:</b> Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan	<b>General Plan Natural Resources (NR) Element Policies:</b> NR 1.1, NR 3.5, NR 3.7, NR 3.16, NR 4.1 <b>Local Coastal Program Policies:</b> 4.3.2-6 <b>Municipal Code:</b> Chapter 14.36, Chapter 15.50	No mitigation.	-	-		

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					Date	Initials
<b>4.10: Land Use and Planning</b>						
<b>Threshold 4.10-1:</b> Physically divide an established community.	<b>General Plan Land Use (LU) Element Policies:</b> LU 2.3, LU 6.2.1, LU 6.2.5 <b>Local Coastal Program Policies:</b> 2.2.1-1, 2.2.1-3, 2.7-1	No mitigation.	-	-		
<b>Threshold 4.10-2:</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.	<b>General Plan Land Use (LU) Element Policies:</b> LU 2.3, LU 3.8, LU 6.2.1, LU 6.2.3, LU 6.2.5, LU 6.14.2, LU 3.2, LU 5.1.2, LU 5.3.3, LU 5.6.1, LU 6.15.3 <b>Local Coastal Program Policies:</b> 2.1.1-1, 2.2.1-1, 2.2.1-2, 2.2.1-3, 2.2.2-1, 2.7-1, 2.7-2, 2.7-5	No mitigation.	-	-		
<b>4.11: Noise</b>						
<b>Threshold 4.11-1:</b> Result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	<b>General Plan Noise (N) Element Policies:</b> N 1.1, N 1.2, N 1.3, N 1.4, N 1.5, N 1.6, N 1.7, N 1.8, N 2.1, N 2.2, N 2.3, N 4.1, N 4.6, N 5.1 <b>Municipal Code:</b> Chapter 10.26. Section 10.28.040, Section 20.30.080.C, Section 20.30.080.F (John Wayne Airport)	There are no feasible mitigation measures to reduce this impact to a less than significant level.	-	-		
<b>Threshold 4.11-2:</b> Result in the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.	<b>General Plan Noise (N) Element Policies:</b> N 1.1, N 1.2, N 1.3, N 1.4, N 1.5, N 1.6, N 1.7, N 1.8, N 2.1, N 2.2, N 2.3, N 4.1, N 4.6, N 5.1 <b>Municipal Code:</b> Chapter 10.26. Section 10.28.040, Section 20.30.080.C, Section 20.30.080.F	<b>MM NOI-1:</b> To avoid impacts to vibration sensitive land uses (i.e., non-engineered timber and masonry buildings) located within a 50-foot radius of pile driving activities, prior to demolition, grading, or building permit approval, the following measures shall be specified on the Project plans and implemented during construction: <ul style="list-style-type: none"> <li>▪ Pile driving within a 50-foot radius of vibration sensitive land uses shall utilize alternative installation methods (e.g., pile cushioning, jetting, predrilling, cast-in-place systems, resonance-free vibratory pile drivers) such that vibration velocities from the alternative</li> </ul>	If found to be applicable on a project-specific basis for future housing on the identified housing sites.  During the development review process; Prior to issuance of the first to	City of Newport Beach Community Development Director		

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					Date	Initials
		construction activity would fall below the 0.2 inch/second threshold. <ul style="list-style-type: none"> <li>The preexisting condition of all vibration sensitive land uses within a 50-foot radius of proposed pile driving shall be documented during a preconstruction survey. The preconstruction survey shall determine conditions that exist before construction begins for use in evaluating damage caused by pile driving, if any. Fixtures and finishes susceptible to damage and within a 50-foot radius of pile driving shall be documented (photographically and in writing) prior to demolition, grading, or building permit approval. All damage shall be repaired/restored to its preexisting condition.</li> </ul>	demolition, grading, or building permit.			
<b>Threshold 4.11-3:</b> 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.	<b>General Plan Noise (N) Element Policies:</b> N 1.2, N 1.5A, N 2.2, N 3.1, N 3.2 <b>General Plan Land Use (LU) Element Policies:</b> LU 6.15.3 <b>Municipal Code:</b> Chapter 10.26. Section 10.28.040, Section 20.30.080.C, Section 20.30.080.F (John Wayne Airport)	No mitigation.	-	-		

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<b>4.12: Population and Housing</b>						
<b>Threshold 4.12-1:</b> Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)	<b>General Plan Land Use (LU) Element Policies:</b> LU 1.4, LU 3.2, LU 6.2.3 <b>Local Coastal Program Policies:</b> 2.1.1-1, 2.1.10-1, 2.2.1-1, 2.2.1-2, 2.2.1-3, 2.2.2-1, 2.7-1, 2.7-2, 2.7-5	No mitigation.	-	-		
<b>Threshold 4.12-2:</b> Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere or displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.	<b>General Plan Land Use (LU) Element Policies:</b> LU 1.4, LU 3.2, 6.2.3 <b>Local Coastal Program Policies:</b> 2.1.1-1, 2.1.10-1, 2.2.1-1, 2.2.1-2, 2.2.1-3, 2.2.2-1, 2.7-1, 2.7-2, 2.7-5	No mitigation.	-	-		
<b>4.13: Public Services</b>						
<b>Threshold 4.13-1:</b> Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection.	<b>General Plan Land Use (LU) Element Policies:</b> LU 2.8, LU 3.2, LU 6.1.1, LU 6.1.2, LU 6.2.5, LU 4.1 <b>General Plan Safety (S) Element Policies:</b> S 6.7 <b>Municipal Code:</b> Chapter 3.12, Chapter 9.04	No mitigation.	-	-		
<b>Threshold 4.13-2:</b> Result in substantial adverse physical impacts associated with the	<b>General Plan Land Use (LU) Element Policies:</b> LU 2.8, LU 3.2, LU 6.1.1, LU 6.1.2, LU 6.2.5, LU 4.1 <b>General Plan Safety (S) Element Policies:</b> S 6.7	No mitigation.	-	-		

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					Date	Initials
provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection.	<b>Municipal Code:</b> Chapter 3.12					
<b>Threshold 4.13-3:</b> Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools.	<b>General Plan Land Use (LU) Element Policies:</b> LU 2.8, LU 3.2, LU 6.1.1, LU 6.1.2, LU 6.2.5, LU 4.1 <b>General Plan Safety (S) Element Policies:</b> S 6.7 <b>Municipal Code:</b> Chapter 19.48	No mitigation.	-	-		
<b>Threshold 4.13-4:</b> Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for libraries.	<b>General Plan Land Use (LU) Element Policies:</b> LU 2.8, LU 3.2, LU 6.1.1, LU 6.1.2, LU 6.2.5, LU 4.1 <b>General Plan Safety (S) Element Policies:</b> S 6.7 <b>Municipal Code:</b> Chapter 3.12	No mitigation.	-	-		

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<b>4.14: Recreation</b>						
<b>Threshold 4.14-1:</b> Increase the use of existing neighborhood, community and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated	<b>General Plan Recreation (R) Element Policies:</b> R 1.1, R 1.2, R 2.1, R 2.2 <b>General Plan Land Use (LU) Element Policies:</b> LU 6.5.2, LU 6.15.13, LU 6.15.16 <b>Local Coastal Program Policies:</b> 3.2.1-3, 3.2.1-4, 3.2.2-3 <b>Municipal Code:</b> Chapter 19.52	No mitigation.	-	-		
<b>Threshold 4.14-2:</b> Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.	<b>General Plan Recreation (R) Element Policies:</b> R 1.1, R 1.2, R 2.1, R 2.2 <b>General Plan Land Use (LU) Element Policies:</b> LU 6.5.2, LU 6.15.13, LU 6.15.16 <b>Local Coastal Program Policies:</b> 3.2.1-3, 3.2.1-4, 3.2.2-3 <b>Municipal Code:</b> Chapter 19.52	No mitigation.	-	-		
<b>4.15: Transportation</b>						
<b>Threshold 4.15-1:</b> Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.	<b>General Plan Circulation (CE) Element Policies:</b> CE 1.1.1, CE 1.1.2, CE 2.1.2, CE 2.2.5, CE 2.3.3, CE 5.2.6, CE 5.2.7, CE 5.2.11, CE 5.4.1, CE 5.4.6, CE 7.1.4, CE 7.1.5, CE 7.1.7, CE 8.1.1, CE 8.1.9, CE 8.1.13, CE 8.1.14, CE 9.1.9, CE 9.1.10, CE 9.1.12 <b>General Plan Land Use (LU) Element Policies:</b> LU 6.15.18, LU 6.15.19, LU 6.15.20 <b>Local Coastal Program Policies:</b> 2.9.1-2, 2.9.1-3, 2.9.1-10, 2.9.2-4, 2.9.3-1, 2.9.3-2, 2.9.3-3, 2.9.3-5, 2.9.3-6, 2.9.3-7, 2.9.3-10, 2.9.3-11, 2.9.3-14 <b>Municipal Code:</b> Chapter 15.40, Chapter 20.44 <b>Newport Beach City Council Policy Manual:</b> Traffic Management Policy (L-26)	No mitigation.	-	-		
<b>Threshold 4.15-2:</b> Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).	<b>General Plan Circulation (CE) Element Policies:</b> CE 7.1.1, CE 7.1.2 <b>Municipal Code:</b> Chapter 20.44	<b>MM TRANS-1: Vehicle Miles Traveled (VMT).</b> Prior to issuance of a building permit, one or more of the following measures shall be implemented to reduce VMT-related impacts associated with future projects that are	If found to be applicable on a project-specific basis for future housing on	City of Newport Beach Community Development		

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					Date	Initials
	Newport Beach City Council Policy Manual: Traffic Management Policy (L-26)	not able to be screened out of the VMT analysis process such that the development’s VMT is below the low VMT thresholds recommended by the Office of Planning and Research or adopted by the City of Newport Beach at the time of the development application: <ul style="list-style-type: none"> <li>▪ Modify the project’s-built environment characteristics to reduce VMT generated by a project.</li> <li>▪ Implement Transportation Demand Management strategies pursuant to reduce VMT generated by a project.</li> <li>▪ Participate in a Fair Share Traffic Impact Fee program or VMT mitigation banking program, if available.</li> </ul> Examples of potential measures to reduce VMT include, but are not limited to, the following: <ul style="list-style-type: none"> <li>▪ Improve or increase access to transit.</li> <li>▪ Increase access to common goods and services, such as groceries, schools, and daycare.</li> <li>▪ Incorporate affordable housing into the project.</li> <li>▪ Orient the project toward transit, bicycle, and pedestrian facilities.</li> <li>▪ Improve pedestrian or bicycle networks, or transit service.</li> <li>▪ Provide traffic calming.</li> <li>▪ Provide bicycle parking.</li> <li>▪ Limit or eliminate parking supply.</li> <li>▪ Unbundle parking costs.</li> <li>▪ Implement or provide access to a commute reduction program.</li> <li>▪ Provide car-sharing, bike sharing, and ride-sharing programs.</li> <li>▪ Provide transit passes.</li> </ul>	the identified housing sites in the Coastal Zone.  Submittal during the development review process; Prior to issuance of the first permit.	Department and Public Works Department		
<b>Threshold 4.15-3:</b> Increase hazards due to a geometric design feature (e.g. sharp curves or dangerous intersections) or	<b>General Plan Circulation (CE) Element Policies:</b> CE 2.2.5, CE 2.2.7, CE 2.2.8, CE 5.4.1, CE 5.4.2, CE 8.1.10  <b>Municipal Code:</b> Chapter 9.04	No mitigation.	-	-		



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incompatible uses (e.g. farm equipment)						
<b>Threshold 4.15-4:</b> Result in inadequate emergency access.	<b>General Plan Circulation (CE) Element Policies:</b> CE 2.2.7 <b>Municipal Code:</b> Chapter 9.04	No mitigation.	-	-		
<b>4.16: Tribal Cultural Resources</b>						
<b>Threshold 4.16-1:</b> Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: a) listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k) or b) a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section	<b>General Plan Historical Resources (HR) Element Policies:</b> HR 2.1, HR 2.2, HR 2.3, HR 2.4 <b>General Plan Natural Resources (NR) Element Policies:</b> NR 18.1, NR 18.3, NR 18.4 <b>Local Coastal Program Policies:</b> 4.5-1, 4.5-2, 4.5-3, 4.5-4, 4.5-5 <b>Municipal Code:</b> Chapter 21.20.105 <b>Newport Beach City Council Policy Manual:</b> Paleontological and Archaeological Resource Protection Guidelines (K-5).	<b>SC CUL-1:</b> In compliance with City Council Policy K-5, prior to the issuance of a grading permit by the City of Newport Beach, the Applicant shall retain a qualified archaeologist to periodically monitor ground-disturbing activities onsite and provide documentation of such retention to the City of Newport Beach Community Development Director. The archaeologist shall train project construction workers on the types of archaeological resources that could be found in site soils. The archaeologist shall periodically monitor project ground-disturbing activities. During construction activities, if Native American resources (i.e., Tribal Cultural Resources) are encountered, a Cultural Resource Monitoring and Discovery Plan (CRMDP) shall be created and implemented to lay out the proposed personnel, methods, and avoidance/recovery framework for tribal cultural resources monitoring and evaluation activities within the project area. A consulting Native American tribe shall be retained and compensated as a consultant/monitor for the project site from the time of discovery to the completion of ground disturbing activities to monitor grading and excavation activities. If archaeological resources are encountered, all construction work within 50 feet of the find shall cease, and the archaeologist shall assess the find for importance and whether preservation in place without impacts is feasible. Construction activities may continue in other areas. If, in consultation with the City and affected Native	If found to be applicable on a project-specific basis for future housing on the identified housing sites.  Determination made during development review process; Submittal of report as part of CEQA review.	Project Applicant  City of Newport Beach Community Development Director		

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					Date	Initials
5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		American tribe (as deemed necessary), the discovery is determined to not be important, work will be permitted to continue in the area. Any resource that is not Native American in origin and that cannot be preserved in place shall be curated at a public, nonprofit institution with a research interest in the materials, such as the South Central Coastal Information Center at California State University, Fullerton.				
		<b>SC CUL-2:</b> California Health and Safety Code Section 7050.5, CEQA Guidelines Section 15064.5, and Public Resources Code Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. California Health and Safety Code Section 7050.5 requires that in the event that human remains are discovered within the project site, disturbance of the site shall be halted until the coroner has conducted an investigation into the circumstances, manner and cause of death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes or has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.	If found to be applicable on a project-specific basis for future housing on the identified housing sites.  Compliance with regulatory requirements during ground disturbing activities.	City of Newport Beach Community Development Director		
		<b>MM TCR-1: Unanticipated Discovery of Tribal Cultural and Archaeological Resources:</b> Upon discovery of any tribal, cultural, or archaeological resources during ground-disturbing activities for future development facilitated by the Project, the applicant shall immediately	If found to be applicable on a project-specific basis for future housing on	City of Newport Beach Community Development Department		

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					Date	Initials
		<p>cease such activities in the immediate vicinity. The find will then be assessed by a qualified archeologist retained by the applicant and a tribal monitor/consultant approved by the consulting tribe. The applicant shall promptly notify the City Planning Division to the discovery of resources. If the resources are Native American in origin, the consulting tribe shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the tribe will request preservation in place or recovery for educational purposes. At the direction of the qualified archaeologist and tribal monitor/ consultant, and in coordination with the Planning Division, work may continue on other parts of the affected site while evaluation and, if necessary, additional protective measures are completed at the affected portion of the site pursuant to State CEQA Guidelines Section 15064.5(f). If a resource is determined by the qualified archaeologist to constitute a “historical resource” or “unique archaeological resource,” time and funding to allow for sufficient implementation of avoidance measures must be made available. The treatment plan established for the resources shall be in accordance with State CEQA Guidelines Section 15064.5(f) for historical resources.</p> <p>Preservation in place (i.e., avoidance) is the preferred manner of treatment upon identification of unique archeological resources (PRC §21083.2(b)). If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. All tribal cultural resources shall be returned to the consulting tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non- profit institution with a research interest in the</p>	<p>the identified housing sites.</p> <p>During ground-disturbing and excavation activities.</p>			

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		materials. Acceptance and curation of the historic archeological materials will be at the discretion of the institution. If no institution accepts the archaeological material, they shall be offered to the consulting tribe or the responsible public or private institution with suitable repository for educational purposes.				
		<b>MM TCR-2:</b> If evidence of an archaeological site or other suspected historical resource as defined by CEQA Guidelines Section 15064.5, including darkened soil representing past human activity (“midden”), that could conceal material remains (e.g., worked stone, fired clay vessels, faunal bone, hearths, storage pits, or burials) are discovered during any project-related earth-disturbing activities (including projects that would not encounter undisturbed soils), all earth-disturbing activity within 100 feet of the find shall be halted and the Community Development Department shall be notified. The project-level applicant shall retain an archaeologist who meets the U.S. Secretary of the Interior’s Professional Qualifications Standards for Archaeology to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less than significant level through data recovery or other methods determined adequate by the archaeologist and that are consistent with the U.S. Secretary of the Interior’s Standards for Archaeological Documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 form and filed with the appropriate Information Center.	If found to be applicable on a project-specific basis for future housing on the identified housing sites.  During ground-disturbing and excavation activities.	City of Newport Beach Community Development Department		
<b>4.17: Utilities</b>						
<b>Threshold 4.17-1:</b> Require or result in the relocation or construction of new or	<b>General Plan Natural Resources (NR) Element Policies:</b> NR 1.2 <b>Municipal Code:</b> Chapter 21.20.105	No mitigation.	-	-		

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Impact Thresholds	General Plan Policies, Local Coastal Program Coastal Land Use Plan (Local Coastal Program) Policies, Regulatory Requirements	Mitigation Measures (MM)/Conditions of Approval	Implementation Timing	Responsible Party for Implementation/ Approval	Verification	
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expanded water facilities, the construction of which could cause significant environmental effects.						
<b>Threshold 4.17-2:</b> Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years	<b>General Plan Natural Resources (NR) Element Policies:</b> NR 1.1, NR 1.2 <b>General Plan Land Use (LU) Element Policies:</b> LU 2.8, LU 3.2 <b>Municipal Code:</b> Chapter 14.16, Chapter 14.17	There are no feasible mitigation measures to reduce this impact to a less than significant level.	-	-		
<b>Threshold 4.17-3:</b> Require or result in the relocation or construction of new or expanded wastewater treatment facilities, the construction of which could cause significant environmental effects.	<b>General Plan Natural Resources (NR) Element Policies:</b> NR 1.1, NR 1.2, LU 2.8, NR 3.4, NR 3.11, NR 3.15 <b>General Plan Land Use (LU) Element Policies:</b> LU 2.8, LU 3.2, LU 6.4.10 <b>Municipal Code:</b> Chapter 14.36	No mitigation.	-	-		
<b>Threshold 4.17-4:</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	<b>General Plan Natural Resources (NR) Element Policies:</b> NR 3.11, NR 3.15 <b>General Plan Land Use (LU) Element Policies:</b> LU 2.8 <b>Municipal Code:</b> Chapter 14.36	No mitigation.	-	-		
<b>Threshold 4.17-5:</b> Require or result in the relocation or construction of new or expanded storm water drainage facilities, the construction of	<b>General Plan Natural Resources (NR) Element Policies:</b> NR 1.1, NR 1.2, NR 3.4, NR 3.11, NR 3.15 <b>General Plan Land Use (LU) Element Policies:</b> LU 2.8, LU 3.2, LU 6.4.10 <b>Municipal Code:</b> Chapter 19.28.080, Chapter 21.35	<b>SC UTIL-1:</b> The project shall be required to comply with the City of Newport Beach Municipal Code Chapter 14.16 related to water conservation and supply level regulations in effect during the construction and operation of the project, and Municipal Code Chapter 14.17 with respect to water-efficient landscaping.	Submittal during the development review process; Prior to issuance of the first permit and first	City of Newport Beach Community Development Department		

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which could cause significant environmental effects			Certificate of Occupancy.			
		<b>SC UTIL-2:</b> The project shall be required to comply with Section 19.28.080 (Storm Drains) of the City’s Municipal Code which requires developers to design and construct all drainage facilities necessary for the removal of surface water from the site (e.g., open/closed channels, catch basins, manholes, junction structures), and to protect off-site properties from a project’s water runoff. The storm drain system must be designed in accordance with the standards of the Orange County Flood Division. A drainage fee is also charged to fund improvements to the City’s drainage facilities.	Submittal during the development review process; Prior to issuance of the first permit and first Certificate of Occupancy. Evidence of payment of fees.	City of Newport Beach Community Development Department		
		<b>SC UTIL-3:</b> The Applicant shall prepare and obtain approval of a Construction and Demolition Waste Management Plan (CDWMD) for the project. The CWMP shall list the types and weights or volumes of solid waste materials expected to be generated from construction. The CDWMP shall include options to divert from landfill disposal, nonhazardous materials for reuse or recycling by a minimum of 65 percent of total weight or volume.	Submittal during the development review process; Prior to issuance of the first permit and first Certificate of Occupancy. Evidence of payment of fees.	City of Newport Beach Community Development Department		
<b>Threshold 4.17-6:</b> Require or result in the relocation or construction of new or expanded electric power, natural gas, or telecommunication facilities, the construction of which could cause significant environmental effects.	<b>General Plan Land Use (LU) Element Policies:</b> LU 2.8, LU 3.2, LU 6.4.10 <b>Municipal Code:</b> Chapter 20.49, Chapter 21.49	No mitigation.	-	-		
<b>Threshold 4.17-7:</b> Generate solid waste in excess of State and local standards, or in excess of the capacity of local	<b>General Plan Land Use (LU) Element Policies:</b> LU 2.8 <b>Municipal Code:</b> Chapter 12.63.030, Chapter 20.30.120	No mitigation.	-	-		

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Impact Thresholds	General Plan Policies, Local Coastal Program Coastal Land Use Plan (Local Coastal Program) Policies, Regulatory Requirements	Mitigation Measures (MM)/Conditions of Approval	Implementation Timing	Responsible Party for Implementation/ Approval	Verification	
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infrastructure, or otherwise impair the attainment of solid waste reduction goals.						
<b>Threshold 4.17-8:</b> Comply with federal, State, and local management and reduction statutes and regulations related to solid waste.	<b>General Plan Land Use (LU) Element Policies:</b> LU 2.8 <b>Municipal Code:</b> Chapter 12.63.030, Chapter 20.30.120	No mitigation.	-	-		
<b>4.18: Wildfire</b>						
<b>Threshold 4.18-1:</b> If located in or near State Responsibility Areas (SRAs) or lands classified as Very High Fire Hazard Severity Zones (VHFHSZ), would the Project substantially impair an adopted emergency response plan or emergency evacuation plan.	<b>General Plan Safety (S) Element Policies:</b> S 7.6 <b>Local Coastal Program Policies:</b> 2.8.1-2, 2.8.1-3, 2.8.8-3, 2.8.8-4, 2.8.8-6 <b>Municipal Code:</b> Chapter 2.20.050, Chapter 9.04, Chapter 15.04.	<b>MM W-1:</b> Prior to issuance of a grading permit for sites within or adjacent to a Very High Fire Hazard Safety Zone (VHFHSZ), the project applicant shall prepare a Fire Protection Plan (FPP). Prior to preparation of an FPP, the project applicant shall coordinate with City of Newport Beach Fire Department to ensure that modeling of the FPP and design of the Project is appropriate to meet the requirements and standards of the City. The FPP shall be subject to the review and approval from the Fire Department. The FPP shall assess the Project's compliance with current regulatory codes and ensure that impacts resulting from wildland fire hazards have been adequately mitigated. The FPP shall also specifically identify the need for fire protection systems, water availability for structural firefighting, construction requirements, fire department access, locations and spacing of fire hydrants, fire-smart landscaping, and appropriate defensible space around structures (Fuel Modification Zones).	If found to be applicable on a project-specific basis for future housing on the identified housing sites.  Submittal during the development review process; prior to issuance of first permit and Certificate of Occupancy.	City of Newport Beach Community Development Department and Fire Department		
<b>Threshold 4.18-2</b> If located in or near State Responsibility Areas (SRAs) or lands classified as Very High Fire Hazard Severity Zones (VHFHSZ),	<b>General Plan Safety (S) Element Policies:</b> S 6.2, S 6.3, S 6.4, S 6.5 <b>Local Coastal Program Policies:</b> 2.8.1-1, 2.8.1-2, 2.8.1-3, 2.8.8-3, 2.8.8-4, 2.8.8-6 <b>Municipal Code:</b> Chapter 2.20.050, Chapter 9.04, Chapter 15.04.	<b>MM W-1</b>	If found to be applicable on a project-specific basis for future housing on	City of Newport Beach Community Development Department and Fire Department		

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City of Newport Beach General Plan Housing Implementation Program Mitigation Monitoring and Reporting Program						
Impact Thresholds	General Plan Policies, Local Coastal Program Coastal Land Use Plan (Local Coastal Program) Policies, Regulatory Requirements	Mitigation Measures (MM)/Conditions of Approval	Implementation Timing	Responsible Party for Implementation/ Approval	Verification	
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would the Project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.			the identified housing sites. Submittal during the development review process; prior to issuance of first permit and Certificate of Occupancy.			
<b>Threshold 4.18-3</b> If located in or near State Responsibility Areas (SRAs) or lands classified as Very High Fire Hazard Severity Zones (VHFHSZ), would the Project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.	<b>General Plan Safety (S) Element Policies:</b> S 6.2, S 6.3 <b>Local Coastal Program Policies:</b> 2. 2.8.1-3, 2.8.8-1, 2.8.8-2	No mitigation.	-	-		
<b>Threshold 4.18-4</b> If located in or near State Responsibility Areas (SRAs) or lands classified as Very High Fire Hazard Severity Zones (VHFHSZ), would the Project expose people or structures, to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.	<b>General Plan Safety (S) Element Policies:</b> S 6.2 <b>General Plan Land Use (LU) Element Policies:</b> LU 5.6.4 <b>Local Coastal Program Policies:</b> 2.8.8-3, 2.8.8-4 <b>Municipal Code:</b> Chapter 2.20.050, Chapter 9.04, Chapter 15.04	No mitigation.	-	-		



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Notes: <sup>1</sup> Action 5G is referenced from the City of Newport Beach Housing Element. Acronyms: The following acronyms denote what element from the City of Newport Beach General Plan policies are referenced from. LU = Land Use Element HR = Historical Resources CE = Circulation Element R = Recreation Element NR = Natural Resource Element S = Safety Element N = Noise Element						

**EXHIBIT “B”**

**AMENDMENT TO CHAPTER 20.28 (OVERLAY ZONING DISTRICTS (MHP, PM, B, H)) OF TITLE 20 (PLANNING AND ZONING)**

Table 2-16 of Section 20.28.50 (Housing Opportunity (HO) Overlay Zoning Districts) of Chapter 20.28 of the Newport Beach Municipal Code would be amended as follows, currently shown in redline-strikeout format for ease of reference only:

**TABLE 2-16**

**DEVELOPMENT STANDARDS FOR HOUSING OPPORTUNITY OVERLAY ZONES**

Development Feature	Housing Opportunity Subareas					
	HO-1	HO-2	HO-3	HO-4	HO-5	HO-6
Development Limit (units) <sup>(1)</sup>	2,577 <sup>(11)</sup>	1,107	521	2,439 <sup>(12)</sup>	1,530	N/A
Lot Size/Dimension	Per Base Zone					
Lot area required per unit (sq. ft.) <sup>(2)</sup>	Minimum: 2,178 (20 du/ac) Maximum: 871 (50 du/ac)	Minimum: 2,178 (20 du/ac) Maximum: 871 (50 du/ac)		Minimum: 2,178 (20 du/ac) Maximum: 726 (60 du/ac) <sup>(10)</sup>	All Standards Per Base Zone	
Setbacks						
Front	0 ft. <sup>(3)</sup>	10 ft. <sup>(3)</sup>	10 ft. <sup>(3)(4)</sup>	0 <sup>(3)</sup>	10 ft. <sup>(3)</sup>	
Rear	0	20 ft.	20 ft.	0	20 ft.	
Side	0 <sup>(4)</sup>					
Street Side	0 <sup>(3)</sup>	10 ft. <sup>(3)</sup>	10 ft. <sup>(3)</sup>	0 ft. <sup>(3)</sup>	10 ft. <sup>(3)</sup>	
Height	Per Base Zone unless otherwise identified on the map	65 ft.	65 ft. <sup>(6)</sup>	Per Base Zone unless otherwise Identified on the map <sup>(7)</sup>	65 ft.	
Building Separation	10 ft.					
Floor Area Ratio (FAR)	No restriction <sup>(8)</sup>					
Common Open Space <sup>(9)</sup>	Minimum 75 square feet/dwelling unit. (The minimum dimension (length and width) shall be 15 feet.)					
Private Open Space <sup>(9)</sup>	5% of the gross floor area for each unit. (The minimum dimension (length and width) shall be 6 feet.)					

**TABLE 2-16**

**DEVELOPMENT STANDARDS FOR HOUSING OPPORTUNITY OVERLAY ZONES**

Development Feature	Housing Opportunity Subareas					
	HO-1	HO-2	HO-3	HO-4	HO-5	HO-6
Fencing	See Section <a href="#">20.30.040</a> (Fences, Hedges, Walls, and Retaining Walls).					
Landscaping	See Chapter <a href="#">20.36</a> (Landscaping Standards).					
Lighting	See Section <a href="#">20.30.070</a> (Outdoor Lighting).					
Outdoor Storage/Display	See Section <a href="#">20.48.140</a> (Outdoor Storage, Display, and Activities).					
Parking	See subsection (D)(3) of this section and Chapter <a href="#">20.40</a> (Off-Street Parking).					
Satellite Antennas	See Section <a href="#">20.48.190</a> (Satellite Antennas and Amateur Radio Facilities).					
Signs	See Chapter <a href="#">20.42</a> (Sign Standards).					

- (1) Development limits are additional residential development opportunities beyond the base allowances in this Title or the General Plan. These limits shall not include density bonus units or units that are either identified as pipeline units in the 6<sup>th</sup> Cycle Housing Element (Table B-2) or units that were applied for and predate the effective date of the HO Overlay Zoning Districts. Furthermore, eligible units are only counted against the development limits when they are either entitled or are issued a building permit if allowed by right. However, 25% of the development limit within each HO Overlay Zoning District that includes properties within the Coastal Zone shall be reserved until such a time as the City’s Local Coastal Program has been amended to allow for housing consistent with the implementation of the 6th Cycle Housing Element. Following the City’s Local Coastal Program Amendment, priority for the reserved units will be given to sites located within the Coastal Zone.
- (2) Minimum/maximum allowable density range may be based on an average density of the entire project site, excluding density bonus units.
- (3) Any portion of the building that is over 20 feet in height shall be setback a minimum 20 feet from the street right-of-way.
- (4) Except in the Mixed-Use Mariners Mile (MU-MM) Zoning District wherein residential uses are only allowed beginning 100 feet north of Coast Highway.
- (5) The combined total from both sides shall be 15 feet.
- (6) The height shall be limited to 35 feet in the Shoreline Height Limit Area, as identified in Map H-1.
- (7) “Base Zone” includes all height limitations established by the Sight Plane Ordinance (Ordinance No. 1371 and Ordinance No. 1596).
- (8) The FAR in this table only applies to residential floor area, including any supporting facilities. In mixed-use developments, the FAR for nonresidential is still applicable.
- (9) For purposes of this section, common and private open space in HO-1 may include enclosed shared amenities such as a clubhouse, swimming pool, tennis court, basketball court, racquetball court, weightlifting facility, children’s playground equipment, sauna, jacuzzi, day care facility, or any other recreational amenities/facilities as deemed appropriate by the Community Development Director.
- (10) This density is intended for the former Coyote Canyon Landfill site only. The Sage Hill School site is limited to a maximum of 20 dwelling units.
- (11) Of the 2,577 base development units, 179 units (50 du/ac) shall be allocated to Site ID No. 77 (1201 Dove Street) from the 6<sup>th</sup> Cycle Housing Element Sites Inventory.
- (12) Of the 2,439 base development units for HO-4, 199 units (50 du/ac) shall be allocated to Site ID No. 362 (868 and 870 Santa Barbara Drive) from the 6<sup>th</sup> Cycle Housing Element Sites Inventory.

The following map would be updated in Section 20.80.025 (Housing Opportunity Overlay District maps) of Chapter 20.80 (Maps) of the NBMC and will be provided prior to City Council consideration:

[HO-4 – Newport Center Area](#) (PDF)

**EXHIBIT “C”**

**AMENDMENT TO CHAPTER 21.28 (OVERLAY COASTAL ZONING DISTRICTS (MHP, PM, B, C, H, AND HO)) OF TITLE 21 (LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN)**

Table 21.28-1 of Section 21.28.070 (Housing Opportunity (HO) Overlay Coastal Zoning Districts) of Chapter 21.28 of Title 21 (Local Coastal Program Implementation Plan) of the of the Newport Beach Municipal Code would be amended as follows, currently shown in redline-strikeout format for ease of reference only, and subject to California Coastal Commission review and approval:

**TABLE 21.28-1**

**DEVELOPMENT STANDARDS FOR HOUSING OPPORTUNITY OVERLAY ZONES**

Development Feature	Housing Opportunity Subareas			
	HO-1	HO-2	HO-3	HO-4
Lot Size/Dimension	Per Base Zone			
Lot area required per unit (sq. ft.) <sup>1</sup>	Minimum: 2,178 (20 du/ac) Maximum: 871 (50 du/ac)	Minimum: 2,178 (20 du/ac) Maximum: 871 (50 du/ac)		
Setbacks				
Front	0 ft. <sup>(2)</sup>	10 ft. <sup>(2)</sup>	10 ft. <sup>(2)(3)</sup>	0 <sup>(2)</sup>
Rear	0	20 ft.	20 ft.	0
Side	0 <sup>(4)</sup>			
Street Side	0 <sup>(2)</sup>	10 ft. <sup>(2)</sup>	10 ft. <sup>(2)</sup>	0 ft. <sup>(2)</sup>
Height	Per Base Zone unless otherwise identified on the map	65 ft.	65 ft. <sup>(5)</sup>	Per Base Zone— <del>unless otherwise identified on map</del> <sup>(6)(8)</sup>
Building Separation	10 ft.			
Floor Area Ratio (FAR)	No restriction <sup>(6)</sup>			
Common Open Space <sup>(7)</sup>	Minimum 75 square feet/dwelling unit. (The minimum dimension [length and width] shall be 15 feet.)			
Private Open Space	5% of the gross floor area for each unit. (The minimum dimension [length and width] shall be 6 feet.)			
Fencing	See Section 21.30.040 (Fences, Hedges, Walls, and Retaining Walls).			
Landscaping	See Section 21.30.075 (Landscaping) and 21.30.085 (Water Efficient Landscaping).			
Lighting	See Section 21.30.070 (Outdoor Lighting).			
Parking	See Subsection (D)(2) below and Chapter 21.40 (Off-Street Parking).			
Signs	See Chapter 21.30.065 (Sign Standards).			

(1) Minimum/maximum allowable density range may be based on an average density of the entire project site, excluding density bonus units.

- (2) Any portion of the building that is over 20 feet in height shall be setback a minimum 20 feet from the street right-of-way.
- (3) Except in the Mixed-Use Mariners Mile (MU-MM) Zoning District wherein residential uses are only allowed beginning 100 feet north of Coast Highway.
- (4) The combined total from both sides shall be 15 feet.
- (5) The height shall be limited to 35 feet in the Shoreline Height Limit Area, as identified in Map H-1.
- (6) The FAR in this table only applies to residential floor area, including any supporting facilities. In mixed-use developments, the FAR for nonresidential is still applicable.
- (7) For purposes of this section, common and private open space in HO-1 may include enclosed shared amenities such as a clubhouse, swimming pool, tennis court, basketball court, racquetball court, weightlifting facility, children's playground equipment, sauna, jacuzzi, day care facility, or any other recreational amenities/facilities as deemed appropriate by the Community Development Director.
- (8) "Base Zone" includes all height limitations established by the Sight Plane Ordinance (Ordinance No. 1371 and Ordinance No. 1596).

The following map would be updated/added to pending Section 21.80.032 (Housing Opportunity Overlay District maps) of Chapter 20.80 (Maps) of the NBMC:

[HO-4 – Newport Center Area](#) (PDF)