

Attachment A

Resolution No. 2024-50 Certifying the PEIR

RESOLUTION NO. 2024- 50

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, CERTIFYING ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE SCH NUMBER 2023060699), INCLUDING A MITIGATION MONITORING AND REPORTING PROGRAM AND ADOPTING FINDINGS, AND A STATEMENT OF OVERRIDING CONSIDERATIONS RELATED TO THE HOUSING ELEMENT IMPLEMENTATION PROGRAM 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 NEWPORT BEACH MUNICIPAL CODE (PA2022-0245)

WHEREAS, Section 200 of the City of Newport Beach ("City") Charter vests the City Council with the authority to make and enforce all laws, rules, and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges, or procedures granted or prescribed by any law of the State of California;

WHEREAS, California Government Code Section 65580 *et seq.* ("State Housing Element Law") requires each city and county adopt a housing element that identifies and analyzes existing and projected housing needs within their jurisdiction and prepare goals, policies, and programs, and quantified objectives to further the development, improvement, and preservation of housing;

WHEREAS, the City of Newport Beach ("City") General Plan Land Use Element is a mandatory element that governs the ultimate pattern of development and requires updating as necessary for consistency with other General Plan elements;

WHEREAS, every eight years, State Housing Element Law requires the City to update its General Plan Housing Element to identify and analyze existing and projected housing needs for the City along with a housing plan that provides adequate land use capacity to meet those needs;

WHEREAS, the City was assigned a Regional Housing Needs Assessment ("RHNA") allocation of 4,845 new units as its projected housing need for the planning period covering 2021-2029 and, as a result, the City worked diligently to prepare its 6th Cycle Housing Element in compliance with state law;

WHEREAS, preparation of the 6th Cycle Housing Element involved extensive public participation with community groups at numerous workshops, as well as meetings with the Planning Commission and City Council, and was assisted by an ad-hoc committee called the Housing Element Update Advisory Committee (“HEUAC”) formed and appointed by the City Council;

WHEREAS, after several meetings with the State Department of Housing and Community Development (“HCD”) and numerous drafts, the City Council adopted the final 6th Cycle Housing Element on September 13, 2022;

WHEREAS, HCD certified the City's 6th Cycle Housing Element on October 5, 2022, as statutorily compliant with state law;

WHEREAS, Section 4 (Housing Plan) of the 6th Cycle Housing Element presents a framework and strategy for meeting the needs of existing and future resident populations in Newport Beach based on the RHNA allocation of 4,845 new housing units, the “fair share” of regional housing need and demand, by planning for units within the following site groupings or “focus areas” that are best suited for residential growth: Airport Area Environs, West Newport Mesa, Newport Center, Dover/Westcliff, and Coyote Canyon;

WHEREAS, the 6th Cycle Housing Element opportunity sites are to be rezoned per Housing Element Policy Actions 1A through 1F to accommodate the City's RHNA obligation, including a buffer necessary to address future “no net loss” of available sites and to preclude the need to identify replacement sites during implementation;

WHEREAS, the rezoning includes the establishment of overlay zoning districts and accompanying development standards, as well as corresponding amendments to the General Plan Land Use Element and the Local Coastal Program;

WHEREAS, to comply with state law, the City has been working diligently to implement the 6th Cycle Housing Element no later than February 2025 (“6th Cycle Housing Element Implementation”), which requires the following amendments and actions:

- General Plan Amendment (“GPA”) - To revise the necessary goals and/or policies within the City's Land Use Element to support housing production in the focus areas identified by the 6th Cycle Housing Element;

- Amendment to Title 20 (Planning and Zoning) ("ZCA") - To implement the Land Use Element's policy changes by allowing housing development as an opportunity and establishing appropriate objective design and development standards for multi-unit residential and mixed-use development projects;
- Local Coastal Program Amendment ("LCPA") - To revise and create new policies within the City's Coastal Land Use Plan and update Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code ("NBMC") to support housing production in the focus areas identified by the 6th Cycle Housing Element that are within the Coastal Zone; and
- Program Environmental Impact Report ("PEIR") (SCH No. 2023060699) - To analyze potential environmental impacts under the California Environmental Quality Act ("CEQA") related to the 6th Cycle Housing Element Implementation, a Draft Housing Element Implementation Program Amendments Program Environmental Impact Report ("Draft PEIR"), to address reasonably foreseeable environmental impacts resulting from the 6th Cycle Housing Element Implementation;

WHEREAS, the 6th Cycle Housing Element Implementation must take effect by February 2025 to avoid significant penalties and loss of local control dictated by state law, which may include, but are not limited to:

- Increased exposure to public and private litigation;
- Loss of permitting authority;
- Financial penalties including monthly fines of up to \$600,000;
- Loss of eligibility for state and regional funding sources;
- Court receivership;
- Allowing housing developers to bypass the City's zoning requirements; and
- Increased exposure to monitoring by the newly formed Housing Accountability Unit of HCD;

WHEREAS, pursuant to the California Environmental Quality Act as set forth in the Public Resources Code Sections 21000 et seq. ("CEQA"), Title 14, Division 6, Chapter 3 of the California Code of Regulations ("CEQA Guidelines"), and City Council Policy K-3 Implementation Procedures for the California Environmental Quality Act), it was determined that the 6th Cycle Housing Element Implementation (also referred to herein as the "Project") may have a significant adverse effect on the environment, and thus warranted the preparation of the PEIR;

WHEREAS, on June 27, 2023, the City, as lead agency sent a Notice of Preparation (“NOP”) of the PEIR to responsible and trustee public agencies, organizations and individuals likely to be interested in the potential impacts of the Project, including any persons who had previously requested notice in writing;

WHEREAS, the public comment period on the NOP commenced on June 27, 2023, and concluded on July 27, 2023;

WHEREAS, on July 10, 2023, the City held a scoping meeting to solicit input from responsible and trustee public agencies, organizations and interested individuals regarding environmental issues that should be addressed in the PEIR;

WHEREAS, pursuant Section 21080.3.1 of the California Public Resources Code, on March 30, 2023, the City provided notice to California Native American tribes that requested in writing to be informed of projects in the geographic area that are traditionally and culturally affiliated with the tribe;

WHEREAS, pursuant to Government Code Section 65352.3, the City also provided notice to California Native American tribes that are on the contact list maintained by the California Native American Heritage Commission (“NAHC”),

WHEREAS, pursuant to Senate Bill 18, the City requested a Sacred Lands File (“SLF”) search on the project location from the NAHC on March 5, 2023, and on March 22, 2023, the NAHC responded that the findings of the search were positive and identified 19 Native American tribal representatives to contact for further information on potential tribal resources;

WHEREAS, to comply with both the requirements of SB 18 and Assembly Bill 52, the City mailed and emailed notices regarding the Project to all the listed tribes and the City received a response from only one representative of the Gabrieleño Band of Mission Indians – Kizh Nation expressing no concerns on the Project given its programmatic nature, but also expressing a desire to be consulted on future individual projects;

WHEREAS, a Notice of Availability of the Draft PEIR was published on February 11, 2024, in the Daily Pilot and a revised Notice of Availability was published on February 15, 2024, announcing the availability of the Draft PEIR for a 46-day public comment period that commenced on February 12, 2024, and concluded on March 28, 2024;

WHEREAS, the City reviewed all comments on the Draft PEIR and prepared written responses to those comments;

WHEREAS, a public hearing was held by the Planning Commission on April 18, 2024, in the Council Chambers at 100 Civic Center Drive, Newport Beach, California to consider the actions and amendments required for the 6th Cycle Housing Element Implementation. A notice of time, place, and purpose of the hearing was given in accordance with Government Code Section 54950 *et seq.* ("Ralph M. Brown Act"), Chapter 20.62 (Public Hearings) and Chapter 21.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by the Planning Commission at this hearing;

WHEREAS, at the conclusion of the public hearing, the Planning Commission adopted Resolution No. PC2024-006 by a unanimous vote (5 ayes, 2 recusals) recommending the City Council certify the Housing Element Implementation Program Amendments Draft PEIR and approve the 6th Cycle Housing Element Implementation;

WHEREAS, California Public Utilities Code ("CPUC") Section 21676(b) requires the City to refer the 6th Cycle Housing Element Implementation to the Orange County Airport Land Use Commission ("ALUC") to review for consistency with the 2008 John Wayne Airport Environs Land Use Plan ("AELUP");

WHEREAS, on May 16, 2024, the ALUC determined the 6th Cycle Housing Element Implementation is inconsistent with the AELUP;

WHEREAS, pursuant to Sections 21670 and 21676 of the CPUC, the City Council held a duly noticed public hearing on May 28, 2024, and adopted Resolution No. 2024-32 (7 ayes, 0 nays), to notify the ALUC and State Department of Transportation Aeronautics Program of the City's intent to override ALUC's inconsistency finding and on May 29, 2024, the City issued the Notice of Intent to Override ALUC's determination and received two comments in response;

WHEREAS, the Final PEIR, consisting of the NOP, Draft PEIR, Appendices, Responses to Comments received on the Draft PEIR, and any revisions to the Draft PEIR as a result of public comment are attached hereto and incorporated herein by reference as Exhibit "A";

WHEREAS, a Statement of Overriding Considerations has been prepared by the City with respect to significant and unavoidable potential environmental impacts of the Project related aesthetics, air quality, cultural resources, greenhouse gas emissions, noise, and utilities and service systems, including cumulative impacts; and

WHEREAS, a public hearing was held on July 23, 2024, by the City Council in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California to consider the 6th Cycle Housing Element Implementation, including consideration of certifying the PEIR, adoption of CEQA Findings, Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations. A notice of time, place, and purpose of the hearing was given in accordance with CPUC Section 21676(b), the Ralph M. Brown Act, Chapter 20.62 (Public Hearings), Chapter 20.66 (Amendments), and Chapter 21.62 (Public Hearings) of the NBMC, and City Council Policy K-1 (General Plan and Local Coastal Program) and City Council Policy K-3 (Implementation procedures for the California Environmental Quality Act). Evidence both written and oral, was presented to, and considered by, the City Council at this hearing.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows:

Section 1: The City Council hereby certifies Final PEIR (SCH No. 2023060699), attached as Exhibit "A," which includes the NOP, Draft PEIR, Appendices, Responses to Comments, and revisions to the Draft PEIR. The City finds that information added to the Final PEIR prior to certification merely clarifies, amplifies or makes insignificant modifications to the PEIR and any changes or alterations incorporated into the Final PEIR do not warrant recirculation of the Final PEIR. Rather, all information added to the Final PEIR after public notice of the availability of the Draft PEIR for public review but before certification, merely clarifies, amplifies or makes insignificant modifications to the Final PEIR.

Section 2: Pursuant to CEQA Section 21081.6 and Section 15091 of the CEQA Guidelines, and in support of its certification of the 6th Cycle Housing Element Implementation consisting of amendments to the General Plan, Local Coastal Plan and Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the NBMC, the City Council has reviewed and considered the CEQA Findings of Fact and Statement of Overriding Considerations for the 6th Cycle Housing Element Implementation, attached hereto as Exhibit "B" and incorporated herein by reference, finds that such Findings of Fact are supported by substantial evidence, and the City Council adopts the Findings of Fact and Statement of Overriding Considerations.

Section 3: Pursuant to CEQA Section 21081.6 and Section 15091 of the CEQA Guidelines, the City Council has reviewed and considered the Mitigation Monitoring and Reporting Program (“MMRP”) that requires all mitigation measures described in the Final EIR be implemented, as set forth in the MMRP, attached hereto as Exhibit “C” and incorporated herein by reference. The City Council adopts the MMRP.

Section 4: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 5: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 6: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

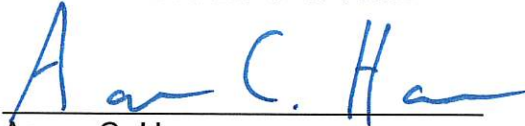
ADOPTED this 23rd day of July, 2024.

Will O'Neill
Mayor

ATTEST:

Leilani I. Brown
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney

Attachments: Exhibit "A" – Program Environmental Impact Report (SCH No. 2023060699) Including Appendices
Exhibit "B" – Findings and Statement of Overriding Considerations
Exhibit "C" – Mitigation Monitoring and Reporting Program (MMRP)

EXHIBIT "A"
Program Environmental Impact Report (SCH No. 2023060699)
Including Appendices

(Available digitally due to size)

Visit www.newportbeachca.gov/ceqa and reference the folder titled "Housing Implementation Program EIR (PA2022-0245)"

EXHIBIT "B"
Findings and Statement of Overriding Considerations

CEQA FINDINGS AND FACTS IN SUPPORT OF FINDINGS

STATEMENT OF OVERRIDING CONSIDERATIONS

THE CITY OF NEWPORT BEACH GENERAL PLAN HOUSING IMPLEMENTATION PROGRAM PROGRAM ENVIRONMENTAL IMPACT REPORT

PA2022-0245

STATE CLEARINGHOUSE NO. 2023060699

Section 1: Introduction

This statement of Findings of Fact (Findings) addresses the environmental effects associated with the City of Newport Beach General Plan Housing Implementation Program (Project), as described in the Final Program Environmental Impact Report (referred herein as the "Program EIR"). These Findings are made pursuant to the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] §21000 et seq.), specifically PRC Sections 21081, 21081.5, and 21081.6, and the State CEQA Guidelines (14 California Code of Regulations [CCR] 15000 et seq.), specifically Sections 15091 and 15093. The Program EIR evaluated the potential environmental effects of the implementing actions associated with the City of Newport Beach 6th Cycle Housing Element for 2021-2029 (referred herein as the "2021-2029 Housing Element") and identified mitigation practices that could be employed to reduce, minimize, or avoid those potential effects.

1.1 Project Description Summary

The City of Newport Beach is located in coastal Orange County, California. The project area encompasses housing sites throughout the City of Newport Beach and its Sphere of Influence (collectively referred to herein as the City).

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

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

In addition to the 6th Cycle RHNA allocation, the Program EIR analysis accounts for additional housing units as a buffer to address future "no net loss" to preclude the need to identify replacement sites during 6th Cycle implementation.¹ Therefore, the Program EIR conservatively analyzed a total development capacity

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

of 9,914 units including future development capacity of up to 9,649 units (4,845 RHNA plus a 5,069-unit buffer) on 247 housing sites, 25 units of pipeline projects, and 240 ADUs. However, only a portion of the housing units identified on housing sites will be necessary to accommodate the City's RHNA planning obligation of 4,845 housing units.

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

The 2021–2029 Housing Element identifies six Focus Areas in the City that have sufficient capacity to meet its RHNA allocation for the 6th Cycle. The six Focus Areas in the 2021–2029 Housing Element are: Airport Area, West Newport Mesa, Dover-Westcliff, Newport Center, Coyote Canyon, and Banning Ranch. The Banning Ranch Focus Area is included in the 2021–2029 Housing Element's sites inventory but is not assumed in order to accommodate the City's 2021–2029 RHNA growth need. Banning Ranch is considered as additional dwelling unit opportunity beyond that needed to accommodate the RHNA.

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

1.2 Purpose

PRC Section 21081, and State CEQA Guidelines Section 15091 require that the lead agency, in this case the City of Newport Beach (City), prepare written Findings for identified significant effects, accompanied by a brief explanation of the rationale for each finding. PRC Section 21081(a) affirmatively requires a lead agency make one or more of three possible findings in reference to each significant impact. In addition, PRC Section 21081(b) requires an additional finding for impacts that include specific economic, legal, social, technological, and other considerations wherein the lead agency affirms that the project benefits outweigh the environmental impacts.

State CEQA Guidelines Section 15091 states, in part, that:

- a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. [referred to in these Findings as "Finding 1"].

- 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. [referred to in these Findings as "Finding 2"].
- 3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR. [referred to in these Findings as "Finding 3"].

In accordance with PRC Section 21081, and State CEQA Guidelines Section 15093 (Statement of Overriding Conditions), whenever significant effects cannot be mitigated to below a level of significance, the decision-making agency is required to balance, as applicable, the benefits of the project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable." In that case, the decision-making agency may prepare and adopt an SOC, pursuant to the CEQA Guidelines.

State CEQA Guidelines Section 15093 provides:

- a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The Program EIR identified potentially significant effects that could result from the Project. The City finds that the inclusion of feasible mitigation measures as part of the approval of the Project will reduce most, but not all, of those effects to less-than-significant levels. Those impacts that are not reduced to less-than-significant levels are identified and overridden due to specific Project benefits.

As required by CEQA, the City, in adopting these Findings, also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the Project. The City finds that the MMRP, which is incorporated by reference and made a part of these Findings, meets the requirements of PRC Section 21081.6, by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the Project.

In accordance with the CEQA Statutes and Guidelines, the City adopts these Findings for the Project. Pursuant to PRC Section 21082.1(c)(3), the City also finds that these Findings reflect the City's independent judgment as the lead agency for the Project.

1.3 Records of Proceedings

For the purposes of CEQA and these Findings, the record of proceedings for the Project includes all data and materials outlined in PRC Section 21167.6(e), along with other project-relevant information contained within the City's files. Specifically, the record of proceedings for the City's decision on the Project includes the following documents, all of which are incorporated by reference and are relied on in supporting these Findings:

- The Notice of Preparation (NOP), Notice of Availability, and all other public notices issued by the City in conjunction with the Project
- All written comments submitted by agencies, organizations, or members of the public during the NOP public review comment period, inclusive of the Scoping Meeting
- The Draft Program EIR for the Project and all technical appendices, technical memoranda and documents relied upon or incorporated by reference
- All written comments submitted by agencies, organizations, or members of the public during the public review comment period on the Draft Program EIR and the City's responses to those comments, including related referenced technical materials
- The Program EIR for the Project
- The MMRP for the Project
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the City or consultants to the City with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project
- All documents submitted to the City by other public agencies or members of the public in connection with the Program EIR
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Project
- Any documentary or other evidence submitted to the City at such information sessions, public meetings, and public hearings
- All resolutions adopted by the City regarding the Project, and all staff reports, analyses, and summaries related to the adoption of those resolutions
- Matters of common knowledge to the City, including, but not limited to federal, State, and local laws and regulations
- Any documents expressly cited in these Findings, in addition to those cited above, and any other materials required for the record of proceedings by PRC Section 21167.6(e)

1.4 Custodian and Location of Records

The documents and other materials that as a whole make up the Record of Proceedings for the City's actions related to the Project are located at the City of Newport Beach, 100 Civic Center Drive, Newport Beach, CA 92660. The City, as the lead agency for the Project, is the custodian of the Record of Proceedings for the Project.

1.5 CEQA Findings of Independent Judgment, Review, and Analysis

Under CEQA, the lead agency must (1) independently review and analyze the EIR; (2) circulate draft documents that reflect its independent judgment; (3) as part of the certification of an EIR, find that the report or declaration reflects the independent judgment of the lead agency; and (4) submit copies of the documents to the State Clearinghouse if there is State agency involvement or if the project is of statewide, regional, or area-wide significance (PRC §21082.1[c]).

The Findings contained in this document reflect the City's conclusions, as required pursuant to CEQA, for the Project. The City has exercised independent judgment, in accordance with PRC Section 21082.1(c)(3), in the preparation of the Draft Program EIR, the review of materials prepared by the City and its consultants, and the preparation of the Final Program EIR based on comments received during the public comment process. The City has made one or more of the required written findings for each significant impact associated with the Project. Those written findings, along with a presentation of facts in support of each of the written findings, are presented below.

Having received, reviewed, and considered the information in the Draft Program EIR and Final Program EIR, as well as any and all other information in the record, the City hereby makes these Findings pursuant to and in accordance with PRC Sections 21081, 21081.5, and 21081.6.

The mitigation program adopted as part of the Project is feasible and mitigates the environmental impacts associated with future housing projects to the maximum extent feasible and possible as discussed in the findings made below.

Therefore, it is the finding of the City that the Project as described in the Program EIR does not present any new, significant information requiring recirculation or additional environmental review under PRC Section 21092.1 and State CEQA Guidelines Section 15088.5.

A MMRP for the Project has been adopted pursuant to the requirements of PRC Section 21081.6 to ensure implementation of the adopted mitigation measures to reduce significant effects on the environment and is included in the Program EIR document. The City is the custodian of the documents and other material that constitute the record of the proceedings upon which certification of the Final Program EIR for the Project is based, as described above.

It is the finding of the City Council that the Final Program EIR, as presented for review and approval, fulfills environmental review requirements for the Project, and that the document constitutes a complete, accurate, adequate, and good faith effort at full disclosure under CEQA, and reflects the independent judgment of the City.

Section 2: Environmental Impacts Found to Have No Impact

As a result of the Notice of Preparation circulated by the City between June 27, 2023 and July 27, 2023, in connection with preparation of the Program EIR, the City determined, based upon the threshold criteria for significance, that the Project would have no impact or a less than significant impact on the following potential environmental effects, and therefore, determined that these potential environmental effects would not be addressed in the Program EIR. Based upon the environmental analysis presented in the Program EIR, and the comments received by the public on the Program EIR, no substantial evidence was submitted to or identified by the City which indicated that the Project would have an impact on the following environmental areas:

Aesthetics

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

Basis for Conclusion: There are no State designated scenic highways within the City. According to the Scenic Highway System List, State Route 1, otherwise known as Pacific Coast Highway, is eligible for the State Scenic Highway System but is not designated as a State scenic highway. A State scenic highway changes from “eligible” to “officially designated” when the local jurisdiction adopts a scenic corridor protection program, applies to Caltrans for scenic highway approval, and receives notification from Caltrans that the highway has been designated as a Scenic Highway. The City must also adopt ordinances to preserve the scenic quality of the corridor or document that such regulation already exists in local codes. If in the future, the City decides to pursue these actions, it would also be required to take actions to preserve views within the corridor. However, these procedures are beyond the scope of this Project. For this reason, no impact would occur.

Agricultural and Forestry Resources

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

“Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?”

“Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?”

“Would the Project result in the loss of forest land or conversion of forest land to non-forest use?”

“Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?”

Basis for Conclusion: None of the housing sites contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. No portion of the City is covered by a Williamson Act Contract. Additionally, the

City does not include forest resources, including timberlands. With respect to zoning, the City has a Residential-Agricultural (R-A) Zoning District. Title 20, Planning and Zoning, of the City of Newport Beach Municipal Code (Municipal Code) states that the R-A Zoning District "...is intended to provide for areas appropriate for detached single-family residential dwelling units and light farming uses, each located on a single legal lot." None of the housing sites has this zoning designation. Therefore, no impact would occur.

Biological Resources

"Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?"

Basis for Conclusion: The Project does not directly propose any site development on the housing sites evaluated in the Program EIR. Rather, it provides a series of actions that support implementation of the 2021-2029 Housing Element. All future development facilitated by the Project would be subject to the City's development review process and required to comply with relevant federal, State, and local regulations protecting biological resources, which would ensure that future development within the City would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Therefore, no impact would occur.

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

Basis for Conclusion: The Project does not propose any site development on the housing sites. Rather, it provides capacity for future development consistent with State law. All future development facilitated by the Project would be subject to the City's development review process and required to comply with the provisions of the Central-Coastal Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) per General Plan Policy NR 10.2. In addition, General Plan Policy NR 10.1 states that future development shall cooperate with State and federal agencies, and private organizations, in the protection of the City's biological resources. This includes local, regional, or State habitat conservation plans. The General Plan policies ensure that future development facilitated by the Project would not conflict with the provisions of the Central-Coastal NCCP/HCP; no impact would occur.

Geology and Soils

"Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving the rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known faults or strong seismic ground shaking?"

Basis for Conclusion: None of the known faults have been zoned under the guidelines of the Alquist-Priolo Earthquake Fault Zoning Act. Therefore, development on the housing sites would not expose people or structures to potential adverse effects involving rupture of a known earthquake fault in Alquist-Priolo zones and no impact would occur.

“Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?”

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

Hazards and Hazardous Materials

“Would the Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?”

Basis for Conclusion: None of the housing sites are included on a hazardous site list compiled pursuant to California Government Code Section 65962.5. Therefore, no impact would occur.

Section 3: Environmental Impacts Found to be Less Than Significant (No Mitigation Required)

As a result of the preparation of the Program EIR, the City determined, based upon the threshold criteria for significance, that the Project would have no impact or a less than significant impact on the following potential environmental effects. No mitigation measures would be required. Where the potential impact can be reduced to less than significant solely through adherence with standard conditions, these measures are considered "incorporated into the project" which mitigate or avoid the potentially significant effect.

Based upon the environmental analysis presented in the Program EIR, and the comments received by the public on the Program EIR, no substantial evidence was submitted to or identified by the City which indicated that the Project would have an impact on the following environmental areas evaluated in the Program EIR:

Aesthetics

"Would the Project have a substantial adverse effect on a scenic vista?"

Basis for Conclusion: Although there are no officially designated scenic vistas in the City, the City has identified the Pacific Ocean, the San Joaquin Corridor, Crystal Cove State Park, and Upper Newport Bay as locally significant scenic vistas. While future housing development within the City would generally consist of infill and intensification of uses within a primarily built-out area, this development could affect views to the identified vistas. Specifically, if new developments blocked or obscured views from any of the significant public viewpoints, then impacts would be potentially significant. While housing sites are within the vicinity of public view points around the City, none of the housing sites are located immediately in front of or adjacent to view points. Therefore, future development on housing sites would not have the potential to obstruct views or degrade visual quality of scenic vistas within the City.

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

The Project includes Land Use Element policy amendments, including updates to policies that would minimize potential impacts to scenic vistas from future housing development. These policies include Policy LU 1.1 which requires future housing developments to be designed in a manner that maintains and enhances neighborhood character and public views. Therefore, consistent with the findings of the Newport Beach General Plan EIR, the Project would have a less than significant impact on a scenic vista and no mitigation is required.

"Would the Project conflict with applicable zoning and other regulations governing scenic quality?"

Basis for Conclusion: Future housing development would be required to adhere to General Plan policies that govern scenic quality including, but not limited to, Policy LU 5.6.1 through LU 5.6.3, Policy NR 20.1 through NR 20.4, and Policy NR 23.1 through 23.7. Further, the Project includes Land Use Element policy amendments, including updates to policies that support the City's goal to maintain scenic quality and minimize potential impacts from future housing development. The Project includes the adoption of *The City of Newport Beach Multi-Unit Objective Design Standards* (Objective Design Standards) to ensure the highest possible design quality and to provide a baseline standard while streamlining the approval process for all new multi-unit development in Newport Beach, including by-right and discretionary actions.

Residential and mixed-use development projects that include a density of 20 dwelling units per acre must demonstrate compliance with all the standards contained in the *Multi-Unit Objective Design Standards*, or they must seek approval through a discretionary site development review process, as discussed in Municipal Code Chapter 20.52.080 (Site Development Reviews). Compliance with these applicable City policies, the Municipal Code including the proposed Objective Design Standards, and Local Coastal Program Implementation Plan requirements would minimize impacts to scenic quality. A less than significant impact would occur and no mitigation is required.

Air Quality

“Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard?”

Basis for Conclusion: With respect to short-term construction emissions, quantifying individual future development’s air emissions from short-term, temporary construction-related activities is not possible due to project-level variability and uncertainties concerning detailed site plans, construction schedules/duration, equipment requirements, etc., among other factors, which are presently unknown. Since these parameters can vary so widely (and individual project-related construction activities would occur over time dependent upon numerous factors), quantifying precise construction-related emissions and impacts would be impractical and speculative.

The Program EIR modeled four hypothetical scenarios for different sizes of residential development that could occur under the Project. Modeling was conducted for construction and operation of the following residential development scenarios:

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

The construction emission estimates were based on a hypothetical construction duration of approximately 16 months for each development scenario. Default construction equipment was also included in CalEEMod. It is also noted, these scenarios are considered a reasonable assumption of the development that could occur at any given time in the future. The estimated daily short-term construction emissions for the four hypothetical scenarios would not violate the SCAQMD thresholds under any of the scenarios.

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

“Would the Project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?”

Basis for Conclusion: The South Coast Air Quality Management District (SCAQMD) *CEQA Air Quality Handbook* identifies certain land uses as sources of odors. These land uses include agriculture (farming and livestock), wastewater treatment plants, food processing plants, chemical plants, composting facilities, refineries, landfills, dairies, and fiberglass molding. The Project does not include any of the land uses that have been identified by the SCAQMD as odor sources. However, future housing development facilitated by the Project could result in odors generated from vehicles and/or equipment exhaust emissions during construction. These odors are a temporary short-term impact that is typical of construction projects and would disperse rapidly. Therefore, the Project would not create objectionable odors. Impacts would be less than significant impact would occur and no mitigation is required.

Biological Resources

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

Basis for Conclusion: While the Project does not propose alteration of a State or federally protected wetland, it is possible that potential future development facilitated by the Project could directly or indirectly impact wetlands through activities such as vegetation removal and grading activities. Generally, development facilitated by the Project would be confined to previously developed urban areas and would not be located in the vicinity of wetland areas. However, several housing sites include wetlands.

Developments proposed on or adjacent to wetland areas are required to comply with federal and State laws and regulations that protect wetland resources (e.g., Clean Water Act Sections 404 and 401). In addition to the existing federal and State regulatory framework, the General Plan Natural Resources and Land Use Elements contain policies that provide additional protection to the City’s wetlands. General Plan Policies NR 13.1 and NR 13.2 protect, maintain, and enhance the City’s wetlands by recognizing and protecting wetlands and requiring wetland delineations in accordance with the California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS). General Plan Policies NR 14.4 and NR 14.5 maintain and enhance deep water channels and ensure they remain navigable by boats through capacity management and new structure design by requiring projects to maintain the capacity of wetlands and new structures to be sited and designed to be consistent with the natural appearance of the surrounding area. These policies will ensure that any future development facilitated by the Project protect and maintain the City’s wetlands. Policy LU 6.5.4 requires development to be located and designed to preserve and/or mitigate for the loss of wetlands and drainage course habitat. Adherence to the above identified federal and State laws and regulations and General Plan policies ensures that any future development facilitated by the Project would result in less than significant impacts on State or federally protected wetlands and no mitigation is required.

“Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?”

Basis for Conclusion: Most of the housing sites are of limited value for wildlife movement and corridors due to existing residential and commercial development and public infrastructure. Housing sites 110-118, 120-124, 126-131, and 215 are vacant, which could potentially support nesting birds. Although the

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

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

Following compliance with the established regulatory framework future housing development impacts concerning interference with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites would be less than significant and no mitigation is required.

Cultural Resources

"Would the Project disturb any human remains, including those interred outside of dedicated cemeteries?"

Basis for Conclusion: According to the General Plan EIR, archaeological materials, including human burials, have been found in the City. Human burials outside of formal cemeteries often occur in prehistoric archeological contexts. The potential still exists for these resources to be present, particularly in the areas of the City that are still mostly underdeveloped for urban uses, such as but not limited to the Banning Ranch area. While the Project does not propose activities such as grading or construction, human remains could be uncovered during future grading activities facilitated by the Project.

In the unlikely event that human remains are found, those remains would require proper treatment in accordance with applicable laws, including California Health and Safety Code (HSC) (§§7050.5, 7051, and 7054) and PRC Sections 5097.98 and 5097.99. Therefore, following compliance with the established regulatory framework, future development facilitated by the Project would have a less than significant impact concerning human remains and no mitigation is required.

Standard Conditions of Approval

- SC CUL-2** California Health and Safety Code Section 7050.5, CEQA Guidelines Section 15064.5, and Public Resources Code Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. California Health and Safety Code Section 7050.5 requires that in the event that human remains are discovered within the project site, disturbance of the site shall be halted until the coroner has conducted an investigation into the circumstances, manner and cause of death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes or has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

Energy

“Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?”

Basis for Conclusion: The majority of future housing development facilitated by the Project would occur on sites that are fully improved. Unlike an individual project for which project-specific construction information is available, it is impractical to quantify construction-related energy consumption from all of the future housing development that would contribute incrementally to construction energy demand throughout the City. The amount of construction-related fuel cannot be determined at this time due to the lack of project-specific construction information associated with future development on each of the housing sites. Rather, construction energy consumption would be evaluated for specific development projects as future development applications are processed by the City. It is noted that construction fuel use is temporary and would cease upon completion of construction activities. Further, there are no unusual Project characteristics that would necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites in the region or State. Therefore, construction fuel consumption associated with future housing development facilitated by the Project would not be any more inefficient, wasteful, or unnecessary than other similar residential developments. A less than significant impact would occur and no mitigation is required.

The energy consumption associated with Project operations would occur from building energy (electricity and natural gas) use, water use, and transportation-related fuel use. The Project would be required to adhere to all federal, State, and local requirements for energy efficiency, including the latest Title 24 standards. Project implementation would not constrain local or regional energy supplies and would not require the expansion or construction of new electricity generation and/or transmission facilities. As such, implementation of the Project would not use large amounts of fuel or energy in an unnecessary, wasteful, or inefficient manner. Impacts would be less than significant and no mitigation is required.

“Would the Project conflict with or obstruct a State or Local plan for renewable energy or energy efficiency?”

Basis for Conclusion: The energy conservation policies and plans relevant to the Project include the California Title 24 energy standards and the 2022 CALGreen building code. Future housing development facilitated by the Project would be required to comply with these existing energy standards. Compliance with State and local energy efficiency standards would ensure that the Project meets all applicable energy conservation policies and regulations. As such, the Project would not conflict with applicable plans for renewable energy or energy efficiency. SCAG’s 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (Connect SoCal) (RTP/SCS) integrates transportation, land use, and housing to meet GHG reduction targets set by CARB. The document establishes GHG emissions goals for automobiles and light-duty trucks, as well as an overall GHG target for the region consistent with both the target date of AB 32 and the post-2020 GHG reduction goals of SB 375. The Project would not conflict with the stated goals of the RTP/SCS. Potential impacts are considered less than significant without mitigation.

Geology and Soils

“Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?”

Basis for Conclusion: The City is within a seismically active area that could be subject to strong seismic ground shaking. The fault zones traversing the City each have the potential to cause moderate to large earthquakes that would cause ground shaking at the housing sites. Although the City does not contain a known Alquist-Priolo zone as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, the housing sites within the Banning Ranch Focus Area are located near the Newport Inglewood Rose Canyon fault zone.² Following compliance with all relevant regulations and requirements for avoiding seismic impacts from development, the Project would result in a less than significant impact concerning adverse effects involving strong seismic ground shaking and no mitigation is required.

“Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction, and landslides?”

Basis for Conclusion: There are 31 housing sites located in liquefaction-susceptibility zones and 17 housing sites located within landslide-susceptibility zones. However, liquefaction and landslide potential do not necessarily limit development potential, as site-specific geotechnical studies would be required to determine the soil properties and specific potential for liquefaction in a specific area for new proposed development, per General Plan Policy S 4.7. Further, future residential developments facilitated by the Project would be subject to the City’s development review process, and required to adhere to all federal, State, and local requirements for avoiding and minimizing seismic-related impacts. With compliance with all relevant regulations and requirements for avoiding seismic impacts from development, the Project would result in a less than significant impact concerning adverse effects involving seismic-related ground failure including liquefaction and landslides and no mitigation is required.

² The Banning Ranch Focus Area is included in the 2021–2029 Housing Element’s sites inventory but is not assumed to accommodate the City’s 2021–2029 Regional Housing Needs Assessment (RHNA) growth need. Banning Ranch is considered as additional dwelling unit opportunity in addition to those that accommodate the RHNA.

“Would the Project result in substantial soil erosion or the loss of topsoil?”

Basis for Conclusion: Future residential development facilitated by the Project could result in grading activities that would disrupt soil profiles, and thereby result in potential increased exposure of soils to wind and rain. Erosion on graded slopes could cause downstream sedimentation impacts. Other related impacts resulting from substantial short-term erosion or loss of topsoil include topography changes and the creation of impervious surfaces. A majority of the housing sites are currently developed with existing structures. Future residential projects would be subject to the City’s development review process and would be required to comply with General Plan Policies NR 3.10, NR 3.11, and NR 3.12 which require compliance with applicable local, State, or federal laws. Compliance with the California Building Code (CBC) and the National Pollutant Discharge Elimination System (NPDES) permits would minimize soil erosion and loss of topsoil and ensure consistency with the Regional Water Quality Control Board (RWQCB) Water Quality Control Plan. The NPDES permit requires preparation of a Stormwater Pollution Prevention Plan (SWPPP), which specifies best management practices (BMPs) to be used to minimize storm water pollution from project construction, including erosion and topsoil. All future residential projects would also be required to comply with the City’s Erosion Control regulations specified under Municipal Code Chapter 15.10.130. Compliance with these regulations would reduce the potential for substantial erosion or loss of topsoil. Impacts would be less than significant and no mitigation is required.

“Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?”

Basis for Conclusion: While multiple housing sites are located on geologic units or soils that could become unstable, future housing development facilitated by the Project would be subject to the City’s development review process. Future residential developments would be required to adhere to all federal, State, and local requirements for avoiding and minimizing impacts caused by unstable geological units or soils. These housing projects would be subject to compliance with General Plan Safety Element Policy S 4.7, which requires seismic studies for new development in areas where potentially active faults may occur. These studies would also include soil investigations and recommendations for addressing grading procedures, soil stabilization during and post-construction, foundation design, and slope stability. The City requires reports of soil conditions to identify potentially unsuitable soil conditions including liquefaction, subsidence, and collapse. The evaluations must be conducted by registered soil professionals, and measures to eliminate inappropriate soil conditions must be applied. The design of foundation support must conform to the analysis and implementation criteria described in CBC Chapter 18 – Soils and Foundations. Adherence to the CBC, City’s codes, and General Plan policies would ensure the maximum practicable protection available for users of buildings and infrastructure and associated trenches, slopes, and foundations. The Project would have a less than significant impact concerning potential substantial adverse effects involving exposure to unstable geological units or soils and no mitigation is required.

“Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?”

Basis for Conclusion: The City contains surficial soils and bedrock with fine-grained components that are moderately to highly expansive. The City’s Building Code adopts the latest CBC regulations, which also requires geotechnical investigations that identifies potentially unsuitable soil conditions and contains appropriate recommendations for foundation type and design criteria that conform to the analysis and implementation criteria described in Municipal Code Title 15 (Building and Construction). General Plan

Safety Element Policy S 4.7 requires that development not be located on unstable soils or geologic units. Through compliance with applicable provisions of the CBC, General Plan Policy 4.7 and Municipal Code Title 15 requirements, the Project would not create substantial direct or indirect risks to life or property due to a project located on expansive soils. Impacts are less than significant and no mitigation is required.

“Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?”

Basis for Conclusion: Future construction activities associated with development could affect unidentified paleontological resources through grading and other earthwork activities. In the inadvertent event of discovery of paleontological resources, impacts could be potentially significant. Future housing development facilitated by the Project would be subject to the City's development review process and would be subject to comply with City regulations and policies. Policy HR 2.1 and Policy NR 18.1 require any new development to protect and preserve archaeological resources from destruction, and that potential impacts to such resources be avoided and minimized through planning policies and permit conditions. Development in the coastal zone would also be subject to LCP Policy 4.5.1-2 and Policy 4.5.1-5. LCP Policy 4.5.1-2 requires a qualified paleontologist/archeologist to monitor all grading and/or excavation where there is a potential to affect cultural or paleontological resources. LCP Policy 4.5.1-5 requires submittal of a monitoring plan when there is a potential to impact paleontological resources. The Newport Beach City Policy Manual also identifies Policy K-5 Paleontological and Archaeological Resource Protection Guidelines, which requires that the City prepare and maintain sources of information regarding paleontological sites. Future development facilitated by the Project would be required to comply with the City Council Policy K-5, as set forth in SC GEO-1. Compliance with SC GEO-1, General Plan policies within Natural Resources Element Goal NR 18, and the policies under Goal HR 2 of the Historical Resources Element would reduce impacts to paleontological resources to a less than significant level.

Standard Conditions of Approval

SC GEO-1 In compliance with Newport Beach Council Policy Manual, Paleontological and Archaeological Resource Protection Guidelines (K-5), prior to the issuance of a grading permit by the City, the project applicant shall retain and provide documentation of such retention to the City of Newport Beach Community Development Director. The qualified paleontologist shall be to be present during ground-disturbing activities on the site or available on an on-call basis, as determined by the City. If paleontological resources are encountered, all construction work in the general area of the find shall cease until the paleontologist assesses the find. Construction activities may continue in other areas. The paleontologist shall determine the significance of the resources and recommend next steps (e.g., additional excavation, curation, preservation, etc.). If, in consultation with the City, the discovery is determined to not be important, work will be permitted to continue in the area. Any resource shall be curated at a public, nonprofit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Cooper Center (a partnership between California State University, Fullerton and the County of Orange).

Hazards and Hazardous Materials

“Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?”

Basis for Conclusion: Hazardous materials would be limited to those associated with common household fertilizers, pesticides, paint, solvents, and petroleum products. Because these materials would be used in very limited quantities, they are not considered a significant hazard to the public. The routine transport, use, or disposal of hazardous materials would be less than significant since all uses and facilities are required to comply with all applicable federal, State and regional regulations which are intended to avoid impacts to the public or environment.

“Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?”

Basis for Conclusion: Regulatory databases (i.e., SWRCB GeoTracker and DTSC Envirostor), identified housing sites 141 (closed case) and 235 (active case) as located on a listed Envirostor site and housing site 100 (inactive case) as located adjacent to a listed Envirostor site. Housing sites 33, 84, 86, 204, 224, 235, and 238 are located on a GeoTracker site; all of these cases are closed. Because the contamination status of properties can change, as a part of the City’s development review process, each housing site would be required to be evaluated and/or reevaluated, if and when the individual site is proposed for development or redevelopment with a residential land use. Future development would be subject to comply with General Plan Safety Element Policy S 7.1, which requires proponents of projects in known areas of contamination from oil operations or other uses perform comprehensive soil and groundwater contamination assessments in accordance with American Society for Testing and Materials standards.

Future housing development could require demolition of existing uses, which could release asbestos containing materials (ACM), lead-based paints (LBP), and other hazardous materials. Federal and State regulations govern the renovation and demolition of structures where materials containing lead and asbestos are present. In addition to exposure to ACMs and LBPs, there is also the potential that grading and excavation of sites for future residential development may also expose construction workers and the public to potentially unknown hazardous substances present in the soil or groundwater. Compliance with General Plan Safety Element Policy S 7.4, which requires implementation of remediation efforts for contaminated surface water and groundwater resources, would minimize the potential risks to construction workers and the public. Compliance with the existing regulatory framework would ensure that future housing development on housing sites would not result exposure of construction workers or the public to hazardous substances in the soil or groundwater, and impacts are less than significant.

Construction activities associated with future residential development would include the use of materials such as fuels, lubricants, and greases in construction equipment and coatings used in construction. However, the materials used would not be in such quantities or stored in such a manner as to pose a significant safety hazard. Compliance with applicable laws and regulations governing the use, storage, and transportation of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts to occur.

Future development near the Newport Oil Field, West Newport Oil Field, or on housing sites within the Methane Overlay Zone would be subject to comply with specific requirements outlined in Municipal Code 15.55.040, which also requires testing of building site soils for the presence of methane gas and identify

measures to mitigate excessive methane levels. Other requirements include installation of an isolation barrier beneath all newly constructed foundations and floors at ground level. Future development associated in the identified areas of the City would be subject to the provisions of Chapter 9.04.170 of the City's Fire Code, which regulates the development on or near land containing or emitting toxic, combustible or flammable liquids, gases, or vapors. Compliance with the existing regulatory framework as outlined in Municipal Code Chapters 15.55.040 and 9.04.170 would ensure that future housing development on housing sites would not result in health and/or safety hazards associated with existing oil wells and methane gas; impacts are considered less than significant.

Operation of the future residential development facilitated by the Project would involve the use of small quantities of hazardous materials for cleaning and maintenance purposes, such as paints, household cleaners, fertilizers, and pesticides. No manufacturing, industrial, or other uses using large amounts of hazardous materials would occur as a result of the Project. Therefore, impacts to the public and the environment during operation of the future residential development facilitated by the Project would be less than significant and no mitigation is required.

"Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?"

Basis for Conclusion: Future housing development on housing sites facilitated by the Project would have a potentially significant impact on the environment from emitting hazardous emissions or substances within 0.25-mile of an existing or proposed school. The Project evaluates future residential uses on the housing sites. Residential uses do not generate hazardous emissions or involve the handling of hazardous materials, substances, or waste in significant quantities that would have an impact to surrounding schools. Impacts would be less than significant with no mitigation required.

"Would the Project be located within an airport land use plan or, where such a plan has not yet been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?"

Basis for Conclusion: Project Implementation would facilitate housing development within the John Wayne Airport Notification Area. While future housing development and non-residential development in the City, inclusive of the Airport Area, would increase the number of residents and non-residents proximate to John Wayne Airport, individual projects would be subject to development review by the City and where a General Plan, Specific Plan or PC amendment, or a rezone is required, the project would also be subject to the review of the Airport Land Use Commission (ALUC). A determination would be made by the City regarding whether future development on housing sites within an Airport Environs Land Use Plan (AELUP) Safety Zone would result in a potential safety hazard. Based on the locations of the majority of the housing sites located in Safety Zone 6, the allowance for residential uses in Safety Zone 4, and the restriction of only low-density residential uses in Safety Zone 3, the potential for airport safety hazard impacts are considered less than significant.

"Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?"

Basis for Conclusion: The City's Emergency Operations Plans (EOP) provides guidance for the City's response to emergency situations associated with natural disasters, technological incidents, and national

security emergencies. The Emergency Operations Plans identify evacuation routes, emergency facilities, and personnel, and describes the overall responsibilities of federal, State, regional, and city entities. Municipal Code Chapter 9.04 also sets standards for road dimension, design, grades, and other fire safety features. Further, the latest CBC also contains standards for new construction and development related to emergency events such as seismic events. Future development on housing sites would be required to comply with applicable building and fire safety regulations required for the design of new housing and emergency access. Impact are less than significant and no mitigation is required.

“Would the Project expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?”

Basis for Conclusion: A small portion of housing site 131 is located within the Very High Fire Hazard Severity Zone (VHFHSZ) and all of housing site 336 is located within the VHFHSZ. Both housing sites are within the Coyote Canyon Focus Area. Future residential development facilitated by the Project on these sites would consequently result in higher fire-related risks to people and structures. To minimize risk from wildfire, future development on the housing sites in high hazard severity zones are required to adhere to the California Fire Code Chapter 49, which requires applicants to prepare a fire protection plan for any sites located in the VHFHSZ or Wildland-Urban Interface Fire Areas, the CBC, which contains construction requirements to reduce risk of fire hazards to residential property, and General Plan Safety Element Policies S 6.1 through 6.9, which are directly related to reducing the threat of fire hazards within the City. Compliance with the existing regulatory framework, including CBC regulations, California Fire Code regulations, and General Plan policies would reduce impacts related to wildfire hazards to a less than significant level, and no mitigation is required.

Hydrology and Water Quality

“Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?”

Basis for Conclusion: Future projects would be required to demonstrate consistency with General Plan, Municipal Code, and LCP requirements, including those intended to protect water quality. The NPDES Construction General Permit program requires the implementation of BMPs to reduce or prevent pollutant discharge from these activities to the Maximum Extent Practicable for urban runoff for construction storm water. Construction activities would be required to comply with a project-specific SWPPP that identifies erosion-control and sediment-control BMPs that would meet or exceed measures required by the Construction Activity General Permit to control potential construction-related pollutants.

Future housing projects would be required to comply with applicable local and regional storm water and urban runoff pollution and conveyance requirements including those outlined in the Orange County Stormwater Management Program and the City’s General Plan and Municipal Code. These regulations would manage storm water flows from development projects, both to prevent erosion and to protect and enhance existing water-dependent habitats. These requirements would ensure that potential impacts from construction of developments facilitated by the Project related to soil erosion, siltation, and sedimentation remain less than significant and avoid violation to any water quality standards or waste discharge requirements. Future development would also be required to implement post-construction BMPs in project design to capture and treat runoff. Therefore, the Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. Impacts are less than significant and no mitigation is required.

“Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?”

Basis for Conclusion: The City is underlain by the Orange County Groundwater Basin which is managed by the Orange County Water District; however, it is not located within an identified recharge area. Of the 247 of the 247 housing sites are developed with impervious surfaces that limit groundwater infiltration. Future housing development facilitated by the Project would be required to adhere to Municipal Code standards for avoiding and minimizing construction and operations impacts to groundwater supplies, including Municipal Code Section 14.36.040 (Control of Urban Runoff), Section 15.10.130 (Erosion Control), and the Citywide Urban Runoff Management Plan NPDES Municipal Stormwater MS4 Permit. Therefore, the Project would not interfere substantially with groundwater recharge.

Future housing development facilitated by the Project would result in increased demand for groundwater as supplied by the City, Irvine Ranch Water District, and Mesa Consolidated Water District. General Plan Policy NR 3.6 requires that development not result in the degradation of natural water bodies. Policy NR 3.19 requires incorporation of natural drainage systems and storm water detention facilities into new developments, where appropriate and feasible, to retain storm water in order to increase groundwater recharge. These policies are consistent with the intent of the Groundwater Management Plan for the Orange County Groundwater Basin. The Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin. Impacts are less than significant and no mitigation is required.

“Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?”

Basis for Conclusion: All future development, regardless of existing conditions, would be subject to the NPDES Construction General Permit program which requires implementation of BMPs to reduce or prevent pollutant discharge from construction activities. Specifically, project-specific SWPPPs would identify erosion-control and sediment-control BMPs that would meet or exceed measures required by the Construction Activity General Permit. The General Plan also contains policies designed to minimize storm water and erosional impacts during construction. Policy NR 3.10 requires new development applications to include a WQMP to minimize runoff during construction. Policies NR 3.11, NR 3.12, and NR 4.4 require improvement and implementation of BMPs to prevent or minimize erosion during construction. Compliance with the existing regulatory framework and General Plan policies would reduce, prevent, or minimize soil erosion from grading and construction activities. Impacts would be less than significant.

“Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?”

Basis for Conclusion: On developed sites, future residential development facilitated by the Project would not substantially alter drainage patterns because these areas are already developed with existing uses and impervious surfaces. Increased impervious surfaces would increase storm water runoff. Increased runoff could exceed the capacity of existing and planned infrastructure and cause downstream flooding

impacts. Future housing development facilitated by the Project would be required to adhere to all federal, State, and local requirements for avoiding construction and operations impacts that could substantially alter the existing drainage pattern or alter the course of a stream or river, including Municipal Code Sections 15.10.130 (Erosion Control) and 15.50 (Floodplain Management), General Plan Safety Element Policies S 2.6, S 5.1, and S 5.3, which would require storm drain maintenance, mitigation of flood hazards by including on-site drainage systems that are connected to the City's storm drain system, grading of sites such that runoff does not impact adjacent properties, or elevating buildings above flood levels, and incorporation of storm water detention basins. Compliance with General Plan policies and Municipal Code regulations would ensure the Project does not increase the rate or amount of surface runoff in a manner which would result in flooding. Impacts are less than significant and no mitigation is required.

“Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?”

Basis for Conclusion: Future residential development facilitated by the Project could potentially exceed existing storm water drainage systems capacities due to increased population growth and storm water generation. Several General Plan Natural Resources Element policies designed to minimize storm water runoff would apply to future development on housing sites. Policy NR 3.11 requires implementation of BMPs in all developments to treat storm water runoff, Policy NR 3.19 requires incorporation of natural systems and storm water detention facilities to retain storm water and increase groundwater recharge, and Policy NR 3.20 requires minimize the creation of impervious surfaces and increase pervious surfaces where possible, which would reduce downstream impacts to the City's storm water drainage infrastructure. Implementation of these policies would reduce the volume of runoff generated, and further reduce impact to existing or planned storm water drainage systems.

New development and significant redevelopment are subject to Municipal Code Section 14.36.040 (Control of Urban Runoff), which enables the Community Development Department and/or Public Works Department to issue conditions and requirements reasonably related to the reduction or elimination of pollutants in storm water runoff from a development site.

Upgrades to the existing storm drain system in the City could be required as result of new development and redevelopment that could occur under the Project. However, future development would require the study of localized conditions and construction of additional storm drains based on site-specific conditions and proposed development plans. If constraints are identified, the applicant would be required to construct or contribute a fair-share toward the storm drain improvement. Compliance with General Plan policies identified above and Municipal Code sections would minimize storm water runoff and would not exceed the capacity of existing or planned storm water drainage systems. Therefore, impacts would be less than significant and no mitigation is required.

“Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?”

Basis for Conclusion: There are 29 housing sites within a Flood Hazard Zone. General Plan Safety Element Policy S 5.1 requires that all new development within 100-year floodplains incorporate sufficient

measures to mitigate flood hazards including the design of on-site drainage systems that are connected with the City's storm drainage system, gradation of the site such that runoff does not impact adjacent properties, and buildings are elevated. Policy S 5.3 requires storm water detention basins to reduce potential risk of flood hazards. Municipal Code Chapter 15.50 (Floodplain Management) establishes methods and provisions that would minimize flood damage to residential development. Municipal Code Section 15.50.200 specifies standards for construction for all new construction and substantial improvements of structures within special flood hazard areas. These requirements include that the lowest floor of residential structures and structures within subdivisions to be elevated to or above the base flood level. Compliance with General Plan policies and Municipal Code regulations would reduce impacts related to flood flows. Impact would be less than significant and no mitigation is required.

“Would the Project, in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?”

Basis for Conclusion: Three housing sites are in tsunami evacuation areas – sites 133, 134, and 334 – all of which are within the Dover-Westcliff Focus Area. As set forth in General Plan Safety Element Policies S 1.1 and S 1.2, the City has identified evacuation routes in areas susceptible to tsunami inundation and developed and implemented response plans for the City's emergency services. All future housing development within tsunami evacuation areas would be covered by the established evacuation plan, including routes along the Balboa Peninsula and Mariner's Mile.

Twenty-eight housing sites are in an identified Flood Hazard Zone. Future development facilitated by the Project could place housing and structures within a 100-year flood hazard area and/or dam inundation area. Several General Plan Safety Element Policies are aimed at reducing impacts related to flooding and storm surge events. Policy S 2.7 requires new or remodeled residential structures in area susceptible to storm surges to raise floor elevations as required by building codes. Policy S 5.1, which require that all new development within 100-year floodplains incorporate sufficient measures to mitigate flood hazards including the design of on-site drainage systems that are connected to the City's storm drainage system.

The City requires all new development within a 100-year flood hazard area to obtain all necessary permits from applicable governmental agencies, and implement specific construction standards codified under Municipal Code Section 15.50.200. Future development facilitated by the Project would be required to adhere to all federal, State, and local requirements for avoiding and minimizing impacts related to flood hazards, tsunami, or seiches, including General Plan policies and Municipal Code regulations. Considering these requirements, future development facilitated by the Project would not result in significant increased risk concerning release of pollutants due to inundation, tsunami, or seiche zones. Therefore, impacts would be less than significant and no mitigation is required.

“Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?”

Basis for Conclusion: The City is under the jurisdiction of the Santa Ana Regional Water Quality Control Board (RWQCB), which establishes water quality objectives and standards for both surface and groundwater of the region, and water quality discharge requirements. Under the Santa Ana RWQCB's NPDES permit system, all existing and future municipal discharges to surface waters within the City would be subject to regulations. NPDES permits are required for operators of MS4s, construction projects, and industrial facilities. Developments within the City would also be subject to the provisions in Municipal Code Chapter 14.36 (Water Quality). Under the provisions of Chapter 14.36, any discharge that would result in or contribute to degradation of water quality via storm water runoff is prohibited. Operation of

new development or redevelopment projects are required implement of BMPs identified in the Drainage Area Management Plan (DAMP) to control storm water runoff to prevent any deterioration of water quality that would impair subsequent or competing beneficial uses of the water. Future housing development would not obstruct implementation of applicable plans; impacts would be less than significant and no mitigation is required.

Land Use and Planning

"Would the Project physically divide an established community?"

Basis for Conclusion: The Project would not result in the division of an established community because housing sites are located throughout the City, rather than in a single, concentrated area, and the Project does not propose any major roadways that would traverse an existing community or neighborhood. Therefore, impacts are less than significant and no mitigation is required.

"Would the Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?"

Basis for Conclusion: The Project does not propose changes to the existing General Plan land use categories that govern land uses within the City, including the five land use designations that solely accommodate residential development. No change is proposed to the designations' densities or housing types. The Project proposes amendments to the General Plan Land Use Element goals and policies to further the implementation of the 2021-2029 Housing Element. The proposed Land Use Element updates are required to ensure consistency between General Plan elements in compliance with State law. The Land Use Element amendments would ensure that future housing development facilitated by the Project occurs in a manner that is consistent with densities, objective design, and development standards in the City. Analysis of the Project's consistency with the applicable existing and proposed goals and policies of the General Plan Land Use Element concludes that the Project would not conflict with key relevant Land Use Element policies adopted for the purposes of avoiding or mitigating an environmental effect.

The Project includes 48 housing sites that are located within the Coastal Zone and would be subject to the LCP. The Project includes modifications to existing LCP policies, as well as new policies, to facilitate future development of housing on sites located within the Coastal Zone. Additionally, Municipal Code Chapter 21.28, Overlay Coastal Zoning Districts, would be amended to include Section 21.28.070: Housing Opportunity (HO) Overlay Coastal Zoning Districts. The HO Overlay Coastal Zoning Districts are intended to accommodate housing opportunities consistent with the 2021-2029 Housing Element's focus areas and to ensure the City can meet RHNA allocation. The LCP policy changes and associated Municipal Code amendments would not change the underlying zoning or land use of housing sites. Future housing development facilitated by the Project would be subject to the City's review and approval process and would need to comply with all applicable federal, State, and local laws and regulations, including those related to the Coastal Zone. Therefore, upon approval of the Project's discretionary actions, the Project would result in less than significant impacts related to conflicts with the LCP and policies and programs adopted for the purpose of avoiding or mitigating an environmental effect.

Noise

“Would the Project result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?”

Basis for Conclusion: Construction. Construction activities occurring under the Project could result in a temporary increase in ambient noise levels. General Plan Policy N 4.6 would reduce impacts related to construction noise by limiting the hours of maintenance or construction activity in or adjacent to residential areas, and General Plan Policy N 5.1 would enforce the limits on hours of construction activity. Construction noise is an existing noise source in the City and while the noise levels at existing construction sites may not substantially differ from future construction noise resulting from development under the Project, construction noise would occur in areas of the City that are already developed. In some instances, construction noise may be introduced where it did not previously exist. Because specific project-level information is inherently not available at this time, it is not possible nor appropriate to quantify the construction noise impacts at specific sensitive receptors. In most cases, construction of individual developments associated with implementation of the Project would temporarily increase the ambient noise environment in the vicinity of each housing site, potentially affecting existing and future nearby sensitive uses. The nearest sensitive uses (e.g., residential uses) could be located within approximately 25 feet of construction activities associated with the Project. Intermittent construction equipment could reach or exceed 91 dBA. Because of the high degree of variability in construction noise, exposure to such sound level incursions could be brief, and the maximum noise levels at adjacent uses would lessen as the noisiest piece of construction equipment moved farther away, reduced the necessary power setting, and/or changed the interaction with the work piece. Nearby sensitive receptors may be exposed to elevated noise levels for the duration of construction. Noise levels would be higher during the demolition, site preparation, and excavation activities, where the use of heavy construction equipment is more frequent but also during other portions of the overall construction process. Construction activities would also cause increased noise along access routes to and from the site due to movement of equipment and workers. These trips would occur incrementally over the construction phases.

Municipal Code Section 10.28.040 (Construction Activity – Noise Regulations) limits noise sources associated with construction, repair, remodeling, or grading of any real property to the hours of 7:00 a.m. and 6:30 p.m. on weekdays. Construction can be performed on Saturday, in any area of the City that is not designated as a high-density area, between the hours of 8:00 a.m. and 6:00 p.m. Municipal Code Section 10.26.035(D) also exempts construction noise from the City’s exterior and interior noise limits, acknowledging that construction activity is a normalized function of typical urban and suburban activities during daytime hours. Therefore, construction noise is exempt and following compliance with the City’s allowable construction hours and provisions of the Municipal Code, construction activities associated with the Project would be less than significant.

Operations – Stationary Noise Sources. Operational stationary noise sources (e.g., heating, ventilation, and air conditioning [HVAC]) are anticipated to increase incrementally from increased residential development as a result of the Project. Due to the variability and details for future individual residential developments, quantifying long-term stationary noise impacts from the Project is not feasible. Depending on how development proceeds (i.e., individual housing developments would occur over time dependent upon market demand, economic, and planning considerations, among other factors), future residential development could generate noise levels that exceed the City’s noise standards at adjacent sensitive receptors. However, long-term stationary noise levels would be reduced through implementation of

General Plan Policies N 1.1, N 1.4, N 4.1, and N 4.5. In addition, future development would be required to comply with City, State and federal guidelines concerning noise abatement and insulation standards. This would ensure that noise levels at the housing sites and surrounding areas are maintained within acceptable standards that prevent excessive disturbance, annoyance, or disruption.

The noise standards outlined in Municipal Code Section 10.26.025 (Exterior Noise Standards) and Section 10.26.030 (Interior Noise Standards) would be relied upon to evaluate noise impacts from stationary sources at future residential developments. Following individual development and design review and compliance with the City's noise standards, as well as General Plan policies, the Project's impacts from stationary noise sources would be less than significant.

"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?"

Basis for Conclusion: There are housing sites located within the 65-70 dBA CNEL noise contour for John Wayne Airport. Section 3.2.3 of the AELUP requires residential uses to be developed with advanced insulation systems to bring the sound attenuation to no more than 45 dB interior and also requires uses to be "indoor oriented." Project compliance with General Plan Noise Element policies N.1.2, N 1.5, N 1.5A, N 2.2, N 3.1, N 3.2, LU 6.15.3, and Municipal Code Section 20.30.080(F) (Residential Use Proximate to John Wayne Airport) would result in less than significant impacts with respect to housing development proximate to the airport and no mitigation is required.

Population and Housing

"Would the Project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?"

Basis for Conclusion: The Project's implementing actions would facilitate future housing development, which could induce population growth in the City beyond 2023 existing conditions and extrapolated 2029 SCAG forecast conditions. However, State law requires that the City accommodate their RHNA "fair share" of the region's housing needs, which cannot be achieved without the Project's proposed rezoning/land use amendments. While the Project would facilitate the development of additional housing throughout the City, resulting in a forecast population growth of approximately 21,811 persons, this forecast population growth would be attributed to accommodating the City's remaining RHNA allocation of 4,845 dwelling units plus the RHNA buffer. Therefore, although the Project would indirectly induce population growth in the City, it is not considered unplanned given State law requirements.

As the City is predominately built out, it is anticipated that future housing development facilitated by the Project would be adequately served by existing services and located near established infrastructure with only minor modifications required. Therefore, the Project would not induce unplanned population growth in the City by proposing new businesses or through extension of roads or other infrastructure.

Planning for the increase in housing is necessary to comply with the State-mandated 6th Cycle RHNA. The Project would not induce substantial growth, but rather would accommodate projected growth in the region. Impacts are less than significant and no mitigation is required.

“Would the Project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere or displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?”

Basis for Conclusion: A majority of the housing sites are developed with non-residential uses. Future housing development would occur such that there is no net loss of residential unit capacity. The Project would be consistent with State and local land use plans and would not displace a substantial number of housing units that would require replacement. Impacts are less than significant and no mitigation is required.

Public Services

“Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection?”

Basis for Conclusion: Of the 247 housing sites, all are developed/occupied with structures except 21 sites. Fire protection services are provided to the currently developed sites and in the surrounding area of the vacant sites. Future housing would incrementally increase the demand for fire protection and emergency services. All future housing development facilitated by the Project would be subject to the City's development review process and would be assessed on a project-specific basis for potential effects concerning the secondary effects of population growth, including but not limited to the need for public service improvements. Projects would need to demonstrate that adequate fire protection services can be provided for new housing and continue to be provided for existing land use. At the program-level of review, the Project would not result in a need for expanded or newly constructed facilities, and impacts associated with fire services would be less than significant. Should construction of new facilities be required in the future, each would undergo site-specific environmental analysis, as applicable.

“Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection?”

Basis for Conclusion: Police protection services are provided to the currently developed sites and in the surrounding area of the vacant sites. Future housing would incrementally increase the demand for police protection. All future housing development would be subject to the City's development review process and would be assessed on a project-specific basis for potential effects concerning the secondary effects of population growth, including but not limited to the need for public service improvements. Projects would need to demonstrate that adequate police protection services can be provided for new housing and continue to be provided for existing land use. At the program-level of review, the Project would not result in a need for expanded or newly constructed facilities, and impacts associated with police protection services would be less than significant. Should construction of new facilities be required in the future, each would undergo site-specific environmental analysis, as applicable.

“Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically

altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools?"

Basis for Conclusion: The Project could result in an additional 1,623 students within the Newport-Mesa Unified School District and 4,939 students within the Santa Ana Unified School District. Due to the existing capacities within the school districts, it is expected that the increase in school-aged children could be accommodated within the existing school facilities. If new facilities would need to be constructed at a future date to accommodate increased demand on schools further environmental review separate from the Program EIR would be required as project-specific plans are developed to determine which school districts and schools specific development proposals would have the potential to Impact. Therefore, impacts are less than significant and no mitigation is required.

"Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for libraries?"

Basis for Conclusion: Future housing development would generate population growth that could incrementally increase the demand for library services at the Newport Beach Library System's facilities. This new development would be subject to the City's development review process which includes project-specific review. New development would also be required to comply with Municipal Code Section 3.12 (Property Development Tax), which imposes an excise tax upon the construction and occupancy of each residential unit, commercial unit, and industrial unit. Development facilitated by the Project would occur incrementally over time and as market conditions allow. Similarly, the tax proceeds from future development would be collected over time, allowing library improvements and expansions to occur as needed. If new facilities would need to be constructed at a future date to accommodate increased demand on libraries, further environmental review separate from the Program EIR would be required as project-specific plans are developed to determine which specific development proposals would have the potential to impact. Therefore, impacts are less than significant and no mitigation is required.

Recreation

"Would the Project increase the use of existing neighborhood, community and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?"

"Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?"

Basis for Conclusion: An increase in City residents associated with the future development of housing sites within the Focus Areas would result in an increased demand for recreational facilities. Newport Beach's park dedication requirement is 5 acres per 1,000 persons (Municipal Code Chapter 19.52: Park Dedications and Fees). Based on the City's estimated 2023 population of 83,411, the City has approximately 4.4 acres of improved/developed parkland for every 1,000 residents. The future 9,914 housing units (RHNA plus buffer) facilitated by implementation of the 2021-2029 Housing Element would

generate a population growth of approximately 21,811 persons in the City, which would increase the City's demand for parkland by approximately 109 acres assuming that every housing unit is constructed.

Individual housing developments and the location of the housing in the City would occur over time dependent upon market demand, economic, and planning considerations, among other factors. Where a future housing project includes the subdivision of land, the housing project would be required to provide land or in lieu fees for parks and recreation purposes to bear a reasonable relationship to the use of the park and recreational facilities by future inhabitants per Municipal Code Section 19.52.030 (Use of Park Dedications and Fees). While there would be an increased use of parkland and recreational facilities resulting from the increase in residential population, the City provides for the maintenance and enhancement of parks and recreational facilities through various funding sources. Because of the City's commitment to the maintenance and enhancement of such facilities and exploration of potential future funding sources, increased use of existing parks and recreational facilities resulting from the Project would not result in substantial physical degradation. Therefore, impacts are less than significant.

Transportation

"Would the Project , conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?"

Basis for Conclusion: SCAG's Connect SoCal and the City have adopted programs, plans, ordinances, and policies that establish the planning framework to achieve a safe, accessible, and sustainable transportation system for all users. Connect SoCal aims to reduce or limit new trip generation and associated regional growth in traffic congestion and VMT by focusing growth, density, and land use intensity within existing urbanized areas. Connect SoCal also strives to enhance the existing transportation system, maximize multi-modal transportation, and integrate land use into transportation planning. Project implementation would not, in and of itself, construct new housing in the City but would facilitate the development of residential units in existing urbanized areas by providing programs and policies that would promote housing for all persons. The Project supports these goals by providing opportunities for future housing throughout the City, including the integration of multi-unit housing in areas of the community that have historically been jobs rich. The Project is consistent with and would assist the City in meeting Connect SoCal Goal 9 to encourage development of diverse housing types in areas that are supported by multiple transportation options. Future housing projects are expected to include mixed-use developments and a mix of market rate and affordable housing units, which would help the City improve mobility through a better jobs-housing balance.

General Plan Circulation Element Policy CE 2.2.4 requires designing traffic controls to ensure the roadway network functions safely and efficiently for vehicles, bicycles, and pedestrians. Policy CE 5.2.6 requires that new development projects include safe and attractive sidewalks, walkways, and bike lanes. All future housing development facilitated by the Project would also be subject to Municipal Code Section 15.38.050, which requires fair share contribution to construct circulation system improvements that improve the efficiency of the circulation system. Thus, compliance with applicable General Plan Circulation Element policies and Municipal Code would ensure that future housing development projects facilitated by the Project would not conflict with programs addressing the circulation system. Impacts are less than significant and no mitigation is required.

“Would the proposed project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?”

“Would the proposed project result in inadequate emergency access?”

Basis for Conclusion: Future site-specific development would be subject to the City's development review process, which would include both design and engineering review to ensure roads and access is configured consistent with established roadway design standards. Future housing development would be required to comply with applicable building and fire safety regulations required for the design of new housing and emergency access; and would be required to adhere to applicable State and local requirements. As a result, future housing development on the housing sites would not substantially increase hazards due to design features or incompatible uses, or result in inadequate emergency access. Therefore, impacts would be less than significant and no mitigation is required.

Utilities and Service Systems

“Require or result in the relocation or construction of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects?”

Basis for Conclusion: The majority of housing sites are within urbanized and developed areas, where there is existing water infrastructure. Therefore, it is anticipated that future housing development facilitated by the Project would connect to existing nearby domestic water infrastructure of the respective water purveyors with a limited need for relocation or construction of new or expanded water infrastructure. If improvements to the existing water system are required or additional facilities are needed, the property developer would be required to pay its fair share of the cost of all of portions of the needed improvements. All future housing development would be subject to the City's development review process and would be assessed on a case-by-case basis for potential effects concerning the secondary effects of population growth, including the need for infrastructure improvements. Although the Project would require the relocation or construction of new or expanded water facilities, the construction or relocation of which would not cause significant environmental effects through compliance with the existing regulatory framework. Impacts would be less than significant impact and no mitigation is required.

“Would the Project require or result in the relocation or construction of new or expanded wastewater treatment facilities, the construction or relocation of which could cause significant environmental effects?”

“Would the Project result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?”

Basis for Conclusion: The majority of housing sites are within urbanized and developed areas, where there is existing wastewater infrastructure. Therefore, it is anticipated that future housing development would connect to existing nearby sewer infrastructure of the respective districts with a limited need for relocation or construction of new or expanded infrastructure. All future housing projects would be subject to the City's development review process including site-specific evaluation of the respective sanitation districts' existing infrastructure and treatment capacity to serve the development. Projects would need to demonstrate that adequate sewer infrastructure and treatment capacity is available or can be provided for new housing and continue to be provided for existing land uses. The City levies connection fees for

new or expanded sewer connections, including those to new development. These connection fees help fund the costs associated with providing wastewater facility capacity to both new users requiring new connections, as well as existing users requiring additional capacity.

Projects would be required to comply with federal, State, and local requirements related to wastewater treatment during construction and operations, including the Municipal Code Chapter 21.35 (Water Quality Control), Municipal Code Chapter 14.36 (Water Quality), and the Construction Permit. General Plan policies require that adequate public services and infrastructure be provided as new development occurs. For example, compliance with Land Use Element Policies LU 2.8 and LU 3.2 require that land uses can be adequately supported by public services, transportation, and utility infrastructure. Future development would be subject to General Plan Policies NR 5.1 and NR 5.3 which require the renovation of all older sewer pump stations and the installation of new plumbing according to most recent standards, and implementation of the Sewer System Management Plan and Sewer Master Plan.

All future housing development would be required to be designed, constructed, and operated in accordance with the respective service providers including OC San Ordinance Nos. 40 and 48, and all wastewater discharges into OC San facilities would be required to comply with the discharge standards set forth to protect the public sewage system and Waters of the United States. Following compliance with the regulatory and General Plan policy requirements, the Project would result in a less than significant impact concerning its potential to cause environmental effects from the relocation or construction of new or expanded wastewater treatment or facilities and no mitigation is required.

“Would the Project require or result in the relocation or construction of new or expanded storm water drainage facilities, the construction of which could cause significant environmental effects?”

Basis for Conclusion: All storm water infrastructure from future development facilitated by the Project, including on-site and off-site improvements, would connect to the City’s existing storm water infrastructure. Banning Ranch and Coyote Canyon would require the construction of new storm water infrastructure. All future development would be subject to the Orange County Drainage Area Management Plan which requires new developments to create and implement a Water Quality Management Plan (WQMP), which would ensure pollutant discharges are reduced to the maximum extent practicable and do not exceed existing storm drainage capacities. Projects are required to reduce discharge of storm water into urban runoff from the operational phase by managing site runoff volumes and flow rates through application of appropriate BMPs and be designed in accordance with the NPDES requirements. As a part of the site-specific development review process through the City, applicants would be required to demonstrate that drainage facilities would also be designed in accordance with Municipal Code Section 19.28.080, set forth in SC UTIL-1. Therefore, following compliance with the regulatory requirements and SC UTIL-1, the Project would result in a less than significant impact.

Standard Conditions of Approval

SC UTIL-1 The Project shall be required to comply with the City of Newport Beach Municipal Code Chapter 14.16 related to water conservation and supply level regulations in effect during the construction and operation of the project, and Municipal Code Chapter 14.17 with respect to water-efficient landscaping.

“Would the Project require or result in the relocation or construction of new or expanded electric power, natural gas, or telecommunication facilities, the construction of which could cause significant environmental effects?”

Basis for Conclusion: All but 20 housing sites (19 within the Banning Ranch Focus Area and 1 within the Coyote Canyon Focus Area) are currently developed with infrastructure in place to serve the existing land uses. Housing sites that are located in or near developed areas would connect to existing electric power provided by Southern California Edison (SCE), natural gas provided by SoCalGas, and telecommunications facilities provided by a variety of service providers. It is anticipated that SoCalGas would have sufficient capacity to serve the Project’s natural gas demands. Because electricity and natural gas demands can be met by the current service providers, it is assumed that the Project would only require connections to existing facilities near future developments. Any future housing development in Banning Ranch and Coyote Canyon would require the construction of new dry utility infrastructure to connect to existing facilities. Any future residential development in these focus areas would also be subject to the City’s development review process, and required to adhere to all federal, State, and local requirements for avoiding and minimizing impacts related to the relocation or construction of new or expanded electricity, natural gas, and telecommunication facilities. Following compliance with the regulatory requirements, the Project would result in a less than significant impact concerning its potential to cause environmental effects from the relocation or construction of new or expanded dry utilities and no mitigation is required.

“Would the Project generate solid waste in excess of State and local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?”

“Would the Project comply with federal, State, and local management and reduction statutes and regulations related to solid waste?”

Basis for Conclusion: Future housing development facilitated by the Project would incrementally increase solid waste generation in the City. Future housing development would be subject to the City’s development review process and be required to adhere to all federal, State, and local requirements for solid waste reduction and recycling. In addition, all future housing development would be required to comply with the Green Building Code, which implements design and construction measures that act to reduce construction-related waste through material conservation measures and other construction-related efficiency measures. Municipal Code Section 20.30.120 (Solid Waste and Recyclable Materials Storage) requires all new development projects requiring a building permit to provide adequate, enclosed areas with solid roofs for collecting and loading solid waste and recycling materials. Impacts would be less than significant and no mitigation is required.

Wildfire

“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?”

Basis for Conclusion: The need for installation and maintenance of new infrastructure (such as roads, fuel breaks, emergency water resources, power lines, or other utilities) would be evaluated as part of the development permit review process for future site-specific housing projects. General Plan Land Use

Element Policy LU 2.8 notes that future development must be supported by adequate utility and transportation infrastructure. It is anticipated that future housing development facilitated by the Project would be served by the extension of existing utility infrastructure located primarily in existing rights-of-way because of the predominately developed nature of the City. The extension of existing utility infrastructure is not expected to exacerbate fire risk and applicants would be required to address wildfire exposure by complying with the wildfire protection building construction requirements contained in the then-current CBC, including CBC, Chapter 7A, California Residential Code, Section R327, and California Referenced Standards Code, Chapter 12-7A. Impacts would be less than significant and no mitigation is required.

"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?"

Basis for Conclusion: The VHFHSZ is exclusively located in the eastern portion of the City extending from SR-73 to the north to the Pacific Ocean to the south. The natural environment of the Wildland Urban Interface sites indicates people and structures are highly prone to wildfires and downslope or downstream flooding as a result of runoff, post-fire instability or drainage. Flooding impacts could occur if there are increases in the amount of runoff delivered to the surrounding waterways as a result of wildfire in VHFHSZs. Increased runoff could result in an increased total flow in the creeks or rivers causing flooding in flood hazards areas around the City. In addition to flooding impacts, downslope landslide hazards as a result of post-fire instability are also a possibility. Future housing development would be subject to development review by the City and each development would be engineered and constructed to maximize stability and preclude safety hazards to on-site and adjacent areas. Site-specific geotechnical studies would be required to determine the soil properties and specific potential for landslides in an area for new development per General Plan Policy S 4.7. Further, compliance with the CBC would require an assessment of hazards related to landslides and the incorporation of design measures into structures to mitigate this hazard if development were considered feasible. Municipal Code Chapter 15.10 (Excavation and Grading Code) also contains regulations and design requirements for hillside developments which would reduce impacts to any developments located downslope or downstream. Adherence to State and City codes and emergency and evacuation plans set by the 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. Therefore, impacts would be less than significant, and no mitigation is required.

Section 4: Environmental Impacts Found to be Less Than Significant with Mitigation Incorporated

The following potentially significant environmental impacts were analyzed in the Program EIR, and the effects of the Project were considered in the Program EIR. Where as a result of the environmental analysis of the Project and compliance with existing laws, codes and statutes, and the identification of feasible mitigation measures, the following potentially significant impacts have been determined by the City to be reduced to a level of less than significant, the City has found in accordance with CEQA Section 21081(a)(1) and State CEQA Guidelines Section 15091(a) (1) that "Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment," which is referred to herein as "Finding 1". Where the City has determined pursuant to CEQA Section 21081(a)(2) and State CEQA Guidelines Section 15091(a)(2) that "Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency," the City's findings is referred to herein as "Finding 2".

Air Quality

"Would the Project expose sensitive receptors to substantial pollutant concentrations?"

Finding

The City adopts CEQA Finding 1 (State CEQA Guidelines §15091(a)(1)). The City finds that MM AQ-1 is feasible, is adopted, and will reduce air toxic impacts to a less than significant level. Accordingly, the City finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid potentially significant biological impacts of the Project identified in the Program EIR.

Basis for Conclusion: Toxic Air Contaminants (TACs). Implementation of the Project could expose sensitive receptors to substantial pollutant concentrations associated with diesel particulate matter (DPM) emissions from heavy trucks which could result in health effects. Eight housing sites are located within the CARB specified buffer distances for freeways, for which a more detailed site-specific analysis of TAC impacts would be required. Therefore, a project-specific Health Risk Assessment is required for residential uses that could be located within 500 feet of SR-73 in compliance with MM AQ-1. With implementation of this mitigation measure, air toxic impacts would be less than significant.

Mitigation Measures

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

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

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

Biological Resources

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

Finding

The City adopts CEQA Finding 1 (State CEQA Guidelines §15091(a)(1)). The City finds that MM BIO-1 is feasible, is adopted, and will reduce the biological impacts of the Project to a less than significant level. Accordingly, the City finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid potentially significant biological impacts of the Project identified in the Program EIR.

Basis for Conclusion: While the Project does not propose grading or construction, it can be assumed that any future housing development facilitated by the Project could directly or indirectly impact sensitive wildlife or plant species through such activities. Given the City's existing developed nature, the housing sites mainly include properties that are developed or located adjacent to existing development. Except for the 21 vacant housing sites (Sites 110-118, 120-124, 126-131, and 215), all other housing sites are developed/occupied by structures and do not contain any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.

The precise locations of sensitive plant and wildlife species would be identified through site-specific, on-site reconnaissance and project-level analysis in conjunction with future development permit applications. Sites with sensitive biological resources require discretionary review and may require permits (e.g., Coastal Development Permits, Conditional Use Permits, and/or permits by regulatory agencies including the CDFW and USFWS). Any future housing development would be required to comply with the permit processing procedures and development regulations required by the Municipal Code. Any future development facilitated by the Project on housing sites would require biological studies and mitigation as identified in MM BIO-1, if applicable based on site-specific review of future development applications. However, all housing sites would be required to comply with applicable federal, State, and local programs and requirements with respect to potential impacts to biological resources, including concerning sensitive and protected plant and wildlife species and jurisdictional waters.

General Plan Goal Natural Resources Element NR-10 and Policies NR-10.1 through 10.9 identify actions that may be necessary during project-specific analysis and development to protect sensitive and rare terrestrial and marine resources from urban development. Safety Element Policies S-6.3 through 6.5 protect sensitive habitats from fuel modification zone impacts. Compliance with Policies NR 10.1 through 10.9 and S-6.3 through 6.5 would ensure that sensitive and rare biological species are protected from impact that may occur from future development facilitated by the Project. The General Plan policies

further restrict development within wetland areas and ESAs; 23 sites are within an ESA. New development proposed on these sites would be subject to compliance with General Plan Policy NR 10.3, which requires a site-specific survey and analysis prepared by a qualified biologist as a filing requirement for any development permit applications where development would occur within or contiguous to areas identified as ESAs. Compliance with Policy NR-10.3 would ensure that any future development within an ESA would identify any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. Future housing development would comply with SC BIO-1, which requires a pre-construction bird survey to identify any active nests in and adjacent to a project site. The General Plan Program EIR determined that compliance with these policies and federal, State, and local laws would mitigate potential impacts to a less than significant level.

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

Standard Conditions of Approval

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

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

Mitigation Measures

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

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

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

Finding

The City adopts CEQA Finding 1 (State CEQA Guidelines §15091(a)(1)). The City finds that MM BIO-1 is feasible, is adopted, and will reduce the biological impacts of the Project to a less than significant level. Accordingly, the City finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid potentially significant biological impacts of the Project identified in the Program EIR.

Basis for Conclusion: Potential future housing projects could directly impact sensitive vegetation communities. The disturbance or removal of sensitive vegetation communities could result in a significant impact. Where sensitive vegetation communities are assumed to be present, site-specific surveys would be required to verify and confirm the presence of sensitive vegetation communities occurring on individual housing sites and determine the extent of any potential impacts. Projects facilitated by the Project would be required to adhere to all federal, State, and local requirements, including MM BIO-1 for avoiding and minimizing construction and operations impacts to sensitive vegetation communities. Impacts to sensitive vegetation communities would be mitigated to a less than significant level.

Riparian habitats are known to exist throughout the City. Implementation of General Plan Policies NR 10.1 through NR 10.7 would reduce or avoid impacts to riparian areas by ensuring cooperation with resource protection agencies, organizations, and conservation plans, and limiting or placing constraints on future development within Identified ESAs or areas containing significant or rare biological resources. In addition, Policies NR 13.1 and NR 13.2 would protect wetlands and their riparian habitat, and require a survey and

analysis of future development within a delineated wetland area under the Project. An indirect impact to riparian habitat could result from the future development of existing vacant sites. The placement of development next to riparian habitats would disturb wildlife that rely on these areas for shelter and food and could also result in the degradation of these areas through the introduction of feral animals and contaminants that are typical of urban uses. Because federal regulations do not specifically address protection of riparian vegetation under the Section 404 permitting process, and the fact that the CDFG Section 1600 SAA is a negotiated agreement, some unmitigated loss of riparian resources may occur. Therefore these regulations would not serve to fully protect and manage riparian habitat under future development. However, the aforementioned General Plan policies and MM BIO-1 would serve to regulate indirect impacts future development could have on riparian habitats. Therefore, the Project impacts associated with riparian habitats would be less than significant with mitigation.

Mitigation Measures

MM BIO-1 is applicable.

Cultural Resources

"Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?"

Finding

The City adopts CEQA Finding 1 (State CEQA Guidelines §15091(a)(1)). The City finds that MM CUL-2 is feasible, is adopted, and will reduce the cultural resources impacts of the Project to a less than significant level. Accordingly, the City finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid potentially significant archeological resource impacts of the Project identified in the Program EIR.

Basis for Conclusion: Future development facilitated by the Project could involve ground-disturbing activities such as grading or excavation that could directly or indirectly impact undiscovered subsurface archaeological resources. Should archaeological deposits be encountered during project ground disturbance, a substantial adverse change in the significance of the archaeological resource could occur. Undeveloped sites often have a higher potential for the presence of unknown archaeological resources as the likelihood of encountering archaeological resources is greatest on sites that have been minimally excavated in the past. Previously excavated areas are generally considered to have a lower potential for archaeological resources since the soil containing the archaeological resources has been removed or previously disturbed. However, the depth of subsurface excavation would influence whether previously undisturbed areas are impacted. Therefore, the vacant housing sites have more potential to contain archaeological resources. Sites 110-118, 120-124, and 126-131 are vacant and any future development could have the potential to contain archaeological resources.

Surface and shallow subsurface archaeological deposits at the housing sites have likely been destroyed or heavily disturbed because of previous development. However, future development still has the potential to disturb and potentially destroy subsurface prehistoric/historic archaeological resources through grading and development; therefore, future development would be subject to City Council Policy K-5, which requires preservation of significant archeological and tribal cultural resources (SC CUL-1).

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

For those housing sites in the coastal zone, the City's Coastal Land Use Plan (CLUP) includes applicable policies. CLUP Policy 4.5-1 requires an in situ or site-capping preservation plan or a recovery plan for mitigating the effect of the development where avoidance is not feasible. CLUP Policy 4.5.1-2 requires monitoring during grading and excavation by a qualified archeologist and describes the process for determination of significance and mitigation should archaeological resource be discovered. CLUP Policy 4.5.1-3 requires the notification of cultural organizations of proposed developments that have the potential to adversely impact cultural resources and to allow monitoring during grading and/or excavation. CLUP Policy 4.5.1-4 addresses the disposition of archaeological materials when in situ preservation and avoidance are not feasible. CLUP Policy 4.5.1-5 requires an archeological/cultural resources monitoring plan that identifies monitoring methods, procedures to be followed should additional or unexpected archeological/cultural resources be encountered during site development.

In addition to the noted policies, MM CUL-2 is required, which requires the preparation of an archaeological survey where deemed necessary by the City. Following compliance with General Plan and Coastal Land Use Plan policies, and MM CUL-2, the Project's potential to cause a substantial adverse change in the significance of an archaeological resource would be reduced to a less than significant level.

Standard Conditions of Approval

SC CUL-1 In compliance with City Council Policy K-5, prior to the issuance of a grading permit by the City of Newport Beach, the Applicant shall retain a qualified archaeologist to periodically monitor ground-disturbing activities onsite and provide documentation of such retention to the City of Newport Beach Community Development Director. The archaeologist shall train project construction workers on the types of archaeological resources that could be found in site soils. The archaeologist shall periodically monitor project ground-disturbing activities. During construction activities, if Native American resources (i.e., Tribal Cultural Resources) are encountered, a Cultural Resource Monitoring and Discovery Plan (CRMDP) shall be created and implemented to lay out the proposed personnel, methods, and avoidance/recovery framework for tribal cultural resources monitoring and evaluation activities within the project area. A consulting Native American tribe shall be retained and compensated as a consultant/monitor for the project site from the time of discovery to the completion of ground disturbing activities to monitor grading and excavation activities. If archaeological resources are encountered, all construction work within 50 feet of the find shall cease, and the archaeologist shall assess the find for importance and whether

preservation in place without impacts is feasible. Construction activities may continue in other areas. If, in consultation with the City and affected Native American tribe (as deemed necessary), the discovery is determined to not be important, work will be permitted to continue in the area. Any resource that is not Native American in origin and that cannot be preserved in place shall be curated at a public, nonprofit institution with a research interest in the materials, such as the South Central Coastal Information Center at California State University, Fullerton.

Mitigation Measures

MM CUL-2 Prior to any earth-disturbing activities (e.g., excavation, trenching, grading) that could encounter undisturbed soils, the project-level applicant for future development shall retain an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology to determine if site-specific development allowed under the General Plan Update could result in a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines. The investigation shall include, as determined appropriate by the archaeologist and the City of Newport Beach, an updated records search of the South Central Coastal Information Center of the California Historical Resources Information System, updated Native American consultation, and a pedestrian survey of the area proposed for development. The results of the investigation shall be documented in a technical report or memorandum that identifies and evaluates any archaeological resources within the development area and includes recommendations and methods for eliminating or avoiding impacts on archaeological resources or human remains. The measures shall include as appropriate, subsurface testing of archaeological resources and/or construction monitoring by a qualified professional and, if necessary, appropriate Native American monitors identified by the applicable tribe and/or the Native American Heritage Commission.

Noise

"Would the Project result in the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?"

Finding

The City adopts CEQA Finding 1 (State CEQA Guidelines §15091(a)(1)). The City finds that MM-NOI 1 is feasible, is adopted, and will reduce the potential noise impacts of the Project to a less than significant level. Accordingly, the City finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid potentially significant noise impacts of the Project identified in the Program EIR.

Basis for Conclusion: Short-term construction activities could result in groundborne vibration impacts at noise sensitive receptors within the City depending on the site location, duration of construction activities, and equipment used at the construction site. Similar to noise, groundborne vibration rapidly attenuates with distance. Groundborne vibration would primarily impact vibration sensitive land uses (e.g., nonengineered timber and masonry buildings) located adjacent to or proximate to individual project sites. Vibration velocities from typical heavy construction equipment operations at 25 feet from the activity source would not exceed the FTA's 0.2 inch/second threshold, except for pile driving activities. Vibration velocities from pile driving activities at 50 feet from the activity source would exceed the 0.2 the

inch/second threshold. Construction-related activities that involve pile driving and occur 50 feet from a vibration sensitive land use (i.e., non-engineered timber and masonry buildings) could exceed the 0.2 the inch/second threshold. The Project has the potential to expose persons or structures to, or generate excessive groundborne vibration or groundborne noise levels. MM NOI-1 requires a preconstruction survey of all buildings within a 50-foot radius of proposed construction activities that involve pile driving, and that alternative methods be utilized. With implementation of MM NOI-1, construction vibration impacts would be less than significant.

Residential uses are not expected to generate excessive groundborne vibration or groundborne noise. Future development under the Project would not involve railroads or heavy truck operations, and therefore would not result in vibration impacts at surrounding uses. Therefore, operational activities associated with future residential development from the Project would be less than significant.

Mitigation Measures

MM NOI-1 To avoid impacts to vibration sensitive land uses (i.e., non-engineered timber and masonry buildings) located within a 50-foot radius of pile driving activities, prior to demolition, grading, or building permit approval, the following measures shall be specified on the Project plans and implemented during construction:

- Pile driving within a 50-foot radius of vibration sensitive land uses shall utilize alternative installation methods (e.g., pile cushioning, jetting, predrilling, cast-in-place systems, resonance-free vibratory pile drivers) such that vibration velocities from the alternative construction activity would fall below the 0.2 Inch/second threshold.
- The preexisting condition of all vibration sensitive land uses within a 50-foot radius of proposed pile driving shall be documented during a preconstruction survey. The preconstruction survey shall determine conditions that exist before construction begins for use in evaluating damage caused by pile driving, if any. Fixtures and finishes susceptible to damage and within a 50-foot radius of pile driving shall be documented (photographically and in writing) prior to demolition, grading, or building permit approval. All damage shall be repaired/restored to its preexisting condition.

Transportation

"Would the Project conflict or be inconsistent with State CEQA Guidelines Section 15061.3(b)?"

Finding

The City adopts CEQA Finding 1 (State CEQA Guidelines §15091(a)(1)). The City finds that MM TRANS-1 is feasible, is adopted, and will reduce the potential transportation impacts of the Project to less-than-significant levels. Accordingly, the City finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid potentially significant transportation impacts of the Project identified in the Program EIR.

Basis for Conclusion: The Existing Citywide Vehicle Miles Traveled (VMT) is 5,096,931, generated by a Service Population (population + employees) of 165,123 SP, resulting in 30.9 VMT/SP. The VMT for the Project is 6,139,436, generated by a Service Population of 202,944 SP, resulting in 30.3 VMT/SP, a

decrease of 0.6 VMT/SP from existing conditions. The Project would decrease the amount of travel per individual that is forecast to occur in comparison to the existing conditions.

The General Plan Baseline (Buildout Land Use) was analyzed to determine, at a programmatic level, whether the Project would improve or worsen the VMT in comparison to the City's horizon year No Project condition. The Buildout Land Use VMT would be 6,006,700, generated by a Service Population of 186,367 SP, resulting in 32.2 VMT/SP. A comparison of the VMT indicates that from Existing to Buildout Land Use there is an increase of 909,769 VMT. The Project VMT/SP is lower in comparison to the Buildout Land Use VMT/SP. The VMT/SP for the Buildout Land Use is 32.2, which is more than the Project's VMT/SP. The Project decreases the amount of travel per individual that is forecast to occur in comparison to the Buildout Land Use. The Project would place more housing near to where the employment is located, reducing Citywide VMT/SP in comparison to the Buildout Land Use. This is because the Project would develop more housing proximate to where employment is located, reducing Citywide VMT/SP in comparison to the 2006 General Plan Baseline (Buildout Land Use).

While Project implementation would decrease the Citywide VMT/SP, the VMT/SP varies for each individual Traffic Analysis Zone (TAZ). Generally, in areas with a mix of residential and employment uses, VMT/SP is generally lower than in areas that have more uniform land uses. A reduction in VMT can be attributed to the introduction of housing units within areas that are currently characterized by predominantly office uses, resulting in a more balanced land uses. In other areas, VMT/SP increases due to a change from no residents (existing non-residential land uses) to a residential population greater than employment in the TAZ.

As future projects are proposed, their VMT generation characteristics may incorporate Transportation Demand Management (TDM) programs such as telecommuting and working from home incentives, accommodations for pedestrians and bicyclists, and transit service availability. These measures would be evaluated against established thresholds. Project-specific VMT impacts and the potential for mitigation would be identified for each project if the project triggers CEQA review. Future ministerial development projects would not require a subsequent environmental review but would be still be subject to review under the City's development review process.

The Newport Beach VMT Guidelines provide details on appropriate "screening thresholds" that can be used to identify when a proposed land use project is anticipated to result in a less than significant impact without conducting a more detailed analysis. Screening thresholds relate to Transit Priority Areas (TPAs), low VMT areas, and daily trip generation. The VMT screening analysis, provides the results for each TAZ within housing Focus Areas and whether further analysis would be required, consistent with the screening thresholds in the City SB 743 VMT Implementation Guide, and included as MM TRANS-1. Future housing projects compliance with the VMT screening criteria and MM TRANS-1 would result in a less than significant impact concerning VMT. For future housing projects that do not satisfy VMT screening criteria, a full VMT analysis would be necessary for that development, and a VMT impact may or may not occur. The Project would not conflict with or be inconsistent with State CEQA Guidelines Section 15064.3(b) upon implementation of MM TRANS-1, which outlines VMT reduction measures for future projects that are not able to screen out from VMT analysis.

Mitigation Measures

MM TRANS-1 Vehicle Miles Traveled (VMT). Prior to issuance of a building permit, one or more of the following measures shall be implemented to reduce VMT-related impacts associated with future projects that are not able to be screened out of the VMT analysis process such that

the development's VMT is below the low VMT thresholds recommended by the Office of Planning and Research or adopted by the City of Newport Beach at the time of the development application:

- Modify the project's-built environment characteristics to reduce VMT generated by a project.
- Implement Transportation Demand Management strategies pursuant to reduce VMT generated by a project.
- Participate in a Fair Share Traffic Impact Fee program or VMT mitigation banking program, if available.

Examples of potential measures to reduce VMT include, but are not limited to, the following: Improve or increase access to transit; Increase access to common goods and services, such as groceries, schools, and daycare; Incorporate affordable housing into the project; Orient the project toward transit, bicycle, and pedestrian facilities; Improve pedestrian or bicycle networks, or transit service; Provide traffic calming; Provide bicycle parking; Limit or eliminate parking supply; Unbundle parking costs; Implement or provide access to a commute reduction program; Provide car-sharing, bike sharing, and ride-sharing programs; Provide transit passes.

Tribal Cultural Resources

"Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: a) listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k) or b) a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe."

Finding

The City adopts CEQA Finding 1 (CEQA Guidelines §15091(a)(1)). The City finds that MM TCR-1 and MM TCR-2 are feasible and are adopted. Accordingly, the City finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid potentially significant tribal cultural resources impacts of the Project identified in the Program EIR.

Basis for Conclusion: Of the 247 housing sites, all are developed/occupied by structures except 21 sites. Sites 110-118, 120-124, 126-131, and 215 are vacant. Therefore, almost all of the housing sites have been subject to ground disturbing activities. Notwithstanding, previously recorded known cultural resources have been identified within the City and the Native American Heritage Commission's (NAHC) Sacred Lands File database search was positive indicating known tribal cultural resources are present within the City.

Site disturbance does not preclude the presence of undiscovered and potentially sensitive tribal cultural resources. Future housing development on the housing sites would involve ground-disturbing activities such as grading and excavation that could directly or indirectly impact tribal cultural resources that could cause a substantial adverse change in the significance of a tribal cultural resource.

Future development facilitated by the Project would be subject to City Council Policy K-5, which requires preservation of significant archeological and tribal cultural resources (SC CUL-1). Compliance with General Plan Policy HR 2.1, Policy HR 2.2 and Policy NR 18.1 require new development projects to identify and protect important archaeological resources within the City and these policies are considered applicable to potential Native American tribal cultural resources. General Plan Policy HR 2.1 and Policy NR 18.1 requires that new development protects and preserves archaeological resources from destruction and avoids or mitigates impacts to such resources. General Plan Policy HR 2.2 requires any future development with the potential to affect archaeological resources to have a qualified archeologist on site to monitor all ground-disturbing activities and outlines the procedure if such resources are found. General Plan Policy HR 2.3 and Policy NR 18.3 require the notification of cultural groups to proposed development adversely impacting cultural resources and permitting monitoring during grading. Additionally, Policy HR 2.4 and Policy NR 18.4 require any new development, where on-site preservation is infeasible, to donate archaeological resources to responsible institutions. Compliance with these City policies would ensure that future development facilitated by the Project would protect and preserve archaeological and tribal resources from destruction during new development construction facilitated by the Project.

For those housing sites in the coastal zone, the City's CLUP includes applicable policies. CLUP Policy 4.5-1 requires an in situ or site-capping preservation plan or a recovery plan for mitigating the effect of the development where avoidance is not feasible. CLUP Policy 4.5.1-2 requires monitoring during grading and excavation by a qualified archeologist and describes the process for determination of significance and mitigation should archaeological resource be discovered. CLUP Policy 4.5.1-3 requires the notification of cultural organizations of proposed developments that have the potential to adversely impact cultural resources and to allow monitoring during grading and/or excavation. CLUP Policy 4.5.1-4 addresses the disposition of archaeological materials when in situ preservation and avoidance are not feasible. CLUP Policy 4.5.1-5 requires an archeological/cultural resources monitoring plan that identifies monitoring methods, procedures to be followed should additional or unexpected archeological/cultural resources be encountered during development of the site.

In addition to the aforementioned policies, the City would require that future development comply, as a mitigation measure (or standard condition for by-right projects), with MM TCR-1 and MM TCR-2. MM TCR-1 requires project-specific applicants to retain a qualified professional and, if necessary, appropriate Native American monitors identified by the applicable tribe (e.g., the Gabrielino Tongva Nation) and/or the NAHC, prior to any earth-disturbing activities to determine if a project would cause a substantial adverse change in the significance of a tribal cultural resources. MM TCR-2, which requires all earth-disturbing activity within 100 feet of a tribal cultural resources discovery/find to be halted, the City to be notified, and impacts to any significant resources be mitigated to a less than significant level through data recovery or other methods determined adequate by the appropriate Native American monitors. The Project's potential impacts associated with causing a substantial adverse change in the significance of tribal cultural resources would be reduced to a less than significant level.

Standard Conditions of Approval

SC CUL-1 and SC CUL-2 are applicable.

Mitigation Measures

MM TCR-1 Unanticipated Discovery of Tribal Cultural and Archaeological Resources: Upon discovery of any tribal, cultural, or archaeological resources during ground-disturbing activities for future development facilitated by the Project, the applicant shall immediately cease such activities in the immediate vicinity. The find will then be assessed by a qualified archeologist retained by the applicant and a tribal monitor/consultant approved by the consulting tribe. The applicant shall promptly notify the City Planning Division to the discovery of resources. If the resources are Native American in origin, the consulting tribe shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the tribe will request preservation in place or recovery for educational purposes. At the direction of the qualified archaeologist and tribal monitor/consultant, and in coordination with the Planning Division, work may continue on other parts of the affected site while evaluation and, if necessary, additional protective measures are completed at the affected portion of the site pursuant to State CEQA Guidelines Section 15064.5(f). If a resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource," time and funding to allow for sufficient implementation of avoidance measures must be made available. The treatment plan established for the resources shall be in accordance with State CEQA Guidelines Section 15064.5(f) for historical resources.

Preservation in place (i.e., avoidance) is the preferred manner of treatment upon identification of unique archeological resources (PRC §21083.2(b)). If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. All tribal cultural resources shall be returned to the consulting tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials. Acceptance and curation of the historic archeological materials will be at the discretion of the institution. If no institution accepts the archaeological material, they shall be offered to the consulting tribe or the responsible public or private institution with suitable repository for educational purposes.

MM TCR-2 If evidence of an archaeological site or other suspected historical resource as defined by CEQA Guidelines Section 15064.5, including darkened soil representing past human activity ("midden"), that could conceal material remains (e.g., worked stone, fired clay vessels, faunal bone, hearths, storage pits, or burials) are discovered during any project-related earth-disturbing activities (including projects that would not encounter undisturbed soils), all earth-disturbing activity within 100 feet of the find shall be halted and the City's Planning Department shall be notified. The project-level applicant shall retain an archaeologist who meets the U.S. Secretary of the Interior's Professional Qualifications Standards for Archaeology to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less than significant level through data recovery or other methods determined adequate by the archaeologist and that are consistent with the U.S.

Secretary of the Interior's Standards for Archaeological Documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 form and filed with the appropriate Information Center.

Wildfire

"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?"

Finding

The City adopts CEQA Finding 1 (State CEQA Guidelines §15091(a)(1)). The City finds that MM W-1 is feasible, is adopted, and will reduce the potential wildfire impacts of the Project to a less than significant level. Accordingly, the City finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid potentially significant wildfire impacts of the Project identified in the Program EIR.

Basis for Conclusion: Of the 247 housing sites, there are two housing sites (i.e., a small portion of housing site 131) is located within the VHFHSZ (northwestern edge) and all of housing site 336 is within a VHFHSZ. Both sites are in the Coyote Canyon Focus Area. The remaining sites are not in or proximate to a VHFHSZ.

The City has adopted and implemented programs to reduce and prevent risks associated with wildfire including Municipal Code Section 2.20.050 (Emergency Operations Plan), Municipal Code Chapter 9.04 (Fire Code), and Municipal Code Chapter 15.04 (Building Code). Municipal Code Sections 9.04.110 through 9.04.160 require compliance with emergency access design standards as part of new construction of roads to provide sufficient access for emergency equipment. The Fire Code sets standards for road dimension, design, grades, and other fire safety features. CBC standards also apply regarding new construction and development of emergency access issues associated with earthquakes, flooding, climate, strong winds, and water shortages. Future development would be required to comply with applicable building and fire safety regulations required for the design of new housing and emergency access.

In the case of a wildfire evacuation, an increase in housing development would incrementally increase vehicular traffic on evacuation routes. Development on housing sites 131 and 336, which are located within a VHFHSZ, could potentially impair implementation of or physically interfere with the emergency response or evacuation plans. All future residential development in VHFHSZs would be subject to compliance with the Fire Safe Development Regulations as specified in Title 14. Additionally, the City would require as a mitigation measure (or standard condition for by-right projects), MM W-1 which requires the preparation of a fire protection plan for those sites within or adjacent to a VHFHSZ.

Future development on the housing sites would be required to go through the City's development review and permitting process and would be required to comply with the regulations and measures to maintain adequate availability of emergency services during an emergency response or an emergency evacuation. As a result, the Project would not substantially impair an adopted local or county-wide emergency response or evacuation plan. Therefore, impacts would be mitigated to a less than significant level.

Mitigation Measures

MM W-1 Prior to issuance of a grading permit for sites within or adjacent to a Very High Fire Hazard Safety Zone (VHFHSZ), the project applicant shall prepare a Fire Protection Plan (FPP). Prior to preparation of an FPP, the project applicant shall coordinate with City of Newport Beach

Fire Department to ensure that modeling of the FPP and design of the Project is appropriate to meet the requirements and standards of the City. The FPP shall be subject to the review and approval from the Fire Department. The FPP shall assess the Project's compliance with current regulatory codes and ensure that impacts resulting from wildland fire hazards have been adequately mitigated. The FPP shall also specifically identify the need for fire protection systems, water availability for structural firefighting, construction requirements, fire department access, locations and spacing of fire hydrants, fire-smart landscaping, and appropriate defensible space around structures (Fuel Modification Zones).

"If located in or near State Responsibility Areas (SRAs) or lands classified as Very High Fire Hazard Severity Zones (VHFHSZ), would the Project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?"

Finding

The City adopts CEQA Finding 1 (State CEQA Guidelines §15091(a)(1)). The City finds that MM W-1 is feasible, is adopted, and will reduce the potential wildfire impacts of the Project to less-than-significant levels. Accordingly, the City finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid potentially significant wildfire impacts of the Project identified in the Program EIR.

Basis for Conclusion: Housing sites 131 and 336 are located partially or totally within a VHFHSZ in the Coyote Canyon Focus Area. Development of future residential units on these sites are subject to higher wildfire hazards due to slope and prevailing winds based on their location which would consequently result in higher fire-related risks to people and structures. Sites within existing developed area would not exacerbate wildfire risk. Adherence to mandatory fire prevention requirements and regulations, including the California Fire Code Chapter 49 (Requirements for WUI Fire Areas) would require applicants to prepare a fire protection plan for any sites located in the VHFHSZ or WUI areas. California Fire Code Chapter 49 requirements are provided as MM W-1. Therefore, following compliance with the established regulatory framework and with MM W-1 incorporated, a less than significant impact would occur concerning exposure of project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

Mitigation Measures

MM W-1 is applicable.

Section 5: Environmental Impacts Found to be Significant and Unavoidable

Where, as a result of the environmental analysis of the Project, the City has determined that either (1) even with compliance with existing laws, codes and statutes, and/or the identification of feasible mitigation measures, potentially significant impacts cannot be reduced to a less than significant level, or (2) no feasible mitigation measures or alternatives are available to mitigate the potentially significant impact, the City has found in accordance with CEQA Section 21081(a)(3) and State CEQA Guidelines Section 15091(a)(3) that "Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report," referred to herein as "Finding 3". This section identifies the significant unavoidable impacts that require a statement of overriding considerations to be issued by the City, pursuant to State CEQA Guidelines Section 15093 if the Project is approved.

Aesthetics

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

Finding

The City adopts CEQA Finding 3 (State CEQA Guidelines §15091(a)(3)) because even with compliance with applicable policies, ordinances, and regulations, the Project will still have a significant and unavoidable impact with respect to development within the Banning Ranch Focus Area. There are no feasible mitigation measures to reduce this impact to a less than significant level, and there are no feasible alternatives to avoid the identified unavoidable significant impact. Pursuant to PRC Section 21081(a)(3), as described in the Statement of Overriding Consideration, the City has determined that there are specific economic, social, and other public benefits that outweigh the significant unavoidable impacts associated with the potential development of Banning Ranch. However, potential impacts associated with aesthetics and visual resources for the remainder of the housing sites would be less than significant.

Basis for Conclusion: Impacts could occur if future housing development would introduce new sources of light and glare on a housing site or proximate to a housing site. A majority of the housing sites are developed and/or located adjacent to developed parcels with existing sources of lighting and/or glare. Housing sites 23 through 26 within the Airport Area Focus Area, housing site 215 within the West Newport Mesa Focus Area, housing site 131 within the Coyote Canyon Focus Area, and the housing sites within the Banning Ranch Focus Area (Sites 110-118, 120-124, and 126-131) do not contain existing sources of lighting or glare.

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

Residential and non-residential development, including roadways and a park, would introduce new sources of nighttime lighting, which would affect the existing adjacent uses. In addition, the new sources of nighttime lighting could also affect the sensitive habitat areas associated with Banning Ranch. The General Plan EIR found that the introduction of new sources of lighting associated with development of Banning Ranch would be considered significant and unavoidable. Therefore, consistent with the Newport Beach General Plan EIR, if housing development occurs within the Banning Ranch Focus Area, impacts would be significant and unavoidable. With respect to the Banning Ranch Focus Area, this Focus Area includes 19 housing sites on 30 acres with 1,475 dwelling units. Banning Ranch is considered as additional dwelling unit opportunity in addition to those that accommodate the RHNA.

Air Quality

“Would the Project conflict with or obstruct implementation of the applicable air quality plan?”

Finding

The City adopts CEQA Finding 3 (State CEQA Guidelines §15091(a)(3)) because even with compliance with applicable policies, ordinances, and regulations, the Project will still have a significant and unavoidable impact concerning air quality plan consistency. There are no feasible mitigation measures to reduce this impact to a less than significant level and there are no feasible alternatives to avoid the identified unavoidable significant impact. Pursuant to PRC Section 21081(a)(3), as described in the Statement of Overriding Consideration, the City has determined that there are specific economic, social, and other public benefits that outweigh the significant unavoidable impacts associated with the Project.

Basis for Conclusion: The Project is subject to the 2022 Air Quality Management Plan Air (AQMP). Criteria for determining consistency with the AQMP are defined in the South Coast Air Quality Management District (SCAQMD CEQA Handbook, Chapter 12, Section 12.2, and Section 12.3.

The determination of 2022 AQMP consistency is primarily concerned with the long-term influence of a project on air quality in the air basin. The Project would result in a long-term impact on the region’s ability to meet State and federal air quality standards. Further, the Project would conflict with the 2022 AQMP goals and policies. Implementation of mitigation measures and compliance with SCAQMD rules would reduce conflicts and obstruction of the AQMP; however, the combined emissions from future development would exceed the SCAQMD significance thresholds for criteria pollutants. Exceeding these thresholds has the potential to hinder the region’s compliance with each AQMP. Therefore, because the Project would conflict with the growth assumptions in the AQMP and would exceed the SCAQMD daily emissions thresholds during long-term operations, and because there are no feasible mitigation measures to reduce this impact to a less than significant level, the Project would result in a significant and unavoidable impact concerning air quality plan consistency.

“Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard?”

Finding

The City adopts CEQA Finding 3 (State CEQA Guidelines §15091(a)(3)) because even with compliance with applicable policies, ordinances, and regulations, the Project will still have a significant and unavoidable impact concerning long-term operational air quality emissions. There are no feasible mitigation measures to reduce this impact to a less than significant level and there are no feasible alternatives to avoid the

identified unavoidable significant impact. Pursuant to PRC Section 21081(a)(3), as described in the Statement of Overriding Consideration, the City has determined that there are specific economic, social, and other public benefits that outweigh the significant unavoidable impacts associated with the Project.

Basis for Conclusion: In analyzing cumulative impacts for future housing development facilitated by the Project, an analysis must specifically evaluate a development's contribution to the cumulative increase in pollutants for which the CARB is designated as nonattainment for the CAAQS and NAAQS. The SCAB is designated as a federal nonattainment area for O₃, PM₁₀, and PM_{2.5}. The SCAQMD air basin is designated as a State nonattainment area for O₃, PM_{2.5}, and lead (partial). The nonattainment status is the result of cumulative emissions from all sources of these air pollutants and their precursors within the air basin.

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

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

"Would the Project expose sensitive receptors to substantial pollutant concentrations?"

Finding

The City adopts CEQA Finding 3 (State CEQA Guidelines §15091(a)(3)) because even with compliance with applicable policies, ordinances, and regulations, the Project will still have a significant and unavoidable impact concerning localized air quality impacts. At a programmatic level of analysis, there are no feasible mitigation measures to reduce this impact to a less than significant level and there are no feasible alternatives to avoid the identified unavoidable significant impact. Pursuant to PRC Section 21081(a)(3), as described in the Statement of Overriding Consideration, the City has determined that there are specific economic, social, and other public benefits that outweigh the significant unavoidable impacts associated with the Project.

Basis for Conclusion: Localized Pollutant Concentrations. Because the specific details (e.g., size, construction phasing, equipment, earthwork volumes, etc.) for individual future residential projects are unknown at this time, project-level analysis for localized pollutant concentrations impacts cannot be accurately determined using SCAQMD's localized significance thresholds (LST) analysis methodology.

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

Cultural Resources

“Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?”

Finding

The City adopts CEQA Finding 1 (State CEQA Guidelines §15091(a)(1)). The City finds that MM CUL-1 is feasible and adopted. Although MM CUL-1 is feasible and will be adopted by the City, the City adopts CEQA Finding 3 (State CEQA Guidelines §15091(a)(3)) because even with compliance with applicable policies, ordinances, and regulations, the Project will still have a significant and unavoidable impact concerning the potential loss of historically significant structures and resources. There are no feasible mitigation measures to reduce this impact to a less than significant level and there are no feasible alternatives to avoid the identified unavoidable significant impact. Pursuant to PRC Section 21081(a)(3), as described in the Statement of Overriding Consideration, the City has determined that there are specific economic, social, and other public benefits that outweigh the significant unavoidable impacts associated with the Project.

Basis for Conclusion: All of the housing sites, except Sites 110-118, 120-124, and 126-131, are developed and therefore have the potential to contain a structure that would meet, now or in the future, the criteria as a historical resource, as determined by the National Register of Historic Places (NRHP) or the California Register of Historic Resources (CRHR) during future construction of housing units. Therefore, future housing development facilitated by the Project could cause a substantial adverse change in the significance of a historical resource on the housing sites.

Future projects facilitated would be subject to the City’s development review process and required under to comply with applicable regulations including applicable General Plan policies. General Plan Historical Resources Element Policies HR 1.2, HR 1.4, HR 1.5, HR 1.6, and HR 1.7 are in place to protect historically significant landmarks, sites, and structures within the City. General Plan Land Use Element Policy LU 6.8.6 addresses development on the Balboa Peninsula. Specifically, Policies HR 1.5 through 1.7 outline requirements that future development would be required to comply with to protect historically significant resources. Policy HR 1.5 requires that proposed development located on a historical site or structure incorporate a physical link to the past within the site or structural design if preservation or adaptive reuse is not a feasible option. Policy HR 1.6 requires that prior to the issuance of a demolition or grading permit, developers of a property that contains a historic structure, as defined by State CEQA Guidelines, retain a qualified consultant to record the structure in accordance with U.S. Secretary of Interior guidelines and submit the information to the City’s Historical Society, Orange County Public Library, and City Planning Department. Policy HR 1.7 further requires that prior to the demolition of a historic structure, developers offer the structure for relocation by interested parties. Policy LU 6.8.6 addresses the historic character of

the Balboa Peninsula and requires development on the Balboa Peninsula to be compatible with the scale, mass, and materials of existing structures, while allowing opportunities for architectural diversity.

The City can require any future housing development on sites with potential historic resources to conduct site-specific evaluation prior to any alteration, demolition, relocation, or new development to determine the presence of historically significant resources. This site-specific analysis would be used to determine, prior to the approval of future development permits, if the proposed development has the potential to impact a significant historical resource, or whether the existing development or property is eligible for listing on the NHRP, CRHR, or local listing. Any future development would be required to comply with applicable federal, State, and local laws that concern the preservation of historical resources, including the National Historic Preservation Act and CEQA.

Since various structures on housing sites could age beyond 50 years during Project implementation, any future development facilitated on a site with buildings or structures aged 50 years or more having its original structural integrity intact would be required to comply with MM CUL-1, which requires the applicant to retain a qualified professional historian to determine whether the affected buildings or structures are historically significant. As set forth in the General Plan EIR, the City's General Plan policies do not preclude the alteration or demolition of known historically significant resources or resources that have not yet been evaluated for potential historical significance. Because the demolition of a historic significant resource would be a physical effect on the environment and neither the City's General Plan or CEQA statutes precludes this demolition or alteration, the potential loss of historically significant structures and resources would be a significant unavoidable impact. This finding is consistent with the General Plan EIR.

Mitigation Measures

MM CUL-1 Applications for future development facilitated by the Project, where the City has determined a potential for impacts to historic resources, shall be required to comply with the following mitigation framework:

For any building/structures in excess of 50 years of age having its original structural integrity intact, the applicant shall retain a qualified professional historian to determine whether the affected building/structure is historically significant. The evaluation of historic architectural resources shall be based on criteria such as age, location, context, association with an important person or event, uniqueness, or structural integrity, as indicated in State CEQA Guidelines Section 15064.5. A historical resource report shall be submitted by the applicant to the City and shall include the methods used to determine the presence or absence of historical resources, identify potential impacts from the proposed project, and evaluate the significance of any historical resources identified.

Greenhouse Gas Emissions

"Would the Project generate greenhouse gas emissions, either directly or indirectly, that could have a significant impact on the environment?"

Finding

The City adopts CEQA Finding 1 (State CEQA Guidelines §15091(a)(1)). The City finds that MM GHG-1 is feasible and adopted. Although MM GHG-1 is feasible and will be adopted by the City, the City adopts CEQA Finding 3 (State CEQA Guidelines §15091(a)(3)) because even with compliance with applicable

policies, ordinances, and regulations, the Project will still have a significant and unavoidable impact concerning GHG emissions. There are no feasible mitigation measures to reduce this impact to a less than significant level and there are no feasible alternatives to avoid the identified unavoidable significant impact. Pursuant to PRC Section 21081(a)(3), as described in the Statement of Overriding Consideration, the City has determined that there are specific economic, social, and other public benefits that outweigh the significant unavoidable impacts associated with the Project.

Basis for Conclusion: Construction-related GHG emissions are typically site specific and depend upon multiple variables. Quantifying individual future development's GHG emissions from short-term, temporary construction-related activities is not possible due to project-level variability and uncertainties concerning detailed site plans, construction schedules/duration, equipment requirements, etc., among other factors, which are presently unknown. Since these parameters can vary so widely (and individual project-related construction activities would occur over time dependent upon numerous factors), quantifying precise construction-related GHG emissions and impacts would be speculative and impractical. Depending on how development proceeds, construction-related GHG emissions associated with future development could exceed SCAQMD thresholds of significance.

Future housing development facilitated by Project would generate long-term operational emissions. The total daily operational emissions that could potentially be generated over the life of Project were estimated using the CalEEMod Version 2022.1.0. The annual emissions range from buildout of the Project would total approximately 499 MTCO₂e to 5,991 MTCO₂e. Therefore, the Project would generate increases in GHG emissions from both the construction and operation of new housing. 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 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). Projects would need to demonstrate compliance with the City's GHG thresholds. MM GHG-1 requires future development to conduct a project-level GHG emissions impact assessment and mitigate potentially significant emissions to the extent feasible. A future development project with GHG emissions below SCAQMD thresholds is considered to have a less than significant impact. Future development projects that are allowed "by right" would be required to submit substantiation to the City demonstrating GHG emissions would be less than significant or otherwise have to prepare CEQA documentation. At the program level, the Project's GHG emissions would exceed SCAQMD thresholds. In addition, due to the forecast population growth and GHG emissions associated with future development, and the lack of specificity of future development, program-level GHG emissions impacts would remain significant and unavoidable after implementation of mitigation.

Mitigation Measures

MM GHG-1 Prior to demolition, grading, or building permit approval, and in accordance with SCAQMD's guidance, a project-specific Greenhouse Gas Emissions Assessment shall be prepared for residential developments that would exceed SCAQMD's 3,000 MTCO₂e proposed threshold of significance (or those in place at the time of the development application). Future development shall mitigate GHG emissions to below SCAQMD's thresholds of significance to the extent feasible.

“Would the Project conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing the emissions of GHG?”

Finding

The City adopts CEQA Finding 3 (State CEQA Guidelines §15091(a)(3)) because even with compliance with applicable policies, ordinances, and regulations, the Project will still have a significant and unavoidable impact concerning GHG emissions at the program level. There are no feasible mitigation measures to reduce this impact to a less than significant level and there are no feasible alternatives to avoid the identified unavoidable significant impact. Pursuant to PRC Section 21081(a)(3), as described in the Statement of Overriding Consideration, the City has determined that there are specific economic, social, and other public benefits that outweigh the significant unavoidable impacts associated with the Project.

Basis for Conclusion: The significance of the GHG emissions associated with the Project have been evaluated based on whether it would be consistent with the relevant statewide and regional mandates, plans, policies and regulations to reduce GHG emissions. These include AB 32 and SB 32 (Health and Safety Code Division 25.5), AB 1279, SB 375, Connect SoCal, and other statewide and regional regulations and programs. Because the City’s existing regulatory framework incorporates sustainability goals and policies that would promote a reduction in GHG emissions, the Project would not conflict with the GHG reduction goals of Health and Safety Code Division 25.5 and associated GHG reduction plans such as Connect SoCal. Connect SoCal also strives towards enhancing the existing transportation system and integrating land use into transportation planning. Connect SoCal recommends local jurisdictions accommodate future growth within existing urbanized areas to reduce VMT, congestion, and GHG emissions. The Project would plan for the development of a minimum of 4,845 dwelling units (of which 49% are for lower income levels), thus creating opportunities for many of the employees within the City to live closer to their jobs, reducing VMT and associated GHG emissions on a regional basis. Providing new housing would create a more diverse, denser, and mixed-use City with opportunities to walk, bike, and take transit, consistent with Connect SoCal’s alignment of transportation, land use, and housing strategies. As such, the Project would be consistent with regional plans to reduce VMT and associated GHG emissions.

The Project would also be consistent with the State’s strategies in the 2022 Scoping Plan Update to reduce GHG emissions. The 2022 Scoping Plan Update relies on a broad array of GHG reduction strategies. These potential strategies include increasing the fuel economy of vehicles, reducing the rate of growth in VMT, supporting high speed rail and other alternative transportation options, and use of high efficiency appliances, water heaters, and HVAC systems. The Project would benefit from statewide, regional, and City efforts towards increasing the portion of electricity provided from renewable resources as well as statewide efforts towards increasing the fuel economy standards of vehicles. Additionally, future residential projects would continue to be subject to the City’s requirements for sustainable design, energy efficiency, water efficiency, and VMT reduction – all of which are consistent with State and regional mandates that address GHG emissions. The primary focus of many of the statewide and regional mandates, plans, policies and regulations is to address worldwide climate change. Global GHG emissions, in their aggregate, contribute to climate change, not any single source of GHG emissions alone.

Based on the above, the Project would be consistent with the California Renewables Portfolio Standard Program, SB 100, Title 24 of the CCR (Energy Code and CALGreen), SB 375, RTP/SCS and recommendations of the State Attorney General, California Office of Planning and Research, and Climate Action Team. However, due to the magnitude of the Project’s GHG emissions, impacts would be significant and unavoidable at the program level.

Noise

“Would the Project result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?”

Finding

The City adopts CEQA Finding 3 (State CEQA Guidelines §15091(a)(3)) because even with compliance with applicable policies, ordinances, and regulations, the Project will still have a significant and unavoidable impact concerning traffic noise impacts along Campus Drive between MacArthur Boulevard and Von Karman Avenue. There are no feasible mitigation measures to reduce this impact to a less than significant level and there are no feasible alternatives to avoid the identified unavoidable significant impact. Pursuant to PRC Section 21081(a)(3), as described in the Statement of Overriding Consideration, the City has determined that there are specific economic, social, and other public benefits that outweigh the significant unavoidable noise impacts associated with the Project.

Basis for Conclusion: Operations – Traffic Noise Impacts. Under “Future Plus Project” conditions, noise levels at a distance of 100 feet from the roadway centerline would range from approximately 56.0 dBA to 74.9 dBA, with the highest noise levels occurring along MacArthur Boulevard south of Ford Road. One roadway segment – Campus Drive from MacArthur Boulevard to Von Karman Avenue – would exceed the City’s noise increase standards with Project implementation. The change in traffic noise along this roadway segment would be 1.2 dBA and would exceed the City’s 1 dBA threshold for existing noise levels between 65 and 70 dBA CNEL.

The General Plan contains goals and policies to reduce traffic noise impacts at sensitive receptors, including Noise Element Goal N 2 and Policies N 1.2, N 2.1, N 2.2, and N 2.6. However, these goals and policies would only apply to the development of new sensitive residences or other sensitive receptors, as existing receptors cannot always be redesigned to include noise abatement, and it is not possible to construct noise barriers between roadways and existing development. There are four housing sites along the impacted roadway segment of Campus Drive. Existing residences are also located along the north side of Campus Drive; therefore, the Project would result in traffic noise impacts at this location.

It should be noted that the traffic noise analysis conservatively uses full buildout traffic data assuming all of the housing sites would be developed. Future development would be subject to General Plan Policy N 2.1, which requires noise sensitive uses in areas of 60 dBA and greater meet interior and exterior noise levels. Policy N 2.2 requires new residential developments to include walls, berms, interior noise insulation, double-paned windows, advanced insulation systems, or other noise measures, as appropriate to meet the 45 dBA CNEL interior standard. New noise-sensitive land uses adjacent to major arterials and within the 65-70 dBA CNEL noise contour area are required to be indoor-oriented to reduce noise impacts on outdoor living or recreational areas. Therefore, operational traffic noise would be less than significant following individual design review and compliance with the City’s noise standards, as well as General Plan policies. However, Project implementation would result in a significant increase along Campus Drive from MacArthur Boulevard to Von Karman Avenue in traffic noise levels under the current City of Newport Beach standards of significance for noise increases. Therefore, where residential development would occur along this roadway segment, traffic noise impacts would be significant and unavoidable.

Utilities and Service Systems

“Would the Project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?”

Finding

The City adopts CEQA Finding 3 (State CEQA Guidelines §15091(a)(3)) because even with compliance with federal, State, and local requirements, the water demands from future development facilitated by the Project would result in a significant and unavoidable impact concerning water supply. There are no feasible mitigation measures to reduce this impact to a less than significant level and there are no feasible alternatives to avoid the identified unavoidable significant impact. Pursuant to PRC Section 21081(a)(3), as described in the Statement of Overriding Consideration, the City has determined that there are specific economic, social, and other public benefits that outweigh the significant unavoidable impacts associated with the Project.

Basis for Conclusion: Of the 247 housing sites, 227 housing sites are currently developed and are provided with water service by the City, IRWD, or Mesa Water. Of the 20 undeveloped housing sites, 19 sites are in the Banning Ranch Focus Area and one site is in the Coyote Canyon Focus Area. Future housing development would be subject to the City’s development review process and required to adhere to all federal, State, and local requirements during construction and operation for ensuring that sufficient water supplies are available. Future development that contains 500 or more residential units would be required to prepare a Water Supply Assessment, per SB 610. Future housing development would also be subject to Title 24 CBC requirements such as smart water fixtures which would reduce water demand. Future housing projects would also be subject to Municipal Code Chapter 14.16 (Water Conservation and Water Supply Shortage Program), which establishes permanent water conservation requirements to reduce water consumption and implements the City’s Water Shortage Contingency Plan, and Municipal Chapter 14.17 (Water-efficient Landscaping), which requires water efficient landscaping consistent with SB 1383 and EO B-29-15. These housing projects would also be required to present will-serve letters or submit a Utility Service Application to the City substantiating that adequate water supplies would be available. It is also important to note that future housing development would occur incrementally, based on market conditions and other factors, such that it is not expected that water supplies are not overburdened by substantially increased demands at any single point in time.

The 2020 UWMP’s for the City, IRWD, and Mesa Water identify sufficient water supplies during normal, single-dry, and multiple-dry year scenarios from 2025 through 2045 for both imported and groundwater supplies. However, the UWMPs for the respective water districts do not account for the 6th Cycle RHNA for the municipalities they serve. Although the 6th Cycle RHNA was not accounted for in the UWMPs, water efficiency measures and continued conservation, new building standards, and a conversion of potentially high demand uses to lower demand uses has allowed water districts to adequately serve their respective users in their service areas. However, because the UWMPs did not account for the 6th Cycle RHNA, documentation is not available to substantiate that there will be sufficient water supplies available to serve future development facilitated by the Project and reasonably foreseeable future development during normal, dry and multiple dry years. Despite compliance with federal, State, and local requirements, the water demands from future development facilitated by the Project would result in a significant and unavoidable impact concerning water supply based on consistency with the UWMPs.

Section 6: Alternatives to the Proposed Project

Under CEQA, the identification and analysis of alternatives to a project is a fundamental part of the environmental review process. Public Resources Code (PRC) Section 21002.1(a) establishes the need to address alternatives in an EIR by stating that in addition to determining a project's significant environmental impacts and indicating potential means of mitigating or avoiding those impacts, "the purpose of an environmental impact report is . to identify alternatives to the project."

Unlike a typical development project or even an update to a General Plan initiated by a local agency, the Project is being undertaken to implement the City's 2021-2029 Housing Element, a state-mandated 6th Cycle RNHA that identified a specific number of new residential units that the City is required to plan for and accommodate. Each alternative was evaluated for its feasibility, its ability to attain the Project's objectives, and its ability to reduce and/or eliminate significant impacts associated with the Project.

6.1 Project Objectives

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

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

6.2 Elimination/Reduction of Significant Impacts

CEQA Guidelines Section 15126.6(b) (14 CCR) states that "Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (PRC §21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." With implementation of the Mitigation Program identified for each topical issue, many of the potentially significant impacts resulting from future development on the housing sites would be reduced to a level considered less than significant. The following topical issues are expected to result in significant and avoidable impacts even after mitigation:

- Aesthetics: light and glare (Banning Ranch)
- Air Quality
- Cultural Resources: historic resources
- Greenhouse Gas Emissions
- Noise
- Utilities and Service Systems: water supply

6.3 Alternatives Considered But Not Carried Forward

Compliance with the 6th Cycle RHNA mandate significantly narrows options available for alternatives that both meet the basic Project objectives that are driven by the RHNA issued by the Southern California Association of Governments (SCAG) as well as those capable of avoiding or substantially reducing the potentially significant impacts identified for the proposed Project. The following alternative has not been carried forward in the Program EIR because it would not meet the basic objectives of the proposed Project; was not considered feasible; and/or would not result in any substantial avoidance or minimization of impacts that are not already accommodated in the other alternatives evaluated.

Alternative Housing Sites

Under the Alternative Housing Sites scenario, the City would consider a different or broader range of sites to accommodate housing to be planned for to meet the RHNA while still meeting the basic objectives of the Project to ensure compliance with State housing law and implementation of the 2021–2029 Housing Element and avoiding or substantially reducing potentially significant environmental impacts.

As required by State Housing Law, the City adopted and HCD certified the 2021-2029 Housing Element, which identifies specific parcels/sites that may be available and suitable (e.g., avoids major constraints) for residential development in order to demonstrate that the City has adequate capacity to accommodate residential development as necessary to achieve the City's 6th Cycle RHNA. Alternate housing sites were considered but rejected during the preparation of the 2021-2029 Housing Element because they were determined to be infeasible during the City's Candidate Sites Analysis process due to regulations, site constraints, property owner interest in developing housing, community input, and existing uses. Development on a different or amended set of sites throughout the City would be unlikely to avoid or substantially lessen potentially significant impacts identified for the proposed Project as the proposed levels of residential development and population growth would remain similar and therefore result in similar environmental impacts as identified in the Program EIR for the proposed Project. Therefore, based on the City's previous detailed screening of sites throughout the City and limited or no reduction in environmental impacts, this alternative was eliminated from further consideration in the Program EIR.

6.4 Project Alternatives Considered

Alternative A: No Project Alternative

Description: There are 247 housing sites, of which only 21 sites are vacant. The No Project Alternative assumes that future development of the sites could occur consistent with the existing underlying zoning of the sites. No zoning overlays would be adopted and no General Plan Land Use Element policy amendments would occur to facilitate housing development and implement the 2021-2029 Housing Element. While the proposed Project does not consider any loss of existing on the ground development which may be displaced to accommodate 9,914 housing units, this alternative acknowledges that fewer sites would be redeveloped. It is speculative to know how many of the currently developed sites would be redeveloped. Future reuse would likely occur on these sites over time depending upon numerous factors such as market conditions, and economic and planning considerations, and at the individual property owners' discretion.

The proposed Project's housing sites inventory is intended to accommodate future housing development on identified properties, consistent with the 2021-2029 Housing Element. The No Project Alternative is the circumstance under which the actions required to implement the Housing Element would not occur.

Environmental Effects: Alternative A's environmental impacts are compared to the proposed Project in Section 6.4.1 of the Program EIR. Under Alternative A, no development would occur on 14 of the 21 vacant housing sites. The two housing sites in the Coyote Canyon Focus Area (housing sites 131 and 336) are zoned Parks and Recreation (PR). Therefore, the Coyote Canyon Focus Area assumes development of the property with active public or private recreational use. Banning Ranch is designated in the General Plan Land Use Element as OS(RV). The proposed Project does not include a zoning overlay for the Banning Ranch Focus Area. Consistent with the 2021-2029 Housing Element, Alternative A assumes the potential to accommodate 1,475 housing units (at an assumed unit yield of 50 du/ac) on 44 acres of Banning Ranch. The Banning Ranch Focus Area is included in the 2021-2029 Housing Element's sites inventory but is not assumed in order to accommodate the City's 6th Cycle RHNA growth allocation. Banning Ranch is considered as an additional dwelling unit opportunity beyond that needed to accommodate the RHNA.

While less housing development is assumed, Alternative A would not eliminate significant unavoidable impacts associated with the proposed Project. Impacts would be the same or less because no development would occur on seven sites.

Ability to Achieve Project Objectives: The City would be in noncompliance, which could lead to decertification of the 2021-2029 Housing Element by HCD. Additionally, the City would not provide adequate opportunities to implement the 2021-2029 Housing Element because the City would not approve and/or amend (1) General Plan goals and policies; (2) Housing Opportunity Overlay zoning districts for the focus areas, including housing sites in the Coastal Zone; and (3) Local Coastal Program Implementation Plan policies. Following certification by HCD, the City is required to ensure the continued and effective implementation of the Housing Element programs including, but not limited to, the provision of sufficient adequately zoned land to accommodate its share of the regional growth and its required share of lower income dwelling units consistent with the General Plan and RHNA obligations.

HCD notes that various consequences may apply if a city or county does not have a Housing Element in compliance with State Housing Element Law. First, noncompliance would result in ineligibility or delay in receiving State funds that require a compliant Housing Element as a prerequisite. Second, jurisdictions that do not meet their Housing Element requirements may face additional financial and legal ramifications. Other potential ramifications could include the loss of local land use authority to a court-appointed agent.

Future housing development facilitated by the 2021-2029 Housing Element would only occur where the proposed multi-unit use is currently consistent with applicable land use regulations; otherwise, future projects may require both amendments to General Plan land use designations and rezones.

In addition to the legal remedies available in the courts, under the Housing Accountability Act (Government Code §65589.5(d)), jurisdictions without a substantially compliant Housing Element cannot rely on inconsistency with zoning and general plan standards as a basis for denial of a housing project for Very-Low-, Low-, or Moderate-income households.

Alternative A Findings: The City Council rejects this alternative on the following grounds which provides sufficient justification for rejection of this alternative. The Project objective is to ensure compliance with State housing law and implementation of the 2021-2029 Housing Element, including an update to the City's Land Use Element and rezoning of housing opportunity sites. Alternative A would not facilitate the development of housing to ensure compliance with State housing law and implementation of the 2021-2029 Housing Element. Alternative A would not attain any of the Project objectives, including those that

are required to comply with State law, except the Alternative A would preserve the community's existing housing stock and no existing housing would be impacted.

Under the No Project Alternative, the City would not meet its 6th Cycle RHNA allocation and would result in risk of penalties and loss of eligibility for funding opportunities due to the City's noncompliance with various State housing-related laws. Therefore, this alternative would directly conflict with California Government Code Section 65583, which stipulates that a jurisdiction must implement the Housing Element and facilitate development of housing to provide for the existing and projected needs of all economic segments of the community.

Alternative B: RHNA with Reduced Buffer

Description: Alternative B assumes a reduced buffer, representing a range of units between the City's RHNA allocation (4,845 units) and the proposed Project (9,914 units), to address future "no net loss". Because future housing projects on the identified housing sites would occur incrementally over time, largely based on economic conditions, market demand, and other planning considerations, it is speculative to know how many of the housing sites will be developed, the number of housing units on a housing site, or the affordability characteristics of the projects.

This alternative would still require amendments/updates to General Plan Land Use policies, the Municipal Code, and Local Coastal Program Implementation Plan. It is not possible to know which combination of housing sites would be developed at what densities; however, the overall development capacity would result in an incremental decrease in the number of housing units and/or housing throughout the City.

Environmental Effects: Alternative B's environmental impacts are compared to the proposed Project in Section 6.4.2 of the Program EIR. This alternative was selected for analysis because it would result in a lower intensity of development that could lessen some of the Project's environmental effects. It would not, however, substantially lessen or eliminate all of the Project's significant and unavoidable effects. Potential impacts from implementation of Alternative B would be similar to the proposed Project for a majority of resource areas, and impacts would remain significant and unavoidable for air quality, cultural resources (historic resources), GHG emissions, recreation, and utilities and service systems (water supply). Alternative B would not have a significant unavoidable roadway noise impact.

Ability to Achieve Project Objectives: The RHNA identified the projected number of dwelling units needed to accommodate estimated future growth during the 6th Cycle planning period (2021-2029) at specified levels of affordability. The City's 6th Cycle RHNA allocation is 4,845 housing units, including 1,456 Very-Low-Income units and 930 Low-Income units. The City's 2021-2029 Housing Element demonstrates compliance with its RHNA obligations including the identification of housing sites.

In addition to the 6th Cycle RHNA allocation, the Program EIR includes additional housing units as a buffer to address future "no net loss" to preclude the need to identify replacement sites during 6th Cycle implementation. State Housing laws require cities and counties to identify RHNA obligations by income category. It is important to note that future housing applicants are not required to meet affordability goals. The City is obligated to ensure there is no net loss when projects are developed such that there are adequate opportunities for the City to meet its RHNA obligations, particularly in order to demonstrate that Low-Income and Very-Low-Income units are being constructed. Therefore, the proposed Project assumes a total development capacity of 9,914 units including future development capacity of up to 9,649 units on 247 housing sites, 25 units of pipeline projects, and 240 units of anticipated accessory dwelling units (ADUs).

Alternative B would meet the Project's objective to ensure compliance with State housing law and implementation of the 2021–2029 Housing Element, including an update to the City's Land Use Element goals and policies and the adoption of Housing Opportunity Zones. However, as Alternative B would include a reduced buffer, should the City have an insufficient number of remaining sites to meet its RHNA obligations in the income categories resulting in a net loss, the City would have 120 days to provide rezoning that accommodates the net loss. Although Alternative B would adopt state-mandated and locally desired programs to implement the City's Housing Element, it would not provide a buffer to address "no net loss" to the same extent as the proposed Project.

Alternative B Findings: The City Council rejects this alternative on the following grounds which provides sufficient justification for rejection of this alternative. Under Alternative B, while the City could meet its 6th Cycle RHNA allocation from future development on the housing sites, there would be greater risk of penalties and noncompliance with various State housing-related laws in case housing sites were removed from the inventory during the planning period or sufficient sites were not available to meet the RHNA at specified levels of affordability.

Alternative C: RHNA Only

Description: Alternative C assumes a maximum development capacity of 4,845 housing units, which is the City's 6th Cycle RHNA allocation. While a buffer is not required, it is recommended by HCD. Therefore, Alternative C assumes no buffer to address future "no net loss" if actual housing development does not provide Very-Low-Income and Low-Income housing consistent with the RHNA. This alternative would represent an approximate 50 percent reduction in overall development capacity as compared to the proposed Project. This alternative would still require amendments/updates to the General Plan Land Use Element policies, Municipal Code, and Local Coastal Program Implementation Plan. It is not possible to know which combination of housing sites would be developed at what densities.

Environmental Effects: Alternative C's environmental impacts are compared to the proposed Project in Section 6.4.3 of the Program EIR, which is hereby incorporated by reference. This alternative was selected for analysis because it would result in a lower intensity of development that could lessen some of the Project's environmental effects. It would not, however, substantially lessen or eliminate the Project's significant and unavoidable effects. Potential impacts from implementation of Alternative C would be similar or less than the proposed Project for a majority of resource areas because fewer housing units are assumed. Impacts would remain significant and unavoidable for air quality, cultural resources (historic resources), GHG emissions, and utilities and service systems (water supply assumptions). Alternative C would eliminate significant, unavoidable roadway noise impacts.

Ability to Achieve Project Objectives: Alternative C would facilitate future residential development on 247 identified housing sites, but would not include any housing units to serve as a buffer to address future "no net loss" to preclude the need to identify replacement sites during 6th Cycle implementation. Alternative C would meet the Project's objective to ensure compliance with State housing law and implementation of the 2021–2029 Housing Element, including goal and policy modifications City's Land Use Element and adoption of Housing Opportunity Zones.

Under Alternative C, while the City may be able to meet its 6th Cycle RHNA allocation from future development on identified housing sites, it is important to note that future housing applicants are not required to meet affordability goals. State Housing laws require cities and counties to identify RHNA obligations by income category. The City is obligated to ensure there is no net loss when projects are developed such that there are adequate opportunities for the City to meet its RHNA obligations,

particularly in order to demonstrate that Low-Income and Very-Low-Income units are being constructed. It is reasonable to assume that the City may not meet its RHNA obligations in the various income categories and be required to rezone additional sites. The City would have 120 days to provide rezoning that accommodates the net loss or risk conflicting with State law and the Project objectives.

Alternative 3 Findings: The City Council rejects this alternative on the following grounds which provides sufficient justification for rejection of this alternative. Under Alternative C, while the City could meet its 6th Cycle RHNA allocation from future development on the housing sites but would provide no buffer to address no net loss. There would be greater risk of penalties and noncompliance with various State housing-related laws in case housing sites were removed from the inventory during the planning period or sufficient sites were not available to meet the RHNA at specified levels of affordability.

Section 7: Statement of Overriding Considerations

CEQA requires the decision-making agency to balance the benefits of a project against its significant unavoidable impacts when determining whether to approve a project. If the benefits of the project outweigh its unavoidable adverse environmental effects, those effects may be considered acceptable (State CEQA Guidelines §15093(a)). CEQA requires the agency to state in writing the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Program EIR or elsewhere in the administrative record (State CEQA Guidelines §15093(b)). The Project, as proposed, could result in significant unavoidable impacts related to aesthetics, air quality, cultural resources, GHG emissions, noise, and utilities and service systems even after incorporation of the Mitigation Program. These significant and unavoidable impacts are identified and discussed in Section 6 of these Findings.

The City adopts and makes this Statement of Overriding Considerations regarding the significant unavoidable impacts of the Project and the anticipated benefits of the Project. The City finds that each of the benefits set forth below in this Statement constitutes a separate and independent ground for finding that the long-term benefits of the Project, which constitute the specific economic, legal, social, technological, and other considerations that justify the approval of the Project:

- As stated in Government Code Section 65589.5, the State of California has a housing supply and affordability crisis of historic proportions. The consequences of failing to confront this crisis effectively and aggressively are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the State's environmental and climate objectives. The Legislature adopted the Housing Crisis Act of 2019 (SB 330) which states that "In 2018, California ranked 49th out of the 50 states in housing units per capita...California needs an estimated 180,000 additionally new homes annually to keep up with population growth, and the Governor has called for 3.5 million new homes to be built over 7 years."
- The State has identified the lack of housing as a significant area of public concern, leading to an unsustainable lack of housing affordability, increased homelessness, social stress related to increased poverty and a reduction in economic prosperity for many State residents. In the current RHNA cycle, Newport Beach has been allocated 4,845 units, including 1,456 Very-Low Income units and 930 Low-Income units. The 9,914 units estimated in the 2021-2029 Housing Element provide for development of the RHNA units and create an important level of flexibility to allow market forces to efficiently develop the required units.
- Under State law, the City must adopt a 6th Cycle Housing Element Update that meets its assigned RHNA requirement and allow for future growth and development.
- The 2021-2029 Housing Element was shaped by an extensive public outreach process that engaged the community and decision-makers. The City worked with the Housing Element Update Advisory Committee, Planning Commission, City Council, and the community to prepare an update to the Housing Element. The 2021-2029 Housing Element reflects this public input and consideration.
- The Project could achieve a number of benefits that address both City and regional goals for fiscal sustainability, housing supply and affordability, and enhancement of public infrastructure and facilities.

On balance, the City finds that there are specific economic, legal, social, technological, and other considerations associated with the Project that serve to override and outweigh the significant unavoidable effects of the Project. Therefore, pursuant to State CEQA Guidelines Section 15093(b), these adverse effects are considered acceptable.

EXHIBIT "C"
Mitigation Monitoring and Reporting Program (MMRP)

MITIGATION MONITORING AND REPORTING PROGRAM

THE CITY OF NEWPORT BEACH GENERAL PLAN HOUSING IMPLEMENTATION PROGRAM

(STATE CLEARINGHOUSE NO. 2023060699)
PA2022-0245

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APRIL 2024

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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						
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
4.1: Aesthetics						
Threshold 4.1-1: Have a substantial adverse effect on a scenic vista.	<p>General Plan Land Use (LU) Element Policies: LU 6.5.5 (Banning Ranch)</p> <p>General Plan Natural Resources (NR) Element Policies: NR 20.1, NR 20.2, NR 20.3, NR 20.4, NR 23.1, NR 23.2, NR 23.3</p> <p>Local Coastal Program Policies: 4.4.1-2, 4.4.1-3, 4.4.1-4, 4.4.1-5, 4.4.1-7, 4.4.3-1</p> <p>Municipal Code: Chapter 20.30; Chapter 20.52 Section 20.52.080; Chapter 21.30</p>	No mitigation.				
Threshold 4.1-2: Conflict with applicable zoning and other regulations governing scenic quality.	<p>General Plan Land Use (LU) Element Policies: 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)</p> <p>General Plan Natural Resources (NR) Element Policies: NR 20.3, NR 21.1, NR 23.6</p> <p>Local Coastal Program Policies: 4.4.1-3, 4.4.2-4, 4.4.4-1, 4.4.4-6</p> <p>Municipal Code: Chapter 20.30; Chapter 20.52 Section 20.52.080; Chapter 21.30; City of Newport Beach Multi-Unit Objective Design Standards</p>	No mitigation.				
Threshold 4.1-3: Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.	<p>General Plan Land Use (LU) Element Policies: LU 5.6.2, LU 5.6.3</p> <p>Municipal Code: Chapter 20.30 Section 21.30.070; City of Newport Beach Multi-Unit Objective Design Standards</p>	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.				

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
4.2: Air Quality						
Threshold 4.2-1: Conflict with or obstruct implementation of the applicable air quality plan.	General Plan Natural Resources (NR) Element Policies: NR 6.1, NR 6.3, NR 7.1, NR 7.2, NR 8.1 Municipal Code: Chapter 15.19 South Coast Air Quality Management District (SCAQMD) Rules and Regulations: 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.	-	-		
Threshold 4.2-2: Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or State ambient air quality standard.	General Plan Natural Resources (NR) Element Policies: NR 6.1, NR 6.3, NR 7.1, NR 7.2, NR 8.1 Municipal Code: Chapter 15.19 South Coast Air Quality Management District (SCAQMD) Rules and Regulations: 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.	-	-		
Threshold 4.2-3: Expose sensitive receptors to substantial pollutant concentrations.	General Plan Natural Resources (NR) Element Policies: NR 6.1, NR 6.3, NR 7.1, NR 7.2, NR 8.1 Municipal Code: Chapter 15.19 South Coast Air Quality Management District (SCAQMD) Rules and Regulations: 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. MM AQ-1: A project-specific Health Risk Assessment shall be conducted for future residential development proposed within 500 feet of the State Route 73 right-of-way, pursuant to the recommendations set forth in the California Air Resources Board (CARB) <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"> ▪ Cancer Risk: Emit carcinogenic or toxic contaminants that exceed the maximum individual cancer risk of 10 in one million. ▪ Non-Cancer Risk: Emit toxic contaminants that exceed the maximum hazard quotient of one in one million. The SCAQMD has also established non-carcinogenic risk parameters for use in HRAs. Noncarcinogenic risks are	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		

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
		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 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.				
Threshold 4.2-4: Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.	General Plan Natural Resources (NR) Element Policies: NR 7.2, NR 8.1 South Coast Air Quality Management District (SCAQMD) Rules and Regulations: Rule 402	No mitigation.				
4.3: Biological Resources						
Threshold 4.3-1: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDWG or USFWS.	General Plan Natural Resources (NR) Element Policies: NR 10.3, NR 10.4, NR 10.5, NR 10.6, NR 10.7, NR 10.9 (Banning Ranch) General Plan Safety (S) Element Policies: S 6.3, S 6.4, S 6.5 Local Coastal Program Policies: 4.1.1-13 Municipal Code: Chapter 13.08, 21.30, 21.208, 21.52 Federal and State Regulatory Requirements determined on project-specific basis	SC BIO-1: Prior to the commencement of any proposed actions (e.g., site clearing, demolition, grading) during the breeding/nesting season (September 1 through February 15), a qualified biologist shall conduct a preconstruction survey(s) to identify any active nests in and adjacent to the project site no more than three days prior to initiation of the action. Costs associated with the biologist shall be the responsibility of the project applicant. If the biologist does not find any active nests that would be potentially impacted, the proposed action may proceed. However, if the biologist finds an active nest within or directly adjacent to the action area (within 100 feet) and determines that the nest may be impacted, the biologist shall delineate an appropriate buffer zone around the nest using temporary plastic fencing or other suitable materials, such as barricade tape and traffic cones. The buffer zone shall be determined by the biologist in consultation with applicable resource agencies and in consideration of species sensitivity and	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		

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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		<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>MM BIO-1: Applications for future housing development facilitated by the Project, where the City has determined a potential for impacts to special-status wildlife and plants species, shall be required to comply with the following mitigation framework: Prior to the issuance of any permit for future development consistent with the Project, a site-specific general biological resources survey shall be conducted to</p>	<p>If found to be applicable on a project-specific basis for future housing on the identified housing sites. Submittal during development review</p>	<p>City of Newport Beach Community Development Director</p>		

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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		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.			
Threshold 4.3-2: 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.	General Plan Natural Resources (NR) Element Policies: NR 10.3, NR 10.4, NR 10.5, NR 10.6, NR 10.7, NR 10.9 (Banning Ranch) Local Coastal Program Policies: 4.1.1-13 Municipal Code: Chapter 13.08, 21.30, 21.208, 21.52 Federal and State Regulatory Requirements determined on project-specific basis	MM BIO-1 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		

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.			
Threshold 4.3-3: Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.	General Plan Natural Resources (NR) Element Policies: NR 10.3, NR 10.4, NR 10.5, NR 10.6, NR 10.9 (Banning Ranch), NR 13.1, NR 13.2 Local Coastal Program Policies: 2.1.7-2, 2.2.1-2 Municipal Code: Chapter 13.08, 21.30, 21.208, 21.52 Federal and State Regulatory Requirements determined on project-specific basis	No mitigation.				
Threshold 4.3-4: Interfere substantially with the movement of any native or migratory fish or wildlife species; inhibit established native resident or migratory fish or wildlife corridors; or impede the use of native wildlife nursery sites.	General Plan Natural Resources (NR) Element Policies: NR 10.3, NR 10.4, NR 10.9 (Banning Ranch) Municipal Code: Chapter 7.26 Federal and State Regulatory Requirements determined on project-specific basis	No mitigation.				
Threshold 4.3-5: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	General Plan Natural Resources (NR) Element Policies: 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 General Plan Safety (S) Element Policies: S 6.3, S 6.4, S 6.5 Local Coastal Program Policies: 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.				
Threshold 4.3-6: Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.	General Plan Natural Resources (NR) Element Policies: NR 10.3, NR 10.4 Local Coastal Program Policies: 4.1.1-2, 4.1.1-3, 4.1.1-13, 4.1.1-17, 4.3-8 Municipal Code: Chapter 13.08, 21.30, 21.208, 21.52	No mitigation.				

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
	Federal and State Regulatory Requirements determined on project-specific basis					
4.4: Cultural Resources						
<p>Threshold 4.4-1: Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.</p>	<p>General Plan Historical Resources (HR) Element Policies: HR 1.2, HR 1.4, HR 1.5, HR 1.6, HR 1.7</p> <p>General Plan Land Use (LU) Element Policies: LU 6.8.6</p> <p>Local Coastal Program Policies: 4.5.1-1, 4.5.1-2, 4.5.1-4</p> <p>Municipal Code: Chapter 21.20.105</p> <p>Newport Beach City Council Policy Manual: 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>MM CUL-1: Applications for future development facilitated by the Project, where the City has determined a potential for impacts to historic resources, shall be required to comply with the following mitigation framework:</p> <p>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>		
<p>Threshold 4.4-2: Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.</p>	<p>General Plan Historical Resources (HR) Element Policies: HR 2.1, HR 2.2, HR 2.3, HR 2.4</p> <p>General Plan Natural Resources (NR) Element Policies: NR 18.1, NR 18.3, NR 18.4</p>	<p>SC CUL-1: In compliance with City Council Policy K-5, prior to the issuance of a grading permit by the City of Newport Beach, the Applicant shall retain a qualified archaeologist to periodically monitor ground-disturbing activities onsite and provide documentation of such retention to the City of Newport Beach Community Development Director. The archaeologist shall train</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 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>Local Coastal Program Policies: 4.5.1-1, 4.5.1-2, 4.5.1-3, 4.5.1-4, 4.5.1-5</p> <p>Municipal Code: Municipal Code: Chapter 21.20.105</p> <p>Newport Beach City Council Policy Manual: 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 (CRM DP) 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>MM CUL-2: Prior to any earth-disturbing activities (e.g., excavation, trenching, grading) that could encounter undisturbed soils, the project-level applicant for future development shall retain an archaeologist who meets the Secretary of the Interior's Professional Qualifications</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 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.			
Threshold 4.4-3: Disturb any human remains, including those interred outdoors of dedicated cemeteries.	General Plan Historical Resources (HR) Element Policies: HR 2.1, HR 2.2, HR 2.3, HR 2.4 Local Coastal Program Policies: 4.5.1-2 Municipal Code: Municipal Code: Chapter 21.20.105 Newport Beach City Council Policy Manual: Paleontological and Archaeological Resource Protection Guidelines (K-5).	SC CUL-2: California Health and Safety Code Section 7050.5, CEQA Guidelines Section 15064.5, and Public Resources Code Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. California Health and Safety Code Section 7050.5 requires that in the event that human remains are discovered within the project site, disturbance of the site shall be halted until the coroner has conducted an investigation into the circumstances, manner and cause of death, and the recommendations concerning the	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		

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

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

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

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

City of Newport Beach General Plan Housing Implementation Program Mitigation Monitoring and Reporting Program						
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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						
Threshold 4.8-6: Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan	General Plan Safety (S) Element Policies: S 7.6 Municipal Code: Chapter 2.20	No mitigation.				
Threshold 4.8-7: Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.	General Plan Safety (S) Element Policies: S 6.2, S 6.7, S 6.4, S 6.5 Local Coastal Program Policies: 2.8.8-1, 2.8.8-2, 2.8.8-4 Municipal Code: Chapter 2.20, Chapter 9.04	No mitigation.				
4.9: Hydrology and Water Quality						
Threshold 4.9-1: Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.	General Plan Natural Resources (NR) Element Policies: 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 Local Coastal Program Policies: 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 Municipal Code: Chapter 14.36	No mitigation.				
Threshold 4.9-2: Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin	General Plan Natural Resources (NR) Element Policies: NR 3.5, NR 4.1, NR 4.3, NR 3.4, NR 3.11, NR 3.14, NR 3.19, NR 3.20 Local Coastal Program Policies: 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 Municipal Code: Chapter 14.17	No mitigation.				

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>Threshold 4.9-3: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:</p> <p>i) result in substantial erosion or siltation on- or off-site;</p> <p>ii) increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;</p> <p>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</p> <p>iv) impede or redirect flood flows.</p>	<p>General Plan Natural Resources (NR) Element Policies: 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</p> <p>General Plan Safety (S) Element Policies: S 2.7, S 5.1, S 5.3</p> <p>General Plan Land Use (LU) Element Policies: LU 6.4.10</p> <p>Local Coastal Program Policies: 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</p> <p>Municipal Code: Chapter 14.36, Chapter 15.50</p>	No mitigation.	-	-		
<p>Threshold 4.9-4: In flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation.</p>	<p>General Plan Safety (S) Element Policies: S 2.7, S 3.9, S 3.10, S 3.11, S 3.12 S 5.3, S 5.3</p> <p>General Plan Natural Resources (NR) Element Policies: NR 3.11</p> <p>Local Coastal Program Policies: 4.3.1-5, 4.3.1-6, 4.3.1-7, 4.3.2-2, 4.3.2-6, 4.3.2-22</p> <p>Municipal Code: Chapter 14.36, Chapter 15.50</p>	No mitigation.	-	-		
<p>Threshold 4.9-5: Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan</p>	<p>General Plan Natural Resources (NR) Element Policies: NR 1.1, NR 3.5, NR 3.7, NR 3.16, NR 4.1</p> <p>Local Coastal Program Policies: 4.3.2-6</p> <p>Municipal Code: Chapter 14.36, Chapter 15.50</p>	No mitigation.	-	-		

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
4.10: Land Use and Planning						
Threshold 4.10-1: Physically divide an established community.	General Plan Land Use (LU) Element Policies: LU 2.3, LU 6.2.1, LU 6.2.5 Local Coastal Program Policies: 2.2.1-1, 2.2.1-3, 2.7-1	No mitigation.	-	-		
Threshold 4.10-2: Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.	General Plan Land Use (LU) Element Policies: LU 2.3, LU 3.8, LU 6.2.1, LU 6.2.3, LU 6.2.5, LU 6.14.2, LU 9.2, LU 5.1.2, LU 5.3.3, LU 5.6.1, LU 6.15.3 Local Coastal Program Policies: 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.	-	-		
4.11: Noise						
Threshold 4.11-1: Result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	General Plan Noise (N) Element Policies: 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 Municipal Code: 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.	-	-		
Threshold 4.11-2: Result in the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.	General Plan Noise (N) Element Policies: 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 Municipal Code: Chapter 10.26, Section 10.28.040, Section 20.30.080.C, Section 20.30.080.F	MM NOI-1: To avoid impacts to vibration sensitive land uses (i.e., non-engineered timber and masonry buildings) located within a 50-foot radius of pile driving activities, prior to demolition, grading, or building permit approval, the following measures shall be specified on the Project plans and implemented during construction: <ul style="list-style-type: none"> ▪ 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 	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		

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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		construction activity would fall below the 0.2 inch/second threshold. • The preexisting condition of all vibration sensitive land uses within a 50-foot radius of proposed pile driving shall be documented during a preconstruction survey. The preconstruction survey shall determine conditions that exist before construction begins for use in evaluating damage caused by pile driving, if any. Fixtures and finishes susceptible to damage and within a 50-foot radius of pile driving shall be documented (photographically and in writing) prior to demolition, grading, or building permit approval. All damage shall be repaired/restored to its preexisting condition.	demolition, grading, or building permit.			
Threshold 4.11-3: For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels.	General Plan Noise (N) Element Policies: N 1.2, N 1.5A, N 2.2, N 3.1, N 3.2 General Plan Land Use (LU) Element Policies: LU 6.15.3 Municipal Code: Chapter 10.26, Section 10.26.040, Section 20.30.080.C, Section 20.30.080.F (John Wayne Airport)	No mitigation.				

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

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

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

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

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

City of Newport Beach General Plan Housing Implementation Program Mitigation Monitoring and Reporting Program						
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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.				
		SC CUL-2: California Health and Safety Code Section 7050.5, CEQA Guidelines Section 15064.5, and Public Resources Code Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. California Health and Safety Code Section 7050.5 requires that in the event that human remains are discovered within the project site, disturbance of the site shall be halted until the coroner has conducted an investigation into the circumstances, manner and cause of death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes or has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.	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		
		MM TCR-1: Unanticipated Discovery of Tribal Cultural and Archaeological Resources: Upon discovery of any tribal, cultural, or archaeological resources during ground-disturbing activities for future development facilitated by the Project, the applicant shall immediately	If found to be applicable on a project-specific basis for future housing on	City of Newport Beach Community Development Department		

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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		<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>			

City of Newport Beach General Plan Housing Implementation Program Mitigation Monitoring and Reporting Program						
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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.				
		MM TCR-2: If evidence of an archaeological site or other suspected historical resource as defined by CEQA Guidelines Section 15064.5, including darkened soil representing past human activity ("midden"), that could conceal material remains (e.g., worked stone, fired clay vessels, faunal bone, hearths, storage pits, or burials) are discovered during any project-related earth-disturbing activities (including projects that would not encounter undisturbed soils), all earth-disturbing activity within 100 feet of the find shall be halted and the 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		
4.17: Utilities						
Threshold 4.17-1: Require or result in the relocation or construction of new or	General Plan Natural Resources (NR) Element Policies: NR 1.2 Municipal Code: Chapter 21.20.105	No mitigation.				

City of Newport Beach General Plan Housing Implementation Program Mitigation Monitoring and Reporting Program						
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expanded water facilities, the construction of which could cause significant environmental effects.						
Threshold 4.17-2: Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years	General Plan Natural Resources (NR) Element Policies: NR 1.1, NR 1.2 General Plan Land Use (LU) Element Policies: LU 2.8, LU 3.2 Municipal Code: Chapter 14.16, Chapter 14.17	There are no feasible mitigation measures to reduce this impact to a less than significant level.				
Threshold 4.17-3: Require or result in the relocation or construction of new or expanded wastewater treatment facilities, the construction of which could cause significant environmental effects.	General Plan Natural Resources (NR) Element Policies: NR 1.1, NR 1.2, LU 2.8, NR 3.4, NR 3.11, NR 3.15 General Plan Land Use (LU) Element Policies: LU 2.8, LU 3.2, LU 6.4.10 Municipal Code: Chapter 14.36	No mitigation.				
Threshold 4.17-4: Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments	General Plan Natural Resources (NR) Element Policies: NR 3.11, NR 3.15 General Plan Land Use (LU) Element Policies: LU 2.8 Municipal Code: Chapter 14.36	No mitigation.				
Threshold 4.17-5: Require or result in the relocation or construction of new or expanded storm water drainage facilities, the construction of	General Plan Natural Resources (NR) Element Policies: NR 1.1, NR 1.2, NR 3.4, NR 3.11, NR 3.15 General Plan Land Use (LU) Element Policies: LU 2.8, LU 3.2, LU 6.4.10 Municipal Code: Chapter 19.28.080, Chapter 21.35	SC UTL-1: The project shall be required to comply with the City of Newport Beach Municipal Code Chapter 14.16 related to water conservation and supply level regulations in effect during the construction and operation of the project, and Municipal Code Chapter 14.17 with respect to water-efficient landscaping.	Submittal during the development review process; Prior to issuance of the first permit and first	City of Newport Beach Community Development Department		

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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which could cause significant environmental effects			Certificate of Occupancy.			
		SC UTIL-2: The project shall be required to comply with Section 19.28.080 (Storm Drains) of the City's Municipal Code which requires developers to design and construct all drainage facilities necessary for the removal of surface water from the site (e.g., open/closed channels, catch basins, manholes, junction structures), and to protect off-site properties from a project's water runoff. The storm drain system must be designed in accordance with the standards of the Orange County Flood Division. A drainage fee is also charged to fund improvements to the City's drainage facilities.	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		
		SC UTIL-3: The Applicant shall prepare and obtain approval of a Construction and Demolition Waste Management Plan (CDWMP) 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		
Threshold 4.17-6: Require or result in the relocation or construction of new or expanded electric power, natural gas, or telecommunication facilities, the construction of which could cause significant environmental effects.	General Plan Land Use (LU) Element Policies: LU 2.8, LU 3.2, LU 6.4.10 Municipal Code: Chapter 20.49, Chapter 21.49	No mitigation.				
Threshold 4.17-7: Generate solid waste in excess of State and local standards, or in excess of the capacity of local	General Plan Land Use (LU) Element Policies: LU 2.8 Municipal Code: Chapter 12.63.030, Chapter 20.30.120	No mitigation.				

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

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
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.			
Threshold 4.18-3 If located in or near State Responsibility Areas (SRAs) or lands classified as Very High Fire Hazard Severity Zones (VHFHSZ), would the Project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.	General Plan Safety (S) Element Policies: S 5.2, S 5.6.3 Local Coastal Program Policies: 2. 2.8.1-3, 2.8.8-1, 2.8.8-2	No mitigation.				
Threshold 4.18-4 If located in or near State Responsibility Areas (SRAs) or lands classified as Very High Fire Hazard Severity Zones (VHFHSZ), would the Project expose people or structures, to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.	General Plan Safety (S) Element Policies: S 5.2 General Plan Land Use (LU) Element Policies: LU 5.6.4 Local Coastal Program Policies: 2.8.8-3, 2.8.8-4 Municipal Code: Chapter 2.20.050, Chapter 9.04, Chapter 15.04	No mitigation.				

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
Notes: * 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						