

Attachment D

RESOLUTION NO. 2026-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, CALLING FOR AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON, JUNE 2, 2026, FOR THE SUBMISSION OF A REFERENDUM ON RESOLUTION NO. 2025-71 APPROVING A GENERAL PLAN AMENDMENT FOR THE SNUG HARBOR SURF PARK PROJECT LOCATED AT 3100 IRVINE AVENUE, NEWPORT BEACH, CALIFORNIA AND REQUESTING THE ORANGE COUNTY BOARD OF SUPERVISORS AUTHORIZE THE COUNTY ELECTIONS OFFICIAL TO CONSOLIDATE THE SPECIAL MUNICIPAL ELECTION WITH THE STATEWIDE PRIMARY ELECTION TO BE HELD ON THE SAME DATE

WHEREAS, Section 1003 of the Charter of the City of Newport Beach ("Charter") states that the provisions of the Elections Code of the State of California ("Elections Code"), as the same now exist or hereafter may be amended, which governs initiatives, shall apply to the use thereof in the City of Newport Beach ("City") so far as such provisions of the Elections Code are not in conflict with the provisions of the Charter;

WHEREAS, on October 28, 2025, the Newport Beach City Council considered an application ("Application") filed by CAA Planning, on behalf of Back Bay Barrels, LLC (collectively the "Applicant"), for the redevelopment of the private property owned by Newport Golf, LLC, located at 3100 Irvine Avenue, Newport Beach, California ("Property");

WHEREAS, in the Application, the Applicant proposed to redevelop approximately 15.38-acres in the center of the privately owned Property, currently occupied by the driving range, putting green, pro-shop, restaurant and bar, and three golf holes, into a new surf-focused outdoor recreational facility commonly known as the Snug Harbor Surf Park Project ("Project");

WHEREAS, the Project would include: (1) construction of a five-acre surf lagoon divided into two hydrologically separate basins; (2) viewing platforms, seating areas, pools, restrooms, and drought-tolerant landscaping; and (3) a new clubhouse that would provide a reception and lobby area, surf academy, fitness and yoga studios, administrative offices, locker rooms, retail space, restaurant, viewing suites, a coffee and snack bar, and a basement level that would include golf cart storage, surfboard and equipment storage, and mechanical facilities;

WHEREAS, the Project would also include: (1) an athlete accommodation building with 20 rooms; (2) a total of 351 parking spaces, including 91 spaces dedicated to golf, on the Project site to support the Project with parking, distributed across two surface lots and partially shaded by solar canopies; and (3) support for the remaining 15-hole golf course to facilitate continued golf including parking, a check-in station (starter) on the Project site, golf cart storage within the basement level of the Project's proposed clubhouse building and maintenance of connection between all golf holes;

WHEREAS, the Property is currently designated Parks and Recreation (PR) under the City's General Plan Land Use Element, which allows active and passive recreation uses, such as golf courses, aquatic facilities, private recreation clubs, and similar activities;

WHEREAS, while the Project is consistent with the PR designation, the Applicant requested an amendment to the General Plan to increase the allowable development limit (for Anomaly No. 58 in Table LU2 of the General Plan Land Use Element) by 39,772 square feet from 20,000 square feet to 59,772 square feet ("Amendment");

WHEREAS, following review of the proposed Amendment, the City Council determined the Amendment was consistent with the City's General Plan goals and policies and adopted Resolution No. 2025-71 on October 28, 2025, which is attached hereto as Exhibit 1 and incorporated herein by reference, approving the Amendment to the Newport Beach General Plan by increasing Anomaly No. 58 of Table LU2 of the Newport Beach General Plan Land Use Element by 39,772 square feet from 20,000 square feet to 59,772 square feet;

WHEREAS, the City Council also adopted Resolution Nos. 2025-72, 2025-73, and 2025-74 approving a conditional use permit, certifying the environmental impact report, and overriding the Airport Land Use Commission's determination of inconsistency, which resolutions are not subject to referendum because they are not legislative acts;

WHEREAS, on October 31, 2025, the proponents of the referendum requested an impartial summary of the referendum pursuant to Elections Code Section 9238 (b)(2)(B) ("Referendum");

WHEREAS, under California law, voters may use the referendum process to approve or reject legislative actions by local government, and, because the 39,772, square foot increase authorized by the Amendment is a legislative act, the 39,772 square-foot increase, and only this increase, is subject to the people's power of referendum;

WHEREAS, on November 4, 2025, pursuant to Elections Code Section 9238 (b)(2)(B), the City Attorney prepared a summary of the Referendum with the following title: "City of Newport Beach City Attorney's Impartial Summary of the Referendum of Resolution No. 2025-71 Approving a General Plan Amendment for the Snug Harbor Project Located at 3100 Irvine Avenue, Newport Beach, California";

WHEREAS, on December 4, 2025, the proponents of the referendum submitted petitions for filing with the City Clerk;

WHEREAS, on December 5, 2025, after the City Clerk performed a *prima facie* review and determined the number of signatures was more than the minimum number of signatures required, the City Clerk accepted the petition of filing and forwarded the petitions to the Orange County Registrar of Voters to ascertain whether or not the petitions were signed by the requisite number of voters;

WHEREAS, on January 27, 2026, certification was presented to the City Council that not less than ten percent of the registered voters of the City signed the petition for the Referendum;

WHEREAS, pursuant to Elections Code Section 9241, if a referendum petition is signed by not less than ten percent of the registered voters of a city, that city shall either adopt the proposed petition or submit the petition to the voters at a special election or the next regular election occurring not less than 88 days after the date of the order of election;

WHEREAS, the City Council has not repealed Resolution No. 2025-71 approving an amendment to the General Plan to increase the allowable development limit (for Anomaly No. 58 in Table LU2 of the General Plan Land Use Element) by 39,772 square feet from 20,000 square feet to 59,772 square feet; and

WHEREAS, pursuant to Charter Sections 1001, 1002 and 1003 and Elections Code Sections 9241 and 9243, the City Council of the City of Newport Beach desires to call and give notice of a Special Municipal Election to be held on June 2, 2026, for the purpose of submitting to the registered voters of the City of Newport Beach an initiative proposing to amend the Land Use Element of the City's General Plan.

NOW, THEREFORE, the City Council of the City Of Newport Beach, California, does resolve, declare, determine and order as follows:

Section 1: Pursuant to Charter Sections, 1001, 1002 and 1003 and Elections Code Sections 9241 and 9243, there is hereby called and ordered to be held in the City of Newport Beach, California, on June 2, 2026, a Special Municipal Election for the purpose of submitting to the registered voters of the City of Newport Beach a Referendum of Resolution No. 2025-71 approving an amendment to the General Plan to increase the

allowable development limit (for Anomaly No. 58 in Table LU2 of the General Plan Land Use Element) by 39,772 square feet from 20,000 square feet to 59,772 square feet.

Section 2: The City Council does hereby order the following question to be submitted to the registered voters of the City of Newport Beach at the Special Municipal Election on June 2, 2026, the following question:

MEASURE _____	
Shall Newport Beach City Council Resolution No. 2025-71, approving an amendment to the General Plan to increase the allowable development limit (for Anomaly No. 58 in Table LU2 of the General Plan Land Use Element) from 20,000 square feet to 59,772 square feet, be adopted?	Yes
	No

Section 3: The complete text of Resolution No. 2025-71, approving an amendment to the General Plan to increase the allowable development limit (for Anomaly No. 58 in Table LU2 of the General Plan Land Use Element) by 39,772 square feet from 20,000 square feet to 59,772 square feet is attached hereto as Exhibit 1 and incorporated herein by this reference.

Section 4: The vote requirement for the ballot measure to pass is a majority (50% +1) of the votes cast.

Section 5: The ballots to be used at the election shall be in form and content as required by law.

Section 6: The City hereby requests, pursuant to Elections Code Section 10403, that the Orange County Board of Supervisors consent and agree to consolidation of the City's Special Municipal Election with the Statewide Primary Election to be held on Tuesday, June 2, 2026, for the purpose of submitting to the registered voters of the City of Newport Beach the Referendum.

Section 7: The City Clerk is authorized, instructed, and directed to contract with the County of Orange to procure and furnish any and all services, official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary to properly and lawfully conduct the election.

Section 8: In accordance with the provisions of law governing Statewide Primary Elections, including Elections Code Section 10418, the precincts, ballot drop box locations and hours of operations, vote center locations and hours of operations, vote-by-mail procedures and timing, the election officers, and all other services, staff, and procedures for the Special Municipal Election shall be the same as those utilized by the County of Orange and in compliance with the Elections Code of the State of California.

Section 9: In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 10: Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, the time, and in the form, and manner as required by law.

Section 11: The City Clerk shall certify the passage and adoption of this resolution and enter it into the book of original resolutions.

Section 12: The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City of Newport Beach upon presentation of a properly submitted bill.

Section 13: The Orange County Elections Official is hereby authorized to canvass the returns of the Special Municipal Election.

Section 14: The City Clerk shall receive the canvass from the Orange County Elections Official as it pertains to the Referendum and shall timely certify the results to the City Council in accordance with law.

Section 15: Pursuant to Elections Code Sections 9217, 9237, and 9243, the amendment to Anomaly Number 28 as identified in Table LU 2 of the General Plan Land Use Element set forth in Resolution No. 2025-71 shall not go into effect until approved by a majority of the eligible voters of the City of Newport Beach. If the voters approve the measure, the amendment to Anomaly Number 28 as identified in Table LU 2 of the General Plan Land Use Element set forth in Resolution No. 2025-71 shall be adopted as of the date that the vote is declared/certified by the City Council and shall go into effect 10 days thereafter in accordance with Elections Code Section 9217 or as otherwise required by law.

Section 16: The City Clerk shall deliver certified copies of this resolution, including Resolution No. 2027-71 attached hereto as Exhibit 1, to the Clerk of the Board of Supervisors of Orange County and the Orange County Registrar of Voters.

Section 17: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 18: 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 19: The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080(b)(1) because submission to the voters of a voter-sponsored referendum is a ministerial duty required by Elections Code Section 9241, and is therefore not subject to CEQA pursuant to Sections 15060(c)(1) (the activity does not involve the exercise of discretionary powers by a public agency), 15060(c)(3) (the activity is not a project as defined in Section 15378), and 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3.

Section 20: 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 27th day of January, 2026.

Lauren Kleiman
Mayor

ATTEST:

Lena Shumway
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney

Attachment: Exhibit 1 – Resolution No. 2025-71

Exhibit 1
Resolution No. 2025-71

RESOLUTION NO. 2025-71

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A GENERAL PLAN AMENDMENT FOR THE SURF PARK PROJECT LOCATED AT 3100 IRVINE AVENUE (PA2024-0069)

WHEREAS, Section 200 of the City Charter, of the City of Newport Beach ("City"), 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 City 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, an application was filed by CAA Planning, on behalf of Back Bay Barrels, LLC ("Applicant"), concerning property located at 3100 Irvine Avenue, and legally described in Exhibit "A," which is attached hereto and incorporated herein by reference ("Property");

WHEREAS, the Applicant is requesting to redevelop the central 15.38-acre parcel of the privately owned Newport Beach Golf Course by removing the existing driving range and putting green, pro-shop, restaurant and bar, and three holes of golf and replacing it with a new surf-focused outdoor commercial recreation use ("Project");

WHEREAS, the Project's site improvements include approximately five acres of surfing lagoons surrounded by viewing platforms, seating, pools, spa, restrooms, landscaping, clubhouse with amenities, athlete accommodation building with 20 overnight rooms, and two parking lots with 351 parking spaces;

WHEREAS, the Project will be constructed on approximately 79,533 square feet of area; however, 19,761 square feet will be excluded from the total development limit of the Property as incidental building areas which is consistent with Table LU1 (Land Use Plan Categories) of the City's General Plan ("General Plan") for properties categorized as Parks and Recreation;

WHEREAS, the following approvals are requested or required to implement the Project as proposed:

- General Plan Amendment ("GPA"): To increase the development limit from 20,000 square feet to 59,772 square feet for Anomaly Number 58, as identified in Table LU 2 of the Land Use Element of the General Plan;

- Major Site Development Review ("SDR"): To construct a nonresidential building larger than 20,000 square feet in area;
- Conditional Use Permit ("CUP"): To allow the operation of an outdoor commercial recreation use including a restaurant with alcohol sales, establish the appropriate parking rate, and allow the construction of buildings taller than 18 feet;
- Modification Permit: To allow for the construction of retaining walls taller than eight feet in height from finish grade; and
- Environmental Impact Report ("EIR"): To address reasonably foreseeable environmental impacts resulting from the legislative and project specific discretionary approvals;

WHEREAS, the Property is categorized as Parks and Recreation (PR) by the General Plan Land Use Element and is located within the Santa Ana Heights Specific Plan/Open Space and Recreation (SP-7/OSR) Zoning District;

WHEREAS, the Property is not located within the coastal zone, therefore, a coastal development permit is not required;

WHEREAS, California Public Utilities Code ("CPUC") Section 21676(b) requires the City to refer the Project 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, ALUC determined the Project to be inconsistent with the AELUP on August 7, 2025;

WHEREAS, a public hearing was held by the Planning Commission on September 4, 2025, in the Council Chambers at 100 Civic Center Drive, Newport Beach, California. 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"), and Chapter 20.62 (Public Hearings) of the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this hearing;

WHEREAS, at the hearing, the Planning Commission adopted Resolution No. PC2025-018 by a unanimous vote (6 ayes, 1 recusal) recommending the City Council approve the Project;

WHEREAS, after the Planning Commission's decision and pursuant to Sections 21670 and 21676 of the CPUC, the City Council held a duly noticed public hearing on September 9, 2025, and adopted Resolution No. 2025-60 (6 ayes, 1 absent) to notify ALUC and the State Department of Transportation Aeronautics Program of the City's intent to override ALUC's inconsistency finding; and

WHEREAS, a public hearing was held by the City Council on October 28, 2025, in the City Council Chambers located at 100 Civic Center Drive, Newport Beach, California to consider the Project. 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) of the NBMC, 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 does hereby make the findings attached hereto as Exhibit "B," and incorporated herein by this reference, and approves the GPA, which is also attached hereto as Exhibit "C," and incorporated herein by this reference.

Section 2: An EIR (State Clearinghouse No. 2024110238) was prepared for the Project in compliance with the California Environmental Quality Act ("CEQA"), California Public Resources Code Sections 21000 *et seq.*, Section 15000 *et seq.* as set forth in 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) to ensure that the Project will not result in significant environmental impacts. Based on the entire environmental review record, the City Council having final approval authority over the Project, found that the Project, with mitigation measures, will have a less than significant impact on the environment and there are no known substantial adverse effects on human beings. By Resolution No. 2025-73, the City Council adopted and certified the Final EIR as complete and adequate and adopted the Mitigation Monitoring and Reporting Program including all findings contained therein, which is hereby incorporated by this reference.

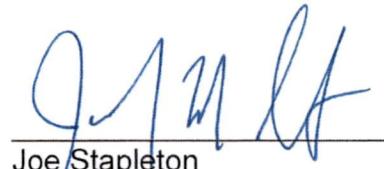
Section 3: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 4: 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 5: The City Council finds that judicial challenges to the City's CEQA determinations and approvals of land use projects are costly and time consuming. In addition, project opponents often seek an award of attorneys' fees in such challenges. As project applicants are the primary beneficiaries of such approvals, it is appropriate that such applicants should bear the expense of defending against any such judicial challenge, and bear the responsibility for any costs, attorneys' fees, and damages which may be awarded to a successful challenger.

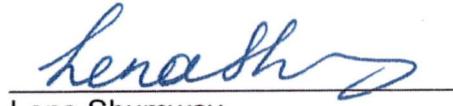
Section 6: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 28th day of October, 2025.



Joe Stapleton
Mayor

ATTEST:



Lena Shumway
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney

Attachment(s): Exhibit A - Legal Description
 Exhibit B - Findings for Approval
 Exhibit C - General Plan Amendment to Anomaly No. 58 of the
 Newport Beach General Plan Land Use Element
 Exhibit D - General Plan Consistency Analysis
 Exhibit E - Tribal Consultation Timeline

STATE OF CALIFORNIA }
COUNTY OF ORANGE }
CITY OF NEWPORT BEACH } SS.

I, Lena Shumway, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; the foregoing Resolution No. 2025-71 was duly adopted by the City Council of said City at a regular meeting held on the 28th day of October, 2025, by the following vote, to wit:

AYES: Mayor Joe Stapleton, Mayor Pro Tem Lauren Kleiman, Councilmember Noah Blom, Councilmember Michelle Barto, Councilmember Robyn Grant, Councilmember Sara J. Weber, Councilmember Erik Weigand

NAYS: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said
City this 29th day of October, 2025.


Lena Shumway
City Clerk
City of Newport Beach, California

City of Newport Beach

EXHIBIT "A"

LEGAL DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL NO. 1 OF THAT CERTAIN CERTIFICATE OF COMPLIANCE NO. 94-2, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, RECORDED MAY 9, 1994 AS INSTRUMENT NO. 94-318607 OF OFFICIAL RECORDS.

EXCEPTING THEREFROM, THAT PORTION OF SAID LAND DESCRIBED IN THE DEED TO THE COUNTY OF ORANGE, RECORDED SEPTEMBER 4, 1997 AS INSTRUMENT NO. 97-428866 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA.

ALSO EXCEPTING THEREFROM THOSE PORTIONS THEREOF CONVEYED IN FEE TO THE COUNTY OF ORANGE BY DEED RECORDED OCTOBER 21, 2014 AS INSTRUMENT NO. 2014-427814 OF OFFICIAL RECORDS.

APN: 119-200-38 & 119-200-41

City of Newport Beach

EXHIBIT "B"

FINDINGS FOR APPROVAL

An amendment to the Newport Beach General Plan Land Use Element is a legislative act. Neither Title 20 (Planning and Zoning) nor California Government Code Section 685000 *et seq.*, set forth any required findings for either approval or denial of such amendments. Nonetheless, a full General Plan Consistency Analysis has been prepared for the Project, is attached hereto as Exhibit "D," and is incorporated herein by this reference. In summary, the Project is consistent with the following General Plan Goals and Policies:

Land Use Element

- Policy LU 1.6 (Public Views)
- Policy LU 2.1 (Resident-Serving Land Uses)
- Policy LU 2.2 (Sustainable and Complete Community)
- Policy LU 2.5 (Visitor Serving Uses)
- Policy LU 2.8 (Adequate Infrastructure)
- Policy LU 3.1 (Neighborhoods, Districts, Corridors, and Open Spaces)
- Policy LU 3.2 (Growth and Change)
- Policy LU 3.3 (Opportunities for Change – Santa Ana Heights)
- Policy LU 3.7 (Natural Resource and Hazardous Areas)
- Policy LU 3.8 (Project Entitlement Review with Airport Land Use Commission)
- Policy LU 4.1 (Land Use Diagram)
- Policy LU 5.6.2 (Form and Environment)
- Policy LU 5.6.3 (Ambient Lighting)

Historical Resources Element

- Policy HR 2.1 (New Development Activities)
- Policy HR 2.2 (Grading and Excavation Activities)
- Policy HR 2.3 (Cultural Organizations)
- Policy HR 2.4 (Paleontological or Archaeological Materials)

Circulation Element

- Policy CE 2.2.1 (Safe Roadways)
- Policy CE 7.1.1 (Vehicle Miles Traveled (VMT) Analysis)
- Policy CE 7.1.2 (VMT Mitigation Measures)
- Policy CE 7.1.5 (Support Facilities for Alternative Modes)
- Policy CE 7.1.7 (Project Site Design Supporting Alternative Modes)
- Policy CE 7.1.8 (Electric Vehicle (EV) Charging Stations)
- Policy CE 9.1.10 (Development Requirements)

Recreation Element

- Policy R 1.12 (Aircraft Overflight and Noise)
- Policy R 4.1 (Provision of Recreation Services)
- Policy R 4.2 (Compatible Recreation Activities)

City of Newport Beach

Policy R 4.3 (Variety of Programs)
Policy R 4.5 (Variety of Adult Recreational Programs)

Natural Resources Element

Policy NR 1.1 (Water Conservation in New Development)
Policy NR 1.2 (Use of Water Conserving Devices)
Policy NR 3.4 (Storm Drain Sewer System Permit)
Policy NR 3.5 (Natural Water Bodies)
Policy NR 3.9 (Water Quality Management Plan)
Policy NR 3.10 (Best Management Practices)
Policy NR 3.11 (Site Design and Source Control)
Policy NR 3.12 (Reduction of Infiltration)
Policy NR 3.14 (Runoff Reduction on Private Property)
Policy NR 3.16 (Siting of New Development)
Policy NR 3.17 (Parking Lots and Rights-of-Way)
Policy NR 3.19 (Natural Drainage Systems)
Policy NR 3.20 (Impervious Surfaces)
Policy NR 4.3 (Restore Natural Hydrologic Conditions)
Policy NR 4.4 (Erosion Minimization)
Policy NR 6.1 (Walkable Neighborhoods)
Policy NR 6.4 (Transportation Demand Management Ordinance)
Policy NR 7.2 (Source Emission Reduction Best Management Practices)
Policy NR 10.2 (Orange County Natural Communities Conservation Plan)
Policy NR 10.3 (Analysis of Environmental Study Areas)
Policy NR 10.4 (New Development Siting and Design)
Policy NR 10.5 (Development in Areas Containing Significant or Rare Biological Resources)
Policy NR 10.6 (Use of Buffers)
Policy NR 10.7 (Exterior Lighting)
Policy NR 18.1 (New Development)
Policy NR 18.3 (Potential for New Development to Impact Resources)
Policy NR 18.4 (Donation of Materials)
Policy NR 20.1 (Enhancement of Significant Resources)
Policy NR 20.2 (New Development Requirements)
Policy NR 20.4 (Public View Corridor Landscaping)
Policy NR 23.1 (Maintenance of Natural Topography)
Policy NR 23.7 (New Development Design and Siting)
Policy NR 24.2 (Energy-Efficient Design Features)
Policy NR 24.3 (Incentives for Green Building Program Implementation)

Safety Element

Policy S 4.7 (New Development)
Policy S 5.1 (New Development Design within 100-year Floodplains)
Policy S 5.2 (Facility Use or Storage of Hazardous Materials Standards)
Policy S 5.3 (Minimization of Flood Hazard Risk)
Policy S 7.1 (Known Areas of Contamination)

Policy S 7.2 (Development Design within Methane Gas Districts)
Policy S 7.4 (Implementation of Remediation Efforts)

Noise Element

Policy N 1.1 (Noise Compatibility of New Development)
Policy N 1.7 (Commercial/ Entertainment Uses)
Policy N 1.8 (Significant Noise Impacts)
Policy N 4.2 (New Uses)
Policy N 4.6 (Maintenance of Construction Activities)
Policy N 5.1 (Limiting Hours of Activity)

Tribal Consultation Finding:

Pursuant to California Government Code Section 65352.3 ("SB18"), a local government is required to contact the appropriate tribes identified by the Native American Heritage Commission ("NAHC") each time it considers a proposal to adopt or amend the General Plan. If requested by any tribe, the local government must consult for the purpose of preserving or mitigating impacts to cultural resources.

Fact in Support of Finding Tribal Consultation Consistency:

The City received a response from the NAHC indicating that 20 tribal contacts should be provided notice regarding the GPA. SB 18 requires notification 90 days prior to Council action to allow tribal contacts to respond to the request to consult. To comply with both the requirements of SB 18 and Assembly Bill 52, the tribal contacts were provided notice on September 19, 2024. Two tribal contacts requested consultation: the Gabrieleno Band of Mission Indians - Kizh Nation ("Kizh Nation") and the Gabrielino Tongva Indians of California. The City engaged in a good faith effort for consultation for over a year with both tribes and both tribes requested monitoring for tribal resources during ground disturbances consisting of over 14 correspondence regarding mitigation measures to incorporate into the Project. A timeline of the tribal consultations is attached hereto as Exhibit "E" and incorporated herein by this reference. During the consultation process, the Kizh Nation requested to be the sole onsite monitor and asserted that the Gabrielino Tongva have no direct historical, ancestral, or cultural ties to Newport Beach. However, the Gabrielino Tongva tribe provided the City with substantial evidence identifying that the Property is within their Ancestral Tribal Territory. Furthermore, the Gabrielino Tongva tribe were identified by NAHC through a Sacred Lands File ("SLF") search establishing that the Property is within traditional lands or cultural places for the Gabrieleno Tongva. Therefore, the City incorporated mitigation measures into the Project allowing for tribal monitors from both tribes to address potential concerns regarding the protection of Tribal Cultural Resources.

Charter Section 423 Finding:

City of Newport Beach

Pursuant to City Charter Section 423 and City Council Policy A-18, voter approval is required for any major amendment to the General Plan. A “major amendment” is one that significantly increases the maximum amount of traffic that allowed uses could generate or significantly increases allowed density or intensity. “Significantly increases” is defined as increases over 100 peak hour trips (traffic), or over 100 dwelling units (density), or over 40,000 square feet of floor area (intensity). The thresholds apply to both: 1) increases directly caused by the subject GPA, and 2) eighty percent of the increases caused by previous GPAs within the area plus the subject GPA:

The subject GPA is within Statistical Area J-5. One amendment (PA2020-041) has been approved within the last 10 years and continues to be cumulatively tracked consistent with the provisions of Charter Section 423.

Facts in Support of Finding Charter Section 423 Consistency:

The following table illustrates the increases attributable to the subject GPA, prior GPAs, and the resulting totals. Trip generation for the purpose of implementing Charter Section 423 was calculated using the blended rate for “public, semi-public, and institutional uses,” as provided in City Council Policy A-18. Notably, none of the thresholds specified by Charter Section 423 are exceeded, therefore no vote of the electorate is required should the City Council choose to approve this GPA.

Charter Section 423, Measure S Analysis for Statistical Area J-5.				
Amendments	Increased Density (DU)	Increased Intensity (SF)	Peak Hour Trip Increase	
			A.M.	P.M.
PA2020-041 (Shvetz Residential Subdivision)	1	NA	0.75	1.01
Total Prior Increases	1	NA	0.75	1.01
80% of Prior Increases	.8	NA	0.60	.81
100% of Proposed PA2024-0069	0	39,772	59.66	59.66
Total	.8	39,772	60.26	60.26
Threshold	100	40,000	100	100
Remaining	99.2	228	39.74	39.74
Vote Required?	No	No	No	No

Additionally, while the Project requires a GPA, major site development review, conditional use permit, and modification permit, only the GPA may be subject to an initiative. (Elections Code Section 9200 *et seq.*; *DeVita v. County of Napa* (1995) 9 Cal. 4th 763, 775)

EXHIBIT "C"

GENERAL PLAN AMENDMENT TO ANOMALY NO. 58 OF TABLE LU2 OF THE
NEWPORT BEACH GENERAL PLAN LAND USE ELEMENT

Anomaly Number	Statistical Area	Land Use Designation	Development Limit (SF)	Development Limit (other)	Additional Information
58	J5	PR	59,772		

EXHIBIT "D"

GENERAL PLAN CONSISTENCY ANALYSIS

Relevant General Plan Policies	Project Consistency
Land Use Element	
<p>LU 1.6 Public Views. Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points.</p>	<p>Consistent. As discussed in Section 5.1 of the EIR, <i>Aesthetics</i>, all development within the proposed Project site would be set back from adjacent streets and would not encroach on the existing public long-distance views. The proposed buildings would have a minimum setback 20 feet from Mesa Drive, and 20 feet from Irvine Avenue. These setbacks would protect, and the proposed landscaping along the roadways would enhance public views. Therefore, the Project is consistent with Policy LU 1.6.</p>
<p>LU 2.1 Resident-Serving Land Uses. Accommodate uses that support the needs of Newport Beach's residents including housing, retail, services, employment, recreation, education, culture, entertainment, civic engagement, and social and spiritual activity that are in balance with community natural resources and open spaces.</p>	<p>Consistent. As discussed in Section 3.0 of the EIR, <i>Project Description</i>, the proposed Project would develop a commercial recreational facility including a surf lagoon, amenity clubhouse, and athlete accommodations. The proposed uses would provide employment, recreation, culture, entertainment, and social activity in balance with community natural resources and open spaces. Therefore, the Project is consistent with Policy LU 2.1.</p>
<p>LU 2.2 Sustainable and Complete Community. Emphasize and support the development of uses that enable Newport Beach to be a complete community that maintains the ability to provide locally accessible opportunities for retail, goods and services, and employment.</p>	<p>Consistent. As discussed in Section 3.0 of the EIR, <i>Project Description</i>, the proposed Project would develop a commercial recreational facility including a surf lagoon, amenity clubhouse, and athlete accommodations that would provide retail goods and services, and employment. Therefore, the Project is consistent with Policy LU 2.2.</p>
<p>LU 2.5 Visitor Serving Uses. Provide uses that serve visitors to Newport Beach's ocean, harbor, open spaces, and</p>	<p>Consistent. As discussed in Section 3.0 of the EIR, <i>Project Description</i>, the proposed Project would develop a</p>

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other recreational assets, while integrating them to protect neighborhoods and residents.	commercial recreational facility including a surf lagoon, amenity clubhouse, and athlete accommodations that would be integrated between golf course holes 10-8 to the north of the site across Irvine Avenue and holes 3-8 to the south of the site across Mesa Drive. The Project would be integrated into the existing development, between the existing roadways and the Santa Ana-Delhi Channel, along an arterial roadway near freeway access. Therefore, the Project is consistent with Policy LU 2.5.
LU 2.8 Adequate Infrastructure. Accommodate the types, densities, and mix of land uses that can be adequately supported by transportation and utility infrastructure (water, sewer, storm drainage, energy, and so on) and public services (schools, parks, libraries, seniors, youth, police, fire, and so on).	Consistent. As discussed in Section 5.14 of the EIR, <i>Transportation</i> , the proposed Project would result in 186 net new vehicle trips that would be accommodated by the existing street system. As discussed in Section 5.16 of the EIR, <i>Utilities and Service Systems</i> , implementation of the proposed Project would not result in the need for expanded utility infrastructure or provision of services. The proposed Project would be served by the existing infrastructure that is adequate to serve the Project and surrounding areas. Also, as detailed in Section 5.12 of the EIR, <i>Public Services</i> , the proposed Project would not require expansion or construction of new public facilities to serve the Project along with other service needs. Therefore, the Project is consistent with Policy LU 2.8.
LU 3.1 Neighborhoods, Districts, Corridors, and Open Spaces. Maintain Newport Beach's pattern of residential neighborhoods, business and employment districts, commercial centers, corridors, and harbor and ocean districts.	Consistent. As discussed in Section 3.0 of the EIR, <i>Project Description</i> , the proposed Project would develop a commercial recreational facility including a surf lagoon, amenity clubhouse, and athlete accommodations on the Project site, which would change the type of commercial recreation provided on the site. The Project would maintain and support the golf course holes 10-18 to the north of the site, across Irvine Avenue, and holes 3-8 to the south of the site across

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<p>LU 3.2 Growth and Change. Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach's share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.</p>	<p>Consistent. As discussed in Section 3.0 of the EIR, <i>Project Description</i>, the proposed Project would redevelop the site to provide a different type of commercial recreational use; changing the existing golf-related facilities to a surf lagoon, amenity clubhouse, and athlete accommodations that would result in approximately the same number of employees on the site (as detailed in Section 3.0, <i>Project Description</i>). Thus, unplanned growth would not occur. Also, as discussed in Sections 5.12, <i>Public Services</i>, and 5.14, <i>Transportation</i>, the proposed Project would not result in impacts related to the street system or public services. Therefore, the Project is consistent with Policy LU 3.2.</p>
<p>LU 3.3 Opportunities for Change. Support opportunities for new development and improved physical environments for residents, businesses, and visitors in the following districts and corridors, as specified in Policies 6.3.1 through 6.22.7:</p> <p>Santa Ana Heights: Support continued implementation of the adopted Specific Plan and Redevelopment Plan.</p>	<p>Consistent. As discussed in Section 3.0 of the EIR, <i>Project Description</i>, the proposed Project would redevelop the existing golf-related facilities to a surf lagoon, amenity clubhouse, and athlete accommodations. As detailed within this section, the Project would implement the Santa Ana Heights Specific Plan land use designation for the site. The proposed Project would result in a new development with an improved physical environment and the facility would be available to residents and visitors, and would support local visitor and surf recreation related businesses. Therefore, the Project is consistent with Policy LU 3.3.</p>
<p>LU 3.7 Natural Resource and Hazardous Areas. Require that new</p>	<p>Consistent. The proposed Project is located on a site that is currently</p>

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<p>development is located and designed to protect areas with high natural resource value and protect residents and visitors from threats to life or property.</p>	<p>developed and surrounded by developed urban uses. The Project is not located within or adjacent to areas of high resource value; and as detailed in Section 5.8 of the EIR, <i>Hazards and Hazardous Materials</i>, the Project would not result in threats to life or property. Therefore, the Project is consistent with Policy LU 3.7.</p>
<p>LU 3.8 Project Entitlement Review with Airport Land Use Commission. Refer the adoption or amendment of the General Plan, Zoning Code, specific plans, and Planned Community development plans for land within the John Wayne Airport planning area, as established in the JWA Airport Environs Land Use Plan (AELUP), to the Airport Land Use Commission (ALUC) for Orange County for review, as required by Section 21676 of the California Public Utilities Code. In addition, refer all development projects that include buildings with a height greater than 200 feet above ground level to the ALUC for review.</p>	<p>Consistent. As discussed in Section 5.8 of the EIR, <i>Hazards and Hazardous Materials</i>, because the Project site is located within the AELUP Notification area for SNA and within the SNA planning area boundary, and the Project proposes a General Plan Amendment, the City is required to refer the proposed Project to the ALUC for review, pursuant to the California Public Utilities Code Section 21676. Therefore, the Project is consistent with Policy LU 3.8.</p>
<p>LU 4.1 Land Use Diagram. Support land use development consistent with the Land Use Plan. Figure LU1 depicts the general distribution of uses throughout the City and Figure LU2 through Figure LU15 depict specific use categories for each parcel within defined Statistical Areas. Table LU1 (Land Use Plan Categories) specifies the primary land use categories, types of uses, and, for certain categories, the densities/intensities to be permitted. The permitted densities/intensities or amount of development for land use categories for which this is not included in Table LU1, are specified on the Land Use Plan, Figure LU4 through Figure LU15. These are intended to convey maximum and, in some cases, minimums that may be permitted on any parcel within the designation or as otherwise specified by</p>	<p>Consistent. As discussed above, the proposed Project would be consistent with the site's current General Plan Land Use Designation of Parks and Recreation which permits parks (both active and passive), golf courses, marina support facilities, aquatic facilities, tennis clubs and courts, private recreation, and similar facilities (City of Newport Beach, 2006). The proposed Project would require a General Plan Amendment in order to modify Anomaly Number 58 that currently limits the allowable increase in development on the site to 20,000 SF. With implementation of the General Plan Amendment, development of the proposed Project would be consistent with the General Plan development allowances for the site. Therefore, the Project is consistent with Policy LU 4.1.</p>

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<p>Table LU2 (Anomaly Locations). The density/intensity ranges exclude increases allowed through the applications of density bonus laws and are calculated based on actual land area, actual number of dwelling units in fully developed residential areas, and development potential in areas where the General Plan allows additional development.</p> <p>To determine the permissible development, the user should:</p> <ol style="list-style-type: none"> a. Identify the parcel and the applicable land use designation on the Land Use Plan, Figure LU4 through Figure LU15 b. Refer to Figure LU4 through Figure LU15 and Table LU1 to identify the permitted uses and permitted density or intensity or amount of development for the land use classification. Where densities/intensities are applicable, the maximum amount of development shall be determined by multiplying the area of the parcel by the density/intensity. c. For anomalies identified on the Land Use Map by a symbol, refer to Table LU2 to determine the precise development limits. b. d. For residential development in the Airport Area., refer to the policies prescribed by the Land Use Element that define how development may occur. 	
<p>Policy LU 5.6.2. Form and Environment. Require that new and renovated buildings be designed to avoid the use of styles, colors, and materials that unusually impact the design character and quality of their location such as abrupt changes in scale, building form, architectural style, and the use of surface materials that raise local temperatures, result in glare and excessive illumination of adjoining properties and open spaces, or adversely modify wind patterns.</p>	<p>Consistent. As discussed in Section 5.1 of the EIR, Aesthetics, the proposed two- and three-story buildings would be consistent with the two- to three-story high commercial office buildings that are located on Mesa Drive, Acacia, and Irvine Avenue to the northwest of the site; and the three-story fire training tower that is adjacent to the site. The proposed development provides the same type of modern visual character as surrounding</p>

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	<p>residential, commercial, and office development that surrounds the site. In addition, the Project lighting would be required to comply with Municipal Code Section 21.30.070, Outdoor Lighting, through the City's permitting process to ensure that it would not result in glare and excessive illumination of adjoining properties. Therefore, the Project is consistent with Policy LU 5.6.2.</p>
<p>Policy LU 5.6.3. Ambient Lighting. Require that outdoor lighting be located and designed to prevent spillover onto adjoining properties or significantly increase the overall ambient illumination of their location.</p>	<p>Consistent. As discussed in Section 5.1 of the EIR, <i>Aesthetics</i>, the Project lighting would be required to comply with Municipal Code Section 21.30.070, Outdoor Lighting, through the City's permitting process to ensure that it would not result in glare and excessive illumination of adjoining properties. Therefore, the Project is consistent with Policy LU 5.6.3.</p>
Historical Resources Element	
<p>HR 2.1 New Development Activities. Require that, in accordance with CEQA, new development protect and preserve paleontological and archaeological resources from destruction, and avoid and mitigate impacts to such resources. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.</p>	<p>Consistent. As discussed in Section 5.4 of the EIR, <i>Cultural Resources</i>, and Section 5.6, <i>Geology and Soils</i>, both archeological and paleontological resources studies were conducted (included as Appendix E and I to the EIR, respectively). Mitigation Measures CUL-1, CUL-2, and PAL-1 have been included to ensure that no significant impacts to either archeological or paleontological resources would occur. Therefore, the Project is consistent with Policy HR 2.1.</p>
<p>HR 2.2 Grading and Excavation Activities. Maintain sources of information regarding paleontological and archeological sites and the names and addresses of responsible organizations and qualified individuals, who can analyze, classify, record, and preserve paleontological or archeological findings. Require a qualified paleontologist/archeologist to monitor all</p>	<p>Consistent. As discussed in Section 5.4 of the EIR, <i>Cultural Resources</i>, and Section 5.6, <i>Geology and Soils</i>, both archeological and paleontological resources studies were conducted (included as Appendix E and I to the EIR, respectively). Mitigation Measures CUL-1, CUL-2, and PAL-1 have been included to provide for archeological and paleontological monitoring on the site</p>

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grading and/or excavation where there is a potential to affect cultural, archeological or paleontological resources. If these resources are found, the applicant shall implement the recommendations of the paleontologist/archeologist, subject to the approval of the City Planning Department.	during grading and excavation activities to ensure that significant impacts to archeological and paleontological resources would not occur. Therefore, the Project is consistent with Policy HR 2.2.
HR 2.3 Cultural Organizations. Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow representatives of such groups to monitor grading and/or excavation of development sites.	Consistent. In accordance with AB 52 and SB 18, the City sent letters to 20 Native American representatives identified by NAHC, notifying them of the proposed Project. Agency to agency consultation occurred between the City and two tribes who stated that they have cultural affiliation with the Project region. While none of the tribes presented substantial evidence indicating that tribal cultural resources are present on the site, Mitigation Measures TCR-1 through TCR-3 have been included to provide for Native American monitoring on the site during grading and excavation activities to ensure that significant impacts to tribal cultural resources would not occur. Therefore, the Project is consistent with Policy HR 2.3.
HR 2.4 Paleontological or Archaeological Materials. Require new development to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach, or Orange County, whenever possible.	Consistent. As discussed in Section 5.4 of the EIR, <i>Cultural Resources</i> , and Section 5.6 of the EIR, <i>Geology and Soils</i> , both archeological and paleontological resources studies were conducted (included as Appendix E and I to the EIR, respectively). Mitigation Measures CUL-1, CUL-2, and PAL-1 would ensure that there would be no significant impacts on either archeological or paleontological resources. Therefore, the Project is consistent with Policy HR 2.4.
Circulation Element	
CE 2.2.1 Safe Roadways. Provide for safe roadway conditions by adhering to nationally recognized improvement standards and uniform construction and maintenance practices.	Consistent. As discussed in Section 5.14 of the EIR, <i>Transportation</i> , the proposed Project does not include improvements to public roadways. However, the new driveways that would provide vehicular

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	access to the site and the onsite circulation would be required to adhere to the City's public works and engineering recognized improvement standards and uniform construction and maintenance practices that would be verified through the City's construction permitting process. Therefore, the Project is consistent with Policy CE 2.2.1.
CE 2.2.4 Traffic Control. Design traffic control measures to ensure City streets and roads function with safety and efficiency for vehicles, bicycles, and pedestrians.	Consistent. As discussed in Section 5.14 of the EIR, <i>Transportation</i> , the proposed Project does not include traffic control measures for public roadways. However, the new driveways that would provide vehicular access to the site and the onsite circulation would be required to adhere to the City's public works and engineering recognized traffic control standards that would be verified through the City's construction permitting process. Therefore, the Project is consistent with Policy CE 2.2.4.
CE 2.2.5 Driveway and Access Limitations. Limit driveway and local street access on arterial streets to maintain a desired quality of traffic flow and limit hazards to active transportation modes. Wherever possible, consolidate and/or reduce the number of driveways and implement access controls during redevelopment of adjacent parcels.	Consistent. As discussed in Section 5.14 of the EIR, <i>Transportation</i> , the proposed Project would provide two driveway locations to access the site from two sides. In addition, City permitting would ensure that ingress and egress is consistent with the City of Newport Beach General Plan Circulation Element and development standards. Therefore, the Project is consistent with Policy CE 2.2.5.
CE 2.2.7 Emergency Access. Provide all residential, commercial, and industrial areas with efficient and safe access for emergency vehicles. An emergency evacuation map shall be prepared as part of an updated Safety Element.	Consistent. As discussed in Section 5.14 of the EIR, <i>Transportation</i> , the proposed Project would provide two driveway locations to access the site from two sides. In addition, City permitting would ensure that ingress and egress is consistent with the requirements in Section 503 of the California Fire Code (Title 24, California Code of Regulations, Part 9). Therefore, the Project would provide efficient and safe access for emergency vehicles and would be consistent with Policy CE 2.2.7.

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<p>CE 5.2.6 Pedestrian Improvements in New Development Projects. Require new development projects to include safe and attractive sidewalks, walkways, and bike lanes in accordance with the Master Plan, and, if feasible, trails.</p>	<p>Consistent. As discussed in Section 5.14 of the EIR, <i>Transportation</i>, bike lanes and sidewalks currently exist adjacent to the Project site. The Project would provide onsite pedestrian walkways that would connect to the offsite sidewalks and bicycle parking facilities. Therefore, the Project provides onsite pedestrian and bicycle related improvements and is consistent with Policy CE 5.2.6.</p>
<p>CE 5.2.12 Bicycle Supporting Amenities. Require bicycle facilities such as bike racks, bike stations, or lockers according to national standards for long-term and short-term bicycle utilization on City property and with new development and encourage the addition of such bicycle facilities within existing development.</p>	<p>Consistent. As discussed in Section 3.0 of the EIR, <i>Project Description</i>, and Section 5.14, <i>Transportation</i>, the proposed Project would include installation of both temporary and long-term bicycle parking areas. Therefore, the Project is consistent with Policy CE 5.2.12.</p>
<p>CE 7.1.1 Vehicle Miles Traveled (VMT) Analysis. Follow the analysis methodology for vehicle miles traveled according to the Newport Beach VMT thresholds policy and as required in Senate Bill 743 and the revised California Environmental Quality Act (CEQA) Guidelines.</p>	<p>Consistent. As detailed in Section 5.14 of the EIR, <i>Transportation</i>, the analysis of VMT for the proposed Project follows the City's VMT thresholds policy and as required in SB 743 and CEQA. Therefore, the Project is consistent with Policy CE 7.1.1.</p>
<p>CE 7.1.2 VMT Mitigation Measures. Require implementation of CEQA project related VMT mitigation measures when warranted and monitor reductions in VMT from new development.</p>	<p>Consistent. As discussed in Section 5.14 of the EIR, <i>Transportation</i>, the proposed Project would not result in a potentially significant impact related to VMT and mitigation measures are not warranted. Therefore, the Project is consistent with Policy CE 7.1.1.</p>
<p>CE 7.1.5 Support Facilities for Alternative Modes. Require new development projects to provide facilities commensurate with development type and intensity to support alternative modes, such as preferential parking for carpools, bike racks, bike stations, bicycle lockers, showers, commuter information areas, rideshare vehicle loading areas, water</p>	<p>Consistent. As discussed in Section 3.0 of the EIR, <i>Project Description</i>, and Section 5.14 of the EIR, <i>Transportation</i>, the proposed Project supports alternative modes of travel and includes a drop-off and pick-up area for carpools and ride-shares, bicycle parking, and onsite pedestrian walkways that would complement the existing offsite sidewalks</p>

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transportation docks, and bus stop improvements.	and bike paths. Therefore, the Project is consistent with Policy CE 7.1.5.
CE 7.1.7 Project Site Design Supporting Alternative Modes. Encourage increased use of public transportation by requiring project site designs that facilitate the use of public transportation and walking.	Consistent. As discussed in Section 3.0 of the EIR, <i>Project Description</i> , and Section 5.14 of the EIR, <i>Transportation</i> , the proposed Project supports alternative modes of travel and includes onsite pedestrian walkways that would complement the existing offsite sidewalks on Irvine Avenue with bus stops for OCTA Bus Route 178. Therefore, the Project facilitates the use of public transportation and walking and is consistent with Policy CE 7.1.7.
CE 7.1.8 Electric Vehicle (EV) Charging Stations. Install additional EV charging stations on City properties, support existing private development to add new EV charging stations and develop incentives for the installation of EV charging stations and other alternative fuels systems as part of new development.	Consistent. As discussed in Section 3.0 of the EIR, <i>Project Description</i> and Section 5.14 of the EIR, <i>Transportation</i> , the proposed Project includes installation of EV charging stations and EV parking spots on the Project site. Therefore, the Project is consistent with Policy CE 7.1.8.
CE 9.1.10 Development Requirements. Require development to provide the needed roadway improvements adjacent to a site, commensurate with project impact and in accordance with the Master Plan of Streets and Highways.	Consistent. As discussed in Section 5.14 of the EIR, <i>Transportation</i> , the proposed Project would not require or include any roadway improvements. However, the proposed driveways and onsite vehicular circulation would be required to adhere to the City's public works and engineering recognized traffic control standards that would be verified through the City's construction permitting process. Therefore, the Project is consistent with Policy CE 9.1.10.
Recreation Element	
R 1.12 Aircraft Overflight and Noise. Require that all public parks located within the noise impact zones as defined in the 1985 JWA Master Plan for John Wayne Airport be posted with a notification to users regarding aircraft overflight and noise.	Consistent. The proposed Project is a commercial recreation facility and would not be a public park. The Project site is located within the SNA 65 CNEL noise contour, which indicates that noise from aircraft on the Project site is 65 dB CNEL and is within the noise impact area related to SNA operations. However, as detailed in

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	Section 5.8 of the EIR, <i>Hazards and Hazardous Materials</i> , and Section 5.11 of the EIR, <i>Noise</i> , the AELUP for SNA states that community facilities and commercial land uses are "normally consistent" within the 65 CNEL contour. Therefore, the proposed Project would not result in an impact related to aircraft overflight and noise and would be consistent with Policy R 1.12.
<p>R 4.1 Provision of Recreation Services. Provide high quality recreational services through professionally-trained recreational personnel to program participants.</p>	<p>Consistent. The proposed Project would provide high quality surf-related recreational services through professionally-trained recreational personnel to program participants. Therefore, the Project is consistent with Policy R 4.1.</p>
<p>R 4.2 Compatible Recreation Activities. Provide a variety of compatible recreational activities within a given location.</p>	<p>Consistent. The proposed Project would add to the variety of recreation activities in the area and the surfing activities would be compatible with the City's location near the ocean. Therefore, the Project is consistent with Policy R 4.2.</p>
<p>R 4.3 Variety of Programs. Provide a variety of quality programs offered in safe and secure environments for the community's youth that enhance and extend the learning day, promote health and wellness, encourage expansion of skills, and reinforce self-esteem, good character, and positive behavior.</p>	<p>Consistent. The proposed Project would provide surf-related recreational services in a safe and secure environment that would promote health and wellness, encourage expansion of skills, and reinforce self-esteem, good character, and positive behavior. Therefore, the Project is consistent with Policy R 4.3.</p>
<p>R 4.5 Variety of Adult Recreational Programs. Provide a variety of quality enrichment and recreational programs for the adult population that promote health and wellness; development and/or enhancement of skills and talents; extend learning opportunities; promote sportsmanship; and provide unique opportunities to engage in new activities.</p>	<p>Consistent. The proposed Project would provide surf-related recreational services in a safe and secure environment that would promote health and wellness, enhancement of skills, extend learning opportunities; promote sportsmanship; and provide unique opportunities to engage in a new activity. Therefore, the Project is consistent with Policy R 4.5.</p>
Natural Resources Element	
<p>NR 1.1 Water Conservation in New Development. Enforce water</p>	<p>Consistent. The proposed Project would be constructed according to Title 24</p>

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conservation measures that limit water usage, prohibit activities that waste water or cause runoff, and require the use of water-efficient landscaping and irrigation in conjunction with new construction projects.	requirements of the 2022 California administrative code for water conservation and landscaping would be implemented throughout the Project site, including implementation of bioretention basins that would limit runoff. BMPs for stormwater management would also be implemented to direct stormwater into landscape areas to use for irrigation. Therefore, the Project is consistent with Policy N 1.1.
<p>NR 1.2 Use of Water Conserving Devices. Establish and actively promote use of water conserving devices and practices in both new construction and major alterations and additions to existing buildings. This can include the use of rainwater capture, storage, and reuse facilities.</p>	<p>Consistent. As discussed in Section 5.16 of the EIR, <i>Utilities and Service Systems</i>, the proposed Project would be required to implement the CALGreen Code for efficient use of water. Additionally, as discussed in Section 5.9 of the EIR, <i>Hydrology and Water Quality</i>, development and construction of the Project site would require preparation and adherence to a Stormwater Pollution Prevention Plan (SWPPP) and Water Quality Management Plan (WQMP). Therefore, the Project would use water conserving devices and would be consistent with Policy NR 1.2.</p>
<p>NR 3.4 Storm Drain Sewer System Permit. Require all development to comply with the regulations under the City's municipal separate storm drain system permit under the National Pollutant Discharge Elimination System.</p>	<p>Consistent. As discussed in Section 5.9 of the EIR, <i>Hydrology and Water Quality</i>, construction of the Project site and operation of the proposed Project would require preparation and adherence to a SWPPP and a WQMP. Therefore, the Project is consistent with Policy NR 3.4.</p>
<p>NR 3.5 Natural Water Bodies. Require that development does not degrade natural water bodies.</p>	<p>Consistent. As discussed in Section 5.3 of the EIR, <i>Biological Resources</i>, there are no natural bodies of water within the Project site. In addition, as discussed in Section 5.9 of the EIR, <i>Hydrology and Water Quality</i>, a SWPPP and WQMP would be required to be implemented to ensure that the Project would not degrade offsite natural water bodies. Therefore, the Project is consistent with Policy NR 3.5.</p>

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<p>NR 3.9 Water Quality Management Plan. Require new development applications to include a Water Quality Management Plan (WQMP) to minimize runoff from rainfall events during construction and post-construction.</p>	<p>Consistent. As discussed in Section 5.9 of the EIR, <i>Hydrology and Water Quality</i>, construction of the Project site and operation of the proposed Project would require preparation and adherence to a SWPPP and a WQMP. Therefore, the Project is consistent with Policy NR 3.9.</p>
<p>NR 3.10 Best Management Practices. Implement and improve upon Best Management Practices (BMPs) for residences, businesses, development projects, and City operations.</p>	<p>Consistent. As discussed in Section 5.9, <i>Hydrology and Water Quality</i> of the EIR, the proposed Project would implement SWPPP and a WQMP, both of which would provide BMPs to reduce or eliminate soil erosion and pollution. During operation, onsite drainage features would include BMPs that have been designed to slow, filter, and slowly discharge stormwater into the offsite drainage system. Therefore, the Project is consistent with Policy NR 3.10.</p>
<p>NR 3.11 Site Design and Source Control. Include site design and source control BMPs in all developments. When the combination of site design and source control BMPs are not sufficient to protect water quality as required by the National Pollutant Discharge Elimination System (NPDES), structural treatment BMPs will be implemented along with site design and source control measures.</p>	<p>Consistent. As discussed in Section 5.9 of the EIR, <i>Hydrology and Water Quality</i>, the proposed Project would implement a WQMP that would be approved by the City and includes design and source control BMPs to protect water quality, which include landscaping and drainage features that have been designed to slow, filter, and slowly discharge stormwater into the offsite drainage system. Therefore, the Project is consistent with Policy NR 3.11.</p>
<p>NR 3.12 Reduction of Infiltration. Include equivalent BMPs that do not require infiltration, where infiltration of runoff would exacerbate geologic hazards. (Policy HB 8.12)</p>	<p>Consistent. As discussed in Section 5.9 of the EIR, <i>Hydrology and Water Quality</i>, infiltration is not feasible for the Project site. Thus, the Project would utilize modular wetland systems and bioretention basins which would collect flows, filter, and then direct runoff into the Santa Ana Delhi Channel, which is adjacent to the site. Therefore, the Project is consistent with Policy NR 3.12.</p>
<p>NR 3.14 Runoff Reduction on Private Property. Retain runoff on private property to prevent the transport of</p>	<p>Consistent. As discussed in Section 5.9 of the EIR, <i>Hydrology and Water Quality</i>, the proposed Project would implement a</p>

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pollutants into natural water bodies, to the maximum extent practicable. (Policy HB 8.14).	SWPPP and a WQMP that would provide BMPs to reduce or eliminate transport of pollutants into natural water bodies. Onsite drainage features would be installed that have been designed to slow and filter stormwater prior to discharge to reduce runoff and prevent transport of pollutants. Therefore, the Project is consistent with Policy NR 3.14.
<p>NR 3.16 Siting of New Development. Require that development be located on the most suitable portion of the site and designed to ensure the protection and preservation of natural and sensitive site resources that provide important water quality benefits. (Policy HB 8.16).</p>	<p>Consistent. The Project site is a developed site that is used for golf-related recreation. The site does not contain a natural or sensitive site resource as detailed in Section 5.3 of the EIR, <i>Biological Resources</i>, and the site does not provide important water quality benefits. As discussed in Section 5.9, <i>Hydrology and Water Quality</i>, the proposed Project would require preparation and adherence to a SWPPP and a WQMP that would protect water quality. Therefore, the Project is consistent with Policy NR 3.16.</p>
<p>NR 3.17 Parking Lots and Rights-of-Way. Require that parking lots and public and private rights-of-way be maintained and cleaned frequently to remove debris and contaminated residue. (Policy HB 8.17)</p>	<p>Consistent. As discussed in the Preliminary WQMP (included as Appendix O to the EIR), operation of the Project shall include sweeping all onsite streets, drive aisles, and/or uncovered parking areas at minimum of a quarterly basis. Therefore, the Project is consistent with Policy NR 3.17.</p>
<p>NR 3.19 Natural Drainage Systems. Require incorporation of natural drainage systems and stormwater detention facilities into new developments, where appropriate and feasible, to retain stormwater in order to increase groundwater recharge. (Policy HB 8.19)</p>	<p>Consistent. As discussed in Section 5.9 of the EIR, <i>Hydrology and Water Quality</i>, infiltration and groundwater recharge is not feasible at the Project site. Thus, the Project would utilize modular wetland systems and bioretention basins which would collect flows, filter, and then direct runoff into the Santa Ana Delhi Channel, which is adjacent to the site. Therefore, the Project is consistent with Policy NR 3.19.</p>
<p>NR 3.20 Impervious Surfaces. Require new development and public</p>	<p>Consistent. As discussed in Section 5.9 of the EIR, <i>Hydrology and Water Quality</i>,</p>

Relevant General Plan Policies	Project Consistency
<p>improvements to minimize the creation of and increases in impervious surfaces, especially directly connected impervious areas, to the maximum extent practicable. Require redevelopment to increase area of pervious surfaces, where feasible. (Policy HB 8.20)</p>	<p>while the proposed Project would result in an increase of impervious surfaces, buildup of the proposed Project would result in a decrease the 100-year storm runoff flowrate by 11.1 percent and the proposed Project would maintain the existing drainage pattern by collecting runoff via roof drains, curbs, and area drains and conveying it to vegetated biotreatment systems utilizing permeable landscaping for treatment. Therefore, the Project is consistent with Policy NR 3.20.</p>
<p>NR 4.3 Restore Natural Hydrologic Conditions. Preserve, or where feasible, restore natural hydrologic conditions such that downstream erosion, natural sedimentation rates, surface flow, and groundwater recharge function near natural equilibrium states.</p>	<p>Consistent. As discussed in Section 5.9 of the EIR, <i>Hydrology and Water Quality</i>, infiltration and groundwater recharge is not feasible at the Project site. Thus, the Project would utilize modular wetland systems and bioretention basins which would collect flows, filter, and then direct runoff into the Santa Ana Delhi Channel, which is adjacent to the site. The Project would not impact hydrologic conditions, sedimentation, or erosion. Therefore, the Project is consistent with Policy NR 4.3.</p>
<p>NR 4.4 Erosion Minimization. Require grading/erosion control plans with structural BMPs that prevent or minimize erosion during and after construction for development on steep slopes, graded, or disturbed areas.</p>	<p>Consistent. As discussed in Section 5.6 of the EIR, <i>Geology and Soils</i>, the proposed Project would implement a SWPPP and provide BMPs to reduce or eliminate soil erosion and the loss of topsoil during construction. During operation, onsite drainage features would be installed that have been designed to slow, filter, and slowly discharge stormwater into the offsite drainage system. Therefore, the Project would minimize erosion and would be consistent with Policy NR 4.3.</p>
<p>NR 6.1 Walkable Neighborhoods. Provide for walkable neighborhoods to reduce vehicle trips by siting amenities such as services, parks, and schools in close proximity to residential areas.</p>	<p>Consistent. As discussed in Section 5.14 of the EIR, <i>Transportation</i>, existing sidewalks are located adjacent to the Project site, and the Project would install onsite walkways that would provide for pedestrian access to and from the site.</p>

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	The Project is located at the existing NB Golf Course, which is a commercial recreation land use that is located along an arterial roadway near the freeways, but also, in close proximity to retail services (across Irvine Avenue) and residential areas within the City. Therefore, the Project is consistent with Policy NR 6.1.
<p>NR 6.4 Transportation Demand Management Ordinance. Implement the Transportation Demand Management (TDM) Ordinance, which promotes and encourages the use of alternative transportation modes and provides those facilities such as bicycle lanes that support such alternate modes.</p>	<p>Consistent. As discussed in Section 5.14 of the EIR, <i>Transportation</i>, bike lanes and sidewalks currently exist adjacent to the Project site. The Project would provide onsite pedestrian walkways that would connect to the offsite sidewalks and bicycle parking facilities. Therefore, the Project supports these alternative modes of transportation and is consistent with Policy NR 6.4.</p>
<p>NR 7.2 Source Emission Reduction Best Management Practices. Require the use of Best Management Practices (BMP) to minimize pollution and to reduce source emissions.</p>	<p>Consistent. As discussed in Section 5.2 of the EIR, <i>Air Quality</i>, construction of the Project would implement all related SCAQMD Rules for reduction of source emissions. Therefore, the Project is consistent with Policy NR 7.2.</p>
<p>NR 8.1 Management of Construction Activities to Reduce Air Pollution. Require developers to use and operate construction equipment, use building materials and paints, and control dust created by construction activities to minimize air pollutants.</p>	<p>Consistent. As discussed in Section 5.2 of the EIR, <i>Air Quality</i>, the proposed Project would implement SCAQMD Rule 403 regarding construction dust and Rule 1113 regarding the use of low VOC architectural coatings. Therefore, the Project is consistent with Policy NR 8.1.</p>
<p>NR 10.2 Orange County Natural Communities Conservation Plan. Comply with the policies contained within the Orange County Natural Communities Conservation Plan.</p>	<p>Consistent. As discussed in Section 5.3 of the EIR, <i>Biological Resources</i>, the proposed Project would be consistent with the Orange County Natural Communities Conservation Plan as the Project site is listed as a development site and is not located within a Habitat Reserve System. Therefore, the Project is consistent with Policy NR 10.2.</p>
<p>NR 10.3 Analysis of Environmental Study Areas. Require a site-specific survey and analysis prepared by a</p>	<p>Consistent. As discussed in Section 5.3 of the EIR, <i>Biological Resources</i>, a biological resources assessment was</p>

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<p>qualified biologist as a filing requirement for any development permit applications where development would occur within or contiguous to areas identified as ESAs.</p>	<p>conducted and is included as Appendix C to the EIR which included a survey for ESA listed species on the Project site. The Project site does not contain and is not adjacent to any ESAs. Therefore, the Project is consistent with Policy NR 10.3.</p>
<p>NR 10.4 New Development Siting and Design. Require that the siting and design of new development, including landscaping and public access, protect sensitive or rare resources against any significant disruption of habitat values.</p>	<p>Consistent. As discussed in Section 5.3 of the EIR, <i>Biological Resources</i>, the Project site does not include any sensitive or rare resources. However, the western yellow bat has a low potential to roost in ornamental trees, including palms, on the Project site. Also, the Project site provides suitable foraging, breeding, and roosting habitat for bird and raptor species. Therefore, Mitigation Measures BIO-1 and BIO-2 would ensure that there are no significant impacts to nesting birds or roosting bats onsite. Therefore, the Project is consistent with Policy NR 10.4.</p>
<p>NR 10.5 Development in Areas Containing Significant or Rare Biological Resources. Limit uses within an area containing any significant or rare biological resources to only those uses that are dependent on such resources, except where application of such a limitation would result in a taking of private property. If application of this policy would likely constitute a taking of private property, then a non-resource-dependent use shall be allowed on the property, provided development is limited to the minimum amount necessary to avoid a taking and the development is consistent with all other applicable resource protection policies. Public access improvements and educational, interpretative and research facilities are considered resource dependent uses.</p>	<p>Consistent. As discussed in Section 5.3 of the EIR, <i>Biological Resources</i>, the Project site does not include any significant or rare biological resources. However, the western yellow bat has a low potential to roost in ornamental trees, including palms, on the Project site. Also, the Project site provides suitable foraging, breeding, and roosting habitat for birds and raptor species. Therefore, Mitigation Measure BIO-1 and BIO-2 would ensure that there are no significant impacts to biological resources. Therefore, the Project is consistent with Policy NR 10.4.</p>
<p>NR 10.6 Use of Buffers. Maintain a buffer of sufficient size around significant or rare biological resources, if present, to ensure the protection of these resources. Require</p>	<p>Consistent. As discussed in Section 5.3 of the EIR, <i>Biological Resources</i>, the Upper Newport Bay Nature Preserve and Ecological Reserve ("Upper Newport</p>

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the use of native vegetation and prohibit invasive plant species within these buffer areas.	Bay") is located approximately 0.3 miles south of the Project site. The area between the Project site and Upper Newport Bay contains a hill with existing recreational and residential land uses which provides a buffer. Therefore, the Project would not result in substantial drainage, lighting, or noise impacts to the Upper Newport Bay. Therefore, the Project is consistent with Policy NR 10.6.
NR 10.7 Exterior Lighting. Shield and direct exterior lighting away from significant or rare biological resources to minimize impacts to wildlife.	Consistent. While there are no significant or rare biological resources on or adjacent to the site, the proposed Project would shield and direct light away from potential offsite sensitive species through compliance with Municipal Code Section 20.30.070 (Outdoor Lighting). Therefore, the Project is consistent with Policy NR 10.7.
NR 18.1 New Development. Require new development to protect and preserve paleontological and archaeological resources from destruction, and avoid and minimize impacts to such resources in accordance with the requirements of CEQA. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.	Consistent. As discussed in Section 5.4 of the EIR, <i>Cultural Resources</i> , and Section 5.6 of the EIR, <i>Geology and Soils</i> , both archeological and paleontological resource studies were conducted (included as Appendix E and I to the EIR, respectively). Mitigation Measures CUL-1, CUL-2, and PAL-1 were included to provide for monitoring during construction and excavation activities that would reduce potential impacts to archeological and paleontological resources to a less than significant level. Therefore, the Project is consistent with Policy NR 18.1.
NR 18.3 Potential for New Development to Impact Resources. Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow qualified representatives of such groups to monitor grading and/or excavation of development sites.	Consistent. In accordance with AB 52 and SB 18, the City sent letters to 20 Native American representatives identified by NAHC, notifying them of the proposed Project. Agency to agency consultation occurred between the City and two tribes, who stated that they have cultural affiliation with the Project region. While none of the tribes presented substantial evidence indicating that tribal cultural resources are present on the site,

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	Mitigation Measures TCR-1 through TCR-3 have been included to provide for Native American monitoring on the site during grading and excavation activities to ensure that significant impacts to tribal cultural resources would not occur. Therefore, the Project is consistent with Policy NR 18.3.
NR 18.4 Donation of Materials. Require new development, where on site preservation and avoidance are not feasible, to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach or Orange County, whenever possible.	Consistent. As discussed in Section 5.4 of the EIR, <i>Cultural Resources</i> , and Section 5.6 of the EIR, <i>Geology and Soils</i> , Mitigation Measures CUL-1, CUL-2, and PAL-1 provide for archeological and paleontological monitoring on the site during grading and excavation activities, which includes potential donation of materials and curation at scientific institutions. Therefore, the Project is consistent with Policy NR 18.4.
NR 20.1 Enhancement of Significant Resources. Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points, as shown in Figure NR3.	Consistent. As discussed in Section 5.1 of the EIR, <i>Aesthetics</i> , none of the adjacent roadways feature long range view of scenic vistas such as the Upper Newport Bay Preserve. The Upper Newport Bay Preserve can be seen from Irvine Avenue south of University Drive, as shown in General Plan Figure NR-3. The Project would not result in significant impacts to significant scenic and visual resources from public vantage points. Therefore, the Project is consistent with Policy NR 20.1.
NR 20.2 New Development Requirements. Require new development to restore and enhance the visual quality in visually degraded areas, where feasible, and provide view easements or corridors designed to protect public views or to restore public views in developed areas, where appropriate.	Consistent. As discussed in Section 5.1 of the EIR, <i>Aesthetics</i> , the proposed Project site is developed with the NB Golf Course and is mostly covered with both natural and artificial grasses and ornamental vegetation. The proposed Project would include landscaping that utilizes native draught tolerant vegetation and would provide new landscaping along the Irvine Avenue and Mesa Drive right-of-way. The proposed Project would not encroach upon public view corridors.

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	Therefore, the Project is consistent with Policy NR 20.2.
Policy NR 20.4. Public View Corridor Landscaping. Design and site new development, including landscaping, on the edges of public view corridors, including those down public streets, to frame, accent, and minimize impacts to public views.	Consistent. As discussed in Section 3.0 of the EIR, <i>Project Description</i> and Section 5.1, <i>Aesthetics</i> , the Project includes installation of new landscaping along the Irvine Avenue and Mesa Drive right-of-way and along both driveway entrances to the site. The new landscaping would frame and accent driveway entrances, and would screen views of the proposed parking areas, PV solar canopies, and proposed building structures to minimize impacts to public views. Therefore, the Project is consistent with Policy NR 20.4.
Policy NR 23.1 Maintenance of Natural Topography. Preserve cliffs, canyons, bluffs, significant rock outcroppings, and site buildings to minimize alteration of the site's natural topography and preserve the features as a visual resource.	Consistent. As discussed in Section 5.1 of the EIR, <i>Aesthetics</i> , the Project site does not include any cliffs, canyons, bluffs, significant rock outcroppings; and thus, these types of natural topographic features would not be impacted from implementation of the Project. The Project does involve grading of the site; however, as detailed in Section 5.1 of the EIR, <i>Aesthetics</i> , the natural southwestward slope of the site would as viewed from Mesa Drive would remain with implementation of the Project. Therefore, the Project is consistent with Policy NR 23.1.
Policy NR 23.7 New Development Design and Siting. Design and site new development to minimize the removal of native vegetation, preserve rock outcroppings, and protect coastal resources.	Consistent. As discussed in Section 5.1 of the EIR, <i>Aesthetics</i> , the Project site does not include any native vegetation, rock outcroppings, or coastal resources. The Project site is developed and contains ornamental vegetation, and no native vegetation, rock outcroppings, or coastal resources would be removed as part of the Project. Therefore, the Project is consistent with Policy NR 23.7.
NR 24.2 Energy-Efficient Design Features. Promote energy-efficient design features.	Consistent. As discussed in Section 5.5 of the EIR, <i>Energy</i> , the proposed Project would implement energy efficient practices

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	as outlined in Part 6 of Title 24 of the California Code of Regulations, adopted by the City in Municipal Code Chapter 15.17, which includes installation of solar panels on canopies in the parking areas and on building rooftops to maximize the use of renewable energy. Therefore, the Project is consistent with Policy NR 24.2.
<p>NR 24.3 Incentives for Green Building Program Implementation. Promote or provide incentives for “Green Building” programs that go beyond the requirements of Title 24 of the California Administrative Code and encourage energy efficient design elements as appropriate to achieve “green building” status.</p>	<p>Consistent. As discussed in Section 3.0 of the EIR, <i>Project Description</i>, solar panels would be installed on building tops and solar canopies over portions of the parking areas to produce renewable energy to provide power to the proposed onsite operations. Therefore, the Project is consistent with Policy NR 24.2.</p>
Safety Element	
<p>S 4.7 New Development. Conduct further seismic studies for new development in areas where potentially active faults may occur.</p>	<p>Consistent. As discussed in Section 5.6 of the EIR, <i>Geology and Soils</i>, a Geotechnical Exploration was prepared for the Project site and is included as Appendix H to the EIR, which determined that there are no potentially active fault lines within 500 feet of the Project site. Therefore, the Project would be consistent with Policy S 4.7.</p>
<p>S 5.1 New Development Design within 100-year Floodplains. Require that all new development within 100-year floodplains incorporate sufficient measures to mitigate flood hazards including the design of onsite 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.</p>	<p>Consistent. The Project site is not located within a 100-year floodplain. The Federal Emergency Management Agency (FEMA) Flood Zone Map 06059C0267J identifies that the Project site is located in Flood Zone X, which are areas that are determined to be outside of the 0.2% annual chance of flooding. In addition, the proposed Project would install an onsite drainage system that would be connected to the existing drainage channel that is adjacent to the site. Therefore, the Project would be consistent with Policy S 5.1.</p>
<p>S 5.2 Facility Use or Storage of Hazardous Materials Standards. Require that all new facilities storing, using, or otherwise involved with</p>	<p>Consistent. As discussed in the previous response, the Project site is not located within a flood zone. Section 5.8 of the EIR, <i>Hazards and Hazardous Materials</i>, details</p>

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substantial quantities of onsite hazardous materials within flood zones comply with standards of elevation, anchoring, and flood proofing, and hazardous materials are stored in watertight containers.	that the proposed Project would not use or store substantial quantities of hazardous materials and would comply with all required standards regarding the use, storage, and transportation of the limited quantities of hazardous materials that would be used by the Project. Therefore, the Project would be consistent with Policy S 5.2.
S 5.3 Minimization of Flood Mazard Risk. Require stormwater detention basins, where appropriate, to reduce the potential risk of flood hazards.	Consistent. As discussed in Section 5.9 of the EIR, <i>Hydrology and Water Quality</i> , the Project would utilize modular wetland systems and bioretention basins which would collect flows, filter, and then direct runoff into the Santa Ana Delhi Channel, which is adjacent to the site. The Project would not result in a potential flood risk, and the Project is consistent with Policy S 5.3.
S 7.1 Known Areas of Contamination. Require proponents of projects in known areas of contamination from oil operations or other uses to perform comprehensive soil and groundwater contamination assessments in accordance with American Society for Testing and Materials standards, and if contamination exceeds regulatory action levels, require the proponent to undertake remediation procedures prior to grading and development under the supervision of the County Environmental Health Division, County Department of Toxic Substances Control, or Regional Water Quality Control Board (depending upon the nature of any identified contamination).	Consistent. As discussed in Section 5.8 of the EIR, <i>Hazards and Hazardous Materials</i> , a Phase II Environmental Site Assessment (Appendix L to the EIR) was conducted on the Project site, which included soils sampling, determined that there were no levels of herbicides, organochlorine pesticides, or Per- and polyfluoroalkyl substances (PFAS) detected above laboratory reporting limits. Therefore, the Project would be consistent with Policy S 7.1.
S 7.2 Development Design within Methane Gas Districts. Ensure that any development within identified methane gas districts be designed consistent with the requirements of the Newport Beach Municipal Code.	Consistent. As detailed in Section 5.8 of the EIR, <i>Hazards and Hazardous Materials</i> , the Project site is not located within the Methane Gas Mitigation District as defined and listed in Municipal Code Section 15.55.030. Therefore, the Project is consistent with Policy S 7.2.

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<p>S 7.4 Implementation of Remediation Efforts. Minimize the potential risk of contamination to surface water and groundwater resources and implement remediation efforts to any resources adversely impacted by urban activities.</p>	<p>Consistent. As discussed in Section 5.9 of the EIR, <i>Hydrology and Water Quality</i>, the proposed Project would implement a SWPPP and a WQMP that would provide BMPs to reduce or eliminate contamination to surface water or groundwater resources. Onsite drainage features would be installed that have been designed to slow and filter stormwater prior to discharge to reduce runoff and prevent transport of pollutants. Therefore, the Project is consistent with Policy S 7.4.</p>
Noise Element	
<p>N 1.1 Noise Compatibility of New Development. Require that all proposed projects are compatible with the noise environment through use of Table N2 and enforce the interior and exterior noise standards shown in Table N3.</p>	<p>Consistent. As discussed in Section 5.11 of the EIR, <i>Noise</i>, the proposed Project is compatible with the exterior noise environment and would not require implementation of mitigation measures. In addition, the City's development permitting process would ensure enforcement of the interior noise standards shown in Table N3. Therefore, the Project is consistent with Policy N 1.1.</p>
<p>N 1.7 Commercial/ Entertainment Uses. Limit hours and/or require attenuation of commercial/entertainment operations adjacent to residential and other noise sensitive uses in order to minimize excessive noise to these receptors.</p>	<p>Consistent. As discussed in Section 5.11 of the EIR, <i>Noise</i>, the Project site is not directly adjacent to sensitive receptors and would not result in excessive noise to sensitive receptors, would not exceed noise thresholds, and would not result in a substantial increase in ambient noise, as detailed in Section 5.11 of the EIR, <i>Noise</i>. Therefore, the Project is consistent with Policy N 1.7.</p>
<p>N 1.8 Significant Noise Impacts. Require the employment of noise mitigation measures for existing sensitive uses when a significant noise impact is identified. A significant noise impact occurs when there is an increase in the ambient CNEL produced by new development impacting existing sensitive uses. The CNEL increase is shown in the table below.</p>	<p>Consistent. As discussed in Section 5.11 of the EIR, <i>Noise</i>, the proposed Project would not result in significant impacts related to an increase in ambient noise. Table 5.11-10 and Table 5.11-11 identify that the Project would generate daytime ambient noise level increases ranging from less than 0.1 to 0.8 dBA Leq and nighttime noise level increases ranging from less than 0.1 to 2.0 dBA Leq at the</p>

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	nearby receiver locations, which are less than the thresholds. Therefore, noise impacts related to Project operations would be less than significant and the Project is consistent with Policy N 1.8.
<p>N 4.2 New Uses. Require that new uses such as restaurants, bars, entertainment, parking facilities, and other commercial uses where large numbers of people may be present adjacent to sensitive noise receptors obtain a use permit that is based on compliance with the noise standards in Table N3 and the City's Municipal Code.</p>	<p>Consistent. The Project site is not directly adjacent to sensitive receptors and would not result in an exceedance of noise thresholds or a substantial increase in ambient noise, as detailed in Section 5.11 of the EIR, <i>Noise</i>. In addition, the Project would be in compliance with the City's municipal code, as verified through the City's development review and permitting process, and would obtain use permits as required, per the detail in Section 3.0 of the EIR, <i>Project Description</i>. Therefore, the Project is consistent with Policy N 4.2.</p>
<p>N 4.6 Maintenance of Construction Activities. Enforce the Noise Ordinance noise limits and limits on hours of maintenance or construction activity in or adjacent to residential areas, including noise that results from in-home hobby or work related activities.</p>	<p>Consistent. As discussed in Section 5.11 of the EIR, <i>Noise</i>, construction of the proposed Project would comply with the City of Newport Beach Municipal Code Section 10.28.040 requiring construction activities to take place between 7:00 a.m. and 6:30 p.m. on weekdays and 8:00 a.m. and 6:00 p.m. on Saturdays. Therefore, the Project is consistent with Policy N 4.6.</p>
<p>N 5.1 Limiting Hours of Activity. Enforce the limits on hours of construction activity.</p>	<p>Consistent. As discussed in Section 5.1 of the EIR 1, <i>Noise</i>, construction of the proposed Project would comply with the City of Newport Beach Municipal Code Section 10.28.040 requiring construction activities to take place between 7:00 a.m. and 6:30 p.m. on weekdays and 8:00 a.m. and 6:00 p.m. on Saturdays. Therefore, the Project is consistent with Policy N 5.1.</p>

EXHIBIT “E”

TRIBAL CONSULTATION TIMELINE

Snug Harbor Surf Park Tribal Consultation Timeline

June 2024 – City contacts the Native American Heritage Commission (NAHC) requesting a Sacred Lands File (SLF) records search and list of tribes to reach out to for SB 18 purposes.

June 18, 2024 – The NAHC responds with a consultation list of tribes with traditional lands or cultural places located in the Project. The letter states that the result of the Sacred Lands File (SLF) check was Positive and to contact the Gabrieleno/Tongva San Gabriel Band of Mission Indians for more information.

September 19, 2024 – Commence Tribal outreach process. The City has a completed Project application and the City sends all the tribes on its AB 52 list and those identified by the NAHC letters describing the Project and inviting tribes to request consultation per AB 52 / SB 18.

September 25, 2024 – The Gabrieleno Band of Mission Indians – Kizh Nation sends a letter in response stating that the Project location is within their Ancestral Tribal Territory; and the Tribal Government requests to schedule a consultation to discuss the Project and the surrounding location in further detail.

October 14, 2024 – The City responds to the Gabrieleno Band of Mission Indians – Kizh Nation request for consultation via email and sets a meeting for November 5, 2024 at 1:00 p.m.

November 4, 2024 – The City receives an email from the Gabrieleno Band of Mission Indians – Kizh Nation rescheduling the November 5, 2024, meeting due to Chairman illness, and states that the Tribal Chairman is unavailable for the rest of November. The City responds to email and agrees to an email consultation due to tribe unavailability and requests tribe to forward tribal information regarding the Project location or site.

January 9, 2025 – City emails Gabrieleno Band of Mission Indians – Kizh Nation follow up and requests tribal information and preferred mitigation. The tribe responded by providing their standard mitigation measures.

January 17, 2025 – City emails Gabrieleno Band of Mission Indians – Kizh Nation and accepts their recommended mitigation measures and closes consultation.

February 3, 2025 – Email received from Gabrielino Tongva Indians of California, forwarding an sent email sent on September 26, 2024 (that was not previously received by the City) requesting consultation.

February 18, 2025 – City has a consultation call with the Gabrielino Tongva Indians of California who assert ancestral ties to the Newport Beach and back bay area and the City requested that the tribe provide substantial evidence to meet AB 52 / SB 18 and CEQA criteria.

February 21, 2025 - City emails Gabrielino Tongva Indians of California proposed mitigation providing for consulting tribes to monitor excavation of native soils onsite. The Gabrielino Tongva

Indians of California agrees to proposed mitigation and provides substantial evidence of the Tongva Village site of Genga by Newport Bay and related tribal resources.

February 24, 2025 – City emails Gabrielino Tongva Indians of California acknowledges their agreement on the proposed mitigation measures for monitoring and closing consultation with the tribe.

May 16, 2025 – City emails the Gabrieleno Band of Mission Indians – Kizh Nation providing notification that as the Lead Agency, the City has modified the mitigation measures previously provided by the Kizh Nation in response to a request for consultation from another California Native American Tribe that is recognized by NAHC and eligible to engage in consultation for purposes of SB 18 and AB 52.

The Gabrieleno Band of Mission Indians – Kizh Nation responded to the City's email stating their objection and stating that determination of tribal ancestry is based on substantial evidence of traditional and cultural affiliation to the land in question and states that the Tongva have no direct historical, ancestral, or cultural ties to the Newport Beach.

June 4, 2025 – The City sends a response letter to Gabrieleno Band of Mission Indians – Kizh Nation responding to their objection stating that the Gabrielino Tongva Indians of California tribe provided the City with substantial evidence identifying that the Project area is within their Ancestral Tribal Territory. The SLF search completed for the Project by the NAHC resulted in a positive finding that the site is within traditional lands or cultural places for the Gabrieleno/Tongva San Gabriel Band of Mission Indians. As recently as 2023, the NAHC identified the Gabrielino Tongva Indians of California as a Native American Tribe that is traditionally or culturally affiliated with Orange County and the Project area. Therefore, in response to the findings of the SLF search and SB 18 and AB 52 consultation processes, which identify that more than one tribe may have resources within the Project area, the City as Lead Agency has determined that the mitigation measures that are modified from those provided previously by Kizh Nation shall be applicable to the Project. The letter further states that the City understands that the Kizh Nation would like to be the sole tribe monitoring the Project ground-disturbing activity. SB 18 and AB 52 simply prevent the City from feasibly reaching that conclusion given the information provided by the NAHC and the substantial evidence presented by Gabrielino Tongva Indians of California regarding that tribe's traditional and cultural affiliation to the Project site.

June 5, 2025 – City receives objection letter from the Gabrieleno Band of Mission Indians – Kizh Nation objecting to the response to the previous objection. The letter states that the City's recent unilateral actions to revise and dilute the agreed-upon significant mitigation measures constitute multiple legal violations under AB 52, SB 18, and CEQA. The letter states that it is not legally permissible to alter mitigation protocols in response to late letters from unrelated entities that offer no verifiable archaeological, historical, or ethnographic evidence of ancestral affiliation. The letter further states that The City's consideration of outside entities that have not been historically tied to the area is in violation of this statute.

June 23, 2025 – The City attorney sends a letter to the Gabrieleno Band of Mission Indians – Kizh Nation responding to the June 5 letter received stating that the City disputes allegations that the City is in violation of AB 52 and SB 18 and reiterates that the Kizh Nation is able to monitor ground disturbance and consult regarding any resources are discovered. The letter details the City's compliance with AB 52, SB 18, and the recent Koi Nation Decision.

September 3, 2025 – City receives an email from the Chairman of the Kizh Nation to City following up on June 5 correspondence stating that they have not received a response. The letter objects to any changes to the mitigation measures the tribe provided and stating that the changes are a violation of AB 52 and the tribe will request avoidance and oppose the Project.

September 4, 2025 – The City responds to the Gabrieleno Band of Mission Indians – Kizh Nation email from September 3 and re-sends the City's letter from June 23, 2025.

September 23, 2025 – City representative for Project calls tribe Chairman to discuss a potential monitoring agreement for the Project.