

Attachment C

Resolution No. 2025-73

RESOLUTION NO. 2025- 73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, CERTIFYING ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE SCH NUMBER 2024110238), INCLUDING A MITIGATION MONITORING AND REPORTING PROGRAM AND ADOPTING FINDINGS 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 for 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, pursuant to California Environmental Quality Act (“CEQA”), 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), it was determined that the Project could have a significant adverse effect on the environment, and thus warranted the preparation of an EIR;

WHEREAS, the City, as lead agency under CEQA (“Lead Agency”), issued a Notice of Preparation (“NOP”) of the EIR on November 7, 2024, and mailed that NOP to responsible and trustee public agencies, organizations and persons likely to be interested in the potential impacts of the proposed project, including any persons who had previously requested notice in writing;

WHEREAS, the City held a public scoping meeting on November 20, 2024, to present the Project and to solicit input from interested individuals, organizations, and responsible and trustee public agencies regarding environmental issues that should be addressed in the EIR;

WHEREAS, pursuant to California Public Resources Code Section 21080.3.1 ("AB 52"), the City is required to consult with California Native American tribes that have requested in writing to be informed of projects in the geographic area that is traditionally and culturally affiliated with the tribe;

WHEREAS, pursuant to California Government Code Section 65352.3 ("SB 18"), the City also provided notice to California Native American tribes that are on the contact list maintained by the California Native American Heritage Commission ("NAHC"),

WHEREAS, the City requested a Sacred Lands File ("SLF") search on the project location from the NAHC on May 31, 2024 in accordance with SB 18;

WHEREAS, on June 18, 2024, the NAHC identified 20 Native American tribal representatives to contact for further information on potential tribal resources;

WHEREAS, to comply with both the requirements of SB 18 and AB 52, the City mailed and emailed notices regarding the Project to all the listed tribes with the Gabrieleno Band of Mission Indians - Kizh Nation ("Kizh Nation") and Gabrielino Tongva Indians of California ("Gabrielino Tongva") requesting consultation;

WHEREAS, 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;

WHEREAS, the Gabrielino Tongva tribe, however, provided the City with substantial evidence identifying that the Property is within their Ancestral Tribal Territory;

WHEREAS, furthermore, the Gabrielino Tongva tribe was identified by the NAHC through a SLF search establishing that the Property is within traditional lands or cultural places for the Gabrieleno Tongva; therefore, as the Lead Agency, the City incorporated mitigation measures into the Project allowing for tribal monitors from both tribes during ground disturbance activities to address potential concerns regarding the protection of Tribal Cultural Resources;

WHEREAS, a draft Environmental Impact Report ("Draft EIR") (State Clearinghouse No. 2024110238) was prepared in compliance with CEQA, State CEQA Guidelines, and City Council Policy K-3;

WHEREAS, the City determined that the Project would have no impact on Agriculture and Forestry Resources, Mineral Resources, Population and Housing, or Wildfire and no further detailed analysis of these topics was required in the Draft EIR;

WHEREAS, the Draft EIR analyzed the following CEQA topics in detail: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gases, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use, Noise, Public Services, Parks and Recreation, Transportation, Tribal Cultural Resources, and Utilities;

WHEREAS, a Notice of Availability of the Draft EIR was published on May 23, 2025, and the Draft EIR was circulated for a 45-day comment period ending on July 7, 2025;

WHEREAS, a study session was held on June 19, 2025, in the Council Chambers at 100 Civic Center Drive, Newport Beach, California, to introduce the Project to the Planning Commission and the public, and to discuss the procedures for environmental review;

WHEREAS, the City reviewed all comments on the Draft EIR and provided written responses to comments;

WHEREAS, the Final Environmental Impact Report ("Final EIR"), consisting of the Draft EIR dated May 2025, written comments on the Draft EIR that were received during the public review period, written responses to those comments, changes to the Draft EIR, and the Mitigation Monitoring and Reporting Program ("MMRP") are attached as Exhibits "B," and "C," and incorporated herein by reference;

WHEREAS, the Final EIR includes mitigation measures related to biological resources, cultural resources, and tribal cultural resources to reduce any potentially significant adverse effects to a less than significant level;

WHEREAS, compliance with various plans, programs, and policies as identified in the MMRP, which is included in Exhibit "C," will attenuate potential impacts related to geology and soils, greenhouse gas emissions, hazards and hazardous materials, and hydrology and water quality;

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, the 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 the ALUC and 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 of the City of Newport Beach hereby certifies Final EIR (SCH No. 2024110238), which is attached here to as Exhibit “B” and incorporated herein by this reference, consisting of the NOP, Draft EIR, Appendices, Responses to Comments, and Revisions to the Draft EIR. The City Council finds that the information added to the Final EIR prior to certification merely clarifies, amplifies, or makes insignificant modifications to the environmental document and any changes or alterations incorporated into the Final EIR, which substantially lessen or avoid one or more of the significant adverse environmental impacts, do not warrant recirculation of the Final EIR. Rather, all information added to the Final EIR after public notice of the availability of the Draft EIR for public review but before certification, merely clarifies, amplifies, or makes insignificant modifications to the Final EIR.

Section 2: Pursuant to California Public Resources Code Section 21081.6 and Section 15091 of the CEQA Guidelines, the City Council has reviewed, considered, and adopts the MMRP attached hereto as Exhibit “C” and incorporated herein by this reference. The City Council finds that based on the entire environmental record, the Project with mitigation measures incorporated into the Project will result in no project-level impacts or less-than-significant project-level impacts, and there are no known significant and unavoidable effects on the environment that would be caused by the Project.

Section 3: The City Council hereby adopts the CEQA Findings of Fact Regarding the Environmental Effects of the Approval of the Snug Harbor Surf Park Project pursuant to CEQA Section 21081, Section 15091 of the CEQA Guidelines, and Section 21081 of the California Public Resources Code, attached hereto as Exhibit “D,” and incorporated herein by reference.

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

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

Section 7: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

Joe Stapleton
Mayor

Lena Shumway
City Clerk

Aaron C. Harp
City Attorney

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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

EXHIBIT “B”

ENVIRONMENTAL IMPACT REPORT
SCH NO. 2024110238

File available via link due to size:

[https://ecms.newportbeachca.gov/WEB/Browse.aspx?
id=3090933&dbid=0&repo=CNB](https://ecms.newportbeachca.gov/WEB/Browse.aspx?id=3090933&dbid=0&repo=CNB)

EXHIBIT “C”

MITIGATION MONITORING AND REPORTING PROGRAM

Table 4-1: Mitigation Monitoring and Reporting Program

Plan, Program, or Policy (PPP), Project Design Feature (PDF), or Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
BIOLOGICAL RESOURCES				
Mitigation Measure BIO-1: Pre-Construction Roosting Bat Surveys. Project plans and construction permitting, including tree removal permits, shall require that in order to avoid and/or minimize injury to roosting bats and avoid maternity roosts until the maternity roost is no longer in use, a qualified biologist shall conduct two pre-construction emergent bat surveys utilizing acoustic detection. The first survey shall be conducted no more than 14 days prior to site disturbance, and the second survey shall be conducted no more than three days prior to site disturbance. The emergent surveys shall begin 30 minutes before dusk and extend to one hour after dark. If the pre-construction survey determines that no active roosts are present, then trees/suitable habitat shall be removed within three days following the pre-construction survey. All potential roost trees shall be removed in a manner approved by a qualified bat biologist, which may include presence of a biological monitor. If roosting bats are detected onsite outside of the bat maternity season (outside of March 1 through August 31), the roost tree shall be removed in a manner to avoid and/or minimize injury to roosting bats. This may include using mechanical equipment to gently nudge the tree trunk multiple times prior to removal or for palm trees and other species, to de-frond or de-branch the tree using a mechanical lift and gently lower the cut fronds or branches to the ground. Regardless of the method, the fallen tree and/or material shall be left undisturbed overnight until at least the next morning to give roosting bats time to exit before site disturbance. If roosting bats are detected onsite during the maternity season (March 1 through August 31), the Project shall avoid the subject roost(s) and incorporate	In Project plans and construction permitting. Prior to ground disturbing activity.	City of Newport Beach Community Development Department	Project plans and construction permits shall include that roosting bat survey be completed as specified. If roosting bats are encountered, a biological monitoring report shall be submitted to the City of Newport Beach Planning Division and coordination with the California Department of Fish and Wildlife (CDFW) if special status species are identified.	Initials: _____ Date: _____

Plan, Program, or Policy (PPP), Project Design Feature (PDF), or Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
an avoidance buffer (300 feet or as determined by the qualified biologist for roosts of special-status bat species, the buffer width shall be 300 feet or as determined by the qualified biologist in consultation with CDFW) until after the maternity season or until a qualified biologist determines no maternity roosting is occurring. The qualified biologist shall clearly delineate any bat maternity roosts and any required avoidance buffers, which shall be clearly marked with flags and/or fencing prior to the initiation of construction activities. All construction activity in the vicinity of an active roost shall be limited to daylight hours. Once the qualified biologist approves removal of the subject roost tree(s), the same tree removal procedures as outlined above shall be implemented prior to tree removal.				
Mitigation Measure BIO-2: Pre-Construction Nesting Bird Survey. Project plans and construction permitting, including tree removal permits, shall state that vegetation removal should occur outside of the nesting bird season (generally between February 1 and August 31). If vegetation removal is required during the nesting bird season, the applicant shall conduct take avoidance surveys for nesting birds prior to initiating vegetation removal/clearing. Surveys shall be conducted by a qualified biologist(s) within three days of vegetation removal. If active nests are observed, a qualified biologist shall determine appropriate minimum disturbance buffers and other adaptive mitigation techniques (e.g., biological monitoring of active nests during construction-related activities, staggered schedules, etc.) to ensure that impacts to nesting birds are avoided until the nest is no longer active. At a minimum, construction activities shall stay outside of a 200-foot buffer around the active nests. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist and City of Newport Beach Planning Division verify that the nests	Prior to issuance of grading permits.	City of Newport Beach Community Development Department	Verify that nesting bird survey has been completed as specified. If nests are encountered, monitoring report shall be submitted to the City of Newport Beach Planning Division.	Initials: _____ Date: _____

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Plan, Program, or Policy (PPP), Project Design Feature (PDF), or Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
are no longer occupied, and the juvenile birds can survive independently from the nests. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, normal construction activities may occur.				
CULTURAL RESOURCES				
PPP CUL-1: Human Remains. California Health and Safety Code Section 7050.5, CEQA Guidelines Section 15064.5, and Public Resources Code Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. California Health and Safety Code Section 7050.5 requires that in the event that human remains are discovered within the project site, disturbance of the site shall be halted until the coroner has conducted an investigation into the circumstances, manner and cause of death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes or has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.	If human remains are found during subsurface excavation.	Archaeological and Tribal Monitors, City of Newport Beach Community Development Department	Confirmation of coroner and NAHC contact and submittal of Report of Findings, if applicable.	Initials: _____ Date: _____
Mitigation Measure CUL-1: Cultural Resources Monitoring Program. Prior to issuance of grading permits the applicant/developer shall provide evidence to the City of Newport Beach Planning Division that a qualified professional archeologist meeting the Secretary of Interior's PQS for Archaeology (as defined in the Code of Federal Regulations, 36 CFR Part 61) has been retained to prepare a Cultural Resource Monitoring Program (CRMP) and to conduct monitoring of rough grading activities. The CRMP shall be developed in	Prior to the issuance of grading permits. During construction.	City of Newport Beach Community Development Department	Verify that archaeologist has been retained and contracted for specified work. Verify that Native American tribal agreement has been signed. Submittal of Report of Findings.	Initials: _____ Date: _____

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Plan, Program, or Policy (PPP), Project Design Feature (PDF), or Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
coordination with the consulting tribe(s) and address the details of all activities and provides procedures that must be followed in order to reduce the impacts to cultural, tribal cultural and historic resources to a level that is less than significant as well as address potential impacts to undiscovered buried archaeological resources associated with this project. The Archaeologist shall conduct Cultural Resource Sensitivity Training, in conjunction with the Tribe(s) designated Tribal Representative. The training session shall focus on the archaeological and tribal cultural resources that may be encountered during ground-disturbing activities as well as the procedures to be followed in such an event.				
Mitigation Measure CUL-2: Monitoring Report. A final monitoring report shall be prepared by the qualified archaeologist prior to issuance of any certificate of occupancy. The final monitoring report(s) created as a part of the Project (isolate records, site records, survey reports, testing reports, etc.) shall be submitted to the Lead Agency and Consulting Tribe(s) for review and comment. After approval of all parties, the final reports are to be submitted to the South Central Coastal Information Center, and the Consulting Tribe(s).	Prior to issuance of certificate of occupancy.	City of Newport Beach Community Development Department	Submittal of Monitoring Report to the City of Newport Beach Planning Division and Consulting Tribe(s).	Initials: _____ Date: _____
ENERGY				
PDF-1: Solar. The proposed Project includes installation of solar panels on the roofs of the buildings and on 14 to 18-foot-high solar canopies in portions of the parking areas to provide onsite renewable energy to provide power to the proposed Project.	Shown on building plans. Prior to certificates of occupancy, as applicable.	Project Applicant		Initials: _____ Date: _____
GEOLOGY AND SOILS				
PPP GEO-1: CBC Compliance. The proposed Project is required to comply with the California Building Standards Code (CBC) as included in the City's Municipal Code as Chapter 15.04, to preclude significant adverse effects associated with seismic and soils hazards. As part of CBC compliance, CBC related	Prior to issuance of grading and building permits.	City of Newport Beach Community Development Department	Compliance with Project Conditions of Approval	Initials: _____ Date: _____

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Plan, Program, or Policy (PPP), Project Design Feature (PDF), or Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
and geologist and/or civil engineer specifications for the proposed Project shall be incorporated into grading plans and building specifications as a condition of construction permit approval.				
PPP WQ-1: NPDES/SWPPP. Prior to issuance of any grading or demolition permits, the applicant shall provide the City Building and Safety Division evidence of compliance with the NPDES (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of one acre or larger. The Project applicant/proponent shall comply by submitting a Notice of Intent (NOI) and by developing and implementing a Stormwater Pollution Prevention Plan (SWPPP) and a monitoring program and reporting plan for the construction site.	Prior to issuance of a demolition or grading permits.	City of Newport Beach Community Development Department	Compliance with Project Conditions of Approval	Initials: _____ Date: _____
PPP WQ-3: WQMP. Prior to the approval of the Grading Plan and issuance of Grading Permits, a completed Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Public Works Department. The WQMP shall identify all Post-Construction, Site Design, Source Control, and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development project in order to minimize the adverse effects on receiving waters.	Prior to issuance of a grading permit.	City of Newport Beach Community Development Department	Compliance with Project Conditions of Approval	Initials: _____ Date: _____
Mitigation Measure PAL-1: Prior to commencement of any grading activity on site, a paleontologist shall be retained to develop a Paleontological Resources Impact Mitigation Program (PRIMP) for this project. The PRIMP shall include the methods that will be used to protect paleontological resources that may exist within the project area as well as procedures for monitoring, fossil preparation and identification, curation into a repository, and preparation of a report at the conclusion of grading. The PRIMP shall be consistent with the guidelines of the Society of	Prior to the issuance of grading permits. During subsurface excavation.	City of Newport Beach Community Development Department	Verify that PRIMMP has been prepared and implemented.	Initials: _____ Date: _____

Plan, Program, or Policy (PPP), Project Design Feature (PDF), or Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
Vertebrate Paleontology (SVP) and include, but not be limited to, the following: - Excavation and grading activities in deposits with high paleontological sensitivity (Young Axial Channel Deposits below a depth of 10 feet and Old Paralic Deposits Overlain by Alluvial Fan Deposits) shall be monitored by a paleontological monitor following a PRIMP. No monitoring is required for excavations in deposits with no paleontological sensitivity (Artificial Fill). - If paleontological resources are encountered during the course of ground disturbance, the paleontological monitor shall have the authority to temporarily redirect construction away from the area of the find in order to assess its significance. In the event that paleontological resources are encountered when a paleontological monitor is not present, work in the immediate area of the find shall be redirected and a paleontologist should be contacted to assess the find for significance. If determined to be significant, the fossil shall be collected from the field. - Collected resources shall be prepared to the point of identification, identified to the lowest taxonomic level possible, cataloged, and curated into the permanent collections of a scientific institution. At the conclusion of the monitoring program, a report of findings shall be prepared to document the results of the monitoring program.				
GREENHOUSE GAS EMISSIONS				
PDF-1: Solar. The proposed Project includes installation of solar panels on the roofs of the buildings and on 14 to 18-foot-high solar canopies in portions of the parking areas to provide onsite renewable energy to provide power to the proposed Project.	Shown on building plans. Prior to certificates of occupancy, as applicable.	Project Applicant		Initials: _____ Date: _____
HAZARDS AND HAZARDOUS MATERIALS				

Plan, Program, or Policy (PPP), Project Design Feature (PDF), or Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
PDF-2: Vegetation. The proposed Project does not include landscaping or other vegetation that produces seeds, fruits, nuts, or berries, such as fruit bearing trees and shrubs. Likewise, Project site areas would be planted with seed mixtures that do not contain millet or any other large seed producing grass.	Shown on building plans. Prior to certificates of occupancy, as applicable.	Project Applicant		
PPP HAZ-1: SCAQMD Rule 1403. Prior to issuance of demolition permits, the Project applicant shall submit verification to the City Building and Safety Division that an asbestos survey has been conducted at all existing buildings located on the Project site. If asbestos or asbestos containing material is found, the Project applicant shall follow all procedural requirements and regulations of the South Coast Air Quality Management District (SCAQMD) Rule 1403. Rule 1403 regulations require that the following actions be taken: notification of SCAQMD prior to construction activity, asbestos removal in accordance with prescribed procedures, placement of collected asbestos in leak-tight containers or wrapping, and proper disposal.	Prior to issuance of demolition permits.	City of Newport Beach Community Development Department	Compliance with Project Conditions of Approval	Initials: _____ Date: _____
PPP HAZ-2: Lead. Prior to issuance of demolition permits, the Project applicant shall submit verification to the City Building and Safety Division that a lead-based paint survey has been conducted at all existing buildings located on the Project site. If lead-based paint is found, the Project applicant shall follow all procedural requirements and regulations for proper removal and disposal of the lead-based paint. CalOSHA has established limits of exposure to lead contained in dusts and fumes. Specifically, CCR Title 8, Section 1532.1 provides for exposure limits, exposure monitoring, and respiratory protection, and mandates good working practices by workers exposed to lead.	Prior to issuance of demolition permits.	City of Newport Beach Community Development Department	Compliance with Project Conditions of Approval	Initials: _____ Date: _____
PPP WQ-1: NPDES/SWPPP. Prior to issuance of any grading or demolition permits, the applicant shall provide the City Building and Safety Division evidence of compliance with the NPDES (National Pollutant Discharge Elimination System) requirement to obtain a	Prior to issuance of a demolition or grading permits.	City of Newport Beach Community Development Department	Compliance with Project Conditions of Approval	Initials: _____ Date: _____

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Plan, Program, or Policy (PPP), Project Design Feature (PDF), or Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of one acre or larger. The Project applicant/proponent shall comply by submitting a Notice of Intent (NOI) and by developing and implementing a Stormwater Pollution Prevention Plan (SWPPP) and a monitoring program and reporting plan for the construction site.				
PPP WQ-3: WQMP. Prior to the approval of the Grading Plan and issuance of Grading Permits, a completed Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Public Works Department. The WQMP shall identify all Post-Construction, Site Design, Source Control, and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development project in order to minimize the adverse effects on receiving waters.	Prior to issuance of a grading permit.	City of Newport Beach Community Development Department	Compliance with Project Conditions of Approval	Initials: _____ Date: _____
HYDROLOGY AND WATER QUALITY				
PPP WQ-1: NPDES/SWPPP. Prior to issuance of any grading or demolition permits, the applicant shall provide the City Building and Safety Division evidence of compliance with the NPDES (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of one acre or larger. The Project applicant/proponent shall comply by submitting a Notice of Intent (NOI) and by developing and implementing a Stormwater Pollution Prevention Plan (SWPPP) and a monitoring program and reporting plan for the construction site.	Prior to issuance of a demolition or grading permits.	City of Newport Beach Community Development Department	Compliance with Project Conditions of Approval	Initials: _____ Date: _____
PPP WQ-2: Groundwater Dewatering Permits. Prior to initiation of excavation activities, the Project applicant shall obtain coverage under the Santa Ana RWQCB General Waste Discharge Requirements for Discharges to Surface Waters Resulting from De Minimis Discharges or Groundwater Dewatering	Prior to issuance of a grading permit.	City of Newport Beach Community Development Department	Compliance with Project Conditions of Approval	Initials: _____ Date: _____

Plan, Program, or Policy (PPP), Project Design Feature (PDF), or Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
Operations, and/or Groundwater Cleanup/ Remediation Operations at Sites within the Newport Bay Watershed Permit (Order No. R8-2019-0061, NPDES No. CAG918002), or any other subsequent permit for dewatering activities, and provide evidence of coverage to the City of Newport Beach designee. This shall include submission of a Notice of Intent (NOI) for coverage under the permit to the Santa Ana Regional Water Quality Control Board (RWQCB) at least 60 days prior to the start of excavation activities and anticipated discharge of dewatered groundwater to surface waters. Groundwater dewatering activities shall comply with all applicable provisions in the permit, including water sampling, analysis, treatment (if required), and reporting of dewatering-related discharges. Upon completion of groundwater dewatering activities, a Notice of Termination shall be submitted to the Santa Ana RWQCB.				
PPP WQ-3: WQMP. Prior to the approval of the Grading Plan and issuance of Grading Permits, a completed Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Public Works Department. The WQMP shall identify all Post-Construction, Site Design, Source Control, and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development project in order to minimize the adverse effects on receiving waters.	Prior to issuance of a grading permit.	City of Newport Beach Community Development Department	Compliance with Project Conditions of Approval	Initials: _____ Date: _____
TRIBAL CULTURAL RESOURCES				
PPP CUL-1: Human Remains. California Health and Safety Code Section 7050.5, CEQA Guidelines Section 15064.5, and Public Resources Code Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. California Health and Safety Code Section 7050.5 requires that in the event that human remains are discovered within the project site, disturbance of the site shall be halted until the coroner has conducted an	If human remains are found during subsurface excavation.	City of Newport Beach Community Development Department	Compliance with Project Conditions of Approval	Initials: _____ Date: _____

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Plan, Program, or Policy (PPP), Project Design Feature (PDF), or Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
investigation into the circumstances, manner and cause of death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes or has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.				
Mitigation Measure TCR-1: Retain a Native American Monitors Prior to Commencement of Ground-Disturbing Activities A. The Project plans, specifications, and grading permits shall state that the Project applicant shall retain Native American monitor(s). The monitor(s) shall be retained prior to the commencement of any "ground-disturbing activity" for the Project (both onsite and any offsite locations that are included in the Project description and/or required in connection with the proposed Project, such as public improvement work). "Ground-disturbing activity" shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching. B. A copy of the executed monitoring agreement(s) shall be submitted to the Lead Agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity. C. The monitor(s) shall complete daily monitoring logs that shall provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and	Prior to issuance of permits associated with ground-disturbing activities. Monitoring during ground-disturbing activities.	City of Newport Beach Community Development Department	Compliance with Project Conditions of Approval	Initials: _____ Date: _____

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any other facts, conditions, materials, or discoveries of significance to the tribe(s). Monitor logs shall identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the Project applicant upon written request to the tribe(s). D. Onsite tribal monitoring shall conclude upon the earlier of the following (1) written confirmation to the monitoring tribe(s) from a designated point of contact for the Project applicant or Lead Agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the Project site or in connection with the Project are complete; or (2) a determination and written notification by the monitoring tribe(s) to the Lead Agency that no future, planned construction activity and/or development/construction phase at the Project site possesses the potential to impact TCRs.				

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Mitigation Measure TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial) A. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by a Native American monitor in consultation with a qualified archaeologist. The monitoring tribe(s) shall recover and retain all discovered TCRs in the form and/or manner the tribe(s) deems appropriate, in the tribe(s) sole discretion, and for any purpose the tribe(s) deems appropriate, including for educational, cultural and/or historic purposes.	During ground disturbing activities.	City of Newport Beach Community Development Department	Compliance with Project Conditions of Approval	Initials: _____ Date: _____
Mitigation Measure TCR-3: Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects A. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute. B. If Native American human remains and/or grave goods are discovered or recognized on the Project site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed. C. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2). D. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods.	In construction plans and specifications. During all ground disturbing activities.	City of Newport Beach Community Development Department	Compliance with Project Conditions of Approval	Initials: _____ Date: _____

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E. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.				

EXHIBIT “D”

CEQA FINDINGS OF FACT REGARDING THE ENVIRONMENTAL EFFECTS OF THE APPROVAL OF THE SNUG HARBOR SURF PARK PROJECT

File available via link due to size:

[https://ecms.newportbeachca.gov/WEB/DocView.aspx?
id=3187841&dbid=0&repo=CNB](https://ecms.newportbeachca.gov/WEB/DocView.aspx?id=3187841&dbid=0&repo=CNB)