CEQA FINDINGS OF FACT
FOR THE
SNUG HARBOR SURF PARK PROJECT
CITY OF NEWPORT BEACH, CALIFORNIA
STATE CLEARINGHOUSE NO. 2024110238

Public Resources Code Section 21002 states that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" Section 21002 further states that the procedures required by the California Environmental Quality Act (CEQA) "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which would avoid or substantially lessen such significant effects."

Agencies demonstrate compliance with Section 21002's mandate by adopting findings before approving projects for which Environmental Impact Reports (EIRs) are required. (See Pub. Resources Code, § 21081, subd. (a); CEQA Guidelines § 15091, subd. (a).) The approving agency must make written findings for each significant environmental effect identified in an EIR for a proposed project and must reach at least one of three permissible conclusions.

- The first possible finding is that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines § 15091, subd. (a)(1).)
- The second permissible finding is that "[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding" and that "[s]uch changes have been adopted by such other agency or can and should be adopted by such other agency." (CEQA Guidelines § 15091, subd. (a)(2).)
- The third potential conclusion is that "[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR." (CEQA Guidelines § 15091, subd. (a)(3).)

Agencies must not approve a project with significant environmental impacts if feasible alternatives or mitigation measures would substantially lessen the significant impacts. Public Resources Code section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." CEQA Guidelines section 15364 adds "legal" considerations as another indicium of feasibility (*see also Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565). Project objectives also inform the determination of "feasibility." (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417.) Further, "'feasibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*Id.*; *see also Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) An agency need not, however, adopt *infeasible* mitigation measures or alternatives (CEQA Guidelines § 15091, subds. (a), (b). Further, environmental impacts that are less than significant do not require the imposition of mitigation measures (*Leonoff v. Monterey County Board of Supervisors* (1990) 222 Cal.App.3d 1337, 1347).

Notably, Public Resources Code section 21002 requires an agency to "substantially lessen or avoid" significant adverse environmental impacts. Thus, mitigation measures that "substantially lessen" significant environmental impacts, even if not completely avoid them, satisfy section 21002's mandate. (*Laurel Hills Homeowners Assn. v. City Council* (1978) 83 Cal.App.3d 515, 521 ("CEQA does not mandate the choice of the environmentally best feasible project if through the imposition of feasible mitigation measures alone the appropriate public agency has reduced environmental damage from a project to an acceptable level"); *Las Virgenes Homeowners Federation, Inc. v. County of Los Angeles* (1986) 177 Cal.App.3d 300, 309 ("[t]here is

no requirement that adverse impacts of a project be avoided completely or reduced to a level of insignificance . . . if such would render the project unfeasible").

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (CEQA Guidelines § 15091, subds. (a), (b). The California Supreme Court has stated, "[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Citizens of Goleta Valley v. Board of Supervisors, supra,* 52 Cal.3d at p. 576).

The City of Newport Beach has determined that based on all the evidence presented, including, but not limited to, the Final EIR, written and oral testimony given at meetings and hearings on the Project, and submission of testimony from the public, organizations and regulatory agencies, the following environmental impacts associated with the Project are either:

(1) Less than significant and do not require mitigation; or

(2) Potentially significant and each of these impacts would be avoided or reduced to a level of insignificance through the identified mitigation measures.

SECTION I

ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The Final EIR includes 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). In conformance with CEQA and the CEQA Guidelines, the City of Newport Beach conducted an extensive environmental review of the Snug Harbor Surf Park Project that includes the following:

- The City of Newport Beach concluded that an EIR should be prepared, and the Notice of Preparation (NOP) released for a 30-day public review period. The NOP was released on November 7, 2024. The NOP was posted on the City of Newport Beach website, www.newportbeachca.gov, on November 7, 2024. The NOP was posted to the State Clearinghouse's website, ceqanet.opr.ca.gov, for public review from November 7, 2024, through December 6, 2024. Copies of the NOP were made available for public review and download via the City of Newport Beach website at: https://www.newportbeachca.gov/government/departments/community-development/planning-division/projects-environmental-document-download-page/environmental-document-download-page
- Completion of a scoping process, in which agencies and the public were invited by the City of Newport Beach to participate. The public scoping meeting for the EIR was held at the Community Room in the Newport Beach Civic Center at 100 Civic Center Drive, Newport Beach, California 92660 on November 20, 2024, at 6:00 p.m.. The notice of the public scoping meeting was included in the NOP distributed on November 7, 2024.
- Preparation of a Draft EIR by the City of Newport Beach was originally made available for a 45-day public review period (May 23, 2025, through July 7, 2025). The Notice of Availability (NOA) for the Draft EIR was sent to all persons, agencies and organizations on the interested persons list, posted on the Project site, published on the City of Newport Beach website, and published in the Newport Harbor News Press combined with Daily Pilot, and filed with the County Clerk.
- The NOA of the Draft EIR was posted to the State Clearinghouse's ceqanet.opr.ca.gov for public review from May 23, 2025, through July 7, 2025. The NOA was posted at the City of Newport Beach, Community Development Department at 100 Civic Center Drive, First Floor Bay B, Newport Beach, California, 92660 throughout the public review period. Copies of the Draft EIR were made available for public review and download via the City of Newport Beach website at: https://www.newportbeachca.gov/government/departments/community-development/planning-division/projects-environmental-document-download-page/environmental-document-download-page
- The Final EIR contains comments on the Draft EIR, responses to those comments, revisions to the Draft EIR if any, the MMRP, and appended documents. The Final EIR was released more than 10 days prior to certification of the Final EIR.
- After considering the EIR and in conjunction with making these findings, the City of Newport Beach hereby finds that pursuant to Section 15092 of the CEQA Guidelines that approval of the Project will result in potentially significant effects on the environment; however, all potentially significant effects will be eliminated or substantially lessened to a less than significant level with mitigation.
- The MMRP is hereby adopted to ensure implementation of feasible mitigation measures identified in the EIR. The City of Newport Beach finds that these mitigation measures are fully enforceable and shall be binding upon the City of Newport Beach and affected parties.
- The City of Newport Beach hereby certifies the Final EIR in accordance with the requirements of CEQA.
- Pursuant to CEQA Guidelines Section 15095, staff is directed as follows: a) copy of the Final EIR and CEQA Findings of Fact shall be retained in the Project files; b) copy of the Final EIR and CEQA Findings of Fact shall be provided to all CEQA "responsible" agencies.

All acronyms used herein shall have the meaning as defined within the Draft EIR.

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SECTION II

ENVIRONMENTAL TOPIC AREAS WITH NO IMPACTS

Based upon the EIR prepared for the Project, the City determined that the Project would have no impact to the following environmental topic areas and that no further detailed analysis of these topics was required in the EIR:

- Agriculture and Forestry Resources
- Mineral Resources
- Population and Housing
- Wildfire

The evidence in support of the finding that the Project will not have a significant impact on these environmental topic areas are set forth in the Draft EIR (Draft EIR, pp. 7-1 to 7-5).

Based upon the EIR prepared for the Project, the City determined that the Project would have no impact on the following environmental topic areas:

A. Aesthetics

Impact AES-2 Finding: The Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway (Draft EIR at p. 5.1-11). No impact would occur.

Facts in Support of Finding: There are no State designated scenic highways within the City of Newport Beach. According to the Scenic Highway System List, State Route 1, otherwise known as Pacific Coast Highway, is eligible for the State Scenic Highway System but is not designated as a State scenic highway. State Route 1 is located 3.4 miles southwest of the Project site and is not visible from the Project site. Therefore, the Project would not result in impacts related to scenic resources within a State Scenic Highway.

B. Biological Resources

Impact BIO-2 Finding: The Project would not have an adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulation, or by the California Department of Fish and Game or US Fish and Wildlife Service (Draft EIR at p. 5.3-20). No impact would occur.

Facts in Support of Finding: The Biological Technical Report determined that the Project site does not contain any drainage, riparian, or riverine features. There are no CDFW, United States Army Corps of Engineers, or Regional Water Quality Control Board (RWQCB) jurisdictional waters within the Project site boundaries. The Project site does not contain any wetlands or vernal pools. While the Project is adjacent to the Santa Ana Delhi Channel, Project construction and operation would not result in any disturbance to the Channel. The use of Best Management Practices (BMPs) during construction implemented as part of a Stormwater Pollution Prevention Program (SWPPP) would ensure that sediments from exposed soils do not flow into the Channel during storm events. Therefore, the Project would not result in impacts related to a riparian environment or other sensitive natural community.

Impact BIO-3 Finding: The Project would not have substantial adverse effect on state or federally protected wetlands (including but not limited to, marsh, vernal, pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means (Draft EIR at p. 5.3-21). No impact would occur.

Facts in Support of Finding: The Project site does not include any wetlands or vernal pools. In addition, there are no CDFW, United States Army Corps of Engineers, or RWQCB jurisdictional waters within the Project site boundaries. Therefore, the proposed Project would not impact federally protected wetlands.

Impact BIO-5 Finding: The Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (Draft EIR at p. 5.3-22). No impact would occur.

Facts in Support of Finding: The City of Newport Beach Council Policy G-1 (Retention or Removal of City Trees) and Municipal Code Chapter 13.08, Planting, regulates the removal, severe trimming, planting, and maintenance of any trees within a public right-of-way, city street, or city property. The proposed Project includes new landscaping along the site frontages of Irvine Avenue and Mesa Drive that may extend into the public right-of-way adjacent to the street. Implementation of the City's development review and permitting process would ensure that any tree removal and proposed new landscaping would be consistent with the City Council Policy and municipal code requirements. Thus, the Project would not conflict with a tree preservation policy or ordinance.

Additionally, the Project would not conflict with Newport Beach Municipal Code Chapter 7.26, which sets forth protections for migratory and nonmigratory waterfowl, as it would not impact any habitat for such species. Therefore, the Project would not conflict with any local policies or ordinances protecting biological resources, and no impacts would occur.

Impact BIO-6 Finding: The Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan (Draft EIR at p. 5.3-22). No impact would occur.

Facts in Support of Finding: The Project site is located within the Orange County Central/Coastal NCCP/HCP. Within the NCCP/HCP, the Project is located within the Coastal Subarea. The Project site is not located within the Habitat Reserve System within the NCCP/HCP and is identified as a development site under the Orange County Central/Coastal NCCP/HCP (Appendix C). As the Project is designated as a development site, the Project would not conflict with the Orange County Central/Coastal NCCP/HCP. As such, impacts related to an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan would not occur.

C. Cultural Resources

Impact CUL-1 Finding: The Project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5 (Draft EIR at p. 5.4-10). No impact would occur.

Facts in Support of Finding: The Project site is currently developed with a clubhouse; driving range shack and canopies; holes 1, 2, and 9; the driving range; and parking lot. As previously discussed, the onsite structures and improvements were constructed more than 45 years ago. Therefore, a Historical Resources Evaluation, as included in Appendix D to the Draft EIR, was prepared for the Project.

According to the findings of the Historical Resources Evaluation, neither the 1976 Ranch-style clubhouse, driving range shack, and canopies nor holes 1, 2, and 9 meet the criteria for listing in the National Register (Criteria A-D), California Register of Historical Resources (Criteria 1-4), or designation under the City Council policy Manual (Criteria 1a-f and 2a-c). The Historical Resources Evaluation determined that the proposed Project would not result in a potentially adverse change in the significance of any historical resources as defined in the California Code of Regulations, Section 15064.5. Therefore, there would be no impacts to historical resources from development of the proposed Project.

D. Energy

Impact ENE-2 Finding: The Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency (Draft EIR at p. 5.5-11). No impact would occur.

Facts in Support of Finding: The proposed Project would be required to meet the CCR Title 24 energy efficiency standards in effect during permitting of proposed Project. The City's administration of the CCR Title 24 requirements includes review of design components and energy conservation measures that occurs during the permitting process, which ensures that all requirements are met. In addition, the proposed Project would not conflict with or obstruct opportunities to use renewable energy, such as solar energy. The proposed Project incorporates the use of solar energy (included as PDF-1) and EV charging stations and EV parking. Through the City's development permitting process, the proposed Project would be required to comply with most current Title 24 Building Energy Efficiency Standards, which provide minimum efficiency standards related to various building features, including water and space heating and cooling equipment, building insulation and roofing, and lighting. As shown in Table 5.10-4, *General Plan Policy Consistency Analysis*, in Section 5.10, *Land Use and Planning*, the proposed Project would be consistent with the General Plan policies related to energy conservation such as policies NR 24.2 and NR 24.3. Thus, the proposed Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency, and impacts would not occur.

E. Geology and Soils

Impact GEO-1i Finding: The Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (Draft EIR at p. 5.6-14). No impact would occur.

Facts in Support of Finding: The Project site is not located within an Alquist-Priolo Earthquake Fault Zone and no active faults are known/recorded to cross the site. The closest known active faults are associated with the Newport-Inglewood-Rose Canyon Fault Zone approximately 5.6 miles to the west (Appendix H to the Draft EIR). Inferred/buried strands of the Newport-Inglewood-Rose Canyon Fault Zone are mapped trending 0.9-mile south of the site but are not currently zoned as active (Appendix H to the Draft EIR). Because no known faults exist on or adjacent to the site, the proposed Project would not expose people or structures to potential substantial adverse effects from rupture of a known earthquake fault that is delineated on an Alquist-Priolo Earthquake Fault Zoning Map or other evidence of a fault, and impacts would not occur.

Impact GEO-1iv Finding: The Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides (Draft EIR at p. 5.6-15). No impact would occur.

Facts in Support of Finding: The Project site has an existing 15-20-foot-high slope that descends from the southeast edge of the site; and the remainder of the site generally slopes from approximately 50 feet msl to approximately 15 feet msl to the northwest corner of the site. However, there are no substantial hills or slopes, and the site is not within a seismically induced landslide hazard zone area and is not considered potentially susceptible to seismically induced slope instability. In addition, the Project would grade the site pursuant to the CBC requirements, which are included in the City's Municipal Code as Chapter 15.04. Compliance would be verified during the City's construction review and permitting process and has been included as PPP GEO-1. Therefore, the proposed Project would not expose people or structures to substantial adverse effects involving landslides, and impacts related to landslides would not occur.

Plans, Programs, and Policies

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 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.

Impact GEO-5 Finding: The Project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater (Draft EIR at p. 5.6-17). No impact would occur.

Facts in Support of Finding: The proposed Project would connect to existing sewer lines in Mesa Drive and would not require the use of septic tanks or alternative wastewater disposal systems. Therefore, no impacts associated with the ability of soils to support septic tanks would occur.

F. Hazards and Hazardous Materials

Impact HAZ-4 Finding: The Project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment (Draft EIR at p. 5.8-37). No impact would occur.

Facts in Support of Finding: According to the Phase I Environmental Site Assessment that was prepared for the Project site, the Project site is not included on a Cortese List of hazardous materials sites pursuant to Government Code Section 65962.5. Although the Phase I Environmental Site Assessment and EnviroStor website identified offsite sources of contamination, such as LUSTs, it did not identify any immediately adjacent sites that are included on a Cortese List of hazardous materials sites compiled pursuant to Government Code Section 65962.5 that could result in impacts related to the proposed Project. As a result, impacts related to hazards from being located on or adjacent to a hazardous materials site would not occur from implementation of the proposed Project.

Impact HAZ-6 Finding: The Project would not impair implementation of an adopted emergency response plan or emergency evacuation plan (Draft EIR at p. 5.8-42). No impact would occur.

Facts in Support of Finding: The City of Newport Beach adopted the City of Newport Beach Local Hazard Mitigation Plan, prepared by the City of Newport Beach in 2016. The Local Hazard Mitigation Plan does not identify any specific requirements for the Project site, nor is the site identified by the Plan as being part of an emergency evacuation route, nor is the site directly adjacent to an emergency evacuation route. Irvine Boulevard, south of 23rd Street, is the nearest designated tsunami evacuation route identified in the City's Local Hazard Mitigation Plan.

The City has adopted and implemented programs to reduce and prevent risks associated with wildfire including Municipal Code Section 2.20.050 (Emergency Operations Plan), Municipal Code Chapter 9.04 (Fire Code), and Municipal Code Chapter 15.04 (Building Code). Municipal Code Sections 9.04.110 through 9.04.160 require compliance with emergency access design standards as part of new construction of roads to provide sufficient access for emergency equipment. The Fire Code also sets standards for road dimension, design, grades, and other fire safety features. Although temporary lane closures on surrounding streets may be required during short periods of the Project's construction period in order to construct the Project and connect the Project to the existing utility facilities within the existing roadways, the construction of the Project would not require the complete closure of any public or private streets or roadways during construction. For all temporary closures, which may include single lanes and sidewalk segments, the Project Applicant would be required to obtain a Temporary Street and Sidewalk Closure Permit from the City of Newport Beach Public Works Department. Therefore, there is no potential for the Project to impair implementation of or

physically interfere with an adopted emergency response plan or emergency evacuation plan. No impact would occur.

G. Utilities and Service Systems

Impact UT-7 Finding: The Project would comply with federal, State, and local management and reduction statutes and regulations related to solid waste (Draft EIR at p. 5.16-23). No impact would occur.

Facts in Support of Finding: The proposed Project would result in new development that would generate solid waste. All solid waste-generating activities within the City are subject to the requirements set forth in the 2022 California Green Building Standards Code that requires demolition and construction activities to recycle or reuse a minimum of 65 percent of the nonhazardous construction and demolition waste, and AB 341 that requires diversion of a minimum of 75 percent of operational solid waste.

Municipal Code Section 20.30.120 provides standards for the provision of solid waste and recyclable materials storage areas in compliance with the California Solid Waste Reuse and Recycling Access Act (PRC §42900). Implementation of the proposed Project would be consistent with all State and City regulations, as ensured through the City's development review and permitting process. Therefore, the proposed Project would comply with all solid waste statutes and regulations; and impacts would not occur.

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SECTION III

RESOLUTION REGARDING ENVIRONMENTAL IMPACTS NOT REQUIRING MITIGATION

Section 15091 of the State CEQA Guidelines does not require specific findings to address environmental effects that an EIR identifies as "less than significant" where no mitigation is required. These findings will nevertheless fully account for all such effects identified in the EIR in this Section III. Thus, the City hereby finds that the following potential environmental impacts of the Project are less than significant and do not require the imposition of mitigation measures:

A. Aesthetics

Impact AES-1 Finding: The Project would not have a substantial adverse effect on a scenic vista (Draft EIR at p. 5.1-8). Impacts would be less than significant.

Facts in Support of Finding: A majority of the Project site is currently developed with a golf course, driving range, and other associated uses. The Project site is within an area developed with commercial, residential, and golf course uses. The Project site is not within a scenic vista. The Project site is surrounded by urban development and there are no long-range scenic vistas from the Project site.

All development within the proposed Project site would be set back from adjacent streets and would not encroach on the existing public views along the roadway corridors adjacent to the site. The building setbacks would ensure that public views along the nearby roadways (although not scenic vistas) would not be impacted. Overall, none of the roadways adjacent to the Project provide long range views of scenic vistas such as the Upper Newport Bay Preserve or Pacific Ocean; and the Project site is behind the General Plan-identified coastal viewpoints. Therefore, the Project would not block or substantially interrupt any public scenic vistas. As such, potential impacts would be less than significant.

Impact AES-3 Finding: The Project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from publicly accessible vantage point), or in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality (Draft EIR at p. 5.1-11). Impacts would be less than significant.

Facts in Support of Finding: The proposed Project would change the public views of the Project site from a golf course with a driving range and a clubhouse building and would construct a surf park with a 5.06-acre (220,427 SF) surf lagoon, amenity clubhouse, athlete accommodations, parking lot, ornamental landscaping, and associated infrastructure. Visual simulations were prepared to demonstrate where the structures, retaining walls, and changes to grade would be located, and the change to views of the site from six offsite locations, shown in Draft EIR Figure 5.1-2, *View Simulation Locations*.

Project View A

As shown in Draft EIR Figure 5.1-3, *Project View A*, the existing view is dominated by mature trees, overhead powerlines, in front of the golf course green space and the driving range poles and netting. This view would change to provide a more urban and developed character compared to the existing condition. However, the proposed three-story amenity clubhouse building would be consistent with the two-to three-story-high commercial office buildings that are located to the north of this viewpoint on Irvine Avenue to the northwest of the site.

Project View B

Draft EIR Figure 5.1-4, *Project View B*, the existing view contains the open green space of the golf course with mature trees and the driving range poles and netting that are between 62 and 65 feet tall along Mesa Drive. Although the site would be graded to be lower in elevation from this viewpoint and the proposed

amenity clubhouse building would have a maximum height of 50 feet, which is lower than the existing 62- to 65-foot-high driving range poles and netting, the proposed building would have a greater visual mass than the existing view. The proposed athlete accommodation building is within mid-range views; although it would result in a change from open space surrounded by poles and nets to a developed two-story structure surrounded by landscaping, it would provide the same type of modern visual character as surrounding residential, commercial, and office development.

Project View C

As shown in Draft EIR Figure 5.1-5, *Project View C*, the Project site is located behind Fire Station 7 (the red and stone veneer building with both pitched and roof areas) that is in middle ground views from this viewpoint. The existing views of 62- to 80-foot-high poles and netting would no longer exist with implementation of the Project. The visual height of development within the view would be reduced to the height of the Fire Station building, and the only portion of the proposed structures that would be visible would be the top of two light poles that would be located by the surf lagoon.

Project View D

As shown in Draft EIR Figure 5.1-6, *Project View D*, the existing forefront views consist of mature ornamental landscaping and a parking lot of vehicles. New forefront views would consist of layered landscaping of groundcovers, shrubs, and trees in front of wrought iron vertical fencing, which would screen views of the parking lot and solar PV canopies. Views of the proposed three-story amenity clubhouse building and two-story athlete accommodation building would be within middle ground views. The second and third floors of the amenity clubhouse and the second floor of the athlete accommodations building are behind the landscape screening. In addition, the 71-foot-high light poles that would be located adjacent to, and focused on, the surf lagoon would be visible from this viewpoint.

Project View E

As shown in Draft EIR Figure 5.1-7, *Project View E*, the existing view consists largely of open green golf course space with rolling topography, mature landscaping, golf cart paths, the poles and netting for the driving range, and the side of the restaurant/pro shop building. This view would change to one of a developed site with a higher density modern visual character. Views beyond the Santa Ana-Delhi Channel wall would be of a retaining wall with heights up to 16-feet topped with 6-foot-high wrought iron vertical fencing, landscaping, and views of the curved three-story amenity building, and the surf lagoon pole-mounted lighting. The two-story athlete accommodation building is in the background of the view, beyond the landscaping and light poles.

Project View F

This view is similar to Project View B and as shown in Draft EIR Figure 5.1-8, *Project View F*, the existing view contains a hill of golf course green space with mature trees and the driving range poles and netting that are between 62 and 65 feet tall along Mesa Drive. This view would change from generally a fenced and netted open space area to one of a developed site with cohesive landscaping in front of buildings. 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.

Regulations Governing Scenic Quality

General Plan. The proposed Project alignment with the General Plan policies is evaluated in Draft EIR Table 5.10-4, *General Plan Policy Consistency Analysis*, in Draft EIR Section 5.10, *Land Use and Planning*, which determined that the Project would be consistent with the policies of the General Plan that governs scenic quality.

Specific Plan/Zoning. The Project site has a Santa Ana Heights Specific Plan designation of Open Space and Recreation (OSR). The Santa Ana Heights Specific Plan is included in the City's Municipal Code as Chapter 20.90. Draft EIR Table 5.1-1 provides a comparison of the Project consistency with the applicable Santa Ana Heights Specific Plan development standards. As detailed, the Project would be consistent with the building site area, building setbacks, and the proposed building heights would be consistent with a Conditional Use Permit.

In addition, Municipal Code Section 20.90.030 provides design guidelines for hardscape elements, such as fences, paving, light fixtures, bollards, benches, trash receptacles and planters. This includes requirements for building materials, pavements, lighting fixtures, colors, and landscape maintenance. These have been incorporated into the proposed Project and would be verified by the City during the development review and permitting process. Therefore, impacts related to conflict with municipal code required design guidelines would not occur.

Overall, the Project would change the visual character of the site; however, it would not conflict with applicable zoning and other regulations governing scenic quality and impacts would be less than significant.

Impact AES-4 Finding: The Project would not create a new source of substantial light or glare which would adversely affect day and nighttime views in the area (Draft EIR at p. 5.1-31).

Facts in Support of Finding:

Light: Existing sources of light on the Project site include illumination from vehicle headlights in the parking lot, pole-mounted parking lot lighting, building illumination through windows, exterior building lighting, security lighting, signage lighting, and pole-mounted nighttime lighting for the golf course and driving range until 10:00 p.m.

Similar to the existing condition, pole-mounted lighting would be installed around the recreational amenity for nighttime use. The proposed building structures and landscaping would shield surf lagoon lighting from spilling offsite. As required by Municipal Code Section 21.30.070, *Outdoor Lighting*, the outdoor lighting fixtures for the Project have been designed, shielded, aimed, and located to shield adjacent properties. Photometric plans have been submitted to the City detailing that the surf lagoon lighting would not result in offsite spill light or the potential for glare.

Although an increase in lighting would occur from the Project, as it would result in two-story structures (versus the existing one-story structures) that provide a new source of lighting from a higher elevation, the lighting would be required to comply with Municipal Code Section 21.30.070, *Outdoor Lighting*, through the City's permitting process. Thus, the Project would not result in a substantial increase of lighting levels in the surrounding area, and impacts related to lighting would be less than significant.

Glare: The exteriors of the proposed buildings would not include large areas of reflective surfaces that could result in glare to surrounding areas. In addition, the Project proposes landscaping both along the site perimeter and around the proposed buildings, which would further reduce the potential for glare. Furthermore, the proposed lagoon is surrounded by the clubhouse building, athlete accommodation building, wave machinery, and landscaping that would screen potential glare from the lagoon waterbody. As described previously, the Project would be required through the City's permitting process to comply with Municipal Code Section 21.30.070, *Outdoor Lighting*, which would prevent lighting from the Project to generate glare. Thus, impacts related to glare from the Project site onto adjacent uses would be less than significant.

The proposed Project includes PV solar panels installed on parking canopies and the buildings' roofs, as shown in DIER Figure 3-11, *Proposed Solar PV Installation*. Therefore, as further detailed in Draft EIR Section 5.8, *Hazards and Hazardous Materials*, a solar glare analysis (included as Appendix N to the Draft EIR) was

prepared to analyze the potential for the solar panels to generate glare that could impact John Wayne Airport operations. The glare modeling analysis found that the proposed Project would not produce any glare on the air traffic control tower or in any of the final approach areas to the runways at John Wayne Airport (Appendix N to the Draft EIR). Thus, the Project would not create a new source of substantial glare which would adversely affect day or nighttime views in the area, and impacts would be less than significant.

Aesthetics Cumulative Finding: The Project would not result in cumulatively considerable impacts to aesthetics (Draft EIR at p. 5.1-32). Impacts would be less than significant.

Facts in Support of Finding: The cumulative aesthetics study area for the proposed Project includes public viewshed areas that can view the Project site as well as locations that can be viewed from the Project site, which may include areas under a different jurisdiction such as the City of Costa Mesa.

The Project site is to the northeast and behind the Upper Newport Bay Preserve and is not within the coastal scenic viewshed. Therefore, it would not have the potential to combine with other projects to result in a cumulative impact to a scenic vista. The Project site is not within proximity to any designated State scenic highways and is not within the viewshed of an eligible State scenic highway. In addition, cumulative Projects within the cumulative study area for aesthetics would also not be within proximity to any designated State scenic highways.

New development in the cumulative viewshed would be subject to applicable development regulations and design standards imposed during the development review and permitting process, which would ensure that development implements applicable regulations related to scenic quality. Therefore, cumulative impacts related to regulations related to scenic quality would be less than significant.

With respect to potential cumulative light and glare impacts, the Project would be required to comply with City of Newport Beach General Plan Policy LU 5.6.3 and the City of Newport Beach Municipal Code Section 20.30.070, which sets standards for exterior lighting/fixtures. Any development project in the cumulative visual area would be required to comply with the light requirements. Although cumulative development in the Project's surrounding area is likely to introduce new sources of lighting and potentially reflective materials, the Project's impacts would be less than cumulatively considerable, and therefore, less than significant.

B. <u>Air Quality</u>

Impact AQ-1 Finding: The Project would not conflict with or obstruct implementation of the applicable air quality plan (Draft EIR at p. 5.2-21) Impacts would be less than significant.

Facts in Support of Findings: The South Coast Air Quality Management District's (SCAQMD) 2022 Air Quality Management Plan (AQMP) is the applicable air quality plan for the Project site. The proposed Project would employ approximately 70 full-time and part-time employees with an average of approximately 55 employees onsite at any given time. The addition of 23 total employees from implementation of the proposed Project would not result in additional jobs in the area that would result in unplanned growth. Additionally, the 20 athlete accommodations would only be utilized for short time periods by visiting surfers and related guests, and the athlete accommodations would not result in population growth that is inconsistent with SCAG's projections. As a result, the proposed Project would be consistent with SCAQMD Consistency Criterion No. 1.

The proposed Project would result in regional operational-source emissions that would not exceed the SCAQMD thresholds of significance. Therefore, the proposed Project would not result in an increase in the frequency or severity of existing air quality violations and would not contribute to new violations or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP. Therefore, the proposed Project would not result in an impact related to Consistency Criterion No. 2.

The proposed Project would not result in an inconsistency with SCAG's regional growth forecast or result in increased regional air quality emissions that would exceed thresholds. Therefore, the proposed Project would not result in a conflict with, and would not obstruct, implementation of the AQMP, and impacts would be less than significant.

Impact AQ-2 Finding: The Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or State ambient air quality standard (Draft EIR at p. 5.2-22). Impacts would be less than significant.

Facts in Support of Findings:

Construction. Pollutant emissions associated with construction would be generated from the following construction activities: (1) demolition, site preparation, grading, and excavation; (2) construction workers traveling to and from the Project site; (3) delivery and hauling of construction supplies to, and debris from, the Project site; (4) fuel combustion by on-site construction equipment; (5) building construction, application of architectural coatings and paving. As detailed in Draft EIR Table 5.2-7, the daily emissions resulting from Project construction would not exceed the thresholds established by the SCAQMD. Therefore, construction impacts would be less than significant.

Operation. Implementation of the proposed Project would result in long-term regional emissions of criteria air pollutants and ozone precursors associated with area sources, such as natural gas consumption, landscaping, applications of architectural coatings, consumer products from operation of the proposed amenity clubhouse, athlete accommodations, and the surf lagoon. Operation of the proposed Project would include emissions from vehicles traveling to and from the surf park. The proposed Project would result in an increase of generate 186 "net" new daily trips, with 73 fewer trips in the a.m. peak hour and 10 fewer trips in the p.m. peak hour.

As detailed in Draft EIR Table 5.2-8, the proposed Project's operational activities would not exceed the numerical thresholds of significance established by the SCAQMD for emissions of any criteria pollutants and impacts would be less than significant.

Impact AQ-3 Finding: The Project would not expose sensitive receptors to substantial pollutant concentrations (Draft EIR at p. 5.2-24). Impacts would be less than significant.

Facts in Support of Findings:

Localized Construction Air Quality Impacts. Table 5.2-9 of the Draft EIR identifies daily localized on-site emissions that are estimated to occur during construction of the proposed Project. As shown, emissions during the peak construction activity would not exceed the SCAQMD's localized significance thresholds under this scenario, and impacts would be less than significant.

CO Hotspots. A CO hotspot is defined as a localized concentration of carbon monoxide exceeding the State 1-hour standard of 20 ppm or the 8-hour standard of 9 ppm. The Air Quality Impact Analysis for the Project (Draft EIR Appendix B) details that the information from the 2003 AQMP provides that even at one of the busiest intersections, only 0.7 ppm of CO is attributable to vehicular traffic and the remaining 7.7 ppm were due to ambient background conditions. As shown in Draft EIR Table 5.2-2, the background 1-hour and 8-hour concentrations are well below the applicable ambient air quality standards. In addition, Section 5.14, *Transportation*, details that the proposed Project would generate 73 fewer trips in the a.m. peak hour and 10 fewer trips in the p.m. peak hour than the existing condition, which would lower vehicular CO concentrations at intersections compared to the existing condition. Therefore, no impacts related to CO hotspots would occur with implementation of the proposed Project.

Impact AQ-4 Finding: The Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people (Draft EIR at p. 5.2-25). Impacts would be less than significant.

Facts in Support of Findings: The proposed Project would not emit other emissions, such as those generating objectionable odors, that would affect a substantial number of people. The type of facilities that are considered to result in other emissions, such as objectionable odors, include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities.

The proposed Project would remove the existing golf related facilities and buildings and develop the site with a new surf lagoon park with, retail, restaurant, and accommodations. These land uses do not involve the types of uses that would emit objectionable odors affecting a substantial number of people. In addition, odors generated by non-residential land uses are required to be in compliance with SCAQMD Rule 402, which would prevent nuisance odors.

During construction, emissions from construction equipment, architectural coatings, and paving activities may generate odors. However, these odors would be temporary, intermittent in nature, and would not affect a substantial number of people. The noxious odors would be confined to the immediate vicinity of the construction equipment. Also, the short-term construction-related odors would cease upon the drying or hardening of the odor-producing materials.

In addition, all Project-generated solid waste would be stored in covered containers and removed at regular intervals in compliance with solid waste regulations and would not generate objectionable odors. Therefore, impacts associated with other operation- and construction-generated emissions, such as odors, would be less than significant.

Air Quality Cumulative Finding: The Project would not result in cumulatively considerable impacts to air quality (Draft EIR at p. 5.3-20). Impacts would be less than significant.

Facts in Support of Finding: The geographic area for analysis of cumulative air quality impacts is the Basin. As described previously, per SCAQMD's methodology, if an individual project would result in air emissions of criteria pollutants that exceeds the SCAQMD's thresholds for project-specific impacts, then it would also result in a cumulatively considerable net increase of these criteria pollutants.

As described previously in Impacts AQ-2 and AQ-3, construction and operation of the proposed Project would not exceed any of the SCAQMD thresholds of significance. Therefore, Project emissions would not be cumulatively considerable, and impacts would be less than significant.

C. Cultural Resources

Impact CUL-3 Finding: The Project would not disturb any human remains, including those interred outside of formal cemeteries (Draft EIR at p. 5.4-12). Impacts would be less than significant.

Facts in Support of Findings: The Project site has been extensively disturbed and has not been previously used as a cemetery. Thus, impacts related to human remains are less than significant. In the unanticipated event that human remains are found during project construction activities compliance with California Health and Safety Code Section 7050.5 would ensure that human remains are treated with dignity and as specified by law.

As specified by California Health and Safety Code Section 7050.5, included as PPP CUL-1, if human remains are found on the Project site, the County Coroner's office shall be immediately notified and no further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent

remains shall occur until the Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will make a determination as to the Most Likely Descendent. The existing California Health and Safety Code regulations provide that impacts related to potential disturbance of human remains are less than significant.

Plans, Programs, and Policies

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.

D. Energy

Impact ENE-1 Finding: The Project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation (Draft EIR at p. 5.5-6). Impacts would be less than significant.

Facts in Support of Findings:

Construction

Construction activities related to the proposed Project and the associated infrastructure are not expected to result in demand for fuel greater on a per-unit-of-development basis than other development projects in Southern California. Also, CCR Title 13, Motor Vehicles, section 2449(d)(3) Idling, limits idling times of construction vehicles to no more than 5 minutes, thereby precluding unnecessary and wasteful consumption of fuel due to unproductive idling of construction equipment. The energy analysis modeling for construction of the proposed Project details that the construction of the proposed Project is estimated to result in the need for 68,414 gallons of diesel fuel and 11,008 gallons of gasoline as described in Appendix F to the Draft EIR. In addition, compliance with existing CARB idling restrictions and the use of newer engines and equipment would reduce fuel combustion and energy consumption. Construction activities would require limited energy consumption, would comply with all existing regulations, and would therefore not be expected to use large amounts of energy or fuel in a wasteful manner. Thus, impacts related to construction energy usage would be less than significant.

Operation

Once operational, the Project would generate demand for electricity, natural gas, as well as gasoline for motor vehicle trips. Operational use of energy includes the heating, cooling, and lighting of buildings, water heating, operation of electrical systems and plug-in appliances within buildings, parking lot and outdoor lighting, and the transport of electricity, natural gas, and water to the areas where they would be consumed.

Fuel consumed by Project-generated traffic is a function of total vehicle miles traveled (VMT) and the estimated vehicle fuel economies of vehicles. As detailed in Draft EIR Table 5.5-5, operation of the Project is estimated to result in an annual VMT of 5,997,818 miles and a fuel consumption of 223,454 gallons per

year. This would be a 26,633 gallon per year increase in fuel consumption compared to the existing golf course uses onsite

Project buildings operations, lagoon and pools operations, and site maintenance activities would result in the consumption of electricity and natural gas. As shown on Draft EIR Table 5.5-6, the Project would result in a net increase of 9,559,556 kWh per year of electricity and 11,258,880 kBTU per year of natural gas.

The Project buildings and parking lot canopies would be covered in solar PV panels (included as PDF-1) that would generate renewable energy that would be used for operation of the Project. As shown in Draft EIR Table 5.5-5, the proposed solar PV panels would provide approximately 2,375,568 kWh per year of energy, which equates to 20 percent of the Project's annual energy demand.

Because this use of energy is typical for urban development and onsite renewable energy would be utilized, no operational activities or land uses would occur that would result in wasteful, inefficient, or unnecessary consumption of energy resources. In addition, adherence to current California Building Code and Energy Code standards and maximizing the use of renewable energy sources (see PDF-1) will ensure the most energy efficient technologies and practices are used for the development and operation of the Project. Therefore, impacts related to operational energy consumption would be less than significant.

Project Design Features

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.

Energy Cumulative Finding: The Project would not result in cumulatively considerable impacts to energy. (Draft EIR at p. 5.5-11). Impacts would be less than significant.

Facts in Support of Finding: The geographic context for analysis of cumulative impacts regarding energy includes past, present, and future development within southern California because energy supplies (including electricity, natural gas, and petroleum) are generated and distributed throughout the southern California region.

All development projects throughout the region would be required to comply with the energy efficiency standards in the Title 24 requirements. Additionally, some of the developments could provide for additional reductions in energy consumption by use of solar panels (included as PDF-1), sky lights, or other LEED type energy efficiency infrastructure. With implementation of the existing energy conservation regulations, cumulative electricity and natural gas consumption would not be cumulatively wasteful, inefficient, or unnecessary.

Petroleum consumption associated with the proposed Project would be primarily attributable to transportation, especially vehicular use. However, state fuel efficiency standards and alternative fuels policies (per AB 1007 Pavely) would contribute to a reduction in fuel use, and the federal Energy Independence and Security Act and the state Long Term Energy Efficiency Strategic Plan would reduce reliance on non-renewable energy resources. For these reasons, the consumption of petroleum would not occur in a wasteful, inefficient, or unnecessary manner and would not be cumulatively considerable.

Project Design Features

PDF-1: Solar. As listed previously.

E. Geology and Soils

Impact GEO-1ii Finding: The Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking (Draft EIR at p. 5.6-15). Impacts would be less than significant.

Facts in Support of Findings: The closest known active faults are associated with the Newport-Inglewood-Rose Canyon Fault Zone approximately 5.6 miles to the west (Appendix H to the Draft EIR). Therefore, Project implementation could subject people and structures to hazards from ground shaking. However, seismic shaking is a risk throughout southern California, and the Project site is not at greater risk of seismic activity or impacts as compared to other areas within the region.

The CBC includes provisions to reduce impacts caused by major structural failures or loss of life resulting from earthquakes or other geologic hazards. For example, Chapter 16 of the CBC contains requirements for design and construction of structures to resist loads, including earthquake loads. The CBC provides procedures for earthquake resistant structural design that include considerations for onsite soil conditions, occupancy, and the configuration of the structure including the structural system and height.

The City of Newport Beach has adopted the CBC as part of the Municipal Code Chapter 15.04, which regulates all building and construction projects within the City and implements a minimum standard for building design and construction that includes specific requirements for seismic safety, excavation, foundations, retaining walls and site demolition. Compliance with the requirements of the CBC for structural safety would reduce hazards from strong seismic ground shaking. Because the proposed Project would be required to be constructed in compliance with the CBC and the City's Municipal Code, which would be verified through the City's plan check and permitting process and is included as PPP GEO-1, the proposed Project would result in a less than significant impact related to strong seismic ground shaking.

Plans, Programs, and Policies

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 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.

Impact GEO-1iii Finding: The Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction (Draft EIR at p. 5.6-15). Impacts would be less than significant.

Facts in Support of Findings: The Geotechnical Report (included as Appendix H to the Draft EIR) identified that a portion of the site is identified by mapping as being potentially liquifiable. Underlying soils include layers of lean clay, sandy lean clay, clayey sand, silty sand, and poorly graded sands. The highest historic groundwater on the Project site was encountered at approximately 10 feet bgs. The highest groundwater encountered within recent onsite borings was at a depth of 18.52 feet bgs. However, using a design high groundwater level of 15 feet bgs, the Geotechnical Exploration determined that the liquefaction potential is considered low (Appendix H to the Draft EIR). Structures built in the City are required to be built in compliance with the CBC, as included in the City's Municipal Code as Chapter 8, Article 2, Division 1 (and in the Draft EIR as PPP GEO-1), which regulates all building and construction projects within the City and implements a minimum standard for building design and construction that includes specific requirements for seismic safety, excavation, foundations, retaining walls and site demolition. Therefore, the development of the proposed Project would be required to conform to the seismic design parameters of the CBC, as included as PPP GEO-1, which are reviewed by the City for appropriate inclusion as part of the building plan check and development review process. Compliance with the requirements of the CBC and City's Municipal Code

for structural safety (included as PPP GEO-1) would reduce hazards from seismic-related ground failure, including liquefaction and settlement to a less than significant level.

Plans, Programs, and Policies

PPP GEO-1: CBC Compliance. As listed previously.

Impact GEO-2 Finding: The Project would not result in substantial soil erosion or the loss of topsoil (Draft EIR at p. 5.6-16). Impacts would be less than significant.

Facts in Support of Findings:

Construction

Construction of the proposed Project has the potential to contribute to soil erosion and the loss of topsoil. Grading activities that would be required for the proposed Project would expose and loosen topsoil, which could be eroded by wind or water. To reduce the potential for soil erosion and the loss of topsoil, a SWPPP is required by the RWQCB regulations to be developed by a QSD (Qualified SWPPP Developer) included as Draft EIR PPP WQ-1. The SWPPP is required to address site-specific conditions related to specific grading and construction activities that could cause erosion and the loss of topsoil and provide erosion control best management practices (BMPs) to reduce or eliminate the erosion and loss of topsoil. Compliance with State and federal requirements would ensure that the proposed Project would have a less-than-significant impact related to soil erosion or loss of topsoil.

Operation

The proposed Project includes installation of landscaping throughout the Project site, which would protect the underlying soil on the site from wind and water erosion during proposed Project operation. In addition, the hydrologic features of the proposed Project have been designed to slow, filter, and retain stormwater within landscaping, which would also reduce the potential for stormwater to erode topsoil. Furthermore, implementation of the proposed Project requires City approval of a site-specific Water Quality Management Plan (WQMP) (included as PPP WQ-3), which would ensure that the City's General Plan, RWQCB requirements, and appropriate operational BMPs would be implemented to minimize or eliminate the potential for soil erosion or loss of topsoil to occur. As a result, potential impacts related to substantial soil erosion or loss of topsoil would be less than significant.

Plans, Programs, and Policies

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.

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.

Impact GEO-3 Finding: The Project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral

spreading, subsidence, liquefaction, or collapse (Draft EIR at p. 5.6-16). Impacts would be less than significant.

Facts in Support of Findings: There are no substantial hills or slopes, and the site is not within a seismically induced landslide hazard zone area and is not considered potentially susceptible to seismically-induced slope instability, and potential impacts related to landslides would not be significant.

Although a portion of the site is identified as within a potentially liquifiable area, the Geotechnical Exploration determined that the liquefaction potential is considered low. As a result, the potential for lateral spreading on the site is low (Draft EIR Appendix H). Thus, impacts related to lateral spreading would be less than significant. In addition, the Geotechnical Exploration describes that the Project site is not within an area with known significant subsidence associated with groundwater or petroleum withdrawal, peat oxidation, or hydrocompaction. Therefore, impacts related to subsidence would not occur.

The Geotechnical Exploration identified that seismically induced settlement onsite could be 0.5 inch or less and recommends that the Project implement CBC seismic structural design criteria that are specific to the onsite soils, including excavation and recompaction of soils, and development of foundation systems to reduce potential settlement. Likewise, the CBC requires that a California Certified Engineering Geologist or California-licensed civil engineer provide site-specific engineering data for the proposed structures, which are reviewed by the City for appropriate inclusion as part of the building plan check and development review process. Thus, impacts related to geologic units or soils instability or collapse would also be less than significant.

Plans, Programs, and Policies

PPP GEO-1: CBC Compliance. As listed previously.

Impact GEO-4 Finding: The Project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property (Draft EIR at p. 5.6-17). Impacts would be less than significant.

Facts in Support of Findings: The Geotechnical Exploration describes that the Project site's near-surface soils consist of undocumented fill with soft to stiff sandy lean clay, and loose to dense and silty sand and clayey sand. The Project site soils were determined to have a very low to medium potential for expansion due to the clay content (Appendix H to the Draft EIR). The Geotechnical Exploration describes that excavation and recompaction of soils, and design of foundation systems would reduce potential effects of expansive soils to a less than significant level.

Geology and Soils Cumulative Finding: The Project would not result in cumulatively considerable impacts to geology and soils (Draft EIR at p. 5.6-18). Impacts would be less than significant.

Facts in Support of Finding: For geology and soils, the cumulative study area consists of the area that could be affected by proposed Project activities and the areas affected by other projects whose activities could directly or indirectly affect the geology and soils of the project site.

Site-specific development projects within Newport Beach and adjacent areas within the County of Orange and Cities of Costa Mesa and Irvine are subject to uniform site-development policies and construction standards of the CBC and site-specific geotechnical studies prepared to define site-specific conditions that might pose a risk to safety, such as those described previously for the proposed Project. While increases in the number of people and structures subject to unstable geologic units and soils would increase in the proposed Project and with cumulative development, given the application of CBC requirements by the City through the construction permitting process, the cumulative effects would be less than significant.

F. Greenhouse Gas Emissions

Impact GHG-1 Finding: The Project would not generate greenhouse gas emissions (GHG), either directly or indirectly, that may have a significant impact on the environment (Draft EIR at p. 5.7-11). Impacts would be less than significant.

Facts in Support of Findings: Implementation of the proposed Project would generate GHG emissions from construction activities, vehicle trips, electricity and natural gas consumption, water, and wastewater transport (the energy used to pump water), and solid waste generation. Long-term operations of uses by the Project would generate GHG emissions from the following primary sources: area source emissions, energy source emissions, mobile source emissions, water usage source emissions, waste source emissions, and refrigeration source emissions. The Project includes installation of solar panels on building roofs and on canopies in the parking lots (PDF-1 Solar). These solar panels would generate approximately 2,375,568 kWh or 24 percent of the Project's yearly energy demand.

The annual GHG emissions associated with the Project are summarized in Draft EIR Table 5.7-2, which shows that construction and operation of the Project would generate a net total of approximately 2,433.05 $MTCO_2e$/yr which would not exceed the screening threshold of 3,000 $MTCO_2e$/yr. Therefore, construction and operation of the Project would not generate significant GHG emissions that would have a significant effect on the environment. As such, potential impacts would be less than significant.

Project Design Features

PDF-1: Solar. As listed previously.

Impact GHG-2 Finding: The Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases (Draft EIR at p. 5.7-13). Impacts would be less than significant.

Facts in Support of Findings: The Project would not interfere with the State's implementation of AB 1279's target of 85 percent below 1990 levels and carbon neutrality by 2045 because it does not interfere with implementation of the GHG reduction measures listed in CARB's Updated Scoping Plan (2022). The proposed Project would include renewable energy generation as well as improved insulation reducing energy consumption and is consistent with applicable GHG emissions reduction strategies. A summary of proposed Project compliance with specific applicable GHG emissions reduction measures is included in Draft EIR Table 5.7-3, *Project Consistency with the CARB 2022 Scoping Plan Actions* Overall, the proposed Project would conform to State and local GHG emissions reduction and climate change regulations, policies, and strategies. Therefore, the proposed Project would have less than significant GHG impacts.

Greenhouse Gas Cumulative Finding: The Project would not result in cumulatively considerable impacts to greenhouse gases. Impacts would be less than significant with mitigation (Draft EIR at p. 5.7-18). Impacts would be less than significant.

Facts in Support of Finding: The analysis of GHG emission impacts under CEQA within the Draft EIR effectively constitutes an analysis of the Project's contribution to the cumulative impact of GHG emissions. As described previously, the City's evaluation of impacts using the SCAQMD's 3,000 $MTCO_2e$/year threshold. As shown in Table 5.7-2, the estimated GHG emissions from development and operation of the Project would not exceed the SCAQMD's threshold and include sustainable features such as solar panels on the proposed buildings and canopies in the parking lot, included as PDF-1 Solar. The Project would not generate GHG emissions that would be cumulatively considerable. Therefore, cumulative impacts related to GHG emissions would be less than significant.

Project Design Features

PDF-1: Solar. As listed previously.

G. Hazards and Hazardous Materials

Impact HAZ-1 Finding: The Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (Draft EIR at p. 5.8-34). Impacts would be less than significant.

Facts in Support of Finding:

Construction. The proposed construction activities would involve the routine transport, use, and disposal of hazardous materials such as paints, solvents, oils, and grease, during construction activities. In addition, hazardous materials would routinely be needed for fueling and servicing construction equipment on the site. These types of materials are not acutely hazardous, and all storage, handling, use, and disposal of these materials are regulated by federal and state regulations that are implemented by the Port during building permitting for construction activities. Construction contractors would be required to comply with federal, state, and local laws and regulations regarding the transport, use, and storage of hazardous materials ensured through City permitting. Additionally, construction activities would require a SWPPP, which is mandated by the NPDES General Construction Permit and enforced by the Santa Ana RWQCB. The SWPPP would include strict on-site handling rules and BMPs to minimize potential adverse effects to workers, the public, and the environment during construction. Implementation of the SWPPP, as confirmed through the City's permitting process would limit potentially significant hazards from runoff of contaminated materials during construction to a less-than-significant level.

Operation. Operation of the proposed Project includes activities related to a recreational surf park, amenity clubhouse, and athlete accommodations. The surf lagoon would use basic pool cleaning equipment and chemicals to maintain the pH levels for surfers. Project hazardous materials usage would be limited to small amounts. Furthermore, cleaning and degreasing solvents, fertilizers, pesticides, and other materials used in the regular maintenance of mechanical equipment, buildings, and landscaping would be utilized. The quantities stored at the site would be comparable to typical commercial recreation uses, and would be regulated by State and local law, including Fire Department regulations requiring proper storage and inspection and City operational permitting. Normal routine use of these products would not result in a significant hazard to residents or workers in the vicinity of the proposed Project. Therefore, operational impacts related to routine transport, use, and disposal of hazardous materials during operation of the proposed Project would be less than significant.

Plans, Programs, and Policies

PPP WQ-1: NPDES/SWPPP. As listed previously.

Impact HAZ-2 Finding: The Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (Draft EIR at p. 5.8-35). Impacts would be less than significant.

Facts in Support of Finding:

Construction

Accidental Releases. Equipment that would be used in construction of the proposed Project has the potential to release gas, oils, greases, solvents, and spills of paint and other finishing substances. However, the amount of hazardous materials on site would be limited, and construction activities would be required to adhere to all applicable regulations regarding hazardous materials storage and handling, as well as to implement

construction BMPs to prevent a hazardous materials release and to promptly contain and clean up any spills, which would minimize the potential for harmful exposures. Upon compliance with existing laws and regulations, which are mandated by the City through construction permitting, the proposed Project's construction-related impacts would be less-than-significant.

Contaminated Soils. As described previously, the Phase 1 Environmental Site Assessment (included as Appendix K to the Draft EIR) identified one REC which includes the historic use of pesticides and herbicides at the Project site. In addition, the potential use of PFAS at the adjacent fire station for fire suppression training was identified as an EC. The Phase II Environmental Site Assessment (Appendix L to the Draft EIR) conducted onsite soils and groundwater testing throughout the site to test for the presence of herbicides, pesticides, and metals in the soil as well as PFAS from the fire training center.

The laboratory test results were compared to corresponding USEPA RSLs for residential use and DTSC SLs for commercial/industrial uses. Soil herbicides, organochlorine pesticides, and PFAs did not exceed laboratory detection limits or RSLs. As none of these compounds are present at the site beyond USEPA and DTSC SLs, any release of these compounds at the site would not pose a threat to human health or the environment. Thus, any excavation of soils as part of Project construction activity is not expected to result in the release of any hazardous materials beyond USEPA and DTSC SLs, and impacts would be less than significant.

Asbestos Containing Materials. Buildings on the Project site were constructed in the 1970s when many structures were constructed with what are now recognized as hazardous building materials, such as lead and asbestos. Asbestos abatement contractors must follow State regulations contained in California Code of Regulations Sections 1529, and 341.6 through 341.14 as implemented by SCAQMD Rule 1403 to ensure that asbestos removed during demolition or redevelopment of the existing buildings is transported and disposed of at an appropriate facility. Section 19827.5 of the California Health and Safety Code requires that local agencies not issue demolition permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. These requirements are included as PPP HAZ-1 of the Draft EIR to ensure that the Project applicant submits verification to the City that the appropriate activities related to asbestos have occurred, which would reduce the potential of impacts related to asbestos to a less than significant level.

Lead Based Materials. Federal regulations to manage and control exposure to lead-based paint are described in Code of Federal Regulations Title 29, Section 1926.62, and State regulations related to lead are provided in the California Code of Regulations Title 8 Section 1532.1, as implemented by CalOSHA. CalOSHA's Lead in Construction Standard requires project applicants to develop and implement a lead compliance plan when lead-based paint would be disturbed during construction or demolition activities. These requirements are included as PPP HAZ-2 of the Draft EIR to ensure that the Project applicant submits verification to the City that the appropriate activities related to lead have occurred, which would reduce the potential of impacts related to lead-based materials to a less than significant level.

Undocumented Hazardous Materials. The Project site has a history of various uses that include use and storage of hazardous materials, such as golf course maintenance with the use of pesticides and herbicides. As a result, there is the potential for undocumented hazardous material to exist on site. However, the existing federal and State regulations related to hazardous materials and construction include procedures to follow in the case that hazardous materials are uncovered during construction activities.

Operation

Development under the proposed Project would involve commercial recreation uses that would use and store common hazardous materials such as paints, pool cleaning chemicals, solvents, and cleaning products. The surf lagoon would use basic cleaning equipment and chemicals to maintain the pH levels for surfers. Also,

building and lagoon mechanical systems and grounds/landscape maintenance could also use a variety of products formulated with hazardous materials, including fuels, cleaners, lubricants, adhesives, sealers, and pesticides/herbicides.

As described previously, normal routine use of these products pursuant to existing regulations would not result in a significant hazard to the environment, residents, or workers in the vicinity of the proposed Project. In addition, a Water Quality Management Plan (WQMP) is required to be implemented for the proposed Project (as further discussed in Draft EIR Section 5.9, *Hydrology and Water Quality* (included as PPP WQ-3)). The BMPs that would be implemented as part of the WQMP would protect human health and the environment should any accidental spills or releases of hazardous materials occur during operation of the proposed Project. As a result, operation of the proposed Project would not result in a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, and impacts would be less than significant.

Plans, Programs, and Policies

PPP WQ-1: NPDES/SWPPP. As listed previously.

PPP WQ-3: WQMP. As listed previously.

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.

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.

Impact HAZ-3 Finding: The Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within 0.25-mile of an existing or proposed school (Draft EIR at p. 5.8-37). Impacts would be less than significant.

Facts in Support of Findings: The Project site is located 0.3-mile west of the closest school, which is the Newport Montessori School, located at 20221 SW Cypress Street, Newport Beach. Thus, the proposed Project would not be within 0.25-mile of an existing school.

Construction

Project construction would involve the use and disposal of various hazardous materials. However, all storage, handling, use, and disposal of these materials are regulated by federal and state regulations that are implemented by the City of Newport Beach during construction permitting. In addition, the use of BMPs during construction implemented as part of a SWPPP as required by the NPDES General Construction Permit (and included as PPP WQ-1 to the Draft EIR) would minimize potential adverse effects to workers, the public, and the environment.

Operation

Operation of the proposed Project includes activities related to commercial recreational development, which generally uses common hazardous materials, including: solvents, cleaning agents, paints, pesticides, batteries, and aerosol cans. Normal routine use of these products pursuant to existing regulations would not result in a significant hazard to the environment or school facilities in the vicinity of the proposed Project. Therefore, operational impacts related to nearby schools would be less than significant.

Plans, Programs, and Policies

PPP WQ-1: NPDES/SWPPP. As listed previously.

Impact HAZ-5 Finding: The Project would not result in a safety hazard or excessive noise for people residing or working in the project area for a project located within an airport land use plan or, where such plan has not been adopted, be within 2 miles of a public airport use airport or public use airport (Draft EIR at p. 5.8-39). Impacts would be less than significant.

Facts in Support of Findings: The John Wayne Airport (SNA) is located approximately 0.4 miles northeast of the Project site. The Project site is located within Safety Zone 2, the Inner Approach/Departure Zone; Safety Zone 4, Outer Approach/Departure Zone; and Safety Zone 6, the Traffic Pattern Zone, for the 2L/20R runway that is used by commercial aircraft as shown on Figure 5.8-3, *John Wayne Airport Safety Zones for 2L/20R*. In addition, the Project site is located within the FAR Part 77 Obstruction Imaginary Surface area for both runways (shown on Draft EIR Figures 5.8-5 and 5.8-6).

The Project site has previously undergone FAA evaluation, which determined that structures on the site that are below 162 feet amsl would not have a significant adverse impact related to aeronautical hazards (FAA, 2016). As the tallest building structure would be 92 feet amsl and the light poles would be a maximum of 108 feet amsl, both would be below 162 feet amsl; therefore, the Project structures would not have a significant adverse impact related to aeronautical hazards.

Aircraft Accident Hazards

Due to the prevailing ocean winds at SNA, the predominant direction of aircraft departing SNA is to the southwest and aircraft arriving into SNA is from the northeast (about 95 percent of the time), the Project site is mostly exposed to overflight by aircraft departing SNA to the southwest. Therefore, the accident risk over the Project site is also predominantly from aircraft departing SNA.

Over the most recent ten-year period (2014-2024), SNA had 11 accidents listed in the NTSB database. Two occurred during the takeoff or departure phase of the flight. During this same time period there were over 3 million aircraft operations at SNA. This results in a risk rate of 0.067 accidents per 100,000 aircraft operations. Combining these two figures (0.3 accidents per year) provides an estimate of the chances of an accident on the Project site as 0.035% per year. The additional factor that aircraft typically depart to the southwest about 95 percent of the time brings the chances of an accident on the Project site to 0.033% per year.

In terms of the annual risk to an individual on the Project site, if there is a 0.033% chance of an onsite accident per year, and as per the California Airport Land Use Planning Handbook, approximately, 0.11% of general aviation aircraft accidents result in fatalities to people on the ground, this yields a 0.000036% chance of a fatality per year, or an approximate risk of 0.036 in 100,000 operations. Therefore, impacts from potential aircraft accidents would be less than significant.

Airport Wildlife Hazards

The SNA Geneal Aviation Noise Ordinance prohibits commercial departures between 10:00 p.m. and 7:00 a.m. (8:00 a.m. on Sundays) and commercial arrivals between 11:00 p.m. and 7:00 a.m. (8:00 a.m. on Sundays). The proposed hours of operation for the surf lagoon are 6:00 a.m. to 11:00 p.m., 7 days a week. The times that no commercial SNA departures and arrivals occur would coincide with the hours that the surf park would be closed. Therefore, the lack of surfer, lifeguard, and water movement when the lagoon is closed would not present a hazard due to birds who may be attracted to the times of limited movement and standing/still water. In addition, as detailed in Draft EIR Section, 3.0, *Project Description*, and in PDF-2, the Project would not include trees or other vegetation that produces seeds, fruits, nuts, or berries providing food for birds that would be an attractant. Therefore, Project impacts related to generation of wildlife hazards to airport operations would be less than significant.

Airport Noise Hazards

As shown on Draft EIR Figure 5.8-2, the Project site is located within the SNA 65 CNEL noise contour as measured by the airport in 2024, 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. As detailed in Draft EIR Section 5.11, *Noise*, the General Plan Land Use Noise Compatibility Matrix, identifies that commercial recreation facilities are "normally compatible" up to 75 dBA CNEL. Therefore, the proposed Project would be consistent with the 2024 noise contours, and impacts related to excessive noise would be less than significant.

Airport Other Hazards

The proposed Project would not result in hazards related to excessive glare, light, steam, smoke, dust, or electronic interference. Exterior lighting fixtures and security lighting would be installed in accordance with Municipal Code Section 20.30.070, which requires that all outdoor lighting fixtures be designed to shield adjacent properties and roadways from glare.

The solar analysis modeling (included as Appendix N of the Draft EIR) was prepared based on the location of the approximately 70,908 square feet of proposed rooftop and carport installed solar PV arrays and analyzed the potential impacts of the proposed solar PV installation on John Wayne Airport operations. The analysis determined that the proposed Project would not produce any glare on the air traffic control tower or in any of the final approach areas to the runways at John Wayne Airport.

Dust emissions are regulated by SCAQMD requirements and construction related air quality emissions that could include steam, smoke, and dust emissions would be less than significant with implementation of the standard SCAQMD Rules listed in Draft EIR Section 5.2, *Air Quality*.

Project Design Features

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.

Impact HAZ-7 Finding: The Project would not, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires (Draft EIR at p. 5.8-43). Impacts would be less than significant.

Facts in Support of Findings: The Project site is located within an urban developed area and is not located within an identified wildland fire hazard area and is not an area where residences are intermixed with wildlands. The City's GPU FEIR and the CalFire High Fire Hazard Severity Zones map shows that the site is located within a low fire susceptibility area. In addition, implementation of the proposed Project would be required to adhere to the following chapters of the City's Municipal Code to reduce potential fire hazards: Chapter 15.04 Uniform Building Code, Chapter 9.04.110 Fire Code, and Chapter 2.20.050 Emergency

Operations Plan. Additionally, the proposed Project would be developed in compliance with any further guidelines from the Fire Department related to fire prevention and is subject to approval by the City's Building Division. Therefore, the proposed Project would not expose people or structures to a significant risk of loss, injury, or death from wildfires.

Hazards and Hazardous Materials Cumulative Finding: The Project would not result in cumulatively considerable impacts to hazards and hazardous materials. (Draft EIR at p. 5.8-43). Impacts would be less than significant.

Facts in Support of Finding: The proposed Project's contribution to cumulative impacts to hazards and hazardous was analyzed in context with past and foreseeably future projects in the City of Newport Beach and adjacent areas in the Cities of Costa Mesa and Irvine that are similarly affected by hazardous soil conditions, LUST conditions, asphalt contamination, and asbestos and lead containing building materials.

All hazardous materials users and transporters, as well as hazardous waste generators and disposers are subject to regulations that require proper transport, handling, use, storage, and disposal of such materials to ensure public safety, which are verified by the City during the construction and development permitting process. Thus, if hazardous materials are found to be present on present or future project sites appropriate remediation activities would be required pursuant to standard federal, State, and regional regulations that would reduce the potential for hazard related impacts to occur; and have the potential to cumulatively combine. Further, Project compliance with the relevant federal, State, and local regulations during the construction and operation would ensure that the Project would not result in impacts that have the potential to cumulative. Thus, cumulative impacts related to hazardous materials and emergency response/evacuation would be less than significant.

Regarding airport related hazards, as detailed previously, the proposed structures would not encroach into any obstruction imaginary surfaces for SNA; therefore, they would not have the potential to cumulatively result in aeronautical hazards. Likewise, exterior lighting would be installed in accordance with Municipal Code Section 20.30.070 to not cumulatively combine, and the Project would comply with ALUC notification and all other applicable rules and regulations as they pertain to SNA and airport safety. As a result, cumulative impacts related to airport hazards would be less than significant.

H. Hydrology and Water Quality

Impact HYD-1 Finding: The Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality (Draft EIR at p. 5.9-10). Impacts would be less than significant.

Facts in Support of Findings:

Construction

Pollutants of concern during construction activities generally include sediments, trash, petroleum products, concrete waste (dry and wet), sanitary waste, and chemicals. Each of these pollutants on its own or in combination with other pollutants can have a detrimental effect on water quality. In addition, chemicals, liquid products, petroleum products (such as paints, solvents, and fuels), and concrete-related waste may be spilled or leaked during construction, which would have the potential to be transported via storm runoff into nearby receiving waters and eventually may affect surface or groundwater quality. During construction activities, excavated soil would be exposed, thereby increasing the potential for soil erosion and sedimentation to occur compared to existing conditions. In addition, during construction, vehicles and equipment are prone to tracking soil and/or spoil from work areas to paved roadways, which is another form of erosion that could affect water quality. However, the use of BMPs during construction implemented as part of a SWPPP as required by the NPDES General Construction Permit and included as PPP WQ-1 of

the Draft EIR would serve to ensure that Project impacts related to construction activities resulting in a degradation of water quality would be less than significant.

Operation

Project operations would introduce the potential for pollutants such as chemicals from lagoon chlorine products, cleaning products, pesticides, sediment from landscaping, trash and debris, and oil and grease from vehicles in the parking lots. If these pollutants discharge into surface waters, it could result in degradation of water quality. The Newport Back Bay, to which the Project site ultimately drains, is currently listed as impaired on the USEPA's 303(d) list for various pollutants. Therefore, additional pollutant discharge could create new or exacerbate existing impairments within these waterbodies, which could result in a significant impact related to water quality.

However, operation of the proposed Project would be required to comply with the requirements of the Santa Ana Regional MS4 Permit and Orange County DAMP to develop of a project-specific WQMP (included as PPP WQ-3) that would describe implementation of LID infrastructure and non-structural, structural, and source control and treatment control BMPs to protect surface water quality. In addition, the proposed Project would install a vegetated biotreatment system for water quality treatment, which have been sized to treat runoff from the Design Capture Storm (85th percentile, 24-hour) from the proposed Project. As storm water passes down through the planting soil, pollutants are filtered, adsorbed, biodegraded and sequestered by the soil and plants, functioning similar to bioretention systems. The discharge chamber at the end of the unit collects treated flows and discharges it into the existing and upsized storm drains.

The WQMP (included as Appendix O to the Draft EIR) is required to be approved prior to the issuance of a building or grading permit. The Project's WQMP would be reviewed and approved by the City to ensure it complies with the Santa Ana RWQCB MS4 Permit regulations. Overall, implementation of the WQMP pursuant to the existing regulations would ensure that operation of the proposed Project would not violate any water quality standards, waste discharge requirements, or otherwise degrade water quality; and impacts would be less than significant.

Plans, Programs, and Policies

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.

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 Agency. 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.

Impact HYD-2 Finding: The Project would not substantially decrease groundwater supplies or interfere with groundwater recharge such that the Project may impede sustainable groundwater management of the basin (Draft EIR at p. 5.9-12). Impacts would be less than significant.

Facts in Support of Findings: The Water Supply Evaluation (Appendix S to the Draft EIR) prepared for the Project, estimates that irrigation water usage for the three golf course holes that would be eliminated by the Project is approximately 15,299 gallons per day (GPD) or 17.14 acre-feet per year (AFY) of groundwater.

Implementation of the Project would convert this three-hole golf course area, and the use of the onsite well water would be eliminated.

Construction

Any groundwater dewatering would be temporary and limited to the excavation area. Because of the relative size of the Project site, as compared to the water basin, and the limited scope of excavation that would be deep enough to encroach into groundwater, the volume of groundwater removed would not be substantial and would not decrease groundwater supplies or impede groundwater management. The proposed Project would comply with the requirements of Groundwater Discharge Permit, including testing and treatment, if necessary, that would be implemented through the RWQCB and the City's development permitting process (and included as PPP WQ-2). Thus, any dewatering activities during construction would result in less than significant impacts to groundwater.

Operation

The Orange County Basin provides approximately 76 percent of the City's water supply. The remaining supply comes from the Metropolitan Water District (28.5 percent) and recycled water (3.5 percent) (UWMP 2020). As shown on Draft EIR Table 5.9-1, the City's UWMP shows that the anticipated production of groundwater would remain steady from 2025 through 2045 and that in 2045 approximately 82.1 percent of supply would be from the Orange County Basin and 14.5 percent from imported/purchased sources.

As detailed in Draft EIR Section 5.15, *Utilities and Service Systems*, the supply of water would be sufficient during both normal years and multiple dry year conditions between 2025 and 2045 to meet all of the City's estimated needs, including the proposed Project. Therefore, the proposed Project would not result in changes to the projected groundwater pumping that would decrease groundwater supplies. Thus, impacts related to groundwater supplies would be less than significant.

In addition, the onsite soils have a low infiltration rate and do not currently provide onsite infiltration. As such, infiltration of water to the existing groundwater basin is neither currently occurring, nor would occur by the proposed Project. Therefore, impacts related to interference with groundwater recharge would be less than significant.

Plans, Programs, and Policies

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 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.

Impact HYD-3 Finding: The Project would not substantially alter the existing drainage pattern of the area, including through the alteration of the course of a stream or river, in a manner which would result in a substantial erosion or siltation on- or off-site (Draft EIR at p. 5.9-13). Impacts would be less than significant.

Facts in Support of Findings:

Construction

The existing NPDES Construction General Permit and Orange County DAMP require preparation and implementation of a SWPPP by a Qualified SWPPP Developer for the proposed construction activities (included as PPP WQ-1). The SWPPP is required to address site-specific conditions related to potential sources of sedimentation and erosion and would list the required BMPs that are necessary to reduce or eliminate the potential of erosion or alteration of a drainage pattern during construction activities to a less than significant level.

In addition, a Qualified SWPPP Practitioner (QSP) is required to ensure compliance with the SWPPP through regular monitoring and visual inspections during construction activities. The SWPPP would be amended and BMPs revised, as determined necessary through field inspections, in order to protect against substantial soil erosion, the loss of topsoil, or alteration of the drainage pattern. Compliance with the Construction General Permit and a SWPPP prepared by a Qualified SWPPP Developer (QSD) and implemented by a QSP (per PPP WQ-1) would prevent construction-related impacts related to potential alteration of a drainage pattern or erosion from development activities. Overall, with implementation of the existing construction regulations that would be verified by the City during the permitting approval process, impacts related to alteration of an existing drainage pattern during construction that could result in substantial erosion, siltation, and increases in stormwater runoff would be less than significant.

Operation

The Project-specific Preliminary WQMP describes that the Project site currently includes 3.40 acres of impermeable surfaces, which equates to 22 percent of the site. After completion of Project construction, the site would have a significant increase in impermeable surfaces (i.e., 13.89 acres or 90 percent of the site would have impermeable surfaces).

The proposed Project would maintain the existing drainage pattern. The Project includes installation of an onsite storm drainage system that includes two bioretention basins at the north parking lot and two bioretention basins in the southern parking lot, and an 18-inch storm drain that would connect to the existing storm drain line at the intersection of Mesa Drive and Irvine Avenue and the existing drain within Irvine Avenue near the existing site driveway. Treated runoff would be conveyed to the Santa Ana-Delhi Channel with a maximum outlet flow rate equal or less than the existing condition. From there, flows would travel to the Delhi Channel that drains to Upper Newport Bay.

The MS4 permit and DAMP require new development projects to prepare a WQMP (included as PPP WQ-3) that is required to include BMPs to reduce the potential of erosion and/or sedimentation through site design and structural treatment control BMPs. Overall, the proposed drainage system and adherence to the existing regulations would ensure that Project impacts related to alteration of a drainage pattern and erosion/siltation from operational activities would be less than significant.

Plans, Programs, and Policies

PPP WQ-1: NPDES/SWPPP. As listed previously.

PPP WQ-3: WQMP. As listed previously.

Impact HYD-4 Finding: The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite (Draft EIR at p. 5.9-15). Impacts would be less than significant.

Facts in Support of Findings:

Construction

Implementation of the Project requires a SWPPP (included as PPP WQ-1) that would address site specific drainage issues related to construction of the Project and include BMPs to eliminate the potential of flooding or alteration of a drainage pattern during construction activities. This includes regular monitoring and visual inspections during construction activities. Compliance with the Construction General Permit and a SWPPP prepared by a QSD and implemented by a QSP (per PPP WQ-1) as verified by the City through the construction permitting process would prevent construction-related impacts related to potential alteration of a drainage pattern or flooding on or offsite from development activities. Therefore, impacts would be less than significant.

Operation

As described previously and detailed in Draft EIR Table 5.9-2, the proposed Project would result in a decrease of the100-year storm runoff flowrate by 11.1 percent and the proposed Project would manage runoff with vegetated biotreatment systems that have been designed to accommodate the proposed Project design pursuant to the MS4 Permit and DAMP requirements. The units would filter, treat, and discharge runoff into the existing and upsized offsite storm drains.

The existing drainage flow which discharges to a storm drain lateral on the north of the Santa Ana Delhi Channel, would be modified to be redirected to the existing lateral on the south, which would result in an increase of 2.5 cubic feet per second (cfs) within a 400-foot reach of the Santa Ana – Delhi Channel in a 100-year storm flow condition, which is less than 0.03 percent. After the 400-foot channel reach, the overall runoff would be reduced compared to existing conditions. The discharge amounts at each of the channel stations have been evaluated and are listed in Draft EIR Table 5.9-3.

As part of the permitting approval process, the proposed drainage design and engineering plans would be reviewed by the City's Engineering Division to ensure that the proposed drainage would accommodate the appropriate design flows. Additionally, the City permitting process would ensure that the drainage system specifications adhere to the existing MS4 Permit and DAMP regulations, which would ensure that pollutants are removed prior to discharge. Overall, with compliance to the existing regulations as verified by the City's permitting process, Project impacts related to the capacity of the drainage system and polluted runoff would be less than significant.

Plans, Programs, and Policies

PPP WQ-1: NPDES/SWPPP. As listed previously.

Impact HYD-5 Finding: The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff (Draft EIR at p. 5.9-16). Impacts would be less than significant.

Facts in Support of Findings:

Construction

Implementation of the Project requires a SWPPP (included as PPP WQ-1) that would address site specific pollutant and drainage issues related to construction of the Project and include BMPs to eliminate the potential of polluted runoff and increased runoff during construction activities. This includes regular monitoring and visual inspections during construction activities. Compliance with the Construction General

Permit and a SWPPP prepared by a QSD and implemented by a QSP (per PPP WQ-1) as verified by the City through the construction permitting process would prevent construction-related impacts related to increases in runoff and pollution from development activities. Therefore, impacts would be less than significant.

In addition, any groundwater extracted during groundwater dewatering activities that is discharged to surface waters would be tested and treated (if necessary) to ensure that any discharges meet the water quality limits specified in the required Groundwater Discharge Permit (as specified in PPP WQ-2). The Groundwater Discharge Permit would prevent substantial additional sources of polluted runoff being discharged to the storm drain system through implementation of construction BMPs that target pollutants of concern in runoff from the Project site as well as testing and treatment (if required) of groundwater prior to its discharge to surface waters. Therefore, impacts would be less than significant.

Operation

The Project would manage increased stormwater flow with vegetated biotreatment systems that have been designed to accommodate the increased volume pursuant to the MS4 permit and DAMP requirements. The units would retain, filter, treat, and slowly discharge runoff into the existing offsite drain. Additionally, the City permitting process would ensure that the drainage system accommodates new flows and that specifications adhere to the existing MS4 permit and DAMP regulations, which would ensure that pollutants are removed prior to discharge. Overall, with compliance to the existing regulations as verified by the City's permitting process, Project impacts related to the capacity of the drainage system and polluted runoff would be less than significant.

Plans, Programs, and Policies

PPP WQ-1: NPDES/SWPPP. As listed previously.

PPP WQ-2: Groundwater Dewatering Permits. As listed previously.

Impact HYD-6 Finding: The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows (Draft EIR at p. 5.9-17). Impacts would be less than significant.

Facts in Support of Findings: Implementation of the Project would not alter the course of a stream or river. In addition, according to the FEMA FIRM for the Project area (06059C0267J) shows that the Project site is located within "Zone X," which is an area of minimal flood hazard potential outside of the 0.2 percent annual chance flood. Therefore, there is a low potential for onsite flooding to occur.

Implementation of the proposed Project would result in an increase of impermeable surfaces from 22 percent of the site to 90 percent of the site. However, because the surf lagoon would capture rainfall, the proposed Project would result in an 11.1 percent decrease of the 100-year, 24-hour storm runoff flowrate. The Project would maintain the existing drainage pattern; and drainage would be accommodated by onsite by vegetative biotreatment systems that have been sized to accommodate the DAMP required design storm. Therefore, the Project would not result in impeding or redirecting flood flows by the addition of the impervious surfaces. As detailed previously, the City's permitting process would ensure that the drainage system specifications adhere to the existing MS4 permit and DAMP regulations, and compliance with existing regulations would ensure that impacts would be less than significant.

Impact HYD-7 Finding: The Project would not be located in flood hazard, tsunami, or seiche zones and risk release of pollutants due to project inundation (Draft EIR at p. 5.9-17). Impacts would be less than significant.

Facts in Support of Findings: As described previously, the FEMA FIRM for the Project area (06059C0267J) shows that the Project site is located within "Zone X," which is an area of minimal flood hazard potential outside of the 0.2 percent annual chance flood. Thus, the Project site is not located within a flood hazard area that could be inundated with flood flows and result in release of pollutants. Impacts related to flood hazards and pollutants would not occur from the proposed Project.

Also, as detailed previously, the Project site is over 4.2 miles from the Pacific Ocean, and adjacent to, but outside of the Tsunami Hazard Zone identified by the California Department of Conservation (DOC 2023). Thus, the Project site would not be inundated by a tsunami that could result in the release of pollutants, and impacts would not occur.

The Project is proposing to build a lagoon with two, 5.1-million-gallon surf basins with adjacent structures. This Project site is also in a seismically active region where strong seismic waves could cause oscillations in the lagoon, flooding nearby structures. Seismically induced oscillations in the lagoon could cause water to spill over the sides of the lagoon. However, the surf basins are designed to contain waves from the moving water and would have perimeter walls that would contain waves generated by seismic movement; such that the sloshing of water would stay within the lagoon. Because of the planned shape of the lagoon and configuration of the walls, walkways, etc., seiche energy is expected to attenuate rapidly. Any chemicals or other potential pollutants would be kept on site as required by existing regulations and the WQMP would be implemented to reduce the potential for any pollutants to enter waterbodies. Therefore, due to the limited risk related to seiche and limited potential pollutants, impacts related to the release of pollutants on the Project site resulting from a seiche inundation would be less than significant.

Impact HYD-8 Finding: The Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan (Draft EIR at p. 5.9-18).

Facts in Support of Findings: Use of BMPs during construction implemented as part of a SWPPP as required by the NPDES Construction General Permit and PPP WQ-1) and a RWQCB Groundwater Discharge Permit (implemented through PPP WQ-2) would serve to ensure that Project impacts related to construction activities resulting in a degradation of water quality would be less than significant. Thus, construction of the proposed Project would not conflict or obstruct implementation of a water quality control plan.

Also, development projects are required to implement a WQMP (per the Regional MS4 Permit and PPP WQ-3) that would comply with the Orange County DAMP. The WQMP and applicable BMPs are verified as part of the City's permitting approval process, and construction plans would be required to demonstrate compliance with these regulations. Therefore, operation of the proposed Project would not conflict of obstruct with a water quality control plan.

In addition, the OCWD manages basin water supply through the Basin Production Percentage (BPP), such that, the anticipated production of groundwater would remain steady from 2025 through 2040 (as shown in Draft EIR Table 5.9-1). The Project's annual net demand of 87 AF of potable water (as detailed in Draft EIR Table 5.16-9, *Net Change in Water Demands*, in Draft EIR Section 5.16, *Utilities and Service Systems*) would be 17.2 percent of the UWMP anticipated increase in water supply between 2025 and 2030. Therefore, the proposed Project would be consistent with the groundwater management plan and would not conflict with or obstruct its implementation. Thus, impacts related to conflict with a water quality control plan or sustainable groundwater management plan would be less than significant.

Plans, Programs, and Policies

PPP WQ-1: NPDES/SWPPP. As listed previously.

PPP WQ-2: Groundwater Dewatering Permits. As listed previously.

PPP WQ-3: WQMP. As listed previously.

Hydrology and Water Quality Cumulative Finding: The Project would not result in cumulatively considerable impacts to hydrology and water quality (Draft EIR at p. 5.9-18). Impacts would be less than significant.

Facts in Support of Finding:

Water Quality

Related developments within the watershed would be required to implement water quality control measures pursuant to the same NPDES General Construction Permit that requires implementation of a SWPPP (for construction), a WQMP (for operation) and BMPs to eliminate or reduce the discharge of pollutants in stormwater discharges, reduce runoff, reduce erosion and sedimentation, and increase filtration and infiltration, in areas permitted. As detailed previously, the proposed Project would be implemented in compliance with all regulations, as would be verified during the permitting process. Therefore, cumulative impacts related to water quality would be less than significant.

Drainage

The proposed Project would result in a reduction in storm water runoff and includes installation of vegetated biotreatment systems that would filter and discharge runoff through storm drain connections to the offsite drainage infrastructure. The vegetated biotreatment systems would retain runoff and control drainage, pursuant to the required design storm. As a result, the proposed Project would not generate runoff that could combine with additional runoff from cumulative projects that could cumulatively combine to impact drainage. Thus, cumulative impacts related to drainage would be less than significant.

Groundwater Basin

The volume of water that would be needed by the proposed Project is within the UWMP anticipated groundwater pumping volumes. Therefore, the proposed Project would not result in changes to the projected groundwater pumping that would decrease groundwater supplies. As a result, the proposed Project would not require additional supply pumped from the groundwater basin that could have the potential to combine with effects from other projects to become cumulatively considerable. Therefore, cumulative impacts related to the groundwater basin would be less than significant.

I. Land Use and Planning

Impact LU-1 Finding: The Project would not physically divide an established community (Draft EIR at p. 5.10-29). Impacts would be less than significant.

Facts in Support of Findings: As described previously, the Project site has long been developed with a golf course, driving range, parking lot, restaurant, and similar golf course facilities. The site is bound by roadways, the Santa Ana-Delhi Channel, and commercial office development and Fire Department facilities. The Project would continue to support the golf course holes to the north and south of the site by providing a starter shack, golf course parking, and golf cart storage. The residential, commercial, and office communities that surround the Project site would remain the same. Although a change to the existing golf course uses would occur as the number of holes would be reduced and the driving range removed, a physical division of an established community would not occur. In addition, the proposed Project would not change offsite roadways or install any infrastructure that would result in a physical division. As detailed in Draft EIR Section 3.0, *Project Description*, the Project includes installation of new infrastructure on the site that would connect to existing infrastructure that is adjacent to the site and would not result in any physical division. Thus, the proposed Project would result in less-than-significant impacts related to physical division of an established community.

Impact LU-2 Finding: The Project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect (Draft EIR at p. 5.10-30). Impacts would be less than significant.

Facts in Support of Findings:

SCAG Regional Transportation Plan/Sustainable Communities Strategy

The 2024 RTP/SCS Goals that are relevant to the proposed Project focus largely on maximizing mobility, encouraging development patterns and densities that reduce infrastructure costs, and providing for efficiency. The proposed Project would be consistent with the applicable SCAG's 2024 RTP/SCS goals, as detailed in Draft EIR Table 5.10-2. Therefore, implementation of the proposed Project would not result in conflict with RTP/SCS goals, and impacts would not occur.

Airport Environs Land Use Plan for John Wayne Airport

SNA is located approximately 0.4 miles northeast of the Project site within the airport planning boundaries, AELUP notification area, and under the FAR Part 77 Obstruction Imaginary Surface area for both runways. Draft EIR Table 5.10-3 provides an assessment of the proposed Project's consistency with the AELUP for SNA. As detailed, the AELUP identifies the proposed commercial recreational land uses as normally consistent. Thus, pursuant to the AELUP for JWA, impacts related to land use compatibility would not occur.

City of Newport Beach Local Coastal Program – Coastal Land Use Implementation Plan

The Project site is adjacent to areas that are within the Coastal Zone. The Project site is not located within the Coastal Zone and is not within the jurisdiction of the LUP. The proposed Project would result in the replacement of existing onsite infrastructure with new offsite connections to the existing infrastructure within Mesa Drive adjacent to the site and install new roadway striping within Mesa Drive.

The Project includes relocation of the driveway approximately 200 feet to the east, away from the Irvine Avenue intersection, and build it to current 26-foot-wide driveway standards. The City's LCP IP Section 21.52.035(C)(4) allows for repair and maintenance activities, except for activities that involve a risk of substantial adverse environmental impacts. The driveway relocation is within developed paved areas and, as detailed below, does not involve any of the activities listed in 21.52.035(C)(4)(a-d), and would not result in substantial adverse environmental impacts.

The existing 6-inch sewer line in Mesa Drive that extends approximately 42.5 feet offsite to the 12-inch sewer main would be upgraded with a new 12-inch sewer line in an easterly direction approximately 20 feet away from the Irvine Avenue intersection. IP Section 21.52.035(C)(5) exempts utility connections, including the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to the Coastal Act or certified LCP. Consistent with California Code of Regulations Section 13050.5(a), for a development located inside and outside the coastal zone, including any structure, similar integrated physical construction, or division of land, a CDP shall be required for only those portions of the development located within the coastal zone. As such, it is not necessary for the development, which is outside of the Coastal Zone, to secure a CDP.

City of Newport Beach General Plan

The Project site has a General Plan land use designation of Parks and Recreation (PR), permits parks (both active and passive), golf courses, marina support facilities, aquatic facilities, tennis clubs and courts, private recreation, and similar facilities. The proposed Project would remove the existing golf-related facilities on the site and redevelop the site with surf park facilities, while continuing to provide parking, a starter shack, golf cart storage, and golf cart paths for the remaining golf course areas to the north and south of the proposed Project.

The existing and proposed development limit is specific to the Project site and implementation of the Project would not result in a conflict related to avoiding or mitigating an environmental effect. Detailed analysis of the proposed Project's consistency with the applicable goals, policies, and objectives of the City's General

Plan that serve to avoid or mitigate environmental impacts is provided in Table 5.10-4 of the Draft EIR. As described, the proposed Project would be consistent with the relevant goals, policies, and objectives of the City's General Plan that avoid or mitigate environmental impacts, and impacts related to conflict with a General Plan policy related to an environmental effect would be less than significant

City of Newport Beach Santa Ana Heights Specific Plan and Municipal Code

The Project site is located within the Santa Ana Heights Specific Plan (SP-7), which provides zoning regulations for the site. The Santa Ana Heights Specific Plan designates the site as Open Space/Recreation (OS/R), that allows golf courses and outdoor commercial recreation and accessory uses and structures with a use permit.

A detailed analysis of the proposed Project's consistency with the Santa Ana Heights Specific Plan regulations (per Municipal Code Chapter 20.90) that serve to avoid or mitigate environmental impacts is provided in Table 5.10-6 of the Draft EIR. As described, the proposed Project would be consistent with the relevant requirements and impacts from conflict with a Specific Plan policy or municipal code requirement related to an environmental effect would be less than significant.

Land Use and Planning Cumulative Finding: The Project would not result in cumulatively considerable impacts to land use and planning (Draft EIR at p. 5.10-55). Impacts would be less than significant.

Facts in Support of Finding: As described previously, the proposed Project would not physically divide an established community. Therefore, the proposed Project would not have the potential to have a cumulatively considerable impact related to physically dividing communities.

The proposed Project would implement new commercial recreation uses on the Project site that are consistent with the General Plan land use designation and the Santa Ana Heights Specific Plan. The proposed Project is consistent with the SCAG's 2024 Connect RTP/SCS as detailed in Table 5.10-2 of the Draft EIR. The proposed Project is consistent with the SNA AELUP policies as detailed in Draft EIR Table 5.10-3. Also, as detailed in Draft EIR Tables 5.10-4 through 5.10-6, the proposed Project would not result in a conflict with any General Plan policies, City Council Policy Manual policies, Santa Ana Heights Specific Plan policies, or municipal code regulations adopted for the purpose of mitigating an environmental effect. Future development Projects would be evaluated for plan, policy, and regulation consistency. However, because the proposed Project would not result in conflicts with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the proposed Project, which has the purpose of avoiding or mitigating an environmental effect, the proposed Project would not cumulatively contribute to such an impact that could occur from related projects. As a result, cumulative impacts related to land use and planning from the proposed Project would not be cumulatively considerable.

J. Noise

Impact NOI-1 Finding: The Project would not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies (Draft EIR at p. 5.11-17). Impacts would be less than significant.

Facts in Support of Findings:

Construction

Noise generated by construction equipment would occur from construction crew commutes and the transport of construction equipment and materials to the site for the proposed Project. Construction noise would be temporary in nature as the operation of each piece of construction equipment would not be constant throughout the construction day, and equipment would be turned off when not in use. Per Municipal Code Section 10.28.020, noise sources associated with construction activities shall not take place between the hours

of 6:30 p.m. and 7:00 a.m. during the week, before 8:00 a.m. or after 6:00 p.m. on Saturdays; with no construction work allowed on Sundays or Federal holidays. The proposed Project's construction activities would occur pursuant to these regulations. Thus, the construction activities would comply with the City's construction-related noise standards. Moreover, noise levels from construction equipment would range from approximately 76 dBA Lmax to 84.4 dBA Lmax at 50 feet from the noise source, as shown on Table 5.11-6 of the Draft EIR. As shown on Draft EIR Table 5.11-7, construction noise from the proposed Project at the nearby sensitive receiver locations would reach 63.8 dBA Leq. As such, construction-related noise impacts would be well below the 80 dBA construction noise level thresholds. Therefore, impacts related to construction noise would be less-than-significant.

Operation

Operational Traffic Noise. The expected Project is anticipated to generate a net increase of 186 average daily trips (ADT), which would represent an incremental increase to the existing roadway volumes of 31,000 ADT and 6,000 ADT for Irvine Avenue and Mesa Drive respectively, and is not expected to double traffic or generate a perceptible noise level increase (i.e., less than 3 dBA CNEL) at nearby sensitive land uses adjacent to study area roadways. Due to the low traffic volumes generated by the Project, the offsite traffic noise levels generated by the Project would be less than significant.

Onsite Operational Noise. The Noise Analysis (Appendix Q to the Draft EIR) calculated the operational source noise levels that are expected to be generated by the Project and the Project-related noise level increases at each of the sensitive receiver locations. Table 5.11-9 of the Draft EIR shows that the Project operational noise levels during the daytime hours of 7:00 a.m. to 10:00 p.m. are expected to range from 53.8 to 64.1 dBA Leq at the offsite receiver locations. This is less than the existing daytime ambient noise in the Project vicinity, which ranges from 67.8 to 73.7 dBA. Table 5.11-10 of the Draft EIR shows that the Project operational noise levels during the nighttime hours of 10:00 p.m. to 7:00 a.m. are expected to range from 40.0 to 45.7 dBA Leq. Table 5.11-11 of the Draft EIR shows that the operational noise levels associated with the Project would be within the exterior noise level standards at the receiver locations. Therefore, the operational noise impacts would be less than significant.

To describe the operational noise level increase, the Project operational noise levels are combined with the existing ambient noise level measurements for the nearest receiver locations. Table 5.11-12 and Table 5.11-13 of the Draft EIR identifies that the Project would generate daytime operational 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 nearby receiver locations, which are less than the thresholds. Therefore, noise impacts related to Project operations would be less than significant.

Impact NOI-2 Finding: The Project would not generate excessive groundborne vibration or groundborne noise levels (Draft EIR at p. 5.11-26). Impacts would be less than significant.

Facts in Support of Findings:

Construction

Demolition, excavation, and grading activities are required for the Project and can result in varying degrees of groundborne vibration, depending on the equipment and methods used, distance to the affected structures and soil type. As indicated in Table 5.11-14 of the Draft EIR, based on Caltrans data, vibration velocities from typical heavy construction equipment operations that would be used during Project construction range from 0.003 to 0.089 in/sec PPV at 25 feet from the source of activity. All of the onsite and offsite receptors are farther than 25 feet from construction areas; and therefore, actual vibrations at sensitive receptors would be less. As shown in Table 5.11-15 of the Draft EIR, these vibration levels would not be sustained during the entire construction period but would occur only during the times that heavy construction equipment is operating in the vicinity of the sensitive receivers. This level of vibration would be below the Caltrans building

damage threshold of 0.2 in/sec PPV and vibration standard of 0.04 in/sec PPV for human annoyance at all receiver locations. Therefore, vibration impacts would be less than significant.

Operation

Operation of the proposed Project would include heavy trucks for deliveries, moving trucks, and garbage trucks for solid waste disposal. Truck vibration levels are dependent on vehicle characteristics, load, speed, and pavement conditions. According to the FTA *Transit Noise Impact and Vibration Assessment*, trucks traveling at a distance of 50 feet typically generate groundborne vibration velocity levels of approximately 0.006 inch per second PPV and could reach approximately 0.016 inch per second PPV when trucks pass over bumps in the road. Since the trucks on the site would be travelling at low speeds on smooth surfaces, it is expected that truck vibrations at nearby receiver locations would be less than the vibration threshold of 0.30 PPV; and therefore, would be less than significant.

Impact NOI-3 Finding: The Project would not expose people residing or working in the Project area to excessive airport noise related to a public airport (Draft EIR at p. 5.11-28). Impacts would be less than significant.

Facts in Support of Findings: The Project site is located within the SNA 65 CNEL noise contour as measured by the airport in 2024, 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. As detailed in Draft EIR Section 5.11, *Noise*, the General Plan Land Use Noise Compatibility Matrix, identifies that commercial recreation facilities are "normally compatible" up to 75 dBA CNEL. Therefore, the proposed Project would be consistent with the 2024 noise contours, and impacts related to excessive airport noise would be less than significant.

Noise Cumulative Finding: The Project would not result in cumulatively considerable impacts to noise (Draft EIR at p. 5.11-28). Impacts would be less than significant.

Facts in Support of Finding:

Construction Noise

The nearest development project, and the only project within potential hearing distance is Project Number 5 listed in Draft EIR Table 5-1, *Cumulative Projects List*, in Draft EIR Section 5.0, *Environmental Impact Analysis*, which is the Newport Irvine Medical parking garage project located at 3300 Irvine Avenue, which is beyond receiver location R8 shown on Draft EIR Figure 5.11-2, and thus farther from the Project site. As detailed in Draft EIR Table 5.11-8, the increase in ambient noise from construction activity at R8 is 0.2 dBA. Because the Newport Irvine Medical parking garage project is beyond, and farther than R8, construction noise would be lower at the cumulative project location. Therefore, construction noise generated from the proposed Project would not combine to become cumulatively considerable, and cumulative noise impacts associated with Project construction activities would be less than significant.

Operational Traffic Noise

The Project would result in a reduction of 73 a.m. peak hour trips and 10 p.m. peak hour trips compared to the existing uses. The reduced vehicular trips during peak hours would result in less than cumulatively considerable vehicle noise.

Onsite Operational Noise

The Project would generate daytime operational noise level increases ranging from less than 0.2 to 0.8 dBA Leq and nighttime noise level increases ranging from less than 0.1 to 2.0 dBA Leq at the nearby receiver locations, which are less than the thresholds. Thus, the Project would not result in an exceedance that could have a cumulatively considerable contribution to an increase in ambient noise. Stationary noise is a localized

phenomenon and there is very limited potential for cumulative noise impacts to occur. Each related project in the Project vicinity would require noise assessments and compliance with noise-related municipal codes, as part of permitting requirements that would address potential noise impacts and identify necessary attenuation measures, where appropriate. As such, the Project, in conjunction with other projects, would not have a cumulatively considerable impact related to onsite operational noise. Cumulative onsite operational noise impacts from the Project would be less than significant.

Construction Vibration

Heavy construction equipment moves around a project site it would only occur for limited durations at receptors. Both the proposed Project and related projects would be required to comply with the limitations on allowable hours of construction that limit potential construction vibration impacts. Due to the limited vibration generated by Project construction (listed in Draft EIR Table 5.11-15) that would be in temporary locations throughout the site, and the locations of cumulative projects (as shown in Draft EIR Figure 5-1, *Cumulative Projects*, in Section 5.0, *Environmental Impact Analysis*) impacts related to groundborne vibration would be less than cumulatively considerable.

Operational Vibration

Operational vibration from the Project would be limited to trucks on nearby roadways and on site that would be travelling at low speeds on smooth surfaces and would generate vibration below the threshold of 78 VdB. Because the vibration would be limited and would further diminish with distance, the Project vibration would not combine to become cumulatively considerable, and cumulative operational vibration would be less than significant.

K. Public Services

Impact PS-1 Finding: The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered fire service facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios and response times or other performance objectives for fire protection services (Draft EIR at p. 5.12-7). Impacts would be less than significant.

Facts in Support of Findings: The Project site is adjacent to Station 7, which is located at 20401 Acacia Street, at the southeastern border of the Project site. The Project would incorporate fire safety features. The buildings would be equipped with fire extinguishers, wet and dry sprinkler systems, pre-action sprinkler systems, fire alarm systems, fire pumps, backflow devices, and clean agent waterless fire suppression systems pursuant to the California Fire Code adopted under Chapter 9, Section 04 of the Municipal Code. The surf lagoon would include lifeguard facilities, including a lifeguard tower positioned between the two basins with visibility over all parts of the lagoon.

The proposed Project is expected to host approximately 12 special events per year that would be ticketed events within the permitted operational capacity of the facility. Overall, it is possible that the Project could result in additional Fire Department services (particularly medical calls for services); however, any increase in demand would be incremental and would not result in the need for a new or expanded fire facility. Further, the Project would be required to pay Property Development Tax pursuant to Municipal Code Chapter 3.12.110 or Development Impact Fees pursuant to Resolution No. 2024-83, as applicable. These fees can be applied to the purchase of equipment, maintenance of existing facilities, and the construction of facilities as needed. Impacts to fire services would be less than significant.

Impact PS-2 Finding: The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered police service facilities, the construction of which could cause

significant environmental impacts, in order to maintain acceptable service ratios and response times or other performance objectives for police services (Draft EIR at p. 5.12-8). Impacts would be less than significant.

Facts in Support of Findings: Operation of the Project is estimated to result in approximately 70employees and the 20 athlete accommodation units would result in a limited 24-hour population onsite. The maximum number of participants in the lagoon at one time would be 72 people, with an average hourly usage of 35-45 people. The wave lagoon would operate on a reservation basis, and the facility is anticipated to host approximately 12 events per year. The Project could result in an incremental increase in demands on law enforcement services but would not be significant when compared to the current Police Department demand levels. The proposed Project would address typical security concerns by providing low-intensity security lighting, security cameras, and 24-hour security personnel. Pursuant to the City's existing permitting process, the Police Department would review the site plans to ensure that the City's safety features are incorporated.

The Newport Beach Police Department headquarters is located approximately 3.7 miles south of the Project site in Patrol Area 3. Also, as described previously, the City is planning development of a new 77,000 square foot police station; the exact location is not known at this time. The Project would be required to pay Property Development Tax pursuant to Municipal Code, Chapter 3.12.110 or Development Impact Fees pursuant to Resolution No. 2024-83, as applicable. These fees would provide funds towards Police Department equipment and facilities. As the site would implement security measures and the number of persons on site at any one time would be limited, the Project would not result in the need for new or expanded Police Department facilities to support the Project. Therefore, Project impacts to police services would be less than significant.

Impact PS-3 Finding: The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for school services (Draft EIR at p. 5.12-9). Impacts would be less than significant.

Facts in Support of Findings: The Project site is within the Newport Mesa Unified School District boundary. The proposed Project is not anticipated to generate a new population, as the number of employees needed to operate the Project would be similar to those currently onsite, as discussed in Draft EIR Section 7.0, *Effects Found Not Significant,* and substantial in-migration of employees that could generate new students is not anticipated to occur. In addition, the need for additional school facilities is addressed through compliance with school impact fee assessment. Pursuant to Government Code Section 65995 applicants shall pay developer fees to the appropriate school districts at the time building permits are issued; and payment of the adopted fees provides full and complete mitigation of school impacts. As a result, impacts related to school facilities would be less than significant.

Impact PS-4 Finding: The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for other public service facilities (Draft EIR at p. 5.12-9). Impacts would be less than significant.

Facts in Support of Findings: As discussed in Draft EIR Section 7.0, *Effects Found Not Significant,* the proposed Project does not include any residential uses that would directly increase demand for new or expanded public services. Additionally, the proposed Project would adhere to the requirement to pay a Property Development Tax as outlined in Municipal Code Chapter 3.12.110 or Development Impact Fees pursuant to Resolution No. 2024-83 as applicable, which provides funding for new and expanded public facilities, including library facilities. Therefore, the Project would result in a less than significant impact related to governmental public facilities.

Public Services Cumulative Finding: The Project would not result in cumulatively considerable impacts to public services (Draft EIR at p. 5.12-10). Impacts would be less than significant.

Facts in Support of Finding: The Project would not significantly increase the need for public services in the Project area, in the cities surrounding the Project site, or within the region. As discussed above, the Project would not generate a substantial number of new employees, and no new residents would be generated by the Project. Although the Project includes 20 athlete accommodations, this would result in a limited number of persons onsite that would not result in the need for new or expanded public facilities. In addition, the Project applicant would pay the required development impact fees. Related projects in the City would be required to demonstrate their level of impact on public services and also pay development impact fees. Therefore, the proposed Project would not combine with past, present, and future projects to result in a cumulative impact related to the provision of public services. Project impacts would be less than cumulatively considerable.

L. Parks and Recreation

Impact REC-1 Finding: The Project would not result in substantial adverse physical impacts associated with the provision of ne or physically altered park and recreation facilities, need for new or physically altered park or recreation facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable park and recreation service ratios (Draft EIR p. 5.13-8). Impacts would be less than significant.

Facts in Support of Findings: The proposed commercial recreational development would not involve new housing opportunities and would not involve the addition of residents that would use existing park and recreational facilities. While the Athlete Accommodation building would provide 20 units for visitors, these units would be for athletes and their guests who are there to use the surf park for recreational activity and not the surrounding neighborhood or regional parks.

The closest parks to the Project site include Mesa Birch Park, a 0.73-acre park located 0.25 mile from the site at 2081 Mesa Drive; Bayview Park, a 2.20-acre park located 0.70 mile from the site at Mesa Drive and Bay View Avenue; and Upper Newport Bay Regional Park, a 135-acre park located 0.60 mile from the site and accessible from the site via trail. Should visitors to the Project use these existing park and recreation facilities, the use would be limited in comparison to the size and existing use of these facilities.

Changing the NB Golf Course from an 18-hole course to a 15-hole course would reduce the number of holes to play in the executive golf course. However, the proposed Project would support the 15-hole golf course by providing parking and a check-in station on the site, and by providing golf cart storage within the basement level of the proposed clubhouse building. Golf cart maintenance and landscaping facilities are currently located on the northern golf course parcel near holes 10-18 and would therefore not be affected by the proposed Project. Thus, although reduced, golf recreation would continue to be provided to the north and south of the site and supported on the site.

There are 11 other publicly available golf courses within 10 miles of the Project site that provide a range of golfing activities at a range of costs, some of which are similar to those of the NB Golf Course. Likewise, Draft EIR Table 5.13-3 details that there are nine other public driving ranges within 10 miles of the Project site, and the cost of the other driving ranges are similar to the cost of the driving range on the Project site. Because the 15-hole executive golf course would be supported by the proposed Project, and due to the number of other golf courses and driving ranges within the vicinity of the site, the proposed Project would not result in the need for new or physically altered golf facilities.

The proposed Project would provide a new commercial recreational facility that would complement both the commercial golf recreation to the north and south of the site, and the City's nearby park and recreation

areas. Overall, the Project would not result in the need for new or physically altered public park or recreation facilities and Project impacts related to park and recreation service ratios would be less than significant.

Impact REC-2 Finding: The Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated (Draft EIR p. 5.13-9). Impacts would be less than significant.

Facts in Support of Findings: The increase of 23 total employees would not result in substantial increase in residents or employees that would cause an increase in demand for existing parks or other recreational facilities, and the Project would not cause nor accelerate physical deterioration of existing park or recreational facilities.

The course would be revised to the new 15-hole format, with holes 1 through 9 located in the northern parcel and holes 10 through 15 on the southern parcel. Golfers would continue to utilize the existing golf cart path and tunnel that takes golfers under Irvine Avenue to a joint-use path located along the south side of the Santa-Ana-Delhi Flood channel to provide golfers circulation between both parcels. With the change to the Golf Course and removal of the driving range, it is likely that existing users of the driving range and golf course would use other nearby golf facilities that would incrementally increase their usage. However, there are 11 other publicly available golf courses and nine other public driving ranges within 10 miles of the Project site that provide a range of golfing activities, and the incrementally increased usage would be spread amongst the other existing golf facilities. These are commercial recreational facilities that users pay to use. The increase in fees from the increased usage would provide funding for increased maintenance to offset the increase in use.

Any increase in use of the three existing parks within 0.6-mile of the Project site (Mesa Birch Park, Bayview Park, and Upper Newport Bay Regional Park) that total approximately 137.93 acres, by site visitors or employees would be limited and less than significant. Thus, impacts related to an increase in the use of existing neighborhood and regional parks resulting in physical deterioration would be less than significant

Impact REC-3 Finding: The Project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment (Draft EIR p. 5.13-10). Impacts would be less than significant.

Facts in Support of Findings: Development of the proposed Project is not expected to result in an increase in residents or employment that would necessitate the need for the expansion of park and recreation facilities. Visitors staying at or just visiting the surf park would be athletes there to use the surf park for recreational activity and not the surrounding neighborhood or regional parks. Any use of nearby park and recreation facilities by Project site visitors or employees would be limited and minimal in comparison to the existing park and recreation areas within 0.6-mile from the site (as detailed in Impact REC-1). Therefore, the Project would not require the construction or expansion of other recreational facilities.

Parks and Recreation Cumulative Finding: The Project would not result in cumulatively considerable impacts to parks and recreation (Draft EIR at p. 5.13-10). Impacts would be less than significant.

Facts in Support of Finding: The proposed Project would not generate any new residents or a substantial increase in employees that would generate the need for parks and recreation that has the potential to cumulatively combine. The Project proposes a different type of commercial recreational use and would not increase the use of existing recreational facilities in a manner that would cumulatively combine such that physical deterioration would occur. Therefore, cumulative impacts related to increased needs for park and recreational facilities would be less than significant.

M. Transportation

Impact TRA-1 Finding: The Project would not conflict with a program, plan or ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. (Draft EIR p. 5.14-12). Impacts would be less than significant.

Facts in Support of Findings:

Transit, Bicycle, and Pedestrian Facilities

Transit. The Project vicinity is served by OCTA Route 128. This existing transit service would continue to serve its ridership in the area and may also serve visitors and employees of the Project. There is an existing bus stop for Route 128 with 50-minute headways during weekdays on Irvine Avenue. The proposed Project would not alter or conflict with existing transit stops and schedules, and potential impacts related to transit services would not occur.

Bicycle Facilities. Irvine Avenue and Mesa Drive have Class II bike lanes on both sides of the roadway. The Project would not include any offsite roadway improvements or changes to the existing bicycle lanes. As a result, the Project would not result in any conflicts with City's existing and planned bike lanes. Thus, impacts related to bicycle facilities would not occur.

Pedestrian Facilities. Sidewalks currently exist along both sides of Irvine Avenue and Mesa Drive. The proposed driveway along Irvine Avenue would be in the same location as the existing driveway. The Project would include new curb cuts for the proposed driveway along Mesa Drive. During construction of the driveway along Mesa Drive, the existing sidewalk along the northern portion of the roadway would be closed; however, once construction is complete, the sidewalk would continue to be available to pedestrians in its existing configuration. As a result, the Project would not result in any conflicts with the existing and planned pedestrian network. Thus, impacts related to pedestrian facilities would not occur.

Roadway Facilities

Access to the Project site would be provided from two driveways, one along Irvine Avenue and one along Mesa Drive. The Project would result in approximately 186 net new daily trips with a net reduction of 73 AM peak hour trips and 10 PM peak hour trips compared to the existing golf course uses. This is less than the 300 daily trip threshold identified by the City Traffic Phasing Ordinance (Municipal Code Title 15, Chapter 15.40, Traffic Phasing Ordinance) that requires evaluation of potential circulation system improvements. Thus, operational roadway impacts would be less than significant.

Construction

The grading phase of construction would generate the most vehicular trips per day from approximately 30 worker trips and 1 vendor trip per day, which would result in a total of 31 daily trips. This equates to approximately 16.7 percent of the net daily trips that would be generated from operation of the Project. Therefore, 16.7 percent of the daily trips would also not result in an inconsistency with the City's traffic criteria. All construction equipment, including construction worker vehicles, would be staged on the Project site for the duration of the construction period. In addition, as part of the grading plan and building plan review processes, the City permits would require appropriate measures to facilitate the passage of persons and vehicles through/around any required road closures (as applicable). Therefore, construction impacts related to conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system would be less than significant.

Impact TRA-2 Finding: The Project would not conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b) (Draft EIR p. 5.14-14). Impacts would be less than significant.

Facts in Support of Findings: The City of Newport Beach's *SB 743 Vehicle Miles Traveled Methodology – Council Policy K-3* was adopted in June 2020 and contain screening thresholds to assess whether further VMT analysis is required. If the project meets any of the screening thresholds, then the VMT impact of the project is considered less than significant and further VMT analysis is not required. The Project would result in approximately 186 net new daily trips compared to the existing onsite uses and a net reduction of 73 a.m. peak hour trips and 10 p.m. peak hour trips. Therefore, the Project would result in fewer than 300 net daily trips and the Project would meet the requirements of the City's screening criteria. Pursuant to the City's VMT screening criteria and guidance from OPR and CEQA Guidelines Section 15064.3(b)(1), based on the Project's net trip generation of less than 300 daily trips, the proposed Project would screen from a full VMT analysis and impacts can be presumed to be less than significant. Therefore, the proposed Project would not conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b), and impacts would be less than significant.

Impact TRA-3 Finding: The Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (Draft EIR at p. 5.14-16). Impacts would be less than significant.

Facts in Support of Findings:

Construction

The Project proposes construction of the Project to last approximately 18 months. During construction, construction worker vehicles, haul trucks, and vendor trucks would be staged on the portion of the Project site under construction for the duration of the construction period. As part of the grading plan and building plan review processes, City permits would require appropriate measures to facilitate the passage of persons and vehicles through/around any required road closures and measures to properly route heavy-duty construction vehicles entering and leaving the site (as applicable). As a result, impacts related to vehicular circulation design features and incompatible uses during construction of the proposed Project would be less than significant.

Operation

The proposed recreational surf park and operation of the proposed parking lots would not be incompatible with the existing recreational golf parking on the site. The proposed Project would provide for both golf related and surf related circulation needs on the site. Access to the Project site would be provided from two driveways, including: one driveway along Irvine Avenue providing full access and one driveway along Mesa Driveway with left-in and right-in and right-out only access. Vehicular traffic to and from the Project site would utilize the existing network of regional and local roadways that currently serve the Project area. The Project would provide for golf cart circulation, separate from vehicular circulation. In addition, the Project would not modify the existing sidewalks or bike lanes. Sight distance at the Project's access points would be reviewed with respect to City standards at the time of final grading, landscape, and street improvement plan reviews. The Project frontage improvements and site access points would be constructed to be consistent with the identified roadway classifications and respective cross-sections in accordance with the Newport Beach General Plan Circulation Element and traffic engineering safety standards. Compliance with existing regulations would be ensured through the City's construction permitting process. As a result, potential impacts related to vehicular circulation design features would be less than significant.

Impact TRA-4 Finding: The Project would not result in inadequate emergency access (Draft EIR at p. 5.14-16). Impacts would be less than significant.

Facts in Support of Findings:

Construction

Construction activities would be required to implement measures to facilitate the passage of persons and vehicles through/around any required temporary road restrictions and ensure the safety of passage in accordance with Section 503 of the California Fire Code (Title 24, California Code of Regulations, Part 9), which would be ensured through the City's construction permitting process. Thus, implementation of the proposed Project through the City's permitting process would ensure existing regulations are adhered to and would reduce potential construction related emergency access impacts to a less than significant level.

Operation

The Project would not interfere with the circulation of emergency vehicles along public streets, and the proposed driveways would provide emergency access from both adjacent roadways and through the site. The Project would be required to design and construct internal access and provide fire suppression facilities (e.g., hydrants and sprinklers) in conformance with the City's Municipal Code Chapter 9.04. This also includes compliance with emergency access design standards to provide sufficient access for emergency equipment. The Fire Code sets minimum standards for site driveway and access dimension, design, grades, and other fire safety features. The Newport Beach Fire Department would review the development plans as part of the construction permitting process to ensure that emergency access is provided pursuant to the requirements of the Uniform Fire Code and Section 503 of the California Fire Code (Title 24, California Code of Regulations, Part 9). Therefore, impacts related to inadequate emergency access would be less than significant.

Transportation Cumulative Finding: The Project would not result in cumulatively considerable impacts to transportation. (Draft EIR at p. 5.14-17). Impacts would be less than significant.

Facts in Support of Finding:

Circulation System

The proposed Project would utilize the existing circulation system and implement the City's traffic engineering design standards for the onsite circulation system. The proposed Project would result in a reduction in a.m. and p.m. peak hour trips and would not conflict with a plan, ordinance, or policy addressing circulation that could be cumulatively considerable. In addition, cumulative development in the City and surrounding jurisdictions would be subject to site-specific reviews, including reviews of sidewalk, bike lane, and bus stop designs that would not allow potential cumulatively considerable impacts related to alternative transportation. Therefore, the proposed Project would not cumulatively combine with other projects to result in impacts.

Vehicle Miles Traveled

As detailed previously under Impact TRA-2, based on City and CEQA Guidelines screening criteria, the proposed Project would not exceed the vehicular trip threshold (300 ADT) and would be less than significant. Therefore, VMT impacts from the proposed Project would be less than cumulatively considerable.

Design and Emergency Access Hazards

As the Project's proposed improvements would be implemented in compliance with City traffic engineering design standards, it would not result in an impact that could become cumulatively considerable. In addition, cumulative development in the City and surrounding jurisdictions would be subject to site-specific reviews, including reviews by building and fire protection authorities that would require compliance with existing building and fire code standards that limit the potential of other projects to result in cumulatively

considerable design hazards. Therefore, potential impacts related to circulation design features and emergency access would not be cumulatively considerable.

N. Utilities and Service Systems

Impact UTIL-1 Finding: The Project would not require or result in the relocation or construction of new water facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects (Draft EIR at p. 5.16-8). Impacts would be less than significant.

Facts in Support of Findings: The proposed Project would construct onsite water lines to connect to the existing 24-inch water line in Irvine Avenue that are served by the City of Newport Beach. Fire flow calculations were prepared as part of the Water Demand Report (Appendix T to the Draft EIR) to determine if the existing City water infrastructure is sufficient to provide adequate fire flows, pressure, and hydrant operation for the proposed Project. The construction activities related to the new onsite water infrastructure for the proposed lagoon, restrooms, athlete accommodations, and clubhouse are included as part of the Project and would not result in any physical environmental effects beyond those identified throughout the Draft EIR. Therefore, the proposed Project would not result in the construction of additional new water facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Impacts would be less than significant.

Impact UTIL-2 Finding: The City would have sufficient water supplies available to serve the Project and reasonably foreseeable development during normal, dry, and multiple dry years (Draft EIR at p. 5.16-8). Impacts would be less than significant.

Facts in Support of Findings: As shown in Draft EIR Table 5.16-7, the proposed surf lagoon would result in a total demand of 69.8 AFY, and Draft EIR Table 5.16-8 shows that the proposed clubhouse and athlete accommodations would result in a water demand of 18.74 AFY, totaling 88.54 AFY. This results in a net increase of 87 AFY of potable water demand. This volume of water supply was accounted for in the City's 2020 UWMP, which anticipated an increase of 505 AF in 2030. The Project's annual demand if 87 AF of potable water would be 17.2 percent of the anticipated increase in water demand between 2025 and 2030. The UWMP also notes that additional water may be purchased from the Metropolitan Water District of Southern California without the need to construct new infrastructure or sources. Therefore, the City would have sufficient water supplies available.

In addition, the majority of water used by the Project would become wastewater that would be conveyed to the OC San Wastewater Treatment Plan No.1 that is treated and then conveyed to the OCWD GWRS system that further purifies water to meet all State and federal drinking water standards and then injects it into the groundwater basin providing a loop of water supply and re-use. Therefore, a majority of the water used by the Project (except for irrigation water and evaporation) would become wastewater that would be purified and then reinjected into the groundwater basin for reuse.

Impact UTIL-3 Finding: The Project would not require or result in the relocation or construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects (Draft EIR at p. 5.16-13). Impacts would be less than significant.

Facts in Support of Findings: The Project site is currently served by an onsite 6-inch sewer line that connects to the 12-inch CMSD sewer main in Mesa Drive that drains westerly to a CMSD 21-inch sewer main in Irvine Avenue, and then to a 24-inch sewer main in Fair Drive. The existing 6-inch lateral that extends approximately 42.5 feet offsite to the sewer main would be upgraded to a 12-inch sewer line that would connect to the existing 12-inch sewer line in Mesa Drive. The Sewer Analysis Report determined the Project would generate wastewater daily from the proposed clubhouse, 20 athlete accommodations, standalone restrooms, and the nine outdoor showers which would generate 10,408 gpd at full capacity. Operation of the wave lagoon would generate 53,351 gpd and the Project site would generate a total of 63,759 gpd.

Using the CMSD peaking factor, the Sewer Analysis Report determined that the peak wastewater flows would be 111 gpm.

The 12-inch sewer main in Mesa Drive is 17.4 percent full and has an available peak capacity of 838 gpm. The 111 gpm peak wastewater flow from the Project is 13.2 percent of the available capacity. Without the peaking factor, the Project's operational wastewater flow of 44.3 gpm would be 5.3 percent of the available capacity in the Mesa Drive sewer, which has the least available capacity of the system leading to the wastewater treatment plant. Thus, under operational conditions, the flows from the Project would be within the capacity of the existing sewer system.

In addition to typical daily operational wastewater generating conditions, each of the 5.1-million-gallon basins would be drained once every two years into the sewer system. The two 5.1-million-gallon basins are hydrologically separate. The sewer analysis found that draining a basin at a rate of 727 gpm would be within the capacity of the existing sewer line in Mesa Drive and take approximately 4.9 days to drain one basin, the timing of which would be coordinated with CMSD and approved by CMSD permitting. Also, due to the volume of wastewater that would be discharged during draining of the surf basins, an Orange County Sanitation District Industrial Wastewater Discharge Permit would be required, as is required for any discharge in excess of 25,000 gallons per day. The Industrial Wastewater Discharge Permit regulates wastewater discharges by limiting specific pollutants through establishing numeric discharge standards, discharge requirements, monitoring and reporting requirements.

The Irvine Avenue Pump Station and the Eldon Avenue Pump Station (off Fair Drive) would accept wastewater flows from the site. As shown in Draft EIR Table 5.16-13, the pump stations have a remaining capacity to adequately serve the proposed Project which would have a peak flow rate of 111 gpm. It would take 5.5 days to drain a 5.1-million-gallon basin based on the flow rates at the Irvine Pump Station, and 3.1 days based on the total flow rates at the Eldon Avenue Pump Station.

As the proposed Project includes facilities to serve the proposed Project and connect to sewers that would have capacity for the Project, it would not result in the need for construction of other new wastewater facilities or expansions, the construction of which could cause significant environmental effects. In addition, the proposed Project would be required to pay Development Impact Fees which would be used towards cumulative improvements to the existing sewer system to ensure it continues to meet expected demands. Therefore, potential impacts related to wastewater infrastructure would be less than significant.

Impact UTIL-4 Finding: The Project would not result in a determination by the wastewater treatment provider that would serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments (Draft EIR at p. 5.16-16). Impacts would be less than significant.

Facts in Support of Findings: The proposed Project is expected to result in an increase from 1,409 gpd to 63,759 gpd of wastewater. Under existing conditions, the OC San Wastewater Treatment Plan No.1, which serves the Project site, has treatment capacity for approximately 50 million gallons per day of additional flow, and would have capacity to accommodate the proposed Project's operational 63,759 gpd of wastewater. Daily operation of the proposed Project would utilize less than 0.01 percent of the daily available treatment capacity.

Draining one basin per year (each basin every two years) would be done at a rate of 649 gpm based on existing infrastructure capacity. This equates to 934,560 gallons per day of wastewater, which is 1.9 percent of the daily available treatment capacity. Thus, the wastewater treatment plant has ample capacity, and the proposed Project would result in less than significant impacts related to wastewater treatment capacity.

Impact UTIL-5 Finding: The Project would not require or result in the relocation or construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects (Draft EIR at p. 5.16-19). Impacts would be less than significant.

Facts in Support of Findings: The Project-specific Preliminary WQMP describes that the Project site currently includes 3.4 acres of impermeable surfaces, which equates to 22 percent of the site. After completion of Project construction, the site would have an increase in impermeable surfaces (i.e., 13.89 acres or 90 percent of the site would be impermeable surfaces). However, this includes the 5.06-acre (220,427 SF) surf lagoon, which would capture rainfall and not result in runoff. As shown on Draft EIR Table 5.16-14, while implementation of the proposed Project would result in a large increase in impermeable surfaces, the 100-year, 24-hour storm volume would decrease by approximately 11 percent.

Similar to existing conditions, the offsite runoff that flows onto the site would continue to be collected on the Project site and flow northwest through the proposed northern parking lot and into the Santa Ana-Delhi Channel. No change in volumes to offsite flows would occur. Therefore, impacts related to drainage facilities would be less than significant.

Impact UT-6 Finding: The Project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals (Draft EIR at p. 5.16-22). Impacts would be less than significant.

Facts in Support of Findings:

Construction

The Project is estimated to generate approximately 154.69 tons of waste during demolition and additional waste during construction, which would occur over a 300-day period. However, the 2022 California Green Building Standards Code requires demolition and construction activities to recycle or reuse a minimum of 65 percent of the nonhazardous construction and demolition waste. Therefore, demolition activities, which would generate the most solid waste would generate approximately 54.14 tons of solid waste. Frank R. Bowerman Landfill is permitted to accept 11,500 tons per day, Olinda Alpha Landfill is permitted to accept 8,000 tons per day, and Prima Deshecha Landfill is permitted to accept 4,000 tons per day. Based on disposal rates in November 2024, Frank R. Bowerman Landfill had a highest tonnage received of 9,081.11 tons per day with a remaining capacity of 2,418.89 tons per day, the Olinda Alpha Landfill had a highest tonnage received of 7,207 tons per day with a remaining capacity of 793 tons per day, and Prima Deshecha Landfill had a highest tonnage received of 3,583.81 tons with a remaining capacity of 416.19 tons. Thus, the facilities' remaining capacities would be able to accommodate the addition of 0.18 tons of waste per day during construction of the proposed Project.

Operation

Operation of the Project at buildout would generate approximately 71.62 tons of solid waste per year, at least 75 percent of which is required by California law to be recycled, which would reduce the volume of landfilled solid waste to approximately 17.91 tons per year, or 0.05 tons per day.

Frank R. Bowerman Landfill had a highest tonnage received of 9,081.11 tons per day with a remaining permitted capacity of 2,418.89 tons per day, the Olinda Alpha Landfill had a highest tonnage received of 7,207 tons per day with a remaining permitted capacity of 793 tons per day, and Prima Deshecha Landfill had a highest tonnage received of 3,583.81 tons per day with a remaining permitted capacity of 416.19 tons per day. The Project's solid waste (17.91 tons per year, or approximately 0.05 ton per day), would represent less than 0.01 percent of any of the landfill's daily remaining permitted capacity. Thus, the proposed Project would be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs and the Project would not impair the attainment of solid waste reduction goals. Impacts related to landfill capacity would be less than significant.

Impact UT-8 Finding: The Project would not result in the relocation or construction of a new or expanded electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects (Draft EIR at p. 5.16-27). Impacts would be less than significant.

Facts in Support of Findings:

Electricity

Electricity would be provided to the Project site by SCE. The Project would connect to the existing electricity powerlines within roadways. SCE prepared an Engineering Analysis Report as Appendix G of the Draft EIR) which determined that the Project's electricity demand would be adequately served by SCE's existing distribution system, and that the existing electrical lines, Pike 12kV Circuit, and Bayside Substation can accommodate the Project. The Project would not require or result in the construction of new facilities or the expansion of existing facilities. The Project would be constructed in compliance with Title 24 requirements. In addition, the Project includes solar photovoltaic panels on the rooftops and parking canopies, which would reduce the Project's electricity demand on the grid. Overall, the Project would not require or result in the relocation or construction of new or expanded electric facilities, which could cause significant environmental effects. Thus, impacts would be less than significant.

Natural Gas

Natural gas services are currently provided to Project site by SoCal Gas. The proposed Project would install new onsite natural gas lines that would connect to one of the existing natural gas distribution lines in Irvine Avenue. The Project would not require or result in the construction of new natural gas facilities or expansion of existing facilities. There are currently two natural gas lines adjacent to the site that would serve the Project and continue to serve surrounding land uses. Adequate natural gas supplies are presently available to meet the increase in demand attributed to the Project. The SoCal Gas Company has provided a Will Serve letter confirming the ability to serve the Project. Thus, potential impacts related to the provisions of natural gas supplies or natural gas infrastructure would be less than significant.

Telecommunications

The proposed Project would connect to the existing telecommunication lines along Mesa Drive, which would be provided by a private telecommunication company on an as-needed basis. The proposed Project is not anticipated to require or result in the construction of new communications facilities or the expansion of existing facilities. Impacts would be less than significant.

Utilities and Service Systems Cumulative Finding: The Project would not result in cumulatively considerable impacts to utilities and service systems (Draft EIR at p. 5.16-11, 5.16-16, 5.16-20, 5.16-24, and 5.15-28). Impacts would be less than significant.

Facts in Support of Finding:

Water

The Project would result in a net annual water demand of 87AF, which is within the projected demand calculated for the Project site by the 2020 UWMP. As determined by the 2020 UWMP, it is anticipated that existing and future water entitlements from groundwater, surface water, and purchased or imported water sources, plus recycling and conservation, would be sufficient to meet the Project's demand in addition to forecast demand for the City's entire service area. Further, a majority of the water used by the Project would become wastewater that would be recycled for re-use by the OCWD GWRS system and injected back into the groundwater basin. Therefore, the Project would not result in a cumulatively considerable increase in water supply demands that would require new or expanded water sources that could result in an environmental impact. Therefore, cumulative impacts would be less than significant.

Wastewater

The sewer system would have sufficient capacity to handle the increased flows resulting from implementation of the proposed Project. The continued regular assessment, maintenance, and upgrades of the sewer system by the City and OCSD through DIF would reduce the potential of cumulative development projects to result in a cumulatively substantial increase in wastewater such that new or expanded facilities would be required. Thus, increases in wastewater in the sewer system would result in a less than significant cumulative impact.

Stormwater

The proposed Project would result in a reduction in stormwater runoff from the Project site. As a result, the proposed Project would not generate additional runoff that could combine with runoff from cumulative projects that could cumulatively combine to impact drainage. Thus, cumulative impacts related to drainage would be less than significant.

Solid Waste

Based on tonnage rates from November 2024, the Frank R. Bowerman Landfill had a highest tonnage received of 9,081.11 tons with a remaining permitted capacity of 2,418.89 tons, the Olinda Alpha Landfill had a highest tonnage received of 7,207 tons with a remaining permitted capacity of 793 tons, and Prima Deshecha Landfill had a highest tonnage received of 3,583.81 tons with a remaining permitted capacity of 416.19 tons in (CalRecycle, 2024a, b, c). The 0.05 tons of solid waste per day from operation of the proposed Project would be less than 0.01 percent of the remaining daily permitted capacity of the landfills. Due to this small percentage, the increase in solid waste from the proposed Project would be less than cumulatively considerable and would be less than significant.

Dry Utilities

Cumulative impacts related to the provision of facilities for electricity and communications systems are primarily associated with the emissions resulting from construction. Mitigation measures have been recommended in cases where cumulatively considerable impacts associated with utilities infrastructure were identified. In addition, existing dry utility lines are present along Mesa Drive. Therefore, cumulatively considerable impacts associated with the provision of utility facilities to serve the proposed Project would be less than significant.

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SECTION IV

IMPACTS MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

The City hereby finds that mitigation measures have been identified in the Draft EIR that would avoid or substantially lessen the following potentially significant environmental impacts to a less than significant level. The potentially significant impacts and the mitigation measures that would reduce them to a less than significant level are summarized below.

- Biological Resources
- Cultural Resources
- Geology and Soils
- Tribal Cultural Resources

A. Biological Resources

Impact BIO-1 Finding: The Project would not have an adverse effect, either directly or through habitat modifications, on any species identified as candidate, sensitive, or special status species in local or regional plans, policies, or regulation, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service (Draft EIR at p. 5.3-19). Impacts would be less than significant with mitigation.

Facts in Support of Finding:

Special Status Plant Species

As shown in Draft EIR Table 5.3-1, 36 special-status plant species are associated with the Project region. None of the special-status plant species were observed during the general biological surveys conducted in September 2024. The Project site and surrounding vicinity have been subject to decades of anthropogenic disturbances from development, which has removed native plant communities that have historically occurred in the area. Therefore, the Biological Technical Report (Appendix C) concluded that no special-status plants have the potential to occur within the Project site.

Special Status Animal Species

A total of 50 sensitive animal species, as shown on Draft EIR Table 5.3-2, have the potential to exist in the vicinity of the Project site. None of these animal species were observed during the general biological surveys. While not observed onsite during the general biological survey, great blue heron individuals may occasionally occur onsite as a transient species but is not expected to occur onsite in a nesting colony due to lack of suitable nesting trees and frequent human disturbance. Based on the focused surveys conducted within the Project site, no overwintering monarch butterflies were detected in or around ornamental eucalyptus or pine trees onsite. Western yellow bat has a low potential to roost in the limited habitat for this species, including palms, on the Project site and impacts to habitat for the western yellow bat would be less than significant. The Biological Technical Report (Draft EIR Appendix C) determined that due to the limited habitat for this species on the Project site, impacts to habitat for the western yellow bat would be less than significant. Further, the Project site provides suitable foraging, breeding, and roosting habitat for a number of raptor species. No raptor species were detected over the course of field studies; however, common, urban adapted species may occasionally occur. The Project site lacks potential nesting habitat (e.g., mature trees, shrubs) for special-status raptor species but is expected to provide marginal foraging habitat for common raptors that support prey species such as insects, spiders, lizards, snakes, small mammals, and other birds. The Biological Technical Report determined that the Project site does not have the potential to support any of the other special-status species listed in Draft EIR Table 5.3-2 in a live-in capacity. Given the limited roosting habitat for western yellow bat onsite, Mitigation Measure BIO-1 is included to require pre-construction bat surveys including a minimum of two emergent bat surveys to avoid injury to roosting bats and avoid maternity roosts until the maternity roost is no longer in use.

Indirect Impacts

There is no native open space adjacent to the Project site. The Upper Newport Bay Nature Preserve and Ecological Reserve ("Upper Newport 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 that is approximately 50 feet higher in elevation than the Project site and 40 to 50 feet higher in elevation than the northernmost portion of the Upper Newport Bay. The hill provides a natural barrier to potential indirect effects to the Upper Newport Bay from the proposed Project. As such, the Project would not result in substantial drainage, lighting, or noise impacts to the Upper Newport Bay.

Mitigation Measures

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 through August 31), the Project shall avoid the subject roost(s) and incorporate 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 the California Department of Fish and Wildlife (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.

Impact BIO-4 Finding: The Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites (Draft EIR at p. 5.3-21). Impacts would be less than significant with mitigation incorporated.

Facts in Support of Finding:

Wildlife Movement

The Project site is within an urbanized setting. The adjacent Santa Ana Delhi Channel is likely used for local movement by small, urban adapted mammals and reptiles. Project construction and operation would not

result in any disturbance to the Santa Ana Delhi Channel. Some local wildlife movement may occur within the Project site; however, given the lack of connection to any native open space, the Project site does not comprise or occur within a wildlife linkage or corridor. Development of the site would not result in impacts related to established native resident or migratory wildlife corridor.

Migratory Birds

The Project site contains shrubs and trees that can support nesting birds and raptors protected under the Federal MBTA and Sections 3503, 3503.5, and 3513 of the California Fish and Game Code during the nesting season. Therefore, if vegetation is required to be removed during nesting bird season, Mitigation Measure BIO-2 has been included to require a nesting bird survey to be conducted three days prior to initiating vegetation clearing. With the implementation of Mitigation Measure BIO-2, impacts related to nesting birds and any other migratory wildlife would be reduced to a less-than-significant level.

Mitigation Measures

BIO-2: Nesting Bird Survey. 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 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.

Biological Resources Cumulative Finding: The Project would not result in cumulatively considerable impacts to biological resources. (Draft EIR at p. 5.3-22). Impacts would be less than significant with mitigation.

Facts in Support of Finding: The majority of cumulative projects consist of redevelopment of previously developed land, which generally does not contain substantial habitat resources. The Project would not have significant impacts related to jurisdictional waters, wildlife movement, local ordinances or regulations protecting biological resources, habitat conservation plans, plant communities, and habitat fragmentation. In addition, Mitigation Measures BIO-1 and BIO-2 would reduce potential impacts to roosting bats and nesting birds to a less than significant level that would not be cumulatively considerable. Cumulative projects would be required to comply with applicable survey requirements and NCCP/HCP requirements and mitigation for biological resources, such as the Migratory Bird Treaty Act and focused surveys. Since all projects would be required to implement their respective mitigation measures through the City's development review and permitting process, the contribution would not be cumulatively considerable. There are no projects that would, in combination with the Project, produce a significant impact to biological resources. Therefore, Project impacts would be less than cumulatively considerable and would be less than significant.

B. Cultural Resources

Impact CUL-2 Finding: The Project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5 (Draft EIR at p. 5.4-12). Impacts would be less than significant with mitigation.

Facts in Support of Finding: The Project has been disturbed since at least 1938 from mechanical disking and onsite structures were constructed in 1976. Thus, the site has been previously disturbed, including ground disturbance to depths for installation of the existing utility infrastructure that serves the site. Based on the SCCIC records search results and archaeological survey of the Project site, no archaeological resources have been identified within or immediately adjacent to the proposed Project site. However, the Phase I Archaeological Resources Assessment determined that due to the presence of known archaeological resources, including human remains, within 0.25-mile from the Project site and the Project site's proximity to the Upper Newport Bay, the Project area is sensitive for prehistoric archaeological deposits. As the Project site is sensitive for previously unknown archaeological resources, the Phase I Archaeological Resources Assessment determined that the Project would be required to implement Mitigation Measures CUL-1 and CUL-2, which requires an archaeologist to be retained for monitoring throughout proposed Project ground disturbing activities and preparation of a monitoring report. With implementation of Mitigation Measure CUL-1 and CUL-2, potential impacts related to archeological resources would be less than significant.

Mitigation Measures

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 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.

The retained Qualified archeologist and Consulting Tribe(s) representative shall attend the pre-grade meeting with the grading contractors to explain and coordinate the requirements of the monitoring plan.

In the event that a resource is inadvertently discovered during ground-disturbing activities, work shall be halted within 60 feet of the find until it can be evaluated by the qualified archaeologist. Construction activities can continue in other areas. If the find is considered a "resource" the archaeologist shall pursue either protection in place or recovery, salvage and treatment of the deposits. Recovery, salvage and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4 in consultation with the City. Per CEQA Guidelines Section 15126.4(b)(3), preservation in place shall be the preferred means to avoid impacts to archaeological resources qualifying as historical resources. Consistent with CEQA Guidelines Section 15126.4(b)(3)(C), if unique archaeological resources cannot be preserved in place or left in an undisturbed state, recovery, salvage, and treatment shall be required at the developer/applicant's expense. If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to consulting tribe(s) for review and comment. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

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).

Cultural Resources Cumulative Finding: The Project would not result in cumulatively considerable impacts to cultural resources (Draft EIR at p. 5.4-12). Impacts would be less than significant with mitigation.

Facts in Support of Finding:

Historic Resources: The Project's contribution to cumulative impacts to historical resources was analyzed in context with past projects in Orange County that were once similarly influenced by the golfing industry in the region. The Historical Resources Evaluation determined the absence of historical resources. Therefore, Project implementation would have no potential to contribute towards a significant cumulative impact to historical sites and/or resources, and cumulatively considerable impacts would not occur.

Archaeological Resources: The Project's impact to prehistoric archaeological resources was analyzed in the context of the coastal region of Orange County, which is identified as sensitive for archaeological resources. Construction activities within the Project site – as with other development projects in the region – may uncover subsurface prehistoric archaeological resource that meet the CCR § 15064.5 definition. However, mitigation has been included to reduce the potential of the Project to result in an impact to an archaeological resource that could contribute to a significant cumulative impact. With compliance with project-specific mitigation, the Project would result in a less than significant cumulatively considerable impact.

Disturbance of Human Remains: Mandatory compliance with the provisions of California Health and Safety Code § 7050.5, Public Resources Code § 5097 et seq., and CEQA Guidelines Section 15064.5 would assure that the Project, in addition to all development projects, treat human remains that may be uncovered during development activities in accordance with prescribed, respectful, and appropriate practices, thereby avoiding significant cumulative impacts.

C. Geology and Soils

Impact GEO-6 Finding: The Project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (Draft EIR at p. 5.6-18). Impacts would be less than significant with mitigation.

Facts in Support of Finding: Earthmoving activities, including grading and trenching activities, have the potential to disturb previously unknown paleontological resources. Due to the occurrence of terrestrial and marine fossils at shallow depths from late Pleistocene alluvial fan sediments across Orange County, the sediments underlying the Project site are considered as having high paleontological sensitivity (Appendix I to the Draft EIR). Also, based on the presence of nearby significant fossil localities, the Project site is considered to have a high potential to yield significant paleontological resources below 10 feet in depth. As a result, Mitigation Measure PAL-1 is included to require preparation of a Paleontological Resources Impact Mitigation Program (PRIMP) that would require ground disturbing activities below 10 feet bgs in areas of young axial channel deposits and in of old paralic deposits overlain by alluvial fan deposits to be monitored to identify and recover any significant fossil remains. Any 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. With implementation of Mitigation Measure PAL-1, potential impacts to paleontological resources would be less than significant.

Mitigation Measures

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 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.

Geology and Soil Cumulative Finding: The Project would result in less than significant cumulative impacts related to Geology and Soils (Draft EIR at p. 5.6-18). Impacts would be less than significant with mitigation.

Facts in Support of Finding: The geographic area of potential cumulative impacts related to paleontological resources includes areas that are underlain by similar geologic units from the same time period. A cumulative impact could occur if development projects incrementally result in the loss of the same types of unique paleontological resources. The City, including the Project site, varies in paleontological sensitivity from low to high sensitivity increasing with depth. However, incorporation of Mitigation Measure PAL-1, which requires paleontological monitoring in paleontologically sensitive soils and provides procedures for fossil recovery which would preserve the quality and integrity of these resources, would reduce the potential for the proposed Project to result in cumulatively considerable impacts to a less than significant level. Therefore, paleontological resource impacts would be less than cumulatively significant.

D. <u>Tribal Cultural Resources</u>

Impact TCR-1 Finding: The Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k) (Draft EIR at p. 5.15-7). Impacts would be less than significant with mitigation.

Facts in Support of Finding: In accordance with SB 18 and AB 52, the City sent letters to 20 Native American representatives identified by the City and NAHC, notifying them of the proposed Project. The City received responses from the Gabrieleño Band of Mission Indians – Kizh Nation and the Gabrieleño Tongva Indians of California requesting consultation. The City consulted with both of the tribes that requested consultation. The Gabrieleño Band of Mission Indians – Kizh Nation provided detail that the Project location is within the Tribe's ancestral tribal territory where resources have previously been found and provided recommended mitigation measures. The Gabrieleño Tongva Indians of California stated that Newport Beach is situated within two village sites, and that the Newport Bay flat areas with saltwater and fresh marshes (apuchan) provided an abundance of food sources and favorable living conditions for the Tongva year-round. Both Tribes indicated that the Project site is sensitive for potential TCRs and that Tribal monitoring during excavation and grading should be required by the City.

No Native American tribe provided the City with substantial evidence indicating that tribal cultural resources, as defined in PRC Section 21074, are present on the Project site or have been found previously on the Project site. However, due to the Project site's location in an area where Native American tribes are known to have a cultural affiliation, and positive SLF search results in the Project vicinity, there is the possibility that archaeological resources, including tribal cultural resources, could be encountered during ground disturbing construction activities. As such, Project-specific Mitigation Measures TCR-1 through TCR-3 would be implemented to require Native American monitoring during any ground disturbing activities on the Project site and to avoid potential impacts to tribal cultural resources that may be unearthed by Project construction activities. With implementation of Mitigation Measures TCR-1 through TCR-3, impacts to tribal cultural resources would be less than significant.

Mitigation Measures

TCR-1: Retain 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 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.

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.

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

Impact TCR-2 Finding: The Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe (Draft EIR at p. 5.15-8). Impacts would be less than significant with mitigation.

Facts in Support of Finding: The Project site has been heavily disturbed for construction of the existing buildings, golf course, and infrastructure. The proposed Project involves excavation. As discussed in Impact TCR-1, no substantial evidence exists that TCRs are present in the Project site. Although, no TCRs have been identified, during the SB 18/AB 52 consultation, the Gabrieleño Band of Mission Indians – Kizh Nation detailed that the proposed Project lies within its ancestral tribal territory within a potentially sensitive area and the Gabrieleño Tongva Indians of California stated that the Project location is within sensitive Tribal area. Therefore, to avoid potential adverse effects to tribal cultural resources, Mitigation Measures TCR-1 through TCR-3 have been included to provide for Native American resource sensitivity training, monitoring, and to prescribe activities should any inadvertent discoveries of tribal cultural resources be unearthed by Project construction activities.

Additionally, as described previously, California Health and Safety Code, Section 7050.5, included as PPP CUL-1, requires that if human remains are discovered in the Project site, disturbance of the site shall halt and remain halted until the coroner has conducted an investigation. If the coroner determines that the remains are those of a Native American, he or she shall contact, by telephone within 24 hours, the NAHC. With implementation of Mitigation Measures TCR-1 through TCR-3 and California Health and Safety Code Section 7050.5, impacts to tribal cultural resources would be less than significant.

Tribal Cultural Resources Cumulative Finding: The Project would not result in cumulatively considerable impacts to tribal cultural resources (Draft EIR at p. 5.15-8). Impacts would be less than significant with mitigation.

Facts in Support of Finding: The cumulative study area for tribal cultural resources includes the Southern California region, which contains the same general tribal historic setting of the Gabrieleño and Juaneño/Luiseño Tribes, as detailed previously in Section 5.15.3, *Environmental Setting*. Other projects in the vicinity of the proposed Project would involve ground disturbances that could reveal buried tribal cultural resources.

Cumulative impacts to tribal cultural resources would be reduced by compliance with applicable regulations and consultations required by SB 18 and AB 52. As described above, the Project site and vicinity is not known to contain tribal cultural resources; however, Mitigation Measures TCR-1 through TCR-3 would be implemented to ensure that impacts would not occur in the case of an inadvertent discovery of a potential tribal cultural resource. This mitigation measure would ensure that the proposed Project would not contribute to a cumulative loss of tribal cultural resources. Therefore, cumulative impacts would be less than significant.

Plans, Programs, and Policies

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.

Mitigation Measures

TCR-1: Retain Native American Monitors Prior to Commencement of Ground-Disturbing Activities: As listed previously.

TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial): As listed previously.

TCR-3: Remains and Associated Funerary or Ceremonial Objects: As listed previously.

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SECTION V

GROWTH-INDUCING IMPACTS AND COMMITMENT OF RESOURCES

Section 15126.2(d) of the CEQA Guidelines requires the EIR address the growth-inducing impact of the Project. Draft EIR Section 6, *Other CEQA Considerations*, evaluates the potential for the proposed Project to affect the environment from employment or population growth, or the construction of additional housing, either directly or indirectly.

Impact Growth-1 Finding: The Project would not directly or indirectly foster economic or population growth, or the construction of additional housing (Draft EIR p. 6-1). Impacts would be less than significant.

Facts in Support of Finding: While the proposed Project would contribute to the economic growth in the City of Newport Beach and the surrounding areas, the growth would not be unexpected or constitute substantial unplanned growth. The Project site currently employs 47 full and part-time people at the golf course, pro-shop, and restaurant. The proposed Project would employ approximately 70 full-time and part-time employees with an average of approximately 55 employees onsite at any given time. The addition of 23 total employees from implementation of the proposed Project would not result in additional jobs in the area that would result in unplanned growth. Additionally, the 20 athlete accommodations would only be utilized for short time periods by visiting surfers and related guests, and the athlete accommodations would not result in unplanned population growth.

The proposed Project may cause indirect economic growth as it would generate tax revenue for the City. Visiting athletes and their guests would purchase goods and services in the region; however, this would be a limited demand from the 20 athlete accommodations and daily park visitors, which are limited by the Project capacity and reservation system. This potential increase could be accommodated by existing commercial and retail services near the Project site. The Project is highly unlikely to result in the need for additional commercial or retail services to meet Project demands. Further, the Project would not directly or indirectly foster economic or population growth that could result in the construction of additional housing.

Impact Growth-2 Finding: The Project would not remove obstacles to population growth (Draft EIR at p. 6-2). Impacts would be less than significant.

Facts in Support of Finding: A physical obstacle to growth typically involves the lack of public service infrastructure. The proposed Project would induce growth if it would provide public services or infrastructure with excess capacity to serve lands that would otherwise not be developable or to expand the development potential of redevelopment areas. The Project site and adjacent areas are currently served by existing infrastructure. The proposed sewer line upgrade would not provide for additional capacity that would induce growth. The Project does not provide infrastructure to serve any other lands than the Project site, and it would not expand development areas or the development potential of area.

In addition, a project could remove obstacles to growth through changes to existing regulations related to land development. The Project site is categorized as Parks and Recreation (PR) by the Land Use Element of the General Plan and is zoned Santa Ana Heights Specific Plan (SP-7). The Santa Ana Heights Specific Plan designates the site as Open Space and Recreation (OSR). The proposed Project would implement the existing General Plan and zoning designations. Although the Project includes a General Plan Amendment to increase the development intensity for the site from the current limit of 20,000 SF to approximately 59,772 SF, this would not result in employment or residential growth, as described in response to Impact Growth-1, previously.

Impact Growth-3 Finding: The Project would not require the construction of new or expanded facilities that could cause significant environmental effects (Draft EIR at p. 6-2). Impacts would be less than significant.

Facts in Support of Finding: The proposed Project could slightly increase the demand for fire protection, emergency response, and police services. However, as described in Draft EIR Section 5.12, *Public Services*, the proposed Project would not require development of additional facilities or expansion of existing facilities to maintain existing levels of service for public services. Based on service ratios and buildout projections, the proposed Project would not create a demand for services beyond the capacity of existing facilities. Therefore, an indirect growth inducing impact as a result of expanded or new public facilities that could support other development in addition to the proposed Project, would not occur. The proposed Project would not have significant growth inducing consequences that would require the need to expand public services to maintain desired levels of service.

Impact Growth-4 Finding: The Project would not encourage or facilitate other activities that could significantly affect the environment individually or cumulatively (Draft EIR at p. 6-3). Impacts would be less than significant.

Facts in Support of Finding: The proposed Project involves a General Plan Amendment, which is specific to the allowable recreational land uses on the Project site itself. The proposed Project does not propose changes to any of the City's building safety standards (i.e., building, grading, plumbing, mechanical, electrical, or fire codes). The proposed Project would comply with all applicable City plans, policies, and ordinances. The proposed Project would not involve any precedent-setting action that could encourage and facilitate other activities that significantly affect the environment. Therefore, the proposed Project would not individually or cumulatively encourage or facilitate substantial growth.

SECTION VI

SIGNIFICANT IRREVERSIBLE EFFECTS

Section 15126.2(c) of the CEQA Guidelines requires that an EIR discuss "any significant irreversible environmental changes which would be involved in the proposed action should it be implemented." Generally, a project would result in significant irreversible environmental changes if:

- The primary and secondary impacts would generally commit future generations to similar uses;
- The project would involve a large commitment of nonrenewable resources;
- The project would involve uses in which irreversible damage could result from any potential environmental accidents associated with the project; or
- The proposed irretrievable commitments of nonrenewable resources is not justified (e.g., the project involves the wasteful use of energy).

The proposed Project would result in or contribute to the following irreversible environmental changes:

- Lands in the Project site would be committed to the new commercial recreational use once the proposed Project is constructed. Secondary effects associated with this irreversible commitment of land resources include:
    - Changes in views associated with construction of the new parking and associated development, including a retaining wall and pole mounted lighting (Draft EIR Section 5.1, Aesthetics)
    - Increased demand for water resources (Draft EIR Section 5.9, Hydrology and Water Quality).
    - Emissions of air pollutants and greenhouse gases associated with proposed Project construction and operation (Draft EIR Section 5.2, Air Quality and Section 5.7, Greenhouse Gases).
    - Consumption of non-renewable energy associated with construction and operation of the proposed Project due to the use of automobiles, lighting, etc. (Draft EIR Section 5.5, Energy).
    - Increased ambient noise associated with an increase in activities and traffic from the proposed Project (Draft EIR Section 5.11, Noise).

- Construction of the proposed Project as described in Draft EIR Section 3.0, *Project Description*, would require the use of energy produced from non-renewable resources and construction materials.

In regard to energy usage from the proposed Project, as demonstrated in the analysis contained in Draft EIR Section 5.5, *Energy*, the proposed Project would not involve wasteful or unjustifiable use of non-renewable resources, and conservation efforts would be enforced during construction and operation of proposed development. As listed in Draft EIR Section 5.5, *Energy*, the proposed development would incorporate sustainability features and energy-conserving Project design features such as solar PV panels throughout the parking lot, on top of building, and on top of the wave making equipment, as well as those required by the California Building Code, California Energy Code Title 24, which specify green building standards for new developments. Project specific information related to energy consumption is provided in Section 5.5, *Energy*, of this EIR.

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SECTION VII

ALTERNATIVES

The City of Newport Beach hereby declares that it has considered and rejected as infeasible the alternatives identified in the Draft EIR and described below. Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to the Project, or to the location of the Project, which could feasibly achieve most of its basic objectives, but would avoid or substantially lessen any of the significant effects identified in the EIR analysis. An EIR is not required to consider every conceivable alternative to a proposed project. Rather, an EIR must consider a reasonable range of alternatives that are potentially feasible; an EIR is not required to consider alternatives that are infeasible. In addition, an EIR should evaluate the comparative merits of the alternatives. Therefore, this section sets forth the potential alternatives to the Project analyzed in the EIR and evaluates them in light of the objectives of the Project, as required by CEQA.

Objectives

The Project Objectives are designed to ensure the Project develops quality commercial recreational development. The Project objectives have been refined throughout the planning and design process for the Project, and are listed below (Draft EIR at p. 8-3):

1. Provide an innovative, world-class, full-service, outdoor recreational opportunity to serve a wide range of guests.
2. Maintain consistency with the existing Santa Ana Heights Specific Plan (SP-7) and the Open Space and Recreation (OSR) Specific Plan designation.
3. Expand the City's tourism economy and expand transient occupancy tax revenues.
4. Utilize sustainable solar energy onsite that is consistent with the City's sustainability goals.

Alternatives

Key provisions of the CEQA Guidelines relating to the alternatives analysis (Section 15126.6 et seq.) are summarized below:

- The discussion of alternatives shall focus on alternatives to the Project or its location that are capable of avoiding or substantially lessening any significant effects of the Project, even if these alternatives would impede to some degree the attainment of the Project objectives or would be more-costly.
- The "No Project" alternative shall be evaluated along with its impact. The "No Project" analysis shall discuss the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the Project is not approved.
- The range of alternatives required in an EIR is governed by a "rule of reason;" therefore, the EIR must evaluate only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the Project.
- For alternative locations, only locations that would avoid or substantially lessen any of the significant effects of the Project need be considered for inclusion in the EIR.
- An EIR need not consider an alternative whose effects cannot be reasonably ascertained and whose implementation is remote and speculative.

Rationale for Selecting Potentially Feasible Alternatives

The alternatives must include a no-project alternative and a range of reasonable alternatives to the Project if those reasonable alternatives would attain most of the Project objectives while substantially lessening the potentially significant Project impacts. The range of alternatives discussed in an EIR is governed by a "rule of reason," which the CEQA Guidelines Section 15126.6(f)(3) defines as:

. . . set[ting] forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the Project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the Project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision-making.

Among the factors that may be taken into account when addressing the feasibility of alternatives (as described in the CEQA Guidelines Section 15126.6(f)([1]) are environmental impacts, site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the Project proponent could reasonably acquire, control, or otherwise have access to an alternative site. An EIR need not consider an alternative whose effects could not be reasonably identified, and whose implementation is remote or speculative.

For purposes of this analysis, the Project alternatives are evaluated to determine the extent to which they attain the basic Project objectives, while significantly lessening the significant effects of the Project. However, as all impacts of the Project can be mitigated to below a level of significance, the analysis of alternatives within the EIR is presented for informational purposes only and to promote informed decision-making.

Alternatives Not Selected for Analysis

Alternate Site Alternative

An alternate site for the proposed Project was eliminated from further consideration. Based on a review of available sites for sale and the City of Newport Beach General Plan land use map, there are no other available properties of similar size (15.38 developable acres) that are zoned for commercial recreational uses that could accommodate the Project with fewer potential impacts. There are no other suitable sites within the control of the Project Applicant; however, in the event land could be purchased of suitable size, due to the built-out nature of the City of Newport Beach, development of a recreational surf park would likely require demolition of structures, removal of existing vegetation, and require similar excavation that would require the same, and potentially additional, mitigation. CEQA specifies that the key question regarding alternative site consideration is whether the basic Project objectives would be attained and if any of the significant effects of the proposed Project would be avoided or substantially lessened by having the proposed Project at another location. Given these reasons, it would be infeasible to develop and operate the proposed Project on an alternate site with fewer environmental impacts while meeting Project objectives. Therefore, the Alternate Site Alternative was rejected from further consideration (Draft EIR at p. 8-3).

Finding: The City of Newport Beach rejects the Alternative Site Alternative, on the following ground, which provides sufficient justification for rejection of this alternative: the Project is location specific and a similarly sized project at an alternative site is not available, and if the Project were to be relocated it would require similar, potentially additional, mitigation and would not reduce impacts compared to the proposed Project. Therefore, this alternative was eliminated from further consideration.

Alternatives Selected for Further Analysis

Alternative 1: No Project/No Build Alternative. Under this alternative, no new development would occur on the Project site, and it would remain in its existing condition with three holes of golf, a driving range, putting green, and the existing pro shop and restaurant. This alternative compares impacts of the proposed Project with the existing buildings and golf facilities operating at full capacity (Draft EIR at p. 8-4).

Alternative 2: Reduced Project Alternative. Under the Reduced Project Alternative, the proposed development of the Project would be reduced by 50 percent on the same site. The surf lagoon would consist of one 5.1-million-gallon basin on the site. The amenity clubhouse would provide for the same functions (although amenities, storage, and golf support areas would be reduced) within a 50 percent smaller (34,239

square feet) three-story building structure. The athlete accommodations building would be a 50 percent smaller, two-story structure that would provide 10 units, with five units on each level. The Reduced Project Alternative would also provide for 50 percent less parking on the site. The additional space provided by the 50 percent smaller development footprint would be landscaped. Hours of operation and operational activities would be the same as those proposed by the Project. Consistent with the proposed Project all of the golf amenities would be removed from the Project site and the nine holes of golf (holes 10-18) to the north of Irvine Avenue and the six holes of golf (holes 3-8) to the south of Mesa Drive would remain (Draft EIR at p. 8-4).

Alternative 3: Alternative Commercial Recreational Use Alternative. Under this alternative, the proposed Project site would be developed with a multipurpose recreational facility. A multipurpose recreational facility contains two or more of the following land uses combined at one site: miniature golf, batting cages, video arcade, bumper boats, go-carts, and golf driving range.

The Alternative Commercial Recreation Use Alternative would include the development of a 20,000-square-foot family entertainment building consisting of a snack bar, dining area, restrooms, and arcade gaming area; two outdoor 18-hole miniature golf courses; a 4-acre outdoor area for attractions and rides; and a parking lot. Hours of operation would be consistent with those proposed by the Project. (Draft EIR at p. 8-4).

Findings for Alternatives

Alternative 1: No Project/No Build Alternative.

The No Project/No Build Alternative would result in continuation of the existing uses within the Project site, and development would not occur. This alternative would result in fewer impacts and would not require mitigation for biological resources, cultural resources, paleontological resources, or tribal cultural resources. As a result, the mitigation measures that are identified in Draft EIR Chapter 5.0 would not be required.

Implementation of the No Project/No Build Alternative would not meet most of the proposed Project objectives. Although this alternative would maintain consistency with the SP-7 and OSR Specific Plan designation, this alternative would not provide an innovative, world-class outdoor recreational opportunity. This alternative would not expand the City's tourism economy and expand transient tax occupancy tax revenue. Furthermore, sustainable solar energy would not be installed onsite. Thus, the No Project/No Build Alternative would not meet most of the proposed Project objectives. (Draft EIR at p. 8-8).

Finding: The City of Newport Beach finds that the No Project/No Build Alternative would not necessitate mitigation measures related to cultural resources, paleontological resources, or tribal cultural resources. This alternative would also not meet most of the Project objectives of the proposed Project including to provide an innovative, world-class outdoor recreational opportunity and to expand the City's tourism economy and expand transient tax occupancy tax revenue. Each of these reasons, separately and independently, is a sufficient basis upon which to reject this alternative.

Alternative 2: Reduced Project Alternative

The Reduced Project Alternative would reduce the proposed Project by 50 percent on the same site. The surf lagoon would consist of one 5.1-million-gallon basin on the site. The amenity clubhouse would provide the same functions (although amenities, storage, and golf support areas would be reduced) within a 50 percent smaller (34,239 square feet) three-story building structure. The athlete accommodations building would be a 50 percent smaller two-story structure that would provide 10 units with five units on each level. The alternative would also provide for 50 percent less parking on the site. The additional space provided by the 50 percent smaller development footprint would be landscaped. This alternative would decrease impacts

related to air quality, greenhouse gas emissions, and noise. In addition, this alternative would require the same mitigation measures as the proposed Project.

As shown in Draft EIR Table 8-5, the Reduced Project Alternative would the proposed Project objectives, but not to the same extent as the proposed Project. This alternative would develop an innovative outdoor recreational opportunity; however, it would not offer the full services of the proposed Project including both surf basins and the same amount of amenities, in the 50 percent smaller amenity clubhouse building. This alternative would expand the City's tourism economy, but not the extent or intensity of the proposed Project. The alternative would utilize sustainable solar energy onsite and would be consistent with SP-7 and the OSR designation. Overall, the Reduced Project Alternative would not meet all of the Project objectives to the same extent as the proposed Project.

Finding: The City of Newport Beach finds that the Reduced Project Alternative would result in lessened impacts to 6 of the 16 environmental topics. However, this alternative would require the same mitigation measures as the proposed Project. This alternative would not meet the Project objectives to the same extent as the proposed Project. This alternative would develop an innovative outdoor recreational opportunity; however, it would not offer the full services of the proposed Project including both surf basins and the same amount of amenities, in the 50 percent smaller amenity clubhouse building. This alternative would expand the City's tourism economy, but not the extent or intensity of the proposed Project. These reasons, separately and independently, is a sufficient basis upon which to reject this alternative.

Alternative 3: Alternative Commercial Recreational Use Alternative

The Alternative Commercial Recreational Use Alternative would include the development of a 20,000-square-foot family entertainment building consisting of a snack bar, dining area, restrooms, and arcade gaming area; two outdoor 18-hole miniature golf courses; a 4-acre outdoor area for attractions and rides; and a parking lot. This alternative would increase impacts to air quality, greenhouse gas emissions, and noise. In addition, mitigation measures would still be required for biological resources, cultural resources, paleontological resources, and tribal cultural resources.

As shown in Draft EIR Table 8-5, the Alternative Commercial Recreation Use Alternative would meet the proposed Project objectives, but to a lesser extent compared to the proposed Project. This alternative would partially meet the first objective by developing an outdoor recreational opportunity; however, it would not be innovative or world-class. This alternative would expand the City's tourism economy but would not expand transient occupancy tax revenues. The alternative would utilize sustainable solar energy onsite and would be consistent with SP-7 and the OSR designation. Overall, the Alternative Commercial Recreation Use Alternative would not meet all of the Project objectives to the same extent as the proposed Project (Draft EIR p. 8-21).

Finding: The City of Newport Beach finds that the Alternative Commercial Recreation Use Alternative could result in reduced impacts to 3 of the 16 environmental topics. However, this alternative would not eliminate the need for mitigation. The Reduced Project Alternative would meet the proposed Project objectives but would not be innovative or world-class and would not expand transient occupancy tax revenues. These reasons, separately and independently, are a sufficient basis upon which to reject this alternative.

Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives to a proposed project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR. The Environmentally Superior Alternative for the Project would be the No Project/No Build Alternative. Pursuant to CEQA Guidelines Section 15126.6(3)(1), an additional alternative needs to be selected alongside the No Project/Development Alternative. The second Environmentally Superior Alternative for the Project is the Reduced Project Alternative.

The No Project/No Build Alternative would avoid the less-than-significant impacts of the Project and would avoid implementation of the mitigation measures that are identified in Draft EIR Chapter 5.0 that are related to biological resources, cultural resources, paleontological resources, and tribal cultural resources. The Reduced Project Alternative would reduce impacts to 6 of the 16 environmental topics analyzed in the Draft EIR. However, this alternative would be required to implement applicable mitigation measures regarding biological resources, cultural resources, paleontological resources, and tribal cultural resources. Thus, although environmentally superior, mitigation measures would continue to be required (Draft EIR p. 8-22).

CEQA does not require the lead agency (the City of Newport Beach) to choose the environmentally superior alternative. Instead, CEQA requires the City of Newport Beach to consider environmentally superior alternatives, weigh those considerations against the environmental impacts of the proposed Project, and make findings that the benefits of those considerations outweigh the harm. Based on the considerations described herein, the City of Newport Beach finds that the No Project/No Build Alternative and Reduced Project Alternative are infeasible based on these environmental, economic, and social factors.

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SECTION VIII

CERTIFICATION OF THE EIR

The City of Newport Beach finds that it has reviewed and considered the Final EIR in evaluating the proposed Project, that the Final EIR is an accurate and objective statement that fully complies with CEQA, CEQA Guidelines and that the Final EIR reflects the independent judgment of the City of Newport Beach.

The City of Newport Beach declares that no new significant information as defined by CEQA Guidelines, Section 15088.5 has been received by the City of Newport Beach after circulation of the Draft EIR that would require recirculation.

The City of Newport Beach certifies the EIR based on the entirety of the record of proceedings, including but not limited to the following findings and conclusions.

Findings

The EIR does not identify significant environmental impacts that cannot be mitigated to a level of insignificance. All environmental impacts would have a less-than-significant impact after the implementation of identified mitigation measures.

Conclusions

1. All significant environmental impacts from the implementation of the proposed Project have been identified in the EIR and, with implementation of existing regulations and mitigation measures from the EIR, will be mitigated to a level of insignificance.
2. Other alternatives to the proposed Project, which could potentially achieve the basic objectives of the proposed Project, have been considered and rejected in favor of the proposed Project.
3. Environmental, economic, social, and other considerations and benefits derived from the proposed Project override and make infeasible any alternatives to the proposed Project or further mitigation measures beyond those incorporated into the proposed Project.

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SECTION IX

MITIGATION MONITORING AND REPORTING PLAN

Pursuant to Public Resources Code section 21081.6, the City of Newport Beach adopts the Mitigation Monitoring and Reporting Plan (MMRP) attached to this Resolution as Exhibit A. In the event of any inconsistencies between the mitigation measures, as set forth herein and the MMRP, the MMRP shall control.

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SECTION X

CONTENTS AND CUSTODIAN OF RECORDS

The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Newport Beach. The custodian for these records is the City of Newport Beach. This information is provided in compliance with Public Resources Code section 21081.6.

The record of proceedings for the City of Newport Beach's decision on the Project consists of the following documents, at a minimum:

1. The NOP, NOC, and all other public notices issued by the City of Newport Beach in conjunction with the Project;
2. All comments submitted by agencies or members of the public during the 45-day comment period on the Draft EIR;
3. The Final EIR for the Snug Harbor Surf Park Project, including comments timely received on the Draft EIR, responses to those comments, and technical appendices;
4. The Mitigation Monitoring and Reporting Plan for the Project;
5. All findings, resolutions and ordinances adopted by the City of Newport Beach in connection with the Snug Harbor Surf Park Project, and all documents cited or referred to therein;
6. All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the City of Newport Beach, consultants to the City of Newport Beach, or responsible or trustee agencies with respect to the City of Newport Beach's compliance with the requirements of CEQA and with respect to the City's action on the City of Newport Beach Project;
7. All documents submitted to the City of Newport Beach by other public agencies or members of the public in connection with the Snug Harbor Surf Park Project up though Project approval.
8. Matters of common knowledge to the City of Newport Beach, including, but not limited to federal, State, and local laws and regulations;
9. Any documents expressly cited or referenced in these findings, in addition to those cited above; and
10. Any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

The following location is where review of the record may be performed:

City of Newport Beach
Community Development Department
100 Civic Center Dive
Newport Beach, CA 92660

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