

# CHAPTER 1 Introduction

This Environmental Impact Report (EIR) examines the potential effects of the proposed General Plan Update for Newport Beach (proposed project). The proposed General Plan Update's background and the legal basis for preparing an EIR are described below.

## 1.1 PURPOSE AND LEGAL AUTHORITY

The last comprehensive update of the City's General Plan was in 1988. The City is proposing a new comprehensive update of the General Plan that requires the review and recommendation for adoption by the Planning Commission and the discretionary approval of the City Council of the City of Newport Beach. Adoption of the proposed General Plan Update is considered a project under the State of *California Environmental Quality Act* (CEQA) and is, therefore, subject to CEQA requirements. In accordance with Section 15121 of the CEQA Guidelines the purpose of this EIR is to serve as an informational document that:

... will inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.

The EIR must also disclose significant environmental impacts that cannot be avoided, growth inducing impacts, effects not found to be significant, and significant cumulative impacts of all past, present, and reasonably anticipated future projects.

This EIR has been prepared as a Program EIR pursuant to Section 15168 of the CEQA Guidelines. A Program EIR is an EIR that is prepared on a series of actions that can be characterized as one large project. As stated in the CEQA Guidelines, the use of a Program EIR can provide the following advantages:

1. Provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action;
2. Ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis;
3. Avoid duplicative reconsideration of basic policy considerations;
4. Allow the Lead Agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts;
5. Allow reduction in paperwork.

This EIR will review the existing conditions of the City of Newport Beach and the Planning Area, analyze potential environmental impacts from implementation of the proposed General Plan Update, identify policies from the proposed General Plan Update that serve to reduce and minimize impacts, and identify additional mitigation measures, if necessary, to reduce potentially significant impacts of the General Plan Update. As the EIR does not focus on any specific development projects within the City,

subsequent activities in the City that involve individual projects must be examined in the light of the Program EIR to determine whether any additional environmental review is necessary. If it is determined that an individual project would result in adverse impacts on the environment, a specific Project EIR would then be required.

In accordance with Section 15166 of the CEQA Guidelines, two General Plan documents are being used to satisfy the requirements for a Draft EIR for the proposed General Plan Update. The two documents are the City of Newport Beach General Plan Technical Background Report (TBR), which describes the existing physical conditions, demographics, and trends in the Planning Area, and this EIR, which assesses the physical environmental impacts to the Planning Area from implementation of the proposed General Plan Update. The City of Newport Beach General Plan TBR provides existing data for the entire Planning Area. The TBR was published June 2004 and is available for review at the Newport Beach Planning Department and Central Library.

The purpose of this report is to serve as an informational document for the public and City of Newport Beach decision-makers. The process will culminate with Planning Commission and City Council hearings to consider certification of a Final EIR (FEIR) and a decision on whether or not to approve the proposed General Plan Update.

## 1.2 SCOPE OF THE EIR

This EIR addresses the potential environmental effects of Newport Beach's proposed General Plan Update. As the proposed General Plan Update is a comprehensive plan that outlines the future potential for growth and development within the City, the scope of the EIR includes an examination of all environmental issues that are considered in Appendix G of the CEQA Guidelines. In addition, the environmental issues analyzed in this document will also include those areas determined to be potentially significant by the Notice of Preparation (NOP), responses to the NOP, consulting staff, and the City of Newport Beach. The NOP and comment letters received during the NOP review period are included in Appendix A of this EIR. The NOP identified potentially significant impacts on the following issue areas associated with implementation of the proposed General Plan Update, which are addressed in detail in this EIR:

- Aesthetics and Visual Quality
- Air Quality
- Biological Resources
- Cultural Resources
- Geology, Soils, and Mineral Resources
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Recreation

- Transportation/Traffic
- Utilities and Service Systems

In accordance with Section 15128 (Effects Not Found to Be Significant) of the CEQA Guidelines, Chapter 6 of this EIR provides reasons why some environmental impacts related to Agriculture were not considered significant and, therefore, are not analyzed further in this EIR.

In preparing the EIR, pertinent policies of the proposed General Plan Update were evaluated for their ability to reduce impacts resulting from the proposed General Plan Update. Regional and local agencies that regulate and provide services to the City and its SOI were also contacted for information. A list of references and persons consulted are provided in at the end of each chapter.

Chapter 5 (Alternatives) of the EIR was prepared in accordance with Section 15126.6 of the CEQA Guidelines. It also identifies the “environmentally superior” alternative among the alternatives assessed. The alternatives analyzed in this EIR include the CEQA-required “no project” alternative, the continued implementation of the City’s existing General Plan, and two additional reduced intensity alternatives.

## **1.2.1 Environmental Setting/Definition of the Baseline**

According to Section 15125 of the CEQA Guidelines, an EIR must include a description of the existing physical environmental conditions in the vicinity of the project to provide the “baseline condition” against which project-related impacts are compared. Normally, the baseline condition is the physical condition that exists when the Notice of Preparation (NOP) is published. The NOP for the General Plan Update EIR was published in January 2006. However, the CEQA Guidelines recognize that the date for establishing an environmental baseline cannot be rigid. Because physical environmental conditions may vary over a range of time periods, the use of environmental baselines that differ from the date of the NOP is reasonable and appropriate when doing so results in a more accurate or conservative environmental analysis.

For analytical purposes, impacts associated with implementation of the General Plan Update are derived from the existing environmental setting in the June 2004 Technical Background Report (TBR) prepared for the proposed project. Although the TBR was published in 2004, it is based on 2002 data. This baseline year (2002) is used for all impact areas analyzed in this EIR to determine impacts. Where it was feasible to present more current information, the more current information is also provided and analyzed. The TBR presents a more conservative analysis for this EIR because the TBR does not include the growth authorized under the existing General Plan that occurred between 2002 and the January 2006 NOP publication date. As a result, the allowable growth under the proposed land use changes (as defined by proposed General Plan buildout) in some areas is actually much less than what was used to analyze the environmental impacts in this EIR. For example, under the current General Plan Hoag Project had already been built between 2002 and 2006. Therefore, while the proposed General Plan Update was evaluated with a baseline to projected growth in West Newport Mesa of more than one million square feet of institutional uses, actually as of the date the NOP, significantly less than one million square feet is projected growth under the Proposed General Plan Update. Thus, this EIR presents a worst-case scenario based upon the maximum potential development within the City and adjacent areas from 2002

through 2030. As a practical matter, as illustrated by the less than full build out under the current General Plan, actual development in any city or county is substantially less than the entitlement or theoretical limit of development because of building and zoning restrictions as well as market forces.

## 1.2.2 Plan Comparison

This EIR evaluates the potential impacts of the proposed land use changes and associated growth potential compared to the existing setting/baseline conditions, as described above. In some cases, the existing General Plan growth potential is also discussed to provide additional information to the reader of the differences or changes between the existing and proposed General Plan Update. However, the impacts analysis presented in this document is not a comparison of the existing to proposed General Plan Update.

## 1.3 INTENDED USE OF THE EIR

This EIR has been prepared to analyze potentially significant environmental impacts associated with future development resulting from implementation of the proposed General Plan Update, and also addresses appropriate and feasible mitigation measures or project alternatives that would minimize or eliminate these impacts. Additionally, this EIR will provide the primary source of environmental information for the City of Newport Beach, which is the Lead Agency, to use when considering the proposed General Plan Update.

This EIR is intended to provide decision-makers and the public with information that enables them to intelligently consider the environmental consequences of the proposed action. This EIR identifies significant or potentially significant environmental effects, as well as ways in which those impacts can be reduced to less-than-significant levels, whether through the imposition of mitigation measures or through the implementation of specific alternatives to the project. In a practical sense, this document functions as a technique for fact-finding, allowing concerned citizens and agency staff an opportunity to collectively review and evaluate baseline conditions and project impacts through a process of full disclosure.

To gain the most value from this report, certain key points recommended in the CEQA Guidelines should be kept in mind:

- This report should be used as a tool to give the reader an overview of the possible ramifications of the proposed General Plan Update. It is designed to be an “early warning system” with regard to potential environmental impacts and subsequent effects on the local community’s environmental resources.
- A specific environmental impact is not necessarily irreversible or permanent. Most impacts, particularly in more developed urban areas, can be wholly or partially mitigated by incorporating the General Plan policies referenced in this report.
- This report, while a summary of facts, reflects the professional judgment of the author. Therefore, the reader will have to individually weigh the facts that it reports.

## 1.4 LEAD, RESPONSIBLE, AND TRUSTEE AGENCIES

Per the CEQA Guidelines, this EIR defines lead, responsible, and trustee agencies. The City of Newport Beach is the lead agency for the project because it holds principal responsibility for approving the project. A responsible agency refers to a public agency other than the lead agency that has discretionary approval over the project. A trustee agency is a state agency having jurisdiction by law over natural resources affected by a project, which are held in trust for the people of the state. Agencies that would serve as both the responsible agency and the trustee agency for the proposed project may include the California Coastal Commission, the California Department of Fish and Game, the California Department of Transportation, and/or the Regional Water Quality Control Board.

## 1.5 ENVIRONMENTAL REVIEW PROCESS

This EIR has been prepared to meet all of the substantive and procedural requirements of CEQA of 1970 (California Public Resources Code Section 21000 *et seq.*), California CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 *et seq.*), and the rules, regulations and procedures for the implementation of CEQA as adopted by the City of Newport Beach. Accordingly, as discussed above, the City of Newport Beach has been identified as the Lead Agency for this project, taking primary responsibility for conducting the environmental review and approving or denying the project.

The proposed General Plan Update will serve as a comprehensive document that will guide future potential growth and development within the City. The Lead Agency has determined that an EIR for the proposed General Plan Update would best serve the City if it contains a comprehensive examination of all environmental issues that are contained in Appendix G of the CEQA Guidelines with the exception of Agricultural Resources. The City, therefore, prepared an Initial Study (IS) to eliminate Agricultural Resources from further review and to make a preliminary determination of the impacts for the other environmental issue areas. The EIR that will analyze all aspects of the proposed General Plan Update to determine whether any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment with regards to the environmental issues listed above in Section 1.2.

After completion of the IS, the City filed a Notice of Preparation (NOP), included in Appendix A, with the California Office of Planning and Research as an indication that an EIR would be prepared. In turn, the IS/NOP was distributed to involved public agencies and interested parties for a 30-day public review period, which began on January 27, 2006, and ended on February 27, 2006. The purpose of the public review period was to solicit comments on the scope and content of the environmental analysis to be included in the EIR. The City received seventeen comment letters on the IS/NOP, which are included in Appendix A of this EIR.

During preparation of the EIR, agencies, organizations, and persons who the City believed might have an interest in this project were specifically contacted. Information, data, and observations from these contacts are included in the EIR. Agencies or interested persons who did not respond during the public review period of the NOP will have an opportunity to comment during the public review period for the Draft EIR, as well as at subsequent hearings on the proposed General Plan Update.

This EIR will be distributed to affected agencies, surrounding cities, involved public agencies, and interested parties for a 45-day review period in accordance with Section 15087 of the CEQA Guidelines. During the 45-day public review period, this EIR is available for general public review on the City's website ([www.city.newport-beach.ca.us/](http://www.city.newport-beach.ca.us/)) and at the following locations:

City of Newport Beach, Planning Department  
3300 Newport Boulevard  
Newport Beach, CA 92658-8915

Newport Beach Public Library  
Central Branch  
1000 Avocado Avenue  
Newport Beach, Ca 92660

Interested parties may provide comments on the EIR in written form. Comments should be addressed to the City of Newport Beach to the following address:

Greg B. Ramirez, Senior Planner  
Planning Department  
City of Newport Beach  
3300 Newport Boulevard  
P.O. Box 1768  
Newport Beach, CA 92658-8915

Upon completion of the 45-day public review period, written responses to all significant comments raised with respect to environmental issues discussed in the EIR will be prepared and incorporated into the Final EIR. Furthermore, written responses to comments received from any State agencies will be made available to these agencies at least 10 days prior to the public hearing during which the certification of the FEIR will be considered. These comments, and their responses, will be included in the FEIR for consideration by the City of Newport Beach Planning Commission and City Council, as well as any other public decision-makers.

According to Public Resources Code Section (PRC) 21081, the Lead Agency must make specific Findings of Fact ("Findings") before approving the FEIR, when the EIR identifies significant environmental impacts that may result from a project. The purpose of the Findings is to establish the link between the contents of the FEIR and the action of the Lead Agency with regard to approval or rejection of the project. Prior to approval of a project, one of three findings must be made:

- Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the FEIR.
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR.

Additionally, according to PRC Section 21081.6, for projects in which significant impacts will be avoided by mitigation measures, the Lead Agency must include a mitigation monitoring program (MMP). The purpose of the MMP is to ensure compliance with required mitigation during implementation of the project.

However, environmental impacts may not always be mitigated to a less-than-significant level. When this occurs, impacts are considered significant and unavoidable. If a public agency approves a project that has significant and unavoidable impacts, the agency shall state in writing the specific reasons for approving the project, based on the FEIR and any other information in the public record. This is termed a “Statement of Overriding Considerations” and is used to explain the specific reasons why the benefits of a proposed project make its unavoidable environmental effects acceptable. The statement is prepared, if required, after the FEIR has been completed, yet before action to approve the project has been taken.

## 1.6 AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

During the environmental review process, NOP comment letters were received that outlined areas of potential controversy and issues to be resolved. These issues are discussed within the technical sections of this document, and summarized below.

- *John Wayne Airport and Orange County Airport Land Use Commission*—Development under the General Plan Update should be consistent with the Orange County Airport Land Use Commission’s Airport Environs Land Use Plan, as well as all other land use policies pertaining to areas in the vicinity of an airport.
- *California Department of Transportation (Caltrans)*—The proposed project should adhere to all applicable plans and policies emphasizing coordination between the City and Caltrans early in the land use and transportation planning process.
- *South Coast Air Quality Management District (AQMD)*—AQMD recommends using the CEQA Air Quality Handbook as guidance when preparing its air quality analysis. The proposed project should identify any potential adverse air quality impacts that could occur from all phases of the proposed project and all air pollutant sources related to the project. Air quality impacts from both construction and operations should be considered, as well as air quality impacts from indirect sources. An analysis of all toxic air contaminant impacts should also be included.
- *Neighboring Municipalities*—Municipalities adjacent to the Planning Area recommend full analysis of land use intensity and traffic changes, specifically including the Airport Area, West Newport Mesa, and Banning Ranch subareas of the Planning Area.
- *Environmental Quality Affairs Citizens Advisory Committee*—The proposed project should address potential impacts to population and housing development, hazardous emissions within the vicinity of a school, and the provision of visitor-serving facilities and land uses. Potential impacts of the addition of schools to accommodate new students due to new residential development must also be analyzed. A full discussion of transportation and circulation issues should be provided, including potential impacts associated with roadway improvements and levels of traffic congestion.
- *Greenlight*—Possible adverse effects of the proposed General Plan Update on increased traffic levels within the City. All potential transportation and circulation impacts should be fully evaluated.
- *Public Comments and Citizens Groups*—A comprehensive analysis of population change, the provision of park acreage, and change in land area and land use under the proposed General Plan Update should be provided. Additionally, all proposed transportation improvements must be discussed.

## 1.7 DOCUMENT ORGANIZATION

This EIR has been designed for easy use and reference. To help the reader locate information of particular interest, a brief summary of the contents of each section of the EIR is provided. The following chapters are contained within the EIR:

- **Chapter 1: Introduction**—This section describes the purpose, approach, intended use, and scope of the EIR, a summary of the environmental and public review process, the project’s relevant agencies, the availability of the EIR, documents incorporated by reference, areas of controversy and issues to be resolved, and a brief outline of this document’s organization.
- **Chapter 2: Executive Summary**—This section contains a summary of the proposed project, as well as an overview of the scope of the EIR. This section provides a summary of environmental impacts, proposed mitigation, level of significance after mitigation, and unavoidable impacts.
- **Chapter 3: Project Description**—This section provides a detailed description of the proposed General Plan Update, including a description of the project location, environmental setting, project background, project objectives, and project characteristics.
- **Chapter 4: Environmental Analysis**—This section describes and evaluates the environmental issue areas, applicable environmental thresholds, environmental impacts (both short-term and long-term), policy considerations related to the particular environmental issue area under analysis, mitigation measures capable of minimizing environmental harm, and a discussion of cumulative impacts. Where additional actions must be taken to ensure consistency with environmental policies, recommendations are made, as appropriate.
- **Chapter 5: Project Alternatives**—This section analyzes feasible alternatives to the proposed General Plan Update, including the No Project Alternative, the continuation of the City’s existing General Plan, and two additional reduced intensity alternatives.
- **Chapter 6: Other CEQA Considerations**—This chapter provides analysis, as required by CEQA, regarding impacts that would result from the proposed General Plan Update, including effects found not to be significant, growth-inducing impacts, cumulative impacts, significant irreversible change to the environment, and significant and unavoidable adverse impacts.
- **Chapter 7: Report Preparers**—This section identifies all individuals responsible for the preparation of this EIR.