

CHAPTER 8 Introduction to the Final EIR

8.1 CEQA REQUIREMENTS

Before approving a project, the *California Environmental Quality Act* (CEQA) requires the Lead Agency to prepare and certify a Final Environmental Impact Report (Final EIR). The contents of a Final EIR are specified in Section 15132 of the CEQA Guidelines, which states that:

The Final EIR shall consist of:

- a. The Draft EIR or a revision of the Draft.
- b. Comments and recommendations received on the Draft EIR either verbatim or in summary.
- c. A list of persons, organizations, and public agencies commenting on the Draft EIR
- d. The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- e. Any other information added by the Lead Agency.

In summary, this Final EIR consists of three volumes:

- **Volume I**— City of Newport Beach General Plan 2006 Update Draft EIR
- **Volume IA**—Draft EIR Changes, Responses to Comments, and Final EIR Report Preparers
- **Volume II**—Technical Appendices to the Draft EIR

The determination that the City of Newport Beach (the City) is the “lead agency” is made in accordance with Sections 15051 and 15367 of the CEQA Guidelines, which define the lead agency as the public agency that has the principal responsibility for carrying out or approving a project. The Lead Agency must provide each agency that commented on the Draft EIR with a copy of the Lead Agencies’ proposed response at least 10 days before certifying the Final EIR.

8.2 USE OF THE FINAL EIR

The Final EIR allows the public and the City an opportunity to review revisions to the Draft EIR, the response to comments, and other components of the EIR, prior to approval of the project. The Final EIR serves as the environmental document to support approval of the proposed project, either in whole or in part, if the project is approved.

After completing the Final EIR, and before approving the project, the Lead Agency must make the following three certifications, as required by Section 15090 of the CEQA Guidelines:

- The Final EIR has been completed in compliance with CEQA
- The Final EIR was presented to the decision-making body of the Lead Agency, and that the decision-making body reviewed and considered the information in the Final EIR prior to approving the project
- The Final EIR reflects the Lead Agency’s independent judgment and analysis

As required by Section 15091 of the CEQA Guidelines, no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings (Findings of Fact) for each of those significant effects, accompanied by a brief explanation of the rationale for each finding supported by substantial evidence in the record. The possible findings are:

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

These certifications and the Findings of Fact are included in a separate Findings document. Both the Final EIR and the Findings are submitted to the City for consideration of the proposed project.

8.3 CHANGES TO THE PROPOSED GENERAL PLAN UPDATE

It should be noted that since publication of the Draft EIR, the City Council and Planning Commission have scheduled/conducted 18 public hearings to discuss the proposed General Plan Update. As a result of this public involvement process, the City Council has directed changes to the proposed General Plan Update regarding land use intensities, type of use, and other policy revisions. These changes have been indicated where relevant in response to the comments provided by the public on the Draft EIR. Table 8-1 identifies the proposed development directed by City Council in each subarea. For ease of comparison, the amount of development for the existing General Plan, as well as for the General Plan Update identified in the Draft EIR is also provided. The table also shows the average daily trips that would be generated by the existing General Plan, the proposed General Plan Update as analyzed in the Draft EIR, and the proposed General Plan Update as proposed to be revised by the City Council.

Table 8-1 Comparison of Existing GP, EIR Project and City Council Land Use Recommendations and Average Daily Trips Generated

<i>Area</i>	<i>Existing GP</i>	<i>EIR Project</i>	<i>Recommended Reductions from EIR Project per PC and CC Hearings</i>	<i>Average Daily Trip Changes EIR. vs. Revised Plan</i>	<i>Average Daily Trip Changes Existing GP vs. Revised Plan</i>
Airport		<ul style="list-style-type: none"> ▪ Residential: 4,300 ▪ Densities: 30–50 units per acre average over Village area ▪ Nonresidential: per existing GP 	<ul style="list-style-type: none"> ▪ Reduces residential capacity by 2,100 units (leaving 2,200 total); of these 550 may be developed as infill on parking lots; 1,650 must replace nonresidential entitlement ▪ Nonresidential: no change 		
	117,430	128,638	117,430	-11,208	0
Balboa Village		<p>Village Core:</p> <ul style="list-style-type: none"> ▪ Mixed Use: FAR: 1.5 ▪ Non Residential: 0.25 to 0.75 <p>Bay Frontage:</p> <ul style="list-style-type: none"> ▪ FAR: 0.5 to 1.25 <p>Commercial Properties out of Village Core:</p> <ul style="list-style-type: none"> ▪ 13.4 to 20 du/acre 	<p>Minor modification of land use designation boundaries.</p> <p>Village Core:</p> <ul style="list-style-type: none"> ▪ Mixed use: FAR 1.5; min. 0.35 to 0.5 for nonresidential and max. of 1.0 for residential. ▪ Non residential: No change <p>Bay Frontage:</p> <ul style="list-style-type: none"> ▪ FAR 0.75 <p>Commercial Properties out of Village Core: No change</p>		
	19,981	20,849	19,858	-991	-123
Banning Ranch		<p>Priority for open space acquisition</p> <p>If not acquired:</p> <ul style="list-style-type: none"> ▪ 1,375 units subject to development plan if not acquired for open space ▪ 75,000 of retail commercial ▪ 75 hotel units 	No change		
	22,075	14,296	14,296	0	-7,779

Table 8-1 Comparison of Existing GP, EIR Project and City Council Land Use Recommendations and Average Daily Trips Generated

<i>Area</i>	<i>Existing GP</i>	<i>EIR Project</i>	<i>Recommended Reductions from EIR Project per PC and CC Hearings</i>	<i>Average Daily Trip Changes EIR. vs. Revised Plan</i>	<i>Average Daily Trip Changes Existing GP vs. Revised Plan</i>
Cannery Village		Interior Parcels: <ul style="list-style-type: none"> ▪ Mixed Use: FAR: 1.5 ▪ Multi-Family: 20.1 to 26.7 du/acre Bayfront Parcels: <ul style="list-style-type: none"> ▪ Mixed-Use: FAR: 1.5 to 2.0 ▪ Non Residential: FAR: 0.25 to 0.5 	Interior Parcels: No change Bayfront Parcels: <ul style="list-style-type: none"> ▪ Mixed use: FAR 1.5 ▪ Non-Residential: FAR: 0.5 		
	14,190	10,342	10,342	0	-3,848
Corona Del Mar		Retail and Service Uses: FAR: 0.5 to 0.75	Retail and Service Uses: No change Existing institutional uses re-designated PI with reduced FAR		
	54,431	54,534	52,274	-2,260	-2,157
Lido Village		Bay Fronting Properties: <ul style="list-style-type: none"> ▪ Commercial: FAR 0.3 to 1.0 ▪ Multi-Family Residential: 20.1 to 26.7 du/acre ▪ Mixed Use: FAR 1.5 Inland side of Coast Highway(W of Rocky Point): <ul style="list-style-type: none"> ▪ Commercial: FAR 0.5 to 0.75 ▪ Multi-Family Residential: 20.1 to 26.7 du/acre ▪ Mixed Use: FAR: 1.5 Inland side of Coast Highway (E of Rocky Point): <ul style="list-style-type: none"> ▪ FAR: 0.3 to 0.5 	Bay Fronting Properties: <ul style="list-style-type: none"> ▪ Mixed use: FAR 1.25 ▪ Commercial: FAR 0.5 ▪ Multi-Family Residential: 12 units per adjusted gross acre, with the number of units calculated based on a maximum of 50% of the property. Inland side of Coast Highway(W of Rocky Point): <ul style="list-style-type: none"> ▪ Commercial or Office: No change ▪ Multi-Family Residential: No change ▪ Mixed Use: No change Inland side of Coast Highway (E of Rocky Point): <ul style="list-style-type: none"> ▪ No change 		
	51,410	55,576	47,781	-7,795	-3,629

Table 8-1 Comparison of Existing GP, EIR Project and City Council Land Use Recommendations and Average Daily Trips Generated

<i>Area</i>	<i>Existing GP</i>	<i>EIR Project</i>	<i>Recommended Reductions from EIR Project per PC and CC Hearings</i>	<i>Average Daily Trip Changes EIR. vs. Revised Plan</i>	<i>Average Daily Trip Changes Existing GP vs. Revised Plan</i>
Mariners Mile		Bay Fronting Properties: <ul style="list-style-type: none"> ▪ Commercial: FAR 0.3 to 1.0 ▪ Multi-Family Residential: 20.1 to 26.7 du/acre ▪ Mixed Use: FAR 1.5 Inland side of Coast Highway(W of Rocky Point): <ul style="list-style-type: none"> ▪ Commercial: FAR 0.5 to 0.75 ▪ Multi-Family Residential: 20.1 to 26.7 du/acre ▪ Mixed Use: FAR: 1.5 Inland side of Coast Highway (E of Rocky Point): <ul style="list-style-type: none"> ▪ FAR: 0.3 to 0.5 	Bay Fronting Properties: <ul style="list-style-type: none"> ▪ Mixed use: FAR 1.25 ▪ Commercial: FAR 0.5 ▪ Multi-Family Residential: 12 units per adjusted gross acre, with the number of units calculated based on a maximum of 50% of the property. Inland side of Coast Highway(W of Rocky Point): <ul style="list-style-type: none"> ▪ Commercial or Office: No change ▪ Multi-Family Residential: No change ▪ Mixed Use: No change Inland side of Coast Highway (E of Rocky Point): <ul style="list-style-type: none"> ▪ No change 		
	51,410	55,576	47,781	-7,795	-3,629
Mc Fadden Square		<ul style="list-style-type: none"> ▪ Mixed Use: FAR 1.5 to 2.0 ▪ Non Residential: FAR 0.25 to 0.5 	<ul style="list-style-type: none"> ▪ Mixed Use: FAR 1.25 ▪ Non Residential: No change 		
	8,490	12,988	9,109	-3,879	+619

Table 8-1 Comparison of Existing GP, EIR Project and City Council Land Use Recommendations and Average Daily Trips Generated

Area	Existing GP	EIR Project	Recommended Reductions from EIR Project per PC and CC Hearings	Average Daily Trip Changes EIR. vs. Revised Plan	Average Daily Trip Changes Existing GP vs. Revised Plan
Newport Center/ Fashion Island		Mixed Use: <ul style="list-style-type: none"> ▪ Office: Max 40,000 sf additional ▪ Residential: Max 600 additional units ▪ Hotel: Max: 125 additional rooms Regional Commercial: <ul style="list-style-type: none"> ▪ Max addition of 425,000 sf of retail and supporting uses ▪ 300,000 sf of retail capacity may transferred for office development Medical Office: <ul style="list-style-type: none"> ▪ FAR: 0.35 to 1.25 Regional Office: <ul style="list-style-type: none"> ▪ Max 40,000 sf additional 	Mixed Use: <ul style="list-style-type: none"> ▪ Office: addition is eliminated ▪ Residential: Max 450 additional units ▪ Hotel: Max 65 additional rooms Regional Commercial: <ul style="list-style-type: none"> ▪ Max addition of 75,000 sf Medical Office: <ul style="list-style-type: none"> ▪ FAR: 0.75 Regional Office: <ul style="list-style-type: none"> ▪ Addition eliminated 		
	110,372	118,395	106,620	-11,775	-3,752
Old Newport Blvd		East Side of Old Newport Boulevard: <ul style="list-style-type: none"> ▪ Mixed Use: FAR 1.5 ▪ Non-Residential: FAR: 0.25 to 0.75 ▪ Residential: 13.4 to 20 d.u./acre West Side of Old Newport Boulevard: <ul style="list-style-type: none"> ▪ Mixed Use: FAR: 1.5 	Entire Area: <ul style="list-style-type: none"> ▪ General Office: FAR 0.5 		
	9,816	14,073	9,811	-4,262	-5
West Newport Hwy & Adjoin. Residential		Western Entry Parcel: Residential: 20.1 to 26.7 d.u./acre Inland Parcels: mix of commercial and housing Coastal Side of West Coast Highway: R-2	Western Entry Parcel: <ul style="list-style-type: none"> ▪ Residential: No change Inland Parcels: no changes Coastal Side of West Coast Highway: No change		
	9,076	9,901	9,876	-25	+800

Table 8-1 Comparison of Existing GP, EIR Project and City Council Land Use Recommendations and Average Daily Trips Generated

<i>Area</i>	<i>Existing GP</i>	<i>EIR Project</i>	<i>Recommended Reductions from EIR Project per PC and CC Hearings</i>	<i>Average Daily Trip Changes EIR. vs. Revised Plan</i>	<i>Average Daily Trip Changes Existing GP vs. Revised Plan</i>
West Newport Mesa		Medical Office: <ul style="list-style-type: none"> ▪ FAR 0.25 to 1.25 Residential: <ul style="list-style-type: none"> ▪ 26.8 to 30 d.u./acre General Commercial: <ul style="list-style-type: none"> ▪ FAR 0.3 to 0.5 Neighborhood Commercial: <ul style="list-style-type: none"> ▪ FAR: 0.3 	Medical Office: <ul style="list-style-type: none"> ▪ Area increased ▪ FAR 0.75 Residential: <ul style="list-style-type: none"> ▪ 18 d.u./acre General Commercial: <ul style="list-style-type: none"> ▪ Area decreased ▪ FAR 0.75 Neighborhood Commercial: <ul style="list-style-type: none"> ▪ No Change Existing institutional uses re-designated PI with reduced FAR		
	46,038	54,769	42,632	-12,137	-3,406
<i>Subarea Total</i>	477,180	504,818	450,697	-59,317	-26,483
Remainder of City	488,531	486,094	486,094	0	-2,437
Citywide Total	965,711	990,912	936,791	-59,317	-28,920