

INITIAL STUDY

FOR:

NEWPORT BEACH

GENERAL PLAN

LAND USE ELEMENT

AMENDMENT

(PA2013-098)

prepared for:

**CITY OF NEWPORT
BEACH**

Contact:
Gregg Ramirez
Senior Planner Director

prepared by:

**THE PLANNING
CENTER|DC&E**

Contact:
JoAnn Hadfield
Principal, Environmental
Services

OCTOBER 2013

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Contact:
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CNB-15.0

OCTOBER 2013

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1. Introduction

The City of Newport Beach is circulating this Initial Study (IS) for the City of Newport Beach General Plan Land Use Element Amendment (proposed project) for public review and comment. This Initial Study has been prepared in accordance with the California Environmental Quality Act (CEQA), as amended, to determine if approval of the discretionary actions requested and subsequent development would have a significant impact on the environment.

As defined by Section 15063 of the CEQA Guidelines, an Initial Study is prepared primarily to provide the lead agency with information to use as the basis for determining whether a negative declaration, mitigated negative declaration, or environmental impact report (EIR) would be appropriate for providing the necessary environmental documentation and clearance for the proposed project.

1.1 PROJECT LOCATION

The proposed project consists of an amendment to the 2006 General Plan Land Use Element to adjust the development potential in certain statistical areas of the City and to create additional development opportunities in areas where there is interest and need. Location details for the various proposed land use modifications are described in Section 1.3, *Project Description*.

The City of Newport Beach is on the western boundary of Orange County in Southern California. The City is bordered by Huntington Beach to the northwest, Costa Mesa to the north, Irvine to the northeast, and unincorporated areas (Crystal Cove State Park) of Orange County to the southeast (see Figure 1, *Regional Vicinity Map*).

Figure 2, *Citywide Aerial*, provides a visual of the regional access to the City provided by various freeways. Interstate 405 runs north to south across the Southern California region and intersects State Route 73 (San Joaquin Hills Transportation Corridor) and State Route 55. State Route 55 also runs north to south and terminates in the City of Costa Mesa. State Route 73 runs along the northwestern boundary of the City limits and connects with Interstate 5 further south in Laguna Beach. Highway 1 (East/West Coast Highway) runs along Newport Beach and the entire California coast.

1.2 ENVIRONMENTAL SETTING

1.2.1 2006 General Plan

The General Plan is a state-required legal document (Government Code Section 65300) that provides guidance to decision makers regarding the conservation of resources and the future physical form and character of development for the city. It is the official statement of the jurisdiction regarding the extent and types of development of land and infrastructure that will achieve the community's physical, economic, social,

1. Introduction

and environmental goals. The General Plan expresses the City's goals and articulates the City's intentions with respect to the rights and expectations of the general public, property owners, community interest groups, prospective investors, and business interests. A comprehensive update of the City of Newport Beach General Plan was adopted on July 25, 2006. The 2006 update provided comprehensive land use, housing, circulation and infrastructure, public service, resource conservation, and public safety policies for the entire city.

Land Use Designations

The City of Newport Beach Planning Area contains approximately 32,148 acres or 51.5 square miles. Approximately 49 percent (16,494 acres) of the Planning Area is water, including the Upper and Lower Newport Bay, its water channels, and the Pacific Ocean. Excluded from the net acreage are streets and roadways, which account for approximately 20 percent of the total gross land acreage. The 2006 General Plan categorizes land uses into the following types:

- **Residential.** A mix of housing developed at varying densities and types, including single-family detached, single-family attached, two-family residential, multifamily residential, and mixed residential.
- **Commercial/Office.** Commercial uses offering retail and service and professional businesses housed in offices (e.g., accountants, architects). Retail and commercial businesses consist of those that serve local needs, such as restaurants, neighborhood markets and dry cleaners, and those that serve community or regional needs, such as automobile dealers and furniture stores. Visitor-serving retail uses such as regional shopping centers and hotels are also included.
- **Industrial.** A mix of manufacturing and light industrial uses, some of which are found in business, research, and development parks. Light industrial uses include warehousing and some types of assembly work. Wholesaling and warehousing are also included.
- **Governmental, Education, and Institutional Facilities.** Government buildings, libraries, schools, churches, and other public institutions. These uses support civic, cultural, and educational needs of residents.
- **Open Space.** Public and private recreational spaces, local and regional parks, and beaches. Golf courses also contribute to open space and are included in this category.
- **Vacant.** All undeveloped lands that are not preserved in perpetuity as open space or other public purposes.
- **Water.** Bay, harbor, channels, and reservoirs.

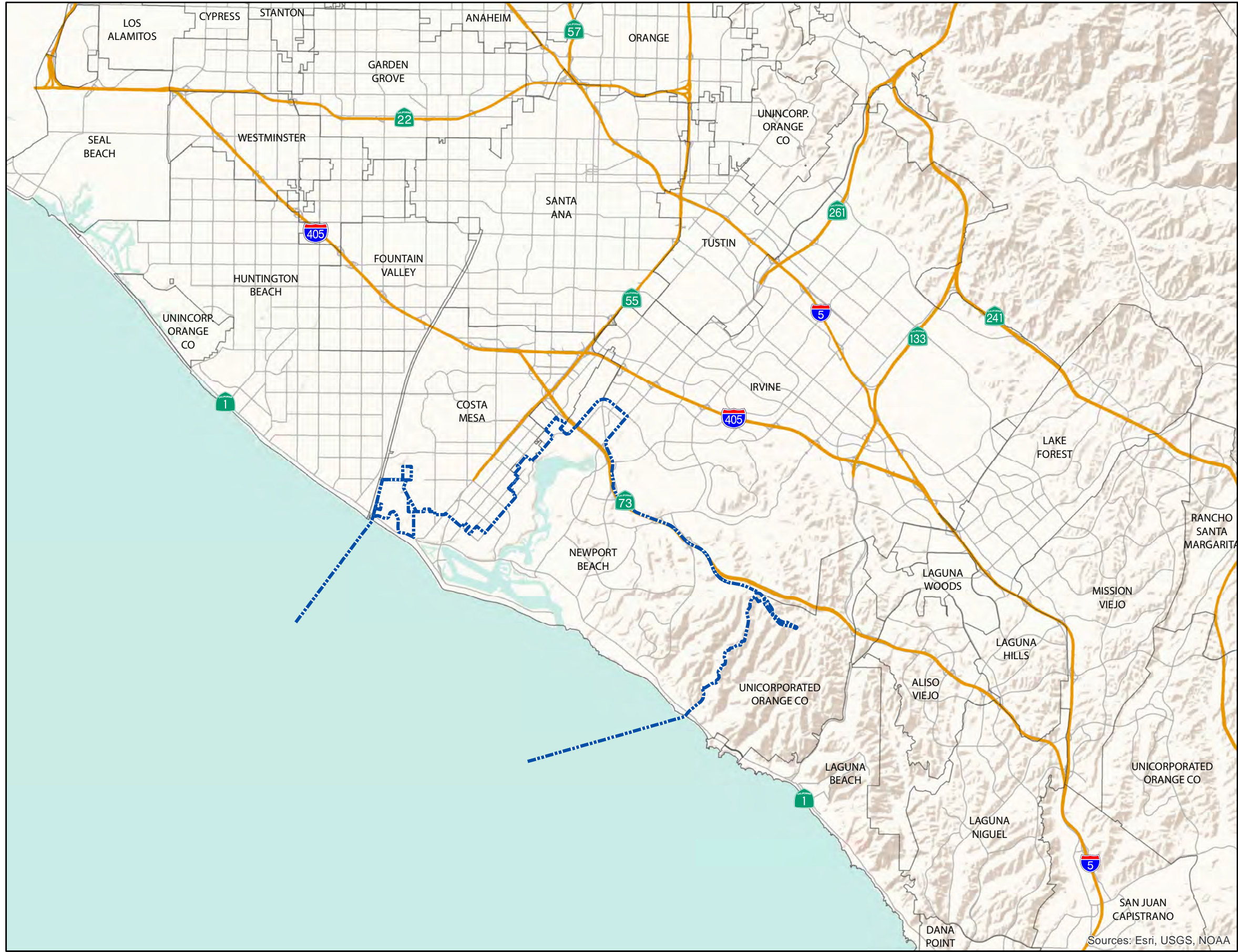


Figure 1.

Regional Vicinity Map

- - - - City Boundary
- Freeway
- Major Arterial Roads



Land Use Element Update
Initial Study



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Sources: Esri, USGS, NOAA

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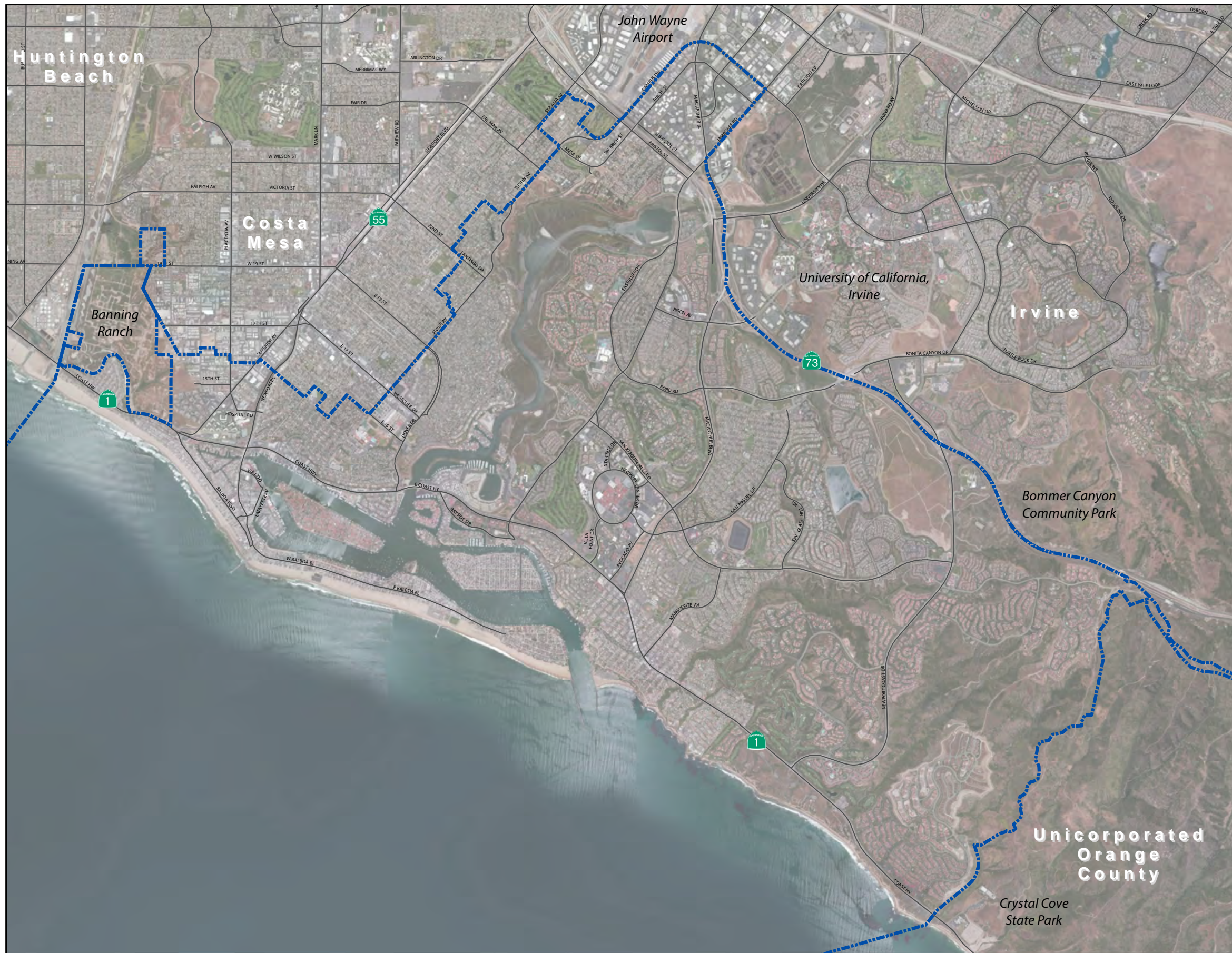


Figure 2.
Citywide Aerial

City Boundary

Note:
The City of Newport Beach Planning Area is surrounded by other developed areas of the cities of Huntington Beach, Costa Mesa, Irvine, and unincorporated areas of Orange County. Directly adjacent to the City's boundaries include Banning Ranch to the northeast, the John Wayne Airport and residential homes to the north, University of California, Irvine along the northeast, Bommer Canyon Community Park to the east, and Crystal Cove State Park to the south.



Land Use Element Update
Initial Study

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Statement of Objectives

Based on extensive public outreach and participation, the Planning Commission and the City Council approved the following objectives for the 2006 General Plan:

- Preserve and enhance Newport Beach's character as a beautiful, unique residential community.
- Reflect a conservative growth strategy that
 - Balances needs for housing, jobs and services.
 - Limits land use changes to a very small amount of the City's land area.
 - Directs land use changes to areas where residents have expressed a willingness to consider change and where sustainable development can occur.
 - Protects natural resources, open space, and recreational opportunities.
- Protect and enhance water quality.
- Protect and enhance recreational opportunities and public access to open space and natural resources.
- Modify land uses, densities, and intensities so that traffic generation is controlled.

1.2.2 Surrounding Land Use

As shown in Figure 2, *Citywide Aerial*, the City of Newport Beach Planning Area is surrounded by other developed areas of the cities of Huntington Beach, Costa Mesa, Irvine, and unincorporated areas of Orange County. Significant land uses directly adjacent to the City's boundaries are Banning Ranch to the northeast, the John Wayne Airport and residential homes to the north, University of California, Irvine, along the northeast, Bommer Canyon Community Park to the east, and Crystal Cove State Park to the south.

1.3 PROJECT DESCRIPTION

1.3.1 Overview

Objective/Purpose

Subsequent to the adoption of the 2006 General Plan and 2010 Zoning Code, it became apparent that an amendment to the Land Use Element is needed to reflect the changes in the economy and market, recent legislation, and emerging best practices. In conjunction with the Land Use Element Amendment Advisory Committee (Advisory Committee), City staff and their consultants considered potential amendments to 1) increase/decrease development capacity in specific areas of the City and 2) identify General Policy revisions related to land use changes and in support of recent Neighborhood Revitalization efforts. In some statistical areas of the City, amendments to land use designations are proposed to reflect development that will not occur. Other areas have been identified that can benefit from a reallocation of unbuilt building intensity and/or residential units. One focus of potential land use changes included an evaluation of anticipated changes in daily trip generation and related traffic impacts.

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1.3.2 Proposed Land Use Changes

With input from the advisory committee and the community, the proposed project identifies opportunity sites in the City that, if changed, would better reflect the City's vision for development and growth. These subareas are numbered and indexed on Figure 3, *Proposed Areas of Change*. Table 1, *Proposed Land Use Changes*, details the land use changes proposed for each subarea. The table compares the existing land use designation of the subarea, existing development, and allowable development capacity to the proposed land use designation, increase or decrease in development capacity, and estimated changes in average daily trips (ADT). The subareas are separated into three categories:

- Areas with Reduced Development Capacity (red numbers on Figure 3)
- Areas with Increased Development Capacity (green numbers on Figure 3)
- Areas with Change of Land Use Designation and Increased Development Capacity (blue numbers on Figure 3)

Figures 4 through 10 provide additional location information for the proposed land use amendments:

- Figure 4, *Airport Area Proposed Changes* (Figure 3, No. 4; Table 1, Nos. 4A through 4D)
- Figure 5, *Fashion Island/Newport Center Proposed Changes* (Figure 3 and Table 1, No. 5)
- Figure 6, *West Newport Area Proposed Changes* (Figure 3 and Table 1, Nos. 1, 3, 11)
- Figure 7, *Central Newport Area Proposed Changes* (Figure 3 and Table 1, Nos. 2, 8, 16)
- Figure 8, *Harbor View Areas Proposed Changes* (Figure 3 and Table 1, Nos. 9 and 12)
- Figure 9, *The Bluffs Area Proposed Changes* (Figure 3 and Table 1, No. 10)
- Figure 10, *Newport Coast Area Proposed Changes* (Figure 3 and Table 1, No. 6, 7, 15)

1. Introduction

Table 1 Proposed Land Use Changes

AREAS WITH REDUCED DEVELOPMENT CAPACITY								
Map Reference	Location	2006 General Plan		Existing	Proposed Changes			ADT Changes
		Designation	Allowable		Designation	Increase (Reduction)	Remaining	
3	Westcliff Plaza 1000–1150 Irvine Avenue	Neighborhood Commercial (CN)	138,500 SF	112,986 SF	No Change	(15,514 SF)	10,000 SF	(593)
6	Newport Coast Center 21101–21185 Newport Coast Drive	Neighborhood Commercial (CN)	141,787 SF	103,712 SF	No Change	(37,875 SF)	200 SF	(1,448)
7	Newport Coast Hotel	Visitor-Serving Commercial (CV)	2,150 rooms	1,104 rooms	No Change	(1,001 rooms)	45 rooms	(7,588)
8	Bayside Center 900–1090 Bayside Drive	Neighborhood Commercial (CN)	66,000 SF	65,284 SF	No Change	(366 SF)	350 SF	(14)
9	Harbor View Center 1610–1666 San Miguel Drive	Neighborhood Commercial (CN)	74,000 SF	71,993 SF	No Change	(1,857 SF)	150 SF	(71)
10	The Bluffs 1302–1380 Bison Avenue	General Commercial (CG)	54,000 SF	50,312 SF	No Change	(3,538 SF)	150 SF	(135)
11	Gateway Park 3531 Newport Boulevard	Commercial Corridor (CC)	4,356 SF	0	Parks and Recreation (PR)	(4,356 SF)	0	(167)
15	Newport Ridge (various locations)	Multi-Unit Residential (RM) Single Unit Residential Detached (RS-D)	2,550 DUs	2,187 DUs	No Change	(356 DUs)	7 DUs	(2,370)

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Table 1 Proposed Land Use Changes

AREAS WITH INCREASED DEVELOPMENT CAPACITY								
Map Reference	Location	2006 General Plan		Existing	Proposed Changes			ADT Changes
		Designation	Allowable		Designation	Capacity	Increase / (Decrease)	
5	Newport Center/ Fashion Island	Regional Commercial (CR), Regional Commercial Office (CO-R), Medical Commercial Office (CO-M), Mixed Use Horizontal (MU-H3), Visitor-Serving Commercial (CV), Multi-Unit Residential (RM)	Various	Retail, Office, Residential, Hotel	No Change	Varies	Regional Office 500,000 SF; Regional Commercial 50,000 SF; Multi-Family 500 units	8,768
17	150 Newport Center Drive	Regional Commercial Office (CO-R)	8,500 SF	8,500 SF Car Wash	Mixed-Use Horizontal (MU-H3)	125 hotel rooms (24.8 K SF Commercial)	125 hotel rooms (24.8 K SF Commercial)	623
18	100 Newport Center Drive	Regional Commercial Office (CO-R)	17,500 SF	17,500 SF Museum	Mixed-Use Horizontal (MU-H3)	32,500 SF	15,000 SF	352
12	Harbor Day School 3443 Pacific View Drive	Private Institutional	.35 FAR 408 Students	99,708 SF 408 Students	No Change	.40 FAR 480 Students	14,244 SF 72 Students	94
4	Saunders Properties	Airport Office and Supporting Uses (AO)	306,923 SF Office	360,923 SF Office	Mixed Use Horizontal (MU-H2)	545,000 SF office 329 DUs	238,077 SF 329 DUs	5,040
	The Hangars	General Commercial Office (CO-G)	288,264 SF Office	288,264 SF Office	General Commercial (CG)	278,264 SF office	11,800 SF retail	342
	Lyon Communities	Mixed Use Horizontal (MU-H2)	250,176 SF Office	250,176 SF Office	No Change	Retail: 85K SF Res: 850 replacement DUs Hotel: 150 rms	Retail: 85K SF Res: 850 replacement DUs Hotel: 150 rms	5,780

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Table 1 Proposed Land Use Changes

	UAP Companies 4699 Jamboree Road and 5190 Campus Drive	Mixed Use Horizontal (MU-H2)	46,044 SF Office	46,044 SF Office	Mixed Use Horizontal (MU-H2)	Mixed Use: 46,044 SF Congregate Care: 148,000 SF	Revise Anomaly #6 to allow 2.0 FAR if trip neutral congregated care	0
16	Promontory Point Apartments 200 Promontory Drive West	Multiple Residential (RM) 520 DUs	520 DUs	520 DUs	No Change	570 DUs	50DUs	269

AREAS WITH CHANGE OF LAND USE DESIGNATION AND INCREASED DEVELOPMENT CAPACITY

Map Reference	Location	2006 General Plan		Existing	Proposed Changes		ADT Changes
		Designation	Allowable		Designation	Density	
1	1526 Placentia (King's Liquor)	Multi-Unit Residential (RM)	18 DU/AC	Retail: 7,524 SF	General Commercial (CG)	0.5 FAR	251
2	813 East Balboa Boulevard	Two-Unit Residential (RT)	2 units	Day Spa: 1,917 SF	Mixed-Use Vertical (MU-V)	0.75 FAR	65

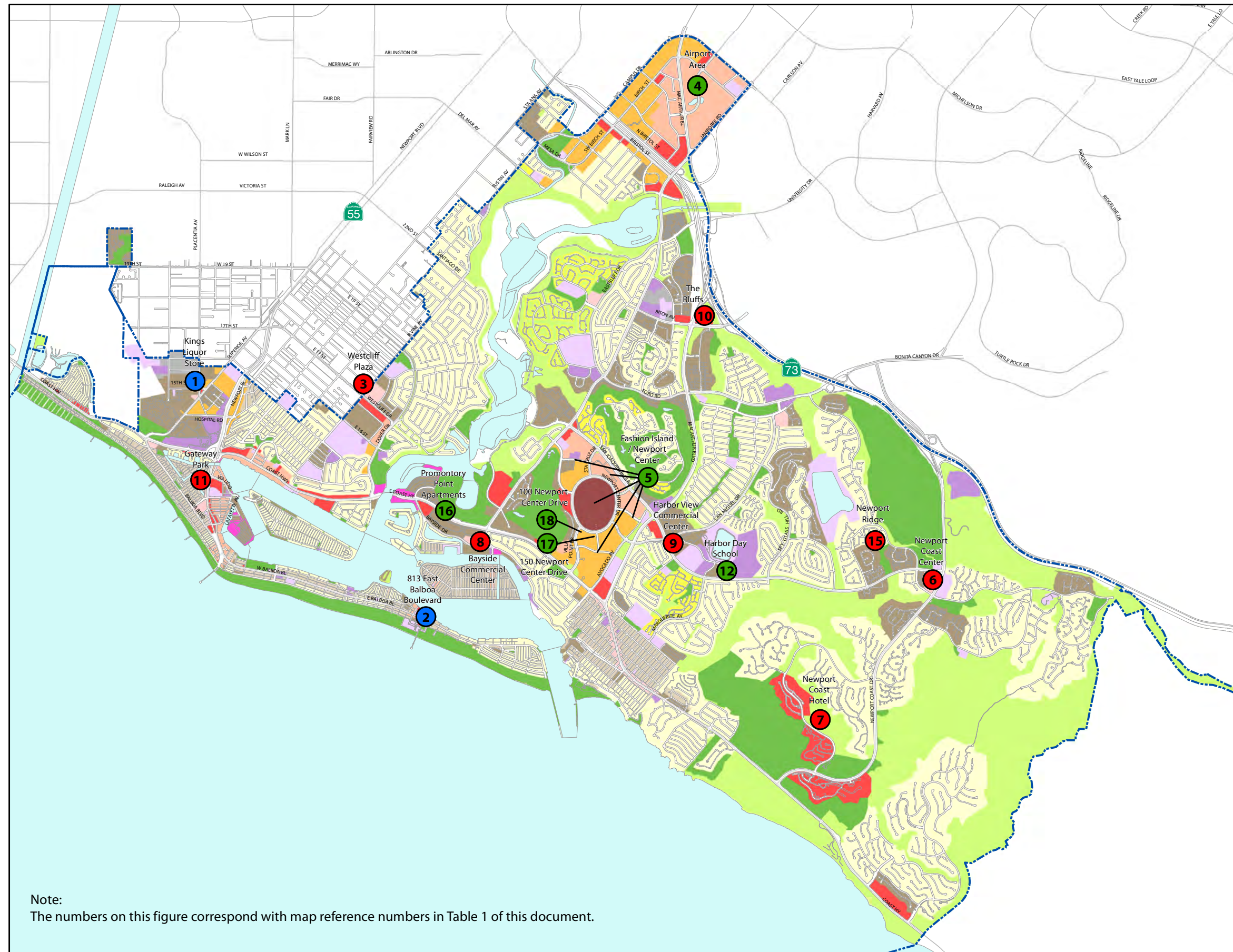
ADT = Average Daily Trips
DU = Dwelling Units
FAR = Floor to land Area Ratio
SF = Square Feet

1. ADT based on increase of students. An existing Use Permit limits the number of students to 408. An increase in students would require an amendment to that permit, and project-specific impacts would be evaluated at that time.

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Figure 3.
Proposed Areas of Change



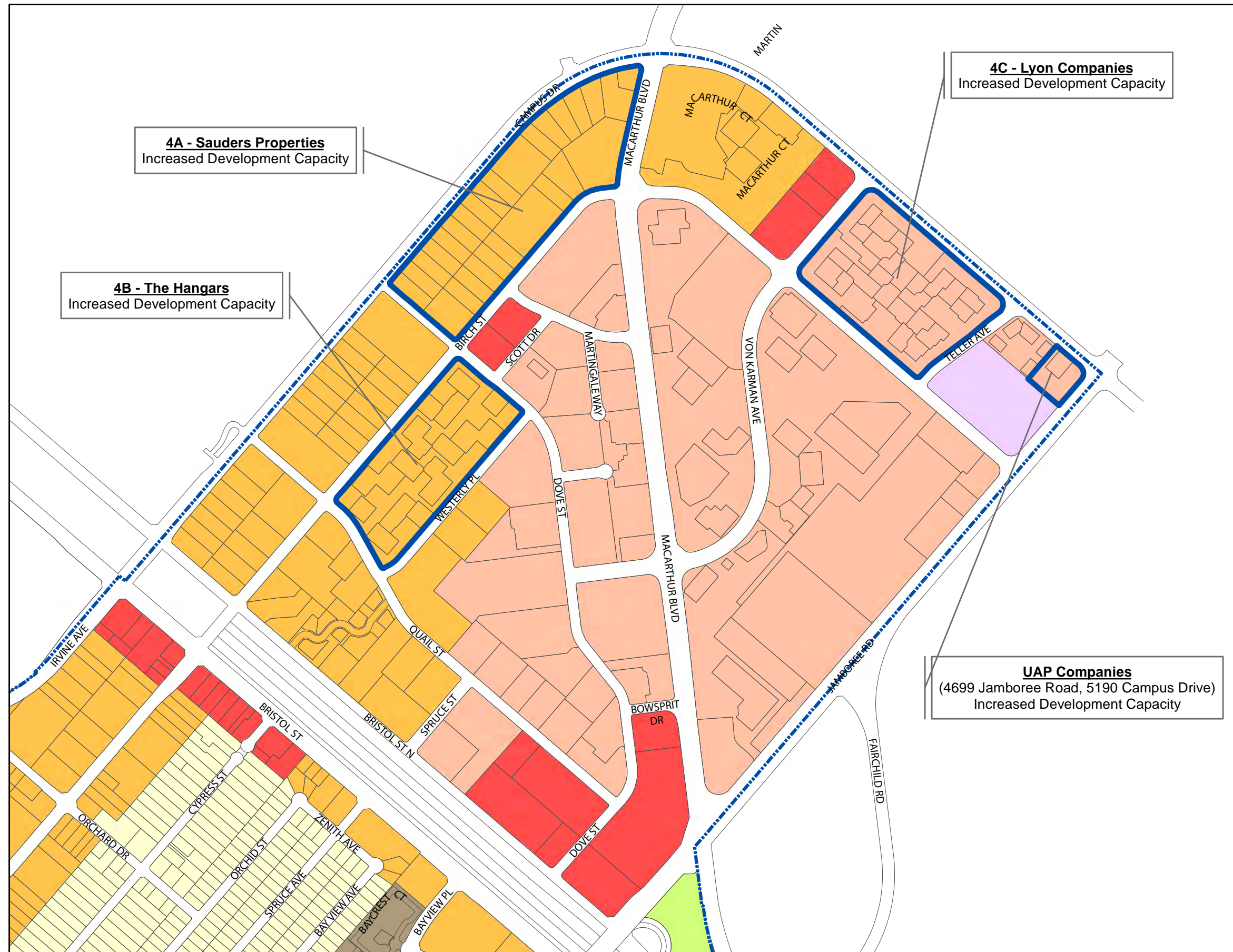
- Areas of Increased Development Capacity
 - Areas of Reduced Development Capacity
 - Areas with Change of Land Use Designation and Increased Development Capacity
 - City Boundary
- Residential Neighborhoods**
- RS-D - Single-Unit Residential Detached
 - RS-A - Single-Unit Residential Attached
 - RT - Two-Unit Residential
 - RM - Multiple Unit Residential
 - RM-D - Multiple-Unit Residential Detached
- Commercial Districts and Corridors**
- CN - Neighborhood Commercial
 - CC - Corridor Commercial
 - CG - General Commercial
 - CV - Visitor Serving Commercial
 - CM - Recreational and Marine Commercial
 - CR - Regional Commercial
- Commercial Office Districts**
- CO-G - General Commercial Office
 - CO-M - Medical Commercial Office
 - CO-R - Regional Commercial Office
- Industrial Districts**
- IG - Industrial
- Airport Supporting Districts**
- AO - Airport Office and Supporting Uses
- Mixed-Use Districts**
- MU-V - Mixed Use Vertical
 - MU-H - Mixed Use Horizontal
 - MU-W - Mixed Use Water
- Public, Semi-Public and Institutional**
- PI - Private Institutions
 - PF - Public Facilities
 - PR - Parks and Recreation
 - OS - Open Space

Note:
The numbers on this figure correspond with map reference numbers in Table 1 of this document.

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Figure 4.
**Airport Area
 Proposed Changes**

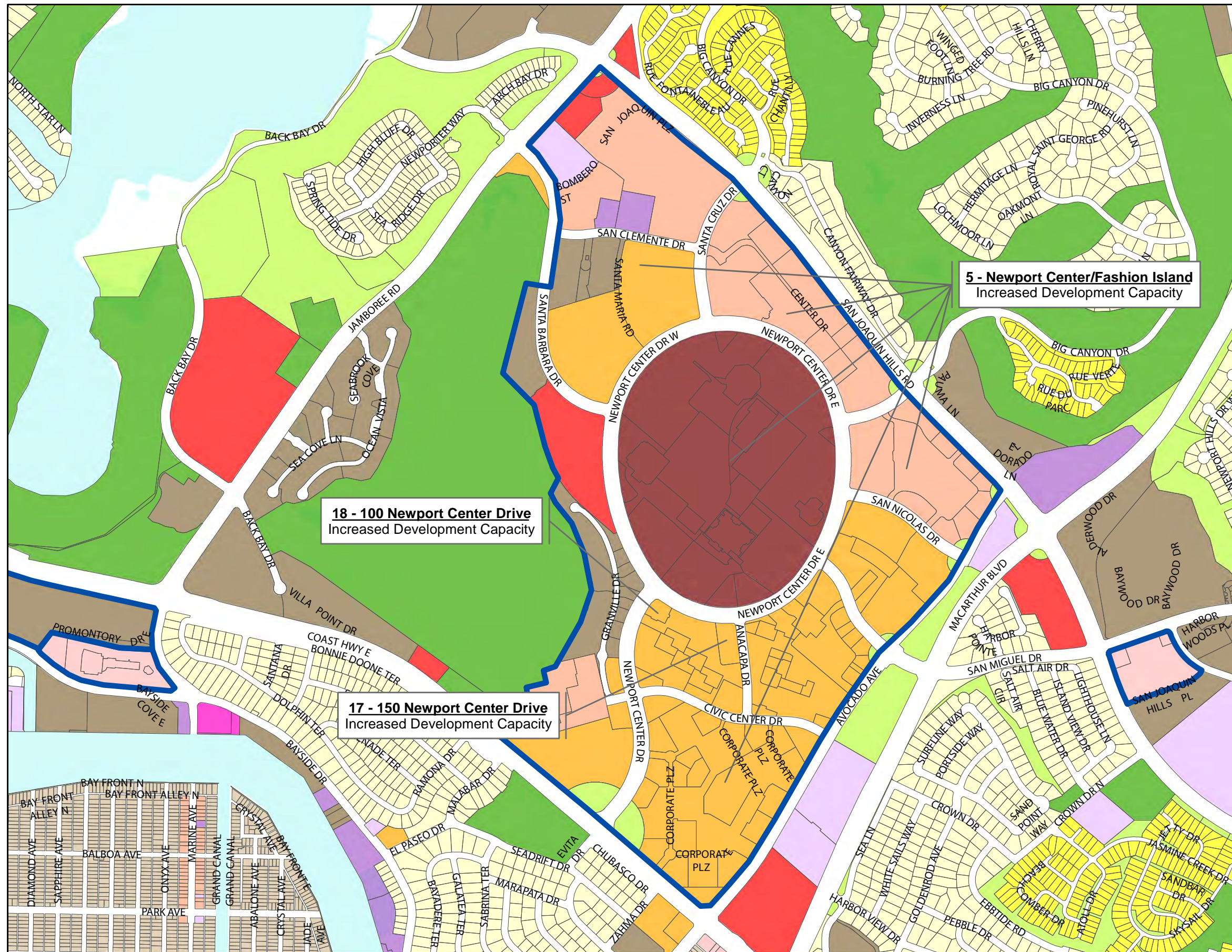


- City Boundary
- ▭ Areas of Change
- Residential Neighborhoods**
- ▭ RS-D - Single-Unit Residential Detached
- ▭ RS-A - Single-Unit Residential Attached
- ▭ RT - Two-Unit Residential
- ▭ RM - Multiple Unit Residential
- ▭ RM-D - Multiple-Unit Residential Detached
- Commercial Districts and Corridors**
- ▭ CN - Neighborhood Commercial
- ▭ CC - Corridor Commercial
- ▭ CG - General Commercial
- ▭ CV - Visitor Serving Commercial
- ▭ CM - Recreational and Marine Commercial
- ▭ CR - Regional Commercial
- Commercial Office Districts**
- ▭ CO-G - General Commercial Office
- ▭ CO-M - Medical Commercial Office
- ▭ CO-R - Regional Commercial Office
- Industrial Districts**
- ▭ IG - Industrial
- Airport Supporting Districts**
- ▭ AO - Airport Office and Supporting Uses
- Mixed-Use Districts**
- ▭ MU-V - Mixed Use Vertical
- ▭ MU-H - Mixed Use Horizontal
- ▭ MU-W - Mixed Use Water Related
- Public, Semi-Public and Institutional**
- ▭ PI - Private Institutions
- ▭ PF - Public Facilities
- ▭ PR - Parks and Recreation
- ▭ OS - Open Space

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Figure 5.
Fashion Island/Newport Center
Proposed Changes



- City Boundary
- Areas of Change
- Residential Neighborhoods**
- RS-D - Single-Unit Residential Detached
- RS-A - Single-Unit Residential Attached
- RT - Two-Unit Residential
- RM - Multiple Unit Residential
- RM-D - Multiple-Unit Residential Detached
- Commercial Districts and Corridors**
- CN - Neighborhood Commercial
- CC - Corridor Commercial
- CG - General Commercial
- CV - Visitor Serving Commercial
- CM - Recreational and Marine Commercial
- CR - Regional Commercial
- Commercial Office Districts**
- CO-G - General Commercial Office
- CO-M - Medical Commercial Office
- CO-R - Regional Commercial Office
- Industrial Districts**
- IG - Industrial
- Airport Supporting Districts**
- AO - Airport Office and Supporting Uses
- Mixed-Use Districts**
- MU-V - Mixed Use Vertical
- MU-H - Mixed Use Horizontal
- MU-W - Mixed Use Water Related
- Public, Semi-Public and Institutional**
- PI - Private Institutions
- PF - Public Facilities
- PR - Parks and Recreation
- OS - Open Space

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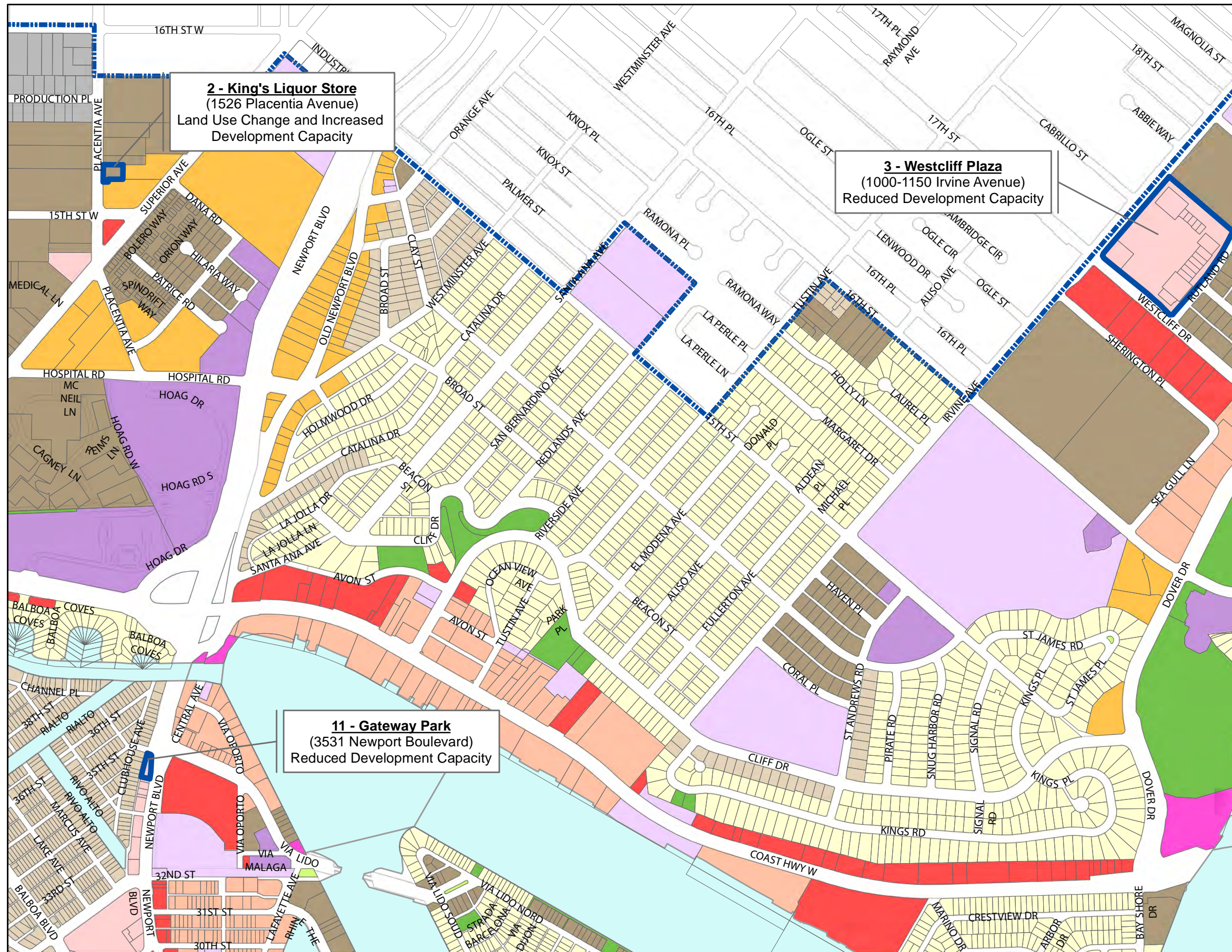


Figure 6.
West Newport Area
Proposed Changes

- ▬▬▬ City Boundary
- Areas of Change
- Residential Neighborhoods**
- RS-D - Single-Unit Residential Detached
- RS-A - Single-Unit Residential Attached
- RT - Two-Unit Residential
- RM - Multiple Unit Residential
- RM-D - Multiple-Unit Residential Detached
- Commercial Districts and Corridors**
- CN - Neighborhood Commercial
- CC - Corridor Commercial
- CG - General Commercial
- CV - Visitor Serving Commercial
- CM - Recreational and Marine Commercial
- CR - Regional Commercial
- Commercial Office Districts**
- CO-G - General Commercial Office
- CO-M - Medical Commercial Office
- CO-R - Regional Commercial Office
- Industrial Districts**
- IG - Industrial
- Airport Supporting Districts**
- AO - Airport Office and Supporting Uses
- Mixed-Use Districts**
- MU-V - Mixed Use Vertical
- MU-H - Mixed Use Horizontal
- MU-W - Mixed Use Water Related
- Public, Semi-Public and Institutional**
- PI - Private Institutions
- PF - Public Facilities
- PR - Parks and Recreation
- OS - Open Space

1. Introduction

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Figure 7.
Central Newport Area
Proposed Changes

- City Boundary
- Areas of Change
- Residential Neighborhoods**
- RS-D - Single-Unit Residential Detached
- RS-A - Single-Unit Residential Attached
- RT - Two-Unit Residential
- RM - Multiple Unit Residential
- RM-D - Multiple-Unit Residential Detached
- Commercial Districts and Corridors**
- CN - Neighborhood Commercial
- CC - Corridor Commercial
- CG - General Commercial
- CV - Visitor Serving Commercial
- CM - Recreational and Marine Commercial
- CR - Regional Commercial
- Commercial Office Districts**
- CO-G - General Commercial Office
- CO-M - Medical Commercial Office
- CO-R - Regional Commercial Office
- Industrial Districts**
- IG - Industrial
- Airport Supporting Districts**
- AO - Airport Office and Supporting Uses
- Mixed-Use Districts**
- MU-V - Mixed Use Vertical
- MU-H - Mixed Use Horizontal
- MU-W - Mixed Use Water Related
- Public, Semi-Public and Institutional**
- PI - Private Institutions
- PF - Public Facilities
- PR - Parks and Recreation
- OS - Open Space

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Figure 8.
Harbor View Area
Proposed Changes



9 - Harbor View Commercial Center
(1610 - 1666 San Miguel Drive)
Reduced Development Capacity

12 - Harbor Day School
(3443 Pacific View Drive)
Increased Development Capacity

- City Boundary
- Areas of Change
- Residential Neighborhoods**
- RS-D - Single-Unit Residential Detached
- RS-A - Single-Unit Residential Attached
- RT - Two-Unit Residential
- RM - Multiple Unit Residential
- RM-D - Multiple-Unit Residential Detached
- Commercial Districts and Corridors**
- CN - Neighborhood Commercial
- CC - Corridor Commercial
- CG - General Commercial
- CV - Visitor Serving Commercial
- CM - Recreational and Marine Commercial
- CR - Regional Commercial
- Commercial Office Districts**
- CO-G - General Commercial Office
- CO-M - Medical Commercial Office
- CO-R - Regional Commercial Office
- Industrial Districts**
- IG - Industrial
- Airport Supporting Districts**
- AO - Airport Office and Supporting Uses
- Mixed-Use Districts**
- MU-V - Mixed Use Vertical
- MU-H - Mixed Use Horizontal
- MU-W - Mixed Use Water Related
- Public, Semi-Public and Institutional**
- PI - Private Institutions
- PF - Public Facilities
- PR - Parks and Recreation
- OS - Open Space

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Figure 9.
The Bluffs Area
Proposed Changes



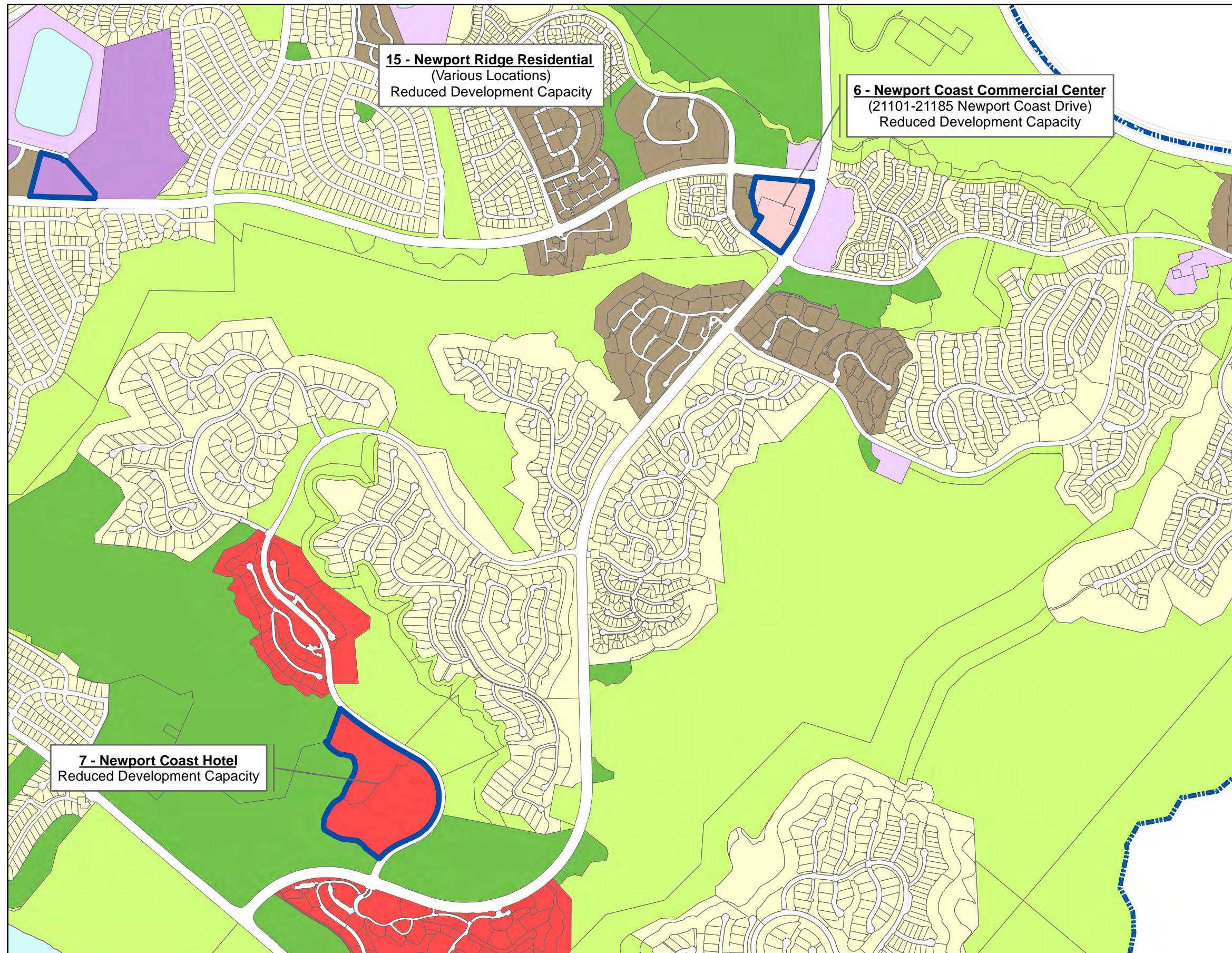
10 - The Bluffs Commercial Center
(1302 - 1380 Bison Avenue)
Reduced Development Capacity

- ▬▬▬▬ City Boundary
- Areas of Change
- Residential Neighborhoods**
- RS-D - Single-Unit Residential Detached
- RS-A - Single-Unit Residential Attached
- RT - Two-Unit Residential
- RM - Multiple Unit Residential
- RM-D - Multiple-Unit Residential Detached
- Commercial Districts and Corridors**
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- CV - Visitor Serving Commercial
- CM - Recreational and Marine Commercial
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- Commercial Office Districts**
- CO-G - General Commercial Office
- CO-M - Medical Commercial Office
- CO-R - Regional Commercial Office
- Industrial Districts**
- IG - Industrial
- Airport Supporting Districts**
- AO - Airport Office and Supporting Uses
- Mixed-Use Districts**
- MU-V - Mixed Use Vertical
- MU-H - Mixed Use Horizontal
- MU-W - Mixed Use Water Related
- Public, Semi-Public and Institutional**
- PI - Private Institutions
- PF - Public Facilities
- PR - Parks and Recreation
- OS - Open Space

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Figure 10.
Newport Coast Area
Proposed Changes



- ▬▬▬▬ City Boundary
- Areas of Change
- Residential Neighborhoods**
- RS-D - Single-Unit Residential Detached
- RS-A - Single-Unit Residential Attached
- RT - Two-Unit Residential
- RM - Multiple Unit Residential
- RM-D - Multiple-Unit Residential Detached
- Commercial Districts and Corridors**
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- CR - Regional Commercial
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- CO-G - General Commercial Office
- CO-M - Medical Commercial Office
- CO-R - Regional Commercial Office
- Industrial Districts**
- IG - Industrial
- Airport Supporting Districts**
- AO - Airport Office and Supporting Uses
- Mixed-Use Districts**
- MU-V - Mixed Use Vertical
- MU-H - Mixed Use Horizontal
- MU-W - Mixed Use Water Related
- Public, Semi-Public and Institutional**
- PI - Private Institutions
- PF - Public Facilities
- PR - Parks and Recreation
- OS - Open Space

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1. Introduction

Areas with Reduced Development Capacity

As shown in Table 1, the proposed project would reduce allowable square footage, rooms, or dwelling units in eight different subareas: the Westcliff Plaza, Newport Coast Center, Newport Coast Hotel, Bayside Center, Harbor View Center, The Bluffs, Gateway Park, and Newport Ridge. The most significant change in development capacity would be the reduction in entitlement for the Newport Coast subarea, which upon approval of the amendment would allow 1,001 fewer hotel units and a reduction 37,875 square feet of neighborhood commercial use. In total, the areas proposed for reduced development capacity would reduce ADTs by 12,386.

Areas with Increased Development Capacity

Areas proposed for increased development capacity through increasing square footage, rooms, or dwelling units include Newport Center/Fashion Island, Harbor Day School, the Airport Area (consisting of the Saunders Properties, The Hangars, Lyon Communities, and UAP Companies), Promontory Point Apartments, 150 Newport Center Drive, and 100 Newport Center Drive.

Newport Center/Fashion Island

One of the most significant changes from the existing land use plan would be in the Newport Center/Fashion Island subarea, shown in Figure 5, *Fashion Island/Newport Center Proposed Changes*. This subarea is currently a major commercial area with a variety of existing retail, office, residential, and hotel uses. The proposed land use element amendment would increase allowable square footage for regional office space (additional 500,000 sf), regional commercial space (additional 50,000 sf), and multifamily dwelling units (additional 500 units). The increase in development capacity would generate an estimated additional 8,768 daily trips.

Airport Area

The Airport Area is another subarea proposed for considerable changes from the existing land use plan. The project proposes changes to four properties within the subarea: Saunders Properties, The Hangars, Lyon Communities, and UAP Companies (see Figure 4, *Airport Area Proposed Changes*). Currently, the four properties only consist of office buildings. The proposed project would allow for increased square footage for retail and office uses as well as residential dwelling units and hotel rooms. As with Newport Center/Fashion Island, the Airport Area would allow for denser infill development and an estimated additional 11,162 daily trips.

Areas with Change of Land Use Designation and Increased Development Capacity

The proposed land use element amendment also proposes a change of land use designation and increased development capacity for two parcels in the City: 1526 Placentia Avenue and 813 East Balboa Boulevard. These parcels are currently designated as residential uses, and the proposed changes are to general commercial and mixed-use vertical uses to allow for more diverse uses of the parcels. These changes would increase ADTs by 316.

1. Introduction

1.3.3 Land Use Element Policy Changes, Zoning Code and Map

The project is also anticipated to include Land Use Element Policy revisions related to the proposed land use changes and in support of recent Neighborhood Revitalization efforts. Some policies may be updated/refined as needed to reflect new legislative requirements and/or based on suggested improvements since their adoption in 2006.

The project will also require amendments to the Zoning Code and Map to assure consistency with the updated Land Use Element.

1.3.4 Local Coastal Plan

The administrative draft amendment to the General Plan will be reviewed for their implications for the Newport Beach Coastal Land Use Plan (LUP), and as necessary, amendments to the LUP will be prepared to assure consistency. It is anticipated that these amendments will be processed concurrently with the General Plan Land Use Element Amendment by the City and subsequently presented to the Coastal Commission for certification.

1.4 PROCESS AND APPROVALS

On November 7, 2000, the Newport Beach electorate approved Measure S, which amended the Newport Beach City Charter by adding Section 423. In general terms, Section 423 requires voter approval of any major amendment of the Newport Beach General Plan. According to Section 423, a “major amendment” is one that significantly increases traffic or intensity or density of allowed and proposed uses. The guidelines for implementing Section 423 provide methodology and assumptions to be used for calculating the traffic (maximum peak hour trips), intensity (floor area), and density (dwelling units) of allowed uses and proposed uses. It is anticipated that the cumulative scope of the proposed building intensity and residential units adjustments included in the General Plan Land Use Element Amendment will require consideration by the voters, as required by City Charter Section 423. The City anticipates voter consideration of the proposed General Plan Land Use Element in November 2014.

Per the findings of this Initial Study, the proposed Land Use Element Amendment, a supplemental environmental impact report (SEIR) will be prepared. The requirements and approach to the SEIR are described below.

1.4.1 Supplemental EIR

A Supplemental EIR will be prepared for the General Plan Land Use Element Amendment in accordance with CEQA Guidelines Section 15163. Per the CEQA Guidelines, the supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised. The 2006 General Plan EIR will serve as “baseline” conditions for the proposed project, and the impacts of the proposed Land Use Element Amendment will be the incremental differences between conditions analyzed in the 2006 General Plan EIR and the proposed amendments.

1. Introduction

The process for a Supplemental EIR is the same as for any other draft EIR. The noticing and public review requirements are the same, and preparation of a Final EIR that responds to comments on the draft EIR is required.

1.4.2 City Discretionary Approvals

The Newport Beach City Council is the City's legislative body and the approving authority for the City of Newport Beach General Plan Land Use Element Amendment. In order to implement the proposed project, the City Council must take the following actions:

- Certification of the City of Newport Beach General Plan Land Use Element Amendment SEIR
- Adoption of Findings of Fact (and Statement of Overriding Considerations, if required)
- Adoption of a Mitigation Monitoring and Reporting Program
- Adoption of the City of Newport Beach General Plan Land Use Element Amendment

1. Introduction

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2. Environmental Checklist

2.1 BACKGROUND

1. Project Title: Newport Beach General Plan Land Use Element Amendment

2. Lead Agency Name and Address:

City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

3. Contact Person and Phone Number:

Gregg Ramirez, Senior Planner
(949) 644-3219

4. Project Location: The City of Newport Beach is in the Southern California region on the western boundary of Orange County and abuts the Pacific Ocean. The City is bordered by Huntington Beach to the northwest, Costa Mesa to the north, Irvine to the northeast, and unincorporated areas of Orange County to the southeast (see Figure 1, *Regional Vicinity Map*).

5. Project Sponsor's Name and Address:

City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

6. General Plan Designation: Various General Plan designations throughout the City. See Table 1.

7. Zoning: Various zoning designations throughout the City.

8. Description of Project A detailed description is included in Section 1.3.

9. Surrounding Land Uses and Setting: The City of Newport Beach Planning Area is surrounded by other developed cities, including Huntington Beach, Costa Mesa, and Irvine, and unincorporated areas of Orange County. Surrounding uses that are directly adjacent to the City's boundaries are Banning Ranch to the northeast; the John Wayne Airport and residential homes to the north; University of California, Irvine, along the northeast; Bommer Canyon Community Park to the east; and Crystal Cove State Park to the south (see Figure 2, *Citywide Aerial*).

10. Other Public Agencies Whose Approval Is Required:

Airport Land Use Commission consistency finding with Airport Environs Land Use Plan (AELUP)

2. Environmental Checklist

2.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact,” as indicated by the checklist on the following pages.

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural and Forest Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input checked="" type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input checked="" type="checkbox"/> Population / Housing | <input checked="" type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Transportation / Traffic | <input checked="" type="checkbox"/> Utilities / Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

2.3 DETERMINATION (TO BE COMPLETED BY THE LEAD AGENCY)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

Printed Name

For

2. Environmental Checklist

2.4 EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors, as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) **Earlier Analyses Used.** Identify and state where they are available for review.
 - b) **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) **Mitigation Measures.** For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

2. Environmental Checklist

- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

2. Environmental Checklist

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	X			
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	X			
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	
II. AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	X			
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	X			
c) 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	X			

2. Environmental Checklist

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Expose sensitive receptors to substantial pollutant concentrations?	X			
e) Create objectionable odors affecting a substantial number of people?			X	
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) 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?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	X			
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	X			
d) Disturb any human remains, including those interred outside of formal cemeteries?			X	
VI. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) 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? Refer to Division of Mines and Geology Special Publication 42.				X

2. Environmental Checklist

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) 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?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
VII. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	X			
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	X			
VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) 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?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) 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 it create a significant hazard to the public or the environment?	X			
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	X			
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X

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Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X	
IX. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or 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			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			X	
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Inundation by seiche, tsunami, or mudflow?			X	

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Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?			X	
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	X			
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
XI. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
XII. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	X			
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	X			
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	X			
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	X			
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	X			
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
XIII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	X			
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

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Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV. PUBLIC SERVICES. Would the project 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 any of the public services:				
a) Fire protection?	X			
b) Police protection?	X			
c) Schools?	X			
d) Parks?	X			
e) Other public facilities?			X	
XV. RECREATION.				
a) Would the project 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?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	
XVI. TRANSPORTATION/TRAFFIC. Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	X			
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	X			
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?			X	
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	X			

2. Environmental Checklist

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed waste water treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or waste water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	X			
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	X			
d) Have sufficient water supplies available to serve the project from existing entitlements and resources or are new or expanded entitlements needed?	X			
e) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	X			
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	X			
g) Comply with federal, state, and local statutes and regulations related to solid waste?	X			
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	X			
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	X			
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	X			

2. Environmental Checklist

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3. Environmental Analysis

Section 2.3 provided a checklist of environmental impacts. This section provides an evaluation of the impact categories and questions contained in the checklist and identifies mitigation measures, if applicable.

3.1 AESTHETICS

a) Have a substantial adverse effect on a scenic vista?

Potentially Significant Impact. The City is located along the coast and offers many scenic vistas of the ocean, bay, channels, and streams. Various roadways along higher elevations of the City provide panoramic viewsheds of the Pacific Ocean as well. The 2006 General Plan identifies various public viewpoints throughout the City (see Figure NR3, *Coastal Views*) that should be protected and enhanced as new development is built. More specifically, Goal NR 20 of the Natural Resources Element outlines various policies to preserve significant visual resources throughout the City, such as requiring new development to restore and enhance the visual quality of visually degraded areas or public viewpoints, protecting public view corridors and scenic roadway segments, and designing and siting landscaping on the edge of corridors to frame and accent the surrounding scenery.

The SEIR will review the proposed land uses changes for the potential to affect scenic vistas and for consistency with General Plan NR 20 and specific policies NR 20.1 through NR 20.5. The potential impact on public view points and along designated coastal view roads (Figure NR3) will be reviewed. Mitigation measures will be recommended, as needed. Therefore, impacts would be potentially significant and will be further analyzed in the SEIR.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. State Route 1, also known as Pacific Coast Highway, is identified as eligible for State Scenic Highway designation, but the City of Newport Beach would need to adopt a scenic corridor protection program and apply for scenic approval from Caltrans to designate the highway as an Officially Designated State Scenic Highway. Therefore, there are currently no officially designated state scenic highways in the City of Newport Beach. Thus, the proposed project would have no impact on scenic resources within a state scenic highway and no further analysis is required in the SEIR.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

Potentially Significant Impact. As stated above, the Natural Resources Element of the 2006 General Plan identifies roadways, corridors, and viewpoints throughout Newport Beach that should be protected, and enhanced as new development continues in the City. The proposed land use changes would allow increased infill development in some areas while decreasing development potential in other areas. In particular,

3. Environmental Analysis

development in accordance with proposed increases for Newport Center/Fashion Island and the Airport Area could potentially alter the visual character of these areas. The SEIR will further analyze the impacts of the project on the existing visual character, including, design, scale and viewsheds, of these study areas and the City overall.

d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

Less than Significant. As stated above, the City is nearly built out and a significant amount of ambient light already exists from surrounding cities and its own urban areas. Areas proposed for land use intensification are within existing, developed areas of the City and are not adjacent to open space or natural areas. The only areas proximate to open space are the Newport Coast uses, for which reduced development capacity is proposed. Existing General Plan policies and regulatory requirements per the City's Municipal Code Title 20 (Planning and Zoning), Chapter 20.60 (Property Development Standards), Section 20.30.070 (Outdoor Lighting) including general outdoor lighting standards, parking lot lighting standards, and outdoor lighting (spotlighting and floodlighting) would assure that lighting impacts associated with the proposed project would be less than significant. No further analysis is required in the SEIR.

3.2 AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. The proposed project would allow for the development of a mix of uses in highly urbanized areas of the City. Furthermore, the entire City of Newport Beach is nearly built out. According to the California Resource Agency's Department of Conservation "Orange County Important Farmland 2010" map, the City does not have any significant agricultural resources. Therefore, no impacts to farmland would occur under the proposed project and no further analysis is required in the SEIR.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The City of Newport Beach does not have any land designated or zoned for agricultural use, used for agriculture, or subject to a Williamson Act contract. Thus, no impacts to agricultural zoning or a Williamson Act contract would occur and no further analysis is required in the SEIR.

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- c) **Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

No Impact. The City of Newport Beach does not have any land designated or zoned for forestland, timberland, or timberland zoned Timberland Production. Thus, the proposed project would have no impacts on forest land in the City and no further analysis is required in the SEIR.

- d) **Result in the loss of forest land or conversion of forest land to non-forest use?**

No Impact. See response to Section 3.2(c), above.

- e) **Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?**

No Impact. See responses to Sections 3.2(a), (b), and (c), above.

3.3 AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- a) **Conflict with or obstruct implementation of the applicable air quality plan?**

Potentially Significant Impact. Newport Beach is in the South Coast Air Basin (SoCAB) and is subject to the air quality management plan (AQMP) prepared by the South Coast Air Quality Management District (SCAQMD). The 2006 General Plan EIR identified significant impacts from buildout of the General Plan with regard to consistency with the AQMP. At the time of the 2006 General Plan EIR, the AQMP was SCAQMD's 2003 AQMP. Since adoption of the General Plan, SCAQMD has adopted SCAMQD's 2012 AQMP, which is based on regional growth forecasts for the Southern California Association of Governments (SCAG) region. The proposed project allows for increased development capacity in some subareas of the City, particularly the Newport Center/Fashion Island and Airport Areas, and would involve additional traffic volumes throughout the subarea, resulting in an increase of air pollutant emissions. Therefore, impacts of the proposed project have the potential to be inconsistent with the growth assumptions in SCAQMD's 2013 AQMP. Impacts will be compared to the 2006 General Plan EIR in the SEIR.

- b) **Violate any air quality standard or contribute substantially to an existing or projected air quality violation?**

Potentially Significant Impact. The City is in the SoCAB, which is designated nonattainment for ozone (O₃), fine inhalable particulate matter (PM_{2.5}), coarse inhalable particulate matter (PM₁₀), and lead (Los Angeles County only) under the California and National ambient air quality standards (AAQS) and nonattainment for nitrogen dioxide (NO₂) under the California AAQS. Development pursuant to the proposed project may impact air quality during construction and operation of intensified land uses and would

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generate an increase in vehicle trips compared to what was identified in the 2006 General Plan EIR. The 2006 General Plan EIR identified significant construction and operational air quality impacts. The net increase in air pollutant emissions associated with the increase in stationary and mobile sources of air pollution in the City may exceed the SCAQMD regional significance thresholds and contribute to the current nonattainment status of the SoCAB. Therefore, these potentially significant impacts will be further evaluated in the SEIR.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Potentially Significant Impact. The SoCAB is designated nonattainment for O₃, PM_{2.5}, PM₁₀, lead (Los Angeles County only), and NO₂ (state only). Development in accordance to the increased development capacities of the proposed project would increase existing levels of criteria air pollutants generated by land uses in the planning area compared to the 2006 General Plan EIR and could contribute to the nonattainment status of the SoCAB. The 2006 General Plan EIR identified that buildout of the City would result in a cumulative increase in air quality emissions for which the SoCAB is designated as nonattainment. Thus, the SEIR will evaluate the proposed project's impacts on the SoCAB region's criteria pollutants compared to those identified in the 2006 General Plan EIR.

d) Expose sensitive receptors to substantial pollutant concentrations?

Potentially Significant Impact. The 2006 General Plan EIR conducted a carbon monoxide (CO) hotspot analysis to identify whether the General Plan would expose sensitive receptors to substantial pollutant concentrations. At the time of the 2006 General Plan EIR, the SoCAB was designated nonattainment under the California AAQS and National AAQS for CO. With the turnover of older vehicles, introduction of cleaner fuels, and implementation of control technology on industrial facilities, CO concentrations in the SoCAB and in the state have steadily declined. In 2007, the SCAQMD was designated in attainment for CO under both the California AAQS and National AAQS. As identified in SCAQMD's 2003 AQMP and the 1992 Federal Attainment Plan for Carbon Monoxide (1992 CO Plan), peak carbon monoxide concentrations in the SoCAB were a result of unusual meteorological and topographical conditions and not a result of congestion at a particular intersection. Therefore, CO hotspots are no longer an environmental impact of concern for the proposed project. The 2006 General Plan EIR identified less than significant impacts related to CO hotspots. The proposed project would have similar impacts, and like the 2006 General Plan EIR, localized air quality impacts related to mobile-source emissions would be less than significant.

However, in 2009 the California Air Pollution Control Officer's Association (CAPCOA) adopted guidelines for siting new sensitive receptors near major sources of pollution, including high volume roadways and industrial land uses, based on the recommendations of the California Air Resources Board (CARB). Recommendations to reduce risk associated with placement of new sensitive land uses associated with the Land Use Element Amendment adjacent to major sources of air pollution will be based on the recommended buffer distances in the CARB and the CAPCOA guidance. The SEIR will identify this new information, which was not known at the time of the 2006 General Plan EIR.

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e) Create objectionable odors affecting a substantial number of people?

Less Than Significant Impact. The 2006 General Plan EIR identified that the construction and operational activities under the General Plan would not create objectionable odors that would affect a substantial number of people. Impacts of the 2006 General Plan EIR were identified as less than significant. The proposed project would increase residential and nonresidential land use intensities in the City. As identified in the 2006 General Plan EIR, however, the land uses proposed would be similar to those identified in the 2006 General Plan EIR. The threshold for odor is if a project creates an odor nuisance in accordance with SCAQMD Rule 402, Nuisance, which states:

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property. The provisions of this rule shall not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.

The type of facilities that are considered to have objectionable odors include wastewater treatment 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. Odors generated by new nonresidential land uses are not expected to be significant or highly objectionable and would be required to be in compliance with SCAQMD Rule 402. Likewise, existing facilities are required to be in compliance with SCAQMD Rule 402 to prevent nuisances on sensitive land uses. Therefore, impacts related to objectionable odors would be less than significant.

Emissions from construction equipment, such as diesel exhaust, and from volatile organic compounds from architectural coatings and paving activities, may generate odors; however, these odors would be temporary and are not expected to affect a substantial number of people. Temporary emissions are also controlled by permitting regulations.

Therefore, like the 2006 General Plan EIR, impacts related to objectionable odors associated with the proposed project would be less than significant. This topic will not be evaluated in the SEIR.

3.4 BIOLOGICAL RESOURCES

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Less Than Significant Impact. The City of Newport Beach is nearly built out, and the proposed project consists mainly of infill development and intensification and increases/reductions in allowable development capacity. The proposed land use changes are in developed areas with a number of existing buildings,

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structures, and other hardscape improvements already in place. The City is known to have special-status and sensitive wildlife and plant species, and Newport Beach is also located along the coast where there are natural riparian areas, wetlands, and wildlife corridors that may be affected by intensification and infill development. However, any development under the proposed project would only be concentrated in urbanized areas and would not involve habitat modifications on any candidate, sensitive, or special-status species identified to occur or have the potential to occur within the City of Newport Beach.

Furthermore, as stated in the 2006 General Plan EIR, new developments would have to adhere to policies under the Federal and California Environmental Species Act and complete CEQA environmental reviews on a project- by-project basis. Additionally, the 2006 General Plan policies require site-specific biological studies and compliance with the Orange County Central-Coastal Subregional Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) to ensure proper assessment of potential impacts to candidate, sensitive, special-status species on a project- by-project basis. By complying with these regulations, impacts would be less than significant. No further analysis is required in the SEIR.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Less Than Significant Impact. Many riparian habitats and sensitive natural communities can be found in the City, particularly along the coast and in the Upper and Lower Newport Bay. The proposed project, however, would concentrate new development and redevelopment in specific areas, particularly Newport Center/Fashion Island, the Airport Area, Harbor Day School, and the Promontory Point Apartments. These areas are developed and include a number of buildings, structures, and hardscape improvements. The land use changes proposed would preclude most sites containing riparian habitats from being developed.

As stated in the 2006 General Plan EIR, riparian vegetation, such as wetlands, are protected by federal regulations in Section 404 of the Clean Water Act. State regulations by the California Department of Fish and Wildlife also protect stream beds and its nearby riparian communities and plant and animal species that rely on these riparian habitats. Thus, by adhering to these state and federal regulations and project-by-project CEQA environmental reviews, impacts would be less than significant and no further analysis is required in the SEIR.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact. The City of Newport Beach has wetland habitats in Upper Newport Bay; the developed channels, beaches, and hardscape of Lower Newport Bay; and the intertidal and subtidal landforms along the coast of Newport Beach. However, development under the proposed project would be confined to previously developed areas and would not be within the vicinity of these wetland areas. There would be no changes to the City's wetland habitats.

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Furthermore, as stated in the 2006 General Plan EIR, should any new development be located within or adjacent to such wetland areas, state and federal laws and regulations would be implemented to protect resources through the Corps Section 404 permitting process and the California Wetlands Conservation Policy, which ensures that no net loss of wetlands would occur within the state. Therefore, the proposed project would have no impact on federally protected wetlands, and no further analysis will be required in the SEIR.

d) 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?

Less Than Significant Impact. The proposed project would allow for infill development and intensification in various developed areas of the City, in particular the areas of Newport Center/Fashion Island, Harbor Day School, Promontory Point Apartments, and the Airport Area. These areas are almost fully built out and do not include any undeveloped areas that may currently be used as wildlife corridors or nursery sites for native and migratory wildlife. No habitat fragmentation would occur because there would be no disturbances of undeveloped areas under the proposed project; any new development would occur only within urbanized areas of the City.

Additionally as stated in the 2006 General Plan EIR, new developments under the proposed project would be required to comply with federal NCCP policies and undergo CEQA environmental review on a project-by-project basis. Thus, the proposed project would result in less than significant impacts on wildlife movement, corridors, and nursery sites for native and migratory fish and wildlife species. No further analysis will be required in the SEIR.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact. Land use changes under the proposed project would occur in areas already urbanized and developed. Furthermore, the City of Newport Beach has local policies and ordinances protecting biological resources within its neighborhoods. Council Policy G-1 (Retention or Removal of City Trees) and Chapter 7.26 (Protection of Natural Habitat for Migratory and Other Waterfowl) of the City's Municipal Code regulate new development to ensure local biological resources are preserved. Specifically, Council Policy G-1 acts as the City's tree preservation policy to enhance and maintain appropriate tree diversity in the City's urban forest. Chapter 7.26 of the City's Municipal Code protects the natural habitat of migratory waterfowl and other birds.

Similar to the 2006 General Plan EIR, the proposed project would not conflict with any of these local policies or ordinances protecting biological resources and there would be no impact.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. The Orange County Central-Coastal NCCP Subregional Plan is the applicable habitat conservation plan for the City. The City of Newport Beach also became a signatory agency for the plan in July 1996. Proposed project would not change or contradict any policies within the Orange County Central-

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Coastal NCCP/HCP, and all future development would be required to comply with these policies. Thus, as stated in the 2006 General Plan EIR, there would be no impact and no further analysis will be required in the SEIR.

3.5 CULTURAL RESOURCES

a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?

Less Than Significant Impact. Section 15064.5 defines historic resources as resources listed or determined to be eligible for listing by the State Historical Resources Commission, a local register of historical resources, or the lead agency. Generally a resource is considered to be “historically significant” if it meets one of the following criteria:

- i) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- ii) Is associated with the lives of persons important in our past;
- iii) Embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- iv) Has yielded, or may be likely to yield, information important in prehistory or history.

As detailed in the 2006 General Plan EIR, eleven properties in the City have been listed or designated eligible for listing on the National Register of Historic Places (NRHP) or California Register for Historic Places (CRHR) or otherwise listed as historic or potential historic in the California Historic Resources Information System (CHRIS). These sites are mapped on Figure 4-4-1, Historic Resources, of the 2006 General Plan Update EIR. None of the proposed land use change areas are designated historic resources. Potential impacts to historical resources would be less than significant; this issue will not be further evaluated in the SEIR. .

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

Potentially Significant Impact. Buildout under the proposed project would primarily be infill development and intensification of developed areas. Given the largely built-out nature of the City, the possibility is low that undiscovered archeological and unique paleontological resources or human remains may be found in the course of construction activities under the proposed project. Nevertheless, demolition and ground-disturbing construction activities could affect archeological and paleontological resources previously undiscovered.

A cultural resources assessment will be prepared to support the Supplemental EIR, including a records search at the South Central Coastal Information Center for archaeology. A Sacred Lands search request will be obtained from Native American Heritage Commission (NAHC), and follow up letters will be mailed to each contact recommended by the NAHC. Results of the records search and background context will be included

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in a comprehensive report and summarized in the SEIR. Mitigation measures, if required, will be recommended.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Potentially Significant Impact. See response Section 3.5 (b). The cultural resources evaluation will include a records search pertaining to paleontology at the Natural History Museum of Los Angeles County and in published resources. The records search results and context will be summarized in the SEIR and mitigation measures, if required, will be recommended.

d) Disturb any human remains, including those interred outside of formal cemeteries?

Less Than Significant Impact. California Health and Safety Code Section 7050.5, CEQA 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. Specifically, 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 remain halted until the coroner has conducted an investigation into the circumstances, manner and cause of any 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. Although soil-disturbing activities associated with development in accordance with the proposed project could result in the discovery of human remains, compliance with existing law would ensure that significant impacts to human remains would not occur. This topic will not be evaluated in the SEIR and no mitigation measures are required.

3.6 GEOLOGY AND SOILS

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) 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? Refer to Division of Mines and Geology Special Publication 42.

No Impact. Newport Beach is exposed to risk from multiple earthquake fault zones. High risk fault zones include the Newport-Inglewood fault zone, Whittier fault zone, San Joaquin Hills fault zone, and Elysian Park fault zone. However, as stated in the 2006 General Plan EIR, none of these faults are zoned under the guidelines of the Alquist-Priolo Earthquake Fault Zoning Act. Thus, there are no Alquist-Priolo fault zones within the vicinity of the City, and no impact would occur. This will not be further analyzed in the SEIR.

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ii) Strong seismic ground shaking?

Less Than Significant Impact. The proposed project would involve land use designation changes and increases and reductions in development capacity in multiple developed areas of the City. The fault zones listed above could cause seismic ground shaking in Newport Beach regardless of whether new development is built in the City under the proposed project. Nevertheless, new development would have to adhere to applicable California Building Code (CBC) regulations to minimize the ground shaking impacts. CBC Chapter 33 includes building design standards for the construction of new buildings and/or structures and specific engineering design and construction measures to avoid the potential for adverse impacts.

Thus, similar to the 2006 General Plan EIR, seismic ground shaking impacts would be less than significant after compliance with applicable state and local regulations and policies and will not be further analyzed in the SEIR.

iii) Seismic-related ground failure, including liquefaction?

Less Than Significant Impact. Many areas in Newport Beach are susceptible to seismic-related ground failure, such as liquefaction and landslides, particularly because the City is located along the coastline, and sediments within the ground are not dry and compacted due to Newport Beach's streambeds, channels, bays, and riparian communities. Furthermore, unstable slopes in the City could lead to landslides during seismically induced ground shaking.

Liquefiable areas of the City include places along the coast, Balboa Peninsula, Lower and Upper Newport Bay, and the floodplains of the Santa Ana River. More inland, central and eastern Newport Beach has areas vulnerable to landslides due to steep terrain, including the Los Trancos Canyon and Crystal Cove State Park. Slope failure is also expected to occur along streambeds and coastal bluffs. However, new development under the proposed project would not be within these vulnerable ground failure areas.

Also, as stated in the 2006 General Plan EIR, site-specific geotechnical studies and hazards assessments would be required on a project-by-project basis to determine site-specific soil properties and potential for ground failure. Furthermore, compliance with standards in the CBC requires implementation of design measures to mitigate any potential ground failure hazards. Standards related to site-specific slope stability by the City's Building Code and those related to shoring and stabilization by the California Division of Occupational Safety and Health would ensure seismic-related ground failure, including liquefaction and landslides, would be less than significant. Impacts will not be further analyzed in the SEIR.

iv) Landslides?

Less Than Significant Impact. See response to Section 3.6(a)(iii), above.

b) Result in substantial soil erosion or the loss of topsoil?

Less Than Significant Impact. Topsoil is the uppermost layer of soil (approximately the top six to eight inches) and has the highest concentration of organic matter and microorganisms, making it the most

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biologically active layer of soil. Unfortunately, much of Newport Beach is built out and the majority of the City's topsoil has been blown or washed away. Thus, topsoil erosion is not an issue as of now because there is no existing or exposed topsoil to be affected by the proposed project. However, soil erosion is a significant problem in Newport Beach because wave actions along the coast cause sediment and coastal bluff erosion, particularly along Upper Newport Bay, the tributary streams and canyon walls leading to the bay, and slopes within the San Joaquin Hills and Newport Coast due to precipitation, stream erosion, and human activities. Nevertheless, the proposed project would not directly affect these vulnerable areas and mainly consists of infill developments in developed areas with paved surfaces in central and eastern Newport Beach.

Additionally, as stated in the 2006 General Plan EIR, all demolition and construction activities within the City would be required to comply with applicable local, state, and federal laws. These include regulations in CBC Chapter 70 standards related to appropriate measures to minimize soil erosion from grading activities, the State Water Resources Control Board (SWRCB)'s General Construction Activity Stormwater Permit and related best management practices (BMPs), and the Regional Water Quality Control Board (RWQCB) Water Quality Control Plan. By complying with these regulations, soil erosion impacts from new developments under the proposed project would be less than significant and will not be further analyzed in the SEIR.

- c) 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?**

Less Than Significant Impact. See response to Section 3.6(a) and (b), above.

The changes in land use designation and development capacity under the proposed project are in developed areas of the City with a number of existing buildings, structures, and other hardscape improvements already in place. Infill development and intensification in these areas could potentially add weight of fill and foundation support that could decrease soil stability and lead to lateral spreading, subsidence, or collapse problems in the future.

Nevertheless, as stated in the 2006 General Plan EIR, the City Building Code contains codes and policies that require excavation and construction plans to address soil stability issues through measures such as soil treatment programs, construction design, and earthwork and foundation preparations that comply with CBC standards. Adherence to the City's codes and CBC standards would ensure maximum protection against unstable soils. These impacts would be less than significant and will not be further analyzed in the SEIR.

- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?**

Less Than Significant Impact. Certain areas within the City have soil units containing variable amounts of expansive clay minerals. Clay-rich soils are more likely to expand and lead to soil stability risks and are primarily located in the Newport Bay area. Nevertheless, as stated in the 2006 General Plan EIR, all development within Newport Beach is required to comply with CBC regulations and the City's Building Code. These regulations include site-specific foundation investigation and reports for each development site with potentially unsuitable soil conditions, appropriate mitigation measures when necessary, and

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recommendations for foundation type and design criteria as described in the City's Building Code, Chapters 16, 18, and A33. Thus, impacts on expansive soils in the City would be less than significant and will not be further analyzed in the SEIR.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

No Impact. The City of Newport Beach does not use septic tanks. Established utility services, including a sewer system, are available throughout the City. Thus, the proposed project would have no impact on soils incapable of adequately supporting septic tanks or alternative waste water disposal systems. This impact will not be further analyzed in the SEIR.

3.7 GREENHOUSE GAS EMISSIONS

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Potentially Significant Impact. The 2006 General Plan EIR did not evaluate greenhouse gas (GHG) emissions impacts because this topic was not included in the CEQA Guidelines Appendix G checklist at the time of preparation. Implementation of future development projects pursuant to the proposed project would increase land use intensities, generating additional traffic volumes and new direct and indirect sources of GHG emissions throughout Newport Beach. An analysis will be prepared as part of the SEIR to determine whether the project has the potential to result in a substantial increase GHG emissions compared to the land uses approved within the 2006 General Plan EIR.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Potentially Significant Impact The 2006 General Plan EIR did not evaluate GHG emissions impacts because this topic was not included in the CEQA Guidelines Appendix G checklist at the time of preparation. Assembly Bill 32, the Global Warming Solutions Act of 2006 (AB 32) requires the state to reduce GHG emissions to 1990 levels by 2020. CARB adopted the 2008 Scoping Plan to identify state regulations and programs that would be adopted by state agencies to achieve the 1990 target of AB 32. In addition, Senate Bill 375, the Sustainable Communities and Climate Protection Act of 2008 (SB 375), was adopted by the legislature to reduce per capita vehicle miles traveled and associated GHG emissions from passenger vehicles. The Southern California Association of Government's (SCAG) 2012 Regional Transportation Plan/Sustainable Communities Strategy identifies the per capita GHG reduction goals for the SCAG region. The SEIR will evaluate consistency of the proposed Land Use Element Amendment with the overall GHG reduction goals of AB 32 and SB 375. The GHG section in the SEIR will discuss the City's commitment to reducing GHG emissions in accordance with the GHG reduction goals of AB 32 and SB 375. Policies identified in the General Plan that reduce GHG emissions will be identified.

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3.8 HAZARDS AND HAZARDOUS MATERIALS

- a) **Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?**

Less Than Significant Impact. The proposed project consists of changes to land use designations and increases and reductions in development capacities in certain subareas of the City. These changes in land use and allowable development do not involve any industrial uses that may result in the use of hazardous materials and/or the generation of hazardous materials. While it is possible that the increased development capacity for commercial use in the Newport Center/Fashion Island area could involve transport, use, storage, or disposal of hazardous materials, specific development projects are not associated with the proposed project, and it is speculative to quantify the potential future amount of hazardous materials.

Additionally, as stated in the 2006 General Plan EIR, all new developments that would handle or use hazardous materials would be required to comply with regulations and standards established by the Environmental Protection Agency (EPA), state, Orange County, and the City of Newport Beach. Specifically, any new business is required to submit a full hazardous materials disclosure report, including an inventory of hazardous materials used, generated, stored, handled, or emitted; emergency response plans; evacuation plan; and a training program for personnel. The Newport Beach Fire Department (NBFD) conducts yearly inspections of all businesses to ensure business plans are in order. By complying with federal, state, and City regulations, the proposed project would result in a less than significant impact on the public or environment through the use, transport, or disposal of hazardous materials, and no further analysis will be required in the SEIR.

- b) **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?**

Less Than Significant Impact. The proposed project would allow for infill, redevelopment, and intensification of development within the City, which may require demolition of existing structures prior to construction of new buildings. Demolition of existing structures could expose the public and, in particular, construction personnel, to hazardous substances such as asbestos or lead-based paints. Contaminated structures or soils on individual sites could also expose workers to health or safety risks (e.g., mold, lead).

However, as stated in the 2006 General Plan EIR, compliance with existing regulations would ensure that construction workers and the general public are not exposed to any risks related to hazardous materials during demolition and construction activities. For example, federal and state regulations include SCAQMD Rules and Regulations (pertaining to asbestos); Code of Federal Regulations; California Code of Regulations, Title 8 Part 61, Subpart M Construction Safety Orders 1529 (pertaining to asbestos) and 1532.1 (pertaining to lead); and the U.S. Department of Housing and Urban Development (HUD) lead exposure guidelines. Cal/OSHA also has regulations concerning the use of hazardous materials, including requirements for safety training, exposure warnings, availability of safe equipment, and prepared emergency action/prevention plans. Existing contaminated sites would be required to be documented and remediated with cleanup under the supervision of the State Department of Toxic Substance Control before construction activities could begin.

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Furthermore, any existing old underground storage tanks (USTs) that may be disturbed during construction activities would be managed under the guidance of Orange County Department of Environmental Health regulations, and if groundwater contamination is identified, remediation activities would be required by the Santa Ana RWQCB. Thus, compliance with existing federal, state, and county regulations would ensure exposure of workers and the general public to hazardous materials during construction activities would be less than significant. No further analysis will be required in the SEIR.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less Than Significant Impact. The proposed project consists of changes to land use designations and increases and reductions in development capacities in certain subareas of the City. These changes in land use and allowable development do not involve any industrial uses, but do involve increasing square footage of allowable commercial development that may result in the use of hazardous materials and/or the generation of hazardous materials. Nevertheless, the proposed project does not include any specific development projects; therefore, it is speculative to quantify the amount of hazardous materials used by future commercial developments within the City and whether they would expose schools to these hazardous materials.

Furthermore, as stated in the 2006 General Plan EIR, all businesses that handle or have onsite transportation of hazardous materials would be required to comply with the provisions of the City' Fire Code and the California Health and Safety Code, Article 1, Chapter 6.95 for Business Emergency Plan. Therefore, compliance with City and state regulations would minimize the risks associated with exposure of sensitive receptors to hazardous materials and would result in a less than significant impact. No further analysis will be required in the SEIR.

d) 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 it create a significant hazard to the public or the environment?

Potentially Significant Impact. See response to Section 3.8(b), above.

As stated in the 2006 General Plan EIR, any sites identified as being contaminated by hazardous substances or containing underground storage tanks and/or generators of hazardous waste are required to undergo remediation and cleanup under the Department of Toxic Substances Control (DTSC) and the Santa An RWQCB before construction activities can begin. Furthermore, if any future specific project were to exceed regulatory action contamination levels, the developer would be required to undertake remediation procedures under the supervision of the County Environmental Health Division, DTSC, or RWQCB, depending on the nature of the identified contaminants.

To assure that there have not been substantial changes in the environmental setting subsequent to the 2006 General Plan EIR, an updated list of sites identified on a hazardous materials database pursuant to Section 6592.5 of the Government Code will be obtained and evaluated. This information will be documented in the SEIR.

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- e) **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?**

Potentially Significant Impact. The proposed project involves changes in land use designations and increasing or reducing development capacities within subareas of the City. Newport Beach borders the southeastern boundary of John Wayne Airport (JWA) and also lies beneath the arrival traffic pattern of Long Beach Airport to the northwest of the City. JWA generates all aviation traffic directly above the City, and Long Beach Airport air traffic generally flies over the ocean rather than the City. Specifically, the Airport Area is one of the subareas proposed for increased development capacity and would increase square footage, dwelling units, hotel rooms, and floor area ratio (FAR) on various parcels in the Airport Area. Other increased development capacity subareas include Newport Center/Fashion Island, Harbor Day School, Promontory Point Apartments, and two individual parcels at 1526 Placentia Avenue and 813 East Balboa Boulevard. The proposed project's allowed infill developments near the airport subarea and subareas within two miles of JWA could put people at risk from aviation hazards. Consequently, impacts would be potentially significant impact and will be further analyzed in the SEIR.

- f) **For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

No Impact. There are no existing private airstrips within the City. Thus, no safety hazard associated with people residing or working within the vicinity of a private airstrip would occur for the proposed project. This impact will not be further analyzed in the SEIR.

- g) **Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

Less Than Significant Impact. The proposed project involves changes in land use designations and increasing or reducing development capacities within subareas of the City. The increased development capacity subareas would allow for infill and intensified development in Newport Center/Fashion Island, Harbor Day School, Promontory Point Apartments, the Airport Area, and two individual parcels at 1526 Placentia Avenue and 813 East Balboa Boulevard. The proposed changes increase existing allowable capacities by a substantial amount of square footage, dwelling units, and/or hotel rooms. By increasing the population, traffic congestion may increase in these areas as well. Thus in the event of an accident or natural disaster, evacuation plans and routes could be adversely affected by the increased traffic conditions in the City.

Nevertheless, as stated in the 2006 General Plan EIR, the NBFED Emergency Services Office published the City of Newport Beach Emergency Management Plan in 2004 and updates it every three years. The Emergency Management Plan guides responses to extraordinary emergency situations associated with natural disasters, technological incidents, and nuclear defense operations. The City Manager is also responsible for updating, revising, publishing, and distributing the plan, with assistance from NBFED. Continually updating the emergency management plan every three years to incorporate changes to the City, including potentially increased traffic conditions from the proposed project, would reduce impacts associated with emergency

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response and evacuation in the City to less than significant. This impact will not be further analyzed in the SEIR.

- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

Less Than Significant Impact. The City of Newport Beach is nearly built out, and the proposed project consists mainly of infill and intensification of development in certain subareas of the City. New development would occur in urbanized and developed areas far from the City's eastern grassy hillsides and brush-covered areas that are more susceptible to wildfire. None of the proposed areas for more intense development would be within areas designated as High or Moderate fire susceptibility per the 2006 General Plan (Figure S4, Wildfire Hazards). In 2012, the City also added Section 9.04.140 to its Municipal Code to adopt a Very High Fire Severity Zone (VHFSZ) Map. The area primarily consists of Newport Coast and Newport Ridge along the southeastern section of the City abutting Crystal Cove State Park (see Figure 11, *Very High Fire Severity Zone Map*). Landowners whose land is located within the VHFSZ are required to provide a 100-foot defensible space from an occupied building or structure. All new structures and buildings are required to comply with Chapter 7A of the CBC, which details materials and construction methods for exterior wildfire exposure. Transferors of real property within the VHFSZ also must disclose to future residents the fact that the property is within the VHFSZ and subject to requirements stated in the City's Municipal Code. While the proposed project does include land use changes within these subareas, the changes are to reduce development capacity. Therefore, buildout of the subareas would be even less than currently allowed under the 2006 General Plan.

Furthermore, if development were to occur in the City's susceptible areas, land development is governed by special state and local codes. As stated in the 2006 General Plan EIR, property owners are required to follow maintenance guidelines to minimize the risk of wildfires by regulating landscaping, fuel modification, firewood storage, debris clearing, use of fire-resistive native plant species, and other fire hazard reduction techniques. With implementation of these fire hazard reduction techniques, impacts remain less than significant and will not be further analyzed in the SEIR.

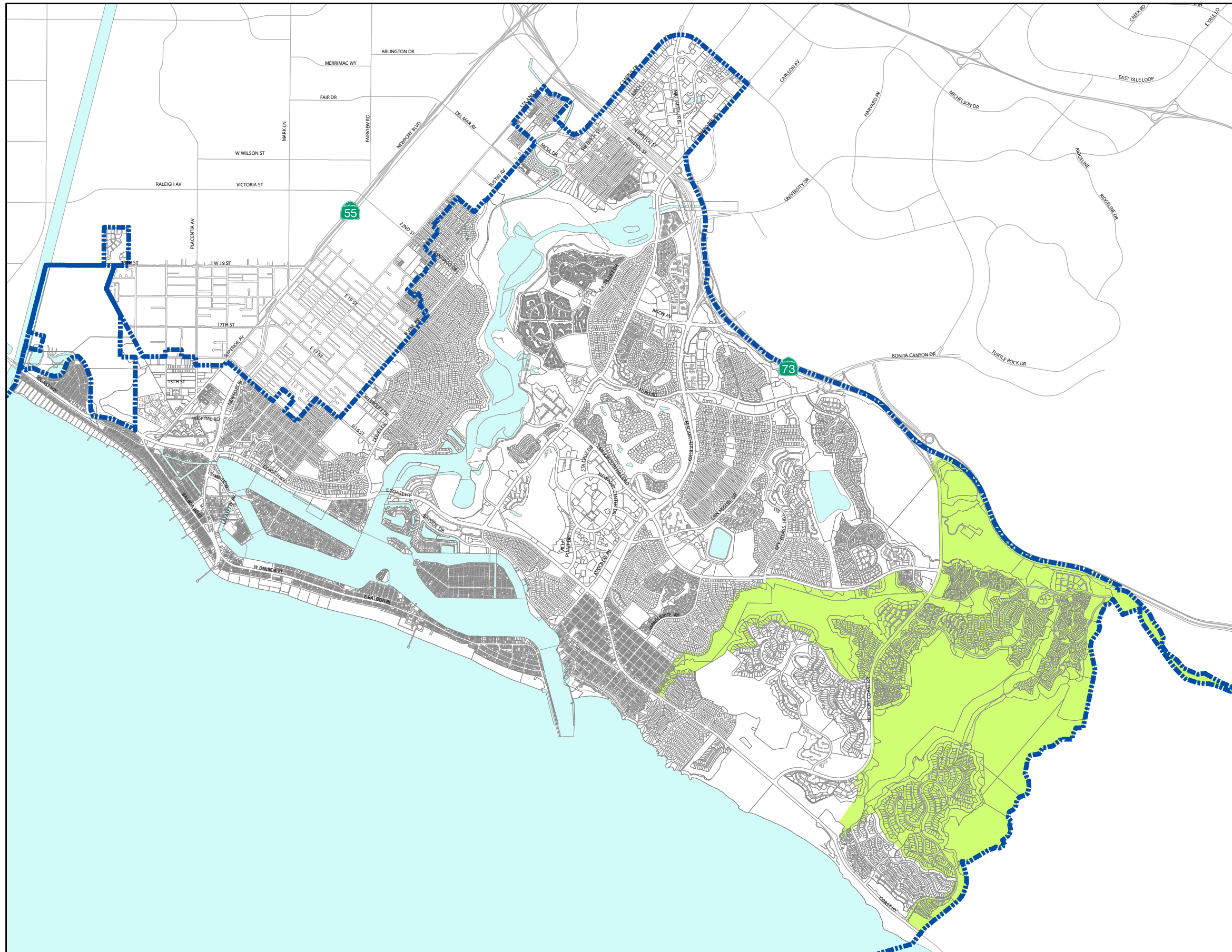


Figure 11.
**Very High Fire Hazard
 Severity Zone**

- City Boundary
- Very High Fire Hazard Severity Zones (VHFHSZ)



Land Use Element Update
Initial Study



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3.9 HYDROLOGY AND WATER QUALITY

a) Violate any water quality standards or waste discharge requirements?

Less Than Significant Impact. The EPA establishes national water quality standards. Pursuant to Section 402 of the Clean Water Act, the EPA has also established regulations under the National Pollution Discharge Elimination System (NPDES) program to control direct stormwater discharges. In Newport Beach, the Santa Ana RWQCB administers NPDES permitting programs and is responsible for developing waste discharge requirements. Construction and operation of allowable development per the proposed project has the potential to discharge sediment and pollutants to storm drains and receiving waters.

As stated in the 2006 General Plan EIR, the City of Newport Beach requires all new developments to obtain a NPDES permit administered from the Santa Ana RWQCB, which would outline requirements for allowable pollutant emissions, BMPs, and a Stormwater Pollution Prevention Program. Therefore, enforcement of water quality standards by the Santa Ana RWQCB's NPDES program would reduce impacts of the proposed project to less than significant and will not be further analyzed in the SEIR.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

Less than Significant Impact. Domestic water for the City is supplied by both groundwater and imported surface water sources. The potential impact of the proposed land uses on water supply will be addressed in the Utilities and Service Systems section of the General Plan Land Use Element SEIR. The operation of the proposed land uses would not involve direct additions or withdrawals of groundwater or have the potential lower the local groundwater table level. This issue will not be addressed in the SEIR.

c) Substantially alter the existing drainage pattern of the site or 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.

Less Than Significant Impact. The general pattern of drainage flow in the City is from the east and northeast toward the south and west of the City until it reaches the Upper Newport Bay or Pacific Ocean. The City's surface water resources include freshwater wetlands, estuaries, tideland and submerged lands, reservoirs, and waterways. The proposed land use changes in accordance with the Land Use Element would occur on existing, developed sites within urban areas. None of the changes would have the potential to substantially alter existing drainage patterns, including the course of a stream or river. Site-specific drainage improvements and erosion control would be subject to regulatory requirements and review at the time of specific project approval. This impact would be less than significant and will not be analyzed in the SEIR.

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- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?**

Less Than Significant Impact. Also see response to Section 3.9(c), above.

Future development in accordance with the proposed project's land use changes would intensify development in some subareas of the City. Although Newport Beach is largely built out, increased development intensity could increase the amount of runoff from impervious surfaces. Given that each of the land use change areas are currently developed, however, the increase in impervious surfaces and resultant increase in runoff is anticipated to be nominal and not have the potential to result in flooding on- or offsite. Moreover, as described in the 2006 EIR, compliance with General Plan policies (including NR 3.10, NR 3.11, NR 4.4, NR 3.20, NR 5.3, NR 3.16, and NR 3.21) would minimize stormwater runoff and potential runoff-related flooding impacts. These policies require implementation of BMPs, incorporation of stormwater detention facilities, design of drainage facilities to minimize adverse effect on water quality, and minimizing increasing impervious areas. Future development in accordance with the proposed land use changes will be subject to site specific review and compliance with regulatory requirements and General Plan policies. Potential drainage and surface runoff impacts would be less than significant and will not be analyzed further in the EIR.

- e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?**

Less than Significant Impact. Also see response to Section 3.9 (d). Development in accordance with the proposed land use changes would involve infill and intensification of land uses in multiple subareas of the City. The majority of the City is built out, and stormwater drainage systems are already in place. Intensifying development in already built-out areas such as the Newport Center/Fashion Island subarea would potentially increase the impervious surface area and resultant runoff and discharge of sediments and pollutants to stormwater drainage systems. This increase, however, would be nominal in comparison to existing development and would be subject to compliance with regulatory requirements and General Policies. This impact would be less than significant and will not be analyzed further in the SEIR.

- f) Otherwise substantially degrade water quality?**

Less Than Significant Impact. See responses to Section 3.9(a, c, d, e) above.

None of the proposed land use changes involve potential sources of groundwater contamination such as leaking underground storage tanks, septic tanks, oil fields, landfills, or general industrial land uses. As described in the 2006 EIR, implementation of General Plan policies would minimize sources of water quality degradation. This impact would be less than significant and will not be analyzed further in the SEIR.

- g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?**

Less Than Significant Impact. As shown in the 2006 General Plan EIR (Figure 4.7-3, Flood Zones), parts of Newport Beach are within 100-year flood zones designated by the Federal Emergency Management

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Agency (FEMA), including areas within Upper and Lower Newport Bay and their tributaries, low-lying areas in West Newport at the base of the bluffs, and the lower reaches of San Diego Creek and the Santa Ana Delhi Channel. According to FEMA's flood insurance rate maps showing detailed flood zone areas of Newport Beach, none of the subareas proposed for change are within a 100-year flood zone (FEMA 2009a, 2009b, 2009c).

To further minimize flood damage potential, the City's Municipal Code Title 15 (Buildings and Construction), Chapter 15.50 (Floodplain Management), outlines requirements for construction and grading activities for residential developments that are within the 100-year flood zone. Section 15.50.200 (Standards of Construction) requires all residential construction to elevate the lowest floor to or above the base flood elevation and comply with local floodproofing standards approved by FEMA or the Federal Insurance and Mitigation Administration.

Given that none of the subareas are within the FEMA 100-year flood zone, impacts would be less than significant and will not be further analyzed in the SEIR.

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

Less Than Significant Impact. See response to Section 3.9(g). Floodwaters that exceed the capacities of storm drainages would travel on open surface streets, roads, lawns, and in between buildings. Therefore, intensification of development within a 100-year flood zone would increase the ground area covered by structures and reduce the amount of open ground surface for flood waters to flow across. However, as stated above, none of the proposed subareas are in the flood zone. Therefore, flood flow would not be redirected or impeded by future development in accordance with the proposed project.

Additionally, as stated in Section 15.50.200 (Standards of Construction), prior to issuance of any building permits, construction drawings shall show the nature, location, dimensions, and elevations of each structure, existing and proposed grades, and drainage facilities. All structures in the 100-year flood zone are also required to be floodproofed and adequately elevated to minimize flood damage and reduce impediments to flood flows.

Thus, future infill development in the proposed subareas would have a less than significant impact on flood flows. This impact will not be further discussed in the SEIR.

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

Less Than Significant Impact. Portions of Newport Beach can be threatened by flooding from Prado Dam, Santiago Creek Reservoir, Villa Park Reservoir, San Joaquin Reservoir, Big Canyon Reservoir, and Harbor View Reservoir. These dam failure inundation zones are similar to the 100-year flood zones and would affect areas near the Santa Ana River, San Diego Creek, and Newport Bay. However, as stated above, the proposed project would not place any structures or homes in or near these hazard areas and would result in less than significant impacts. Therefore, these impacts will not be further analyzed in the SEIR.

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j) Inundation by seiche, tsunami, or mudflow?

Less Than Significant Impact. A seiche is a surface wave created when a body of water is shaken, usually by earthquake activity. Seiches are of concern relative to water storage facilities because inundation from a seiche can occur if the wave overflows a containment wall, such as the wall of a reservoir, water storage tank, dam or other artificial body of water. Seiches in areas surrounding bodies of water, such as the Balboa Peninsula and Balboa Village would be at risk of inundation from seiche in Newport Harbor. Tsunamis caused by underwater seismic activity are also a risk for low-lying areas along Newport Beach's coastline. Mudflows associated with landslides and heavy rainfall also present potential risks along the steep slopes of the San Joaquin Hills, Newport Coast, and the bluffs. Overall, the coastal city of Newport Beach would be at risk of inundation by seiches, tsunamis, and mudflows in various areas. The proposed Land Use Element Amendment would introduce a nominal increase of land use intensity within project areas potentially subject to these hazards. Moreover, these land uses would be subject to the same General Plan Policies and flood hazard provisions in the City's Municipal Code. Consistent with the 2006 General Plan Update EIR, these impacts would be less than significant and will not be analyzed further in the Land Use Element General Plan SEIR.

3.10 LAND USE AND PLANNING

a) Physically divide an established community?

Less Than Significant Impact. The proposed project primarily increases and decreases development capacity of certain areas of the City. However, it does not propose any extensions of roadways or other development features through areas that could physically divide an established community. It would not alter the circulation network of the City. This impact will not be further analyzed in the SEIR.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Potentially Significant Impact. The proposed project is an amendment to the Land Use Element of the General Plan and outlines new land use designations and allowable development capacities in select subareas of the City. These updates will also require amending Zoning Code and Map for the City. The proposed amendments will also be reviewed for their implications for the Newport Beach Coastal Land Use Plan (LUP) and an amendment to the LUP will be prepared to assure consistency. The revised land uses and policies have the potential to conflict with other plans, such as the SCAG 2012 Regional Transportation Plan/Sustainable Communities Strategy. In addition, the proposed project's substantial increase in development capacity in the Airport Area could conflict with John Wayne Airport's Airport Environs Land Use Plan (AELUP) regulated by the Airport Land Use Commission. Consequently, the proposed project would result in a potentially significant impact and will be further analyzed in the SEIR.

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c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

No Impact. The Orange County Central-Coastal NCCP Subregional Plan is the applicable habitat conservation plan in the City of Newport Beach. The City has also been a signatory agency of the plan since July 1996, making the City responsible for enforcing all policies in the NCCP/HCP. The proposed project would not conflict with any policies within the NCCP/HCP and thus, no impacts would occur. Impacts will not be further analyzed in the SEIR.

3.11 MINERAL RESOURCES

a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?

No Impact. Based on the California Geological Survey, areas known as mineral resource zones (MRZs) are classified according to the presence or absence of mineral resources. All of Newport Beach is zoned either MRZ-1 or MRZ-3, area with no significant mineral deposits and areas containing mineral deposits of undetermined significance, respectively. The City is required to respond to mineral resource recovery areas designated MRZ-2, area with significant mineral deposits; however, there are no areas zoned MRZ-2 in the City. Furthermore, most active oil wells are currently located in the Newport Oil Field and the West Newport Oil Field, in the northwest area of the City near Banning Ranch. The proposed project would not affect any land uses in the northwest area of the City. Therefore no impacts to mineral resources would occur and no further analysis is required in the SEIR.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. See response to Section 3.10(a), above.

As stated in the City of Newport Beach 2006 General Plan EIR, there are no regional, state, or locally important mineral resource recovery sites in the City. Consequently, there would be no impact on mineral resource recovery sites within the City. No further analysis is required in the SEIR.

3.12 NOISE

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Potentially Significant Impact. The Land Use Element Amendment would involve the alteration, intensification, and redistribution of land uses, which may result in permanent increases in ambient noise or in noise levels in excess of standards established in the City's General Plan. Emphasis will be placed on increased traffic due to the intensification of land uses in study area roadways such as Jamboree Road, San Joaquin Hills Road, and MacArthur Boulevard. The analysis will also address potential noise increases from non-transportation sources such as outdoor activities, mechanical systems, and loading docks. Demolition and construction activities would have the potential to generate a substantial noise and vibration affecting uses in the vicinity of each area where increased development may occur. Noise and land use compatibility will be

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analyzed to ensure that the proposed uses are compatible with the future noise environment. The SEIR will address the potential noise impacts associated with the proposed project and will recommend mitigation measures as needed.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Potentially Significant Impact. Implementation of land use changes would require demolition and construction activities to construct future projects where increased development would be allowed. Construction could result in short-term groundborne vibration at sensitive land uses surrounding the areas where intensified development would be allowed. An analysis will be conducted, and issues relating to groundborne vibration and groundborne noise will be evaluated in the SEIR. Mitigation measures will be recommended as needed.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Potentially Significant Impact. As discussed in response (a), development in accordance to the proposed project may result in a permanent increase in ambient noise above existing levels from stationary and transportation-related noise sources, particularly in the subareas proposed for increased development capacity such as Newport Center/Fashion Island and the Airport Area. A noise analysis will be conducted, and the SEIR will evaluate the proposed project's potential increase in ambient noise levels.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Potentially Significant Impact. Development pursuant to the proposed project may result in a temporary or periodic increase in ambient noise above existing levels. A noise analysis will be conducted, and the SEIR will evaluate the proposed project's potential impact on ambient noise levels. Attention will focus on the construction at areas that would allow increased development capacity under the proposed Land Use Element Amendment.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Potentially Significant Impact. John Wayne Airport is in Santa Ana directly to the north of Newport Beach near the City's Airport Area. The City is in JWA's airport environs land use plan. Areas of the City are within the 60 and 65 dB community noise equivalent level (CNEL) contours for John Wayne Airport. Because the City is within JWA's airport environ land use plan, airport noise impacts on the project's residents and workers would be potentially significant and will be further analyzed in the SEIR.

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- f) **For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?**

No Impact. There are no private airstrips in or near Newport Beach. Therefore, implementation of the proposed Land Use Element Amendment would not result in impacts relating to excessive noise levels generated from private airstrips. This topic will not be evaluated in the SEIR.

3.13 POPULATION AND HOUSING

- a) **Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

Potentially Significant Impact. The proposed project involves changes in land use designations and increasing or reducing development capacities within subareas of the City. The increased development capacity subareas would allow for infill and intensified development in Newport Center/Fashion Island, Harbor Day School, Promontory Point Apartments, the Airport Area, and two individual parcels at 1526 Placentia Avenue and 813 East Balboa Boulevard. The proposed changes increase existing allowable capacities by a substantial amount of square footage, dwelling units, and/or hotel rooms. Development under these new capacities could induce population growth in the area, primarily through new businesses, homes, and offices. Thus, the proposed project would have a potentially significant impact on population growth in the City. This impact will be further analyzed in the SEIR.

- b) **Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**

No Impact. The proposed project involves changes in land use designations and increasing or reducing development capacities within subareas of the City. The areas proposed for decreased development capacities are Westcliff Plaza, Newport Coast Center, Newport Coast Hotel, Bayside Center, Harbor View Center, The Bluffs, Gateway Park, and Newport Ridge. The majority of these areas are commercial shopping centers with reduced square footage or, in the case of Newport Coast Hotel, a reduction in allowable hotel rooms. The only residential use subarea with reduced allowable dwelling units is Newport Ridge. However, the reduction is in the allowable development capacity, not of existing dwelling units in Newport Ridge. Thus, the proposed project would not displace any existing housing in the City or necessitate the need to construct replacement housing elsewhere, resulting in no impact. This impact will not be further analyzed in the SEIR.

- c) **Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

No Impact. The proposed project involves changes in land use designations and increasing or reducing development capacities within subareas of the City. The areas proposed for reduced development capacity, as stated in section 3.13(b), are primarily commercial centers aside from Newport Coast Hotel and Newport Ridge, which is residential use. Though a reduction in development capacity is proposed, the existing dwelling units at Newport Ridge would not be affected, and residents would not be displaced to replacement housing

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elsewhere in the City. No homes or residents would be displaced and no impacts would occur under the proposed project. This impact will not be further analyzed in the SEIR.

3.14 PUBLIC SERVICES

Would the project 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 any of the public services:

a) Fire protection?

Potentially Significant Impact. The Newport Beach Fire Department, Orange County Fire Authority, and Costa Mesa Fire Department provide fire protection services to the City. The land use changes in the proposed project would allow for increased development capacity in some areas of the City, increasing population and traffic volume from levels addressed in the 2006 General Plan EIR. This could affect traffic volumes and cause congestion problems on surface streets, which could hinder response times for fire protection and emergency medical service. Thus, the impact on fire protection would be potentially significant and will be further analyzed in the SEIR.

b) Police protection?

Potentially Significant Impact. The Newport Beach Police Department (NBPD), Orange County Sheriff's Department, and Costa Mesa Police Department provide police protection services to the City. The land use changes in the proposed project would allow for increased development capacity, including dwelling units, offices, and commercial and retail space, in some areas of the City, thereby increasing population in comparison to levels addressed in the 2006 General Plan EIR. This could affect the City's officer-to-residents ratio and potentially decrease NBPD's level of service due to an increase in calls for service. Thus, the impact on police protection would be potentially significant and will be further analyzed in the SEIR.

c) Schools?

Potentially Significant Impact. Newport-Mesa Unified School District provides educational services to the City of Newport Beach, the City of Costa Mesa, and unincorporated areas of Orange County. The Airport Area is served by the Santa Ana Unified School District. The land use changes in the proposed project would allow for increased development capacity in some areas of the City. More specifically related to school services, the proposed project includes increasing allowable square footage at Harbor Day School, a K-8 private school, and increasing allowable dwelling units in multiple subareas of the City. By doing so, an increase in population should be expected, and impacts on available school services would be potentially significant. This impact will be further analyzed in the SEIR.

d) Parks?

Potentially Significant Impact. Based on the 2006 General Plan EIR, the City has a deficit of approximately 38.8 acres of combined park and beach acreage citywide. Therefore, any increase in population

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would place an even higher demand on existing parks and recreational facilities. The proposed land use changes do not suggest increased park space; the majority of the increased uses are for commercial, office, retail, hotel rooms, and dwelling units. Thus, if the City is already at a deficit for parkland, any additional population growth under the proposed project would result in a potentially significant impact on the City's existing parks and recreational facilities. This impact will be further analyzed in the SEIR.

e) Other public facilities?

Less Than Significant Impact. The land use changes in the proposed project would allow for increased development capacity in some areas of the City, which have the potential to affect library services to the general Newport Beach population if demands substantially increase. However, as stated in the 2006 General Plan EIR, increased development in the City does not necessarily immediately equate to an increase in total volumes or square feet of library space, especially given the growing need for electronic resources rather than physical library collection items. Therefore, library service impacts due to the proposed project would remain less than significant and will not be further analyzed in the SEIR.

3.15 RECREATION

a) Would the project 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?

Less than Significant Impact. See response to Section 3.14(d), above. The intensification of some land uses may result in an increased demand for parks and recreational facilities. This impact will be addressed in Public Services in the SEIR. The increase in demand is not anticipated to be significant enough to result in an acceleration of deterioration of existing facilities and this impact will not be further analyzed in the SEIR.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

Less Than Significant Impact. The only direct change to park land uses is the proposed land use designation change from Commercial Corridor (CC) to Parks and Recreation (PR) for Gateway Park (see Table 1 and Figure 6). This modification will reduce development potential for the project site by 4,356 SF and therefore does not have the potential to result in construction or expansion of facilities that could have an adverse physical effect. The proposed project does not include other land use changes to parks or recreational facility land uses, but may indirectly require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment. As stated above, the areas proposed for increased development capacity include increases in dwelling units and hotel rooms, which would potentially lead to an increase in visitors and overall City's population. An increase in residents and visitors may lead to increased park demands and consequently, the construction or expansion of recreational facilities that might have an adverse physical effect on the environment. However, as stated in the 2006 General Plan EIR, all significant new development of recreational facilities would be subject to the City's environmental review process, which includes project-specific environmental review under CEQA. Thus, the future

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provision of new or expanded parks or recreational facilities would result in less than significant impacts and will not be further analyzed in the SEIR.

3.16 TRANSPORTATION/TRAFFIC

- a) **Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?**

Potentially Significant Impact. The Land Use Element Amendment would allow for alteration, intensification, and redistribution of existing land uses in certain subareas of the City. These changes are expected to result in an increase and redistribution of vehicle trips, which may conflict with local plans, policies, or ordinances. A traffic analysis will be conducted to assess the future traffic conditions under the currently adopted plan and the proposed plan. This analysis will estimate the number of additional trips associated with the intensification, alteration, and redistribution of land uses, and analyze the impact of the project to roadways and study-area intersections. Impacts related to compliance with plans and policies that establish measures of effective performance of the circulation system would be potentially significant, and this issue will be discussed in more detail in the SEIR.

- b) **Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?**

Potentially Significant Impact. The Congestion Management Plan (CMP) in effect for Orange County was prepared by the Orange County Transit Authority (OCTA) and approved in 2011. All freeways and selected roadways in the county are designated elements of the CMP system of highways and roadways. This system includes three roadways in Newport Beach: Coast Highway (SR-1) (east of Newport Boulevard), Newport Boulevard (south of Harbor Boulevard), and MacArthur Boulevard (south of Jamboree Road). The CMP also analyzes the intersections where these roadways meet: MacArthur Boulevard/Coast Highway and Newport Boulevard/Coast Highway. Traffic impacts to these roadways and their intersections that would result from implementation of the proposed project will be analyzed in the SEIR.

- c) **Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

Less Than Significant Impact. Newport Beach borders the southeastern portion of John Wayne Airport. The potential increase in population due to the proposed project would not be anticipated to increase the use of this airport to a level that would significantly increase air traffic levels or require a change in air traffic patterns. Potential hazards associated with development proximate to the airport and within the boundaries of the AELUP will be addressed in the hazards section of the SEIR.

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d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less Than Significant Impact. The Land Use Element Amendment does not propose changes to the City's circulation system such as the redesign or closure of streets. The project also does not propose that new incompatible uses (e.g., farm equipment or trucking facilities) be introduced into the City's circulation system. Site access at each development will be analyzed in detail at the project level. Impacts relating to hazards due to a design feature would be less than significant. This topic will not be further evaluated in the SEIR.

e) Result in inadequate emergency access?

Less Than Significant Impact. The planning area is generally built out, and the proposed land use changes would not result in substantial changes to the City's circulation patterns and would not change the circulation system or emergency access routes. Therefore, impacts to emergency response plans would be less than significant. This topic will not be evaluated in the SEIR.

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Potentially Significant Impact. Future development in accordance with the proposed project would increase traffic in Newport Beach. Increased traffic may affect public transit facilities, including bus, pedestrian, and bicycle facilities by worsening the safety of these facilities or by increasing their use. Impacts to public transit policies, plans, or programs for public transit facilities are potentially significant. General Plans of California cities and counties are required under the Complete Streets Act to include planning for complete streets: that is, streets that meet the needs of all users of the roadway, including pedestrians, bicyclists, users of public transit, motorists, children, the elderly, and the disabled. Additionally, SCAG's Regional Transportation Plan/Sustainable Communities Strategy calls for smart growth planning principles, including the creation of walkable communities and the provision of a variety of transportation choices. The SEIR will consider the policies and programs of the proposed Land Use Element Amendment and evaluate the consistency with adopted alternative transportation plans and programs.

3.17 UTILITIES AND SERVICE SYSTEMS

a) Exceed waste water treatment requirements of the applicable Regional Water Quality Control Board?

Less Than Significant Impact. As stated in the 2006 General Plan EIR and according to federal regulations for point source and nonpoint source discharges to surface waters of the United States, the City of Newport Beach requires all new developments to obtain a NPDES permit administered from the RWQCB. Each NPDES permit contains limits on allowable pollutant emissions in wastewater discharge and, when necessary, requirements for BMPs and a Stormwater Pollution Prevention Program. Therefore, no future development would result in an exceedance of wastewater treatment requirements, because development would be enforced by the RWQCB's NPDES program. Thus, impacts to wastewater treatment requirements would be less than significant under the proposed project and will not be further analyzed in the SEIR.

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- b) Require or result in the construction of new water or waste water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Potentially Significant Impact. The proposed project would allow for infill and intensification of development in certain subareas of the City. Increased development may necessitate expanded water and wastewater collection and treatment facilities and would result in a potentially significant impact. Therefore, the City is required to estimate the level and type of demand associated with the proposed land use changes to determine the type and significance of impacts to existing and planned levels of service and to develop measures to avoid or reduce any potentially significant impacts. The impact will be further analyzed in the SEIR.

- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Potentially Significant Impact. The proposed project would allow for infill and intensification of development in certain subareas of the City. Though the entire City already has a developed storm drainage system, increased development may necessitate expanding existing stormwater drainage facilities or constructing new facilities, resulting in a potentially significant impact. Therefore, the City is required to estimate the level and type of demand associated with the proposed land use changes to determine the type and significance of impacts to existing and planned levels of service and to develop measures to avoid or reduce any potentially significant impacts. The impact will be further analyzed in the SEIR.

- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?**

Potentially Significant Impact. Water supply to the City is supplied by two sources: groundwater and imported surface water. The water is supplied from the Orange County Groundwater Basin and the Metropolitan Water District. The proposed project includes infill developments that may increase the City's population, leading to an increased demand on water supply. The increase in water supply demand could potentially exceed existing entitlements and resources. Therefore, the City is required to estimate the level and type of demand associated with the proposed land use changes to determine the type and significance of impacts to existing and planned levels of service and to develop measures to avoid or reduce any potentially significant impacts. This impact would be potentially significant and will be further analyzed in the SEIR.

- e) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

Potentially Significant Impact. See response to Section 3.17(b), above.

Wastewater service within the City is provided by the City, Irvine Ranch Water District, and Costa Mesa Sanitary District. Flows from these three sewer systems are treated at the Orange County Sanitation District or the Michelson Water Reclamation Plant. The proposed project would allow infill and intensified development in multiple urbanized subareas of the City and may require additional wastewater capacity from

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the City to serve future population demands. The City is required to estimate the level and type of demand associated with the proposed land use changes to determine the type and significance of impacts to existing and planned levels of service and to develop measures to avoid or reduce any potentially significant impacts. Thus, the increased wastewater treatment demands would be potentially significant and will be further analyzed in the SEIR.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Potentially Significant Impact. The majority of residential solid waste generated in the City is collected by the City's Refuse Division and the remaining is collected by the City's licensed and franchised commercial solid waste haulers. After consolidation and recovery of recyclable materials, the remaining solid waste is transferred to one of three County landfills: Frank R. Bowerman Landfill in Irvine, Olinda Alpha Landfill in Brea, and Prima Deshecha Landfill in San Juan Capistrano. The proposed project involves intensification and infill of existing land uses and would result in increased solid waste generation, leading to impacts on long-term landfill capacity. Therefore, development of the proposed project would result in potentially significant impacts to regional landfill capacity. This impact will be further analyzed in the SEIR.

g) Comply with federal, state, and local statutes and regulations related to solid waste?

Potentially Significant Impact. Future development under the proposed project may increase the amount of solid waste generated in Newport Beach and may require expansion of landfills or the adoption of alternative methods for solid waste disposal. The SEIR will evaluate the proposed project's conformance with federal, state, and local regulations related to solid waste.

3.18 MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Potentially Significant Impact. The subareas affected by the proposed project are highly urbanized and developed areas of the City that have been previously disturbed and are surrounded by a mix of land uses. The City does have sensitive and special-status wildlife species. However, the project does not affect biological resources and is not expected to reduce the habitat of fish and wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or reduce the number or restrict the range of a rare or endangered plant or animal.

The City does have historic buildings and structures that may have been constructed more than 50 years ago and may reflect special elements of the City's architectural, cultural, and historic past. However, the proposed project is not expected to demolish any historic resources. Nevertheless, project-related ground-disturbing activities could damage historic, archaeological, and/or paleontological resources previously undiscovered. Impacts to cultural resources are potentially significant and will be further analyzed in the SEIR.

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- b) **Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)**

Potentially Significant Impact. Potentially significant impacts are identified in this Initial Study related to aesthetics, air quality, cultural resources, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, transportation and traffic, and utilities and service systems. Impacts to geology and soils are site specific and generally do not contribute to cumulative impacts. Cumulative impacts to the other resources for which potentially significant impacts are identified in this Initial Study will be further analyzed in the SEIR.

- c) **Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?**

Potentially Significant Impact. All of the potentially significant impacts identified in this Initial Study could have direct or indirect substantial adverse impacts on human beings. These impacts will be further analyzed in the SEIR.

4. References

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4. References

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