

4.0 ENVIRONMENTAL ANALYSIS

4.1 INTRODUCTION

Sections 4.1 through 4.18 of this Program Environmental Impact Report (EIR) provide an impact analysis for those environmental impact categories where it was determined that the proposed Project could result in “potentially significant impacts”. Each topical EIR section includes the following information: summary of applicable federal, State, and local regulations; description of the existing environmental setting; identification of thresholds of significance; analysis of potential Project effects; identification of a Mitigation Program to reduce the identified significant impacts; and identification of the level of significance of impacts after mitigation, including any unavoidable significant adverse impacts. The impact analysis is formatted to analyze the potential impacts of the Project related to each identified threshold of significance set forth in Sections 4.1 through 4.18.

4.2 SECTION CONTENT AND DEFINITION OF TERMS

The environmental setting, potential environmental impacts, and mitigation measures related to each environmental resource area are described in the following sections:

- Section 4.1: Aesthetics
- Section 4.2: Air Quality
- Section 4.3: Biological Resources
- Section 4.4: Cultural Resources
- Section 4.5: Energy
- Section 4.6: Geology and Soils
- Section 4.7: Greenhouse Gas Emissions
- Section 4.8: Hazards and Hazardous Materials
- Section 4.9: Hydrology and Water Quality
- Section 4.10: Land Use and Planning
- Section 4.11: Noise
- Section 4.12: Population and Housing
- Section 4.13: Public Services
- Section 4.14: Recreation
- Section 4.15: Transportation
- Section 4.16: Tribal Cultural Resources
- Section 4.17: Utilities and Service Systems
- Section 4.18: Wildfire

Pursuant to State CEQA Guidelines Section 15128, “An EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR.” The City determined that the proposed Project would have no impact on the following CEQA environmental topic: Agriculture and Forestry Resources. Therefore, as addressed in Section 1.6 of this EIR, this topic is not addressed in the EIR.

To assist reviewers in understanding this EIR, the following terms are defined.

Project means the whole of an action that has the potential for resulting in a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

Environment means the physical conditions that exist in the area and which would be affected by a project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. The area involved is where significant direct or indirect impacts would occur as a result of the project. The environment includes both natural and man-made (artificial) conditions.

Impacts analyzed under CEQA must be related to a physical change. Impacts are:

- Direct or primary impacts that would be caused by a proposed project and would occur at the same time and place; or
- Indirect or secondary impacts that would be caused by a proposed project and would be later in time or farther removed in distance but would still be reasonably foreseeable. Indirect or secondary impacts may include growth-inducing impacts and other effects related to induced changes in the pattern of land use; population density or growth rate; and related effects on air and water and other natural systems.

Significant impact on the environment means a substantial, or potentially substantial, adverse change in any of the physical conditions in the area affected by a proposed project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. An economic or social change by itself is not considered a significant impact on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant. Impacts may also be beneficial.

Mitigation measures “describe feasible measures which could minimize significant adverse impacts” as required by State CEQA Guidelines Section 15126.4. The State CEQA Guidelines define feasibility as “capable of being accomplished in a successful manner within a reasonable period of time taking into account economic, legal, social, technological, or other considerations.”

Cumulative impacts are two or more individual impacts that, when considered together, are considerable or that compound or increase other environmental impacts. The following statements also apply when considering cumulative impacts:

- The individual impacts may be changes resulting from a single project or separate projects.
- The cumulative impact from several projects is the change in the environment that results from the incremental impact of the project when added to other closely related present and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over time.

Sections 4.1 through 4.18 are organized as follows:

- **Regulatory Setting** identifies the plans, policies, laws, and regulations that are relevant to each resource area and describes permits and other approvals that may be necessary to implement future housing projects. Applicable federal, State, regional and local plans, policies, and regulations are identified. This subsection summarizes or lists the potentially relevant policies and regulations, such as from the City of Newport Beach General Plan, Newport Beach Municipal Code, Newport Beach Local Coastal Program, and regional plans applicable to the environmental issue area. Compliance with these applicable laws and regulations is mandatory unless otherwise noted. Therefore, as it relates to the impact analysis, compliance is assumed because the laws in effect require it, and mitigation would generally not be required when compliance with an existing law or regulation would either avoid or reduce a significant impact to a level below significance.
- **Environmental Setting** provides an overview of the existing physical environmental conditions in the study area that could be affected by implementation of the Project (i.e., the “affected environment”). In accordance with State CEQA Guidelines Section 15125, each environmental resource section will include a description of the existing physical environmental conditions in the

vicinity of the housing sites to provide the “baseline condition” against which project-related impacts are compared. Typically, the baseline condition is the physical condition that exists when the Notice of Preparation (NOP) is published; however, a different baseline may be used in specific cases where it is deemed appropriate. Unless otherwise noted in a specific EIR section, the environmental setting is based on data and known conditions at the date of the NOP was published on June 27, 2023.

- **Thresholds of Significance** provides the thresholds criteria used in this EIR to define the level at which an impact would be considered significant in accordance with CEQA based on the type, amount, and/or extent of impact that would be considered a significant adverse change in the environment. Significance criteria are based on factual or scientific information and data and regulatory standards of federal, State, and local agencies. For some resource areas, the thresholds are quantitative (e.g., transportation), while for other resource areas, the thresholds are qualitative (e.g., aesthetics). The thresholds of significance are intended to assist the reader in understanding how an impact is determined to be significant or less than significant.
- **Project Impacts and Mitigation.** State CEQA Guidelines Section 15126.2(a) states that direct, indirect, short-term, long-term, on-site, and/or off-site impacts must be addressed, as appropriate, for the environmental issue being analyzed. This EIR uses the following terms to describe the level of significance of impacts identified by the environmental analysis:
 - **No Impact.** This term is used when the Project would have no adverse effect on an environmental resource.
 - **Less than Significant Impact.** An impact that is adverse but that does not exceed the defined thresholds of significance. Less than significant impacts do not require mitigation.
 - **Significant Impact.** An impact that exceeds the defined thresholds of significance and would or could cause a substantial adverse change in the environment. For impacts that exceed a threshold of significance, measures are identified to prevent the impact, eliminate the impact, or reduce it to a level that is considered less than significant.
 - **Significant Unavoidable Impact.** An impact that exceeds the defined thresholds of significance and cannot be eliminated or reduced to a less than significant level through the implementation of mitigation.
- **Cumulative Impacts** identifies potential environmental impacts of past, present and reasonably foreseeable future projects, in combination with implementation of the Project;
- **Level of Significance After Mitigation** identifies the findings of the environmental analysis after the application of mitigation.
- **References** are the primary public information and/or technical studies that were used to write the impact analysis for each environmental resource.

4.3 BASIS FOR CUMULATIVE ANALYSIS

4.3.1 Introduction

Section 15064 of the State CEQA Guidelines establishes the criteria for determining the significance of environmental effects caused by a project. Subsection 15064(h)(1) directs the preparation of an EIR “if the cumulative impact may be significant and the project’s incremental effect, though individually limited,

is cumulatively considerable. ‘Cumulatively considerable’ means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects”.

Section 15355 of the State CEQA Guidelines defines cumulative impacts as:

Two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

- (a) The individual effects may be changes resulting from a single project or a number of separate projects.
- (b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

Pursuant to Section 15130(b) of the CEQA Guidelines:

The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness, and should focus on the cumulative impacts to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact.

A project’s cumulative impact is “an impact to which that project contributes and to which other projects contribute as well. The project must make some contribution to the impact; otherwise, it cannot be characterized as a cumulative impact of that project.”¹ Section 15130(b) of the State CEQA Guidelines identifies two basic methods for establishing the cumulative environment in which the project is to be considered:

- (a) A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or
- (b) A summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. Such plans may include: a general plan, regional transportation plan, or plans for the reduction of greenhouse gas emissions. A summary of projections may also be contained in an adopted or certified prior environmental document for such a plan. Such projections may be supplemented with additional information such as a regional modeling program. Any such document shall be referenced and made available to the public at a location specified by the lead agency.

Because of the long-term scope of a General Plan, inclusive of a Housing Element, the appropriate method for cumulative impact analysis is the projection method. This method is appropriate because the

¹ *Sierra Club v. West Side Irrigation Dist.* (2005) 128 Cal.App.4th 690, 700.

projections will serve as a guide to determine if implementation actions required for the 2021-2029 Housing Element are consistent with the long-term population and household projections.

A key concept is that growth projections reflect a theoretical buildout of the proposed Project, which includes the City's 6th Cycle RHNA allocation of 4,845 housing units and additional housing units as a buffer to address future "no net loss" to preclude the need to identify replacement sites during 6th Cycle implementation.² Therefore, this Program EIR conservatively analyzes a total development capacity of 9,914 units including future development capacity of up to 9,649 units on 247 housing sites, 25 units of pipeline projects, and 240 ADUs. However, only a portion of the housing units identified on housing sites will be necessary to accommodate the City's RHNA planning obligation of 4,845 housing units. In addition, the Program EIR analysis does not account for the removal and replacement of existing development to accommodate redevelopment of the sites for housing (no "net change").

It is also important to note that the 2021-2029 6th Cycle planning period is a state-mandated planning period for housing needs. The actual rate of housing development would not be under the City's control, and rather would be driven by the factors that influence development. The City is not required to construct housing but rather to provide the capacity (e.g., zoning, etc.) for the housing market to adequately address housing needs for all income groups and direct that capacity where planned growth is best suited to occur.

This EIR assesses the cumulative impacts for each applicable environmental issue, and does so to a degree that reflects each impact's severity and likelihood of occurrence. State CEQA Guidelines Section 15130(b)(2) notes that an EIR should define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used. As discussed in Sections 4.1 through 4.18, the geographic areas considered for the cumulative analyses vary according to environmental issue area and were determined based upon the Project's scope and anticipated area in which the Project could contribute to an incremental increase in cumulatively considerable impacts. Certain issues areas are most appropriately addressed at the local level, while other issue areas necessitate the consideration of regional, State, and/or national-scale implications. For example, the air quality considers the South Coast Air Basin. The Project's operational effects also have geographic scopes that are global, such as greenhouse gases, and local, such as noise.

² State Housing laws require cities and counties to identify RHNA obligations by income category. A future housing applicant is not required to meet affordability goals. The City is obligated to ensure there is no net loss when projects are developed such that there are adequate opportunities for the City to meet its RHNA obligations. If there is a net loss, the City has 120 days to provide rezoning that accommodates the net loss. Therefore, Newport Beach includes a buffer to avoid the net loss scenario.