

## 5.0 LONG-TERM IMPLICATIONS OF THE PROPOSED PROJECT

### 5.1 SIGNIFICANT AND UNAVOIDABLE IMPACTS

Section 15126.2(b) of the State CEQA Guidelines requires that the EIR describe any significant impacts, including those that can be mitigated but not reduced to less than significant levels. The environmental effects of the proposed Project are addressed in Sections 4.1 through 4.18 of this Program EIR. Implementation of the proposed Project would result in potentially significant impacts for the following topical issues:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources (historic resources)
- Geology and Soils
- Greenhouse Gas (GHG) Emissions
- Noise
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

However, implementation of the Mitigation Program identified for these topical issues would reduce these impacts to levels considered less than significant except for aesthetics, air quality, cultural resources, GHG emissions, noise, and utilities and service systems.

#### 5.1.1 Aesthetics

The proposed Project would not directly construct new housing but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. Most of the housing sites are currently developed and/or located adjacent to developed parcels with existing sources of lighting and/or glare. Housing sites 23 through 26 within the Airport Area Focus Area, housing site 215 within the West Newport Mesa Focus Area, housing site 131 within the Coyote Canyon Focus Area, and the housing sites within the Banning Ranch Focus Area (Sites 110-118, 120-124, and 126-131) do not contain existing sources of lighting or glare. Future housing development facilitated by the Project could add new light and glare sources and significant impacts could occur where new sources of light and glare that are presently not found on a housing site or proximate to a housing site.

All future development facilitated by the Project would be required to demonstrate consistency General Plan policies and Municipal Code requirements including General Plan Policy 5.6.3 on ambient lighting requirements and Municipal Code Section 20.30.070, which requires that all outdoor lighting fixtures be designed to shield adjacent properties and roadways from glare. These measures would reduce potential lighting impacts from future housing development to a less than significant level, except for Banning Ranch. Residential development in Banning Ranch, including roadways and a park, would introduce new sources of nighttime lighting, which would affect the existing adjacent uses. In addition, the new sources of nighttime lighting could also affect the sensitive habitat areas associated with Banning Ranch. However, regardless of compliance with the General Plan policies and Municipal Code requirements, the General Plan EIR found that the introduction of new sources of lighting associated with development of Banning Ranch would be considered significant and unavoidable.

#### 5.1.2 Air Quality

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 associated with pipeline projects, and 240 accessory dwelling units (ADUs), which would increase the Newport Beach's population by

approximately 21,811 persons. The proposed Project may result in significant impacts concerning emissions during long long-term operations and could delay the timely attainment of air quality standards or 2022 Air Quality Management Plan (AQMP) emissions reductions. Additionally, because this growth was not accounted for, the proposed Project would not be consistent with the land planning grown strategies set forth in the 2022 AQMP. There are no feasible mitigation measures to reduce this impact to a less than significant level, therefore, the Project would result in a significant and unavoidable impact concerning air quality plan consistency.

Future housing facilitated by the Project would result in short-term air pollutant emissions generated during construction activities and long-term air pollutant emissions during operational activities. Construction impacts associated with the buildout of the proposed Project would be less than significant through compliance with South Coast Air Quality Management District (SCAQMD) Rules 402, 403, 1113, and 1143. Buildout of the proposed Project would result in long-term operational emissions that would exceed the SCAQMD thresholds. There are no feasible mitigation measures to reduce this impact to a less than significant level, therefore, the Project would result in a significant and unavoidable impact concerning long-term air quality emissions.

Additionally, because the specific details (e.g., size, construction phasing, equipment, earthwork volumes, etc.) for individual future residential projects are unknown at this time, project-level analysis for localized pollutant concentrations impacts cannot be accurately determined using SCAQMD's localized significance thresholds (LST) analysis methodology. LSTs are applicable at the project-specific level and are not applicable to long-term planning documents such as Housing Elements. Depending on the size and location of each individual project, construction and operational emissions could exceed LSTs. Compliance with General Plan policies, Municipal Code requirements, SCAQMD rules and regulations, and supplemental mitigation measures (if required) would reduce air pollutant emissions. However, the potential emissions reductions from implementation of these measures cannot be quantified because specific details such as individual project size, construction scheduling, and earthwork quantities that would occur within the City is not available. Therefore, it is not feasible to conclude that air pollutant emissions from future development projects would be reduced to levels below the SCAQMD LST thresholds and localized air quality impacts would be significant and unavoidable.

### 5.1.3 Cultural Resources

Of the 247 housing sites, all are developed/occupied by structures except 21 sites; therefore, the developed housing sites could be (now or in the future) occupied by historic resources/buildings, as determined by the National Register of Historic Places (NRHP) or California Register of Historical Resources (CRHR)(50 years or greater). All future housing development facilitated by the Project would be required to comply with applicable federal State, and local laws that concern the preservation of historical resources, including the National Historic Preservation Act, State CEQA Guidelines, and General Plan Policies (HR 1.2, HR 1.4, HR 1.5, HR 1.6, HR 1.7, and LU 6.8.6). However, because the demolition of a historic significant resource would be a physical effect on the environment and neither the City's General Plan or CEQA statutes precludes this demolition or alteration, the potential loss of historically significant structures and resources would be a significant unavoidable impact.

### 5.1.4 Greenhouse Gas Emissions

Residential development associated with the 2021-2029 Housing Element would generate increases in GHG emissions, largely due to increased vehicle miles traveled (VMT), construction activities, stationary

area sources, energy consumption, water supply, and solid waste generation. The proposed Project would generate increases in GHG emissions from both the construction and operation of new housing. Future residential development facilitated by the Project would be subject to the City's development review process and would be required to demonstrate consistency with General Plan policies, Municipal Code requirements, and other applicable local and State requirements. The SCAQMD has not yet adopted a specific significance threshold for residential development; however, a 3,000 MTCO<sub>2</sub>e threshold was proposed for non-industrial projects but has not been formally adopted. The increase of GHG emissions from the Project would be greater than 3,000 MTCO<sub>2</sub>e. Despite incorporation of MM GHG-1, consistency with the City's GHG reduction goals and policies established in the Natural Resources Conservation Element and Energy Action Plan, GHG emissions impacts would remain significant and unavoidable at the program level.

Further, the significance of the GHG emissions associated with the proposed Project have been evaluated based on whether it would be consistent with the relevant statewide and regional mandates, plans, policies, and regulations to reduce GHG emissions. These include Assembly Bill (AB) 32 and Senate Bill (SB) 32 (Health and Safety Code Division 25.5), AB 1279, SB 375, Connect SoCal, and other statewide and regional regulations and programs. The proposed Project would be consistent with the California Renewables Portfolio Standard Program, SB 100, Title 24 of the CCR (Energy Code and CALGreen), SB 375, RTP/SCS and recommendations of the State Attorney General, California Office of Planning and Research, and Climate Action Team. Therefore, the proposed Project would be consistent with applicable plans, policies, and regulations. However, due to the magnitude of the Project's GHG emissions, impacts would be significant and unavoidable at the program level.

### 5.1.5 Noise

Construction and stationary source operational noise would be less than significant following individual design review and compliance with the City's noise standards, as well as Newport Beach General Plan policies. Operational stationary source noise would not exceed the City's standards and impacts would be less than significant. However, Project implementation would result in a significant increase along one roadway segment (Campus Drive between MacArthur Boulevard and Von Karman Avenue) in traffic noise levels under the current City of Newport Beach standards of significance for noise increases. Therefore, where residential development would occur along this roadway segment, traffic noise impacts would be significant and unavoidable.

### 5.1.6 Utilities and Service Systems

As previously mentioned, the proposed Project would not directly construct new housing, but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. The resulting population growth of approximately 21,811 persons could incrementally increase the demand for water. The 2020 Urban Water Management Plans (UWMP) for the City of Newport Beach, Irvine Ranch Water District, and Mesa Water District identify sufficient water supplies during normal, single-dry, and multiple-dry year scenarios from 2025 through 2045 for both imported and groundwater supplies. However, it is noted that the UWMPs for the respective water districts do not account for the 6<sup>th</sup> Cycle RHNA for the municipalities they serve. Although the 6<sup>th</sup> Cycle RHNA was not accounted for in the UWMPs, water efficiency measures and continued conservation, new building standards, and a conversion of potentially high demand uses to lower demand uses has allowed water districts to adequately serve their respective users in their service areas. However, because the

UWMPs did not account for the 6<sup>th</sup> Cycle RHNA, documentation is not available to substantiate that there will be sufficient water supplies available to serve future development facilitated by the Project and reasonably foreseeable future development during normal, dry and multiple dry years. Despite compliance with federal, State, and local requirements, the water demands from future development facilitated by the Project would result in a significant and unavoidable impact concerning water supply based on consistency with the UWMPs.

## 5.2 SIGNIFICANT AND IRREVERSIBLE ENVIRONMENTAL CHANGES

State CEQA Guidelines Section 15126.2(d) requires a discussion of any significant irreversible environmental changes that would be caused by a proposed project should it be implemented. Generally, the section notes that a project would result in significant irreversible environmental changes if the following occurs:

- The project would involve large amounts of nonrenewable resources during initial and continued phases in a way that would make their nonuse or removal unlikely;
- The primary and secondary impacts from the Project would generally commit future generations to similar uses;
- The project would involve uses in which irreversible damage could result from a potential environmental accident; and
- The proposed consumption of resources is not justified (e.g., the project involves the wasteful use of energy).

### 5.2.1 Would the Project involve a large commitment of nonrenewable resources in a way that would make their nonuse or removal unlikely?

This Program EIR evaluates the potential environmental effects from future housing development facilitated by the Project on the housing sites and the potential impacts of the implementing actions associated with the 2021-2029 Housing Element. Future housing development would be subject to the City's development review process.

Future development would consume limited, slowly renewable, and non-renewable resources during each individual project's construction and operation. Construction of future development would require a commitment of resources that would include: (1) building materials; (2) fuel and operational materials/resources; and (3) the transport of goods and persons to/from individual development sites.

Operation of future development would require a commitment of resources similar to those currently consumed within the City such as electricity and natural gas, petroleum-based fuels (e.g., gasoline and diesel for vehicle trips), fossil fuels (i.e., oil and natural gas), and water. Fossil fuels would represent the primary energy source associated with both short-term construction and long-term operations, and the existing, finite supplies of these natural resources would be incrementally reduced. Future development operations would occur in accordance with California Code of Regulations (CCR) Title 24, Part 6, which sets forth conservation practices that would limit energy consumption and requires energy efficiency. However, energy requirements would, nonetheless, represent a long-term commitment of non-renewable resources.

Future housing development facilitated by the Project could use and store limited amounts of potentially hazardous materials typical of residential uses. However, these materials would be used in small quantities and would be used, handled, stored, and disposed of in accordance with the manufacturer's instructions and established regulatory framework. Compliance with these regulations and standards would protect against significant and irreversible environmental changes resulting from the accidental release of hazardous materials.

Most housing sites are developed except for 21 vacant sites. Developed sites could require demolition activities to accommodate the residential uses. All potential future demolition activities must comply with the established regulatory framework to ensure that, if present, asbestos and lead-based paints are not released into the environment. Compliance with the existing regulatory framework would protect against a significant and irreversible environmental change resulting from the accidental release of hazardous materials.

In summary, the construction and operation of future development facilitated by the Project would result in the irreversible commitment of limited, slowly renewable, and non-renewable resources, which would limit the availability of these resource quantities for future generations or for other uses during the life of the individual developments. However, continued use of such resources would be on a relatively small scale in a regional context. Although future housing development facilitated by the Project would result in irreversible environmental changes, such changes would not be considered significant.

### **5.2.2 Would the primary and secondary impacts generally commit future generations to similar uses?**

The Project involves amendments to the City's General Plan Land Use Element (goals and policies), Municipal Code (zoning map and adoption of Housing Overlay Zones and Objective Design Standards), and Local Coastal Program policies. The Project does not directly commit future generations to similar uses since the intention of the Project is to ensure compliance with State housing law and implementation of the 2021-2029 Housing Element. The Project does not propose any site development on housing sites evaluated in this Program EIR. Rather, it provides capacity for future development consistent with the 2021–2029 Housing Element.

### **5.2.3 Would the Project involve uses in which irreversible damage could result from any potential environmental accidents associated with the Project?**

The Project does not propose any site development on housing sites evaluated in this Program EIR. Rather, it provides capacity for future development consistent with the 2021–2029 Housing Element. Future development would occur on these sites in incremental phases over time depending upon numerous factors such as market conditions, and economic and planning considerations, and at the individual property owners' discretion.

Exposure of the public or the environment to hazardous materials can occur through transportation accidents; environmentally unsound disposal methods; improper handling of hazardous materials or hazardous wastes (particularly by untrained personnel); and/or emergencies, such as explosions or fires. The severity of these potential effects varies by type of activity, concentration and/or type of hazardous materials or wastes, and proximity to sensitive receptors. However, residential and non-residential development must comply with State and local health and safety requirements designed to preclude significant impacts.

#### 5.2.4 Is the Project's proposed consumption of resources not justified (e.g., the Project involves the wasteful use of energy)?

Public Resources Code (PRC) Section 21100(b)(3) and State CEQA Guidelines Section 15126.4 require EIRs to describe, where relevant, the wasteful, inefficient, and unnecessary consumption of energy caused by a project. Assembly Bill 1575 also amended PRC Section 21100(b)(3) to require EIRs to consider the wasteful, inefficient, and unnecessary consumption of energy caused by a project. Thereafter, the State Resources Agency created State CEQA Guidelines Appendix F (Energy Conservation). **Section 4.5: Energy**, of this Program EIR evaluates the future potential energy use associated with future housing on the housing sites. The analysis concludes that future housing development facilitated by the Project would not result in a wasteful or inefficient use of energy resources during construction or operations due to compliance with federal, State, and local requirements for energy efficiency, including the most current Title 24 standards.

### 5.3 GROWTH INDUCING IMPACTS

State CEQA Guidelines Section 15126.2(d) requires that EIRs include a discussion of ways in which a project could induce growth. The State CEQA Guidelines identify a project as "growth-inducing" if it fosters economic or population growth or if it encourages the construction of additional housing either directly or indirectly in the surrounding environment. New employees from commercial or industrial development and new population from residential development represent direct forms of growth. These direct forms of growth have a secondary effect of expanding the size of local markets and inducing additional economic activity in the area. The project would therefore have a growth-inducing impact if it would:

- Directly or indirectly foster economic or population growth, or the construction of additional housing;
- Remove obstacles to population growth;
- Require the construction of new or expanded facilities that could cause significant environmental effects; or
- Encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

A project's potential to induce growth does not automatically result in growth. The State CEQA Guidelines require an EIR to "discuss the ways" a project could be growth-inducing and to "discuss the characteristics of some projects that may encourage...activities that could significantly affect the environment." However, the State CEQA Guidelines do not require that an EIR predict (or speculate) specifically where such growth would occur, in what form it would occur, or when it would occur. According to State CEQA Guidelines Section 15145: Speculation, the answers to such questions require speculation, which CEQA discourages. Under CEQA, the potential for growth inducement is not considered necessarily detrimental nor necessarily beneficial, and neither is it automatically considered to be of little significance to the environment. This issue is presented to provide additional information on ways in which the proposed Project could contribute to significant changes in the environment, beyond the direct consequences of implementing the proposed project examined in the preceding sections of this Program EIR.

The following analyzes the Project's potential growth-inducing impacts for the criteria outlined above, in accordance with State CEQA Guidelines Section 15126.2(d). Potential growth-inducing effects are examined through analysis of the following questions:

### 5.3.1 Would the Project directly or indirectly foster economic or population growth, or the construction of additional housing?

The Housing Element is one of the mandated elements of the General Plan and must be updated every eight years to address existing and projected housing needs across all segments of the community. A discussion of population and employment effects associated with the implementation of the Project is provided in **Section 4.12: Population and Housing** of this Program EIR. The City's 6<sup>th</sup> Cycle RHNA allocation is 4,845 housing units, including 1,456 Very-Low-Income units and 930 Low-Income units. It is important to note that future housing applicants are 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, particularly in order to demonstrate that Low-Income and Very-Low-Income units are being constructed. Therefore, the proposed Project assumes 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.

The State Employment Development Department reports that of the City's 2023 population of 83,411 persons, 43,700 persons were employed. The average household size was also established as 2.17 persons per household. While the Project would facilitate the development of additional housing throughout the City, resulting in a forecast population growth of approximately 21,811 persons, this forecast population growth would be attributed to accommodating the City's remaining RHNA allocation of 4,845 dwelling units plus the RHNA buffer. It is also important to note the following factors concerning the Project's forecast population growth:

- Future housing development would occur incrementally based on market conditions and other factors, such that potential effects concerning population growth (i.e., utilities, fire, police, and other services and infrastructure) would not occur at any single point in time.
- All future housing developments facilitated by the Project and within overlay zones would be subject to compliance with all federal, State, and local requirements for minimizing growth-related impacts through the City's development review process, which would occur on a project-by-project basis.

When adopting the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (Connect SoCal), the Southern California Association of Governments (SCAG) recognized that its growth projections do not constitute a prescriptive pattern of future development for General Plan or zoning code amendments. The distribution and types of RHNA housing units allocated within each local jurisdiction continues to be fully and completely subject to local control and subject to other applicable laws, and not be constrained or affected by Connect SoCal's growth projections. SCAG's Resolution No. 20-624-1 further notes that for many cities and counties, the required RHNA General Plan and zoning changes may need to accommodate more housing units than reflected in the Connect SoCal's household and population growth projections.

Given SCAG's use of growth projections for regional planning and modeling purposes, and the local jurisdictions' obligations to comply with State Housing laws including RHNA, SCAG agrees that potential

exceedances may not be used to impede a local jurisdiction's compliance with the 6<sup>th</sup> Cycle RHNA requirements or to assess impacts of a plan or project under CEQA. Further, it is anticipated that the next RTP/SCS update will incorporate the latest population and housing growth projections from the 6<sup>th</sup> Cycle RHNA and the Housing Elements of cities and counties within the SCAG region. Accordingly, the forecast population growth generated by the future housing development facilitated through Housing Element implementation would not be classified as unplanned growth, but rather would accommodate growth.

### 5.3.2 Would the Project remove obstacles to population growth?

The objective of the proposed Project is to ensure compliance with State housing law and implementation of the 2021–2029 Housing Element. Following certification of statutory compliance for the 2021-2029 Housing Element by the California Department of Housing and Community Development (HCD), the City is required to ensure the continued and effective implementation of the Housing Element programs including, but not limited to, the provision of sufficient adequately zoned land to accommodate its share of the regional growth and its required share of lower income dwelling units consistent with the General Plan and RHNA obligations.

HCD notes that various consequences may apply if a city or county does not have a Housing Element in compliance with State Housing Law. First, noncompliance would result in ineligibility or delay in receiving State funds that require a compliant Housing Element as a prerequisite. Second, jurisdictions that do not meet their Housing Element requirements may face additional financial and legal ramifications.

### 5.3.3 Would the Project require the construction of new or expanded facilities that could cause significant environmental effects?

Of the 247 housing sites, 21 housing sites are currently vacant and undeveloped; see **Table 3-12: Housing Sites Inventory** for the list of housing sites that are vacant. The City's communities are already served by essential public services (i.e., fire and police protection, parks and recreational facilities, schools, and solid waste disposal), an extensive network of utility/service systems (i.e., water, wastewater, electricity, and natural gas). The proposed Project would have no immediate impacts on public services and would not result in a need for expanded or newly constructed facilities. All future housing development facilitated by the Project and Alternative B would be subject to the City's development review process, which may include review pursuant to CEQA, and would be assessed on a project-specific basis for potential effects concerning the secondary effects of population growth, including but not limited to the need for public service improvements. The proposed Project would not require the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunication facilities resulting in significant impacts. Further, the Project would not require the construction of new roadway infrastructure. Roadway access either currently exists or is adjacent to and would be extended onto the housing site.

### 5.3.4 Would the Project encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively?

As previously stated, the Project would not directly result in the development of housing. Rather, it provides capacity for future development consistent with the 2021–2029 Housing Element. Future development would occur on these sites in incremental phases over time depending upon numerous factors such as market conditions, and economic and planning considerations, and at the individual property owners' discretion. These additional housing units have been distributed to the City based on a



region-wide analysis and RHNA determination by SCAG. The potential impacts associated with the Project have been analyzed in this Program EIR in Sections 4.1 through 4.18. The potential cumulative effects of future development of the additional housing units were evaluated; and the Program EIR concludes that the Project would cumulatively contribute to significant environmental impacts for Air Quality (cumulatively considerable increase in long-term air emissions and pollutant concentrations), GHG Emissions (cumulatively considerable contribution to GHG emissions), and Utilities and Service Systems (cumulatively considerable impact to water supply).