

# SNUG HARBOR SURF PARK PROJECT

SCH NO. 2024110238

## Draft Environmental Impact Report

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

May 2025

Prepared by

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# 1. Executive Summary

This Draft Environmental Impact Report (EIR) (State Clearinghouse [SCH] Number 2024110238) evaluates the environmental effects that may result from the construction and operation of the Snug Harbor Surf Park Project (proposed Project). This EIR has been prepared in conformance with State and City of Newport Beach environmental policy guidelines for the implementation of the California Environmental Quality Act (CEQA).

This Draft EIR is being circulated for review and comment by the public and other interested parties, agencies, and organizations for 45 days in accordance with Section 15087 and Section 15105 of the CEQA Guidelines. During the 45-day review period, the Draft EIR will be available for public review at the City of Newport Beach website <http://www.newportbeachca.gov/ceqa>.

Written comments related to environmental issues in the Draft EIR should be addressed to:

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A Notice of Availability (NOA) of the Draft EIR was published concurrently with distribution of this document.

## 1.1 PROJECT LOCATION

The Project site is located in the northern portion of the City of Newport Beach at 3100 Irvine Avenue. The site is located east of the intersection of Mesa Drive and Irvine Avenue within the Newport Beach Golf Course (NB Golf Course), which is a privately owned commercial recreational facility. Regional access to the Project site is provided via State Route (SR) 73, located 0.3-mile to the northeast, and SR-55, approximately 0.75 mile to the northwest. Local access to the site is provided by Irvine Avenue through an existing driveway that provides both right of left turns to enter the site, and only right turns leaving the site. Additionally, existing pedestrian and golf cart access to the site is provided along Mesa Drive. Regional location and local vicinity maps are provided in Figure 3-1, *Regional Location*, and Figure 3-2, *Local Vicinity*.

The NB Golf Course is separated into three physically distinct land areas. The Project site consists of only the central portion bounded by Irvine Avenue and Mesa Drive. The Project site includes a partially covered synthetic turf driving range, a putting green, three holes of the golf course (holes 1, 2, and 9), a building with a pro shop and a restaurant, and a surface parking lot. Figure 3-3, *Aerial View*, shows the Project site and adjacent golf course areas. For a more detailed description of the existing setting, see Section 4.0, *Environmental Setting*.

The Project site is identified by Assessor's Parcel Number (APN) 119-200-41. Additionally, the site is located within the Newport Beach USGS 7.5-Minute Quadrangle; Section 00, Township 6 South, Range 10 West, San Bernardino Principal Meridian.

## 1.2 PROJECT DESCRIPTION SUMMARY

The Snug Harbor Surf Park Project (Project) would remove the existing improvements on the 15.38-acre Project site and develop a 5.06-acre surf lagoon with warming pools, a spa, and seating areas; a three-story amenity clubhouse; a two-story athlete accommodation building; ancillary storage and maintenance areas; and associated parking areas. Solar panels would be installed on the roofs of the buildings and on



14 to 18-foot-high solar canopies in portions of the parking areas to provide onsite renewable energy (included as Project Design Feature (PDF)-1). In addition, the Project landscaping does not include vegetation that produces seeds, fruits, nuts, or berries, such as fruit bearing trees and shrubs (included as PDF-2) to limit onsite bird attractants.

The portions of the golf course to the north of Irvine Avenue (holes 10-18) and south of Mesa Drive (holes 3-8) would remain and golf cart path of travel between holes 3-8 and holes 10-18 would be provided. The Project includes golf course parking, a starter shack for the golf course, and golf cart storage in the basement level of the proposed amenity clubhouse.

The Project would install new onsite infrastructure that would connect to the existing adjacent utility systems. In addition, the Project would upgrade the existing 6-inch onsite sewer lateral that extends approximately 42.5 feet offsite that is more than 50 years old to a 12-inch sewer line that would connect to the existing 12-inch sewer line in Mesa Drive.

The Project includes a General Plan Amendment (GPA), a Conditional Use Permit (CUP), a Modification Permit, and a Major Site Development Review (SDR). Due to the Project's location near John Wayne Airport (SNA), the Project requires an aeronautical review by the Federal Aviation Administration (FAA), and an Airport Environs Land Use Plan (AELUP) consistency review by the Orange County Airport Land Use Commission (ALUC). Section 3.0, *Project Description*, provides a comprehensive description of the proposed construction and operation of the proposed Project.

### 1.3 SUMMARY OF CEQA PROCESS

A project-level analysis has been provided pursuant to CEQA Guidelines Section 15161. To begin the CEQA process, the City of Newport Beach issued a Notice of Preparation (NOP) for the Project, which was distributed on November 7, 2024, for a public review period of 30 days through December 6, 2024. Per CEQA Guidelines Section 15082, the NOP was submitted to the State Clearinghouse (SCH) within the Office of Planning & Research (OPR), County Clerk, responsible and trustee agencies, counties and cities bordering the site, adjacent properties, and organizations and individuals that have requested notification. The NOP was posted on the Project site, on the City's website, at City Hall and the City libraries. The City emailed a "News Splash" to alert interested parties of the postings. In addition, pursuant to Senate Bill (SB) 18 and Assembly Bill (AB 52), the City sent letters to 20 Native American tribal representatives.

Pursuant to Section 15082(c)(1) of the CEQA Guidelines, the City of Newport Beach hosted a public scoping meeting on November 20, 2024, at 6:00 p.m. at the Friends Room in the Newport Beach Public Library (Central Library Branch) for members of the public and public agencies to provide input as to the scope and content of the environmental information and analysis to be included in the Draft EIR.

The Draft EIR has since been prepared and the City of Newport Beach has filed a Notice of Completion (NOC) with the Governor's Office of Planning and Research State Clearinghouse, indicating that this Draft EIR has been completed and is available for review and comment. A Notice of Availability (NOA) of this Draft EIR was published noticing that it is circulated for review and comment by the public, interested parties, agencies, and organizations for 45 days in accordance with CEQA Guidelines Sections 15087 and 15105.

Written responses to all comments related to the environmental issues in the Draft EIR will be prepared and incorporated into a Final EIR. The written responses to comments will be made available at least 10 days prior to the public hearing at which the certification of the Final EIR will be considered by the City of Newport Beach City Council. Notice of the availability of the Final EIR will be sent to all who comment on the Draft EIR. Additional detail about the CEQA process is provided in Section 2.0, *Introduction*.

## 1.4 PROJECT OBJECTIVES

The intent of the Snug Harbor Surf Park Project is to develop and operate an alternative surfing facility to provide consistent and predictable waves for training, lessons, and contests to enhance the Newport Beach surf culture and recreation base, and to provide accommodations to support traveling athletes, coaches, and surf park guests.

CEQA Guidelines Section 15124(b) states that an EIR shall contain a clearly written statement of objectives to help the lead agency develop a reasonable range of alternatives to evaluate in the EIR; and that the objectives should include the underlying purpose of the project and may discuss project benefits. The Project-specific CEQA objectives have been carefully crafted in order to aid decision makers in their review of the proposed Project and its associated environmental impacts. The CEQA Project objectives include the following:

1. Provide an innovative, world-class, full-service, year-round outdoor recreational opportunity to serve a wide range of guests.
2. Maintain consistency with the existing Santa Ana Heights Specific Plan (SP-7) and the Open Space and Recreation (OSR) Specific Plan designation.
3. Expand the City's tourism economy and expand transient occupancy tax revenues.
4. Utilize sustainable solar energy onsite that is consistent with the City's sustainability goals.

## 1.5 SUMMARY OF ALTERNATIVES

Section 8.0, *Alternatives*, of this EIR analyzes a range of reasonable alternatives to the proposed Project. The alternatives that are analyzed in detail in Section 8.0 are summarized below.

- **Alternative 1: No Project/No Build Alternative.** Pursuant to Section 15126.6(e)(2) of the CEQA Guidelines, the EIR is required to "discuss the existing conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time the environmental analysis is commenced, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services."

Therefore, under this alternative, no new development would occur on the Project site, and it would remain in its existing condition with 3 holes of golf, a driving range, putting green, and the existing pro shop and restaurant would remain operational. This alternative compares impacts of the proposed Project with the existing buildings and golf facilities operating at full capacity.

- **Alternative 2: Reduced Project Alternative.** Under this alternative, the proposed Project would be reduced by 50 percent on the same site. The surf lagoon would consist of one 5.1-million-gallon basin on the site. The amenity clubhouse would provide the same for the same functions (although amenities, storage, and golf support areas would be reduced) within a 50 percent smaller three-story building structure. The athlete accommodations building would be a 50 percent smaller two-story structure that would provide 10 units; with five units on each level. The Project would also provide for 50 percent less parking on the site. The areas around the 50 percent smaller development footprint would be landscaped. Hours of operation and operational activities would be the same as those proposed by the Project. Consistent with the proposed Project all of the golf amenities would be removed from the Project site and the nine holes of golf (holes 10-18) to the north of Irvine Avenue and the six holes of golf (holes 3-8) to the south of Mesa Drive would remain.

- **Alternative 3: Alternative Commercial Recreation Use Alternative.** Under this alternative, the proposed Project site would be developed with a multipurpose recreational facility. A multipurpose recreational facility contains two or more of the following land uses combined at one site: miniature golf, batting cages, video arcade, bumper boats, go-carts, and golf driving range. The Alternative Commercial Recreation Use Alternative would include the development of a 20,000-square-foot family entertainment building consisting of a snack bar, dining area, restrooms, and arcade gaming area; two outdoor 18-hole miniature golf courses; a 4-acre outdoor area for attractions and rides; and a parking lot. Hours of operation would be consistent with those proposed by the Project.

## 1.6 SUMMARY OF IMPACTS

Table 1-1 summarizes the conclusions of the environmental analysis contained in this Draft EIR. The level of significance of impacts after the proposed mitigation measures are applied are identified as significant and unavoidable, less than significant, and no impact. Section 7.0, *Effects Found Not Significant*, establishes that the proposed Project would not result in impacts related to certain thresholds from CEQA Appendix G including agriculture and forestry, mineral resources, population and housing, and wildfire. Thus, no further assessment of those impacts was required in the Draft EIR.

Relevant standard regulatory requirements are identified, and mitigation measures are provided for all potentially significant impacts.



Table 1-1: Summary of Impacts

Impact	Applicable Plan, Program, or Policies (PPP), or Project Design Feature (PDF)	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<b>5.1 Aesthetics</b>				
<b>Impact AES-1:</b> Would the Project have a substantial adverse effect on a scenic vista?		Less than significant	None required	Less than significant
<b>Impact AES-2:</b> Would the Project substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a State scenic highway?		No Impact	None required	No Impact
<b>Impact AES-3:</b> Would the Project, in a non-urbanized area, substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from publicly accessible vantage point), or in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality?		Less than significant	None required	Less than significant
<b>Impact AES-4:</b> Would the Project create a new source of substantial light or glare which would adversely affect day and nighttime views in the area?		Less than significant	None required	Less than significant
<b>Cumulative</b>		Less than significant	None required	Less than significant
<b>5.2 Air Quality</b>				
<b>Impact AQ-1:</b> Would the Project conflict with or obstruct implementation of the applicable air quality plan?		Less than significant	None required	Less than significant

Impact	Applicable Plan, Program, or Policies (PPP), or Project Design Feature (PDF)	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<b>Impact AQ-2:</b> Would the Project 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?		Less than significant	None required	Less than significant
<b>Impact AQ-3:</b> Would the Project expose sensitive receptors to substantial pollutant concentrations?		Less than significant	None required	Less than significant
<b>Impact AQ-4:</b> Would the Project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?		Less than significant	None required	Less than significant
<b>Cumulative</b>		Less than significant	None required	Less than significant
<b>5.3 Biological Resources</b>				
<b>Impact BIO-1:</b> Would the Project 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?		Potentially significant	<b>Mitigation Measure BIO-1: Pre-Construction Roosting Bat Survey.</b> Project plans and construction permitting, including tree removal permits, shall require that in order to avoid and/or minimize injury to roosting bats and avoid maternity roosts until the maternity roost is no longer in use, a qualified biologist shall conduct a pre-construction bat roost survey for roosting bats no more than 14 days prior to site disturbance. The pre-construction bat roost survey shall consist of a minimum of two emergent bat surveys (conducted consecutively or as determined by the biologist). The emergent	Less than significant

Impact	Applicable Plan, Program, or Policies (PPP), or Project Design Feature (PDF)	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
			<p>surveys shall begin 30 minutes before dusk and extend to one hour after dark.</p> <p>If roosting bats are detected onsite outside of the bat maternity season (April 1 through August 31), the roost tree shall be removed in a manner to avoid and/or minimize injury to roosting bats. This may include using mechanical equipment to gently nudge the tree trunk multiple times prior to removal or for palm trees and other species, to de-frond or de-branch the tree using a mechanical lift and gently lower the cut fronds or branches to the ground. Regardless of the method, the fallen tree and/or material shall be left undisturbed overnight until at least the next morning to give roosting bats time to exit before site disturbance.</p> <p>If roosting bats are detected onsite during the maternity season (September 1 through March 31), the Project shall avoid the subject roost(s) and incorporate an avoidance buffer (300 feet or as determined by the qualified biologist) until after the maternity season or until a qualified biologist determines no maternity roosting is occurring. The qualified biologist shall clearly delineate any bat maternity roosts and any required avoidance buffers, which shall be clearly marked with flags and/or fencing prior to the initiation of</p>	



Impact	Applicable Plan, Program, or Policies (PPP), or Project Design Feature (PDF)	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
			construction activities. Once the qualified biologist approves removal of the subject roost tree(s), the same tree removal procedures as outlined above shall be implemented prior to tree removal.	
<b>Impact BIO-2:</b> Would the Project 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 Wildlife or U.S. Fish and Wildlife Service?		No impact	None required	No impact
<b>Impact BIO-3:</b> Would the Project have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		No impact	None required	No impact
<b>Impact BIO-4:</b> Would the Project 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?		Potentially significant	<b>Mitigation Measure BIO-2: Pre-Construction Nesting Bird Survey.</b> Project plans and construction permitting, including tree removal permits, shall state that vegetation removal should occur outside of the nesting bird season (generally between February 1 and August 31). If vegetation removal is required during the nesting bird season, the applicant shall conduct take avoidance surveys for nesting birds prior to initiating vegetation removal/clearing. Surveys shall be	Less than significant

Impact	Applicable Plan, Program, or Policies (PPP), or Project Design Feature (PDF)	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
			conducted by a qualified biologist(s) within three days of vegetation removal. If active nests are observed, a qualified biologist shall determine appropriate minimum disturbance buffers and other adaptive mitigation techniques (e.g., biological monitoring of active nests during construction-related activities, staggered schedules, etc.) to ensure that impacts to nesting birds are avoided until the nest is no longer active. At a minimum, construction activities shall stay outside of a 200-foot buffer around the active nests. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist and City of Newport Beach Planning Division verify that the nests are no longer occupied, and the juvenile birds can survive independently from the nests. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, normal construction activities may occur.	
<b>Impact BIO-5:</b> Would the Project conflict with any local policies or ordinances protecting biological		No impact	None required	No impact

Impact	Applicable Plan, Program, or Policies (PPP), or Project Design Feature (PDF)	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
resources, such as a tree preservation policy or ordinance?				
<b>Impact BIO-6:</b> Would the Project 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	None required	No impact
<b>Cumulative</b>		Potentially significant	<b>Mitigation Measure BIO-1: Pre-Construction Roosting Bat Survey.</b> As listed previously.  <b>Mitigation Measure BIO-2: Pre-Construction Nesting Bird Survey.</b> As listed previously.	Less than significant
<b>5.4 Cultural Resources</b>				
<b>Impact CUL-1:</b> Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?		No impact	None required	No impact
<b>Impact CUL-2:</b> Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		Potentially significant	<b>Mitigation Measure CUL-1: Cultural Resources Monitoring Program.</b> Prior to issuance of grading permits the applicant/developer shall provide evidence to the City of Newport Beach Planning Division that a qualified professional archeologist meeting the Secretary of Interior's PQS for Archaeology (as defined in the Code of Federal Regulations, 36 CFR Part 61) has been retained to prepare a Cultural Resource Monitoring	Less than significant

Impact	Applicable Plan, Program, or Policies (PPP), or Project Design Feature (PDF)	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
			<p>Program (CRMP) and to conduct monitoring of rough grading activities. The CRMP shall be developed in coordination with the consulting tribe(s) and address the details of all activities and provides procedures that must be followed in order to reduce the impacts to cultural, tribal cultural and historic resources to a level that is less than significant as well as address potential impacts to undiscovered buried archaeological resources associated with this project. The Archaeologist shall conduct Cultural Resource Sensitivity Training, in conjunction with the Tribe(s) designated Tribal Representative. The training session shall focus on the archaeological and tribal cultural resources that may be encountered during ground-disturbing activities as well as the procedures to be followed in such an event.</p> <p>The retained Qualified archeologist and Consulting Tribe(s) representative shall attend the pre-grade meeting with the grading contractors to explain and coordinate the requirements of the monitoring plan.</p> <p>In the event that a resource is inadvertently discovered during ground-disturbing activities, work shall be halted within 60 feet of the find until it can be evaluated by the qualified archaeologist.</p>	

Impact	Applicable Plan, Program, or Policies (PPP), or Project Design Feature (PDF)	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
			<p>Construction activities can continue in other areas. If the find is considered a “resource” the archaeologist shall pursue either protection in place or recovery, salvage and treatment of the deposits. Recovery, salvage and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4 in consultation with the City. Per CEQA Guidelines Section 15126.4(b)(3), preservation in place shall be the preferred means to avoid impacts to archaeological resources qualifying as historical resources. Consistent with CEQA Guidelines Section 15126.4(b)(3)(C), if unique archaeological resources cannot be preserved in place or left in an undisturbed state, recovery, salvage, and treatment shall be required at the developer/applicant's expense. If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to consulting tribe(s) for review and comment. The archaeologist shall monitor the</p>	

Impact	Applicable Plan, Program, or Policies (PPP), or Project Design Feature (PDF)	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
			<p>remainder of the project and implement the Plan accordingly.</p> <p><b>Mitigation Measure CUL-2: Monitoring Report.</b> A final monitoring report shall be prepared by the qualified archaeologist prior to issuance of any certificate of occupancy. The final monitoring report(s) created as a part of the Project (isolate records, site records, survey reports, testing reports, etc.) shall be submitted to the Lead Agency and Consulting Tribe(s) for review and comment. After approval of all parties, the final reports are to be submitted to the South Central Coastal Information Center, and the Consulting Tribe(s).</p>	
<b>Impact CUL-3:</b> Would the Project disturb any human remains, including those interred outside of formal cemeteries?	<b>PPP CUL-1: Human Remains.</b> California Health and Safety Code Section 7050.5, CEQA Guidelines 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. 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 be halted until the coroner has conducted an investigation into the	Less than significant	None required	Less than significant

Impact	Applicable Plan, Program, or Policies (PPP), or Project Design Feature (PDF)	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
	circumstances, manner and cause of 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.			
<b>Cumulative</b>		Potentially significant	<b>Mitigation Measure CUL-1: Cultural Resources Monitoring Program.</b> As listed previously.  <b>Mitigation Measure CUL-2: Monitoring Report.</b> As listed previously.	Less than significant
<b>5.5 Energy</b>				
<b>Impact ENE-1:</b> Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<b>PDF-1: Solar:</b> The proposed Project includes installation of solar panels on the roofs of the buildings and on 14 to 18-foot-high solar canopies in portions of the parking areas to provide onsite renewable energy to provide power to the proposed Project.	Less than significant	None required	Less than significant

Impact	Applicable Plan, Program, or Policies (PPP), or Project Design Feature (PDF)	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<b>Impact ENE-2:</b> Would the Project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?		No Impact	None required	No Impact
<b>Cumulative</b>	<b>PDF-1: Solar.</b> As listed previously.	Less than significant	None required	Less than significant
<b>5.6 Geology and Soils</b>				
<b>Impact GEO-1i:</b> Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving 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?		No impact	None required	No impact
<b>Impact GEO-1ii:</b> Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?	<b>PPP GEO-1: CBC Compliance.</b> The proposed Project is required to comply with the California Building Standards Code (CBC) as included in the City's Municipal Code as Chapter 15.04, to preclude significant adverse effects associated with seismic and soils hazards. As part of CBC compliance, CBC related and geologist and/or civil engineer specifications for the proposed Project shall be incorporated into grading plans and building specifications as a condition of construction permit approval.	Less than significant	None required	Less than significant



Impact	Applicable Plan, Program, or Policies (PPP), or Project Design Feature (PDF)	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<b>Impact GEO-1iii:</b> Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?	<b>PPP GEO-1: CBC Compliance.</b> As listed previously.	Less than significant	None required	Less than significant
<b>Impact GEO-1iv:</b> Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?	<b>PPP GEO-1: CBC Compliance.</b> As listed previously.	No impact	None required	No impact
<b>Impact GEO-2:</b> Would the Project result in substantial soil erosion or the loss of topsoil?	<b>PPP WQ-1: NPDES/SWPPP.</b> Prior to issuance of any grading or demolition permits, the applicant shall provide the City Building and Safety Division evidence of compliance with the NPDES (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of one acre or larger. The Project applicant/proponent shall comply by submitting a Notice of Intent (NOI) and by developing and implementing a Stormwater Pollution Prevention Plan (SWPPP) and a monitoring program and reporting plan for the construction site. <b>PPP WQ-2: WQMP.</b> Prior to the approval of the Grading Plan and issuance of Grading Permits	Less than significant	None required	Less than significant

Impact	Applicable Plan, Program, or Policies (PPP), or Project Design Feature (PDF)	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
	<p>a completed Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Public Works Agency. The WQMP shall identify all Post-Construction, Site Design, Source Control, and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development project in order to minimize the adverse effects on receiving waters.</p> <p><b>PPP WQ-3: WQMP.</b> Prior to the approval of the Grading Plan and issuance of Grading Permits, a completed Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Public Works Department. The WQMP shall identify all Post-Construction, Site Design, Source Control, and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development project in order to minimize the adverse effects on receiving waters.</p>			
<b>Impact GEO-3:</b> Would the Project 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?	<b>PPP GEO-1: CBC Compliance.</b> As listed previously.	Less than significant	None required	Less than significant

Impact	Applicable Plan, Program, or Policies (PPP), or Project Design Feature (PDF)	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<b>Impact GEO-4:</b> Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<b>PPP GEO-1: CBC Compliance.</b> As listed previously.	Less than significant	None required	Less than significant
<b>Impact GEO-5:</b> Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?		No impact	None required	No impact
<b>Impact GEO-6:</b> Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		Potentially significant	<p><b>Mitigation Measure PAL-1:</b> Prior to commencement of any grading activity on site, a paleontologist shall be retained to develop a Paleontological Resources Impact Mitigation Program (PRIMP) for this project. The PRIMP shall include the methods that will be used to protect paleontological resources that may exist within the project area as well as procedures for monitoring, fossil preparation and identification, curation into a repository, and preparation of a report at the conclusion of grading. The PRIMP shall be consistent with the guidelines of the Society of Vertebrate Paleontology (SVP) and include, but not be limited to, the following:</p> <ul style="list-style-type: none"> <li>Excavation and grading activities in deposits with high paleontological sensitivity (Young Axial Channel Deposits)</li> </ul>	Less than significant

Impact	Applicable Plan, Program, or Policies (PPP), or Project Design Feature (PDF)	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
			<p>below a depth of 10 feet and Old Paralic Deposits Overlain by Alluvial Fan Deposits) shall be monitored by a paleontological monitor following a PRIMP. No monitoring is required for excavations in deposits with no paleontological sensitivity (Artificial Fill).</p> <ul style="list-style-type: none"> <li>• If paleontological resources are encountered during the course of ground disturbance, the paleontological monitor shall have the authority to temporarily redirect construction away from the area of the find in order to assess its significance. In the event that paleontological resources are encountered when a paleontological monitor is not present, work in the immediate area of the find shall be redirected and a paleontologist should be contacted to assess the find for significance. If determined to be significant, the fossil shall be collected from the field.</li> <li>• Collected resources shall be prepared to the point of identification, identified to the lowest taxonomic level possible, cataloged, and curated into the permanent collections of a scientific institution.</li> <li>• At the conclusion of the monitoring program, a report of findings shall be prepared to</li> </ul>	

Impact	Applicable Plan, Program, or Policies (PPP), or Project Design Feature (PDF)	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
			document the results of the monitoring program.	
<b>Cumulative</b>	<b>PPP GEO-1: CBC Compliance.</b> As listed previously.	Potentially significant	<b>Mitigation Measure PAL-1:</b> As listed previously.	Less than significant
<b>5.7 Greenhouse Gas Emissions</b>				
<b>Impact GHG-1:</b> Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<b>PDF-1 Solar.</b> As listed previously.	Less than significant	None required	Less than significant
<b>Impact GHG-2:</b> Would the Project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?		Less than significant	None required	Less than significant
<b>Cumulative</b>	<b>PDF-1 Solar.</b> As listed previously.	Less than significant	None required	Less than significant
<b>5.8 Hazards and Hazardous Materials</b>				
<b>Impact HAZ-1:</b> Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<b>PPP WQ-1: NPDES/SWPPP.</b> As listed previously.	Less than significant	None required	Less than significant
<b>Impact HAZ-2:</b> Would the Project 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?	<b>PPP HAZ-1: SCAQMD Rule 1403.</b> Prior to issuance of demolition permits, the Project applicant shall submit verification to the City Building and Safety Division that an asbestos survey has been conducted at all existing buildings located on the Project site. If asbestos or asbestos containing material is found, the Project applicant shall follow all	Less than significant	None required	Less than significant

Impact	Applicable Plan, Program, or Policies (PPP), or Project Design Feature (PDF)	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
	<p>procedural requirements and regulations of the South Coast Air Quality Management District (SCAQMD) Rule 1403. Rule 1403 regulations require that the following actions be taken: notification of SCAQMD prior to construction activity, asbestos removal in accordance with prescribed procedures, placement of collected asbestos in leak-tight containers or wrapping, and proper disposal.</p> <p><b>PPP HAZ-2: Lead.</b> Prior to issuance of demolition permits, the Project applicant shall submit verification to the City Building and Safety Division that a lead-based paint survey has been conducted at all existing buildings located on the Project site. If lead-based paint is found, the Project applicant shall follow all procedural requirements and regulations for proper removal and disposal of the lead-based paint. CalOSHA has established limits of exposure to lead contained in dusts and fumes. Specifically, CCR Title 8, Section 1532.1 provides for exposure limits, exposure monitoring, and respiratory protection, and mandates good working practices by workers exposed to lead.</p>			

Impact	Applicable Plan, Program, or Policies (PPP), or Project Design Feature (PDF)	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
	<p><b>PPP WQ-1: NPDES/SWPPP.</b> As listed previously.</p> <p><b>PPP WQ-3: WQMP.</b> As listed previously.</p>			
<b>Impact HAZ-3:</b> Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<b>PPP WQ-1: NPDES/SWPPP.</b> As listed previously.	Less than significant	None required	Less than significant
<b>Impact HAZ-4:</b> Would the Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, create a significant hazard to the public or the environment?		No impact	None required	No impact
<b>Impact HAZ-5:</b> 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 or excessive noise for people residing or working in the Project area?	<b>PDF-2 Vegetation:</b> The proposed Project does not include landscaping or other vegetation that produces seeds, fruits, nuts, or berries, such as fruit bearing trees and shrubs. Likewise, Project site areas would be planted with seed mixtures that do not contain millet or any other large seed producing grass.	Less than significant	None required	Less than significant
<b>Impact HAZ-6:</b> Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?		No impact	None required	No impact

Impact	Applicable Plan, Program, or Policies (PPP), or Project Design Feature (PDF)	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<b>Impact HAZ-7:</b> Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?		Less than significant	None required	Less than significant
<b>Cumulative</b>		Less than significant	None required	Less than significant
<b>5.9 Hydrology and Water Quality</b>				
<b>Impact HYD-1:</b> Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<b>PPP WQ-1: NPDES/SWPPP.</b> As listed previously. <b>PPP WQ-3: WQMP.</b> As listed previously.	Less than significant	None required	Less than significant
<b>Impact HYD-2:</b> Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?	<b>PPP WQ-2: Groundwater Dewatering Permits.</b> Prior to initiation of excavation activities, the Project applicant shall obtain coverage under the Santa Ana RWQCB General Waste Discharge Requirements for Discharges to Surface Waters Resulting from De Minimis Discharges or Groundwater Dewatering Operations, and/or Groundwater Cleanup/Remediation Operations at Sites within the Newport Bay Watershed Permit (Order No. R8-2019-0061, NPDES No. CAG918002), or any other subsequent permit for dewatering activities, and provide evidence of coverage to the City of Newport Beach designee. This shall include submission of a Notice of Intent	Less than significant	None required	Less than significant



Impact	Applicable Plan, Program, or Policies (PPP), or Project Design Feature (PDF)	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
	(NOI) for coverage under the permit to the Santa Ana Regional Water Quality Control Board (RWQCB) at least 60 days prior to the start of excavation activities and anticipated discharge of dewatered groundwater to surface waters. Groundwater dewatering activities shall comply with all applicable provisions in the permit, including water sampling, analysis, treatment (if required), and reporting of dewatering-related discharges. Upon completion of groundwater dewatering activities, a Notice of Termination shall be submitted to the Santa Ana RWQCB.			
<b>Impact HYD-3:</b> Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in a substantial erosion or siltation on- or off-site;	<p><b>PPP WQ-1: NPDES/SWPPP.</b> As listed previously.</p> <p><b>PPP WQ-3: WQMP.</b> As listed previously.</p>	Less than significant	None required	Less than significant
<b>Impact HYD-4:</b> Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or	<p><b>PPP WQ-1: NPDES/SWPPP.</b> As listed previously.</p> <p><b>PPP WQ-3: WQMP.</b> As listed previously.</p>	Less than significant	None required	Less than significant

Impact	Applicable Plan, Program, or Policies (PPP), or Project Design Feature (PDF)	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
amount of surface runoff in a manner which would result in flooding on- or off-site;				
<b>Impact HYD-5:</b> Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<p><b>PPP WQ-1: NPDES/SWPPP.</b> As listed previously.</p> <p><b>PPP WQ-2: Groundwater Dewatering Permits.</b> As listed previously.</p>	Less than significant	None required	Less than significant
<b>Impact HYD-6:</b> Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?		Less than significant	None required	Less than significant
<b>Impact HYD-7:</b> In flood hazard, tsunami, or seiche zones, would the Project risk release of pollutants due to Project inundation?		Less than significant	None required	Less than significant
<b>Impact HYD-8:</b> Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<p><b>PPP WQ-1: NPDES/SWPPP.</b> As listed previously.</p> <p><b>PPP WQ-2: Groundwater Dewatering Permits.</b> As listed previously.</p>	Less than significant	None required	Less than significant

Impact	Applicable Plan, Program, or Policies (PPP), or Project Design Feature (PDF)	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
	PPP WQ-3: WQMP. As listed previously.			
<b>Cumulative</b>	<p>PPP WQ-1: NPDES/SWPPP. As listed previously.</p> <p>PPP WQ-2: Groundwater Dewatering Permits. As listed previously.</p> <p>PPP WQ-3: WQMP. As listed previously.</p>	Less than significant	None required	Less than significant
<b>5.10 Land Use and Planning</b>				
<b>Impact LU-1:</b> Would the Project physically divide an established community?		Less than significant	None required	Less than significant
<b>Impact LU-2:</b> Would the Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?		Less than significant	None required	Less than significant
<b>Cumulative</b>		Less than significant	None required	Less than significant
<b>5.11 Noise</b>				
<b>Impact NOI-1:</b> Would the Project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		Less than significant	None required	Less than significant

Impact	Applicable Plan, Program, or Policies (PPP), or Project Design Feature (PDF)	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<b>Impact NOI-2:</b> Would the Project result in generation of excessive groundborne vibration or groundborne noise levels?		Less than significant	None required	Less than significant
<b>Impact NOI-3:</b> For a project located within the vicinity of a private airstrip or 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?		Less than significant	None required	Less than significant
<b>Cumulative</b>		Less than significant	None required	Less than significant
<b>5.12 Public Services</b>				
<b>Impact PS-1:</b> 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 fire protection services? (ii) Police protection? (iii) Schools? (v) Other public facilities?		Less than significant	None required	Less than significant
<b>Impact PS-2:</b> Would the Project result in substantial adverse physical impacts associated with		Less than significant	None required	Less than significant

Impact	Applicable Plan, Program, or Policies (PPP), or Project Design Feature (PDF)	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
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 police protection services?				
<b>Impact PS-3:</b> 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 school services?		Less than significant	None required	Less than significant
<b>Impact PS-4:</b> 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		Less than significant	None required	Less than significant

Impact	Applicable Plan, Program, or Policies (PPP), or Project Design Feature (PDF)	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
performance objectives for other public service facilities?				
<b>Cumulative</b>		Less than significant	None required	Less than significant
<b>5.13 Parks and Recreation</b>				
<b>Impact REC-1:</b> Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered park and recreation facilities, need for new or physically altered park or recreation facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable park and recreation service ratios?		Less than significant	None required	Less than significant
<b>Impact REC-2:</b> 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	None required	Less than significant
<b>Impact REC-3:</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	None required	Less than significant
<b>Cumulative</b>		Less than significant	None required	Less than significant
<b>5.14 Transportation</b>				
<b>Impact TRA-1:</b> Would the Project conflict with a program, plan,		Less than significant	None required	Less than significant

Impact	Applicable Plan, Program, or Policies (PPP), or Project Design Feature (PDF)	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?				
<b>Impact TRA-2:</b> Would the Project conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?		Less than significant	None required	Less than significant
<b>Impact TRA-3:</b> Would the Project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?		Less than significant	None required	Less than significant
<b>Impact TRA-4:</b> Would the Project result in inadequate emergency access?		Less than significant	None required	Less than significant
<b>Cumulative</b>		Less than significant	None required	Less than significant
<b>5.15 Tribal Cultural Resources</b>				
<b>Impact TCR-1:</b> Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as		Potentially significant	<b>Mitigation Measure TCR-1: Retain a Native American Monitors Prior to Commencement of Ground-Disturbing Activities</b> A. The Project plans, specifications, and grading permits shall state that the Project applicant shall retain Native American monitor(s). The monitor(s) shall be retained prior to the commencement of any “ground-disturbing activity” for the Project (both onsite and any offsite locations that are included in the Project description and/or required in	Less than significant

Impact	Applicable Plan, Program, or Policies (PPP), or Project Design Feature (PDF)	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
defined in Public Resources Code section 5020.1(k)?			<p>connection with the proposed Project, such as public improvement work). "Ground-disturbing activity" shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.</p> <p>B. A copy of the executed monitoring agreement(s) shall be submitted to the Lead Agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.</p> <p>C. The monitor(s) shall complete daily monitoring logs that shall provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the tribe(s). Monitor logs shall identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American</p>	



Impact	Applicable Plan, Program, or Policies (PPP), or Project Design Feature (PDF)	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
			<p>(ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the Project applicant upon written request to the tribe(s).</p> <p>D. Onsite tribal monitoring shall conclude upon the earlier of the following (1) written confirmation to the monitoring tribe(s) from a designated point of contact for the Project applicant or Lead Agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the Project site or in connection with the Project are complete; or (2) a determination and written notification by the monitoring tribe(s) to the Lead Agency that no future, planned construction activity and/or development/construction phase at the Project site possesses the potential to impact TCRs.</p> <p><b>Mitigation Measure TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial)</b></p> <p>A. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been</p>	

Impact	Applicable Plan, Program, or Policies (PPP), or Project Design Feature (PDF)	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
			<p>fully assessed by a Native American monitor in consultation with a qualified archaeologist. The monitoring tribe(s) shall recover and retain all discovered TCRs in the form and/or manner the tribe(s) deems appropriate, in the tribe(s) sole discretion, and for any purpose the tribe(s) deems appropriate, including for educational, cultural and/or historic purposes.</p> <p><b>Mitigation Measure TCR-3: Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects</b></p> <p>A. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.</p> <p>B. If Native American human remains and/or grave goods are discovered or recognized on the Project site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed.</p>	

Impact	Applicable Plan, Program, or Policies (PPP), or Project Design Feature (PDF)	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
			<p>C. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).</p> <p>D. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods.</p> <p>E. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.</p>	
<b>Impact TCR-2:</b> Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	<b>PPP CUL-1: Human Remains.</b> As listed previously.	Potentially significant	<p><b>Mitigation Measures TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities:</b> As listed previously.</p> <p><b>Mitigation Measure TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial):</b> As listed previously.</p> <p><b>Mitigation Measure TCR-3: Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects:</b> As listed previously.</p>	Less than significant
<b>Cumulative</b>		Potentially significant	<b>Mitigation Measures TCR-1: Retain a Native American</b>	Less than significant

Impact	Applicable Plan, Program, or Policies (PPP), or Project Design Feature (PDF)	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
			<b>Monitor Prior to Commencement of Ground-Disturbing Activities:</b> As listed previously.  <b>Mitigation Measure TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial):</b> As listed previously.  <b>Mitigation Measure TCR-3: Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects.</b> As listed previously.	
<b>5.16 Utilities and Service Systems</b>				
<b>Impact UT-1:</b> Would the Project require or result in the construction of new water facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects ?		Less than significant	None required	Less than significant
<b>Impact UT-2:</b> Would the Project have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years?		Less than significant	None required	Less than significant
<b>Impact UT-3:</b> Would the Project require or result in the construction of new wastewater facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects?		Less than significant	None required	Less than significant
<b>Impact UT-4:</b> Would the Project result in a determination by the		Less than significant	None required	Less than significant

Impact	Applicable Plan, Program, or Policies (PPP), or Project Design Feature (PDF)	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
wastewater 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?				
<b>Impact UT-5:</b> Would the Project require or result in the construction of new stormwater drainage facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects?		Less than significant	None required	Less than significant
<b>Impact UT-6:</b> Would the Project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?		Less than significant	None required	Less than significant
<b>Impact UT-7:</b> Would the Project comply with federal, State, and local management and reduction statutes and regulations related to solid waste?		No impact	None required	No impact
<b>Impact UT-8:</b> Would the Project require or result in the relocation or construction of a new or expanded electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects?		Less than significant	None required	Less than significant
<b>Cumulative</b>		Less than significant	None required	Less than significant

## 2. Introduction

This Draft Environmental Impact Report (EIR) (State Clearinghouse [SCH] Number 2024110238) is an informational document that evaluates the environmental effects that may result from the construction and operation of the proposed Snug Harbor Surf Park Project (Project), as detailed in Chapter 3.0, *Project Description*. This EIR has been prepared by the City of Newport Beach in its capacity as Lead Agency, as that term is defined in Section 15367 of the California Environmental Quality Act (CEQA) Guidelines (14 California Code of Regulations Section 15000 et seq.) and in conformance with CEQA (Public Resources Code Section 21000 et seq.). This EIR has been prepared to identify, analyze, and mitigate the potentially significant environmental effects of the proposed Project.

CEQA requires each EIR to reflect the independent judgment of the Lead Agency, including but not limited to the thresholds of significance used to analyze Project impacts, analyses and conclusions regarding the level of significance of impacts both before and after mitigation, the identification and application of mitigation measures to avoid or reduce Project-related impacts, and the consideration of alternatives to the proposed Project. In preparing this Draft EIR, the City of Newport Beach has employed CEQA and environmental technical specialists; however, the analyses and conclusions set forth in this Draft EIR reflect the independent judgment of the City as Lead Agency.

### 2.1 PURPOSE OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

CEQA requires that all State and local governmental agencies consider the environmental consequences of projects over which they have discretionary authority prior to taking action on those projects. Pursuant to the provisions of CEQA Guidelines Section 15121(a), this Draft EIR is intended as an informational document to inform public agency decision makers and the general public of the significant environmental effects of the proposed Project, identify possible ways to avoid or minimize those significant effects, and describe reasonable alternatives to the Project that might avoid or lessen significant environmental effects. Thus, this Draft EIR is intended to aid the review and decision-making process. The CEQA Guidelines provide the following information regarding the purpose of an EIR:

- **Project Information and Environmental Effects.** An EIR is an informational document that will inform public agency decision makers and the public generally of the potential significant environmental effect(s) of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR along with other information that may be presented to the agency (CEQA Guidelines Section 15121(a)).
- **Standards for Adequacy of an EIR.** An EIR should be prepared with a sufficient degree of analysis to enable decision makers to make an intelligent decision that takes into account environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure (CEQA Guidelines Section 15151).

As a public disclosure document, the purpose of an EIR is not to recommend either approval or denial of a project, but to provide information regarding the physical environmental changes that would result from an action being considered by a public agency to aid in the agency's decision-making process.

## 2.2 LEGAL AUTHORITY

This Draft EIR has been prepared in accordance with all criteria, standards, and procedures of CEQA (California Public Resource Code Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000 et seq.).

### Lead Agency

Pursuant to CEQA Section 21067 and CEQA Guidelines Article 4 and Section 15367, the City of Newport Beach is the Lead Agency under whose authority this Draft EIR has been prepared. “Lead Agency” refers to the public agency that has the principal responsibility for carrying out or approving a project. Serving as the Lead Agency and before taking action on any approvals for the Project, the City of Newport Beach has the obligation to: (1) ensure that this Draft EIR has been completed in accordance with CEQA; (2) review and consider the information contained in this Draft EIR as part of its decision-making process; (3) make a statement that this Draft EIR reflects the City of Newport Beach’s independent judgment; (4) ensure that all significant effects on the environment are eliminated or substantially lessened where feasible; and, if necessary, (5) make written findings for each unavoidable significant environmental effect stating the reasons why mitigation measures or Project alternatives identified in this Draft EIR are infeasible and citing the specific benefits of the proposed Project that outweigh its unavoidable adverse effects (CEQA Guidelines Sections 15090 through 15093).

Pursuant to CEQA Guidelines Sections 15040 through 15043, and upon completion of the CEQA review process, the City of Newport Beach will have the legal authority to do any of the following:

- Approve the Project;
- Require feasible changes in any or all activities involved in the Project in order to substantially lessen or avoid significant effects on the environment;
- Disapprove the Project, if necessary, in order to avoid one or more significant effects on the environment that would occur if the Project was approved as proposed; or
- Approve the Project even though the Project would cause a significant effect on the environment if the City of Newport Beach makes a fully informed and publicly disclosed decision that: (1) there is no feasible way to lessen the effect or avoid the significant effect; and (2) expected benefits from the Project will outweigh significant environmental impacts of the Project.

### Responsible Agency

A responsible agency refers to a public agency other than the lead agency that has discretionary approval over the project. Responsible agencies include the Regional Water Quality Control Board (RWQCB) for review of the National Pollutant Discharge Elimination System (NPDES) Construction General Permit application; the South Coast Air Quality Management District (SCAQMD) for review of project equipment subject to SCAQMD Rule requirements and prohibitory rules; and the Orange County Health Care Agency (OCHCA) for issuance of permits related to water safety and restaurant operations. Due to the Project’s location near John Wayne Airport (SNA), the Project requires an aeronautical review by the (FAA) and an Airport Environs Land Use Plan (AELUP) consistency review by the Orange County Airport Land Use Commission (ALUC). The EIR will also be submitted to these agencies for review and comment.

### Trustee Agency

A trustee agency refers to a State agency having jurisdiction by law over natural resources affected by a project. Trustee agencies include the California Department of Fish and Wildlife (CDFW) for administering the California Endangered Species Act (CESA) and other aspects of the California Fish and Game Code,

and United States Fish and Wildlife Service (USFWS) for administering the federal Endangered Species Act (ESA) and related permitting requirements.

## 2.3 ENVIRONMENTAL IMPACT REPORT PROCESS

A project-level analysis has been provided pursuant to CEQA Guidelines Section 15161. This Draft EIR meets the content requirements discussed in CEQA Guidelines Article 9, beginning with CEQA Guidelines Section 15120.

### 2.3.1 Notice of Preparation

Pursuant to the requirements of CEQA, the City of Newport Beach issued a Notice of Preparation (NOP) for the Project, which was distributed on November 7, 2024, for a public review period of 30 days through December 6, 2024. Per CEQA Guidelines Section 15082, the NOP was submitted to the State Clearinghouse (SCH) within the Office of Planning & Research (OPR), County Clerk, responsible and trustee agencies, counties and cities bordering the site, adjacent properties, and organizations and individuals that have requested notification. In addition, the NOP was posted on the Project site, on the City's website, at City Hall and the City libraries. The City emailed a "News Splash" to alert interested parties of the postings.

The purpose of the NOP was to solicit early comments from public agencies with expertise in subjects that are discussed in this Draft EIR and to solicit comments from the public regarding potential Project environmental impacts. In addition, the NOP provided notice of the EIR scoping meeting. As provided in the NOP, the City of Newport Beach determined through the initial review process that impacts related to the following topics are potentially significant and required a detailed level of analysis in this Draft EIR.

- Aesthetics
- Air quality
- Biological resources
- Cultural resources
- Energy
- Geology and soils
- Greenhouse gas emissions
- Hazards and hazardous materials
- Land use and planning
- Noise
- Hydrology and water quality
- Public services
- Parks and Recreation
- Transportation
- Tribal cultural resources
- Utilities and service systems

The NOP requested members of the public and public agencies to provide input on the scope and content of environmental impacts that should be included in the EIR being prepared. Comments received on the NOP are included in Appendix A and are summarized in Table 2-1, which also includes a reference to the Draft EIR sections in which issues raised in the comment letters are addressed.

**Table 2-1: Summary of NOP Comment Letters**

Comment Letter and Comment	Relevant Draft EIR Sections
<b>State and Local Agencies</b>	
<b>California Department of Fish and Wildlife, November 15, 2024</b>	
This comment letter requests that the DEIR provide a discussion and full disclosure of potential environmental impacts to special status species with potential to occur on the Project site. The comment letter requests an adequate biological resources assessment and lists information regarding biological resources that should be included in the DEIR. The comment letter also requests	5.3, Biological Resources 5.3.6, Environmental Impacts, Impact BIO-1 5.3.7, Cumulative Impacts



Comment Letter and Comment	Relevant Draft EIR Sections
focused surveys, mitigation, and permits (if applicable) for those species. This letter requests a complete analysis of direct, indirect, and cumulative impacts as it relates to wildlife movement and biological resources.	
<b>California Coastal Commission, December 4, 2024</b>	
This comment letter states that the proposed Project site is located adjacent to the Coastal Zone Boundary, and that the City should request a boundary determination from the Coastal Commission to determine if any portion of the Project site is located within the Coastal Zone. If the Project site is located within the Coastal Zone, a Coastal Development Permit from the City of Newport Beach would be required.	5.10, Land Use and Planning 5.10.6, Environmental Impacts, Impact LU-2
<b>California Department of Transportation, December 6, 2024</b>	
This comment letter states that the Project site is within the vicinity of State Route (SR) 55 and SR 73 which are both owned and operated by Caltrans, making Caltrans a responsible agency. The comment letter recommends the design of complete streets with pedestrian-oriented LED lighting as well as including short-term bicycle parking due to the Project site's proximity to class II bike lanes on Mesa Drive and Irvine Avenue. The comment also requests that the Draft EIR discuss the Coastal Zone, and consider upgrading the crosswalks at the nearby intersections. The letter further states that a Traffic Impact Study, Level of Service Assessment, and a Vehicle Miles Traveled Analysis at road segments that could impact SR 73 & 55 should be completed as well as a Traffic Management Plan. The comment concludes in stating that should any work be performed within the Caltrans right-of-way, a discretionary review and encroachment permit will be required prior to construction.	5.14, Transportation 5.14.6, Environmental Impacts, Impact TRA-1
<b>Orange County Airport Land Use Commission, December 6, 2024</b>	
The letter states that the proposed Project site is located approximately 3,900 feet from the end of the runway (2L) and is within the John Wayne Airport (JWA) Airport Planning/Area/Notification Area. The comment further states that the Project site is within the 65 dB CNEL contour for JWA, and the EIR should address any potential noise impacts of airport operations. The Project site is also within the Federal Aviation Administration (FAA) Notification Area as well as the Federal Aviation Regulations (FAR) Part 77, Obstruction Imaginary Surfaces for JWA. The EIR should address potential height restrictions and safety concerns related to the Project vicinity to the airport. The letter concludes in stating that because the Project would require a General Plan Amendment, the Project is also required to be submitted to the Airport Land Use Commission prior to City Council adoption.	5.8, Hazards and Hazardous Materials 5.8.6, Environmental Impacts, Impact HAZ-5 5.11, Noise 5.11.6, Environmental Impacts, Impact NOI-3

Comment Letter and Comment	Relevant Draft EIR Sections
<b>Organization</b>	
<b>California Cultural Resource Preservation Alliance, November 20, 2024</b>	
The comment states that the Project site was historically populated by the ancestors of the Juaneño/Acjachemen and expresses concern over archaeological resources. The comment recommends that an archeological survey should be conducted by a qualified archeologist.	5.4, Cultural Resources 5.4.6, Environmental Impacts, Impact CUL-2 5.15, Tribal Cultural Resources 5.15.6, Environmental Impacts, Impact TCR-1
<b>Public Comments</b>	
<b>Linda Giedt, November 7, 2024</b>	
When will Project plans be publicly available?	3.0, Project Description
<b>Laurie Kelly, November 8, 2024</b>	
Proposed Project would bring outside visitors and not serve residents. No road improvements are included and Irvine Avenue, Bristol, and the 73 freeway will see increased traffic and accidents. Additionally, cars speed through the Bayview Heights community.	5.14, Transportation 5.14.2.1, State Regulations 5.14.6, Environmental Impacts, Impact TRA-3
<b>Jeff Sue, November 8, 2024</b>	
This letter expresses opposition to the proposed Project as it would result in the loss of the existing affordable recreation provided by the Newport Beach Golf Course.	5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1
<b>Michael Clayton, November 11, 2024</b>	
This letter requested information on how the remainder of the golf course would operate as well as requested any additional City discussions that were had about the Project.	3.0, Project Description 3.8, Operations
<b>Nancy Kreft, November 12, 2024</b>	
Opposes the proposed Project	N/A
<b>Jon Rosen, November 12, 2024</b>	
Supports the proposed Project.	N/A
<b>Danielle Dino, November 12, 2024</b>	
Loss of open space, increase in traffic	5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1 5.14, Transportation 5.14.2.1, State Regulations 5.14.6, Environmental Impacts, Impact TRA-1
<b>Vincent Capizzi, November 12, 2024</b>	
Opposes the proposed Project	N/A
<b>Lance Niederhaus, November 12, 2024</b>	
Supports the proposed Project.	N/A
<b>Mike Battin, November 12, 2024</b>	
This comment states that the Project does not fit the non-commercial setting of the golf course and open space currently onsite.	5.1, Aesthetics, 5.1.6, Environmental Impacts, Impact AES-3 5.10, Land Use and Planning 5.10.6, Environmental Impacts, Impact LU-2

Comment Letter and Comment	Relevant Draft EIR Sections
<b>Laura Mulchay, November 12, 2024</b>	
This letter expresses opposition to the proposed Project as it would result in the loss of the existing affordable recreation provided by the Newport Beach Golf Course. The comment also expresses concerns over the viability of a surf park near the ocean and the increase in water usage and disrupting wildlife.	5.3, Biological Resources. 5.3.6, Environmental Impacts 5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1 5.16, Utilities and Service Systems 5.16.6, Environmental Impacts, Impact UTIL-2
<b>Kristen Panehal, November 12, 2024</b>	
This letter expresses concerns over noise as well as 8-foot-tall retaining walls blocking views. The commenter is also concerned about the loss of popular golf recreation used by the community.	5.1, Aesthetics 5.1.6, Environmental Impacts, Impact AES-3 5.11, Noise 5.11.6 Environmental Impacts, Impact NOI-1 5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1
<b>Liz Maxson, November 12, 2024</b>	
Opposes the proposed Project	N/A
<b>Kristine Benson, November 12, 2024</b>	
Opposes the proposed Project due to such close proximity to the beach.	N/A
<b>Michael Hussey, November 12, 2024</b>	
Opposes the proposed Project	N/A
<b>Emily Norton, November 12, 2024</b>	
Supports the proposed Project.	N/A
<b>Laura Cleary, November 12, 2024</b>	
Supports the proposed Project.	N/A
<b>Susan Bubb, November 12, 2024</b>	
This commenter opposes the Project due to the potential increased vehicle and bicycle traffic on already congested roadways with young, inexperienced drivers/riders. The commenter explains that there is no reason to have a surf park near the beach.	5.14, Transportation 5.14.2.1, State Regulations 5.14.6, Environmental Impacts, Impact TRA-1
<b>Mike Skibba, November 12, 2024</b>	
The comment expresses concerns over the viability of a surf park near the ocean and the increase in traffic.	5.14, Transportation 5.14.2.1, State Regulations 5.14.6, Environmental Impacts, Impact TRA-1
<b>Jon Langford, November 12, 2024</b>	
The comment requested information about who will be running the Scoping meeting and if it will be livestreamed.	N/A
<b>Alicia Downing, November 12, 2024</b>	
This comment expresses concern about the increased traffic and tourists in the area. The letter points to similar traffic impacts with the Lower Castaways Park	5.14, Transportation 5.14.2.1, State Regulations 5.14.6, Environmental Impacts, Impact TRA-1

Comment Letter and Comment	Relevant Draft EIR Sections
Community Pool Project will lead to increased traffic, parking issues, trash, and crowds.	
<b>Mandy McDonnell, November 12, 2024</b>	
Supports the proposed Project.	N/A
<b>Lauryl and Andy Boyum, November 12, 2024</b>	
This comment expresses concern over the loss of the affordable driving range and golf course. The letter states that the Project would not contribute housing on a site identified in the Housing Element. The comment also expresses concerns over the viability of a surf park near the ocean	5.10, Land Use and Planning 5.10.3.2, Existing General Plan Land Use and Zoning Designations 5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1
<b>Lonnie and Marie Nadal, November 12, 2024</b>	
This comment expresses concern over the loss of the affordable driving range and golf course. The comment concludes in stating that the redevelopment is an attempt to build apartments onsite, which the commenter believes are located too close to the airport.	5.10, Land Use and Planning 5.10.6, Environmental Impact, Impact LU-2 5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1
<b>Macon Brock, November 12, 2024</b>	
Supports the proposed Project.	N/A
<b>Jami Sepulveda, November 12, 2024</b>	
This comment expresses concern over the loss of the affordable driving range and golf course.	5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1
<b>Raegan Barry, November 12, 2024</b>	
The comment expresses concerns over the viability of a surf park near the ocean.	5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1
<b>Brad Pence, November 12, 2024</b>	
Supports the proposed Project.	N/A
<b>Carolyn Scroggs, November 12, 2024</b>	
The commenter expresses concern over the increase in vehicle and bicycle traffic on already congested roadways with young, inexperienced drivers/riders. No reason to have a surf park near the beach.	5.14, Transportation 5.14.2.1, State Regulations 5.14.6, Environmental Impacts, Impact TRA-1
<b>Sandy MacDougall, November 12, 2024</b>	
This comment letter expresses concern over the potential noise impacts from airport runways.	5.11, Noise 5.11.6 Environmental Impacts, Impact NOI-3
<b>Brady McKelheer, November 12, 2024</b>	
Supports the proposed Project.	N/A
<b>Nancy Kreft, November 12, 2024</b>	
Opposes the proposed Project	N/A
<b>Joseph Kristofl, November 13, 2024</b>	
This comment expresses concern over the loss of the affordable driving range and golf course.	5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1

Comment Letter and Comment	Relevant Draft EIR Sections
<b>Gary Dial, November 13, 2024</b>	
The comment expresses concern over the viability of a surf park near the ocean.	5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1
<b>Ted Canedy, November 13, 2024</b>	
The comment letter expresses concern about the added traffic in an already busy area as well as increasing noise from traffic. The comment states that the Project would result in the loss of an affordable driving range and golf course used by community members.	5.11, Noise 5.11.6, Environmental Impacts, Impact NOI-1 5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1 5.14, Transportation 5.14.2.1, State Regulations 5.14.6, Environmental Impacts, Impact TRA-1
<b>Adam Hutchinson, November 13, 2024</b>	
The comment letter expresses concern about the potential increased congestion along Irvine Avenue, which is already heavily congested. Traffic on the 73 and 405 freeways would also increase as well as parking in the community due to overflow. Local residents who already experience noise impacts from the airport will be further impacted by the Project. The letter concludes in stating that the proposed Project prioritized out of town surfers over local residents.	5.11, Noise 5.11.6, Environmental Impacts, Impact NOI-3. 5.14, Transportation 5.14.2.1, State Regulations 5.14.6, Environmental Impacts, Impact TRA-1
<b>Don Mowery, November 13, 2024</b>	
Supports the proposed Project.	N/A
<b>Gayle Eve, November 13, 2024</b>	
Opposes the proposed Project. The comment states that roads are already congested in the area.	5.14, Transportation 5.14.2.1, State Regulations 5.14.6, Environmental Impacts, Impact TRA-1
<b>David Clarke, November 13, 2024</b>	
This comment expresses concern over the loss of the affordable driving range and golf course. The comment also states that getting rid of the golf course could lead to airport expansion.	5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1
<b>Nicholas Hahn, November 13, 2024</b>	
Supports the proposed Project.	N/A
<b>Sean Norton, November 13, 2024</b>	
Supports the proposed Project.	N/A
<b>Val Lyon, November 13, 2024</b>	
The comment expresses concern over the viability of a surf park near the ocean.	5.13, Parks and Recreation
<b>Kate and Nate Eaton, November 13, 2024</b>	
This comment expresses concern over the potential increase in vehicle and bicycle traffic on already congested roadways with young, inexperienced drivers/riders. The comment concludes that there is no	5.14, Transportation 5.14.2.1, State Regulations 5.14.6, Environmental Impacts, Impact TRA-1 5.16, Utilities and Service Systems

Comment Letter and Comment	Relevant Draft EIR Sections
reason to have a surf park near the beach and introduce a new use with increased water use.	5.16.6, Environmental Impacts, Impact UTIL-2
<b>Jaclyn Hussey, November 12, 2024</b>	
Opposes the proposed Project	N/A
<b>Richard Rule II, November 12, 2024</b>	
Opposes the proposed Project	N/A
<b>Mac Posey, November 12, 2024</b>	
This comment expresses concern over the loss of the affordable driving range and golf course	5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1
<b>Peter Dickey, November 13, 2024</b>	
This comment expresses concern over the loss of the affordable driving range and golf course	5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1
<b>Catherine Lee, November 13, 2024</b>	
This comment expresses concern over the potential increase in vehicle and bicycle traffic on already congested roadways with young, inexperienced drivers/riders. The comment concludes that there is no reason to have a surf park near the beach.	5.14, Transportation 5.14.2.1, State Regulations 5.14.6, Environmental Impacts, Impact TRA-1
<b>Caroline Colesworthy, November 13, 2024</b>	
The comment letter states that the proposed Project would create excessive noise which would disturb walkers and wildlife in the Back Bay. The commenter states that the City needs affordable housing.	5.3, Biological Resources. 5.3.6, Environmental Impacts, Impact BIO-1 5.10, Land Use and Planning 5.10.3.2, Existing General Plan Land Use and Zoning Designations 5.11, Noise 5.11.6, Environmental Impacts, Impact NOI-1
<b>Steven Rivera, November 13, 2024</b>	
The comment letter states that the proposed Project would result in increased noise levels in the area as well as increased traffic.	5.11, Noise 5.11.6, Environmental Impacts, Impact NOI-1 5.14, Transportation 5.14.2.1, State Regulations 5.14.6, Environmental Impacts, Impact TRA-1
<b>Brian Faust, November 14, 2024</b>	
The comment letter states that implementation of the proposed Project would result in increased traffic.	5.14, Transportation 5.14.2.1, State Regulations 5.14.6, Environmental Impacts, Impact TRA-1
<b>Ashley Cleary, November 14, 2024</b>	
Supports the proposed Project.	N/A
<b>Jeannine Vandertoll, November 14, 2024</b>	
The comment letter states that implementation of the proposed Project would result in increased traffic, specifically turning onto Irvine Avenue off of the 73 southbound.	5.14, Transportation 5.14.2.1, State Regulations 5.14.6, Environmental Impacts, Impact TRA-1

Comment Letter and Comment	Relevant Draft EIR Sections
<b>Peter Jacks, November 14, 2024</b>	
The comment letter expresses concern over the amount of disruption from construction occurring in the City and the increase in traffic in the area. The existing golf course has a charm that will be lost if this Project is implemented.	5.1, Aesthetics 5.1.6, Environmental Impacts, Impact AES-3 5.14, Transportation 5.14.6, Environmental Impacts, Impact TRA-1 5.11, Noise 5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1
<b>John Saroyan, November 14, 2024</b>	
The comment letter states that implementation of the proposed Project would result in the loss of the affordable driving range, golf course, and open green space. Replacing the green space would result in increased water usage, energy consumption, and noise pollution. The Project would result in increased traffic and strain local infrastructure	5.5, Energy 5.5.6, Environmental Impacts, Impact ENE-1 5.11, Noise 5.11.6, Environmental Impacts, Impact NOI-1. 5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1 5.14, Transportation 5.14.2.1, State Regulations 5.14.6, Environmental Impacts, Impact TRA-1 5.16, Utilities and Service Systems 5.16.6, Environmental Impacts, Impact UTIL-2
<b>Rachelle Rooney, November 14, 2024</b>	
Opposes the proposed Project.	N/A
<b>Nick Kelly, November 14, 2024</b>	
Supports the proposed Project.	N/A
<b>Kaelan Sizemore, November 14, 2024</b>	
This comment letter suggests that the proposed Project should include a lake-style wave pool as opposed to what is currently proposed.	N/A
<b>Katerina Kurteeva, November 14, 2024</b>	
The comment letter expresses concern over the loss of the affordable driving range and golf course. Concerned about water use and where the water will be coming from.	5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1 5.16, Utilities and Service Systems 5.16.6, Environmental Impacts, Impact UTIL-2
<b>Garrett Bland, November 15, 2024</b>	
Supports the proposed Project.	N/A
<b>Sara White, November 15, 2024</b>	
Supports the proposed Project.	N/A
<b>Colleen Nelson, November 15, 2024</b>	
The comment letter expresses concern over potential airport hazards, increased traffic congestion, and an increase in water use.	5.8, Hazards and Hazardous Materials 5.8.6, Environmental Impacts, Impact HAZ-5. 5.13, Parks and Recreation 5.13.3.3, Golf Recreation

Comment Letter and Comment	Relevant Draft EIR Sections
	5.13.6, Environmental Impacts, Impact REC-1 5.14, Transportation 5.14.2.1, State Regulations 5.14.6, Environmental Impacts, Impact TRA-1 5.16, Utilities and Service Systems 5.16.6, Environmental Impacts, Impact UTIL-2
<b>Janice Carsten, November 15, 2024</b>	
Opposes the proposed Project.	N/A
<b>Melissa Mcleod, November 15, 2024</b>	
Opposes the proposed Project.	N/A
<b>Kris Mitchel, November 15, 2024</b>	
This comment letter expresses concern over the noise produced by the wave machine.	5.11, Noise 5.11.6, Environmental Impacts, Impact NOI-1
<b>Janet Rosener, November 16, 2024</b>	
This comment letter expresses concern over noise impacts related to hours of operation, maximum noise levels, special event noises and hours, and the amount of special events allowed. The comment also requests information regarding special event traffic congestion and potential redirect, how many parking spaces would be private and whether remote parking with shuttles would be available during special events. This comment concludes by expressing concern about the loss of the affordable driving range and golf course.	3.0, Project Description 3.8, Operations 5.11, Noise 5.11.6, Environmental Impacts, Impact NOI-1 5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1 5.14, Transportation 5.14.2.1, State Regulations 5.14.6, Environmental Impacts, Impact TRA-1
<b>Teena Spindler, November 16, 2024</b>	
This comment letter expresses concern over increased traffic in the area as well as coordination with the City of Costa Mesa. In addition, the Project would generate an increase in potable water use.	5.14, Transportation 5.14.2.1, State Regulations 5.16, Utilities and Service Systems 5.16.6, Environmental Impacts, Impact UTIL-2
<b>Scott Wellwood, November 16, 2024</b>	
This comment letter expresses concern over the potential loss of the affordable driving range, golf course, and open green space. The commenter is concerned about the potential impacts on climate change due to the loss of green space.	5.7, Greenhouse Gas Emissions 5.7.6, Environmental Impacts, Impact GHG-1 5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1
<b>Catherine Lee, November 17, 2024</b>	
This comment expresses concern over the loss of the affordable driving range and golf course.	5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1
<b>Randall Crockett, November 17, 2024</b>	
This comment expresses concern over the loss of the affordable driving range and golf course	5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1
<b>Allison Robar, November 17, 2024</b>	
Opposes the proposed Project.	N/A



Comment Letter and Comment	Relevant Draft EIR Sections
<b>Niki Parker, November 17, 2024</b>	
This comment letter expresses concern about additional traffic along the already busy Irvine Avenue, loss of golf recreation opportunities, excessive water use, unnecessary hotel rooms, and the siting of a surf park so close to the ocean.	5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1 5.14, Transportation 5.14.2.1, State Regulations 5.14.6, Environmental Impacts, Table 5.14-2 5.16, Utilities and Service Systems 5.16.6, Environmental Impacts, Impact UTIL-2
<b>Sandy Sewell, November 18, 2024</b>	
Supports the proposed Project.	N/A
<b>Mindy Adamson, November 18, 2024</b>	
This comment expresses concern over the loss of the affordable driving range and golf course. The proposed Project would be an eyesore to the local area.	5.1, Aesthetics 5.1.6, Environmental Impacts, Impact AES-3 5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1
<b>Andrew Betz, November 19, 2024</b>	
Supports the proposed Project.	N/A
<b>Sharon MacDougall, November 19, 2024</b>	
This comment expresses concern over the loss of the affordable driving range and golf course. The comment also expresses concern over the viability of a surf park near the ocean. The comment requests that the EIR include analysis of optimal land use for air quality as the proposed Project would result in a loss of carbon sequestration and open space.	5.7, Greenhouse Gas Emissions 5.7.6, Environmental Impacts, Impact GHG-1 5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1 8.0, Alternatives 8.9, Environmentally Superior Alternative
<b>Jeff Carsten, November 19, 2024</b>	
The comment expresses concern over the viability of a surf park near the ocean as well as the potential impact on local businesses near the beach.	5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1
<b>Marc Domenico, November 20, 2024</b>	
This comment expresses concern over the potential increased traffic along Irvine Avenue.	5.14, Transportation 5.14.2.1, State Regulations 5.14.6, Environmental Impacts, Impact TRA-1
<b>Roy Glauthier, November 20, 2024</b>	
The comment expresses concern over the loss of the affordable driving range, golf course, open green space and the potential increase in water use for surf park. The comment concludes in stating that overnight accommodation under JWA flightpath is dangerous.	5.8, Hazards and Hazardous Materials 5.8.6, Environmental Impacts, Impact HAZ-5 5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1 5.16, Utilities and Service Systems 5.16.6, Environmental Impacts, Impact UTIL-2

Comment Letter and Comment	Relevant Draft EIR Sections
<b>Carrie Berg, November 22, 2024</b>	
The comment expresses concern over the loss of the affordable driving range, golf course, open green space and Pizza spot in addition to increased traffic/accidents. The comment asks about the purpose of the athlete accommodations.	3.0, Project Description 5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1
<b>Staci Rubin, November 23, 2024</b>	
Supports the proposed Project.	N/A
<b>Daniel Mendoza, November 23, 2024</b>	
Student	N/A
<b>Jim Auster, November 29, 2024</b>	
The commenter requests that the EIR analyze the potential impacts from implementing 700 housing units on the parcel to the south. The commenter suggests that the Applicant should restrict any future housing developments on the surrounding golf course parcels. The commenter also requested that issues related to land use, the neighborhood, loss of popular and well used public recreation, loss of green open space, loss of views of green open space from Mesa and Irvine, etc. be analyzed within the EIR. The comment states that the proposed use is high impact, has large new structures, is completely unneeded, and wastes energy. The comment also requests that the EIR analyze the impact on elimination of the golf course on the center parcel and the effect to golf on the adjoining Mesa parcel and north back nine parcel.	3.0, Project Description 5.0, Environmental Impact Analysis Cumulative Impacts 5.1, Aesthetics 5.1.6, Environmental Impacts, Impact AES-3 5.2, Air Quality 5.2.6, Environmental Impacts, Impact AQ-1 5.3, Biological Resources. 5.3.6, Environmental Impacts, Impact BIO-1 5.5, Energy 5.6.6, Environmental Impacts, Impact ENE-1 5.10, Land Use and Planning 5.10.6, Environmental Impact, Impact LU-2 5.10.7, Cumulative Impacts 5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1
<b>Jeremy Aston, December 1, 2024</b>	
Supports the proposed Project.	N/A
<b>Melody Jolly, December 3, 2024</b>	
The comment expresses concern over the potential increase in noise pollution and traffic near the Back Bay bird sanctuary. The comment states that the sanctuary is a critical habitat and noise could potentially disrupt natural behaviors. The comment also states that increased traffic produces increased waste and runoff into surrounding ecosystems.	5.3, Biological Resources. 5.3.6, Environmental Impacts, Impact BIO-1 5.9, Hydrology and Water Quality 5.10, Land Use and Planning 5.11, Noise 5.11.6 Environmental Impacts, Impact NOI-1 5.14, Transportation 5.14.2.1, State Regulations 5.14.6, Environmental Impacts, Impact TRA-1
<b>Greg Stewart, December 4, 2024</b>	
This comment states that the real project includes 700 homes.	3.0, Project Description 5.0, Environmental Impact Analysis Cumulative Impacts

Comment Letter and Comment	Relevant Draft EIR Sections
<b>Patricia Pidgeon, December 4, 2024</b>	
The comment expresses concern over the potential increase in traffic congestion and noise pollution. The comment also states that there is no need for a surf park so close to the beach.	5.11, Noise 5.11.6 Environmental Impacts, Impact NOI-1 5.14, Transportation 5.14.2.1, State Regulations 5.14.6, Environmental Impacts, Impact TRA-1
<b>Bill Cope, December 4, 2024</b>	
Opposes the proposed Project.	N/A
<b>Matt Clark, December 4, 2024</b>	
The comment expresses concern over the loss of the affordable driving range, golf course, and open green space. The comment states the proposed Project creates opportunities for development on surrounding golf holes due to less viability of course.	3.0, Project Description 5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1
<b>Arleen Hasegawa, December 4, 2024</b>	
This comment letter states that traffic at the 73 exits to Bristol/ Campus-Irvine is already dangerous and the proposed Project would worsen conditions. The commenter expresses concern over the potential impacts to traffic in Dover shores area.	5.14, Transportation 5.14.2.1, State Regulations 5.14.6, Environmental Impacts, Impact TRA-1
<b>Ron Armenta, December 4, 2024</b>	
The comment expresses concern over the loss of the affordable driving range, golf course, and open green space.	5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1
<b>Mike Smith, December 4, 2024</b>	
The comment expresses concern over the loss of the affordable driving range, golf course, open green space. The commenter requests that the EIR analyze the potential impacts from implementing 700 housing units on the parcel to the south. The comment also includes a list of comments from the scoping meeting held on November 20, 2024, including: <ul style="list-style-type: none"> <li>• Details on the operation of the golf course after project buildout.</li> <li>• Parking for the golf course.</li> <li>• Traffic, Air Quality, Noise, Loss of Open Space, Loss of Habitat, etc. among other things should all be addressed in the EIR.</li> </ul>	3.0, Project Description 5.0, Environmental Impact Analysis Cumulative Impacts 5.2, Air Quality 5.3, Biological Resources. 5.3.6, Environmental Impacts, Impact BIO-1 5.10, Land Use and Planning 5.10.6 Environmental Impacts, Impact LU-2 5.10.7 Cumulative Impacts 5.11, Noise 5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1 5.14, Transportation
<b>N/A</b>	
The comment letter states that owls and bats are frequently seen onsite, and provides a link to a video of an owl on the 18 <sup>th</sup> hole of the golf course, not within the Project site. The comment requests that the EIR analyze the loss of the affordable driving range, golf course, and open green space along with the loss of cooling effect from green space and the loss of	3.0, Project Description 5.2, Air Quality 5.3, Biological Resources. 5.3.6, Environmental Impacts, Impact BIO-1 5.9, Hydrology and Water Quality 5.10, Land Use and Planning

Comment Letter and Comment	Relevant Draft EIR Sections
groundwater recharge. The commenter states that the proposed Project would result in a large increase in fresh water compared to reclaimed water used currently used to water the golf course.	5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1 5.16, Utilities and Service Systems 5.16.6, Environmental Impacts, Impact UTIL-2
<b>Jim Auster, December 4, 2024</b>	
This comment letter provides a list of potential impact areas that should be analyzed in the EIR. The comment includes topics such as aesthetics impacts from loss of open space, traffic from new parking lot on Mesa Drive, the feasibility of the golf course to continue operation, increased energy use and greenhouse gas emissions, impacts of implementing 690 housing units on the southern golf course parcel, impacts of structures near JWA, impacts on wildlife habitats, impacts to tribal cultural resources, and noise increases.	3.0, Project Description 5.0, Environmental Impact Analysis Cumulative Impacts 5.2, Air Quality 5.3, Biological Resources. 5.3.6, Environmental Impacts, Impact BIO-1 5.5, Energy 5.7, Greenhouse Gas Emissions 5.10, Land Use and Planning 5.10.7 Cumulative Impacts 5.11, Noise 5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1 5.15, Tribal Cultural Resources 5.15.6, Environmental Impacts, Impact TCR-1
<b>Kathleen Torres, December 5, 2024</b>	
The comment letter expresses concern over the already congested roadways near the proposed Project site. The comment suggests instead to revitalize the existing golf course use.	5.14, Transportation 5.14.2.1, State Regulations 5.14.6, Environmental Impacts, Impact TRA-1 8.0, Alternatives
<b>Holly Jarvis, December 6, 2024</b>	
The comment letters asks about the height of the proposed buildings compared to existing uses and if any rezoning would be required for the proposed Project. The commenter requests that the EIR analyze the impact of tall walls instead of open greenspace. The commenter also asks about the water use for the Project and where the water would be coming from.	3.0, Project Description 5.1, Aesthetics 5.1.6, Environmental Impacts, Impact AES-3 5.9, Hydrology and Water Quality 5.9.6, Environmental Impacts, Impact HYD-1 5.16, Utilities and Service Systems 5.16.6, Environmental Impacts, Impact UTIL-2
<b>Todd Becker, December 6, 2024</b>	
This comment letter provides the commenter's concerns regarding: the potential for tribal cultural resources onsite, the potential impacts to water quality, wildlife habitats, increased traffic, the loss of visual open space, and effects on local businesses. The comment letter provides a suggestion for development on an alternative piece of land to reduce impacts.	5.1, Aesthetics 5.1.6, Environmental Impacts, Impact AES-3 5.3, Biological Resources. 5.3.6, Environmental Impacts, Impact BIO-1 5.4, Cultural Resources 5.4.6, Environmental Impacts, Impact CUL-2 5.9, Hydrology and Water Quality 5.9.6, Environmental Impacts, Impact HYD-1 5.14, Transportation 5.14.6, Environmental Impacts, Impact TRA-1 5.15, Tribal Cultural Resources

Comment Letter and Comment	Relevant Draft EIR Sections
	5.15.6, Environmental Impacts, Impact TCR-1 8.0, Alternatives 8.4, Alternatives Considered But Rejected
<b>Mike Smith, December 6, 2024</b>	
This comment requests the inclusion of a pedestrian circulation plan.	5.14, Transportation 5.14.6, Environmental Impacts, Impact TRA-1
<b>Dana and Benoit Courcelle, December 9, 2024</b>	
The comment letter expresses concern over the already congested roadways near the proposed Project site. The comment points to the loss of the affordable driving range, golf course, and open green space and the viability of a surf park near the ocean.	5.14, Transportation 5.14.2.1, State Regulations 5.14.6, Environmental Impacts, Impact TRA-1 5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1

### 2.3.2 Public Scoping Meeting

Pursuant to Section 15082(c)(1) of the CEQA Guidelines, the City of Newport Beach hosted a public scoping meeting for members of the public and public agencies to provide input as to the scope and content of the environmental information and analysis to be included in the Draft EIR for the Project. A scoping meeting was held on November 20, 2024, at 6:00 p.m. at the Friends Room in the Newport Beach Public Library (Central Library Branch) at 1000 Avocado Avenue, Newport Beach, California 92660.

**Table 2-2: Summary of Scoping Meeting Comments**

Comment Letter and Comment	Relevant Draft EIR Sections
<b>Comment #1</b>	
This commenter asks whether the EIR will evaluate impacts to the surrounding area beyond the 300-foot NOP notification radius. The commenter asks how the EIR will analyze how many people would access the site on a daily basis.	5.0, Environmental Impact Analysis Cumulative Impacts 5.14, Transportation 5.14.2.1, State Regulations 5.14.6, Environmental Impacts, Impact TRA-1
<b>Comment #2</b>	
This comment requests that the EIR analyze the impact of eliminating the connectivity between the areas of the golf course and to analyze any potential future projects that may occur at the surrounding parcels.	5.0, Environmental Impact Analysis Cumulative Impacts 5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1
<b>Comment #3</b>	
This comment asks whether the EIR would discuss golf course operations and parking during construction and operation of the proposed Project.	3.0, Project Description 5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1
<b>Comment #4</b>	
This commenter states that the parcel containing six other holes of golf to the south are included in the City's Housing Element and should be analyzed in the EIR as a future housing site.	5.0, Environmental Impact Analysis Cumulative Impacts 5.10, Land Use and Planning 5.10.7 Cumulative Impact

Comment Letter and Comment	Relevant Draft EIR Sections
<b>Comment #5</b>	
This commenter suggests that approval of this Project should be contingent on the other parcels containing the golf course remain in operation.	5.0, Environmental Impact Analysis Cumulative Impacts 5.10, Land Use and Planning 5.10.7 Cumulative Impacts
<b>Comment #6</b>	
This commenter requests that the EIR analyze the potential impacts on the nearby bird sanctuary located within the Newport Back Bay.	5.3, Biological Resources. 5.3.6, Environmental Impacts, Impact BIO-1
<b>Comment #7</b>	
This commenter requests that the EIR analyze the loss of affordable commercial recreation in the area as the surf park would likely charge much higher prices compared to the existing golf course.	5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1
<b>Comment #8</b>	
This commenter states that the northern parcel has been planned for an airport runway extension for the nearby John Wayne Airport and wants the EIR to analyze the Project's impacts on future airport planning efforts.	5.8, Hazards and Hazardous Materials 5.8.6 Environmental Impacts, Impact HAZ-5 5.11, Noise 5.11.6 Environmental Impacts, Impact NOI-3.
<b>Comment #9</b>	
This commenter asks if City and or Applicant team has reached out to potential Native American Tribes as the Project site was previously a tribal site.	5.4, Cultural Resources 5.4.6, Environmental Impacts, Impact CUL-2 5.15, Tribal Cultural Resources 5.15.6, Environmental Impacts, Impact TCR-1
<b>Comment #10</b>	
This commenter asked what a Project Alternative would analyze.	8.0, Alternatives
<b>Comment #11</b>	
This comment asks whether the EIR would discuss golf course operations and parking during construction and operation of the proposed Project.	3.0, Project Description 5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1
<b>Comment #12</b>	
This comment asks whether the proposed Project would be consistent with the design guidelines within the Santa Ana Heights Specific Plan.	3.0, Project Description 5.10, Land Use and Planning. 5.10.6, Environmental Impacts, Impact LU-2.
<b>Comment #13</b>	
This comment requests that the EIR discuss the loss of views of open space.	5.1, Aesthetics, Impact AES-3 5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1
<b>Comment #14</b>	
This comment requests information regarding the overnight stay accommodations and the noise impacts associated with them.	3.0, Project Description 5.11, Noise

Comment Letter and Comment	Relevant Draft EIR Sections
	5.11.6 Environmental Impacts, Impact NOI-1
<b>Comment #15</b>	
This comment asks when the golf course and pro shop operation will cease on the Project site.	5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1 3.0, Project Description
<b>Comment #16</b>	
This comment requests that the EIR analyze the change in demographics of people utilizing the site due to the change in commercial recreational uses at the site.	7.0, Effects Found Not Significant 7.3, Population and Housing
<b>Comment #17</b>	
This comment states that the portion of the golf course in which the Project is proposed is currently used as an emergency landing location for small planes taking off and landing at John Wayne Airport. The commenter requests that the EIR analyze the potential safety impacts of losing the large open space area for planes to land.	5.9, Hazards and Hazardous Materials 5.8.6 Environmental Impacts, Impact HAZ-5 5.11, Noise 5.11.6 Environmental Impacts, Impact NOI-1
<b>Comment #18</b>	
This comment requests that the EIR analyzes the proposed Project's consistency with the applicable zoning code and Santa Ana Heights Specific Plan and ensure that all applicable approvals are noted.	5.1, Aesthetics, Impact AES-3 5.10, Land Use and Planning. 5.10.6, Environmental Impacts, Impact LU-2.
<b>Comment #19</b>	
This commenter states that the existing golf course onsite serves as a fire break for the nearby residences and that the EIR should analyze that loss of fire break and how it may impact nearby homes.	5.9, Hazards and Hazardous Materials 5.8.6 Environmental Impacts, Impact HAZ-7 7.0, Effects Found Not Significant 7.4, Wildfire
<b>Comment #20</b>	
This commenter asks if FAA clearance is required due to the Project its location near John Wayne Airport.	5.9, Hazards and Hazardous Materials 5.8.6 Environmental Impacts, Impact HAZ-5 5.10, Land Use and Planning. 5.10.6, Environmental Impacts, Impact LU-2.
<b>Comment #21</b>	
This commenter asks if the loss of parkland onsite would be replaced at another site.	5.13, Parks and Recreation 5.13.3.3, Golf Recreation 5.13.6, Environmental Impacts, Impact REC-1
<b>Comment #22</b>	
This commenter requests that the EIR identify impacts to migratory birds which currently utilize the site as well as surrounding parcels.	5.3, Biological Resources. 5.3.6, Environmental Impacts, Impact BIO-4
<b>Comment #23</b>	
This commenter requests that the EIR analyze the potential increase in public service calls for police and fire services due to the change in uses at the site.	5.12, Public Services 5.12.6, Environmental Impacts, Impact PS-1 and PS-2

### 2.3.3 Draft EIR

Topics requiring a detailed level of analysis that are evaluated in this Draft EIR have been identified based upon the responses to both the NOP and a review of the Project by the City of Newport Beach. Pursuant to CEQA Guidelines Section 15125.5(a) which states, “An EIR shall identify and focus on the significant effects on the environment,” the City of Newport Beach determined that Project impacts on the below topics would not be significant. Consequently, these topics are not analyzed in this Draft EIR, but are further discussed in Section 7.0, *Effects Found Not Significant*.

- Agriculture and forest resources
- Mineral resources
- Population and housing
- Wildfire

The City of Newport Beach has filed a Notice of Completion (NOC) with the Governor’s Office of Planning and Research State Clearinghouse, indicating that this Draft EIR has been completed and is available for review and comment. The Project requires a City of Newport Beach General Plan Amendment, Federal Aviation Administration (FAA) review and Orange County Airport Land Use Commission (ALUC) review; thus, the Project meets the definition of a project of statewide, regional, or areawide significance pursuant to Section 15206 of the CEQA Guidelines and is subject to noticing requirements accordingly. A Notice of Availability (NOA) of the Draft EIR was published concurrently with distribution of this document. The Draft EIR is being circulated for review and comment by the public and other interested parties, agencies, and organizations for 45 days in accordance with CEQA Guidelines Sections 15087 and 15105. During the 45-day review period, the Draft EIR is available for public review digitally on the City of Newport Beach’s website at <http://www.newportbeachca.gov/ceqa> or physically at the following locations:

City of Newport Beach Community Development Department 100 Civic Center Drive Newport Beach, California 92660	Newport Beach Public Library Central Library 1000 Avocado Avenue Newport Beach, California 92660	Newport Beach Public Library Mariners Branch 1300 Irvine Avenue Newport Beach, California 92660
Newport Beach Public Library Balboa Branch 100 East Balboa Boulevard Newport Beach, California 92660	Newport Beach Public Library Corona del Mar Branch 410 Marigold Avenue Corona del Mar, California 92625	

Written comments related to environmental issues in the Draft EIR should be addressed to:

Joselyn Perez, Senior Planner  
City of Newport Beach  
Community Development Department  
100 Civic Center Drive  
Newport Beach, California 92660  
Email: JPerez@newportbeachca.gov  
Phone: 949-644-3312

### 2.3.4 Final EIR

Upon completion of the 45-day review period, written responses to all comments related to the environmental issues in the Draft EIR will be prepared and incorporated into a Final EIR. The written responses to comments will be made available at least 10 days prior to the public hearing at which the certification of the Final EIR will be considered by the City of Newport Beach City Council. These comments, and their responses, will be



included in the Final EIR for consideration by the City of Newport Beach, as well as other responsible and trustee agencies per CEQA. The Final EIR may also contain corrections and additions to the Draft EIR and other information relevant to the environmental issues associated with the Project. The Final EIR will be available for public review prior to its certification by the City. Notice of the availability of the Final EIR will be sent to all who comment on the Draft EIR.

**Mitigation Monitoring Reporting Program.** When the lead agency makes findings on significant effects identified in the Final EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects. This will be part of the Final EIR document.

### 2.3.5 Findings/Statement of Overriding Considerations

For each significant impact of the project identified in the EIR, the lead agency must find, based on substantial evidence, that either: (a) the project has been changed to avoid or substantially reduce the magnitude of the impact; (b) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or (c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (CEQA Guidelines Section 15091). If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations (SOC) that sets forth the specific social, economic, or other reasons supporting the agency's decision.

### 2.3.6 Notice of Determination

The lead agency must file a Notice of Determination (NOD) after deciding to approve a project for which an EIR is prepared (CEQA Guidelines Section 15094). A local agency must file the NOD with the County Clerk. The NOD must be posted for 30 days and sent to anyone previously requesting notice. Posting of the NOD starts a 30-day statute of limitations on CEQA legal challenges (Public Resources Code Section 21167[c]).

## 2.4 ORGANIZATION OF THIS DRAFT EIR

This Draft EIR is organized into the following Sections. To help the reader locate information of interest, a brief summary of the contents of each chapter is provided.

- **Section 1, Executive Summary:** This section provides a brief summary of the Project area, the Project, and alternatives. This section also provides a summary of the potential environmental impacts and mitigation measures, applicable Project design features, applicable regulatory requirements, and the level of significance after implementation of the mitigation measure. The level of significance after implementation of the proposed mitigation measure(s) will be characterized as either less than significant or significant and unavoidable.
- **Section 2, Introduction:** This section provides an overview of the purpose and use of the EIR, the scope of this Draft EIR, a summary of the legal authority for the Draft EIR, a summary of the environmental review process, and the general format of this document.
- **Section 3, Project Description:** This section provides a detailed description of the Project, its objectives, and a list of Project-related discretionary actions.
- **Section 4, Environmental Setting:** This section provides a discussion of the existing conditions within the Project area.

- **Section 5, Environmental Impact Analysis:** This section is divided into sub-sections for each environmental impact area. Each section includes a summary of the existing statutes, ordinances, and regulations that apply to the environmental impact area being discussed; the analysis of the Project's direct and indirect environmental impacts on the environment, including potential cumulative impacts that could result from the Project; applicable Project design features, standard conditions, and plans, policies, and programs that could reduce potential impacts; and feasible mitigation measures that would reduce or eliminate the significant adverse impacts identified. Impacts that cannot be mitigated to less than significant are identified as significant and unavoidable.
- **Section 6, Other CEQA Considerations:** This section summarizes the significant and unavoidable impacts that would occur from implementation of the Project and provides a summary of the environmental effects of the implementation of the Project that were found not to be significant. Additionally, this section provides a discussion of various CEQA-mandated considerations including growth-inducing impacts and the identification of significant irreversible changes that would occur from implementation of the Project. In addition, this section provides a discussion of impacts found not to be significant.
- **Section 7, Effects Found Not Significant:** This section summarizes the potential environmental effects related to the Project that were determined not to be significant during preparation of this EIR.
- **Section 8, Alternatives:** This section describes and analyzes a reasonable range of alternatives to the Project. The CEQA-mandated No Project Alternative is included along with alternatives that would reduce one or more significant effects of the proposed Project. As required by the CEQA Guidelines, the environmentally superior alternative is also identified.
- **Section 9, EIR Preparers and Persons Contacted:** This section lists authors of the Draft EIR and City of Newport Beach staff that assisted with the preparation and review of this document. This section also lists other individuals and/or organizations that were contacted for information that is included in this Draft EIR document.

## 2.5 INCORPORATION BY REFERENCE

CEQA Guidelines Section 15150 allows for the incorporation "by reference all or portions of another document... most appropriate for including long, descriptive, or technical materials that provide general background but do not contribute directly to the analysis of a problem at hand." The purpose of incorporation by reference is to assist the Lead Agency in limiting the length of this Draft EIR. Where this Draft EIR incorporates a document by reference, the document is identified in the body of the Draft EIR, citing the appropriate section(s) of the incorporated document and describing the relationship between the incorporated part of the referenced document and this Draft EIR.

The following documents are hereby incorporated by reference into this EIR. Information contained within these documents is used for various sections of this EIR.

**City of Newport Beach General Plan 2006 Update.** The City's General Plan was adopted on July 25, 2006, and serves as the major framework for directing growth within the City. The General Plan presents a comprehensive plan to accommodate the City's growing needs and includes goals and policies related to ten elements: Land Use, Harbor and Bay, Housing, Historical Resources, Circulation, Recreation, Arts and Cultural, Natural Resources, Safety, and Noise. Each element of the General Plan Update includes goals, policies, and policy actions that create a roadmap for new housing and job growth, provide guidance for decision makers on allocating resources, and describe the utilization, management, and conservation of natural resources, public services, and infrastructure. This document is available for viewing on the City's website at: <https://newportbeachca.gov/government/departments/community-development/planning-division/general-plan-codes-and-regulations/general-plan>

**City of Newport Beach General Plan 2006 Update EIR.** The City's General Plan Final EIR for the City of Newport Beach General Plan Update EIR consisted of three volumes: Volume I—City of Newport Beach General Plan 2006 Update Draft EIR; Volume IA—Draft EIR Changes, Responses to Comments, and Final EIR Report Preparers; and Volume II—Technical Appendices to the Draft EIR. The Draft EIR was distributed for a 45-day public review from April 21 to June 5, 2006. The City Council found that the Final EIR was complete and was prepared in compliance with CEQA and the EIR was certified by the City Council on July 25, 2006 and upheld by a vote of the electorate on November 7, 2006. The NOD for the EIR was filed on July 26, 2006, at the Orange County Clerk. This document is available for viewing on the City's website at: <https://www.newportbeachca.gov/government/departments/community-development/planning-division/general-plan-codes-and-regulations/general-plan/general-plan-environmental-impact-report>

**Santa Ana Heights Specific Plan.** The purpose of the Santa Ana Heights specific plan is to provide for the orderly and balanced development of the community consistent with the specific plan's adopted land use plan and with the stated goals and policies of the Land Use Element of the General Plan. The intent of the Santa Ana Heights specific plan design guidelines is to promote a consistent, high quality character of development that will result in the overall enhancement of the aesthetic character of the community. Use of these guidelines in future project approvals will implement these objectives through the careful use of building forms and materials, streetscape concepts, setback and buffer areas and a unifying landscape concept. The Specific Plan requirements are available for viewing on the City's website at: <https://www.codepublishing.com/CA/NewportBeach/html/NewportBeach20/NewportBeach2090.html>

**Newport Beach Municipal Code.** The Newport Beach Municipal Code regulates land use and activities within the City's jurisdiction including through the Planning and Zoning Code (codified in Title 20). The Planning and Zoning Code is the primary tool for implementing the City's General Plan policies. The Municipal Code is referenced in this EIR to establish the baseline requirements according to the City's Municipal Code regulations. The Newport Beach Municipal Code can be accessed online at: <https://www.codepublishing.com/CA/NewportBeach/>

## 3. Project Description

“Project,” as defined by the CEQA Guidelines, means “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following: (1)... enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100–65700.” (14 California Code of Regulations [CCR] Section 15378(a).)

The Project analyzed in this Draft EIR would be constructed over approximately 18 months and thereafter operated. The Draft EIR analyzes buildout at a Project level of detail, based upon entitlement applications being considered by the City of Newport Beach, compared to the existing conditions.

### 3.1 PROJECT LOCATION

The Project site is located in the northern portion of the City of Newport Beach at 3100 Irvine Avenue. The site is located east of the intersection of Mesa Drive and Irvine Avenue within the Newport Beach Golf Course (NB Golf Course). The City of Newport Beach is located approximately 20 miles southeast of Long Beach, 40 miles southwest of the City of Riverside, and 35 miles southeast of Downtown Los Angeles. Regional access to the Project site is provided via State Route (SR) 73, located approximately 0.3-mile to the northeast, and SR-55, located approximately 0.75 mile to the northwest. Local access to the site is provided by Irvine Avenue through an existing driveway that provides both right or left turns to enter the site, and only right turns leaving the site. Additionally, existing pedestrian and golf cart access to the site is provided along Mesa Drive.

The Project site is identified by Assessor’s Parcel Number (APN) 119-200-41. Additionally, the site is located within the Newport Beach USGS 7.5-Minute Quadrangle, Section 12, Township 6 South, Range 10 West, San Bernardino Principal Meridian, and is located at latitude +33.65.85°, longitude -117.8819°. Regional location and local vicinity maps are provided in Figure 3-1, *Regional Location*, Figure 3-2, *Local Vicinity*, and Figure 3-3, *Aerial View*.

### 3.2 EXISTING SITE DEVELOPMENT AND OPERATIONS

The Project site is a portion of the NB Golf Course, which is a privately owned commercial recreational facility. The NB Golf Course is separated into three physically distinct land areas and the Project site consists of only the central portion bounded by Irvine Avenue and Mesa Drive. The Project site is comprised of one parcel encompassing 15.38 acres that currently includes a 38-bay partially covered synthetic turf driving range, a 1,050-square-foot (SF) putting green, a 8,975 SF building that includes a pro shop and a restaurant that seats 233 people, a surface parking lot with 280 parking spaces, and three holes of the existing Newport Beach Golf Course (holes 1, 2, and 9).

**Table 3-1: Existing Onsite Building Square Footage**

Existing Building Use	Square Footage
Restaurant	7,200
Pro Shop	1,775
Driving Range Building	2,664
<b>Total</b>	<b>11,639</b>

The majority of the site is covered in grass or artificial grass associated with the golf course. The remainder of the site is paved and provides parking. The driving range is surrounded by approximately 40 net poles that range in height from 25 to 80 feet depending on location. The poles and netting separating the driving range from the buildings to the east are approximately 80 feet tall while the poles and netting separating the driving range from the golf course on the west are approximately 50 feet tall and the poles and netting separating the driving range from Mesa Drive to the south are between 62 and 65 feet tall. Some of the poles are wood (telephone pole-like) while others are pipes. In addition, some of the poles have pipe extensions to increase the overall height of the netting for safety purposes. The site also includes exterior lighting provided by 30-foot-high light poles located in the golf course and near the driving range, and 20-foot-high light poles in the parking area.

As detailed in the Geotechnical Exploration Report prepared for the Project, the site generally slopes to the northwest and an existing 15- to 20-foot-high slope descends from the southeast edge of the site from an elevation of approximately 58 feet above mean sea level (msl). The remainder of the site generally slopes from approximately 50 feet above msl to approximately 15 feet above msl at the northwest corner of the site. The Project site's existing conditions are shown in Figure 3-4a-b, *Existing Site Photos*.

The existing hours of operation for the driving range and golf course are 6:30 a.m. to 9:00 p.m. from December to February and 6:00 a.m. to 9:00 p.m. from March to November. The driving range and golf course lighting is limited to between the hours of 7:00 a.m. and 10:00 p.m. The golf course has a total of 19 employees (including part-time) with approximately 8-10 employees onsite at a time during peak periods.

The hours of operation for the pro shop are generally 10:00 a.m. to 7:00 p.m. The shop employs four total employees including two part-time employees. The restaurant generally operates from 8:00 a.m. to 10:00 p.m. and has a total of 24 employees; two of which are full-time employees. Overall, the Project site currently provides 47 full and part-time jobs.

### 3.3 EXISTING PROJECT SITE LAND USE AND ZONING DESIGNATIONS

The 15.38-acre Project site is categorized as Parks and Recreation (PR) by the Land Use Element of the General Plan, as shown on Figure 3-5, *Existing General Plan Land Use Designations*. The PR category is intended to provide areas appropriate for the development of parks (both active and passive), golf courses, marina support facilities, aquatic facilities, tennis clubs and courts, private recreation, and similar facilities. The Project site is within the area designated as Anomaly Number 58 by Table LU2 of the Land Use Element of the General Plan. The General Plan limits the development intensity of Anomaly No. 58 to 20,000 SF.

The Project site is zoned Santa Ana Heights Specific Plan (SP-7). The Santa Ana Heights Specific Plan designates the site as Open Space and Recreation (OSR), as shown in Figure 3-6, *Existing Zoning Designations*. Permitted uses within the OSR zone, subject to a use permit, include golf courses and/or outdoor commercial recreation. Accessory uses and structures are permitted within the OSR zone when customarily associated with and subordinate to a principal permitted use on the same building site.

The Project site is located adjacent to the Coastal Zone, the boundary of which is the northern boundary of the Mesa Drive right-of-way, as shown in Figure 3-7, *Coastal Zone Boundary*.

### 3.4 SURROUNDING LAND USES

The Project site is center to the two other portions of the NB Golf Course. The 21.28-acre northern portion, located northeast of the Project site across Irvine Avenue, serves as the back-nine holes of the golf course (holes 10-18) and contains the 2,782 SF golf course maintenance building. The 14.51-acre southern portion, located southwest of the Project site across Mesa Drive, provides six holes of the golf course (holes 3-8).

Additionally, the Santa Ana-Delhi Channel is located along the northwesterly Project site boundary. The surrounding land uses are shown on Figure 3-2, *Local Vicinity*, and Figure 3-3, *Aerial View*, and described below in Table 3-2.

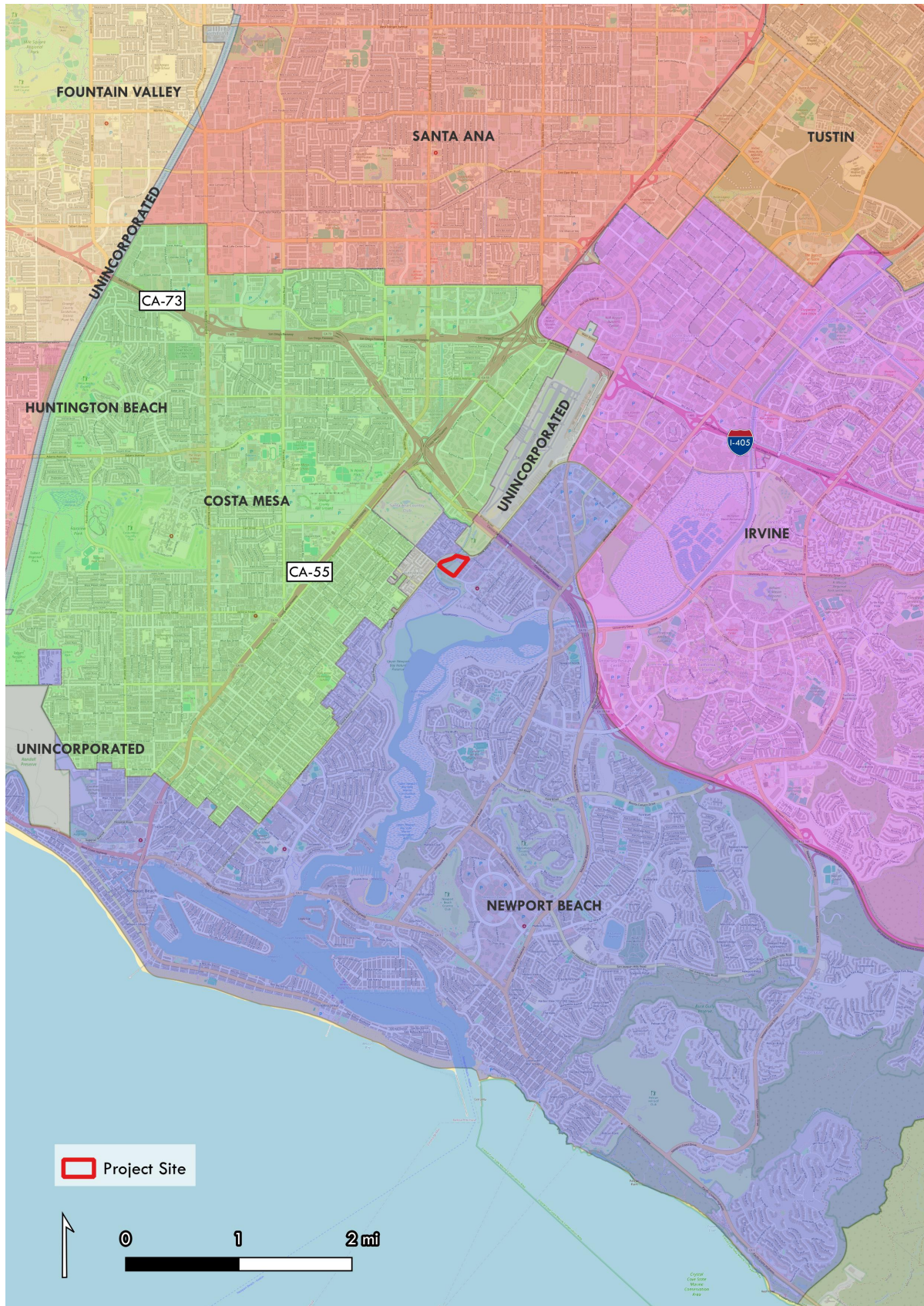
**Table 3-2: Surrounding Existing Uses, General Plan Land Use, and Zoning**

Direction	Existing Use	General Plan Land Use	Zoning	Santa Ana Heights Specific Plan Designation
Northwest	The Santa Ana-Delhi Channel followed by Irvine Avenue followed by multifamily residential	Multiple-Unit Residential	Santa Ana Heights Specific Plan (SP-7)	Residential Multifamily
North	Irvine Avenue followed by “The Jetty” commercial center and 9 holes of the NB Golf Course (holes 10-18)	General Commercial; Office Parks and Recreation (City of Newport Beach); Open Space (Unincorporated Orange County)	SP-7	Professional and Administrative Office; Open Space Recreation (Unincorporated Orange County)
Northeast	Commercial and Office Uses	General Commercial Office	SP-7	Business Park
Southeast	Newport Beach Fire Station 7 and Fire Department Training Center	Public Facilities	SP-7	Business Park
South	Mesa Drive followed by 6 holes of the NB Golf Course (holes 3-8)	Parks and Recreation	SP-7 Housing Opportunity Overlay	Open Space Recreation
Southwest	The Santa Ana-Delhi Channel followed by Mesa Drive, followed by “The Ranch” retail shopping center	Community Commercial (Unincorporated Orange County)	Commercial Neighborhood (Unincorporated Orange County)	--

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# Regional Location



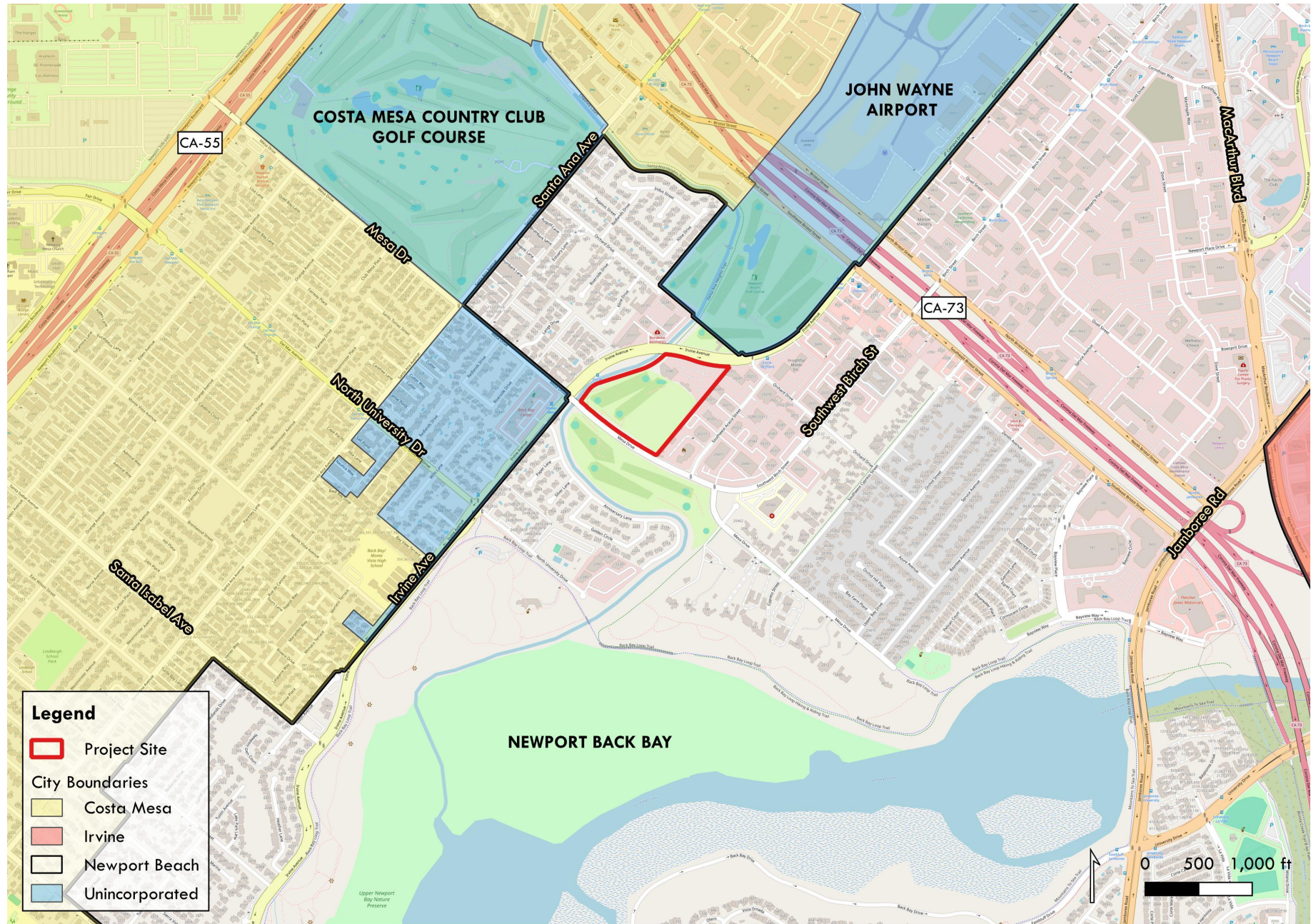
Snug Harbor Surf Park Project  
City of Newport Beach

Figure 3-1



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## Local Vicinity



Snug Harbor Surf Park Project  
City of Newport Beach

Figure 3-2

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## Existing Site Photos



### Key

-  Viewpoint location
-  Direction of sight



Views of the Project site from the Irvine Avenue, facing east.

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## Existing Site Photos



### Key

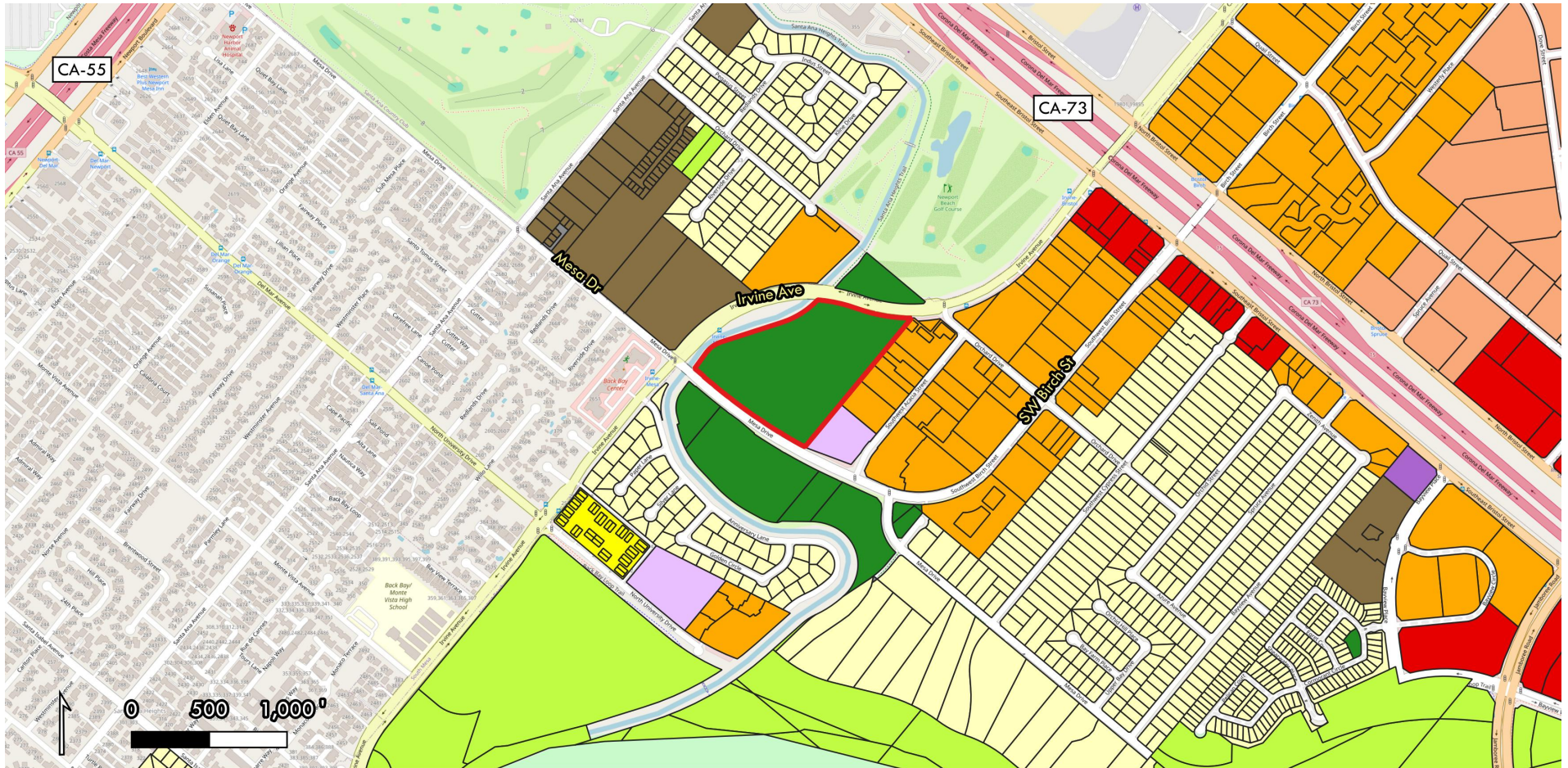
-  Viewpoint location
-  Direction of sight

Views of the Project site parking lot from Irvine Avenue, facing south.



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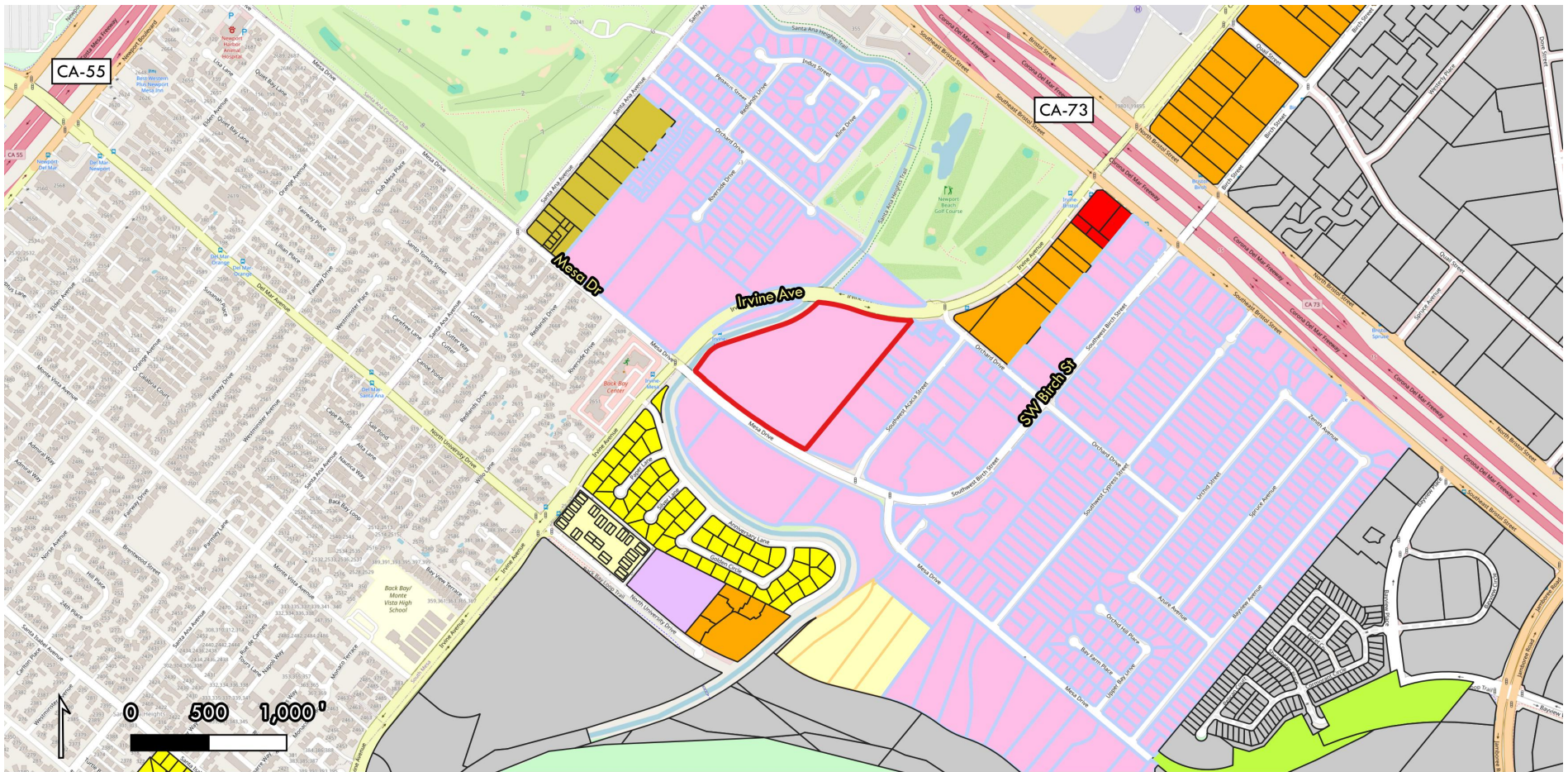
# Existing General Plan Land Use Designations



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# Existing Zoning Designations



  Project Site

## Zoning Designation

Commercial General

Medium Density Residential

Office-Airport

Office-General

Open Space

Private Institutions

Public Facilities

Residential-Agricultural

Santa Ana Heights Specific Plan

Single-Unit Residential

Single-Unit Residential (6000 indicates minimum lot area)

Single-Unit Residential (7200 indicates minimum lot area)

## Planned Communities

Bayview

Newport Place

San Diego Creek North

Upper Newport Bay Regional Park - UP 3488

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# Coastal Zone Boundary



Snug Harbor Surf Park Project  
City of Newport Beach

Figure 3-7

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## 3.5 PROJECT OVERVIEW

The Snug Harbor Surf Park Project (Project) would remove the existing improvements on the 15.38-acre Project site and develop a 5.06-acre surf lagoon with warming pools, a spa, and seating areas; a three-story amenity clubhouse; a two-story athlete accommodation building; ancillary storage and maintenance areas; and associated parking areas. Solar panels would be installed on the roofs of the buildings and on 14 to 18-foot-high solar canopies in portions of the parking areas to provide onsite power.

The portions of the golf course to the north of Irvine Avenue (holes 10-18) and south of Mesa Drive (holes 3-8) would remain, and golf cart path of travel between holes 3-8 and holes 10-18 would be provided. The Project includes golf course parking, a starter shack for the golf course, and golf cart storage in the basement level of the proposed amenity clubhouse.

The Project includes a General Plan Amendment (GPA), a Conditional Use Permit (CUP), a Modification Permit, and a Major Site Development Review (SDR). Due to the Project's location near John Wayne Airport (SNA), the Project requires an aeronautical review by the Federal Aviation Administration (FAA), and an Airport Environs Land Use Plan (AELUP) consistency review by the Orange County Airport Land Use Commission (ALUC).

## 3.6 PROJECT FEATURES

### 3.6.1 Surf Lagoon

The proposed 5.06-acre (220,427 SF) surf lagoon would be divided into two 5.1-million-gallon basins that would be hydrologically separated by wave making equipment forming a heart-shaped surf lagoon that would be up to 13 feet deep. The two basins would provide four distinct surfing areas including two outside surf breaks in the deeper part of the lagoon that produces larger waves and two inside surf breaks in the shallower part of the lagoon that produces smaller waves. One basin would provide waves going to the right and the other basin would provide waves going to the left. The wave machinery would bisect the two basins and be located within a 40-foot-wide by 350-foot-long above- and below-grade continuous footing structure. The machinery has various modes of operation to alter the waves of the lagoon to accommodate a wide range of surfers and abilities.

The surf lagoon would be heated. Three warming pools and one spa ranging in size from 640 to 1,600 SF with nine outdoor showers would be located adjacent to the surf lagoon. All areas of the surf lagoon and warming pools would be monitored by trained lifeguard professionals from an operations center within the clubhouse and water safety platforms to ensure proper use and safety.

The surf lagoon would be lit for evening use by 71-foot-high light poles that would be located adjacent to the lagoon with lights focused down onto the surf lagoon. The additional lagoon equipment, such as the lagoon heating equipment and storage areas, would have a height of approximately 15 feet and would be located northeast of the surf lagoon near the north parking lot, as shown in Figure 3-8, *Conceptual Site Plan*.

### 3.6.2 Amenity Clubhouse Building

The amenity clubhouse building would be a three-story, 50,341 net SF building and would wrap around the northwestern border of the surf lagoon. The proposed building would have a maximum height of 50 feet. The first floor would contain a reception area as well as a surf academy area, changing rooms, storage lockers, and a surf themed retail store. There would also be a sit-down restaurant with a full-service bar in



addition to a quick food service coffee bar/snack shack. The second floor would have a fitness facility, locker room, spa, and yoga room. The third floor would contain administrative offices, an operations center, and day use cabanas. Both the second and third floors would have a deck along the entire eastern frontage of the building, providing views of the surf lagoon.

According to the City of Newport Beach General Plan, certain ancillary uses such as maintenance equipment, supply equipment, and restrooms are considered incidental to the PR land use designation and are not included in determining intensity limits. In addition to the net SF, the building would also include 18,137 SF of ancillary areas that are exempt from the General Plan development limit calculation, which includes a basement level for golf cart storage, surfboard storage, maintenance and equipment storage rooms, and a freestanding restroom. A summary of the amenity clubhouse building is listed in Table 3-3 and a conceptual elevation is shown in Figure 3-9, *Amenity Clubhouse Building Elevation*.

**Table 3-3: Amenity Clubhouse Building Summary**

Level	Use	General Plan Square Footage	Ancillary Square Footage <sup>1</sup>	Gross Square Feet <sup>2</sup>
<b>Basement</b>	Staff area, mechanical, golf cart storage <sup>1</sup> , surfboard storage <sup>1</sup> , facility storage <sup>1</sup>	4,605	15,971	20,576
<b>Level 1</b>	Surf academy, change room and locker room, restrooms, restaurant, surf shop, lobby, surfboard storage <sup>1</sup> , freestanding restrooms <sup>1</sup>	19,127	2,166	21,293
<b>Level 2</b>	Fitness area, yoga room, restrooms, members locker room and lounge, spa	16,922	0	16,922
<b>Level 3</b>	Mechanical wells, offices, restrooms, VIP suites, music recording studio	9,687	0	9,687
<b>Total SF</b>		<b>50,341</b>	<b>18,137</b>	<b>68,478</b>

<sup>1</sup>Exempt from the General Plan development limit calculation, ancillary uses.

<sup>2</sup>Gross SF includes ancillary areas that the General Plan does not include in determining intensity limits.

### 3.6.3 Athlete Accommodation Building

The two-story athlete accommodation building would provide 20 accommodation units, 10 on each floor. The building would be 9,432 net SF and have a maximum height of 40 feet. The units would be exclusively for visiting surfers and surf park guests to stay while using the onsite amenities. Each unit would include a bed, bathroom, closet, and a patio space facing the surf lagoon.

In addition to the net SF, the athlete accommodations would have a freestanding 1,624 SF storage/restroom building that would be located to the northwest of the athlete accommodation structure, which would be ancillary and exempt from the General Plan development limit calculation. A summary of the athlete accommodations building is listed in Table 3-4 and a conceptual elevation is shown in Figure 3-10, *Athlete Accommodation Building Elevation*.

**Table 3-4: Athlete Accommodations Building and Freestanding Ancillary Square Footage**

Level	Use	General Plan Development Square Feet	Freestanding Ancillary Square Feet <sup>1</sup>	Gross Square Feet <sup>2</sup>
Level 1	10 accommodation units	4,716	738 restroom 886 storage	6,340
Level 2	10 accommodation units	4,716	0	4,716
<b>Total SF</b>		<b>9,432</b>	<b>1,624</b>	<b>11,056</b>

<sup>1</sup>Exempt from the General Plan development limit calculation, ancillary uses located adjacent to the athlete accommodations.

<sup>2</sup>Gross SF includes incidental areas that the City does not include in determining intensity limits.

### 3.6.4 Circulation and Parking

As depicted in Figure 3-8, *Conceptual Site Plan*, the site would be accessed from an improved 26-foot-wide driveway along Irvine Avenue in the same location as the existing driveway that would provide full turning access. There is also an existing driveway to the Project site along Mesa Drive that is undersized and does not meet City or accessibility standards. The Project would relocate the driveway approximately 200 feet to the east, away from the Irvine Avenue intersection, and build it to current 26-foot-wide standards. The driveway relocation includes closing the existing driveway within the right-of-way, converting the existing curb returns to a curb and gutter, and resurfacing the sidewalk. The relocated driveway would include new curb returns, resurfacing, and roadway striping to denote the driveway turn.

Parking would be provided at two parking areas to serve both the Project and golf course – one located near the Irvine Avenue driveway that would contain 171 parking spots including EV stalls and ADA accessible stalls, and one near the Mesa Drive driveway that would contain 180 parking spots including EV charging stations, EV stalls, and ADA accessible stalls. A total of 351 parking spots are proposed. Both parking areas would include 14 to 18-foot-high solar canopies over parking areas, as shown in Figure 3-11, *Proposed Solar PV Installation*. Bicycle parking would be provided at two locations near the amenity clubhouse building entrance. Additionally, a 26-foot-wide internal roadway would connect the two parking lots and site driveways, and a designated drop-off and ride share area would be located on the west side of the clubhouse building.

The golf cart path of travel between holes 3-8 and holes 10-18 would be maintained. Carts would continue to utilize the tunnel under Irvine Avenue to access the Project site from the holes 3-8 then follow a cart path adjacent to the Santa Ana-Delhi Channel that would lead down to holes 10-18.

### 3.6.5 Landscaping, Walls, and Fencing

The proposed Project would include approximately 143,844 SF of drought tolerant ornamental landscaping that would cover approximately 20 percent of the site, as shown in Figure 3-8, *Conceptual Site Plan*. Proposed landscaping would include 24-inch box trees, 15-gallon trees, various shrubs, and ground covers to enhance views of the proposed Project and screen the proposed buildings, infiltration/detention basins, and parking areas from offsite viewpoints. Landscaping would be located throughout the site, along the Irvine Avenue and Mesa Drive right-of-way, and along the site boundary.

The Project landscaping plan specifically excludes trees that are known to attract birds. Vegetation that produces seeds, fruits, nuts, or berries, such as fruit bearing trees and shrubs, would not be used. Likewise, Project site areas would be planted with seed mixtures that do not contain millet or any other large seed producing grass that could attract birds.

Two terraced 8-foot-high retaining walls are proposed along the eastern property line, and a retaining wall with a maximum height of 16-feet is proposed between the Santa Ana-Delhi Channel and the Project site along Irvine Avenue to Mesa Drive. A 6-foot-high fence is proposed around the perimeter of the site, with gated entrances at the driveways along Irvine Avenue and Mesa Drive.

A 6-foot-high wall is proposed along the northern boundary of the surf lagoon, between the surf lagoon and the north parking lot. The pool service equipment area in the northeast corner of the site would be surrounded by an 14-foot-tall concrete masonry unit (CMU) wall. A 5-foot-high pool fence is proposed in front of both the athlete accommodations building and the amenity clubhouse building to separate the respective areas from the surf lagoon, as shown on Figure 3-8, *Conceptual Site Plan*.

### 3.6.6 Open Space and Other Amenities

The proposed Project would include approximately 235,650 SF of open space including 5,014 SF of synthetic turf coverage. The outdoor areas of the proposed Project would include surf school training lawn area, seating and lounging areas around the surf lagoon, wave viewing platforms, and cabanas.

### 3.6.1 Infrastructure Improvements

#### Electricity

Solar panels would be installed on the building roofs. They would be less than 18-inches in height and be below the 50-foot and 40-foot maximum building heights. Solar canopies would also be installed over portions of both parking areas to produce renewable energy to provide power to the onsite operations. In addition, the Project would connect to the existing electricity infrastructure located within Irvine Avenue and Acacia Street.

#### Natural Gas

The proposed Project would install new, onsite, natural gas lines that would connect to the existing natural gas lines within Irvine Avenue.

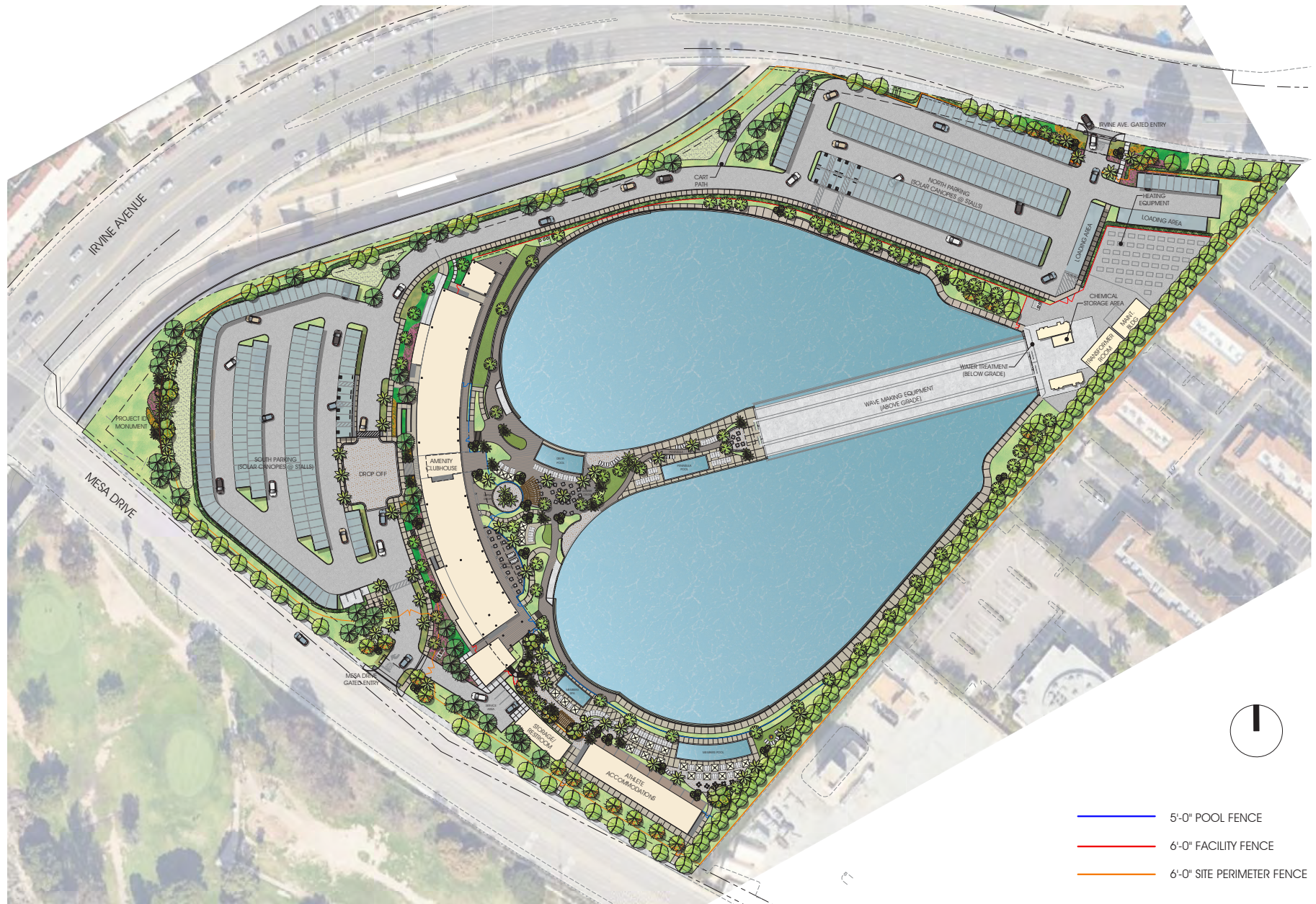
#### Water

The proposed Project would install new water lines within the Project site and public right-of-way to connect to the existing 24-inch water line in Irvine Avenue served by the City of Newport Beach. The existing onsite 6-inch domestic water line would be upgraded to a 12-inch water line and would connect to the 24-inch main line within Irvine Avenue.

#### Sewer

The proposed Project would construct new sewer lines to connect to the existing 12-inch sewer line in Mesa Drive that currently serves the existing uses on the site. The existing 6-inch onsite sewer lateral that extends approximately 42.5 feet offsite to the sewer main that is more than 50 years old would be upgraded to a 12-inch sewer line that would be installed in the location of the existing driveway and would connect to the existing 12-inch sewer line in Mesa Drive at the existing manhole, which would accommodate on-going maintenance.

## Conceptual Site Plan



Snug Harbor Surf Park Project  
City of Newport Beach

**Figure 3-8**

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# Amenity Clubhouse Building Elevation



CLUBHOUSE BUILDING ELEVATION - 1



CLUBHOUSE BUILDING ELEVATION - 2



CLUBHOUSE BUILDING ELEVATION - 3



CLUBHOUSE BUILDING ELEVATION - 4

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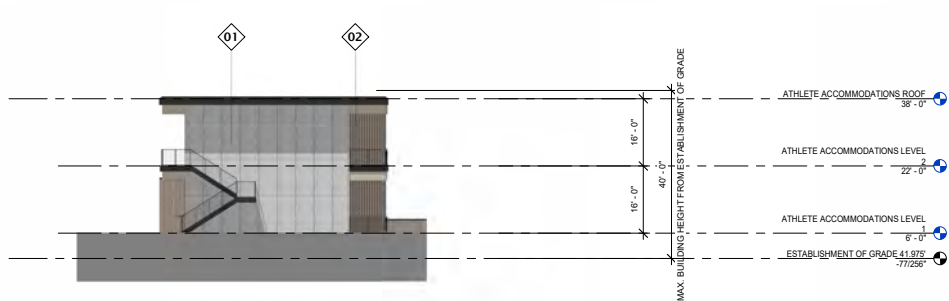
# Athlete Accommodation Building Elevation



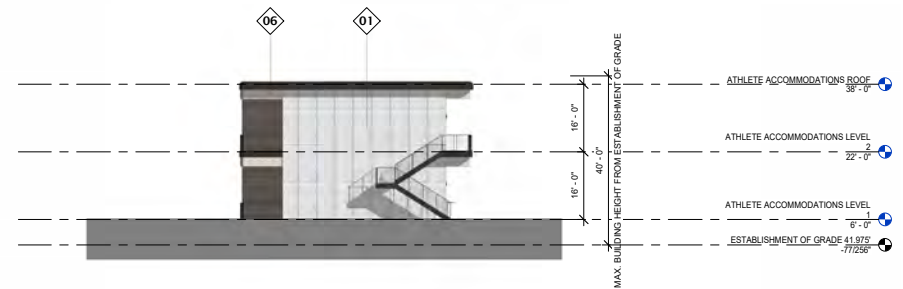
ATHLETE ACCOMMODATIONS BUILDING ELEVATION - 1



ATHLETE ACCOMMODATIONS BUILDING ELEVATION - 2



ATHLETE ACCOMMODATIONS BUILDING ELEVATION - 3

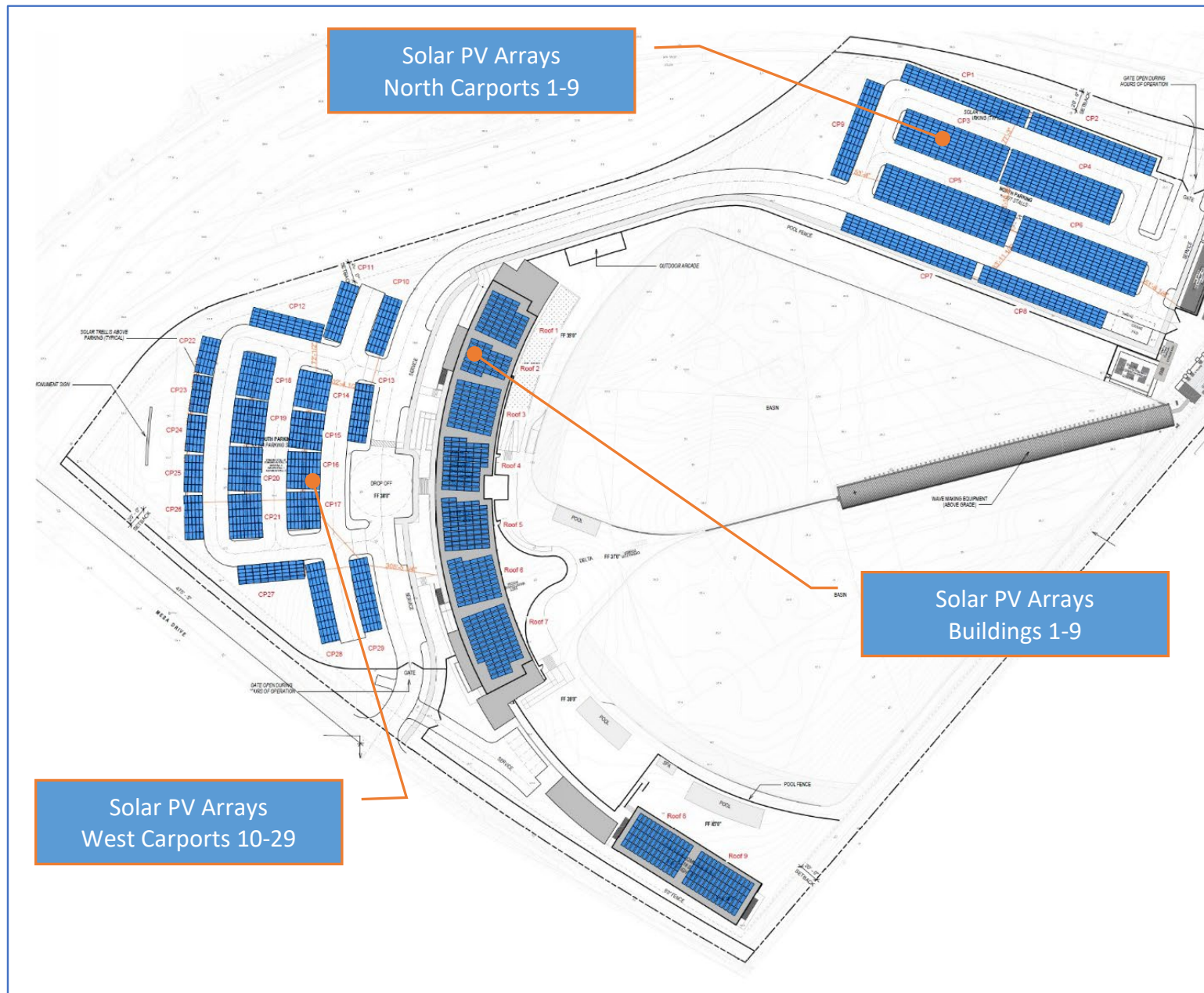


ATHLETE ACCOMMODATIONS BUILDING ELEVATION - 4



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## Proposed Solar PV Installation



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## Drainage

The proposed Project's runoff would be collected by two bioretention basins at the north parking lot and two bioretention basins in the southern parking lot. Water flowing through the bioretention basins would then be treated within five onsite modular wetland systems. An 18-inch storm drain would be constructed to connect to the existing storm drain line in the northwest corner of the site near the intersection of Mesa Drive and Irvine Avenue as well as another existing 24-inch line within Irvine Avenue near the northern parking lot driveway.

## 3.7 CONSTRUCTION

Project construction would take approximately 18 months and includes demolition, site preparation, grading, installation of infrastructure and utilities, followed by building construction, pavement, and then architectural coatings. Table 3-5 details the total working days and construction equipment used for each phase of construction for analytical modeling purposes. Project grading is expected to reach depths of 15 feet below the existing ground surface and result in a balanced site with 135,000 cubic yards of cut and 135,000 cubic yards of fill. Construction is anticipated to start in the second quarter of 2026 and be completed by the third quarter of 2027. Construction activities would be limited to the hours allowed by the Newport Beach Municipal Code Section 10.28.040 that limits construction activities to the hours between 7:00 a.m. to 6:30 p.m. on weekdays and between 8:00 a.m. and 6:00 p.m. on Saturdays. No construction activity is allowed on Sundays or national holidays.

**Table 3-5: Construction Schedule and Equipment**

Construction Phase	Working Days	Equipment
Demolition	20	Rubber Tired Dozer, Excavators, Concrete/Industrial Saws
Site Preparation	30	Tractors/Loaders/Backhoes, Crawler Tractor
Grading	50	Rubber Tired Loaders, Excavators, Graders, Rubber Tired Dozers, Scrapers
Building Construction	300	Crane, Forklifts, Generator Sets, Tractors/Loaders/Backhoes, Welder
Paving	60	Pavers, Paving Equipment, Rollers
Architectural Coating	40	Air Compressor

During Project construction, the golf course areas to the north of Irvine Avenue (holes 10-18) and south of Mesa Drive (holes 3-8) would remain operational. Golf cart circulation between holes 3-8 and holes 10-18 would be maintained during construction. A temporary restroom and starter shack, along with golf course parking would be provided near the existing driveway along Irvine Avenue, as shown in Figure 3-12, *Golf Course Operations During Construction*.

## 3.8 OPERATIONS

The proposed hours of operation for the surf lagoon are 6:00 a.m. to 11:00 p.m., 7 days a week with ancillary amenity hours varying based on demand. The maximum number of participants in the lagoon at one time would be 72 people with an average hourly usage of 35-45 people. The wave lagoon would operate on a reservation basis, and the facility is anticipated to host approximately 12 surf events/competitions per year that would be ticketed events similar in scale to other local sporting events.

The Project would employ approximately 70 full-time and part-time employees with an average of approximately 55 employees onsite at any given time.

Operations of the surf lagoon include each of the 5.1-million-gallon basins being drained every other year into the sewer system. Annually one of the surf basins would be drained, facility maintenance would occur, and then the basin would be refilled. The following year the same process would occur with the other basin. The timing of which would be coordinated via permit with the Costa Mesa Sanitary District (CMSD) that provides sewer services to the site, and the City of Newport Beach Utilities Department that provides water to the Project site.

The portions of the golf course to the north of Irvine Avenue (holes 10-18) and south of Mesa Drive (holes 3-8) would remain with implementation of the proposed Project. Access to the 15 holes of golf would be provided via a starter shack that would be located in between the proposed parking lots near the northern end of the amenity clubhouse building, and golf cart storage located on the basement level of the proposed clubhouse. In addition, golf cart path of travel between holes 3-8 and holes 10-18 would remain.

### 3.9 PROJECT DESIGN FEATURES

The Project voluntarily incorporates measures that serve to reduce potentially significant impacts. These measures are referred to as Project Design Features (PDFs). Because PDFs are incorporated into the Project, they do not constitute mitigation measures. However, because they reduce the potential of impacts, PDFs would be incorporated into the Project's mitigation program to ensure that they are implemented as a part of the Project. Where applicable PDFs are described in the analysis to identify how they would reduce potential impacts. The proposed PDFs include the following:

- **PDF-1 Solar:** The proposed Project includes installation of solar panels on the roofs of the buildings and on 14 to 18-foot-high solar canopies in portions of the parking areas to provide onsite renewable energy to provide power to the proposed Project.
- **PDF-2 Vegetation:** The proposed Project does not include landscaping or other vegetation that produces seeds, fruits, nuts, or berries, such as fruit bearing trees and shrubs. Likewise, Project site areas would be planted with seed mixtures that do not contain millet or any other large seed producing grass.

### 3.10 PROJECT OBJECTIVES

The intent of the Snug Harbor Surf Park Project is to develop and operate an alternative surfing facility to provide consistent and predictable waves for training, lessons, and contests to enhance the Newport Beach surf culture and recreation base, and to provide accommodations to support traveling athletes, coaches, and surf park guests.

CEQA Guidelines Section 15124(b) states that an EIR shall contain a clearly written statement of objectives to help the lead agency develop a reasonable range of alternatives to evaluate in the EIR; and that the objectives should include the underlying purpose of the project and may discuss project benefits. The Project-specific CEQA objectives have been carefully crafted in order to aid decision makers in their review of the proposed Project and its associated environmental impacts. The CEQA Project objectives include the following:

1. Provide an innovative, world-class, full-service, year-round, outdoor recreational opportunity to serve a wide range of guests.
2. Maintain consistency with the existing Santa Ana Heights Specific Plan (SP-7) and the Open Space and Recreation (OSR) Specific Plan designation.

3. Expand the City's tourism economy and expand transient occupancy tax revenues.
4. Utilize sustainable solar energy onsite that is consistent with the City's sustainability goals.

### 3.11 DISCRETIONARY ACTIONS REQUIRED

In accordance with Sections 15050 and 15367 of the CEQA Guidelines, the City is the designated Lead Agency for the proposed Project and has principal authority and jurisdiction for CEQA actions and Project approval. Responsible Agencies are those agencies that have jurisdiction or authority over one or more aspects associated with the development of a proposed project and/or mitigation. Trustee Agencies are State agencies that have jurisdiction by law over natural resources affected by a proposed project. These include, but may not be limited to, the permits and approvals described below.

The discretionary actions to be considered by the City as part of the proposed Project include:

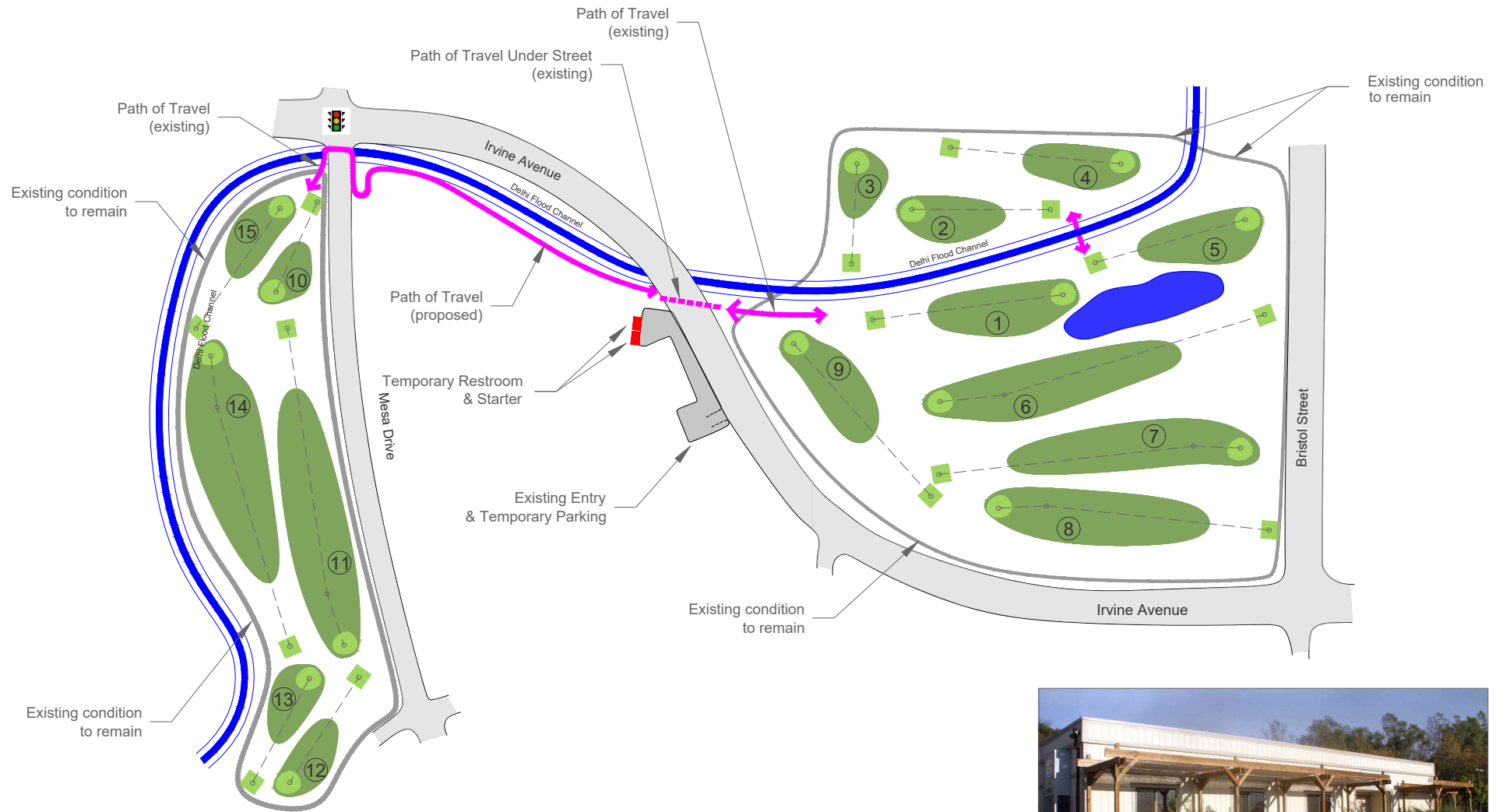
- **General Plan Amendment:** A General Plan Amendment is requested to increase the development intensity for the site from the current limit of 20,000 SF to approximately 59,772 SF.
- **Conditional Use Permit:** A Conditional Use Permit (CUP) is required per Municipal Code 20.90.050(B)(3) for an outdoor commercial recreation use and to set the parking rate consistent with per Municipal Code Section 20.40.040. In addition, the Santa Ana Heights Specific Plan requires a CUP to allow for the construction of a building in excess of 18 feet in height.
- **Modification Permit:** A Modification Permit is required for the proposed Project because the proposed retaining walls located along the south and western property lines would exceed 8 feet in height.
- **Major Site Development Review:** The Project will require a Major Site Development Review (SDR) permit because the proposed building would be greater than 20,000 SF.

The responsible agencies, trustee agencies, and other public agencies which may be required to grant approvals and permits or coordinate as part of implementation of the proposed Project include, but are not limited to:

- **Federal Aviation Administration (FAA):** Based on the location of the Project site and the proposed height of the buildings, the Applicant will file Form 7460-1, Notice of Actual Construction or Alteration, with the FAA. The FAA will use information provided in Form 7460-1 and other data to conduct an aeronautical review for the proposed Project.
- **Orange County Airport Land Use Commission (ALUC):** The Project site is within the Airport Environs Land Use Plan (AELUP) Notification Area for John Wayne Airport and the Project will be submitted to the ALUC for review.
- **South Coast Air Quality Management District (SCAQMD):** Issuance of any permits to construct or permits to operate.
- **Santa Ana Regional Water Quality Control Board (RWQCB):** Issuance of a National Pollution Discharge Elimination System (NPDES) Permit and Construction General Permit. The Santa Ana RWQCB would also issue a Dewatering Permit consistent with the General Permit.
- **Orange County Health Care Agency:** Issuance of permits related to water safety and restaurant operations.

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## Golf Course Operations During Construction



### Example of the Temporary Restroom & Starter



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## 4. Environmental Setting

The purpose of this section is to provide a description of the environmental setting of the Project site and surrounding area as it existed at the time of the Notice of Preparation (NOP) was published from both a local and regional perspective. In addition to the summary below, detailed environmental setting descriptions are provided in each subsection of Section 5 of this Draft EIR.

### 4.1 REGIONAL SETTING

The Project site is located in the northern portion of the City of Newport Beach at 3100 Irvine Avenue. The site is located east of the intersection of Mesa Drive and Irvine Avenue within the Newport Beach Golf Course (NB Golf Course). The City of Newport Beach is located approximately 20 miles southeast of Long Beach, 40 miles southwest of the City of Riverside, and 35 miles southeast of Downtown Los Angeles. Regional access to the Project site is provided via State Route (SR) 73, located approximately 0.3 mile to the northeast, and SR-55, located approximately 0.75 mile to the northwest. Local access to the site is provided by Irvine Avenue through an existing driveway that provides both right or left turns to enter the site, and only right turns leaving the site. Additionally, existing pedestrian and golf cart access to the site is provided along Mesa Drive.

### 4.2 LOCAL SETTING AND PROJECT LOCATION

The Project site is identified by Assessor's Parcel Number (APN) 119-200-41. Additionally, the site is located within the Newport Beach USGS 7.5-Minute Quadrangle, Section 12, Township 6 South, Range 10 West, San Bernardino Principal Meridian, and is located at latitude +33.65.85 degrees, longitude -117.8819 degrees. Regional location and local vicinity maps are provided in Figure 3-1, *Regional Location*, Figure 3-2, *Local Vicinity*, and Figure 3-3, *Aerial View*.

The Project site is a portion of the NB Golf Course. The NB Golf Course is separated into three physically distinct land areas and the Project site consists of the central portion bounded by Irvine Avenue and Mesa Drive. The Project site is comprised of one parcel encompassing 15.38 acres that currently includes a 38-bay partially covered synthetic turf driving range, a 1,050-square-foot (SF) putting green, a 8,975 SF building that includes a pro shop and a restaurant that seats 233 people, a surface parking lot with 280 parking spaces, and three holes of the existing NB Golf Course (holes 1, 2, and 9).

### 4.3 EXISTING LAND USE AND ZONING

The 15.38-acre Project site is categorized as Parks and Recreation (PR) by the Land Use Element of the General Plan, as shown on Figure 3-5, *Existing General Plan Land Use Designations*. The PR category is intended to provide areas appropriate for the development of parks (both active and passive), golf courses, marina support facilities, aquatic facilities, tennis clubs and courts, private recreation, and similar facilities. The Project site is within the area designated as Anomaly Number 58 by Table LU2 of the Land Use Element of the General Plan. The General Plan limits the development intensity of Anomaly No. 58 to 20,000 SF.

The Project site is zoned Santa Ana Heights Specific Plan (SP-7). The Santa Ana Heights Specific Plan designates the site as Open Space and Recreation (OSR), as shown in Figure 3-6, *Existing Zoning Designations*. Permitted uses within the OSR zone, subject to a use permit, include golf courses and/or outdoor commercial recreation. Accessory uses and structures are permitted within the OSR zone when customarily associated with and subordinate to a principal permitted use on the same building site.

The Project site is located adjacent to the Coastal Zone, the boundary of which is the northern boundary of the Mesa Drive right-of-way, as shown in Figure 3-7, *Coastal Zone Boundary*.

## 4.4 SURROUNDING LAND USES AND DEVELOPMENT

The Project site is in between the two other portions of the NB Golf Course. The 21.28-acre northern portion, located northeast of the Project site across Irvine Avenue, serves as the back-nine holes of the golf course (holes 10-18) and contains the 2,782 SF golf course maintenance building. The 14.51-acre southern portion, located southwest of the Project site across Mesa Drive, provides six holes of the golf course (holes 3-8). Additionally, the Santa Ana-Delhi Channel is located along the northwesterly Project site boundary. The surrounding land uses are shown on Figure 3-2, *Local Vicinity*, and Figure 3-3, *Aerial View*, and described previously in Table 3-2, *Surrounding Existing Uses, General Plan Land Use, and Zoning*.

## 4.5 PHYSICAL ENVIRONMENTAL CONDITIONS

CEQA Guidelines Section 15125(a)(1) states that the physical environmental condition in the vicinity of the Project as it existed at the time the EIR's NOP was released for public review normally be used as the comparative baseline for the EIR. The NOP for this EIR was released for public review on [date]. The following pages include a description of the physical environmental conditions ("existing conditions") on a regional and local basis at the approximate time the NOP was released. More information regarding the Project site's environmental setting is provided in the specific subsections of Draft EIR Section 5, *Environmental Analysis*.

### 4.5.1 Aesthetics

#### Project Site

The visual character of the Project site includes an urban golf course of open green space with scattered trees, golf course tees and greens, adjacent to an artificial turf driving range, roadways, and a drainage channel. Golf course (holes 1, 2, and 9) includes rolling terrain of green areas with scattered ornamental landscaping, and golf cart paths that is surrounded by chained link fencing with openings for golfer and golf cart crossing of Mesa Drive to the south. The area with holes 1, 2, and 9 is bound on the west by the Santa Ana – Delhi Channel, which is a 55-foot-wide by 16-foot-high reinforced-concrete channel that runs in a southerly direction adjacent to the site that is bound by chain link fencing.

The driving range is located on the east side of holes 1,2, and 9, and is covered by artificial turf and is surrounded by netting held by approximately 40 net poles that range in height from 25 to 80 feet depending on location (due to the rolling topography). The poles and netting separating the driving range from the commercial buildings and fire station to the east are approximately 80 feet tall while the poles and netting separating the driving range from the golf course on the west are approximately 50 feet tall and the poles and netting separating the driving range from Mesa Drive to the south are between 62 and 65 feet tall. Some of the poles are wood (telephone pole-like) while others are pipes. In addition, some of the poles have pipe extensions to increase the height of the netting. The driving range has 38 bays that are located next to the parking lot and can be seen from Irvine Avenue. Some of the driving range bays are covered with a gable-roof and canopies with Spanish barrel roof tile supported by metal poles and piers. The bays are adjacent to light poles used for nighttime operation of the driving range.

The one-story 8,975 SF clubhouse building and 2,664 SF driving range building are ranch-style with a Tiki influence. The clubhouse building is irregular in shape and has a complex flat, shed roof, and Spanish barrel tiled gable roof and a central covered breezeway. The restaurant entrance, located northwest of the breezeway, is deeply recessed and has a pair of paneled wood doors with paneling above that gives the

appearance of floor-to-ceiling doors. The driving range building and gable portions of the roof have large, exposed rafters and wide eaves. The northeast elevation features a thick concrete and pebble stone accent that is wider at the bottom than the top and extends beyond the side elevations.

The exterior walls of both the clubhouse and the driving range building consist of earth-toned textured stucco and have board-and-batten accents, as well as concrete and pebble stone accent panels and faux buttresses. The pebble stone accents are patterned after the flagstone-accent walls popular in the 1960s and 1970s. Fenestration consists of metal-framed windows typical of retail/commercial businesses.

The Project site contains a surface parking lot in the northeast portion of the site that is accessed from a driveway along Irvine Avenue and contains 280 parking spaces in 4 rows of parking, and limited landscaping with scattered trees. Pole-mounted lighting is located in the parking lot. Entrances to both the clubhouse and the driving range buildings are adjacent to the parking lot.

## Surrounding Area

The existing visual character of the area surrounding the Project site is a mix of uses with no consistent architectural or visual theme. The visual character is dominated by the open green space with scattered trees associated with NB Golf Course holes 3-8 to the south across Mesa Drive and holes 10-18 to the north and northeast across Irvine Avenue. Areas to the east of the site are developed with a fire station, two- and three-story-high commercial office buildings, associated surface parking lots and ornamental landscaping that provide a modern commercial character. Areas to the west of the site are developed with a two-story retail shopping center, two-story residential apartments, and commercial office buildings that are two-stories over ground level parking with ornamental landscaping that also provide a modern and urban character.

Both Irvine Avenue and Mesa Drive are arterial roadways that are adjacent to the site and provide a pedestrian character with landscaping, sidewalks, and bicycle lanes. The general area surrounding the site has a topography of rolling hills, whereby Irvine Avenue slopes to the southwest, and the land on the west side of Irvine Avenue is higher than the land on the east side. Likewise, Mesa Drive slopes to the west and existing retaining walls are located along portions of the perimeter of the site.

## Scenic Highways

As detailed by the Caltrans State Scenic Highway Mapping Program (Caltrans, 2024), there are no State Designated Scenic Highways within the City. According to the Scenic Highway System list, State Route (SR) 1, otherwise known as Pacific Coast Highway, is eligible for the State Scenic Highway System but is not officially designated. SR-1 is located 3.4 miles southwest of the Project site and is not visible from the Project site. The nearest officially designated State Scenic Highway is a portion of SR-91 east of SR-55, which is located approximately 13 miles northeast of the Project site.

## Light and Glare

Light and glare in the Project area are typical of what can be found in urban environments. Sources of light in the City is generated from building interiors and exterior sources (i.e., golf course, driving range, putting area, building illumination, security lighting, parking lot lighting, street lighting, and landscape lighting) associated with the existing site and adjacent land uses. The driving range and three golf course holes with pole mounted lights allow for golf activities to continue after the last light. Existing hours of operation and related light generation for the driving range and golf course are 6:00 a.m. to 9:00 p.m. The hours of operation for the pro shop are generally 10:00 a.m. to 7:00 p.m.; and the restaurant generally operates from 8:00 a.m. to 10:00 p.m. Thus, after 10:00 p.m., limited lighting related to security lighting and signage is generated on the site. Other offsite sources of light and glare include vehicle headlights and streetlights.

Glare can emanate from many different sources, some of which include direct sunlight, sunlight reflecting from cars or buildings, and bright outdoor or indoor lighting. Glare in the Project vicinity is generated by building and vehicle windows reflecting light. However, there are no substantial buildings or structures near the Project site that presently generate substantial glare since most of the buildings are limited to one-story to two-story structures that are constructed of non-reflective materials and are not surfaced with a substantial number of windows adjacent to one another that would create a large reflective area.

#### 4.5.2 Air Quality

The Project area is located within the South Coast Air Basin (Basin), which is under the jurisdiction of the SCAQMD. The Basin is a 6,600-square-mile coastal plain bounded by the Pacific Ocean to the southwest and the San Gabriel, San Bernardino, and San Jacinto Mountains to the north and east. The Basin includes the non-desert portions of Los Angeles, Riverside, and San Bernardino counties, and all of Orange County.

The existing air quality conditions in the area is reflective of natural factors as topography, meteorology, and climate, in addition to the amount of emissions released by existing air pollutant sources. The topography and climate of southern California combine to make the Basin an area of high air pollution potential. The Basin is a coastal plain with connecting broad valleys and low hills, bounded by the Pacific Ocean to the west and San Bernardino mountains around the rest of the perimeter.

The general region lies in the semi-permanent high-pressure zone of the eastern Pacific, resulting in a mild climate tempered by cool sea breezes with light average wind speeds. The usually mild climatological pattern is disrupted occasionally by periods of extremely hot weather, winter storms, or Santa Ana winds. During the summer months, a warm air mass frequently descends over the cool, moist marine layer produced by the interaction between the ocean's surface and the lowest layer of the atmosphere. The warm upper layer forms a cap over the cool marine layer and inhibits the pollutants in the marine layer from dispersing upward. In addition, light winds during the summer further limit ventilation. Further, sunlight triggers the photochemical reactions which produce ozone.

SCAQMD maintains monitoring stations within district boundaries, Source Receptor Areas (SRAs), that monitor air quality and compliance with associated ambient standards. The Project site is located within the monitoring boundary of the North Coastal Orange County monitoring area (SRA 18). However, there are currently no monitoring stations within SRA 18. Therefore, the following is a list of data that was obtained from nearby monitoring stations:

- SRA 19 (Saddleback Valley located 11.74 miles east of the Project site)
  - O<sub>3</sub> (2021 and 2022)
  - CO (2021 and 2022)
  - PM<sub>10</sub> (2021 and 2022)
  - PM<sub>2.5</sub> (2021)
- SRA 17 (I-5 Near Road located 11.43 miles northwest of the Project site)
  - CO (2023)
  - NO<sub>2</sub> (2021 and 2022)
- SRA 17 (Central Orange County located 12.32 miles northwest of the Project site)
  - O<sub>3</sub> (2023)
  - NO<sub>2</sub> (2023)
  - PM<sub>10</sub> (2023)
  - PM<sub>2.5</sub> (2022 and 2023)

The most recent three years of data identifies the number of days ambient air quality standards were exceeded in the area. The federal PM<sub>10</sub> and PM<sub>2.5</sub> standards had no exceedances. The 1-hour ozone State standard was exceeded two times in 2021, one time in 2022, and zero times in 2023. The 8-hour ozone federal standard was eight times in 2021, six times in 2022, and two times in 2023. In addition, the CO, SO<sub>2</sub>, and NO<sub>2</sub> standards were not exceeded in this area during the 3-year period.

The closest sensitive receptors to the Project site are residential uses such as single-family homes located approximately 169 feet northwest of the Project site and a medical spa that is located immediately adjacent to the east of the site, within 25 meters.

### 4.5.3 Biological Resources

The Project site is currently developed with a driving range, putting green, pro shop and restaurant, service building, surface parking lot, and three holes of the existing NB Golf Course. Vegetation consists of ornamental turf, shrubs, and trees with no remnant native vegetation. The National Cooperative Soil Survey has mapped the following soils as occurring within the Project site: Myford sandy loam, 2 to 9 percent slopes; Myford sandy loam, 9 to 15 percent slopes; Myford sandy loam, thick surface, 0 to 2 percent slopes; and thapto-histic fluvaquents (Appendix C).

#### Vegetation Communities

Two different vegetation/land covers were identified within the Project site. As shown on Figure 5.3-1, *Project Site Vegetation*, in Section 5.3, *Biological Resources*, the Project site contains approximately 6.04 acres of turf grass/ornamental landscaping. In addition, the Project site and offsite improvement areas contain approximately 9.48 acres of disturbed/developed area with 9.4 acres being onsite and 0.08 acres being offsite.

The golf course fairways and greens are primarily vegetated with manicured turn grasses including bermudagrass (*Cynodon dactylon*) and Saint Augustine grass (*Stenotaphrum secundatum*), along with other weedy non-native grasses and forbs including Dallis grass (*Paspalum dilatatum*) and bur clover (*Medicago polymorpha*). Ornamental trees occur throughout the area, including Aleppo pine (*Pinus halepensis*), lemon scented gum (*Eucalyptus citriodora*), shamel ash (*Fraxinus uhdei*), and whiteflower kurrajong (*Brachychiton populneum*). Along the northwestern property boundary adjacent to the Santa Ana Delhi Channel are a few disjunct patches of iceplant (*Carpobrotus edulis*) growing with Mexican fan palm (*Washingtonia robusta*). Other component species include yellow nutgrass (*Cyperus esculentus*), flax-leaved horseweed (*Erigeron bonariensis*), Canada horseweed (*Erigeron canadensis*), bristly ox-tongue (*Helminthotheca echinoides*), spiny sowthistle (*Sonchus asper*), common sowthistle (*Sonchus oleraceus*), cape honeysuckle (*Tecoma capensis*), Virginia pepperweed (*Lepidium virginicum*), Australian saltbush (*Atriplex semibaccata*), alkali weed (*Cressa truxillensis*), Asian ponyfoot (*Dichondra micrantha*), rattlesnake sandmat (*Euphorbia albomarginata*), bird's foot trefoil (*Lotus corniculatus*), shoeblackplant (*Hibiscus rosa-sinensis*), cheeseweed mallow (*Malva parviflora*), common plantain (*Plantago major*), prostrate knotweed (*Polygonum aviculare*), curly dock (*Rumex crispus*), Italian cypress (*Cupressus sempervirens*), Canary Island pine (*Pinus canariensis*), red-box gum (*Eucalyptus polyanthemos*), and Japanese privet (*Ligustrum japonicum*).

The disturbed/developed areas contain a paved parking lot, a driving range with synthetic turf, other golf course structures and amenities including a pro shop and restaurant, and a graded slope vegetated with both ruderal and ornamental vegetation. Integrated planters within the parking lot contain olives (*Olea europaea*), Mexican fan palm, queen palm (*Syagrus romanzoffiana*), whiteflower kurrajong, lemon scented gum, blue gum (*Eucalyptus globulus*), and brush box (*Lophostemon confertus*). A graded slope on the northeastern edge of the site supports both ruderal and ornamental vegetation, including Canary Island pine (*Pinus canariensis*), Aleppo pine, lemon scented gum, slender oat (*Avena barbata*), iceplant, prickly lettuce

(*Lactuca serriola*), Mexican fan palm, carrotwood (*Cupaniopsis anacardioides*), and a single coast live oak (*Quercus agrifolia*). Other component species include sago palm (*Cycas revoluta*), pygmy date palm (*Phoenix roebelenii*), purple fountain grass (*Pennisetum setaceum* 'Rubrum'), plumeria (*Plumeria rubra*), spider plant (*Chlorophytum comosum*), Russian thistle, aeonium (*Aeonium* sp.), echeveria (*Echeveria* sp.), jade plant (*Crassula ovata*), elephant bush (*Portulacaria afra*), and Brazilian pepper tree (*Schinus terebinthifolia*) (Appendix C).

### Special-Status Vegetation Communities

The California Natural Diversity Data Base (CNDDB) identifies the following seven special-status vegetation communities for the Newport Beach, Seal Beach, Laguna Beach, Tustin, Orange, Anaheim, and Los Alamitos quadrangle maps: southern dune scrub, southern foredunes, valley needlegrass grassland, southern coastal salt marsh, southern sycamore alder riparian woodland, southern coast live oak riparian forest, and California walnut woodland. The Project site does not contain any special-status vegetation communities, including those identified by the CNDDB (Appendix C).

### Special-Status Plant Species

According to the CNDDB and CNPS, 36 special-status plant species have been recorded in the Newport Beach, Seal Beach, Laguna Beach, Tustin, Orange, Anaheim, and Los Alamitos quadrangles. No special-status plant species were observed onsite during the field investigation conducted for the Biological Technical Report (Appendix C). The site has been subject to decades of anthropogenic disturbances, which has removed native plant communities that have historically occurred. Based on the habitat requirements for the species with potential to exist in the quadrangles and the quality of the onsite habitat, the Biological Technical Report determined that the Project site and offsite improvement areas do not have potential to support any of the special-status plant species known to occur in the vicinity of the site and all are presumed to be absent.

### Special-Status Wildlife Species

According to the CNDDB, 50 special-status wildlife species have been recorded in the Newport Beach, Seal Beach, Laguna Beach, Tustin, Orange, Anaheim, and Los Alamitos quadrangles. No special-status animal species were observed onsite during the field investigation conducted for the Biological Technical Report. While not observed onsite during the general biological survey, great blue heron individuals may occasionally occur onsite as a transient species but is not expected to occur onsite in a nesting colony due to lack of suitable nesting trees and frequent human disturbance. Based on the focused surveys conducted within the Project site, no overwintering monarch butterflies were detected in or around ornamental eucalyptus or pine trees onsite. Further, the trees onsite occur individually and are not clustered in groves or exhibit the microclimate typical for overwintering uses. As such, the Biological Technical Report concluded that overwintering monarch butterflies are confirmed absent (Appendix C).

According to the Biological Technical Report, the western yellow bat has a low potential to roost in ornamental trees, including palms, on the Project site; and the Big free-tailed bat is rare in southern California – the only recorded Orange County occurrence in the CNDDB is from Corona del Mar in 1985, and if it occurred, it would likely be a flyover/foraging and not roosting, as it typically roosts on cliffs. Further, the Project site provides suitable foraging, breeding, and roosting habitat for a number of raptor species. No raptor species were detected over the course of field studies; however, common, urban adapted species may occasionally occur. The Project site lacks potential nesting habitat (e.g., mature trees, shrubs) for special-status raptor species but is expected to provide marginal foraging habitat for common raptors that support prey species such as insects, spiders, lizards, snakes, small mammals, and other birds.

The site has been subject to decades of anthropogenic disturbances, which has removed native habitat for sensitive wildlife species. Based on the habitat requirements for the specific species with potential to exist in the quadrangles and the quality of the onsite habitat, the Biological Technical Report (Appendix C) determined that the Project site and offsite improvement areas do not have potential to support any of the other special-status wildlife species known to occur in the vicinity of the site and all are presumed to be absent.

### **Jurisdictional Waters**

Two drainage culverts are located near the western corner of the property that function to drain surface runoff from upland areas of the golf course, including cart paths and fairways. Engineered depressions that appear to capture and direct runoff into the culverts were determined to be non-jurisdictional due to the lack of a defined bed and bank and lack of evidence of surface flow. Therefore, no jurisdictional drainage features, riparian vegetation, or wetlands are present (Appendix C).

### **Wildlife Movement**

The Project site is bound by Irvine Avenue to the north and west, Mesa Drive to the southwest, and commercial and residential land uses to the north, east, and west. The adjacent Santa Ana Delhi Channel is a cement lined channel that is likely used for local movement by small, urban adapted mammals and reptiles. Some local wildlife movement may occur within the Project site; however, given the lack of connection to any native open space, the Project site does not comprise or occur within a wildlife linkage or corridor.

### **Orange County Central Coastal NCCP/HCP**

The Project site is located within the Orange County Central/Coastal Natural Community Conservation Plan/Habitat Conservation Plan NCCP/HCP. Within the NCCP/HCP, the Project is located within the Coastal Subarea. The Project site is not located within the Habitat Reserve System within the NCCP/HCP and is identified as a development site under the Orange County Central/Coastal NCCP/HCP (Appendix C).

## **4.5.4 Cultural Resources**

### **Historical Setting**

Orange County contains prehistoric sites dating from 9,000 to 10,000 years ago that show signs of human presence. Sites from 6,000 to 1,000 BC (Milling Stone period) are common in the coastal region of Southern California and at many inland locations. Between 1,000 BC to 650 AD (Intermediate period), orientation of sites shifted toward hunting, maritime subsistence, and acorn processing. The late prehistoric period from 650 AD until European contact in 1769 included the introduction of pottery, triangular arrow points, and cremation practices (City of Newport Beach, 2006b).

In July of 1769, Orange County was explored by those of European descent during a Franciscan expedition led by Don Gaspar Portola. In the 1800s, Spanish and Mexican land owners, whose holdings comprised Newport Beach's upper bay and lower bay, sold their tracts to American entrepreneurs by the names of Flint, Bixby, Irvine, and McFadden. In 1870, a ship from San Diego made its first trip to a marshy lagoon to exchange goods. James McFadden and James Irvine named the landing on the bay "Newport". In 1888, James McFadden modified the isolated settlement by building a wharf that extended from the shallower bay to deeper water so that large steamers could dock, which drastically increased shipping activity. By 1890, Newport Beach was acknowledged as a vibrant shipping town. The Pacific Electric Railroad was established in 1905, which connected the City of Newport Beach to Los Angeles. Rail travel brought new visitors to the area and eventually West Newport, East Newport, Bay Island, Balboa, Corona del Mar,



Balboa Island, and Port Orange were subdivided. In 1906, residents voted to incorporate and Newport Beach became the fifth City to incorporate in Orange County (City of Newport Beach, 2006b).

Between 1934 and 1936, the Federal government and Orange County dredged the lower bay and extended jetties, creating the present day contour of Newport Beach. At the end of World War II, a housing construction boom began, which increased in the 1950s with the construction of the Santa Ana Freeway. With increased residential development, the City's economic industry of fishing declined and was replaced with new businesses and commercial centers. By the 1970s, the development of Fashion Island, hotels, restaurants, offices, and new housing tracts led to the establishment of many active employment, retail, and residential areas that characterize Newport Beach today (City of Newport Beach, 2006b).

## Project Site

Based on historic maps and aerials of the Project site and vicinity, the Project site was initially disturbed by mechanical disking as early as 1938 and the drainage adjacent to the site was constructed prior to 1938. The current golf course and buildings were constructed in 1976 and are not yet 50 years old. The golf course is one of more than 900 golf courses in California. The Historic Resources Evaluation (Appendix D) prepared for the Project has evaluated the site and describes that the Project site is part of an 18-hole executive golf course with a one-story Ranch-style clubhouse that has a Tiki influence and includes a pro shop, offices, restrooms, and a restaurant. The clubhouse is irregular in plan and has a complex flat, shed, and gable roof. The shed and gable portions of the roof are sheathed with what appears to be synthetic Spanish barrel tiles and have large, exposed rafters (some notched) and wide eaves. The shed roof has a slightly extended peak accentuated by a heavy, notched, exposed ridge beam. The exterior walls are covered with textured stucco and have board-and-batten accents, as well as concrete and pebble stone accent panels and faux buttresses. The pebble stone accents are patterned after the flagstone-accent walls popular in the 1960s and 1970s. Fenestration consists of metal-framed windows typical of retail/commercial businesses.

The building has a central covered walkway on the northwest elevation of the pro shop that leads to a wide breezeway between the pro shop and the restaurant. The restaurant entrance, located northwest of the breezeway, is deeply recessed and has a pair of paneled wood doors with paneling above that gives the appearance of floor-to-ceiling doors.

The driving range shack and canopies are located southwest of the clubhouse. They form a single structure that is T-shaped in plan, with the gable-roofed shack in the center and the shed-roofed canopies flanking it. The canopies are supported by metal poles and faux battered piers. The shack's northeast gable-end peak is slightly extended above a heavy ridge beam, and the fascia rests on two exposed rafters. The northwest and southeast sides of the shack also have exposed rafters, and they support the eaves. The walls are covered with textured stucco. The northeast elevation features a thick concrete and pebble stone accent that is wider at the bottom than the top and extends beyond the side elevations. The southwest elevation was not visible. In addition, the Project site contains a freestanding, wood-framed canopy over an outdoor dining area west of the clubhouse; holes 1, 2, and 9 of the golf course; the driving range; and a parking lot.

## Archaeological Setting

The chronology of coastal Southern California, which is inclusive of the Project site, is typically divided into three general time periods: the Early Holocene (11,000 to 8,000 Before Present [B.P.]), the Middle Holocene (8,000 to 4,000 B.P.), and the Late Holocene (4,000 B.P. to A.D. 1769). Sites dating from 9,000 to 10,000 years ago show evidence of human presence within the Orange County region. A review of geologic mapping as detailed in the Phase I Archaeological Resources Assessment (Appendix E) indicates that the Project area is underlain by Myford sandy loam and Thapto-Histic Fluvaquent deposits.

A total of 38 cultural resources studies have been performed within a 0.5-mile radius of the Project site. Of these previous studies, three include the Project site. The records search conducted for the proposed Project identified nine cultural resources, all of which are precontact/prehistoric. The nine resources primarily consist of lithic scatters and habitation debris; however, resource P-30-000174, which is less than 0.25-mile northwest of the Project site, also contained human remains (which were excavated in 1950). No archaeological or historic resources have been previously recorded within the Project site. However, the Project site near Upper Newport Bay (which would have served as a commonly and heavily used food source for precontact populations in the area) indicates an elevated sensitivity for subsurface cultural resources within the Project site.

## 4.5.5 Energy

### Electricity

The Southern California Edison Company (SCE) is the electrical purveyor in the City of Newport Beach. SCE provides electricity service to more than 14 million people in a 50,000-square-mile area of central, coastal and Southern California. California utilities are experiencing increasing demands that require modernization of the electric distribution grid to, among other things, accommodate two-way flows of electricity and increase the grid's capacity. SCE is in the process of implementing infrastructure upgrades to ensure the ability to meet future demands. In addition, as described by the Edison International 2023 Annual Report, the SCE electrical grid modernization effort supports implementation of California requirements to achieve carbon neutrality by 2045. The State has set Renewables Portfolio Standards that require retail sellers of electricity to provide 60 percent of power from renewable resources by 2030. The State also requires sellers of electricity to deliver 100 percent of retail sales from carbon-free sources by 2045, including interim targets of 90 percent by 2035 and 95 percent by 2040. In 2023 approximately 49 percent of power that SCE delivered to customers came from carbon-free resources (SCE, 2024).

The Project site is currently served by the SCE electricity distribution systems that exist along the roadways adjacent to the Project site. Overhead utilities lines currently exist along Mesa Drive, adjacent to the western boundary of the Project site. The Project site is located approximately 1.45 miles from Bayside Substation, which serves the Project area through the Pike 12kV Circuit that provides distribution (SCE, 2024).

### Natural Gas

The Southern California Gas Company (SoCalGas) is the natural gas purveyor in the City of Newport Beach and is the principal distributor of natural gas in Southern California. SoCalGas estimates that gas demand will decline at an annual rate of 3.0 percent from 2024 to 2040 due to mandated energy efficiency standards and programs, renewable electricity goals, and global warming). The gas supply available to SoCalGas is regionally diverse and includes supplies from California (onshore and offshore), the southwestern United States, the Rocky Mountains, and Canada. SoCalGas designs its facilities and supplies to provide continuous service during extreme peak demands and has identified the ability to meet peak demands through 2030 (CGEU, 2024). The Project site currently connects to an existing 2-inch gas line in Irvine Avenue via a 1-inch line through the existing parking lot to the north. There is also a three-inch natural gas line at the intersection of Irvine Avenue and Mesa Drive that exists within Mesa Drive to the west of Irvine Avenue and within Irvine Avenue to the south of the site.

## 4.5.6 Geology and Soils

The Project region is located within the Los Angeles Basin which is part of the Peninsular Range physiographic Province of California. The Peninsular Ranges are characterized by a series of northwest trending mountain

ranges separated by valleys. Range geology consists of granitic rock intruding the older metamorphic rocks. Valley geology is characterized by shallow to deep alluvial basins consisting of gravel, sand, silt, and clay (Appendix H).

The site is located northwest of the pediment of the San Joaquin Hills in the Santa Ana Heights area, approximately 0.75-mile north of Upper Newport Bay. The Santa Ana Heights area consists of “old paralic deposits overlain by alluvial-fan deposits” (Appendix H).

### **Fault Rupture**

The City is located within the Peninsular Ranges Province that is exposed to risk from multiple earthquake fault zones. The highest risks originate from the Newport-Inglewood fault zone, the Whittier fault zone, the San Joaquin Hills fault zone, and the Elysian Park fault zone, each with the potential to cause moderate to large earthquakes that would cause ground shaking in Newport Beach and nearby communities (City of Newport Beach, 2006b).

The Project site is not located within an Alquist-Priolo Fault Zone and no active faults are known to cross the site. The closest known active fault is a segment of the Newport-Inglewood-Rose Canyon Fault Zone approximately 5.6 miles to the west (Appendix H). Inferred/buried strands of the Newport-Inglewood-Rose Canyon Fault Zone are mapped trending south of the site but are not currently zoned as active. The closest mapped trace is approximately 0.9-mile south of the site. No photo lineaments or other geomorphic evidence of active or potentially active faults intersecting the site were observed or recognized as part of our review of aerial photos and historic topographic maps; therefore, the Geotechnical Exploration (Appendix H) determined that the potential for surface fault rupture at the site is expected to be low.

### **Ground Shaking**

All of Southern California is seismically active. The amount of motion expected at a building site can vary from none to forceful depending upon the distance to the fault, the magnitude of the earthquake, and the local geology. Greater movement can be expected at sites located on poorly consolidated material such as alluvium located near the source of the earthquake epicenter or in response to an earthquake of great magnitude.

### **Onsite Soils**

Based on geologic maps, the Project site is situated on undocumented fill, alluvium, and older terrace deposits. The site contains variable thicknesses of man-made fill that vary from soft to stiff sandy lean clay, and loose to dense silty sand and clayey sand that is generally moist. Quaternary alluvium (Qal) encountered in site explorations consisted of layers of lean clay, sandy lean clay, clayey sand, silty sand, and poorly graded sands. Also, Quaternary terrace deposits (Qt) encountered in site explorations consisted of layers of lean clay, sandy lean clay, and fat clay with interlayers or intermixed zones of silty sand, poorly graded sand, and silt. The materials were generally moist. Fine-grained soils varied from soft to hard while granular soils encountered were logged as medium dense to very dense (Appendix H).

### **Groundwater**

The Geotechnical Exploration (Appendix H) describes that the historic highest groundwater in the site vicinity is at a depth of about 10 feet below ground surface (bgs). Information from the geotechnical site investigation documents the presence of water-bearing zones and non-water bearing zones in the subsurface. Measured groundwater depths bgs and elevations were variable, with data indicating perched water and confined pressurized water-bearing zones present. Most recent measurements encountered groundwater in a monitoring well as shallow as a depth of approximately 18.52 feet below top of casing. The groundwater

levels measured during the geotechnical investigation are a “snapshot” of the groundwater levels and do not account for potential fluctuations levels due to seasonal and tidal variations (Appendix H).

### Liquefaction

Liquefaction occurs when vibrations or water pressure within a mass of soil cause the soil particles to lose contact with one another. As a result, the soil behaves like a liquid, has an inability to support weight, and can flow down very gentle slopes. This condition is usually temporary and is most often caused by an earthquake vibrating water-saturated fill or unconsolidated soil. Soils that are most susceptible to liquefaction are clean, loose, saturated, and uniformly graded fine-grained sands that lie below the groundwater table within approximately 50 feet below ground surface. Clayey (cohesive) soils or soils which possess clay particles in excess of 20 percent are generally not considered to be susceptible to liquefaction, nor are those soils which are above the historic static groundwater table. Lateral spreading refers to spreading of soils in a rapid fluid-like flow movement similar to water.

As shown in Figure 5.6-1, *Liquefaction Zone*, in Section 5.6, *Geology and Soils*, the northwest portion of the site is mapped by the California Geological Survey as being potentially susceptible to liquefaction. However, the Geotechnical Exploration testing identified that the Project site has a low liquefaction potential due to the underlying soil composition properties. The Geotechnical Exploration found that based on the soil conditions onsite and a design groundwater level of 15 feet bgs, liquefaction hazards were deemed low (Appendix H).

### Settlement

Settlement is the vertical compression of soil due to load-bearing stress. The General Plan EIR describes that potential hazards posed by seismic settlement and/or collapse in the City is greater in areas underlain by late Quaternary unconsolidated sediments (City of Newport Beach, 2006b). Strong ground shaking can cause settlement of alluvial soils and artificial fills if they are not adequately compacted.

Based on the onsite soils and groundwater conditions, the Geotechnical Exploration determined that static and seismic settlement is not a potential concern of the Project site. The seismic settlement potential is estimated to be less than 0.5 inch (Appendix H).

### Lateral Spreading

Lateral spreading is a type of liquefaction induced ground failure associated with the lateral displacement of surficial blocks of sediment resulting from liquefaction in a subsurface layer. Once liquefaction transforms the subsurface layer into a fluid mass, gravity plus the earthquake inertial forces may cause the mass to move downslope towards a free face (such as a river channel or an embankment). Lateral spreading may cause large horizontal displacements and such movement typically damages pipelines, utilities, bridges, and structures. As described previously, the Project site is not susceptible to liquefaction. Therefore, the site is not at risk for lateral spreading (Appendix H).

### Subsidence

Ground subsidence is the gradual settling or sinking of the ground surface with little or no horizontal movement. Subsidence typically occurs in areas with subterranean oil, gas, or groundwater, and is most commonly associated with overdraft of groundwater. Effects of subsidence include fissures, sinkholes, depressions, and disruption of surface drainage. The Geotechnical Exploration (Appendix H) describes that the Project site is not within an area with known significant subsidence associated with groundwater or petroleum withdrawal, peat oxidation, or hydrocompaction.

## Landslides

Landslides and other slope failures are secondary seismic effects that are common during or soon after earthquakes. Areas that are most susceptible to earthquake induced landslides are steep slopes underlain by loose, weak soils, and areas on or adjacent to existing landslide deposits.

The Geotechnical Exploration describes that the existing elevation of the Project site is approximately 58 feet above mean sea level (msl), and slopes to the northwest. An existing 15-20-foot-high slope descends from the southeast edge of the site. The remainder of the site generally slopes from approximately 50 feet msl to approximately 15 feet msl at the northwest corner of the site. The site is not located within a mapped area considered potentially susceptible to seismically induced slope instability (Appendix H). In addition, the Project site is not adjacent to any substantial hills or slopes that could be subject to a landslide.

## Expansive Soils

Expansive soils are soils containing water-absorbing minerals that expand as they take in water. These soils can damage buildings due to the force they exert as they expand. Expansive soils contain certain types of clay minerals that shrink or swell as the moisture content changes; the shrinking or swelling can shift, crack, or break structures built on such soils. Arid or semiarid areas with seasonal changes of soil moisture experience a much higher frequency of problems from expansive soils than areas with higher rainfall and more constant soil moisture. The proposed Project is in a semiarid region with marked seasonal changes in precipitation; most rain falls in winter, and there is a long dry season in summer and autumn. Therefore, the City's climate is such that a relatively high incidence of soil expansion is expected where soils contain the requisite clay minerals. The Geotechnical Exploration included expansion index testing on soil samples collected from the Project site, which determined that very low to medium expansive soils are present onsite (Appendix H).

## Paleontological Resources

Paleontological resources include any fossilized remains, traces, or imprints of organisms preserved in or on the earth's crust that are of paleontological interest and that provide information about the history of life on earth, except that the term does not include any materials associated with an archaeological resource or any cultural item defined as Native American human remains. Significant paleontological resources are defined as fossils or assemblages of fossils that are unique, unusual, rare, uncommon, or important to define a particular time frame or geologic strata, or that add to an existing body of knowledge in specific areas, in local formations, or regionally.

The City's General Plan EIR describes that Newport Beach is underlain by Holocene-age alluvial sediments and early Pleistocene marine deposits. Below these deposits lie Miocene and late Cretaceous sedimentary rocks. Pleistocene sediments have a rich fossil history in Southern California. Local paleontological sites have yielded fossils of horses, elephants, bison, antelopes, and dire wolves. In addition to illuminating the striking differences between southern California in the Pleistocene and today, this abundant fossil record has been vital in studies of extinction, ecology, and climate change. Throughout Orange County, extinct Pleistocene animals are well known from alluvial sediments.

The Natural History Museum of Los Angeles County database search completed for the proposed Project identified records of five recorded fossil localities in the general Project vicinity. None of these were documented within the Project site. The localities in the vicinity are associated with units mapped from similar geologic units as those found on the Project site (Appendix I). The recorded fossil localities include:

- Fossils located in the drainage channel north of Irvine Avenue in Costa Mesa that yielded invertebrate fossils.

- Fossils in an unspecified location in Newport Beach, yielded Venerid bivalve.
- A locality at the southwest end of the Newport Freeway, between Santa Isabel Avenue and 23rd Street, produced several fossils, including camel, sea turtle, uncatalogued fish and birds, and invertebrates.
- A locality near the intersection of Superior Avenue and Pacific Coast Highway, yielded horse, other unspecified mammals, and invertebrates such as clams, scaphopod, and marine gastropods.
- A locality at the south side of a bluff south of Bayview School and west of the San Joaquin Gun Club, several invertebrates were recovered.

The Project site contains artificial fill underlain with young axial channel deposits and old paralic deposits overlain by alluvial fan deposits. These soils are assigned a low paleontological resource sensitivity to a depth of approximately 10 feet. Soils below 10 feet include older alluvial fan and Pleistocene deposits that have the potential to preserve both marine and terrestrial animals and are considered to have a high paleontological sensitivity.

#### 4.5.7 Greenhouse Gas Emissions

Gases that trap heat in the atmosphere are called greenhouse gases (GHGs). The major concern with GHGs is that increases in their concentrations are contributing to global climate change. Global climate change is a change in the average weather on Earth that can be measured by wind patterns, storms, precipitation, and temperature. Although there is disagreement as to the rate of global climate change and the extent of the impacts attributable to human activities, most in the scientific community agree that there is a direct link between increased emissions of GHGs and long-term global temperature increases.

The principal GHGs are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), perfluorocarbons (PFCs), and hydrofluorocarbons (HFCs). Because different GHGs have different warming potential, and CO<sub>2</sub> is the most common reference gas for climate change, GHG emissions are often quantified and reported as CO<sub>2</sub> equivalents (CO<sub>2</sub>e). For example, SF<sub>6</sub> is a GHG commonly used in the utility industry as an insulating gas in circuit breakers and other electronic equipment. SF<sub>6</sub>, while comprising a small fraction of the total GHGs emitted annually world-wide, is a much more potent GHG, with 22,800 times the global warming potential as CO<sub>2</sub>. Therefore, an emission of one metric ton (MT) of SF<sub>6</sub> could be reported as an emission of 22,800 MT of CO<sub>2</sub>e. Large emission sources are reported in million metric tons (MMT) of CO<sub>2</sub>e. Large emission sources are reported in million metric tons (MMT) of CO<sub>2</sub>e. The principal GHGs are described below, along with their global warming potential.

**Carbon dioxide:** Carbon dioxide (CO<sub>2</sub>) is an odorless, colorless, natural GHG. Carbon dioxide's global warming potential is 1. Natural sources include decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; evaporation from oceans; and volcanic outgassing. Anthropogenic (manmade) sources are from burning coal, oil, natural gas, and wood.

**Methane:** Methane (CH<sub>4</sub>) is a flammable gas and is the main component of natural gas. It has a lifetime of 12 years, and its global warming potential is 28. Methane is extracted from geological deposits (natural gas fields). Other sources are landfills, fermentation of manure, and decay of organic matter.

**Nitrous oxide:** Nitrous oxide (N<sub>2</sub>O) (laughing gas) is a colorless GHG that has a lifetime of 121 years, and its global warming potential is 265. Sources include microbial processes in soil and water, fuel combustion, and industrial processes.

**Sulfur hexafluoride:** Sulfur hexafluoride (SF<sub>6</sub>) is an inorganic, odorless, colorless, and nontoxic, nonflammable gas that has a lifetime of 3,200 years and a high global warming potential of 23,500. This gas is manmade and used for insulation in electric power transmission equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas.

**Perfluorocarbons:** Perfluorocarbons (PFCs) have stable molecular structures and only break down by ultraviolet rays about 60 kilometers above Earth's surface. Because of this, they have long lifetimes, between 10,000 and 50,000 years. Their global warming potential ranges from 7,000 to 11,000. Two main sources of perfluorocarbons are primary aluminum production and semiconductor manufacturing.

**Hydrofluorocarbons:** Hydrofluorocarbons (HFCs) are a group of GHGs containing carbon, chlorine, and at least one hydrogen atom. Their global warming potential ranges from 100 to 12,000. Hydrofluorocarbons are synthetic manmade chemicals used as a substitute for chlorofluorocarbons in applications such as automobile air conditioners and refrigerants.

Some of the potential effects in California of global warming may include loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more forest fires, and more drought years. Globally, climate change has the potential to impact numerous environmental resources through potential, though uncertain, impacts related to future air temperatures and precipitation patterns. The projected effects of global warming on weather and climate are likely to vary regionally, but are expected to include the following direct effects:

- Higher maximum temperatures and more hot days over nearly all land areas;
- Higher minimum temperatures, fewer cold days and frost days over nearly all land areas;
- Reduced diurnal temperature range over most land areas;
- Increase of heat index over land areas; and
- More intense precipitation events.

The proposed Project is located in the northern portion of the City of Newport Beach east of the intersection of Mesa Drive and Irvine Avenue within the Newport Beach Golf Course. The primary GHG emissions in the City of Newport Beach result from on-road transportation, building energy, water use, and wastewater generation.

The Project site encompasses approximately 15.38 acres and is comprised of one parcel. The Project site is currently developed with a 38-bay partially covered synthetic turf driving range, a 1,050-square-foot (SF) putting green, a 8,975 SF building that includes a pro shop and a restaurant that seats 233 people, a surface parking lot with 280 parking spaces, and three holes of the existing NB Golf Course (holes 1, 2, and 9). Existing GHG emissions occur from operation of the site for commercial recreational activities and vehicle trips associated with this use and total approximately 1,791.72 CO<sub>2</sub>e annually.

#### 4.5.8 Hazards and Hazardous Materials

The Project site has been in use as a golf course and associated facilities since 1976. The Project site is currently developed with a driving range, three golf holes, a practice putting green, and a clubhouse with a bar/restaurant. Golf courses are known to require heavy application of pesticides and herbicides and routine course maintenance may have resulted in a potential release of hazardous materials at the site. Thus, the Phase I Environmental Site Assessment (Appendix K) identified one Recognized Environmental Condition (REC) from the historic use of pesticides and herbicides at the Project site. In addition, fire training activities are often associated with the application of polyfluoroalkyl substances (PFAS)-containing fire suppressants. The adjacent Fire Station contains a training center, which is located uphill and upgradient of the Project site (Appendix K). Therefore, a Phase II Environmental Site Assessment (Appendix L) conducted onsite soil and groundwater testing throughout the site for the presence of herbicides, pesticides, and metals in the soil as well as PFAS in groundwater from the fire training center. The laboratory test results were compared to corresponding USEPA Regional Screening Levels (RSLs) for residential use and Department of Substances Control Screening Levels (DTSC SLs) for commercial/industrial uses. The testing results showed no exceedance

of laboratory detection limits or RSLs. These results indicate there is no likely release of these compounds at the Project site and a threat to human health or the environment is not present from these compounds.

### John Wayne Airport

John Wayne Airport (SNA) is located approximately 0.4-mile northeast of the Project site. The Project site is located within the airport planning boundaries and ALUC notification area as shown on Figure 5.8-1, *John Wayne Airport Notification Area*. As shown on Figure 5.8-2, *2024 John Wayne Airport Noise Contours*, in Section 5.8, *Hazards and Hazardous Materials*, the Project site is located within the SNA 65 CNEL noise contour, which indicates that noise from aircraft on the Project site is 65 dB CNEL and is within the noise impact area related to SNA operations.

The airport has two runways: the shorter 2R/20L which is 2,887 feet long is used by general aviation prop-powered aircraft and the longer 2L/20R which is 5,700 feet long is used by commercial aircraft. With winds predominantly coming from the ocean, aircraft typically depart to the southwest and arrive from the northeast about 95 percent of the time with slight variations from year to year. The reverse (depart to northeast and arrive from southwest) occurs primarily when Santa Ana wind conditions occur, but there are times when winds aloft, or other weather conditions may cause operations to go into reverse.

As shown on Figure 5.8-3, *John Wayne Airport Safety Zones for 2L/20R*, in Section 5.8, *Hazards and Hazardous Materials*, the Project site is located within Safety Zone 2, the Inner Approach/Departure Zone; Safety Zone 4, Outer Approach/Departure Zone; and Safety Zone 6, the Traffic Pattern Zone, for the 2L/20R runway that is used by commercial aircraft. The Project site is not located within any of the Safety Zones for the 2R/20L runway that is used by general aviation prop-powered aircraft, as shown in Figure 5.8-4, *John Wayne Airport Safety Zones for 2R/20L* in Section 5.8, *Hazards and Hazardous Materials*.

Pursuant to the AELUP, Safety Zone 2, the Inner Approach/Departure Zone, poses a higher risk to persons in the area for aircraft accidents. Aircraft are typically overflying this zone at lower altitudes and emergency landings from straight out departures can be more prevalent in this zone than in other zones. Zone 4, the Outer Approach/Departure Zone has moderate aircraft accident risk; aircraft emergencies can occur over this area approximately two to six percent of the time. Zone 6, the Traffic Pattern Zone, has the lowest risk for aircraft accidents (Appendix M).

The Project site is also located under the FAR Part 77 Obstruction Imaginary Surface area for both runways. As shown on Figure 5.8-5, *FAA Part 77 Obstruction Imaginary Surfaces for Runway 2L/20R*, a majority of the Project site is located under the Approach Surface and the westernmost portion of the site is located under the Inner Transitional Surface for the 2L/20R runway that is used by commercial aircraft. Figure 5.8-6, *FAA Part 77 Obstruction Imaginary Surfaces for Runway 2R/20L*, in Section 5.8, *Hazards and Hazardous Materials*, shows that the Project site is under the Conical Surface for the 2R/20L runway.

In addition, the existing NB Golf Course contains trees, large grassy areas, and high poles that may provide roost sites, migratory flyway stop-over sites, or other functions that may benefit wildlife; and therefore, is considered a wildlife attractant (Appendix M).

## 4.5.9 Hydrology and Water Quality

### Watershed

The Project site is in the Santa Ana River Watershed and in the San Diego Creek sub-watershed. The Santa Ana River Watershed includes much of Orange County, much of western Riverside County, part of southwestern San Bernardino County, and a small portion of Los Angeles County. The watershed is bounded on the south by the Santa Margarita watershed, on the east by the Salton Sea and Southern Mojave



watersheds, and on the north and west by the Mojave and San Gabriel watersheds, respectively. The watershed covers approximately 2,800 square miles in area with about 700 miles of rivers. The Santa Ana River extends over 100 miles from the San Bernardino Mountains in San Bernardino County to the Pacific Ocean at the boundary between the Cities of Huntington Beach and Newport Beach.

The San Diego Creek sub-watershed spans 112.2 square miles in central Orange County, with its main tributary, San Diego Creek, draining into Upper Newport Bay. Smaller tributaries of this watershed include Serrano Creek, Borrego Canyon Wash, Agua Chino Wash, Bee Canyon Wash, Peters Canyon Wash, Sand Canyon Wash, Bonita Canyon Creek, and the Santa Ana Delhi Channel. The Project site drains to the Santa Ana-Delhi Channel and then to the Newport Back Bay.

**Watershed Impairments:** Section 303(d) of the Federal CWA requires states to identify water bodies that are “impaired,” or those that do not meet water quality standards and are not supporting their beneficial uses. Total Maximum Daily Loads (TMDLs) are then designed to serve as pollution control plans for these specific pollutants.

The Upper and Lower Newport Back Bay are included on the Section 303(d) List of Water Quality Impairments for: chlordane, copper, DDT, nutrients, PCBs, sedimentation, malathion, toxicity, and indicator bacteria (Appendix O).

## Groundwater Basin

The Project site is located within the Coastal Plain of Orange County Groundwater Basin No. 8-001. The Coastal Plain of Orange County basin underlies a coastal alluvial plain in northwestern Orange County. The basin is bounded on the northwest and the north by the Los Angeles-Orange County line; on the northeast by the Whittier fault zone and consolidated rocks of the Puente Hills and Chino Hills; on the east by consolidated rocks of the Santa Ana Mountains; on the south by consolidated rocks of the Laguna Hills and San Joaquin Hills; and on the southwest by the Pacific Ocean. As described in the Phase I Environmental Site Assessment, the groundwater basin is located in the lower Santa Ana River Watershed (Appendix K).

The Orange County Water District (OCWD) manages the Orange County Basin through a Basin Production Percentage (BPP) that is determined each water year based on groundwater conditions, availability of imported water supplies, water year precipitation, Santa Ana River runoff, and basin management objectives. While there is no legal limit as to how much an agency pumps from the Orange County Basin, there is a financial disincentive to pump above the BPP. For example, if the BPP is set at 75 percent, all pumpers within the Basin, including the City, can supply 75 percent of their water needs from groundwater supplies at a cost significantly less than the cost of imported water. If groundwater production is equal to or less than the BPP (i.e., less than 75 percent in the example above), all producers within the Basin pay a replenishment assessment (RA) fee which is used to fund groundwater replenishment and recharge programs aimed at ensuring the long-term viability and stability of the Basin. In the 2021-22 water year, the BPP was 77 percent. The 2020 Newport Beach Urban Water Management Plan (UWMP) describes that OCWD anticipates being able to sustain the BPP at 85 percent starting in 2025.

The golf course is currently irrigated via well water. The Water Supply Evaluation (Appendix S) prepared for the Project, estimates that irrigation for the three golf course holes uses approximately 15,299 gallons per day (GPD) or 17.14 acre-feet per year (AFY) of groundwater.

## Storm Drain Facilities

The Santa Ana-Delhi Channel, maintained by the Orange County Flood Control District (OCFCD), is a 55-foot-wide by 16-foot-high reinforced-concrete storm drain channel that runs in a southerly direction, along the westerly boundary of the site along Irvine Avenue. As described in the Hydrology Report (included as

Appendix P), currently 3.4 acres of the site (22 percent) is impervious, as most of the site consists of three holes of the golf course that is covered in grass and trees. The topography of the site slopes in a northwesterly direction, toward the Santa Ana-Delhi Channel and Irvine Avenue. An existing 15- to 20-foot-high slope descends from the southeast boundary of the site. The remainder of the site generally slopes more gently toward the westerly boundary of the Project. There are currently five drainage discharge points to the Santa Ana-Delhi Channel at or within the site. Two points in Irvine Avenue where drainage is conveyed to catch basins and then discharged into the Santa Ana-Delhi Channel, and three pipes that discharge directly to the Santa Ana-Delhi Channel (Appendix P).

There is currently offsite drainage from properties located along the easterly boundary of the Project site that conveys to the Project site via surface gutter or pipes. The drainage is conveyed through the golf course, combines with the onsite drainage, and then discharges into the Santa Ana-Delhi Channel (Appendix P). The Santa Ana-Delhi Channel flows are conveyed to the Upper and Lower Newport Bay.

### **Soil Infiltration**

The Geotechnical Exploration (Appendix H) describes that due to shallow groundwater and the presence of thick clay layers underlying the Project site, soils are expected to have very low to no permeability making stormwater infiltration infeasible.

### **Flood Zone, Tsunami, Seiche**

According to the Flood Insurance Rate Map (FIRM), published by the Federal Emergency Management Agency (FEMA) (06059C0267J), the Project site is within a "0.2 percent Annual Chance Flood Hazard, Zone X" flood plain area defined as areas of 1 percent annual chance flood with average depth less than one foot or with drainage areas of less than one square mile. In addition, Zone X flood plain areas are outside the 100-year floodplain.

A tsunami is a series of ocean waves caused by a sudden displacement of the ocean floor, most often due to earthquakes. The Project site is over 4.2 miles from the Pacific Ocean, and is adjacent to, but outside of the Tsunami Hazard Zone identified by the California Department of Conservation (DOC, 2021).

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. There are no water bodies in the vicinity of the Project site, and no existing risks related to seiche flood hazards exist on or near the site.

## **4.5.10 Land Use and Planning**

### **Existing Uses Onsite**

The Project site consists of a portion of the NB Golf Course. The golf course is separated into three physically distinct land areas and the Project site consists of the central portion, which is bounded by Irvine Avenue and Mesa Drive. The Project site is comprised of one parcel encompassing 15.38 acres that currently includes a 38-bay partially covered driving range, a 1,050 square foot (SF) putting green, a 8,975 SF building that includes a pro shop and a restaurant, a 2,664 driving range building, parking lot with 280 parking spaces, and three holes of the existing NB Golf Course (holes 1, 2, and 9). The existing total square footage of existing building space on the site is 11,639 SF.

The majority of the site is covered in grass or artificial grass associated with the golf course and the paved parking lot. The golf course and the driving range are lighted for nighttime play until 10:00 p.m., and the

driving range is surrounded by approximately 40 net poles that range in height from 25 to 80 feet depending on location. The poles and netting separating the driving range from the buildings to the east are approximately 80 feet tall, the poles and netting separating the driving range from the golf course on the west are approximately 50 feet tall and the poles and netting separating the driving range from Mesa Drive to the south are between 62 and 65 feet tall. Some of the poles are wood (telephone pole-like) while others are pipes. In addition, some of the poles have pipe extensions to increase the overall height of the netting for safety purposes. The Project site's existing conditions are shown in Figure 3-4, *Existing Site Photos*.

Existing hours of operation for the driving range and golf course are 7:00 a.m. to 10:00 p.m. The hours of operation for the pro shop are generally 10:00 a.m. to 7:00 p.m.; and the restaurant generally operates from 8:00 a.m. to 10:00 p.m.

### Existing General Plan Land Use and Zoning Designations

The 15.38-acre Project site has a General Plan Land Use designation of Parks and Recreation (PR), as shown on Figure 3-5, *Existing General Plan Land Use Designations*. The General Plan states that the PR land use permits parks (both active and passive), golf courses, marina support facilities, aquatic facilities, tennis clubs and courts, private recreation, and similar facilities. The Project site is identified as Anomaly Number 58, with a development limit of 20,000 SF.

The Project site is located within the Santa Ana Heights Specific Plan (SP-7), which provides zoning regulations for the site. The Santa Ana Heights Specific Plan designates the site as Open Space and Recreation (OSR), as shown in Figure 3-6, *Existing Zoning Designations*. Permitted uses within the OSR zone, subject to a use permit, include golf courses and outdoor commercial recreation. Also, accessory uses and structures are permitted when customarily associated with and subordinate to a principal permitted use on the same building site.

### Surrounding Land Uses

The Project site is located within an urban area that is fully developed. The Project site is adjacent to the two other portions of the NB Golf Course; including: the 21.28-acre northern portion located northeast of the Project site across Irvine Avenue that contains nine holes of golf (holes 10-18) and contains the 2,782 SF golf course maintenance building. The 14.51-acre southern portion to the south of the Project site across Mesa Drive that contains six holes of golf (holes 3-8). Additionally, the Santa Ana-Delhi Channel is located along the northwesterly Project site boundary. The land uses immediately adjacent to the Project site include the following:

- **Northwest:** The Santa Ana-Delhi Channel followed by Irvine Avenue followed by multifamily residential.
- **North:** Irvine Avenue followed by "The Jetty" commercial center and nine holes of the NB Golf Course (holes 10-18).
- **Northeast:** Commercial and Office Uses.
- **Southeast:** Newport Beach Fire Station 7 and Fire Department Training Center.
- **South:** Mesa Drive followed by six holes of the NB Golf Course (holes 3-8).
- **Southwest:** The Santa Ana-Delhi Channel followed by Mesa Drive, followed by "The Ranch" retail shopping center.

## 4.5.11 Noise

### Existing Noise Levels

To assess the existing noise level environment within and near the Project site, 24-hour noise level measurements were taken on Thursday, September 12, 2024, at eight locations. The noise level measurements were positioned as close to the nearest sensitive receiver locations as possible to assess the existing ambient hourly noise levels. The background ambient noise levels in the Project area are dominated by the overflight of airplanes and transportation-related noise associated with surface streets. A description of these locations and the existing noise levels are provided in Table 5.11-4, *Summary of 24-Hour Ambient Noise Level Measurements*, in Section 5.11, *Noise*. As shown, existing daytime noise levels range from 67.8 to 73.7 dBA.

### Existing Vibration

Aside from periodic construction work that may occur in the vicinity of the Project site, other sources of groundborne vibration include heavy-duty vehicular travel (e.g., refuse trucks and delivery trucks) on area roadways. Trucks traveling at a distance of 50 feet typically generate groundborne vibration velocity levels of approximately 0.006 inch per second PPV and could reach approximately 0.016 inch per second PPV when trucks pass over bumps in the road (FTA, 2018).

### Existing Airport Noise

John Wayne Airport (SNA) is located approximately 0.4-mile northeast of the Project site. As shown in Section 5.8, *Hazards and Hazardous Materials*, on Figure 5.8-2, *2024 John Wayne Airport 65 dBA CNEL Noise Contour*, the Project site is located within the 2024 SNA 65 CNEL noise contour, which indicates that noise from aircraft on the Project site is currently 65 dB CNEL and is within the noise impact area related to SNA operations.

According to the AELUP (as listed in Section 5.10.2.3), commercial development is considered *normally consistent* with exterior noise levels of less than 70 dBA CNEL, and *conditionally consistent* with exterior noise levels greater than 70 dBA CNEL. The AELUP contains airport noise contours from 1985 (shown in Figure 5.10-3), which identifies that a majority of the Project site is located within the 65 dBA CNEL and a small area in the northwestern portion of the Project site would be in the 70 dBA CNEL aircraft noise level contours, the Project site is exposed to normally acceptable noise levels from airport operations.

### Sensitive Receivers

Noise sensitive receivers are generally defined as locations where people reside or where the presence of unwanted sound could otherwise adversely affect the use of the land. Noise-sensitive land uses are generally considered to include residences, schools, hospitals, and recreation areas. The noise sensitive receptors that are in the vicinity of the Project site are described below and shown in Figure 5.11-2, *Noise Sensitive Receiver Locations*, in Section 5.11, *Noise*.

- R1: Location R1 represents a residence at 20352 Kline Drive, 399 feet northwest of the Project site. Receiver R1 is placed at the use area (backyard) facing the Project site.
- R2: Location R2 represents a residence at 1691 Mesa Drive, 256 feet northwest of the Project site. Receiver R2 is placed at the use area (pool) facing the Project site.
- R3: Location R3 represents a residence at 1691 Mesa Drive, 169 feet northwest of the Project site. Receiver R3 is placed at the building façade facing the Project site.

- R4: Location R4 represents a residence at 2698 Riverside Drive, 502 feet west of the Project site. Receiver R4 is placed at the building façade facing the Project site.
- R5: Location R5 represents a residence at 2916 Irvine Avenue, 284 feet southwest of the Project site. Receiver R5 is placed at the building façade facing the Project site.
- R6: Location R6 represents a residence at 2139 Anniversary Lane, 673 feet south of the Project site. Receiver R6 is placed at the building façade facing the Project site.
- R7: Location R7 represents a park at 2061 Mesa Drive, 797 feet southeast of the Project site. Receiver R7 is placed at the use area facing the Project site.
- R8: Location R8 represents a residence at 20250 SW Acacia Street, 386 feet east of the Project site. Receiver R8 is placed at the building façade facing the Project site.

#### 4.5.12 Public Services

##### Fire Protection Services

The Project site would be served by the Newport Beach Fire Department. The Fire Department is divided into Fire Operations Division, Fire Prevention Division, Emergency Medical Services Division, Lifeguard Operations Division, and Community Emergency Response Team (CERT). The Fire Department provides response to fires, medical emergencies, marine safety, hazardous materials incidents, natural and man-made disasters, automatic and mutual aid assistance to neighboring departments, and related emergencies in an effort to protect life, property, and the environment. In addition, the Fire Department inspects businesses and properties, assists with code enforcement, and conducts public education programs.

The Fire Department operates from eight fire stations and three lifeguard headquarters. The closest fire station is the Santa Ana Heights Fire Station #7 that is located adjacent to the Project site. In addition, one other station (Fire Station #6), is located within three miles of the Project site.

The Fire Department's daily staffing, per shift, includes: one Battalion Chief, 10 Fire Apparatus Engineers, 10 Fire Captains, 17 Paramedics/Firefighters, and two Firefighters. The Fire Department has eight fire engines (one at each fire station), two aerial ladder trucks (one on each side of the City), and four paramedic rescue ambulances (Newport Beach Fire Department, n.d.). The City's 2025 Adopted Budget states that in fiscal year 2023 the City budgeted for 143.8 full-time fire personnel and 42.56 part-time personnel, which increased to 151.80 full-time fire personnel and 40.96 part-time personnel in fiscal year 2024.

The City's 2025 Adopted Budget states that the Fire Department's performance measure is to have the first unit on scene in 5 minutes 90 percent of the time, and states that the actual response time was 5 minutes 33 seconds in fiscal year 2022-23 and 5 minutes and 34 seconds in fiscal year 2023-24.

The Fire Department's 2023 Annual Report details that in 2023 the department responded to a total of 12,417 calls for service from within the City boundaries, and that 75.6 percent of the calls were for medical services and that 1.09 percent were for fire related services. In addition, the Fire Department responded to 880 calls from outside the City. Of these 71.6 percent were medical related and 10.7 percent were fire related calls for services.

##### Police Services

The Newport Beach Police Department is responsible for law enforcement and public safety activities in the City. The Police Department is located at 870 Santa Barbara Drive, which is 3.7 miles south of the Project site. According to the City's Development Impact Fee Nexus Study, the City is currently planning the development of a new 77,000-square-foot police station in the City (City of Newport Beach, 2025).

Police Department provides citywide services in crime prevention and investigation, community awareness programs, and other services such as traffic control. The Police Department is separated into four divisions: Office of the Chief, Patrol and Traffic, Support Services, and Detectives. The Police Department has divided the City into patrol areas. The Project site is located in Patrol Area 3, which also includes Eastbluff, Bonita Canyon, Big Canyon, Newport Center, Harbor Cove, Bayside Village, Island Lagoon, Park Newport, Promontory Point, and Balboa Island areas of the City.

The City's 2025 Adopted Budget states that in fiscal year 2023 the City budgeted for 233 full-time Police Department personnel and 14.87 part-time personnel, which increased to 234 full-time personnel and 13.43 part-time personnel in fiscal year 2024. The Fiscal Year 2025 includes 237 full-time personnel (which is a three employee increase from 2024) and 13.43 part-time personnel.

As shown in Table 5.12-3, *Police Department Calls for Services and Response Times*, in fiscal year 2022-23 the Police Department had 101,169 total calls for service (dispatched and field-initiated), which increased slightly to 101,969 in fiscal year 2023-24. The Police Department has a goal of responding to Priority 1 calls for service, which include things like violent crimes in progress, life threatening circumstances, and urgent disturbances within an average of three minutes, 30 seconds and Priority 2 calls, which are the next most serious and include events such as violent crimes that have just occurred, property crimes that are in progress or have just occurred, and traffic collisions for service within six minutes.

## School Services

The City of Newport Beach is served by three school districts, Newport-Mesa Unified School District, Santa Ana Unified School District, and Laguna Beach Unified School District. The site is within the service area of the Newport-Mesa Unified School District that provides education services to the majority of residents in Newport Beach, Costa Mesa, and other unincorporated areas of Orange County (City of Newport Beach, 2006b). The Newport-Mesa Unified School District currently operates 32 public schools, including: 22 elementary schools, 2 junior high schools, five high schools, two alternative schools, and one adult school (City of Newport Beach, 2006b). As of the 2023/2024 school year, the NMUSD had a total enrollment of 17,768 students (California Department of Education, 2024). The closest schools to the site are the Back Bay Montessori School, located at 398 university Drive (approximately 0.26 miles southwest of the Project site), Back Bay Alternative High School, located at 390 Monte Vista Avenue (approximately 0.4 miles southwest of the Project site), and Eastbluff Elementary School, located at 2627 Vista Del Oro (approximately 1.1 miles south of the Project site).

## Other Public Facilities

Other governmental services in the vicinity of the Project site include a variety of public and quasi-public services including libraries, senior centers, and other facilities. The Newport Beach Public Library System services the City with four public library branches and three book pick up and drop off facilities at local community centers.

### 4.5.13 Parks and Recreation

#### Onsite Recreation

There are no existing public parks within the Project Site. The Project site consists of a portion of the NB Golf Course, which is a commercial recreation executive golf course. The NB Golf Course is not a municipal course owned by the City; it is privately owned and open to the public for commercial use. The Project site includes three holes of the existing NB Golf Course (holes 1, 2, and 9), a 38-bay partially covered synthetic turf driving range, a 1,050-square-foot (SF) putting green, a 8,975 SF building that includes a pro shop and a

restaurant, and a surface parking lot with 280 parking spaces. The existing hours of operation for the driving range and golf course are 6:30 a.m. to 9:00 p.m. from December to February and 6:00 a.m. to 9:00 p.m. from March to November. The driving range and golf course lighting is limited to between the hours of 7:00 a.m. and 10:00 p.m.

The Project site is adjacent to the two other portions of the NB Golf Course; including: the 21.28-acre northern portion located northeast of the Project site across Irvine Avenue that contains nine holes of golf (holes 10-18), and the 14.51-acre southern portion to the south of the Project site across Mesa Drive that contains six holes of golf (holes 3-8). An existing golf cart path runs along the western portion of the Project site, along the Santa Ana-Delhi Channel, and connects the three portions of the golf course, via a tunnel under Irvine Avenue to the north, and across Mesa Drive to the south.

## City Public Park and Recreational Facilities

The City has approximately 286 acres of passive and active parks as well as 90 acres of active beach recreation. This total is exclusive of approximately 304 acres of undeveloped parkland associated with Upper Buck Gully and Castaways Park (approximately 16.77 acres) (Newport Beach, n.d.-a). The City currently has five parks that provide 149.98 acres of parkland within 2 miles of the Project site. Two parks, Mesa Birch Park and Upper Newport Bay Regional Park, are within a 15-minute walking distance.

## Golf Recreation

The NB Golf Course is an 18-hole executive golf course with 3,216 yards of golf from the longest tees for a par of 59. Executive golf courses, sometimes also referred to as par-3 or beginner courses, are shorter courses designed for beginners, high handicappers, and people who are short on time. These courses feature more par-3 holes than a full-length course but may also mix in some par-4 and 5 holes. They may be 9 holes or 18 holes and can usually be played in less than two hours (GolfLink, 2023).

There are three public golf courses in Newport Beach and 10 public courses within 10 miles of the Project site (GolfLink, 1996–2024). All courses are privately owned as there is no municipal course within the City of Newport Beach. Public courses refer to commercial courses that are available for anyone to pay to use and do not require membership.

Nearby public golf courses that have driving ranges include the Rancho San Joaquin Golf Course located on Ethel Copen Way in Irvine that has a 64 station lighted driving range, Newport Back Bay Golf Course on Jamboree Road in Newport Beach, Costa Mesa Country Club located on Golf Course Drive in Costa Mesa which has two 18 hole golf courses and a driving range, and the Tustin Ranch Golf Club on Tustin Ranch Road in Tustin.

## Public Beaches

In addition to these park facilities, the City has and partially operates approximately eight miles of beaches that extend from the Santa Ana River jetty to Crystal Cove State Park and border Newport Bay. City beaches provide a wide range of recreational activities and amenities, which include but are not limited to surfing, swimming, beach volleyball, fire rings for barbeques, beach trails for walking, running, and bicycling, and other beach activities (City of Newport Beach, 2024b). There are three State beaches in the City: Crystal Cove State Park – Moro Beach, Crystal Cove State Park – Little Treasure Cove, and Corona del Mar State Beach.

## Walking and Bike Trails

The City has over 18 miles of pedestrian and bicycle trails throughout the City that have been developed for commuting and recreation. The longest trail is Upper Bay Trail, which is located around the northern edge of the Upper Newport Bay Nature Preserve and connects to University Drive that leads to Irvine Avenue and then the Project site.

### 4.5.14 Transportation

#### Existing Roadway Network

Regional access to the Project site is provided from State Route (SR) 73, Interstate 405 (I-405), and SR-55 via various roadways that interconnect in a grid. The Project site is adjacent to Irvine Avenue (a major arterial) and Mesa Drive (a secondary arterial).

#### Existing Site Trips

Based on *Trip Generation Manual, 11th Edition* rates for golf course, driving range, and high-turnover sit-down restaurant, the Trip Generation Assessment (Appendix R) determined that the existing uses on the Project site generate approximately 1,810 daily vehicular trips, 136 a.m. peak hour trips (including 76 inbound trips and 60 outbound trips), and 165 p.m. peak hour trips (including 87 inbound trips and 78 outbound trips).

#### Transit Service

The Orange County Transportation Authority (OCTA) provides fixed route bus service and on-demand paratransit service (such as the one at the Oasis Senior Center provided for seniors) to Orange County, inclusive of Newport Beach. OCTA operates routes through the City. As shown on Figure 5.14-1, *OCTA Transit Routes*, in Section 5.14, *Transportation*, OCTA Bus Route 178 provides service along Irvine Avenue with stops adjacent to the Project site that occur between approximately 5:12 a.m. and 10:44 p.m. OCTA Bus Route 178 travels between Huntington Beach and Irvine with scheduled stops at the intersection of Irvine Avenue and Mesa Drive, which is adjacent to the Project site. However, OCTA Bus Route 178 currently has no weekend service (OCTA, 2025).

## Walking and Bike Trails

The City has over 18 miles of pedestrian and bicycle trails throughout the City that have been developed for commuting and recreation. The longest trail is Upper Bay Trail, which is located around the northern edge of the Upper Newport Bay Nature Preserve and connects to University Drive that leads to Irvine Avenue and then to the Project site.

#### Vehicle Miles Traveled

Based on the City's SB 743 Vehicle Miles Traveled Implementation Guide, the Project site is not located within a Transit Priority Area. Figure 3 of the City's Vehicle Miles Traveled Implementation Guide describes that the Project site has an existing VMT per employee that is higher than the Countywide average commute VMT per employee (City of Newport Beach, 2020).



#### 4.5.15 Tribal Cultural Resources

According to available ethnographic maps, ethnographic data, and Native American input, the City of Newport Beach lies within an area on the border of the traditional lands of the Gabrieleño and the Juaneño/Luiseño. As such, both are discussed below.

##### Gabrieleño

The traditional lands of the Gabrieleño at the time of Spanish contact covers much of current-day Los Angeles, San Bernardino, and Orange Counties, which includes the Project site in the City of Newport Beach. The southern region of this cultural area is bound by Aliso Creek, the eastern region is located east of San Bernardino along the Santa Ana River, the northern region includes the San Fernando Valley, and the western region includes portions of the Santa Monica Mountains. The Gabrieleño also occupied several Channel Islands including Santa Barbara Island, Santa Catalina Island, San Nicholas Island, and San Clemente Island. Because of their access to certain resources, including a steatite source from Santa Catalina Island, this group was among the wealthiest and most populous aboriginal groups in Southern California. Trade of materials and resources controlled by the Gabrieleño extended as far north as the San Joaquin Valley, as far east as the Colorado River, and as far south as Baja California.

The Gabrieleño lived in permanent villages and smaller, resource-gathering camps occupied at various times of the year depending upon the seasonality of the resource. Larger villages comprised of several families or clans, while smaller, seasonal camps typically housed smaller family units. Gabrieleño houses were domed, circular structures made of thatched vegetation. Houses varied in size, and could house from one to several families. Sweathouses—semicircular, earth covered buildings—were public structures used in male social ceremonies. Other structures included menstrual huts and a ceremonial structure called a yuvar, an open-air structure built near the chief's house.

Hunting implements included wooden clubs, sinew-backed bows, slings, and throwing clubs. Maritime implements included rafts, harpoons, spears, hook and line, and nets. A variety of other tools included deer scapulae saws, bone and shell needles, bone awls, scrapers, bone or shell flakers, wedges, stone knives and drills, metates, mullers, manos, shell spoons, bark platters, and wooden paddles and bowls. Baskets were made from rush (*Juncus* sp.), deer grass (*Muhlenbergia rigens*), and skunkbush (*Rhus trilobata*). Rivers and streams were used as trading routes and travel routes as they provided resources. Thus, many tribal cultural resources are found along rivers, streams, and other known travel or trade routes. Likewise, the Newport Back Bay area would have been an area that provided resources to local tribes. Thus, areas in proximity to the Back Bay have the potential to contain resources.

##### Juaneño/Luiseño

The traditional lands of the Juaneño Band of Mission Indians, Acjachemen Nation and Luiseño Indians covered Orange County and parts of San Diego, Los Angeles, and Riverside Counties. The Acjachemen Nation refers to the indigenous people native to the area. Their population is thought to have been upwards of 3,500 before contact with the Spanish. The Juaneño name came about once the local peoples were administered by Mission San Juan Capistrano. Native population within the Mission has been recorded to reach over 1,000 residents. Cremation and burial of the dead were practiced in their society.

The Juaneño resided in permanent, well-defined villages with associated seasonal camps housing between 35 to 300 people. Smaller villages were primarily comprised of a single lineage, while larger villages were a combination of the dominant clan and multiple families. In larger villages, the temple was the center of the town, with housing for the captain or chief nearby. Additionally, residence within villages were typically

patrilocal. Each village was politically independent while maintaining contact with other groups in the region through economic, religious, and social networks.

A majority of the traditional diet was comprised of plant foods; of those, acorns were the staple food source. As a result, villages were typically located near abundant water to leach milled acorn products. Communities closer to the coast relied heavily on fish and marine animal resources, while terrestrial game accounted for the smallest portion of their diet. Thus, the Newport Back Bay area would have been an area that provided resources for sustenance, and areas in proximity to the Back Bay have the potential to contain tribal cultural resources.

### **Tribal Cultural Resources**

Orange County contains prehistoric sites dating from 9,000 to 10,000 years ago that show signs of human presence. Sites from 6,000 to 1,000 BC (Milling Stone period) are common in the coastal region of Southern California and at many inland locations. Between 1,000 BC to 650 AD (Intermediate period), orientation of sites shifted toward hunting, maritime subsistence, and acorn processing. The late prehistoric period from 650 AD until European contact in 1769 included the introduction of pottery, triangular arrow points, and cremation practices (City of Newport Beach, 2006b).

A total of 38 cultural resources studies have been performed within a 0.5-mile radius of the Project site. Of these previous studies, three include the Project site. The records search conducted for the proposed Project identified nine cultural resources, all of which are precontact/prehistoric. The nine resources primarily consist of lithic scatters and habitation debris; however, resource P-30-000174, which is less than 0.25-mile northwest of the Project site, also contained human remains (which were excavated in 1950). No archaeological or historic resources have been previously recorded within the Project site. However, the Project site near Upper Newport Bay (which would have served as a commonly and heavily used food source for precontact populations in the area) indicates an elevated sensitivity for subsurface cultural resources within the Project site (Appendix E).

### **Sacred Lands File Search**

Tribal cultural resources can include archaeological sites, built environment resources, locations of events or ceremonies, resource procurement areas, and natural landscape features with special significance to one or more indigenous groups. The City requested a Sacred Lands File (SLF) Search from the NAHC on May 31, 2024, and received the results on June 18, 2024. The SLF returned positive results, indicating that known tribal resources and/or sacred sites are located within the Project vicinity.

#### **4.5.16 Utilities and Service Systems**

The Project site is located within the water service area of the City of Newport Beach, which provides potable water, recycled water, and wastewater services to an area of approximately 11 square miles along the Orange County of Southern California and covers most of the City's boundaries with the remaining areas served by Irvine Ranch Water District (IRWD) and Mesa Water District. The City's water system includes a wellfield with a total capacity of 10,900 gallons per minute (gpm), 15 recycled water connections, 6 inter-agency emergency interconnections and manages about 300-mile water mains system with 26,765 service connections. (City of Newport Beach, 2021).

The City of Newport Beach has a diverse portfolio of local and imported water supplies to deliver treated water to its customers. Water supplies include recycled water, local groundwater, and imported water. Imported water supplies are received from Colorado River and the State Water Project (SWP) provided

by the Metropolitan Water District of Southern California (MET) and delivered through the Municipal Water District of Orange County (MWDOC).

## Water Supply and Demand

The City of Newport Beach has three sources of water supply: imported water from the MET, local groundwater, and recycled water (City of Newport Beach, 2021). The City's water supply is a combination of purchased or imported water, groundwater, and recycled water.

The 2020 UWMP anticipates that the City's water supply will increase from 14,866 AF in 2025 to 15,645 AF in 2045 (increase of 779 AF) to meet the City's anticipated growth in water demands. Projected demands for the 2020 UWMP were developed using information about planned development, land use, and Southern California Association of Governments (SCAG) projections. The City's retail demand projections include the water savings needed to meet the Water Conservation Act of 2009, SB X7-7 requirements.

The City has the ability to purchase additional supplies of water, if necessary. In addition, the City and other regional water supply users have identified capital improvement program projects to support regional water supply reliability, which include new water wells and pipelines, rehabilitated water wells, and treatment systems to remove contaminants from water (Appendix S). The 2020 UWMP details the ability of the City to meet the anticipated water demands through 2045 in a five consecutive dry year scenario.

**Project Site Water Demand.** Over the past four years (2020-2023), well production for the golf course irrigation purposes has averaged approximately 91,796 gallons per day (GPD) or 103 AFY. These totals represent the full water demand for the entire 18-hole golf course of which the proposed Project only occupies three; and this assumed to be 16.7 percent of the total. During this same period, potable water uses for commercial activities on the Project site buildings and amenities averaged 1,389 GPD or approximately 1.6 AFY. Combined, the total water demand (irrigation and commercial) for the 18-hole golf course and commercial averages about 93,786 GPD or 104 AFY.

Based on the average irrigation demand per hole, the three holes in the Project site have an average irrigation demand of approximately 15,300 GPD or 17.2 AFY. The total existing demand from the three holes and the commercial on the Project site is approximately 16,689 GPD or 18.7 AFY.

## Water Infrastructure

The Project site is currently served by the City of Newport Beach's water utility. The City's water infrastructure includes a wellfield with a total capacity of 10,900 gallons per minute (GPM), 15 recycled water connections, and six inter-agency emergency interconnections. The City's water distribution network consists of approximately 300 miles of pipelines, serving 26,765 connections. This distribution system is divided into five main pressure zones (Zones 1 through 5) and 16 minor zones. Zones 1 and 2 are the largest and meet the majority of City's demands, while Zones 3, 4, and 5 are smaller pumped zones. The Project site is located within Pressure Zone 2. Supporting this system are four wells, three storage reservoirs, five pump stations, and 43 pressure-reducing stations (PRS) that manage water pressure across the network (Appendix S).

An existing 24-inch domestic water line is located in Irvine Avenue adjacent to the Project site. Additionally, the golf course is currently irrigated via onsite well water.

## Wastewater

Costa Mesa Sanitary District (CMSD) provides sewer system services throughout its service area, which includes the City of Costa Mesa as well as portions of Unincorporated Orange County and the City of Newport Beach including the Project site. The CMSD sewer system consists of sewer mains, manholes, laterals,

pumping stations and pressurized sewer lines (force mains). Sewage is conveyed by CMSD to the Orange County Sanitation District (OC San) Wastewater Treatment Plant No.1 located in Fountain Valley, which has a treatment capacity of 174 million gallons per day (gpd) (City of Newport Beach, 2006), with a typical daily flow of 124 million gpd (OC San, 2025). Thus, the remaining daily capacity of Wastewater Treatment Plant No.1 is approximately 50 million gpd.

The Project site is currently served by an onsite 6-inch sewer lateral that connects to the 12-inch CMSD sewer main in Mesa Drive that drains westerly toward Irvine Avenue and discharges to a 21-inch sewer main and then into the Tustin/Irvine Pump Station. From the Pump Station, the sewer is discharged via a force main to the Eldon Avenue Pump Station, and then a 24-inch sewer main in Fair Drive that continues via gravity toward Fairview Road and to Treatment Plant No.1.

The Sewer Study (Appendix U) prepared for the proposed Project monitored existing flows in Mesa Drive, Irvine Avenue, the Tustin Pump Station, and Fair Drive and determined that the CMSD 12-inch sewer main in Mesa Drive sewer that currently serves the Project site is 17.4 percent full and has an available peak capacity of 838 gpm, CMSD 21-inch sewer line at Irvine Avenue is 27.0 percent full and has an available peak capacity of 2,583 gpm, the CMSD 21-inch sewer line located upstream from the Tustin Pump Station is 31.1 percent full and has an available peak capacity of 2,390 gpm, and the 24-inch sewer main in Fair Drive is 47.1 percent full and has an available peak capacity of 1,551 gpm (Appendix U).

## Solid Waste

The City of Newport Beach is currently served by eight licensed commercial solid waste haulers for commercial uses in the City. Solid waste in the City is then brought to one of six transfer stations which sorts trash from recyclable materials and then transfer the materials to landfills. Solid waste generated by the Project would be disposed of at either the Frank R. Bowerman, Olinda Alpha, or Prima Deshecha Landfill (City of Newport Beach, 2006b). Each landfill is located approximately 16.8, 25.5, and 23.2 roadway miles from the site, respectively. Based on the maximum received tonnage in November 2024, the three landfills have a combined remaining permitted capacity of approximately 3,094.2 tons per day.

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## 5. Environmental Impact Analysis

This Chapter focuses on evaluating the significant environmental effects of the proposed Project, which is described in Chapter 3.0, *Project Description*. This Chapter describes the existing physical environmental setting (also referred to as “baseline”) for each environmental topic, and the impacts that would result from implementation of proposed Project. Because existing federal, State, and local regulations will also shape how the proposed Project is implemented, and provide requirements for avoiding and reducing environmental impacts, a discussion of relevant regulations, plans, programs, and policies pertinent to each environmental issue addressed in each environmental topic section is provided. Additionally, as necessary, feasible mitigation measures are identified to reduce the significant impacts of proposed Project.

### ENVIRONMENTAL TOPICS

The following sections in this chapter analyze the environmental topics listed below:

- |                                     |                                    |
|-------------------------------------|------------------------------------|
| 5.1 Aesthetics                      | 5.9 Hydrology and Water Quality    |
| 5.2 Air Quality                     | 5.10 Land Use and Planning         |
| 5.3 Biological Resources            | 5.11 Noise                         |
| 5.4 Cultural Resources              | 5.12 Public Services               |
| 5.5 Energy                          | 5.13 Parks and Recreation          |
| 5.6 Geology and Soils               | 5.14 Transportation                |
| 5.7 Greenhouse Gas Emissions        | 5.15 Tribal Cultural Resources     |
| 5.8 Hazards and Hazardous Materials | 5.16 Utilities and Service Systems |

This Draft EIR evaluates the direct and indirect impacts resulting from the construction and operations of the proposed Project. Under CEQA, EIRs are intended to focus their discussion on significant impacts and may limit discussion of other impacts to a brief explanation of why the impacts are not significant. The Notice of Preparation (NOP) that was prepared for the proposed Project and the responses received were used to help determine the scope of the environmental issues to be addressed in this Draft EIR and consistent with CEQA Guidelines Section 15128, issues considered potentially significant are addressed.

Issues areas that would not be potentially impacted by the proposed Project (including agricultural and forestry resources, mineral resources, population and housing, and wildfire), are not addressed beyond the discussion contained in Section 2.3.3, *Draft EIR*, and Section 7.0, *Effects Found Not Significant*.

### FORMAT OF ENVIRONMENTAL TOPIC SECTIONS

Each environmental topic section generally includes the following main subsections:

- **Introduction.** This describes the purpose of analysis for the environmental topic and referenced documents used to complete the analysis. This subsection may define terms used.
- **Regulatory Setting.** This subsection describes applicable federal, State, and local plans, policies, and regulations that the Project must address and may affect its implementation.
- **Environmental Setting.** This subsection describes the existing physical environmental conditions (environmental baseline) related to the environmental topic being analyzed.
- **Thresholds of Significance.** This subsection sets forth the thresholds of significance (significance criteria) used to determine whether impacts are “significant.” The thresholds of significance used to assess the significant impacts are based on those provided in Appendix G of the CEQA Guidelines.



- **Methodology.** This subsection provides a description of the methods used to analyze the impact and determine whether it would be significant or less than significant.
- **Environmental Impacts.** This subsection provides an analysis of the impact statements for each identified significance threshold. The analysis of each impact statement is organized as follows:
  - A statement of the CEQA threshold being analyzed;
  - The Draft EIR's conclusion as to the significance of the impact;
  - An impact assessment that evaluates the changes to the physical environment that would result from the Project; and
  - An identification of significance comparing identified impacts of the Project to the significance threshold with implementation of existing regulations, prior to implementation of any required mitigation.
- **Cumulative Impacts.** This subsection describes the potential cumulative impacts that would occur from the Project's environmental effects in combination with other cumulative projects (See Table 5-1).
- **Existing Regulations and Regulatory Requirements.** A list of applicable laws and regulations that would reduce potentially significant impacts.
- **Project Design Features.** A list of design features incorporated into the Project that contribute towards minimizing potential environmental impacts.
- **Level of Significance Before Mitigation.** A determination of the significance of the impacts after the application of applicable existing regulations and regulatory requirements.
- **Mitigation Measures.** For each impact determined to be potentially significant after the application of applicable laws and regulations, feasible mitigation measure(s) to be implemented are provided. Mitigation measures include enforceable actions to:
  - Avoid a significant impact;
  - Minimize the severity of a significant impact;
  - Rectify an impact by repairing, rehabilitating, or restoring the effected physical environment;
  - Reduce or eliminate the impact over time through preservation and/or maintenance operations during the life of the Project; and/or
  - Compensating for the impact by replacing or providing substitute resources or environmental conditions.
- **Level of Significance After Mitigation.** This section provides the determination of the impact's level of significance after the application of regulations, regulatory requirements, and mitigation measures.

## ENVIRONMENTAL SETTING/BASELINE

The State CEQA Guidelines Section 15125 provides that an EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation (NOP) is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting normally constitutes the baseline physical conditions by which a lead agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to gain an understanding of the significant effects of the proposed project and its alternatives.

CEQA Guidelines and case law recognize that the date for establishing an environmental baseline cannot be rigid (see CEQA Guidelines Sections 15146, 15151, and 15204). In some instances, information is presented in the environmental setting that differs from the precise time of the NOP. This information is considered representative of baseline conditions. Furthermore, environmental conditions may vary from year

to year, and in some cases, it is necessary to consider conditions over a range of time periods. The intent of this Draft EIR is to provide a conservative analysis that identifies the reasonable maximum potential impact. Thus, this Draft EIR provides a range of conditions for certain topics, such as the 2021-2023 ambient air quality conditions provided in Section 5.2, *Air Quality*, and the 2024 noise level measurements identified in Section 5.11, *Noise*.

A NOP was prepared for the proposed Project, and was distributed on November 7, 2024, for a 30-day public review and comment period that ended on December 6, 2024. The baseline conditions relevant to the environmental issues being analyzed are described within Section 4.0, *Environmental Setting*, and within each subsection of this section. In some cases, (such as in Section 5.11, *Noise*), discussion of baseline conditions is also provided in the impacts analyses to provide context for the impact in the most reader-friendly format and organization.

## THRESHOLDS OF SIGNIFICANCE/SIGNIFICANCE CRITERIA

CEQA Guidelines Section 15382 defines a significant effect on the environment as “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.”

The “Thresholds of Significance” subsections provide the specific thresholds of significance by which impacts are judged to be significant or less than significant in this Draft EIR. These include identifiable quantitative or qualitative standards or sets of criteria pursuant to which the significance of each given environmental effect can be determined. Exceedance of a threshold of significance normally means the effect will be determined to be “significant” (CEQA Guidelines Section 15064.7(a)). However, an iron-clad definition of a “significant” effect is not always possible because the significance of an activity may vary with the setting (CEQA Guidelines Section 15064(b)). Therefore, a Lead Agency has the discretion to determine whether to classify an impact described in an EIR as “significant,” depending on the nature of the area affected. The thresholds of significance used to assess the significance of impacts are based on those provided in Appendix G of the CEQA Guidelines.

## IMPACT SIGNIFICANCE CLASSIFICATIONS

The following classifications are used throughout the impact analysis in this Draft EIR to describe the level of significance of environmental impacts:

- **Significant Impact:** A significant impact is defined by Section 15382 of the CEQA Guidelines as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself “shall not be considered a significant effect on the environment ... [but] may be considered in determining whether the physical change is significant.” As defined in this EIR, a significant impact exceeds the defined significance criteria and therefore requires mitigation.
- **No Impact:** No adverse effect on the environment would occur, and mitigation measures are not required.
- **Less than Significant Impact:** The impact does not reach or exceed the defined threshold (criterion) of significance. Therefore, no mitigation is required.

- **Less than Significant Impact with Mitigation Incorporated:** The impact reaches or exceeds the defined threshold (criterion) of significance, and mitigation is therefore required to reduce the significant impact to a less-than-significant level.
- **Significant and Unavoidable Impact:** The impact reaches or exceeds the defined threshold (criterion) of significance, and mitigation is therefore required. However, application of all feasible mitigation measures, standard conditions of approval, and applicable plans, programs, and policies would not reduce the impact to a less-than-significant level, and a significant and unavoidable impact would remain.

While CEQA requires that an EIR identify all feasible mitigation to avoid or reduce the significant impacts of a project, it also permits public agencies to approve a project even though it would result in one or more significant unavoidable environmental effects. For a Lead Agency to approve a project with one or more significant unavoidable impacts, it must first prepare a statement of overriding considerations, which identifies the specific economic, legal, social, technological, or other benefits of the project, including region-wide or statewide environmental benefits, that outweigh its significant unavoidable effects, and thereby warrant its approval (Public Resources Code Section 21083; CEQA Guidelines Section 15093). The statement of overriding considerations must be supported by substantial evidence in the record (CEQA Guidelines Section 15093(a)).

## CUMULATIVE IMPACTS

Cumulative impacts refer to the combined effect of the proposed Project's impacts with the impacts of other past, present, and reasonably foreseeable probable future projects. Both CEQA and the CEQA Guidelines require that cumulative impacts be analyzed in an EIR. As set forth in the CEQA Guidelines Section 15130(b), "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 CEQA Guidelines direct that the discussion should be guided by practicality and reasonableness and focus on the cumulative impacts that would result from the combination of the proposed project and other projects, rather than the attributes of other projects which do not contribute to cumulative impacts.

According to Section 15355 of the CEQA Guidelines, 'cumulative impacts' refer to 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.

Therefore, the cumulative discussion in this Draft EIR focuses on whether the impacts of the proposed Project are cumulatively considerable within the context of impacts caused by other past, present, and reasonably foreseeable future projects.

Additionally, pursuant to the CEQA Guidelines Section 15130(a)(1), an EIR should not discuss cumulative impacts that do not result at least in part from the project being evaluated in the EIR. Thus, cumulative impact analysis is not provided for any environmental issue where the proposed Project would have no environmental impact. Analysis of cumulative impacts is, however, provided for all Project impacts that are evaluated within this Draft EIR.

CEQA Guidelines Section 15130(b)(1) states that the information utilized in an analysis of cumulative impacts should come from one of the following, or a reasonable combination of the two:

- A list of past, present, and probable future projects producing related or cumulative impacts, including those projects outside the control of the lead agency; or
- 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.

The cumulative analysis for public services, parks and recreation, transportation, and utilities and service systems relies on projections contained in adopted local, regional, or statewide plans or related planning documents, such as Southern California Regional Transportation Plan and relevant regional plans developed by the Southern California Association of Governments (SCAG). The cumulative analyses for other environmental issues use the list of projects approach, and identifies the list of past projects which have recently been constructed, present projects which have recently been approved and are under construction, and probable future projects that are under entitlement review that were known of at the time the NOP was published. As described previously, the cumulative project list is part of the environmental setting/baseline that includes past, present and probable future projects for which development applications were submitted to lead agencies prior to publishing of the NOP.

Different types of cumulative impacts occur over different geographic areas. For example, the geographic scope of the cumulative air quality analysis, where cumulative impacts occur over a large area, is different from the geographic scope considered for cumulative analysis of aesthetic resources, for which cumulative impacts are limited to project area viewsheds. Whereas cumulative public service impacts are based upon all development within the area serviced. Because the geographic scope and other parameters of each cumulative analysis discussion can vary, the cumulative geographic scope, and the cumulative projects included in the geographic scope (when the list of projects approach is used), are described for each environmental topic. Table 5-1 provides a list of projects considered in this cumulative environmental analysis, which was compiled per information provided by each agency, and Figure 5-1 shows the locations.

**Table 5-1: Cumulative Projects List**

No.	Project	Land Use	Size
<b>City of Newport Beach</b>			
1	UCI North Campus Hospital Project (West of Jamboree and Birch)	Hospital	350,000 SF
2	UCI North Campus Child Health/ Medical Office (West of Jamboree and Birch)	Office Building	168,000 SF
3	1500 Quail Residences	Residential and commercial	474 apartment units and 5,077 SF of retail.
4	4631 Birch Street Residences	Residential	75 apartment units
5	Newport Irvine Medical Office Conversion (3300 Irvine Avenue)	Medical Office Building	78,229 SF
6	Checker Properties Mixed Use (4667 MacArthur Boulevard)	Residential and commercial	90 apartment units 4,370 SF of retail.
7	Preliminary Application for Residential Development (4685 MacArthur Court)	Residential	700 apartment units
8	1400 Bristol Residences	Residential	229 apartment units
9	1600 Dove Residences	Residential	249 apartment units
10	1300 Bristol Residences	Residential	193 apartment units

No.	Project	Land Use	Size
11	Residences at 4400 Von Karman	Residential	312 apartment units
12	Newport Airport Village Mixed-Use (4500 Campus Drive)	Residential and commercial	329 apartment units
13	Residences at Airport Village (4647 MacArthur Boulevard)	Residential	444 apartment units
14	Newport Crossings (1701 Corinthian Way)	Residential and commercial	350 apartment units and 7,500 SF of commercial use
15	Residences at 1401 Quail	Residential	67 condominium units
<b>City of Irvine</b>			
16	Irvine Planning Area 25 Residential (SE corner of University Drive and MacArthur Boulevard)	Residential	2500 residential units
<b>City of Costa Mesa</b>			
17	215-223 Mesa Drive	Residential	6 residential units
18	2274 Newport Boulevard	Residential	80 residential units
19	1400 Bristol Street	Residential	78 residential units

Sources: City of Newport Beach, City of Irvine, and City of Costa Mesa Planning Departments  
SF= square feet

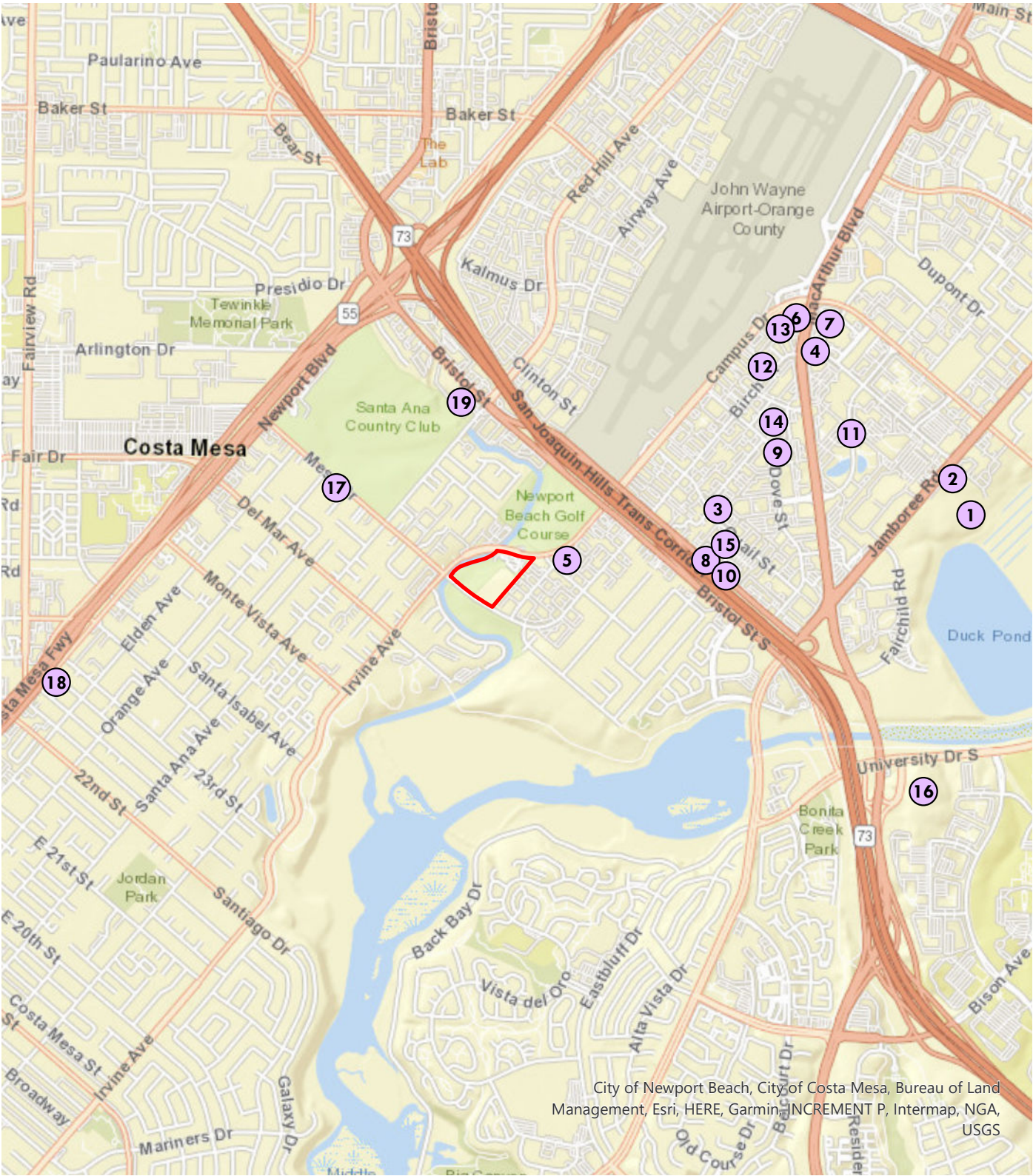
In addition to the list of cumulative Projects in Table 5-1, it is noted that parcels (APNs 119 300 15, 16, 17 and APN 119-310-04) to the south of the site, across Mesa Drive have been identified as Housing Opportunity sites 23, 24, 25 and 26 in the City of Newport Beach Housing Implementation Plan. These sites have a General Plan land use designation of Parks and Recreation (PR) and are zoned SP-7 with a Housing Opportunity Overlay. The PR land use designation applies to land used or proposed for active public or private recreational use. Permitted uses include parks (both active and passive), golf courses, marina support facilities, aquatic facilities, tennis clubs and courts, private recreation, and similar facilities.

As detailed in the City of Newport Beach General Plan Housing Implementation Program EIR (State Clearinghouse [SCH] Number 2023060699) these sites were identified as candidate sites for future housing within Municipal Code Sections 20.80.025 (Housing Opportunity Overlay Zoning Districts maps) and 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts). The site is within the Housing Implementation Program Airport Focus Area, which includes 100 housing sites on 176 acres of land at an assumed unit yield of 50 dwelling units per acre (du/ac). The Housing Opportunity sites 23, 24, 25 and 26, across Mesa Drive to the south of the Project site, total approximately 13 acres.



However, no housing is currently proposed across Mesa Drive from the Project site. No application for development of Housing Opportunity sites 23, 24, 25 and 26 has been submitted to the City. The Housing Implementation Program EIR includes a conservative evaluation of the cumulative impact of 9,914 units throughout the City, including future development capacity of up to 9,649 units on 247 housing sites, 25 units of pipeline projects, and 240 ADUs, which is above the City's 6th Cycle RHNA allocation of 4,845 housing units to provide a buffer to assure that "no net loss" of housing sites would occur. This was evaluated within the scope of the General Plan Land Use and Housing Element buildout projections, which are also applicable to the cumulative impacts of the proposed Project. Any future proposed housing, or other development projects would require development specific environmental analysis pursuant to CEQA and related permitting review.

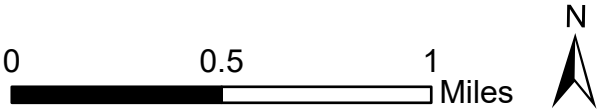


# Cumulative Projects



## Legend

-  Project Boundary
-  Cumulative Project Locations



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# 5.1 Aesthetics

## 5.1.1 INTRODUCTION

This section describes the aesthetic conditions in the Project region and potential impacts from Project implementation. The analysis in this section is based, in part, on the following documents and resources.

- *City of Newport Beach General Plan, 2006*
- *City of Newport Beach General Plan Environmental Impact Report (General Plan EIR), 2006*
- *Santa Ana Heights Specific Plan*
- *City of Newport Beach Municipal Code*
- *Solar Glare Analysis – Solar Photovoltaic (PV) Installation – Snug Harbor Project*, prepared by Johnson Aviation, Inc., 2024, included as Appendix N

### Aesthetics Terminology

- **Aesthetic Resources** include a combination of numerous elements, such as landforms, vegetation, water features, urban design, and/or architecture, that provide an overall visual impression that is pleasing to, or valued by, its observers. Factors important in describing the aesthetic resources of an area include visual character, scenic resources, and scenic vistas. These factors together not only describe the intrinsic aesthetic appeal of an area, but also communicate the value placed upon a landscape or scene by its observers.
- **Scenic Resources** are visually significant hillsides, ridges, water bodies, and buildings that are critical in shaping the visual character and scenic identity of the area and surrounding region.
- **Scenic Vistas** are defined as panoramic views of important visual features, as seen from public viewing areas. This definition combines visual quality with information about view exposure to describe the level of interest or concern that viewers may have for the quality of a particular view or visual setting.
- **Visual Character** broadly describes the unique combination of aesthetic elements and scenic resources that characterize a particular area. The quality of an area's visual character can be qualitatively assessed considering the overall visual impression or attractiveness created by the particular landscape characteristics. In urban settings, these characteristics largely include land use type and density, urban landscaping and design, architecture, topography, and background setting.

## 5.1.2 REGULATORY SETTING

### 5.1.2.1 Federal Regulations

There are no federal regulations concerning aesthetic impacts that are applicable to the Project.

### 5.1.2.2 State Regulations

#### California Scenic Highway Program

The California Scenic Highway Program created in 1963 is managed by the California Department of Transportation (Caltrans) for the purpose of protecting the aesthetic significance of the State's scenic highways. The California Scenic Highways Program was created through the adoption of the Streets and Highways Code (§§2260 through 2263). A highway may be designated as scenic based on certain criteria,



including how much of the natural landscape can be seen by travelers, the landscape's scenic quality, and the extent to which development intrudes on the traveler's enjoyment of the view. The California Scenic Highway Program's Scenic Highway System List identifies scenic highways that are either eligible for designation or have already been designated as such. The California Scenic Highway Program also includes provisions for the Corridor Protection Program, which includes ordinances and planning policies required by jurisdictions in order to maintain lands visible from the designated scenic highways.

According to Caltrans' California State Scenic Highway System Map, the City does not have any roads or highways that are designated within the California Scenic Highway Program. A portion of Pacific Coast Highway (Coast Highway) from over the Santa Ana River to near Crystal Cove State Park that runs through the City is eligible for "scenic" status. A State scenic highway changes from eligible to officially designated when the local jurisdiction adopts a scenic corridor protection program, applies to Caltrans for scenic highway approval, and receives notification from Caltrans that the highway has been designated as a Scenic Highway. A city must also adopt ordinances to preserve the scenic quality of the corridor or document such regulations that already exist in local codes.

### Objective Design Standards

California Government Code Sections 65913.4 and 66300(a)(7) define "objective design standards" as "standards that: involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal." The objective design standards related to the Project are included in the City's municipal code and are described below.

#### 5.1.2.3 Local and Regional Regulations

##### City of Newport Beach General Plan 2006

The City of Newport Beach General Plan 2006 contains the following policies related to aesthetics that are applicable to the Project:

##### *Land Use Element*

- Policy LU 1.6      Public Views.** Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points.
- Policy LU 3.1      Neighborhoods, Districts, Corridors, and Open Spaces.** Maintain Newport Beach's pattern of residential neighborhoods, business and employment districts, commercial centers, corridors, and harbor and ocean districts.
- Policy LU 3.2      Growth and Change.** Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach's share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service

**Policy LU 5.6.2 Form and Environment.** Require that new and renovated buildings be designed to avoid the use of styles, colors, and materials that unusually impact the design character and quality of their location such as abrupt changes in scale, building form, architectural style, and the use of surface materials that raise local temperatures, result in glare and excessive illumination of adjoining properties and open spaces, or adversely modify wind patterns.

**Policy LU 5.6.3 Ambient Lighting.** Require that outdoor lighting be located and designed to prevent spillover onto adjoining properties or significantly increase the overall ambient illumination of their location.

#### *Natural Resources Element*

**Policy NR 20.4 Public View Corridor Landscaping.** Design and site new development, including landscaping, on the edges of public view corridors, including those down public streets, to frame, accent, and minimize impacts to public views.

**Policy NR 23.1 Maintenance of Natural Topography.** Preserve cliffs, canyons, bluffs, significant rock outcroppings, and site buildings to minimize alteration of the site's natural topography and preserve the features as a visual resource.

**Policy NR 23.7 New Development Design and Siting.** Design and site new development to minimize the removal of native vegetation, preserve rock outcroppings, and protect coastal resources.

### **City of Newport Beach Santa Ana Heights Specific Plan**

The Santa Ana Heights Specific Plan includes design guidelines to promote a consistent, high-quality character of development to result in the overall enhancement of the aesthetic character of the community. The guidelines are for building forms and materials, streetscape concepts, setback and buffer areas, and to provide a unifying landscape concept.

The Santa Ana Heights Specific Plan is included in the City's Municipal Code as Chapter 20.90. The aesthetics related Specific Plan regulations that are applicable to the proposed Project are listed below.

### **City of Newport Beach Municipal Code**

**Chapter 20.30: Property Development Standards.** The Newport Beach Municipal Code (Municipal Code) notes that the "purpose of this chapter is to ensure that development is consistent with the General Plan, complies with the standards of this chapter, produces an environment that is harmonious with existing and future development, and protects the use and enjoyment of neighboring properties." The standards apply to all zoning districts and are considered in combination with the standards for each zoning district.

**Section 20.90.030, Design Guidelines.** Municipal Code Section 20.90.030 provides design guidelines for the Santa Ana Heights Specific Plan area to promote a consistent, high quality character of development that will result in the overall enhancement of the aesthetic character. Use of these guidelines in project approvals will implement these objectives through the careful use of building forms and materials, streetscape concepts, setback and buffer areas and a unifying landscape concept. A majority of the design guidelines apply to business park and residential projects, and not to commercial recreational; however, the following hardscape and street furniture design standards are applicable to the proposed Project:

**Hardscape and Street Furniture Design.** Hardscape and street furniture design elements incorporated into the overall design theme for development in the specific plan area shall include, but not be limited to: walls and fences, paving, light fixtures, bollards, benches, trash receptacles and planters. Hardscape and street

furniture elements will function to allow a coordinated and consistent visual and physical connection between buildings and landscape materials within the specific plan area.

Building materials to be used as key hardscape elements are specified below. All materials utilized for walls, fences, paving, lighting and street furniture shall be coordinated with and be complementary to architectural design details and materials.

a. Walls and Fences.

- i. Concrete masonry: integral color, four-inch coursing maximum.
- ii. Brick: either red or in earth tones.
- iii. Concrete: textured, bush-hammered, rock salt, sandblasted, integral color in earth tones.
- iv. Wrought iron (as accents).
- v. Stucco: integral or painted color (same as building stucco color or approved alternative).

b. Project and Individual Site Entry Paving (Outside Public Right-of-Way).

- i. Concrete: integral color, rock salt, exposed aggregate finish with brick or wood edges, or stamped concrete.
- ii. Paving brick: in earth tones.
- iii. Paving brick tile: in earth tones.
- iv. Textured concrete: in earth tones.
- v. Precast rough-textured pavers: integral color.
- vi. Quarry tile: in earth tones.
- vii. Rough-textured granite.
- viii. River-washed stones/cobblestones.
- ix. Asphalt; use of asphalt with the above-noted materials as accent features is encouraged.

c. Lighting Fixtures. The following lighting elements may be incorporated into site plans for individual development proposals:

- i. Parking light standards.
- ii. Pedestrian pathways (bollard lights).
- iii. Pedestrian plaza/courtyards (bollard lights).
- iv. Landscape lighting.

d. Miscellaneous Hardscape. Miscellaneous hardscape elements include bollards, benches, trash receptacles and planters. All of these elements shall be designed and located so as to complement and enhance the building.

Landscape Maintenance. All landscaping shall be maintained as follows:

- i. All planting areas shall be kept free of weeds and debris.
- ii. Lawn and groundcovers shall be kept trimmed and/or mowed regularly.
- iii. All plantings shall be kept in a healthy and growing condition.
- iv. Fertilization, cultivation and tree pruning shall be carried out as part of regular maintenance.
- v. Irrigation systems shall be kept in working condition. Adjustment and cleaning of system shall be a part of regular maintenance.
- vi. Stakes, guys and ties on trees shall be checked regularly for correct function; ties shall be adjusted to avoid creating abrasions or girdling to the stems.
- vii. Damage to plantings created by vandalism, automobile or acts of nature shall be corrected within thirty (30) days.

**Section 20.90.050, Open Space and Recreation Districts.** This Municipal Code section provides the design guidelines including permitted uses and setback requirements for parcels designated for Open Space and Recreation (OSR) within the Santa Ana Heights Specific Plan. The site development standards listed in Municipal Code Section 20.90.050(E) include the following:

- Building Site Area: 1 acre minimum.
- Building Height: 18 feet maximum unless otherwise provided for by an approved use permit.
- Building Setbacks: 20 feet minimum from all property lines.
- Lighting: All lighting shall be designed and located so that direct light rays are confined to the premises.

**Section 20.30.070, Outdoor Lighting.** This Municipal Code section establishes outdoor lighting standards in order to reduce the impacts of glare, light trespass, overlighting, sky glow, and poorly shielded or inappropriately directed lighting fixtures, and promote safety and encourage energy conservation. The following outdoor lighting standards are applicable to all new development in the City, including the proposed Project:

“All outdoor lighting fixtures shall be designed, shielded, aimed, located, and maintained to shield adjacent properties and to not produce glare onto adjacent properties or roadways. Parking lot light fixtures and light fixtures on buildings shall be full cut-off fixtures” (Section 20.30.070.A.1).

“Spotlighting or floodlighting used to illuminate buildings, statues, signs, or any other objects mounted on a pole, pedestal, or platform or used to accentuate landscaping shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the object intended to be illuminated to minimize glare, sky glow, and light trespass. The beam width shall not be wider than that needed to light the feature with minimum spillover. The lighting shall not shine directly into the window of a residence or directly into a roadway. Light fixtures attached to a building shall be directed downward” (Section 20.30.070.C).

**Section 20.30.100, Public View Protection.** This municipal code provides regulations to preserve significant visual resources (public views) from public view points and corridors. The provisions of this section shall apply only to discretionary applications where a project has the potential to obstruct public views from public view points and corridors, as identified on General Plan Figure NR 3, *Coastal Views*, to the Pacific Ocean, Newport Bay and Harbor, offshore islands, the Old Channel of the Santa River (the Oxbow Loop), Newport Pier, Balboa Pier, designated landmark and historic structures, parks, coastal and inland bluffs, canyons, mountains, wetlands, and permanent passive open space.

The Project site is located farther inland than any of the public views points and corridors, identified on General Plan Figure NR 3, *Coastal Views*; and therefore, does not have the potential to block coastal views from these public view points and corridors. As a result, this section does not apply.

## 5.1.3 ENVIRONMENTAL SETTING

Aesthetic resources include a combination of numerous elements, such as landforms, vegetation, water features, urban design, and/or architecture, that impart an overall visual impression that is pleasing to, or valued by, its observers. Factors important in describing the aesthetic resources of an area include visual character, scenic resources, and scenic vistas. These factors together not only describe the intrinsic aesthetic appeal of an area, but also communicate the value placed upon a landscape or scene by its observers.

### 5.1.3.1 Scenic Vistas

Scenic vistas are panoramic views of important visual features, as seen from public viewing areas. The Project site is located in an area primarily developed with residential and commercial uses, a golf course, and roadways; and is not within a scenic vista. Likewise, the Project site is surrounded by urban development and there are no long-range scenic vistas from the Project site. Although areas of open space are located to the north and south of the Project site (associated with NB Golf Course holes 3-8 and 10-18), those golf course areas are bound by the Santa Ana-Delhi Channel, residences, and roadways that do not provide scenic views.

The City has identified the Pacific Ocean, the San Joaquin Corridor, Crystal Cove State Park, and Upper Newport Bay as locally significant scenic vistas. In addition, the General Plan describes that scenic vistas within the City consist of public coastal views from the roadway segments identified in the City's Local Coastal Program and from public viewpoints and corridors, identified on General Plan Figure NR 3, Coastal Views (City of Newport Beach, 2006a). None of the listed roadway segments, viewpoints, or view corridors are adjacent to the Project site, and are all located to the west, such that the Project site is behind the views, and not encroaching into or blocking the views. The closest viewpoint is located approximately 0.3-mile southwest of the Project site at Irvine Avenue south of University Drive, which contains views of the Upper Newport Bay Preserve, and long-distance westward coastal views. The Project site is to the northeast and behind the Upper Newport Bay Preserve and is not within the coastal scenic viewshed.

### 5.1.3.2 State Scenic Highways

As detailed by the Caltrans State Scenic Highway Mapping Program (Caltrans, 2024), there are no State Designated Scenic Highways within the City. According to the Scenic Highway System List, State Route 1, otherwise known as Pacific Coast Highway, is eligible for the State Scenic Highway System but is not officially designated. The nearest Eligible State Scenic Highway is State Route (SR) 1, which is located 3.4 miles southwest of the Project site and is not visible from the Project site. The nearest officially designated State Scenic Highway is a portion of SR-91 east of SR-55, which is located approximately 13 miles northeast of the Project site.

### 5.1.3.3 Visual Character and Quality of Site and Surrounding Area

#### Project Site

The visual character of the Project site includes an urban golf course of open green space with scattered trees, golf course tees and greens, adjacent to an artificial turf driving range, roadways, and a drainage channel. Golf course (holes 1, 2, and 9) includes rolling terrain of green areas with scattered ornamental landscaping, and golf cart paths that is surrounded by chained link fencing with openings for golfer and golf cart crossing of Mesa Drive to the south. The area with holes 1, 2, and 9 is bound on the west by the Santa Ana – Delhi Channel, which is a 55-foot-wide by 16-foot-high reinforced-concrete channel that runs in a southerly direction adjacent to the site that is bound by chain link fencing.

The driving range is located on the east side of holes 1,2, and 9, and is covered by artificial turf and is surrounded by netting held by approximately 40 net poles that range in height from 25 to 80 feet depending on location (due to the rolling topography). The poles and netting separating the driving range from the commercial buildings and fire station to the east are approximately 80 feet tall while the poles and netting separating the driving range from the golf course on the west are approximately 50 feet tall and the poles and netting separating the driving range from Mesa Drive to the south are between 62 and 65 feet tall. Some of the poles are wood (telephone pole-like) while others are pipes. In addition, some of

the poles have pipe extensions to increase the height of the netting. The driving range has 38 bays that are located next to the parking lot and can be seen from Irvine Avenue. Some of the driving range bays are covered with a gable-roof and canopies with Spanish barrel roof tile supported by metal poles and piers. The bays are adjacent to light poles used for nighttime operation of the driving range.

The one-story 8,975 SF clubhouse building and 2,664 SF driving range building are ranch-style with a Tiki influence. The clubhouse building is irregular in shape and has a complex flat, shed roof, and Spanish barrel tiled gable roof and a central covered breezeway. The restaurant entrance, located northwest of the breezeway, is deeply recessed and has a pair of paneled wood doors with paneling above that gives the appearance of floor-to-ceiling doors. The driving range building and gable portions of the roof have large, exposed rafters and wide eaves. The northeast elevation features a thick concrete and pebble stone accent that is wider at the bottom than the top and extends beyond the side elevations.

The exterior walls of both the clubhouse and the driving range building consist of earth-toned textured stucco and have board-and-batten accents, as well as concrete and pebble stone accent panels and faux buttresses. The pebble stone accents are patterned after the flagstone-accent walls popular in the 1960s and 1970s. Fenestration consists of metal-framed windows typical of retail/commercial businesses.

The Project site contains a surface parking lot in the northeast portion of the site that is accessed from a driveway along Irvine Avenue and contains 280 parking spaces in 4 rows of parking, and limited landscaping with scattered trees. Pole-mounted lighting is located in the parking lot. Entrances to both the clubhouse and the driving range buildings are adjacent to the parking lot.

### Surrounding Area

The existing visual character of the area surrounding the Project site is a mix of uses with no consistent architectural or visual theme. The visual character is dominated by the open green space with scattered trees associated with NB Golf Course holes 3-8 to the south across Mesa Drive and holes 10-18 to the north and northeast across Irvine Avenue. Areas to the east of the site are developed with a fire station, two- and three-story-high commercial office buildings, associated surface parking lots and ornamental landscaping that provide a modern commercial character. Areas to the west of the site are developed with a two-story retail shopping center, two-story residential apartments, and commercial office buildings that are two-stories over ground level parking with ornamental landscaping that also provide a modern and urban character.

Both Irvine Avenue and Mesa Drive are arterial roadways that are adjacent to the site and provide a pedestrian character with landscaping, sidewalks, and bicycle lanes. The general area surrounding the site has a topography of rolling hills, whereby Irvine Avenue slopes to the southwest, and the land on the west side of Irvine Avenue is higher than the land on the east side. Likewise, Mesa Drive slopes to the west and existing retaining walls are located along portions of the perimeter of the site. The development surrounding the Project site is shown below in Figure 5.1-1, *Development in the Project Site Viewshed*.

#### 5.1.3.4 Light and Glare

Light and glare in the Project vicinity is typical of what can be found in urban environments. Sources of light near and on the site are generated from building interiors and exterior sources (i.e., golf course, driving range, putting area, building illumination, security lighting, parking lot lighting, vehicle lights, street lighting, and landscape lighting) associated with the existing site and adjacent land uses. The driving range and three golf course holes feature pole-mounted lights to allow for golf activity to continue after the last light. The driving range and golf course lighting is limited to between the hours of 7:00 a.m. and 10:00 p.m. The hours of operation for the pro shop are generally 10:00 a.m. to 7:00 p.m.; and the restaurant generally operates from 8:00 a.m. to 10:00 p.m. Thus, after 10:00 p.m., limited lighting related to security lighting and signage

is generated on the site. Other existing offsite sources of light and glare include vehicle headlights and streetlights.

Glare can emanate from many different sources, some of which include direct sunlight, sunlight reflecting from cars or buildings, and bright outdoor or indoor lighting. Glare in the Project vicinity is generated by building and vehicle windows reflecting light. However, there are no substantial buildings or structures near the Project site that presently generate substantial glare since most of the buildings are limited to one-story to two-story structures that are constructed of non-reflective materials and are not surfaced with a substantial number of windows adjacent to one another that would create a large reflective area.

#### 5.1.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of the CEQA Guidelines indicates that a Project could have a significant effect if it were to:

- AES-1 Have a substantial adverse effect on a scenic vista.
- AES-2 Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a State scenic highway.
- AES-3 In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from a publicly accessible vantage point), or if the project is in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality.
- AES-4 Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

#### 5.1.5 METHODOLOGY

Aesthetic resources were assessed based on the visual quality of the Project site and surrounding areas and the changes that would occur from Project implementation. The significance determination for scenic vistas is based on whether the vista can be viewed from public areas within or near the Project site and the potential for the Project to either hinder views of the scenic vista or result in its visual degradation. As the Project site is located within an urban area, the evaluation of aesthetic character identifies if the Project would conflict with applicable zoning and other regulations governing scenic quality. Also, effects related to lighting and glare are determined by analysis of the Project's use of lighting and glare related materials and compliance with related municipal code requirements.

#### 5.1.6 ENVIRONMENTAL IMPACTS

##### **IMPACT AES-1: THE PROJECT WOULD NOT HAVE A SUBSTANTIAL EFFECT ADVERSE EFFECT ON A SCENIC VISTA.**

**Less than Significant Impact.** Scenic vistas can be defined as views or vistas generally panoramic in nature and identified as viewpoints or vistas (e.g., formal turnouts along roadways) or as identified in planning documents. A substantial adverse effect on a scenic vista or view would occur where the majority of an existing public view would be blocked or substantially interrupted. Although there are no officially designated scenic vistas in the City, the General Plan has identified the Pacific Ocean, the San Joaquin Corridor, Crystal Cove State Park, and Upper Newport Bay as locally significant scenic vistas.



## Development in the Project Site Viewshed



East-facing view from Irvine Avenue, across from the Project site.



View from Irvine Avenue, facing southeast towards the Project site.



View from Irvine Avenue at Mesa Drive, facing northwest away from the Project site.



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A majority of the Project site is currently developed with a golf course, driving range, and other associated uses. The Project site is within an area developed with commercial, residential, and golf course uses. The Project site is not within a scenic vista. The Project site is surrounded by urban development and there are no long-range scenic vistas from the Project site. Although areas of open space are located to the north and south of the Project site (associated with NB Golf Course holes 3-8 and 10-18), those golf course areas are bound by the Santa Ana-Delhi Channel, residences, and roadways that do not provide scenic views.

The Newport Beach General Plan specifies that scenic vistas within the City consist of public coastal views from the roadway segments identified in the City's Local Coastal Program (City of Newport Beach, 2006a). None of the listed roadway segments are adjacent to the Project site. The closest view location is along Irvine Avenue south of University Drive, which contains views of the Upper Newport Bay Preserve and is approximately 0.3 miles southwest of the Project site. In addition, Bayview Park that is adjacent to Upper Newport Bay Preserve is also listed as a public viewpoint. The Project site is to the northwest and behind the Upper Newport Bay Preserve and Bayview Park that is to the southeast; thus, the Project site is not within the coastal scenic viewshed from either of these viewpoints. As shown on Figures 5.1-3 through 5.1-8, none of the adjacent roadways provide views of the Upper Newport Bay or the Pacific Ocean.

The proposed Project would result in the development of a 5.06-acre surf lagoon, a three-story amenity clubhouse with a maximum height of 50 feet, and a two-story athlete accommodation building with a maximum height of 40 feet. All development within the proposed Project site would be set back from adjacent streets and would not encroach on the existing public views along the roadway corridors adjacent to the site. The proposed buildings would have a minimum setback 20 feet from Mesa Drive, and 20 feet from Irvine Avenue. Views looking towards the western Project boundary would feature retaining wall with heights up to 16-feet, topped with 6-foot-high wrought iron vertical fencing, landscaping, and views of the curved three-story amenity building, and the surf lagoon pole-mounted lighting. In addition, the eastern border of the Project site would be set back 20 feet from the adjacent property and would feature 16-foot-high terraced retaining wall with landscaping. The building setbacks would ensure that public views along the nearby roadways (although not scenic vistas) would not be impacted. Overall, none of the roadways adjacent to the Project provide long range views of scenic vistas such as the Upper Newport Bay Preserve or Pacific Ocean; and the Project site is behind the General Plan-identified coastal viewpoints. Therefore, the Project would not block or substantially interrupt any public scenic vistas. As such, potential impacts would be less than significant.

**IMPACT AES-2: THE PROJECT WOULD NOT SUBSTANTIALLY DAMAGE SCENIC RESOURCES, INCLUDING BUT NOT LIMITED TO TREES, ROCK OUTCROPPINGS, AND HISTORIC BUILDINGS WITHIN A STATE SCENIC HIGHWAY.**

**No Impact.** As detailed previously, there are no State designated scenic highways within the City of Newport Beach (Caltrans, 2024). According to the Scenic Highway System List, State Route 1, otherwise known as Pacific Coast Highway, is eligible for the State Scenic Highway System but is not designated as a State scenic highway. State Route 1 is located 3.4 miles southwest of the Project site and is not visible from the Project site. Therefore, the Project would not result in impacts related to scenic resources within a State Scenic Highway.

**IMPACT AES-3: THE PROJECT WOULD NOT, IN NONURBANIZED AREAS, SUBSTANTIALLY DEGRADE THE EXISTING VISUAL CHARACTER OR QUALITY OF PUBLIC VIEWS OF THE SITE AND ITS SURROUNDINGS (PUBLIC VIEWS ARE THOSE THAT ARE EXPERIENCED FROM A PUBLICLY ACCESSIBLE VANTAGE POINT), OR IF THE PROJECT IS IN AN URBANIZED AREA, CONFLICT WITH APPLICABLE ZONING AND OTHER REGULATIONS GOVERNING SCENIC QUALITY.**

**Less than Significant Impact.** The proposed Project would change the public views of the Project site from a golf course with a driving range and a clubhouse building and would construct a surf park with a 5.06-acre (20,427 SF) surf lagoon, amenity clubhouse, athlete accommodations, parking lot, ornamental landscaping, and associated infrastructure. The proposed structures would be set back a minimum of 20 feet from adjacent streets (as shown in Figure 3-8, *Conceptual Site Plan*) and would not encroach into public views along the roadway corridors adjacent to the site. In order to analyze the change to visual character and public views of the Project site, visual simulations were prepared to demonstrate where the structures, retaining walls, and changes to grade would be located, and the change to views of the site from six offsite locations, shown in Figure 5.1-2, *View Simulation Locations*.

### **Project View A**

Project View A is located at the southwest corner of the Irvine Avenue and Mesa Drive intersection looking toward the Project site. As shown in Figure 5.1-3, *Project View A*, the existing view is dominated by mature trees, overhead powerlines, in front of the golf course green space and the driving range poles and netting. The view has an urban character. Views include the sidewalk along Irvine Avenue and Mesa Drive, chain link fencing around the site, and the concrete lining of the Santa Ana-Delhi Channel between the golf course and Irvine Avenue.

With implementation of the proposed Project, this view would change to provide a more urban and developed character compared to the existing condition. Up to 16-foot-high retaining walls would be located along the western Project boundary behind the existing chain link street fencing along both Irvine Avenue and continues southeast towards the southern driveway on Mesa Drive. The retaining walls would be topped with 6-foot-high wrought iron vertical fencing and landscaping. Views of the golf course green space would be replaced with views of dense landscaping with varying heights and plant variety that would screen the proposed parking lot with solar PV canopies, views of the proposed three-story amenity clubhouse building, and longer distance views of the two-story athlete accommodation building. Although, the proposed amenity clubhouse building would have a maximum height of 50 feet, which is the same height or lower than the existing driving range poles and netting, the proposed building are solid structures; and therefore, would have a larger visual mass than the existing views of the poles and nets. However, the proposed three-story amenity clubhouse building would be consistent with the two-to three-story-high commercial office buildings that are located to the north of this viewpoint on Irvine Avenue to the northwest of the site.

Overall, with implementation of the Project the character of views from this location would remain urban in nature, but would change to a greater level of development and higher visual density.

### **Project View B**

Project View B is located along Mesa Drive looking to the northeast toward the Project site. As shown in Figure 5.1-4, *Project View B*, the existing view contains the open green space of the golf course with mature trees and the driving range poles and netting that are between 62 and 65 feet tall along Mesa Drive. The view shows the topography sloping up to the east, and the existing retaining wall along Mesa Drive. The existing view has an urban character due to the retaining walls, chain link fencing surrounding the site, streetlighting, and sidewalk along Mesa Drive, which is a five-lane arterial roadway.

With implementation of the proposed Project, this view would change to provide a more urban, developed, and dense character compared to the existing condition. Views of the golf course green space would be replaced with views of a site developed with buildings and associated parking. The existing retaining wall, chain link fence, driving range poles and netting would be removed. The site would be graded to flatten the topographical changes on the site from Project View B. Forefront views of the proposed site would include layered landscaping consisting of groundcovers, shrubs, and trees that would be in front of wrought iron vertical fencing, which would screen views of the parking lot and solar PV canopies. Views of the proposed

three-story amenity clubhouse building and two-story athlete accommodation building would be behind the landscape screening and parking area with the upper floors viewable above treetops. Although the site would be graded to be lower in elevation from this viewpoint and the proposed amenity clubhouse building would have a maximum height of 50 feet, which is lower than the existing 62- to 65-foot-high driving range poles and netting, the proposed building would have a greater visual mass than the existing view. The proposed athlete accommodation building is within mid-range views; although it would result in a change from open space surrounded by poles and nets to a developed two-story structure surrounded by landscaping, it would provide the same type of modern visual character as surrounding residential, commercial, and office development.

Overall, with implementation of the Project the character of views from this location would remain urban in nature, but would change to a greater level of development and higher visual density that would be similar to surrounding development.

### **Project View C**

Project View C is located along Mesa Drive looking west toward the Project site from Mesa-Birch Park. As shown in Figure 5.1-5, *Project View C*, the Project site is located behind Fire Station 7 (the red and stone veneer building with both pitched and roof areas) that is in middle ground views from this viewpoint. Other areas of the Project site that are not behind Fire Station 7 are screened from view by existing mature ornamental landscaping. Views of the Project site from this view are limited to the poles and netting that surround the driving range. The poles and netting behind the Fire Station 7 building are approximately 80 feet tall and the poles and netting separating the driving range from Mesa Drive seen within this view are between 62 and 65 feet tall.

Implementation of the proposed Project would reduce views of urban development from this viewpoint. As shown in Figure 5.1-5, *Project View C*, the existing views of 62- to 80-foot-high poles and netting would no longer exist with implementation of the Project. The visual height of development within the view would be reduced to the height of the Fire Station building, and the only portion of the proposed structures that would be visible would be the top of two light poles that would be located by the surf lagoon. These Project light poles would blend in and be visually indiscernible from the other light poles along Mesa Drive, Acacia Street, and within the parking lot of the commercial office building within this view.

As a result, the Project would reduce the urban form and structures within this view and Project structures would largely remain unseen. The urban and developed character of the view from Mesa-Birch Park would remain with implementation of the Project.

### **Project View D**

Project View D is located along Irvine Avenue at the eastern boundary of the site looking to the southwest across the existing parking lot and toward the driving range and onsite restaurant/pro shop building. As shown in Figure 5.1-6, *Project View D*, the existing forefront views consist of mature ornamental landscaping and a parking lot of vehicles. The one-story restaurant/pro shop building is in middle-ground views behind the parking lot. The driving range and driving range building are screened by existing trees on the site. The 50- to 65-foot-tall poles and netting on the south and west sides of the driving range are visible and screen views of holes 1, 2, and 9, which are visible behind the restaurant/pro shop building from this view. The topography of the site in this view slopes to the southwest. The existing view has a recreational open space character with frontage parking adjacent to the arterial roadway.

Implementation of the Project would change this view to provide a higher density modern visual character compared to the existing condition. New forefront views would consist of layered landscaping of groundcovers, shrubs, and trees in front of wrought iron vertical fencing, which would screen views of the parking lot and solar PV canopies. Views of the proposed three-story amenity clubhouse building and two-

story athlete accommodation building would be within middle ground views. The second and third floors of the amenity clubhouse and the second floor of the athlete accommodations building are behind the landscape screening. In addition, the 71-foot-high light poles that would be located adjacent to, and focused on, the surf lagoon would be visible from this viewpoint. The proposed Project would result in higher density and modern visual character of this viewshed.

### **Project View E**

Project View E is located along Irvine Avenue looking to the southeast toward the Project site. As shown in Figure 5.1-7, *Project View E*, the existing view provides an open space urban character. Behind the Santa Ana-Delhi Channel wall and fencing along Irvine Avenue, the view consists largely of open green golf course space with rolling topography, mature landscaping, golf cart paths, the poles and netting for the driving range, and the side of the restaurant/pro shop building. The driving range lighting and the three-story fire training tower (southeast of the site) can be seen above the building and past the poles and netting in the existing view.

With implementation of the Project this view would change to one of a developed site with a higher density modern visual character. Views beyond the Santa Ana-Delhi Channel wall would be of a retaining wall with heights up to 16-feet topped with 6-foot-high wrought iron vertical fencing, landscaping, and views of the curved three-story amenity building, and the surf lagoon pole-mounted lighting. The two-story athlete accommodation building is in the background of the view, beyond the landscaping and light poles. The proposed Project would result in a developed higher density and modern visual character of this viewshed.

### **Project View F**

Project View F is located along Mesa Drive looking to the northeast toward the Project site. This view is similar to Project View B and as shown in Figure 5.1-8, *Project View F*, the existing view contains a hill of golf course green space with mature trees and the driving range poles and netting that are between 62 and 65 feet tall along Mesa Drive. The three-story Fire Station training tower is located in background views. The view shows the topography sloping up to the east, and the existing retaining wall along Mesa Drive. The existing view has an urban open space character due to the chain link fencing surrounding the open space area, and the retaining walls, streetlighting, and sidewalk along Mesa Drive.

With implementation of the proposed Project, this view would change from generally a fenced and netted open space area to one of a developed site with cohesive landscaping in front of buildings. The proposed two- and three-story buildings would be consistent with the two- to three-story high commercial office buildings that are located on Mesa Drive, Acacia, and Irvine Avenue to the northwest of the site; and the three-story fire training tower that is adjacent to the site.

The golf course green space hill, retaining wall, chain link fence, driving range poles and netting would be removed. The site would be graded flat and provide a slight slope to the west. Forefront views of the Project would include the proposed site driveway next to layered landscaping consisting of groundcovers, shrubs, and trees that would be in front of wrought iron vertical fencing, which would screen views of the parking lot and proposed building structures. The Project would grade the site to eliminate the existing hill and lower the ground elevation of the site from this viewpoint and the proposed amenity clubhouse building would have a maximum height of 50 feet, which is lower than the existing driving range poles and netting, but the proposed buildings would have a greater visual mass and the development density of the site would be greater than that of the existing view. The proposed development provides the same type of modern visual character as surrounding residential, commercial, and office development that surrounds the site.

Overall, with implementation of the Project the character of views from this viewpoint would change from that of a largely fenced open space view to a view of a developed site with higher visual density, that would be similar to surrounding commercial and office development.

### Regulations Governing Scenic Quality

The Project site is located in an “urbanized area”. As defined by Public Resources Code Section 21071(a) an “urbanized area” is an area within an incorporated city that meets one of the following criteria:

1. Has a population of at least 100,000 persons.
2. Has a population of less than 100,000 persons if the population of that city and not more than two contiguous incorporated cities combined equals at least 100,000 persons.

The Project site is located within the City of Newport Beach, an incorporated city in Orange County. According to the United States Census Bureau, the City of Newport Beach was estimated to have a population of 82,637 in 2023. In addition, the City of Costa Mesa, which is contiguous to Newport Beach, had a population of 108,354 in 2023 (Census Bureau, 2023). Therefore, based on these criteria, the Project is located within an urbanized area, and a potential for impact could occur if the Project conflicts with applicable zoning or other regulations governing scenic quality.

#### *General Plan*

The site has a City of Newport Beach General Plan land use designation of Parks and Recreation (PR). The General Plan states that the PR land use permits parks (both active and passive), golf courses, marina support facilities, aquatic facilities, tennis clubs and courts, private recreation, and similar facilities. Development on the site is currently limited by General Plan Anomaly No. 58 to 20,000 SF. Accessory uses and structures are permitted when customarily associated with and subordinate to a principal permitted use on the same building site.

The Project includes a General Plan Amendment to increase the development intensity for the site from the current development limit of 20,000 SF to approximately 59,773 SF (not including 18,137 SF of permitted accessory structures). With approval of the General Plan Amendment, the Project would be consistent with the allowable development intensity of the site.

As listed previously in Section 5.1.2.3, *Local and Regional Regulations*, the General Plan includes various policies in the Land Use Element and the Natural Resources Element that are related to scenic quality. The proposed Project alignment with these policies is evaluated in Table 5.10-4, *General Plan Policy Consistency Analysis*, in Section 5.10, *Land Use and Planning*, (along with other General Plan policies related to avoiding or mitigating environmental impacts) which determined that the Project would be consistent with the policies of the General Plan that governs scenic quality.

#### *Specific Plan/Zoning*

The Project site has a Santa Ana Heights Specific Plan designation of Open Space and Recreation (OSR). The Santa Ana Heights Specific Plan includes design guidelines that are largely related to residential and business park developments to promote a consistent, high-quality character of development and result in the overall enhancement of the aesthetic character of the community. The Santa Ana Heights Specific Plan is included in the City’s Municipal Code as Chapter 20.90. Table 5.1-1 provides a comparison of the Project consistency with the applicable Santa Ana Heights Specific Plan development standards. As detailed, the Project would be consistent with the building site area, building setbacks, and the proposed building heights would be consistent with a Conditional Use Permit.

**Table 5.1-1: Santa Ana Heights Specific Plan Development Standard Consistency**

Specific Plan Development Standard		Project Consistency
Minimum Building Site Area	1 acre	15.38 acres
Maximum Building Height	18 feet unless otherwise provided for by an approved use permit	50 feet <sup>1</sup>
Minimum Building Setback	20 feet from all property lines	Building setbacks are greater than 20 feet along all property lines as shown in Figure 3-8, <i>Conceptual Site Plan</i> .

<sup>1</sup> Subject to a Conditional Use Permit.

Source: City of Newport Beach Municipal Code, Chapter 20.90.050

In addition, Municipal Code Section 20.90.030 provides design guidelines for hardscape elements, such as fences, paving, light fixtures, bollards, benches, trash receptacles and planters. This includes requirements for building materials, pavements, lighting fixtures, colors, and landscape maintenance (as detailed previously in Section 5.1.2.3, *Local and Regional Regulations*). These have been incorporated into the proposed Project and would be verified by the City during the development review and permitting process. Therefore, impacts related to conflict with municipal code required design guidelines would not occur.

Overall, the Project would change the visual character of the site; however, it would not conflict with applicable zoning and other regulations governing scenic quality and impacts would be less than significant.



## View Simulation Locations





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## Project View A



Snug Harbor Surf Park Project  
City of Newport Beach

Figure 5.1-3

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## Project View B



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## Project View C



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## Project View D





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## Project View E



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## Project View F



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**IMPACT AES-4: THE PROJECT WOULD NOT CREATE A NEW SOURCE OF SUBSTANTIAL LIGHT OR GLARE WHICH WOULD ADVERSELY AFFECT DAY OR NIGHTTIME VIEWS IN THE AREA.**

**Less than Significant Impact.**

**Light**

Existing sources of light on the Project site include illumination from vehicle headlights in the parking lot, pole-mounted parking lot lighting, building illumination through windows, exterior building lighting, security lighting, signage lighting, and pole-mounted nighttime lighting for the golf course and driving range until 10:00 p.m. In addition, the Project site is located within an urban area that includes streetlighting, vehicle headlights on adjacent roadways, interior lighting from nearby uses passing through windows, and exterior security and signage lighting.

Development of the Project would introduce new sources of light from the new parking lot lighting, security lighting, and outdoor lighting of the surf lagoon during operational hours. The proposed hours of operation for the surf lagoon are 6:00 a.m. to 11:00 p.m., seven days a week. Similar to the existing condition and continued lighting for operation of holes 3-8 to the south across Mesa Drive and holes 10-18 to the north and northeast across Irvine Avenue, pole-mounted lighting would be installed around the recreational amenity for nighttime use. The proposed building structures and landscaping would shield surf lagoon lighting from spilling offsite. As required by Municipal Code Section 21.30.070, *Outdoor Lighting*, the outdoor lighting fixtures for the Project have been designed, shielded, aimed, and located to shield adjacent properties. Photometric plans have been submitted to the City detailing that the surf lagoon lighting would not result in offsite spill light or the potential for glare.

The proposed clubhouse and athlete accommodations would generate limited lighting from security lighting, entrance lighting, signage, and lighting from the interiors passing through windows. This is consistent with the existing sources of lighting on and surrounding the Project site. Although an increase in lighting would occur from the Project, as it would result in two-story structures (versus the existing one-story structures) that provide a new source of lighting from a higher elevation, the lighting would be required to comply with Municipal Code Section 21.30.070, *Outdoor Lighting*, through the City's permitting process. Thus, the Project would not result in a substantial increase of lighting levels in the surrounding area, and impacts related to lighting would be less than significant.

**Glare**

Glare can be caused by the reflection of the sun off of reflective surfaces during the day (i.e., daytime glare); or the reflection of artificial light sources (i.e., automobile headlights, direct building lighting) off of reflective surfaces at night (i.e., nighttime glare). The generation of substantial amounts of glare is dependent on structures consisting of reflective materials and light sources in highly visible areas without screening such as vegetation.

As shown in Figures 3-9 and 3-10, in Section 3.0, *Project Description*, the building exteriors for both the Amenity Clubhouse Building and the Athlete Accommodations would consist of a modern architectural design with wood paneling and metal railing, and concrete would be used as accent materials. Additionally, windows would be finished as blue clear glass. The exteriors of the proposed buildings would not include large areas of reflective surfaces that could result in glare to surrounding areas. In addition, the Project proposes landscaping both along the site perimeter and around the proposed buildings, which would further reduce the potential for glare. Likewise, the proposed surf lagoon and surrounding lagoon deck surfaces would not be constructed with reflective materials. During operating hours, the two lagoon basins would have moving water from the wave equipment, which would hinder the ability of the lagoon to generate glare. During non-operational hours, it would be nighttime and the lights surrounding the lagoon would be turned

off, and no glare would occur. Furthermore, the proposed lagoon is surrounded by the clubhouse building, athlete accommodation building, wave machinery, and landscaping that would screen potential glare from the lagoon waterbody. As described previously, the Project would be required through the City's permitting process to comply with Municipal Code Section 21.30.070, *Outdoor Lighting*, which would prevent lighting from the Project to generate glare. Thus, impacts related to glare from the Project site onto adjacent uses would be less than significant.

The proposed Project includes PV solar panels installed on parking canopies and the buildings' roofs, as shown in Figure 3-11, *Proposed Solar PV Installation*. Therefore, as further detailed in Section 5.8, *Hazards and Hazardous Materials*, a solar glare analysis (included as Appendix N) was prepared to analyze the potential for the solar panels to generate glare that could impact John Wayne Airport operations. The glare modeling analysis found that the proposed Project would not produce any glare on the air traffic control tower or in any of the final approach areas to the runways at John Wayne Airport (Appendix N). Thus, the Project would not create a new source of substantial glare which would adversely affect day or nighttime views in the area, and impacts would be less than significant.

### 5.1.7 CUMULATIVE IMPACTS

The cumulative aesthetics study area for the proposed Project includes public viewshed areas that can view the Project site as well as locations that can be viewed from the Project site, which may include areas under a different jurisdiction such as the City of Costa Mesa.

The only cumulative project within the viewshed of the proposed Project would be located across Orchard Drive at the easterly corner of Orchard Drive and Southwest Acacia Street, approximately 527 feet from the Project site. The cumulative project across Orchard Drive from the site is a renovation of the existing office building and addition of a parking garage and would not include extensive redevelopment of the area. Other future developments that may be proposed in the viewshed, including those on the Housing Opportunity sites to the south of the Project site across Mesa Drive, would be required to comply with the applicable City of Newport Beach General Plan policies and municipal code regulations to preserve scenic vistas and important scenic resources such as views of the Pacific Ocean and the Upper Newport Bay Preserve.

As detailed under Impact AES-1, the Project site is to the northeast and behind the Upper Newport Bay Preserve and is not within the coastal scenic viewshed. Therefore, it would not have the potential to combine with other projects to result in a cumulative impact to a scenic vista. Impacts to scenic vistas would be less than cumulatively considerable.

As discussed under Impact AES-2, the Project site is not within proximity to any designated State scenic highways, and is not within the viewshed of an eligible State scenic highway. In addition, cumulative Projects within the cumulative study area for aesthetics would also not be within proximity to any designated State scenic highways. Therefore, the Project has no potential to contribute to a cumulatively significant impact to scenic resources within a State scenic highway.

The Project would not conflict with applicable regulations governing scenic quality, as detailed previously. New development in the cumulative viewshed would be subject to applicable development regulations and design standards imposed during the development review and permitting process, which would ensure that development implements applicable regulations related to scenic quality. Therefore, cumulative impacts related to regulations related to scenic quality would be less than significant.

With respect to potential cumulative light and glare impacts, the Project would be required to comply with City of Newport Beach General Plan Policy LU 5.6.3 and the City of Newport Beach Municipal Code Section 20.30.070, which sets standards for exterior lighting/fixtures. Photometric plans have been submitted to the

City detailing that the Project lighting would not result in offsite spill light that could be cumulatively considerable. Any development project in the cumulative visual area would be required to comply with the light requirements. Although cumulative development in the Project's surrounding area is likely to introduce new sources of lighting and potentially reflective materials, the Project's impacts would be less than cumulatively considerable, and therefore, less than significant.

### 5.1.8 EXISTING REGULATIONS AND PLANS, PROGRAMS, OR POLICIES

The following would reduce potential impacts related to aesthetics.

#### Existing Regulations

- California Government Code Sections 65913.4 and 66300(a)(7)
- Municipal Code Chapter 20.30, *Property Development Standards*
- Municipal Code Chapter 20.90.030, *Design Guidelines*
- Municipal Code Section 20.90.050, *Open Space and Recreation Districts*
- Municipal Code Section 21.30.070, *Outdoor Lighting*

#### Plans, Programs, or Policies

None.

### 5.1.9 PROJECT DESIGN FEATURES

None.

### 5.1.10 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

The Project would result in no impact related to Impact AES-2 and less-than-significant impacts related to Impact AES-1, Impact AES-3, and Impact AES-4.

### 5.1.11 MITIGATION MEASURES

No mitigation measures are required.

### 5.1.12 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Impacts would be less than significant.

### 5.1.13 REFERENCES

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- Johnson Aviation, Inc. (2024). *Solar Glare Analysis – Solar Photovoltaic (PV) Installation – Snug Harbor Project. (Appendix N)*

## 5.2 Air Quality

### 5.2.1 INTRODUCTION

This section describes the air quality conditions in the Project region and potential impacts from Project implementation. The analysis in this section is based, in part, on the following documents and resources.

- *City of Newport Beach General Plan, 2006*
- *City of Newport Beach General Plan Environmental Impact Report (General Plan EIR), 2006*
- *City of Newport Beach Municipal Code*
- *Surf Farm Air Quality Impact Analysis, prepared by Urban Crossroads, 2025, included as Appendix B*

### 5.2.2 REGULATORY SETTING

#### 5.2.2.1 Federal Regulation

##### **United States Environmental Protection Agency**

###### *Criteria Air Pollutants*

At the federal level, the United States Environmental Protection Agency (USEPA) has been charged with implementing national air quality programs. The USEPA's air quality mandates are drawn primarily from the federal Clean Air Act, which was enacted in 1970. The most recent major amendments to the Clean Air Act were made by Congress in 1990.

The Clean Air Act requires the USEPA to establish National Ambient Air Quality Standards. The USEPA has established primary and secondary National Ambient Air Quality Standards for the following criteria air pollutants: ozone, CO, NO<sub>2</sub>, SO<sub>2</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, and lead. Table 5.2-1 shows the National Ambient Air Quality Standards for these pollutants. The Clean Air Act also requires each state to prepare an air quality control plan, referred to as a State Implementation Plan (SIP). The Clean Air Act Amendments of 1990 added requirements for states with nonattainment areas to revise their SIPs to incorporate additional control measures to reduce air pollution. The SIP is modified periodically to reflect the latest emissions inventories, planning documents, and rules and regulations of the air basins, as reported by their jurisdictional agencies. The USEPA is responsible for reviewing all SIPs to determine whether they conform to the mandates of the Clean Air Act and its amendments, and to determine whether implementing the SIPs will achieve air quality goals. If the USEPA determines a SIP to be inadequate, a federal implementation plan that imposes additional control measures may be prepared for the nonattainment area.

The USEPA also has regulatory and enforcement jurisdiction over emission sources beyond state waters (outer continental shelf), and those that are under the exclusive authority of the federal government, such as aircraft, locomotives, and interstate trucking. The USEPA's primary role at the state level is to oversee state air quality programs. The USEPA sets federal vehicle and stationary source emissions standards and provides research and guidance in air pollution programs.

###### *Hazardous Air Pollutants*

The USEPA has programs for identifying and regulating hazardous air pollutants. Title III of the Clean Air Act Amendments directed the USEPA to promulgate national emissions standards for hazardous air pollutants (NESHAP). The NESHAP may differ for major sources than for area sources of hazardous air pollutants.

Major sources are defined as stationary sources with potential to emit more than 10 tons per year of any hazardous air pollutant or more than 25 tons per year of any combination of hazardous air pollutants; all other sources are considered area sources. The emissions standards are to be promulgated in two phases. In the first phase (1992–2000), the USEPA developed technology-based emission standards designed to produce the maximum emission reduction achievable. These standards are generally referred to as requiring maximum achievable control technology. For area sources, the standards may be different, based on generally available control technology. In the second phase (2001–2008), the USEPA promulgated health-risk-based emissions standards that were deemed necessary to address risks remaining after implementation of the technology-based NESHAP standards.

**Table 5.2-1: Ambient Air Quality Standards for Criteria Pollutants**

Pollutant	Averaging Time	State Standard	National Standard	Pollutant Health and Atmospheric Effects	Major Pollutant Sources
<b>Ozone</b>	1 hour	0.09 ppm	---	High concentrations can directly affect lungs, causing irritation. Long-term exposure may cause damage to lung tissue.	Formed when reactive organic gases and nitrogen oxides react in the presence of sunlight. Major sources include on-road motor vehicles, solvent evaporation, and commercial/industrial mobile equipment.
	8 hours	0.07 ppm	0.075 ppm		
<b>Carbon Monoxide (CO)</b>	1 hour	20 ppm	35 ppm	Classified as a chemical asphyxiant, carbon monoxide interferes with the transfer of fresh oxygen to the blood and deprives sensitive tissues of oxygen.	Internal combustion engines, primarily gasoline-powered motor vehicles.
	8 hours	9.0 ppm	9 ppm		
<b>Nitrogen Dioxide (NO<sub>x</sub>)</b>	1 hour	0.18 ppm	0.100 ppm	Irritating to eyes and respiratory tract. Colors atmosphere reddish-brown.	Motor vehicles, petroleum refining operations, industrial sources, aircraft, ships, and railroads.
	Annual Arithmetic Mean	0.030 ppm	0.053 ppm		
<b>Sulfur Dioxide (SO<sub>2</sub>)</b>	1 hour	0.25 ppm	75 ppb	Irritates upper respiratory tract; injurious to lung tissue. Can yellow the leaves of plants, destructive to marble, iron, and steel. Limits visibility and reduces sunlight.	Fuel combustion, chemical plants, sulfur recovery plants, and metal processing.
	3 hours	---	0.50 ppm		
	24 hours	0.04 ppm	0.14 ppm		
	Annual Arithmetic Mean	---	0.03 ppm		
<b>Respirable Particulate Matter (PM<sub>10</sub>)</b>	24 hours	50 µg/m <sup>3</sup>	150 µg/m <sup>3</sup>	May irritate eyes and respiratory tract, decreases in lung capacity, cancer and increased mortality. Produces haze and limits visibility.	Dust and fume-producing industrial and agricultural operations, combustion, atmospheric photochemical reactions, and natural activities (e.g., wind-raised dust and ocean sprays).
	Annual Arithmetic Mean	20 µg/m <sup>3</sup>	---		
<b>Fine Particulate Matter (PM<sub>2.5</sub>)</b>	24 hours	---	35 µg/m <sup>3</sup>	Increases respiratory disease, lung damage, cancer, and premature death. Reduces visibility and results in surface soiling.	Fuel combustion in motor vehicles, equipment, and industrial sources; residential and agricultural burning; Also, formed from photochemical reactions of other pollutants, including nitrogen oxides, sulfur oxides, and organics.
	Annual Arithmetic Mean	12 µg/m <sup>3</sup>	12 µg/m <sup>3</sup>		
<b>Lead (Pb)</b>	30 Day Average	1.5 µg/m <sup>3</sup>	---	Disturbs gastrointestinal system, and causes anemia, kidney disease, and neuromuscular and neurological dysfunction (in severe cases).	Present source: lead smelters, battery manufacturing and recycling facilities. Past source: combustion of leaded gasoline.
	Calendar Quarter	---	1.5 µg/m <sup>3</sup>		
	Rolling 3-Month Average	---	0.15 µg/m <sup>3</sup>		
<b>Hydrogen Sulfide</b>	1 hour	0.03 ppm	...	Nuisance odor (rotten egg smell), headache and breathing difficulties (higher concentrations)	Geothermal power plants, petroleum production and refining
<b>Sulfates (SO<sub>4</sub>)</b>	24 hour	25 µg/m <sup>3</sup>	...	Decrease in ventilatory functions; aggravation of asthmatic symptoms; aggravation of cardio-pulmonary disease; vegetation damage; degradation of visibility; property damage.	Industrial processes.
<b>Visibility Reducing Particles</b>	8 hour	Extinction of 0.23/km; visibility of 10 miles or more	...	Reduces visibility, reduced airport safety, lower real estate value, and discourages tourism.	See PM <sub>2.5</sub> .

ppm = parts per million; ppb = parts per billion; µg/m<sup>3</sup> = micrograms per cubic meter.

The Clean Air Act Amendments also required the USEPA to promulgate vehicle or fuel standards containing reasonable requirements that control toxic emissions of, at a minimum, benzene and formaldehyde. Performance criteria were established to limit mobile-source emissions of toxics, including benzene, formaldehyde, and 1,3-butadiene. In addition, Section 219 required the use of reformulated gasoline in selected areas with the most severe ozone nonattainment conditions to further reduce mobile-source emissions.

### 5.2.2.2 State Regulations

#### Criteria Air Pollutants

The California Air Resources Board (CARB), a department of the California Environmental Protection Agency, oversees air quality planning and control throughout California. CARB is responsible for coordination and oversight of State and local air pollution control programs in California and for implementation of the California Clean Air Act. The California Clean Air Act, which was adopted in 1988, requires CARB to establish the California Ambient Air Quality Standards. CARB has established ambient air quality standards for sulfates, hydrogen sulfide, vinyl chloride, visibility-reducing particulate matter, and the above-mentioned criteria air pollutants. Applicable California Ambient Air Quality Standards are shown in Table 5.2-1.

The California Clean Air Act requires all local air districts in the state to endeavor to achieve and maintain the California Ambient Air Quality Standards by the earliest practical date. The act specifies that local air districts shall focus particular attention on reducing the emissions from transportation and area-wide emission sources and provides districts with the authority to regulate indirect sources.

Among CARB's other responsibilities are overseeing compliance by local air districts with California and federal laws, approving local air quality plans, submitting SIPs to the USEPA, monitoring air quality, determining and updating area designations and maps, and setting emissions standards for new mobile sources, consumer products, small utility engines, off-road vehicles, and fuels.

#### Diesel Regulations

CARB and the Ports of Los Angeles and Long Beach have adopted several iterations of regulations for diesel trucks that are aimed at reducing diesel particulate matter. More specifically, the CARB Drayage Truck Regulation, the CARB statewide On-road Truck and Bus Regulation, and the Ports of Los Angeles and Long Beach "Clean Truck Program" require accelerated implementation of "clean trucks" into the statewide truck fleet. In other words, older more polluting trucks will be replaced with newer, cleaner trucks as a function of these regulatory requirements.

Moreover, the average statewide diesel particulate matter emissions for Heavy Duty Trucks, in terms of grams of diesel particulate matter generated per mile traveled, will dramatically be reduced due to these regulatory requirements. Diesel emissions identified in this analysis therefore overstate future diesel particulate matter emissions because not all these regulatory requirements are reflected in the modeling.

#### Toxic Air Contaminants

Air quality regulations also focus on toxic air contaminants. In general, for those toxic air contaminants that may cause cancer, there is no concentration that does not present some risk. In other words, there is no safe level of exposure. This contrasts with the criteria air pollutants, for which acceptable levels of exposure can be determined and for which the ambient standards have been established. Instead, the USEPA and CARB regulate hazardous air pollutants and toxic air contaminants, respectively, through statutes and regulations that generally require the use of the maximum achievable control technology or best available control

technology for toxics and to limit emissions. These statutes and regulations, in conjunction with additional rules set forth by the districts, establish the regulatory framework for toxic air contaminants.

Toxic air contaminants in California are regulated primarily through the Tanner Air Toxics Act (Assembly Bill [AB] 1807 [Chapter 1047, Statutes of 1983]) (Health and Safety Code Section 39650 et seq.) and the Air Toxics Hot Spots Information and Assessment Act (Hot Spots Act) (AB 2588 [Chapter 1252, Statutes of 1987]) (Health and Safety Code Section 44300 et seq.). AB 1807 sets forth a formal procedure for CARB to designate substances as toxic air contaminants. This includes research, public participation, and scientific peer review before CARB can designate a substance as a toxic air contaminant. To date, CARB has identified more than 21 toxic air contaminants and adopted the USEPA's list of hazardous air pollutants as toxic air contaminants. Most recently, diesel particulate matter was added to the CARB list of toxic air contaminants. Once a toxic air contaminant is identified, CARB then adopts an airborne toxics control measure for sources that emit that particular toxic air contaminant. If there is a safe threshold for a substance at which there is no toxic effect, the control measure must reduce exposure below that threshold. If there is no safe threshold, the measure must incorporate best available control technology to minimize emissions.

The Air Toxics Hot Spots Information and Assessment Act requires existing facilities emitting toxic substances above a specified level to prepare a toxic-emission inventory, prepare a risk assessment if emissions are significant, notify the public of significant risk levels, and prepare and implement risk reduction measures.

CARB published the Air Quality and Land Use Handbook: A Community Health Perspective (Handbook), which provides guidance concerning land use compatibility with toxic air contaminant sources. Although it is not a law or adopted policy, the Handbook offers advisory recommendations for the siting of sensitive receptors near uses associated with toxic air contaminants, such as freeways and high-traffic roads, commercial distribution centers, rail yards, ports, refineries, dry cleaners, gasoline stations, and industrial facilities, to help keep children and other sensitive populations out of harm's way. Based on CARB's Community Health Air Pollution Information System, no major toxic air contaminant sources are located in proximity to the Project area. In addition, CARB has promulgated the following specific rules to limit toxic air contaminants emissions:

**CARB Rule 2485** (13 CCR, Chapter 10 Section 2485), Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling

**CARB Rule 2477** (13 CCR Section 2477 and Article 8), Airborne Toxic Control Measure for In-Use Diesel Fueled Transport Refrigeration Units (TRU) and TRU Generator Sets and Facilities Where TRUs Operate

### **California Assembly Bill 1493– Pavley**

In 2002, the California Legislature adopted AB 1493 requiring the adoption of regulations to develop fuel economy standards for the transportation sector. In September 2004, pursuant to AB 1493, the CARB approved regulations to reduce fuel use and emissions from new motor vehicles beginning with the 2009 model year (Pavley Regulations). CARB, USEPA, and the United States Department of Transportation's National Highway Traffic and Safety Administration (NHTSA) have coordinated efforts to develop fuel economy standards for model 2017-2025 vehicles, which are incorporated into the "Low Emission Vehicle" (LEV) Regulations.

### **California Code of Regulations (CCR) Title 13, Motor Vehicles, Section 2449(d)(3)**

No vehicle or engines subject to this regulation may idle for more than 5 consecutive minutes. The idling limit does not apply to:

- Idling when queuing;

- Idling to verify that the vehicle is in safe operating condition;
- Idling for testing, servicing, repairing or diagnostic purposes;
- Idling necessary to accomplish work for which the vehicle was designed (such as operating a crane);
- Idling required to bring the machine system to operating temperature; and
- Idling necessary to ensure safe operation of the vehicle.

## **Title 24 Energy Efficiency Standards and California Green Building Standards**

California Code of Regulations (CCR) Title 24 Part 6: The California Energy Code was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. The most recently updated 2022 Energy Code encourages efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, and strengthens ventilation standards, among other requirements.

CCR, Title 24, Part 11: California Green Building Standards Code (CALGreen) is a comprehensive and uniform regulatory code for all new construction and major renovations, and is administered by the California Building Standards Commission. The purpose of CALGreen is to improve public health, safety, and general welfare through enhanced design and construction of buildings using concepts which reduce negative impacts and promote those principles which have a positive environmental impact and encourage sustainable construction practices. It is also updated every three years. The most recent update is the 2022 CALGreen Code that became effective January 1, 2023. It should be noted that the 2025 California Green Building Code Standards are expected to be effective on January 1, 2026. The Project would be required to comply with the applicable standards in place at the time plan check submittals are made.

The 2022 California Energy Code and CALGreen Building Standards Code mandatory measures for nonresidential uses that reduce air pollutant emissions and are applicable to the proposed Project include, but are not limited to, the following:

- Short-term bicycle parking. If the new project or an additional alteration is anticipated to generate visitor traffic, provide permanently anchored bicycle racks within 200 feet of the visitors' entrance, readily visible to passers-by, for 5% of new visitor motorized vehicle parking spaces being added, with a minimum of one two-bike capacity rack (5.106.4.1.1).
- Long-term bicycle parking. For new buildings with tenant spaces that have 10 or more tenant-occupants, provide secure bicycle parking for 5% of the tenant-occupant vehicular parking spaces with a minimum of one bicycle parking facility (5.106.4.1.2).
- EV charging stations. New construction shall facilitate the future installation of EV supply equipment. The compliance requires empty raceways for future conduit and documentation that the electrical system has adequate capacity for the future load. The number of spaces to be provided for is contained in Table 5.106.5.3.3 (5.106.5.3). Additionally, Table 5.106.5.4.1 specifies requirements for the installation of raceway conduit and panel power requirements for medium- and heavy-duty electric vehicle supply equipment for warehouses, grocery stores, and retail stores.
- Outdoor light pollution reduction. Outdoor lighting systems shall be designed to meet the backlight, uplight and glare ratings per Table 5.106.8 (5.106.8).
- Construction waste management. Recycle and/or salvage for reuse a minimum of 65% of the nonhazardous construction and demolition waste in accordance with Section 5.408.1.1. 5.405.1.2, or 5.408.1.3; or meet a local construction and demolition waste management ordinance, whichever is more stringent (5.408.1).

- Excavated soil and land clearing debris. 100% of trees, stumps, rocks and associated vegetation and soils resulting primarily from land clearing shall be reuse or recycled. For a phased project, such material may be stockpiled on site until the storage site is developed (5.408.3).
- Recycling by Occupants. Provide readily accessible areas that serve the entire building and are identified for the depositing, storage, and collection of non-hazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, organic waste, and metals or meet a lawfully enacted local recycling ordinance, if more restrictive (5.410.1).
- Water conserving plumbing fixtures and fittings. Plumbing fixtures (water closets and urinals) and fittings (faucets and showerheads) shall comply with the following:
  - Water Closets. The effective flush volume of all water closets shall not exceed 1.28 gallons per flush (5.303.3.1)
  - Urinals. The effective flush volume of wall-mounted urinals shall not exceed 0.125 gallons per flush (5.303.3.2.1). The effective flush volume of floor-mounted or other urinals shall not exceed 0.5 gallons per flush (5.303.3.2.2).
  - Showerheads. Single showerheads shall have a minimum flow rate of not more than 1.8 gallons per minute and 80 psi (5.303.3.3.1). When a shower is served by more than one showerhead, the combine flow rate of all showerheads and/or other shower outlets controlled by a single valve shall not exceed 1.8 gallons per minute at 80 psi (5.303.3.3.2).
  - Faucets and fountains. Nonresidential lavatory faucets shall have a maximum flow rate of not more than 0.5 gallons per minute at 60 psi (5.303.3.4.1). Kitchen faucets shall have a maximum flow rate of not more than 1.8 gallons per minute of 60 psi (5.303.3.4.2). Wash fountains shall have a maximum flow rate of not more than 1.8 gallons per minute (5.303.3.4.3). Metering faucets shall not deliver more than 0.20 gallons per cycle (5.303.3.4.4). Metering faucets for wash fountains shall have a maximum flow rate not more than 0.20 gallons per cycle (5.303.3.4.5).
- Outdoor potable water uses in landscaped areas. Nonresidential developments shall comply with a local water efficient landscape ordinance or the current California Department of Water Resources' Model Water Efficient Landscape Ordinance (MWEL0), whichever is more stringent (5.304.1).
- Water meters. Separate submeters or metering devices shall be installed for new buildings or additions in excess of 50,000 SF or for excess consumption where any tenant within a new building or within an addition that is project to consume more than 1,000 gallons per day (GPD) (5.303.1.1 and 5.303.1.2).
- Outdoor water uses in rehabilitated landscape projects equal or greater than 2,500 SF. Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 SF requiring a building or landscape permit (5.304.3).
- Commissioning. For new buildings 10,000 SF and over, building commissioning shall be included in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (5.410.2).

The 2022 Energy Code has been adopted by the City of Newport Beach Municipal Code Chapter 15.17, and the 2022 CALGreen Building Standards Code in Municipal Code Chapter 15.11.

### 5.2.2.3 Local and Regional Regulations

#### South Coast Air Quality Management District

##### *Criteria Air Pollutants*

The South Coast Air Quality Management District (SCAQMD) attains and maintains air quality conditions in the South Coast Air Basin (Basin) through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The clean air strategy of the SCAQMD includes preparation of plans for attainment of ambient air quality standards, adoption and enforcement of rules and regulations concerning sources of air pollution, and issuance of permits for stationary sources of air pollution. The SCAQMD also inspects stationary sources of air pollution and responds to citizen complaints; monitors ambient air quality and meteorological conditions; and implements programs and regulations required by the Clean Air Act, the Clean Air Act Amendments, and the California Clean Air Act. Air quality plans applicable to the proposed Project are discussed below.

##### *Air Quality Management Plan*

The SCAQMD and the Southern California Association of Governments (SCAG) are responsible for preparing the air quality management plan (AQMP), which addresses federal and State Clean Air Act requirements. The AQMP details goals, policies, and programs for improving air quality in the Basin.

The 2022 AQMP was adopted by the SCAQMD Governing Board on December 2, 2022. The 2022 AQMP builds upon measures already in place from previous AQMPs. It also includes a variety of additional strategies such as regulation, accelerated deployment of available cleaner technologies (e.g., zero emissions technologies, when cost-effective and feasible, and low NO<sub>x</sub> technologies in other applications), best management practices, co-benefits from existing programs (e.g., climate and energy efficiency), incentives, and other Clean Air Act measures to achieve the 2015 federal 8-hour ozone standard. SCAQMD includes a total of 49 control measures for the 2022 AQMP, including control measures focused on widespread deployment of zero emission and low NO<sub>x</sub> technologies through a combination of regulatory approaches and incentives.

##### *SCAQMD Rules and Regulations*

All projects are subject to SCAQMD rules and regulations. Specific rules that would be applicable to the proposed Project include the following:

**Rule 401 – Visible Emissions.** A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any 1 hour that is as dark or darker in shade as that designated No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines.

**Rule 402 – Nuisance.** A person shall not discharge from any source whatsoever such quantities of air contaminants or other material that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any such persons or the public, or that cause, or have a natural tendency to cause, injury or damage to business or property. The provisions of this rule do not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.

**Rule 403 – Fugitive Dust.** SCAQMD Rule 403 governs emissions of fugitive dust during and after construction. Compliance with this rule is achieved through application of standard Best Management Practices, such as application of water or chemical stabilizers to disturbed soils, covering haul vehicles,



restricting vehicle speeds on unpaved roads to 15 miles per hour, sweeping loose dirt from paved site access roadways, cessation of construction activity when winds exceed 25 mph, and establishing a permanent ground cover on finished sites.

Rule 403 requires project applicants to control fugitive dust using the best available control measures such that dust does not remain visible in the atmosphere beyond the property line of the emission source. In addition, Rule 403 requires implementation of dust suppression techniques to prevent fugitive dust from creating an offsite nuisance. Applicable Rule 403 dust suppression (and PM<sub>10</sub> generation) techniques to reduce impacts on nearby sensitive receptors may include, but are not limited to, the following:

- Apply nontoxic chemical soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for 10 days or more).
- Water active sites at least three times daily. Locations where grading is to occur shall be thoroughly watered prior to earthmoving.
- Cover all trucks hauling dirt, sand, soil, or other loose materials, or maintain at least 0.6 meters (2 feet) of freeboard (vertical space between the top of the load and top of the trailer) in accordance with the requirements of California Vehicle Code Section 23114.
- Reduce traffic speeds on all unpaved roads to 15 miles per hour (mph) or less.
- Suspend all grading activities when wind speeds (including instantaneous wind gusts) exceed 25 mph.
- Provide bumper strips or similar best management practices where vehicles enter and exit the construction site onto paved roads, or wash off trucks and any equipment leaving the site each trip.
- Replant disturbed areas as soon as practical.
- Sweep onsite streets (and offsite streets if silt is carried to adjacent public thoroughfares) to reduce the amount of particulate matter on public streets. All sweepers shall be compliant with SCAQMD Rule 1186.1, Less Polluting Sweepers.

**Rule 445—Wood-Burning Devices.** This rule prohibits permanently installed wood burning devices in any new development. A wood burning device means any fireplace, wood burning heater, or pellet-fueled wood heater, or any similarly enclosed, permanently installed, indoor or outdoor device burning any solid fuel for aesthetic or space-heating purposes, which has a heat input of less than one million British thermal units per hour.

**Rule 481 – Spray Coating.** This rule applies to all spray painting and spray coating operations and equipment and states that a person shall not use or operate any spray painting or spray coating equipment unless one of the following conditions is met:

- The spray coating equipment is operated inside a control enclosure, which is approved by the Executive Officer. Any control enclosure for which an application for permit for new construction, alteration, or change of ownership or location is submitted after the date of adoption of this rule shall be exhausted only through filters at a design face velocity not less than 100 feet per minute nor greater than 300 feet per minute, or through a water wash system designed to be equally effective for the purpose of air pollution control.
- Coatings are applied with high-volume low-pressure, electrostatic and/or airless spray equipment.
- An alternative method of coating application or control is used which has effectiveness equal to or greater than the equipment specified in the rule.

**Rule 1108 - Volatile Organic Compounds.** This rule governs the sale, use, and manufacturing of asphalt and limits the volatile organic compound (VOC) content in asphalt used in the Basin. This rule also regulates the VOC content of asphalt used during construction. Therefore, all asphalt used during construction of the Project must comply with SCAQMD Rule 1108.

**Rule 1113 – Architectural Coatings.** No person shall apply or solicit the application of any architectural coating within the SCAQMD with VOC content in excess of the values specified in a table incorporated in the Rule.

**Rule 1143 – Paint Thinners and Solvents.** This rule governs the manufacture, sale, and use of paint thinners and solvents used in thinning of coating materials, cleaning of coating application equipment, and other solvent cleaning operations by limiting their VOC content. This rule regulates the VOC content of solvents used during construction. Solvents used during the construction phase must comply with this rule.

### City of Newport Beach General Plan

The City of Newport Beach General Plan contains the following policies related to air quality that are applicable to the Project:

**Policy NR 7.1 Fuel Efficient Equipment.** Support the use of fuel efficient heating equipment and other appliances.

**NR 7.2 Source Emission Reduction Best Management Practices.** Require the use of Best Management Practices (BMP) to minimize pollution and to reduce source emissions.

**NR 7.3 Incentives for Air Pollution Reduction.** Provide incentives to promote siting or to use clean air technologies and building materials (e.g., fuel cell technologies, renewable energy sources, UV coatings, hydrogen fuel).

**NR 8.1 Management of Construction Activities to Reduce Air Pollution.** Require developers to use and operate construction equipment, use building materials and paints, and control dust created by construction activities to minimize air pollutants.

### City of Newport Beach Municipal Code

**Chapter 15.19 Electric Vehicle Charging Stations.** Municipal Code Chapter 15.19 aims to encourage the use of electric vehicle charging stations by removing unreasonable barriers, minimizing costs to property owners and the City, and expanding the ability of property owners to install electric vehicle charging stations. Pursuant to Municipal Code Section 15.19.060, applications to install electric vehicle charging stations through issuance of a building permit or similar nondiscretionary permit will be administratively reviewed and approved by the Building Division.

## 5.2.3 ENVIRONMENTAL SETTING

### 5.2.3.1 Climate and Meteorology

The Project area is located within the South Coast Air Basin (Basin), which is under the jurisdiction of the SCAQMD. The Basin is a 6,600-square-mile coastal plain bounded by the Pacific Ocean to the southwest and the San Gabriel, San Bernardino, and San Jacinto Mountains to the north and east. The Basin includes the non-desert portions of Los Angeles, Riverside, and San Bernardino counties, and all of Orange County.

The ambient concentrations of air pollutants are determined by the amount of emissions released by sources and the atmosphere's ability to transport and dilute such emissions. Natural factors that affect transport and dilution include terrain, wind, atmospheric stability, and sunlight. Therefore, existing air quality conditions in the area are determined by such natural factors as topography, meteorology, and climate, in addition to the amount of emissions released by existing air pollutant sources.

Atmospheric conditions such as wind speed, wind direction, and air temperature gradients interact with the physical features of the landscape to determine the movement and dispersal of air pollutants. The topography and climate of southern California combine to make the Basin an area of high air pollution potential. The Basin is a coastal plain with connecting broad valleys and low hills, bounded by the Pacific Ocean to the west and San Bernardino mountains around the rest of the perimeter. The general region lies in the semi-permanent high-pressure zone of the eastern Pacific, resulting in a mild climate tempered by cool sea breezes with light average wind speeds. The usually mild climatological pattern is disrupted occasionally by periods of extremely hot weather, winter storms, or Santa Ana winds. During the summer months, a warm air mass frequently descends over the cool, moist marine layer produced by the interaction between the ocean's surface and the lowest layer of the atmosphere. The warm upper layer forms a cap over the cool marine layer and inhibits the pollutants in the marine layer from dispersing upward. In addition, light winds during the summer further limit ventilation. Furthermore, sunlight triggers the photochemical reactions which produce ozone.

### 5.2.3.2 Criteria Air Pollutants

The California Air Resources Board (CARB) and the United States Environmental Protection Agency (USEPA) currently focus on the following air pollutants as indicators of ambient air quality: ozone, Carbon monoxide (CO), Nitrogen dioxide (NO<sub>2</sub>), Sulfur dioxide (SO<sub>2</sub>), particulate matter 10 microns or less in diameter (PM<sub>10</sub>), particulate matter 2.5 microns or less in diameter (PM<sub>2.5</sub>), and lead. These pollutants are referred to as "criteria air pollutants" because they are the most prevalent air pollutants known to be injurious to human health. Extensive health-effects criteria documents regarding the effects of these pollutants on human health and welfare have been prepared over the years.<sup>1</sup> Standards have been established for each criteria pollutant to meet specific public health and welfare criteria set forth in the federal Clean Air Act (CAA). California has generally adopted more stringent ambient air quality standards for the criteria air pollutants (referred to as State Ambient Air Quality Standards, or State standards) and has adopted air quality standards for some pollutants for which there is no corresponding national standard, such as sulfates, hydrogen sulfide, vinyl chloride, and visibility-reducing particles.

#### Ozone

Ozone, the main component of photochemical smog, is primarily a summer and fall pollution problem. Ozone is not emitted directly into the air; but is formed through a complex series of chemical reactions involving other compounds that are directly emitted. These directly emitted pollutants (also known as ozone precursors) include reactive organic gases (ROGs) or volatile organic compounds (VOCs), and oxides of nitrogen (NO<sub>x</sub>). While both ROGs and VOCs refer to compounds of carbon, ROG is a term used by CARB and is based on a list of exempted carbon compounds determined by CARB. VOC is a term used by the USEPA and is based on its own exempt list. The time period required for ozone formation allows the reacting compounds to spread over a large area, producing regional pollution problems. Ozone concentrations are the cumulative result of regional development patterns rather than the result of a few significant emission sources.

Once ozone is formed, it remains in the atmosphere for one or two days. Ozone is then eliminated through reaction with chemicals on the leaves of plants, attachment to water droplets as they fall to earth ("rainout"), or absorption by water molecules in clouds that later fall to earth with rain ("washout").

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<sup>1</sup> Additional sources of information on the health effects of criteria pollutants can be found at CARB and USEPA's websites at <http://www.arb.ca.gov/research/health/health.htm> and <http://www.epa.gov/air/airpollutants.html>, respectively.

Short-term exposure to ozone can irritate the eyes and cause constriction of the airways. In addition to causing shortness of breath, ozone can aggravate existing respiratory diseases such as asthma, bronchitis, and emphysema.

### Carbon Monoxide

CO is a colorless, odorless gas produced by the incomplete combustion of carbon-containing fuels, such as gasoline or wood. CO concentrations tend to be the highest during the winter morning, when little to no wind and surface-based inversions trap the pollutant at ground levels. Because CO is emitted directly from internal combustion engines, unlike ozone, motor vehicles operating at slow speeds are the primary source of CO in the Basin. The highest ambient CO concentrations are generally found near congested transportation corridors and intersections.

### Nitrogen Dioxide

NO<sub>2</sub> is a reddish-brown gas that is a by-product of combustion processes. Automobiles and industrial operations are the main sources of NO<sub>2</sub>. Combustion devices emit primarily nitric oxide (NO), which reacts through oxidation in the atmosphere to form NO<sub>2</sub>. The combined emissions of NO and NO<sub>2</sub> are referred to as NO<sub>x</sub>, which are reported as equivalent NO<sub>2</sub>. Aside from its contribution to ozone formation, NO<sub>2</sub> can increase the risk of acute and chronic respiratory disease and reduce visibility. NO<sub>2</sub> may be visible as a coloring component of a brown cloud on high pollution days, especially in conjunction with high ozone levels.

### Sulfur Dioxide

SO<sub>2</sub> is a colorless, extremely irritating gas or liquid that enters the atmosphere as a pollutant mainly as a result of burning high sulfur-content fuel oils and coal, and from chemical processes occurring at chemical plants and refineries. When SO<sub>2</sub> oxidizes in the atmosphere, it forms sulfur trioxide (SO<sub>3</sub>). Collectively, these pollutants are referred to as sulfur oxides (SO<sub>x</sub>).

Major sources of SO<sub>2</sub> include power plants, large industrial facilities, diesel vehicles, and oil-burning residential heaters. Emissions of SO<sub>2</sub> aggravate lung diseases, especially bronchitis. This compound also constricts the breathing passages, especially in people with asthma and people involved in moderate to heavy exercise. SO<sub>2</sub> potentially causes wheezing, shortness of breath, and coughing. Long-term SO<sub>2</sub> exposure has been associated with increased risk of mortality from respiratory or cardiovascular disease.

### Particulate Matter

PM<sub>10</sub> and PM<sub>2.5</sub> consist of particulate matter that is 10 microns or less in diameter and 2.5 microns or less in diameter, respectively (a micron is one-millionth of a meter). PM<sub>10</sub> and PM<sub>2.5</sub> represent fractions of particulate matter that can be inhaled into the air passages and the lungs and can cause adverse health effects. Acute and chronic health effects associated with high particulate levels include the aggravation of chronic respiratory diseases, heart and lung disease, and coughing, bronchitis and respiratory illnesses in children. Particulate matter can also damage materials and reduce visibility. One common source of PM<sub>2.5</sub> is diesel exhaust emissions.

PM<sub>10</sub> consists of particulate matter emitted directly into the air (e.g., fugitive dust, soot, and smoke from mobile and stationary sources, construction operations, fires, and natural windblown dust) and particulate matter formed in the atmosphere by condensation and/or transformation of SO<sub>2</sub> and ROG. Traffic generates particulate matter emissions through entrainment of dust and dirt particles that settle onto roadways and parking lots. PM<sub>10</sub> and PM<sub>2.5</sub> are also emitted by burning wood in residential wood stoves and fireplaces and open agricultural burning. PM<sub>2.5</sub> can also be formed through secondary processes such as airborne reactions with certain pollutant precursors, including ROGs, ammonia (NH<sub>3</sub>), NO<sub>x</sub>, and SO<sub>x</sub>.

## Lead

Lead is a metal found naturally in the environment and present in some manufactured products. There are a variety of activities that can contribute to lead emissions, which are grouped into two general categories, stationary and mobile sources. On-road mobile sources include light-duty automobiles; light-, medium-, and heavy-duty trucks; and motorcycles.

Emissions of lead have dropped substantially over the past 40 years. The reduction before 1990 is largely due to the phase-out of lead as an anti-knock agent in gasoline for on-road automobiles. Substantial emission reductions have also been achieved due to enhanced controls in the metals processing industry. In the Basin, atmospheric lead is generated almost entirely by the combustion of leaded gasoline and contributes less than one percent of the material collected as total suspended particulates.

### 5.2.3.3 Toxic Air Contaminants

Concentrations of toxic air contaminants (TACs), or in federal parlance, hazardous air pollutants (HAPs), are also used as indicators of ambient air quality conditions. A TAC is defined as an air pollutant that may cause or contribute to an increase in mortality or in serious illness, or that may pose a hazard to human health. TACs are usually present in minute quantities in the ambient air; however, their high toxicity or health risk may pose a threat to public health even at low concentrations.

According to the California Almanac of Emissions and Air Quality, the majority of the estimated health risk from TACs can be attributed to relatively few compounds, the most important being particulate matter from diesel-fueled engines (DPM). DPM differs from other TACs in that it is not a single substance, but rather a complex mixture of hundreds of substances. Although DPM is emitted by diesel-fueled internal combustion engines, the composition of the emissions varies depending on engine type, operating conditions, fuel composition, lubricating oil, and whether an emission control system is present.

Unlike the other TACs, no ambient monitoring data is available for DPM because no routine measurement method currently exists. However, CARB has made preliminary concentration estimates based on a particulate matter exposure method. This method uses the CARB emissions inventory's PM<sub>10</sub> database, ambient PM<sub>10</sub> monitoring data, and the results from several studies to estimate concentrations of diesel PM. In addition to diesel PM, the TACs for which data are available that pose the greatest existing ambient risk in California are benzene, 1,3-butadiene, acetaldehyde, carbon tetrachloride, hexavalent chromium, para-dichlorobenzene, formaldehyde, methylene chloride, and perchloroethylene.

### 5.2.3.4 CO Hotspots

An adverse CO concentration, known as a "hot spot" is an exceedance of the State 1-hour standard of 20 ppm or the 8-hour standard of 9 ppm. It has long been recognized that CO hotspots are caused by vehicular emissions, primarily when idling at congested intersections. In response, vehicle emissions standards have become increasingly stringent in the last twenty years. Currently, the allowable CO emissions standard in California is a maximum of 3.4 grams/mile for passenger cars (there are requirements for certain vehicles that are more stringent). With the turnover of older vehicles, introduction of cleaner fuels, and implementation of increasingly sophisticated and efficient emissions control technologies, CO concentration in the SCAB is now designated as attainment, and CO concentrations in the Project vicinity have steadily declined (Appendix B).

### 5.2.3.5 Odorous Emissions

Odors are generally regarded as an annoyance rather than a health hazard. However, manifestations of a person's reaction to foul odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache). Offensive odors are unpleasant and can lead to public distress generating citizen complaints to local governments. Although unpleasant, offensive odors rarely cause physical harm. The occurrence and severity of odor impacts depend on the nature, frequency, and intensity of the source, wind speed, direction, and the sensitivity of receptors.

### 5.2.3.6 Existing Conditions

SCAQMD maintains monitoring stations within district boundaries, Source/Receptor Areas (SRAs), that monitor air quality and compliance with associated ambient standards. The Project site is located within the monitoring boundary of the North Coastal Orange County monitoring area (SRA 18). However, there are currently no monitoring stations within SRA 18. Therefore, the following is a list of data that was obtained from nearby monitoring stations:

- SRA 19 (Saddleback Valley located 11.74 miles east of the Project site):
  - O<sub>3</sub> (2021 and 2022)
  - CO (2021 and 2022)
  - PM<sub>10</sub> (2021 and 2022)
  - PM<sub>2.5</sub> (2021)
- SRA 17 (I-5 Near Road located 11.43 miles northwest of the Project site):
  - CO (2023)
  - NO<sub>2</sub> (2021 and 2022)
- SRA 17 (Central Orange County located 12.32 miles northwest of the Project site):
  - O<sub>3</sub> (2023)
  - NO<sub>2</sub> (2023)
  - PM<sub>10</sub> (2023)
  - PM<sub>2.5</sub> (2022 and 2023)

The most recent three years of data is shown in Table 5.2-2 and identifies the number of days ambient air quality standards were exceeded in the area. The federal PM<sub>10</sub> and PM<sub>2.5</sub> standards had no exceedances. The 1-hour ozone State standard was exceeded two times in 2021, one time in 2022, and zero times in 2023. The 8-hour ozone federal standard was eight times in 2021, six times in 2022, and two times in 2023. In addition, the CO, SO<sub>2</sub>, and NO<sub>2</sub> standards were not exceeded in this area during the 3-year period.

**Table 5.2-2: Air Quality Monitoring Summary 2021-2023**

Pollutant	Standard	Year		
		2021	2022	2023
O <sub>3</sub>				
Maximum Federal 1-Hour Concentration (ppm)		0.105	0.110	0.089
Maximum Federal 8-Hour Concentration (ppm)		0.081	0.088	0.076
Number of Days Exceeding State 1-Hour Standard	> 0.09 ppm	2	1	0
Number of Days Exceeding State/Federal 8-Hour Standard	> 0.070 ppm	8	6	2
CO				
Maximum Federal 1-Hour Concentration	> 35 ppm	1.0	1.2	2.4

Pollutant	Standard	Year		
		2021	2022	2023
Maximum Federal 8-Hour Concentration	> 20 ppm	0.8	1.0	1.9
NO <sub>2</sub>				
Maximum Federal 1-Hour Concentration	> 0.100 ppm	0.072	0.062	0.058
Annual Federal Standard Design Value		0.019	0.019	0.020
PM <sub>10</sub>				
Maximum Federal 24-Hour Concentration (µg/m <sup>3</sup> )	> 150 µg/m <sup>3</sup>	35	31	146
Annual Federal Arithmetic Mean (µg/m <sup>3</sup> )		15.6	15.3	24.0
Number of Days Exceeding Federal 24-Hour Standard	> 150 µg/m <sup>3</sup>	0	0	0
Number of Days Exceeding State 24-Hour Standard	> 50 µg/m <sup>3</sup>	0	0	0
PM <sub>2.5</sub>				
Maximum Federal 24-Hour Concentration (µg/m <sup>3</sup> )	> 35 µg/m <sup>3</sup>	28.7	33.1	33.2
Annual Federal Arithmetic Mean (µg/m <sup>3</sup> )	> 12 µg/m <sup>3</sup>	8.27	9.87	9.07
Number of Days Exceeding Federal 24-Hour Standard	> 35 µg/m <sup>3</sup>	0	0	0

ppm = parts per million, µg/m<sup>3</sup> = microgram per cubic meter, O<sub>3</sub> = ozone, CO = carbon monoxide, NO<sub>2</sub> = nitrogen dioxide, PM<sub>10</sub> = particulate matter 10 microns in diameter, PM<sub>2.5</sub> = particulate matter 2.5 microns in diameter  
Source: Air Quality Impact Analysis (Appendix B)

Both CARB and the USEPA use this type of monitoring data to designate areas according to their attainment status for criteria air pollutants. The purpose of these designations is to identify the areas with air quality problems and thereby initiate planning efforts for improvement. The three basic designation categories are nonattainment, attainment, and unclassified. Nonattainment is defined as any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the primary or secondary ambient air quality standard for the pollutant. Attainment is defined as any area that meets the primary or secondary ambient air quality standard for the pollutant. Unclassifiable is defined as any area that cannot be classified on the basis of available information as meeting or not meeting the primary or secondary ambient air quality standard for the pollutant. In addition, California designations include a subcategory of nonattainment-transitional, which is given to nonattainment areas that are progressing and nearing attainment. Table 5.2-3 shows the attainment status of criteria pollutants in the South Coast Air Basin.

**Table 5.2-3: Attainment Status of Criteria Pollutants in the Basin**

Criteria Pollutant	State Designation	Federal Designation
O <sub>3</sub> – 1-hour standard	Nonattainment	--
O <sub>3</sub> – 8-hour standard	Nonattainment	Nonattainment
PM <sub>10</sub>	Nonattainment	Attainment
PM <sub>2.5</sub>	Nonattainment	Nonattainment
CO	Attainment	Unclassifiable/Attainment
NO <sub>2</sub>	Attainment	Unclassifiable/Attainment
SO <sub>2</sub>	Attainment	Unclassifiable/Attainment
Pb <sup>2</sup>	Attainment	Unclassifiable/Attainment

O<sub>3</sub> = ozone, PM<sub>10</sub> = particulate matter 10 microns in diameter, PM<sub>2.5</sub> = particulate matter 2.5 microns in diameter, CO = carbon monoxide, NO<sub>2</sub> = nitrogen dioxide, SO<sub>2</sub> = sulfur dioxide, Pb<sub>2</sub> = lead  
Source: Air Quality Impact Analysis (Appendix B)

<sup>2</sup> The Federal nonattainment designation for lead is only applicable towards the Los Angeles County portion of the SCAB.

**Existing Project Site Emissions from Onsite Uses.** Emissions from the existing operations at the Project site are generated from operation of the existing a 38-bay driving range, the pro shop, restaurant that seats 233 people, parking lot, and three holes of the existing NB Golf Course (holes 1, 2, and 9). Air quality emissions are currently generated by the operation of these uses and the related vehicle trips. The estimated operation-source emissions from the existing commercial recreation uses on the Project site are provided in Table 5.2-4.

**Table 5.2-4: Existing Project Site Emissions**

Source	Emissions (lbs/day)					
	VOC	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
<b>Summer</b>						
Mobile Source	5.62	4.08	48.10	0.13	12.50	3.21
Area Source	0.66	0.00	0.00	0.00	0.00	0.00
Energy Source <sup>1</sup>	0.13	0.24	0.20	0.00	0.02	0.02
<b>Total Maximum Daily Emissions</b>	<b>6.41</b>	<b>4.32</b>	<b>48.30</b>	<b>0.13</b>	<b>12.52</b>	<b>3.23</b>
<b>Winter</b>						
Mobile Source	5.57	4.44	44.60	0.12	12.50	3.21
Area Source	0.66	0.00	0.00	0.00	0.00	0.00
Energy Source <sup>1</sup>	0.13	0.24	0.20	0.00	0.02	0.02
<b>Total Maximum Daily Emissions</b>	<b>6.36</b>	<b>4.68</b>	<b>44.80</b>	<b>0.12</b>	<b>12.52</b>	<b>3.23</b>

VOC = volatile organic compounds, NO<sub>x</sub> = nitrogen oxides, CO = carbon monoxide, SO<sub>x</sub> = sulfur oxides, PM<sub>10</sub> = particulate matter 10 microns in diameter, PM<sub>2.5</sub> = particulate matter 2.5 microns in diameter

<sup>1</sup>Energy Source emissions are based on estimated natural gas usage of 900,000 kBtu per year for the existing facility.

Source: Air Quality Impact Analysis (Appendix B)

### 5.2.3.7 Sensitive Land Uses and Localized Emissions

Land uses such as schools, children's daycare centers, hospitals, and convalescent homes are considered to be more sensitive to poor air quality than the general public because the population groups associated with these uses have increased susceptibility to respiratory distress. These locations typically include uses where an individual can remain for 24 hours. Consistent with the SCAQMD LST methodology, the nearest land use where an individual could remain for 24 hours to the Project site has been used to determine construction air quality impacts for emissions of PM<sub>10</sub> and PM<sub>2.5</sub>, since PM<sub>10</sub> and PM<sub>2.5</sub> thresholds are based on a 24-hour averaging time.

LSTs apply, even for non-sensitive land uses, because SCAQMD LST methodology states that "LSTs based on shorter averaging periods, such as the NO<sub>2</sub> and CO LSTs, could also be applied to receptors such as industrial or commercial facilities since it is reasonable to assume that a worker at these sites could be present for periods of one to eight hours." Therefore, any land use where an individual could remain for 1 or 8 hours, that is located at a closer distance to the Project site than the receptor used for PM<sub>10</sub> and PM<sub>2.5</sub> analysis, is considered to determine construction and operational LST air impacts for emissions of NO<sub>2</sub> and CO since these pollutants have an averaging time of 1 and 8 hours.

The closest receptors to the Project site are listed below and shown on Figure 5.2-1. All distances are measured from the Project site boundary to the outdoor living areas (e.g., backyards) or to the building façade, whichever is closer.

R1                      Location R1 represents a residence at 20352 Kline Drive, 399 feet northwest of the Project site. Receptor R1 is placed at the use area (backyard) facing the Project site.



R2	Location R2 represents a residence at 1691 Mesa Drive, 256 feet northwest of the Project site. Receptor R2 is placed at the use area (pool) facing the Project site.
R3	Location R3 represents a residence at 1691 Mesa Drive, 169 feet northwest of the Project site. Receptor R3 is placed at the building façade facing the Project site.
R4	Location R4 represents a residence at 2698 Riverside Drive, 502 feet west of the Project site. Receptor R4 is placed at the building façade facing the Project site.
R5	Location R5 represents a residence at 2916 Irvine Avenue, 284 feet southwest of the Project site. Receptor R5 is placed at the building façade facing the Project site.
R6	Location R6 represents a residence at 2139 Anniversary Lane, 673 feet south of the Project site. Receptor R6 is placed at the building façade facing the Project site.
R7	Location R7 represents a park at 2061 Mesa Drive, 797 feet southeast of the Project site. Receptor R7 is placed at the use area facing the Project site.
R8	Location R8 represents a residence at 20250 SW Acacia Street, 386 feet east of the Project site. Receptor R8 is placed at the building façade facing the Project site.
R9	Location R9 represents Newport Beach Fire Station #7 located at 20401 SW Acacia Street, located immediately adjacent to the east of the Project site, within 25 meters.
R10	Location R10 represents the Beauty Hut Face and Body Sculpting medical spa at 20321 SW Acacia Street Suite 150, located immediately adjacent to the east of the Project site, within 25 meters.
R11	Location R11 represents the Newport Montessori School located at 20221 SW Cypress Street, approximately 1,531 feet east of the Project site.
R12	Location R12 represents the Newport-Mesa Family YMCA located at 2300 University Drive, approximately 1,156 feet south of the Project site.
R13	Location R13 represents the Newport Beach International Montessori Academies located at 381 University Drive, approximately 1,246 feet southwest of the Project site.
R14	Location R14 represents the Bay Back Montessori School located at 398 University Drive, approximately 1,502 feet southwest of the Project site.



# Sensitive Receptor Locations



## LEGEND:



Site Boundary



Receptor Locations



Distance from receptor to Project site boundary (in feet)

Source: Urban Crossroads. 2025. Surf Farm Air Quality Impact Analysis.



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## 5.2.4 THRESHOLDS OF SIGNIFICANCE

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Appendix G of the CEQA Guidelines indicates that a Project could have a significant effect if it were to:

- AQ-1 Conflict with or obstruct implementation of the applicable air quality plan.
- AQ-2 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.
- AQ-3 Expose sensitive receptors to substantial pollutant concentrations.
- AQ-4 Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

### Regional Significance Thresholds

The SCAQMD's regional significance thresholds are listed in Table 5.2-5. The SCAQMD's CEQA air quality methodology provides that any projects that result in daily emissions that exceed any of these thresholds would have both an individually (project-level) and cumulatively significant air quality impact.

**Table 5.2-5: SCAQMD Regional Air Quality Thresholds**

Pollutant	Construction	Operations
NO <sub>x</sub>	100 lbs/day	55 lbs/day
VOC	75 lbs/day	55 lbs/day
PM <sub>10</sub>	150 lbs/day	150 lbs/day
PM <sub>2.5</sub>	55 lbs/day	55 lbs/day
SO <sub>x</sub>	150 lbs/day	150 lbs/day
CO	550 lbs/day	550 lbs/day
Pb	3 lbs/day	3 lbs/day

NO<sub>x</sub> = nitrogen oxides, VOC = volatile organic compounds, PM<sub>10</sub> = particulate matter 10 microns in diameter, PM<sub>2.5</sub> = particulate matter 2.5 microns in diameter, CO = carbon monoxide, SO<sub>x</sub> = sulfur oxides, CO = carbon monoxide, Pb = lead  
Source: Air Quality Impact Analysis, Appendix B.

### Local Significance Thresholds

SCAQMD has also developed localized significance thresholds (LSTs) that represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or State ambient air quality standards and thus would not cause or contribute to localized air quality impacts. LSTs are developed based on the ambient concentrations of that pollutant for each of the 38 source receptor areas (SRAs) in the Basin. The Project site is located within the North Coastal Orange County monitoring area (SRA 18).

The localized thresholds (listed in Table 5.2-6) are from the SCAQMD's CEQA Air Quality Significance Thresholds (March 2023) and are only applicable to the following criteria pollutants: NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>. These thresholds are for activities at 25 meters. SCAQMD LST methodology explicitly states that "It is possible that a project may have receptors closer than 25 meters. Projects with boundaries located closer than 25 meters (82 feet) to the nearest receptor should use the LSTs for receptors located at 25 meters (82 feet)." As such, for distances located less than 82 feet from the development sites, a 25-meter receptor distance is used.

**Table 5.2-6: SCAQMD Localized Air Quality Thresholds**

Pollutant	Construction	Operations
NO <sub>2</sub>	0.18 ppm	0.18 ppm
CO (1-hour average)	20 ppm	20 ppm
CO (8-hour average)	9 ppm	9 ppm
PM <sub>10</sub>	10.4 µg/m <sup>3</sup>	2.5 µg/m <sup>3</sup>
PM <sub>2.5</sub>	10.4 µg/m <sup>3</sup>	2.5 µg/m <sup>3</sup>

NO<sub>2</sub> = nitrogen dioxide, CO = carbon monoxide, PM<sub>10</sub> = particulate matter 10 microns in diameter, PM<sub>2.5</sub> = particulate matter 2.5 microns in diameter

Source: Air Quality Impact Analysis, Appendix B.

## 5.2.5 METHODOLOGY

This analysis focuses on the nature and magnitude of the change in the air quality environment due to implementation of the proposed Project, based on the maximum development assumptions that are outlined in Section 3.0, *Project Description*. Air pollutant emissions associated with the proposed Project would result from construction equipment usage and from construction-related traffic. Additionally, emissions would be generated from operations of the proposed surf lagoon, amenity clubhouse building, athlete accommodations, and from traffic generated by the Project employees, customers, and other visitors. The net increase in emissions generated by these activities and other secondary sources have been quantitatively estimated and compared to the applicable thresholds of significance recommended by SCAQMD.

In addition, in order to estimate localized pollutant concentrations resulting from Project construction, the SCAQMD-approved American Meteorological Society/EPA Regulatory Model (AERMOD) dispersion model was utilized. In order to model worst-case conditions, the highest daily peak onsite emissions resulting from overlapping construction activity were modeled.

### AQMP Consistency

SCAQMD's CEQA Handbook suggests an evaluation of the following two criteria to determine whether a project involving a legislative land use action (such as the proposed General Plan land use and zoning designation changes) would be consistent or in conflict with the AQMP:

1. The project would not generate population and employment growth that would be inconsistent with SCAG's growth forecasts.
2. The project would not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP.

Consistency Criterion No. 1 refers to the SCAG's growth forecast and associated assumptions included in the AQMP. The future air quality levels projected in the AQMP are based on SCAG's growth projections, which are based, in part, on the general plans of cities located within the SCAG region. Therefore, if the level of employment or housing related to a proposed Project is consistent with the applicable assumptions used in the development of the AQMP, the proposed Project would not jeopardize attainment of the air quality levels identified in the AQMP.

Consistency Criterion No. 2 refers to the California Ambient Air Quality Standards. An impact would occur if the emissions associated with the proposed Project would exceed SCAQMD's significance thresholds.

## Construction

Short-term construction-generated emissions of criteria air pollutants and ozone precursors from development of the proposed Project were assessed in accordance with methods recommended by SCAQMD. The proposed Project's regional emissions were modeled using the California Emissions Estimator Model (CalEEMod), as recommended by SCAQMD. CalEEMod was used to determine whether short-term construction-related emissions of criteria air pollutants would exceed applicable regional thresholds and where mitigation would be required. Modeling was based on Project-specific data and predicted short-term construction-generated emissions were compared with applicable SCAQMD regional thresholds for determination of significance.

In addition, to determine whether or not construction activities associated with development of the proposed Project would create significant adverse localized air quality impacts on nearby sensitive receptors, the worst-case daily emissions contribution from the proposed Project were compared to SCAQMD's LSTs that are based on the pounds of emissions per day that can be generated by a project without causing or contributing to adverse localized air quality impacts. The daily total onsite combustion, mobile, and fugitive dust emissions associated with construction were evaluated against SCAQMD's LSTs as appropriate for each activity.

## Operations

Long-term (i.e., operational) regional emissions of criteria air pollutants and precursors, including mobile- and area-source emissions from the proposed Project, were also quantified using the CalEEMod computer model. Area-source emissions were modeled according to the size and type of the land uses proposed. Mass mobile-source emissions were modeled based on the increase in daily vehicle trips that would result from the proposed Project. Trip generation rates were available from the transportation analysis prepared for the proposed Project (see Appendix R). Predicted long-term operational emissions were compared with applicable SCAQMD thresholds for determination of significance.

## 5.2.6 ENVIRONMENTAL IMPACTS

### **IMPACT AQ-1: THE PROJECT WOULD NOT CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF THE APPLICABLE AIR QUALITY PLAN.**

#### **Less than Significant Impact.**

The SCAQMD's 2022 AQMP, which was adopted on December 2, 2022, is the applicable air quality plan for the City of Newport Beach. Pursuant to SCAQMD Consistency Criterion No. 1, the SCAQMD AQMP is the applicable air quality plan for the proposed Project. Projects that are consistent with the regional population, housing, and employment forecasts identified by SCAG are considered to be consistent with the AQMP growth projections, since the forecast assumptions by SCAG forms the basis of the land use and transportation control portions of the AQMP. Additionally, because SCAG's regional growth forecasts are based upon, among other things, land uses designated in general plans, a project that is consistent with the land use designated in a general plan would also be consistent with the SCAG's regional forecast projections, and thus also with the AQMP growth projections.

The Project site has a City of Newport Beach General Plan land use designation of Parks and Recreation (PR). The General Plan states that the PR land use permits parks (both active and passive), golf courses, marina support facilities, aquatic facilities, tennis clubs and courts, private recreation, and similar facilities. Development on the site is currently limited by General Plan Anomaly No. 58 to 20,000 SF. Accessory uses and structures are permitted when customarily associated with and subordinate to a principal permitted use

on the same building site. The Project includes a General Plan Amendment to increase the development intensity for the site from the current development limit of 20,000 SF to approximately 59,773 SF (not including 18,137 SF of permitted accessory structures). However, as discussed below, the Project would result in a limited increase in onsite employment and would not exceed the AQMP's projections regarding population or employment.

In addition, the Project site is located within the Santa Ana Heights Specific Plan (SP-7), which provides zoning regulations for the site. The Santa Ana Heights Specific Plan designates the site as Open Space/Recreation (OS/R), that allows golf courses and outdoor commercial recreation and accessory uses and structures with a use permit. The proposed surf park and golf course support facilities (including parking, starter shack, golf cart storage, and golf cart paths) for the 15-hole golf course areas to the north and south of the proposed Project would implement outdoor commercial recreation and accessory uses as intended by the OS/R designation.

The Project site currently employs 47 full and part-time people at the golf course, pro-shop, and restaurant. The proposed Project would employ approximately 70 full-time and part-time employees with an average of approximately 55 employees onsite at any given time. The addition of 23 total employees from implementation of the proposed Project would not result in additional jobs in the area that would result in unplanned growth. Additionally, the 20 athlete accommodations would only be utilized for short time periods by visiting surfers and related guests, and the athlete accommodations would not result in population growth that is inconsistent with SCAG's projections.

In addition, the proposed Project would utilize existing infrastructure such as roadways, drainage, sewer, water, and other infrastructure, and would be consistent with the SCAG objective to "Encourage patterns of urban development and land use that reduce costs in infrastructure construction and make better use of existing facilities." As a result, the proposed Project would be consistent with SCAQMD Consistency Criterion No. 1.

Regarding Consistency Criterion No. 2, which evaluates the potential of the proposed Project to increase the frequency or severity of existing air quality violations; an impact would occur if the emissions associated with the proposed Project would exceed SCAQMD's regional significance thresholds. As detailed below in Impact AQ-2, construction and operation of the proposed Project would not exceed any of the SCAQMD threshold of significance. Therefore, the proposed Project would be consistent with Consistency Criterion No. 2.

Overall, the proposed Project would be consistent with both Criterion No. 1 and Criterion No. 2. Thus, impacts related to conflict with or obstruction of implementation of the applicable air quality plan would be less than significant.

**IMPACT AQ-2: THE PROJECT WOULD NOT 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.**

**Less than Significant Impact.**

### **Construction**

Construction activities associated with the Project would result in emissions of CO, VOC, NO<sub>x</sub>, SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. Pollutant emissions associated with construction would be generated from the following construction activities: (1) demolition, site preparation, grading, and excavation; (2) construction workers traveling to and from the Project site; (3) delivery and hauling of construction supplies to, and debris from, the Project site; (4) fuel combustion by onsite construction equipment; (5) building construction; application of

architectural coatings; and paving. These construction activities would temporarily create emissions of dust, fumes, equipment exhaust, and other air contaminants.

Construction of the proposed Project would involve the demolition of the existing golf course uses, including the 8,975 SF pro shop and restaurant building and the 2,664 SF driving range building and disposal of the debris in landfills and recycling facilities, which was estimated to occur over a 20-day period. In addition, construction of the Project would require 135,000 cubic yards of cut and 135,000 cubic yards of fill that would generate emissions from grading equipment over an estimated 50-day period, as detailed in Table 3-5, *Construction Schedule and Equipment*, in Section 3.0, *Project Description*.

Construction emissions are short-term and temporary and would vary depending on the types of construction activities occurring. The maximum daily construction emissions for the proposed Project were estimated using CalEEMod and the modeling includes compliance with SCAQMD Rules 403 and 1113 (described above) that would reduce air contaminants during construction. Table 5.2-7 provides the maximum daily emissions of criteria air pollutants from construction of the Project assuming that each piece of construction equipment would operate 8 hours per day, which is a conservative assumption that all equipment would be operating throughout the entire workday. As shown, the daily emissions resulting from Project construction would not exceed any of the SCAQMD thresholds. Thus, construction impacts would be less than significant.

**Table 5.2-7: Maximum Peak Daily Construction Emissions**

Year	Emissions (lbs/day)					
	VOC	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Summer						
2026	5.27	44.44	49.61	0.09	6.93	3.82
2027	14.02	19.39	28.36	0.05	1.38	0.82
Winter						
2026	1.34	11.82	15.86	0.03	0.84	0.50
2027	14.02	19.41	28.05	0.05	1.38	0.82
<b>Maximum Daily Emissions</b>	<b>14.02</b>	<b>44.44</b>	<b>49.61</b>	<b>0.09</b>	<b>6.93</b>	<b>3.82</b>
SCAQMD Regional Threshold	75	100	550	150	150	55
<b>Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

VOC = volatile organic compounds, NO<sub>x</sub> = nitrogen oxides, CO = carbon monoxide, SO<sub>x</sub> = sulfur oxides, PM<sub>10</sub> = particulate matter 10 microns in diameter, PM<sub>2.5</sub> = particulate matter 2.5 microns in diameter

Source: Air Quality Impact Analysis, Appendix B.

### Operation

Implementation of the proposed Project would result in long-term regional emissions of criteria air pollutants and ozone precursors associated with area sources, such as natural gas consumption, landscaping, applications of architectural coatings; consumer products from operation of the proposed amenity clubhouse, athlete accommodations, and the surf lagoon. Additionally, the Project would utilize four Lochinvar FBN6001 boilers for pool and spa heating, each rated at 6.0 million British thermal units (MMBtu), which would generate emissions. The Project also involves both the removal of existing trees and the addition of new trees, which changes carbon sequestration. Mature trees store substantial carbon, and their removal can lead to immediate emissions and reduced sequestration capacity. Conversely, while young trees initially sequester less carbon, they can contribute significantly over time as they grow. The carbon sequestration associated with the Project was also calculated by CalEEMod.

Operation of the proposed Project would include emissions from vehicles traveling to and from the surf park. As described in Section 5.14, *Transportation*, the proposed Project would generate 186 “net” new daily



trips, with 73 fewer trips in the a.m. peak hour and 10 fewer trips in the p.m. peak hour. As detailed in the air quality modeling completed for the Project (included as Appendix B), and summarized below in Table 5.2-8, Project operational activities would not exceed the numerical thresholds of significance established by the SCAQMD for emissions of any criteria pollutant. As such, operational impacts would be less than significant.

**Table 5.2-8: Maximum Peak Daily Operational Emissions**

Source	Emissions (lbs/day)					
	VOC	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
<b>Summer</b>						
Mobile Source	4.98	3.62	42.68	0.11	11.06	2.85
Area Source	2.52	0.03	3.46	0.00	0.01	0.00
Energy Source	0.18	3.27	2.74	0.02	0.25	0.25
Sequestration	-0.01	-0.04	0.00	-0.01	-0.03	-0.01
<b>Project Maximum Daily Emissions</b>	<b>7.67</b>	<b>6.88</b>	<b>48.88</b>	<b>0.12</b>	<b>11.29</b>	<b>3.09</b>
Holes to Remain	1.39	1.01	11.90	0.03	3.09	0.80
<b>Total Maximum Daily Emissions</b>	<b>9.06</b>	<b>7.89</b>	<b>60.78</b>	<b>0.15</b>	<b>14.38</b>	<b>3.89</b>
<i>Existing</i>	-6.41	-4.32	-48.30	-0.13	-12.52	-3.23
<b>Net New Total (Proposed – Existing)</b>	<b>2.65</b>	<b>3.57</b>	<b>12.48</b>	<b>0.02</b>	<b>1.86</b>	<b>0.66</b>
SCAQMD Regional Threshold	55	55	550	150	150	55
<b>Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
<b>Winter</b>						
Mobile Source	4.94	3.94	39.62	0.11	11.06	2.85
Area Source	1.95	0.00	0.00	0.00	0.00	0.00
Energy Source	0.18	3.27	2.74	0.02	0.25	0.25
Sequestration	-0.01	-0.04	0.00	-0.01	-0.03	-0.01
<b>Project Maximum Daily Emissions</b>	<b>7.06</b>	<b>7.17</b>	<b>42.36</b>	<b>0.12</b>	<b>11.28</b>	<b>3.09</b>
Holes to Remain	1.38	1.10	11.10	0.03	3.09	0.80
<b>Total Maximum Daily Emissions</b>	<b>8.44</b>	<b>8.27</b>	<b>53.46</b>	<b>0.15</b>	<b>14.37</b>	<b>3.89</b>
<i>Existing</i>	-6.36	-4.68	-44.80	-0.12	-12.52	-3.23
<b>Net New Total (Proposed – Existing)</b>	<b>2.08</b>	<b>3.59</b>	<b>8.66</b>	<b>0.03</b>	<b>1.85</b>	<b>0.66</b>
SCAQMD Regional Threshold	55	55	550	150	150	55
<b>Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

VOC = volatile organic compounds, NO<sub>x</sub> = nitrogen oxides, CO = carbon monoxide, SO<sub>x</sub> = sulfur oxides, PM<sub>10</sub> = particulate matter 10 microns in diameter, PM<sub>2.5</sub> = particulate matter 2.5 microns in diameter

Source: Air Quality Impact Analysis, Appendix B.

### **IMPACT AQ-3: THE PROJECT WOULD NOT EXPOSE SENSITIVE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS.**

#### **Less than Significant Impact.**

#### **Localized Emissions**

As described previously and shown in Figure 5.2-1, the existing air quality receptors are located adjacent to the Project site. Therefore, according to SCAQMD methodology, the LSTs for a receptor distance of 25

meters (82 feet) (the closest threshold) is used to evaluate LST emissions. The daily construction emissions generated onsite by the proposed Project are evaluated against SCAQMD's LSTs to determine whether the emissions would cause or contribute to adverse localized air quality impacts.

The LST construction emissions for the proposed Project were modeled including compliance with SCAQMD Rule 403 that would reduce PM air contaminants during construction. Additionally, the construction modeling assumes that each piece of construction equipment would operate 8 hours per day, which is a conservative assumption that all equipment would be operating throughout the entire workday.

Table 5.2-9 identifies the daily localized onsite emissions that are estimated to occur during construction of the Project at a distance of 25-meters per SCAQMD methodology. As shown, emissions during the peak construction activity would not exceed the SCAQMD's localized significance thresholds. Therefore, localized emissions impacts from construction would be less than significant.

**Table 5.2-9: Localized Emissions from Peak Construction Activity**

Peak Construction	CO		NO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
	Averaging Time				
	1-Hour	8-Hour	1-Hour	24-Hours	24-Hours
Peak Day Localized Emissions	0.03	0.01	1.68E-02	0.62	0.23
Background Concentration <sup>A</sup>	2.4	1.9	0.072		
<b>Total Concentration</b>	<b>2.43</b>	<b>1.91</b>	<b>0.09</b>	<b>0.62</b>	<b>0.23</b>
SCAQMD Localized Significance Threshold	20	9	0.18	10.4	10.4
<b>Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

CO = carbon monoxide, NO<sub>2</sub> = nitrogen dioxide, PM<sub>10</sub> = particulate matter 10 microns in diameter, PM<sub>2.5</sub> = particulate matter 2.5 microns in diameter.

<sup>A</sup> Highest concentration from the last three years of available data.

PM<sub>10</sub> and PM<sub>2.5</sub> concentrations are expressed in µg/m<sup>3</sup>. All others are expressed in ppm.

Source: Air Quality Impact Analysis, Appendix B.

### CO Hotspots

A CO hotspot is defined as a localized concentration of carbon monoxide exceeding the State 1-hour standard of 20 ppm or the 8-hour standard of 9 ppm. The Air Quality Impact Analysis for the Project (Appendix B) details that the information from the 2003 AQMP provides that even at one of the busiest intersections, only 0.7 ppm of CO is attributable to vehicular traffic and the remaining 7.7 ppm were due to ambient background conditions. As shown in Table 5.2-2, the background 1-hour and 8-hour concentrations are well below the applicable ambient air quality standards. In addition, Section 5.14, *Transportation*, details that the proposed Project would generate 73 fewer trips in the a.m. peak hour and 10 fewer trips in the p.m. peak hour than the existing condition, which would lower vehicular CO concentrations at intersections compared to the existing condition. Therefore, no impacts related to CO hotspots would occur with implementation of the Proposed Project.

### **IMPACT AQ-4: THE PROJECT WOULD NOT RESULT IN OTHER EMISSIONS (SUCH AS THOSE LEADING TO ODORS) ADVERSELY AFFECTING A SUBSTANTIAL NUMBER OF PEOPLE.**

#### **Less than Significant Impact.**

The proposed Project would not emit other emissions, such as those generating objectionable odors, that would affect a substantial number of people. The threshold for odor is identified by 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 result in other emissions, such as 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.

The proposed Project would remove the existing golf related facilities and buildings and develop the site with a new surf lagoon park with, retail, restaurant, and accommodations. These land uses do not involve the types of uses that would emit objectionable odors affecting a substantial number of people. In addition, odors generated by non-residential land uses are required to be in compliance with SCAQMD Rule 402, which would prevent nuisance odors.

During construction, emissions from construction equipment, architectural coatings, and paving activities may generate odors. However, these odors would be temporary, intermittent in nature, limited to the City's allowable construction hours, and would not affect a substantial number of people. Any odors would be confined to the immediate vicinity of the construction equipment. Also, the short-term construction-related odors would cease upon the drying or hardening of the odor-producing materials.

In addition, all Project-generated solid waste would be stored in covered containers and removed at regular intervals in compliance with solid waste regulations and would not generate objectionable odors. Therefore, impacts associated with other operation- and construction-generated emissions, such as odors, would be less than significant.

## 5.2.7 CUMULATIVE IMPACTS

The geographic area for analysis of cumulative air quality impacts is the Basin. As described previously, per SCAQMD's methodology, if an individual project would result in air emissions of criteria pollutants that exceeds the SCAQMD's thresholds for project-specific impacts, then it would also result in a cumulatively considerable net increase of these criteria pollutants.

As described previously in Impacts AQ-2 and AQ-3, construction and operation of the proposed Project would not exceed any of the SCAQMD thresholds of significance. Therefore, Project emissions would not be cumulatively considerable, and impacts would be less than significant.

## 5.2.8 EXISTING REGULATIONS AND PLANS, PROGRAMS, OR POLICIES

The following would reduce potential impacts related to air quality.

### Existing Regulations

- California Green Building Standards Code (Code of Regulations, Title 24 Part 11)
- SCAQMD Rule 401: Visible Emissions
- SCAQMD Rule 402: Nuisance Odors
- SCAQMD Rule 403: Fugitive Dust

- SCAQMD Rule 445: Wood Burning Devices
- SCAQMD Rule 481: Spray Coating
- SCAQMD Rule 1108: Volatile Organic Compounds
- SCAQMD Rule 1113: Architectural Coatings
- SCAQMD Rule 1143: Paint Thinners and Solvents
- Municipal Code Chapter 15.19, *Electric Vehicle Charging Stations*

### Plans, Programs, or Policies

None.

## 5.2.9 PROJECT DESIGN FEATURES

None.

## 5.2.10 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Impacts AQ-1 through AQ-4 would be less than significant.

## 5.2.11 MITIGATION MEASURES

No mitigation measures are required.

## 5.2.12 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Impacts would be less than significant.

## 5.2.13 REFERENCES

City of Newport Beach. (2001, January). *Santa Ana Heights Specific Plan*. Retrieved September 23, 2024, from [ocpublicworks.com](http://ocpublicworks.com).

City of Newport Beach. (2006a, July). *General Plan*. Retrieved September 23, 2024, from [newportbeachca.gov: https://www.newportbeachca.gov/government/departments/community-development/planning-division/general-plan-codes-and-regulations/general-plan](https://www.newportbeachca.gov/government/departments/community-development/planning-division/general-plan-codes-and-regulations/general-plan)

City of Newport Beach. (2006b, July). *General Plan Environmental Impact Report*. Retrieved September 23, 2024, from [newportbeachca.gov: https://www.newportbeachca.gov/government/departments/community-development/planning-division/general-plan-codes-and-regulations/general-plan/general-plan-environmental-impact-report](https://www.newportbeachca.gov/government/departments/community-development/planning-division/general-plan-codes-and-regulations/general-plan/general-plan-environmental-impact-report)

City of Newport Beach. (2024, May). *Newport Beach Municipal Code*. Retrieved September 23, 2024, from [codepublishing.com: https://www.codepublishing.com/CA/NewportBeach/](https://www.codepublishing.com/CA/NewportBeach/)

Urban Crossroads. (2025). *Surf Farm Air Quality Impact Analysis*. (**Appendix B**)

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## 5.3 Biological Resources

### 5.3.1 INTRODUCTION

This section describes the biological resources conditions in the Project region and potential impacts from Project implementation. The analysis in this section is based, in part, on the following documents and resources:

- *City of Newport Beach General Plan, 2006*
- *City of Newport Beach General Plan Environmental Impact Report (General Plan EIR), 2006*
- *City of Newport Beach Municipal Code*
- *Biological Technical Report for the Snug Harbor Project*, prepared by Glenn Lukos Associates, Inc., included as Appendix C

### 5.3.2 REGULATORY SETTING

#### 5.3.2.1 Federal Regulations

##### **Federal Endangered Species Act**

The Federal Endangered Species Act (FESA) of 1973 defines an endangered species as “any species which is in danger of extinction throughout all or a significant portion of its range.” A threatened species is defined as “any species which is likely to become an Endangered species within the foreseeable future throughout all or a significant portion of its range.” Under provisions of Section 9(a)(1)(B) of the FESA, unless properly permitted, it is unlawful to “take” any endangered or threatened listed species. “Take” is defined in Section 3(18) of FESA as: “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” Further, the United States Fish and Wildlife Service (USFWS), through regulation, has interpreted the terms “harm” and “harass” to include certain types of habitat modification as forms of “take.” These interpretations, however, are generally considered and applied on a case-by-case basis and often vary from species to species. In a case where a property owner seeks permission from a federal agency for an action which could affect a federally listed plant or animal species, the property owner and agency are required to consult with the USFWS pursuant to Section 7 of the FESA if there is a federal nexus, or consult with the USFWS and potentially obtain a permit pursuant to Section 10 of the FESA in the absence of a federal nexus. Section 9(a)(2)(b) of the FESA addresses the protections afforded to listed plants.

##### **Migratory Bird Treaty Act**

The Migratory Bird Treaty Act (MBTA) (United States Code Title 33, Section 703 et seq.; see also Code of Federal Regulations Title 50, Part 10) protects individuals as well as any part, nest, or eggs of any bird listed as migratory. In practice, federal permits issued for activities that potentially impact migratory birds typically have conditions that require pre-disturbance surveys for nesting birds. In the event nesting is observed, a buffer area with a specified radius must be established, within which no disturbance or intrusion is allowed until the young have fledged and left the nest, or it has been determined that the nest has failed. If not otherwise specified in the permit, the size of the buffer area varies with species and local circumstances (e.g., presence of busy roads, intervening topography, etc.), and is based on the professional judgment of a monitoring biologist. A list of migratory bird species protected under the MBTA is published by the USFWS.

### 5.3.2.2 State Regulations

#### California Endangered Species Act

Under the California Endangered Species Act (CESA) (Fish and Game Code § 2050 et seq.), California Species of Special Concern are species designated as vulnerable to extinction due to declining population levels, limited ranges, and/or continuing threats. Informally listed species are not protected per se but warrant consideration in the preparation of biological resource assessments. For some species, the CESA is only concerned with specific portions of the life history, such as roosts, rookeries, or nest areas. The California Department of Fish and Wildlife (CDFW) administers the CESA and enforces relevant statutes from the California Fish and Game Code and Title 14 of the California Code of Regulations.

#### California Rare Plant Ranks (CRPR)

The California Native Plant Society (CNPS) maintains a list of special-status plant species based on collected scientific information. Although the CNPS's designations have no legal status or protection under federal or state endangered species legislation (CNPS 2015), three designations meet the criteria of Section 15380 of the State CEQA Guidelines—CRPR 1A, plants presumed extinct; CRPR 1B, plants rare, threatened, or endangered in California and elsewhere; and CRPR 2, plants rare, threatened, or endangered in California, but more numerous elsewhere.

#### California Fish and Game Code, Sections 3503.5, 3511, 3515

Section 3503.5 of the California Fish and Game Code states that it is “unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.” Activities that result in the abandonment of an active bird of prey nest may also be considered in violation of this code. In addition, California Fish and Game Code, Section 3511 prohibits the taking of any bird listed as fully protected, and California Fish and Game Code, Section 3515 states that it is unlawful to take any non-game migratory bird protected under the MBTA.

#### Native Plant Protection Act of 1977

This act (Fish and Game Code § 1900 et seq.) directed the CDFW to “preserve, protect and enhance rare and endangered plants in this State.” It gave the California Fish and Game Commission the power to designate native plants as “endangered” or “rare” and protect endangered and rare plants from take. The CESA, which came later, entered all “rare” animals as “threatened” species, but not rare plants. Thus, there are three listings for plants in California: rare, threatened, and endangered. Because rare plants are not included in the CESA, mitigation measures for impacts to rare plants are specified in a formal agreement between the CDFW and the project proponent.

### 5.3.2.3 Local and Regional Regulations

#### Orange County Central/Coastal NCCP/HCP

The Project site is located within the Orange County Central/Coastal Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP). The NCCP permit was issued by the California Department of Fish and Wildlife (formerly the California Department of Fish and Game) in July 1996 and has a term of 75 years. The Implementation Agreement specifically authorizes disturbance of coastal sage scrub and take of covered species within the Central/Coastal NCCP Subregion. The NCCP Reserve System adaptive management program and other measures of the NCCP/HCP fully mitigate take of coastal sage scrub and

disturbance of covered habitats resulting from development projects in compliance with the Implementation Agreement. Direct, indirect, and cumulative impacts under CEQA and NEPA to the covered habitats and covered species, except for conditionally covered species, resulting from development within designated development areas owned by NCCP participating landowners are fully mitigated by the measures of the NCCP/HCP.

### City of Newport Beach General Plan 2006

The City of Newport Beach General Plan contains the following policies related to biological resources that are applicable to the Project:

- LU 1.3            Natural Resources.** Protect the natural setting that contributes to the character and identify of Newport Beach and the sense of place it provides for its residents and visitors. Preserve open space resources, beaches, harbor, parks, bluffs, preserves, and estuaries as visual, recreational and habitat resources.
- LU 3.7            Natural Resource and Hazardous Areas.** Require that new development is located and designed to protect areas with high natural resource value and protect residents and visitors from threats to life or property.
- NR 10.2          Orange County Natural Communities Conservation Plan.** Comply with the policies contained within the Orange County Natural Communities Conservation Plan.
- NR 10.3          Analysis of Environmental Study Areas.** Require a site-specific survey and analysis prepared by a qualified biologist as a filing requirement for any development permit applications where development would occur within or contiguous to areas identified as ESAs.
- NR 10.4          New Development Siting and Design.** Require that the siting and design of new development, including landscaping and public access, protect sensitive or rare resources against any significant disruption of habitat values.
- NR 10.5          Development in Areas Containing Significant or Rare Biological Resources.** Limit uses within an area containing any significant or rare biological resources to only those uses that are dependent on such resources, except where application of such a limitation would result in a taking of private property. If application of this policy would likely constitute a taking of private property, then a non-resource-dependent use shall be allowed on the property, provided development is limited to the minimum amount necessary to avoid a taking and the development is consistent with all other applicable resource protection policies. Public access improvements and educational, interpretative and research facilities are considered resource dependent uses.
- NR 10.6          Use of Buffers.** Maintain a buffer of sufficient size around significant or rare biological resources, if present, to ensure the protection of these resources. Require the use of native vegetation and prohibit invasive plant species within these buffer areas.
- NR 10.7          Exterior Lighting.** Shield and direct exterior lighting away from significant or rare biological resources to minimize impacts to wildlife.

### Newport Beach City Council Policy Manual

**Policy G-1: Retention, Removal, and Maintenance of City Trees.** This policy establishes standards for the retention, removal, maintenance, reforestation, tree trimming standards, and supplemental trimming of City



trees. The policy provides definitions of certain trees that should be protected and provisions for the removal of such trees.

### City of Newport Beach Municipal Code

**Chapter 7.26: Protection of Natural Habitat for Migratory and Other Waterfowl.** This Newport Beach Municipal Code chapter recognizes the important natural habitat within the Newport Bay for migratory waterfowl and other birds. The chapter further prohibits incubation of eggs produced by waterfowl and feeding of waterfowl.

**Chapter 13.08: Planting.** Municipal Code Chapter 13.08 strives to control the planting, maintenance, and removal of trees, shrubs, and plants in all public areas under the City's control. Trees may not be trimmed, cut down, damaged, removed, or destroyed from any public right-of-way, without prior written authorization from the City Manager.

**Chapter 21.30B: Habitat Protection.** This Newport Beach Municipal Code chapter sets forth requirements for site biological surveys for certain development projects, including those requiring a coastal development permit; those within 100 feet of an Environment Study Area (ESA) in the Coastal Land Use Plan; those with sites containing southern coastal foredune or southern dune scrub habitats; those containing or within 100 feet of a delineated wetland, designated Environmentally Sensitive Habitat Area (ESHA); ESHA buffer; or wetland buffer; or those containing or within 100 feet of a habitat area where there is substantial evidence of the presence of a wetland or ESHA. In addition, the chapter sets forth protection requirements for ESHAs, wetlands, and coastal dunes. The chapter sets forth required mitigation ratios for disturbance to multiple habitat types.

## 5.3.3 ENVIRONMENTAL SETTING

The Project site is currently developed with a driving range, putting green, pro shop and restaurant, service building, surface parking lot, and three holes of the existing NB Golf Course. Vegetation consists of ornamental turf, shrubs, and trees with no remnant native vegetation. The National Cooperative Soil Survey has mapped the following soils as occurring within the Project site: Myford sandy loam, 2 to 9 percent slopes; Myford sandy loam, 9 to 15 percent slopes; Myford sandy loam, thick surface, 0 to 2 percent slopes; and thapto-histic fluvaquents (Appendix C).

### 5.3.3.1 Vegetation Communities

Two different vegetation/land covers were identified within the Project site. As shown on Figure 5.3-1, the Project site contains approximately 6.04 acres of turf grass/ornamental landscaping. In addition, the Project site and offsite improvement areas contain approximately 9.48 acres of disturbed/developed area with 9.4 acres being onsite and 0.08-acre being offsite.

The golf course fairways and greens are primarily vegetated with manicured turn grasses including bermudagrass (*Cynodon dactylon*) and Saint Augustine grass (*Stenotaphrum secundatum*), along with other weedy non-native grasses and forbs including Dallis grass (*Paspalum dilatatum*) and bur clover (*Medicago polymorpha*). Ornamental trees occur throughout the area, including Aleppo pine (*Pinus halepensis*), lemon scented gum (*Eucalyptus citriodora*), shamel ash (*Fraxinus uhdei*), and whiteflower kurrajong (*Brachychiton populneum*). Along the northwestern property boundary adjacent to the Santa Ana Delhi Channel are a few disjunct patches of iceplant (*Carpobrotus edulis*) growing with Mexican fan palm (*Washingtonia robusta*). Other component species include yellow nutgrass (*Cyperus esculentus*), flax-leaved horseweed (*Erigeron bonariensis*), Canada horseweed (*Erigeron canadensis*), bristly ox-tongue (*Helminthotheca echinoides*), spiny sowthistle (*Sonchus asper*), common sowthistle (*Sonchus oleraceus*), cape honeysuckle (*Tecoma capensis*),

# Project Site Vegetation



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Virginia pepperweed (*Lepidium virginicum*), Australian saltbush (*Atriplex semibaccata*), alkali weed (*Cressa truxillensis*), Asian ponyfoot (*Dichondra micrantha*), rattlesnake sandmat (*Euphorbia albomarginata*), bird's foot trefoil (*Lotus corniculatus*), shoeblackplant (*Hibiscus rosa-sinensis*), cheeseweed mallow (*Malva parviflora*), common plantain (*Plantago major*), prostrate knotweed (*Polygonum aviculare*), curly dock (*Rumex crispus*), Italian cypress (*Cupressus sempervirens*), Canary Island pine (*Pinus canariensis*), red-box gum (*Eucalyptus polyanthemos*), and Japanese privet (*Ligustrum japonicum*).

The disturbed/developed areas contain a paved parking lot, a driving range with synthetic turf, other golf course structures and amenities including a pro shop and restaurant, and a graded slope vegetated with both ruderal and ornamental vegetation. Integrated planters within the parking lot contain olives (*Olea europaea*), Mexican fan palm, queen palm (*Syagrus romanzoffiana*), whiteflower kurrajong, lemon scented gum, blue gum (*Eucalyptus globulus*), and brush box (*Lophostemon confertus*). A graded slope on the northeastern edge of the Property supports both ruderal and ornamental vegetation, including Canary Island pine (*Pinus canariensis*), Aleppo pine, lemon scented gum, slender oat (*Avena barbata*), iceplant, prickly lettuce (*Lactuca serriola*), Mexican fan palm, carrotwood (*Cupaniopsis anacardioides*), and a single coast live oak (*Quercus agrifolia*). Other component species include sago palm (*Cycas revoluta*), pygmy date palm (*Phoenix roebelenii*), purple fountain grass (*Pennisetum setaceum* 'Rubrum'), plumeria (*Plumeria rubra*), spider plant (*Chlorophytum comosum*), Russian thistle, aeonium (*Aeonium* sp.), echeveria (*Echeveria* sp.), jade plant (*Crassula ovata*), elephant bush (*Portulacaria afra*), and Brazilian pepper tree (*Schinus terebinthifolia*) (Appendix C).

### 5.3.3.2 Special-Status Vegetation Communities

The California Natural Diversity Data Base (CNDDDB) identifies the following seven special-status vegetation communities for the Newport Beach, Seal Beach, Laguna Beach, Tustin, Orange, Anaheim, and Los Alamitos quadrangle maps: southern dune scrub, southern foredunes, valley needlegrass grassland, southern coastal salt marsh, southern sycamore alder riparian woodland, southern coast live oak riparian forest, and California walnut woodland. The Project site does not contain any special-status vegetation communities, including those identified by the CNDDDB (Appendix C).

### 5.3.3.3 Special-Status Plant Species

According to the CNDDDB and CNPS, 36 special-status plant species have been recorded in the Newport Beach, Seal Beach, Laguna Beach, Tustin, Orange, Anaheim, and Los Alamitos quadrangles. No special-status plant species were observed onsite during the field investigation conducted for the Biological Technical Report. The site has been subject to decades of anthropogenic disturbances, which has removed native plant communities that have historically occurred. Based on the habitat requirements for the specific species with potential to exist in the quadrangles and the quality of the onsite habitat, the Biological Technical Report determined that the Project site and offsite improvement areas do not have potential to support any of the special-status plant species known to occur in the vicinity of the site and all are presumed to be absent, as shown in Table 5.3-1.

**Table 5.3-1: Special-Status Plant Species Probability List**

Species Name	Status	Habitat	Potential to Occur
Allen's pentachaeta <i>Pentachaeta aurea</i> ssp. <i>allenii</i>	Federal: None State: None CRPR: Rank 1B.1 NCCP/HCP: Not covered	Openings in coastal sage scrub, and valley and foothill grasslands	Does not occur
Aphanisma <i>Aphanisma blitoides</i>	Federal: None State: None	Sandy soils in coastal bluff scrub, coastal	Does not occur

Species Name	Status	Habitat	Potential to Occur
	CRPR: Rank 1B.2 NCCP/HCP: Not covered	dunes, and coastal scrub.	
Big-leaved crownbeard <i>Verbesina dissita</i>	Federal: FT State: ST CRPR: Rank 1B.1 NCCP/HCP: Not covered	Southern maritime chaparral, coastal sage scrub	Does not occur
Brand's star phacelia <i>Phacelia stellaris</i>	Federal: None State: None CRPR: Rank 1B.1 NCCP/HCP: Not covered	Coastal dunes and coastal sage scrub.	Does not occur
California Orcutt grass <i>Orcuttia californica</i>	Federal: FE State: SE CRPR: Rank 1B.1 NCCP/HCP: Not covered	Vernal pools	Does not occur
Chaparral ragwort <i>Senecio aphanactis</i>	Federal: None State: None CRPR: Rank 2B.2 NCCP/HCP: Not covered	Chaparral, cismontane woodland, coastal scrub. Sometimes associated with alkaline soils.	Does not occur
Chaparral sand-verbena <i>Abronia villosa</i> var. <i>aurita</i>	Federal: None State: None CRPR: Rank 1B.1 NCCP/HCP: Not covered	Sandy soils in chaparral, coastal sage scrub.	Does not occur
Cliff spurge <i>Euphorbia misera</i>	Federal: None State: None CRPR: Rank 2B.2 NCCP/HCP: Covered	Coastal bluff scrub and coastal sage scrub. Occurring on rocky soils.	Does not occur
Coast woolly-heads <i>Nemacaulis denudata</i> var. <i>denudata</i>	Federal: None State: None CRPR: Rank 1B.2 NCCP/HCP: Not covered	Coastal dunes	Does not occur
Coulter's goldfields <i>Lasthenia glabrata</i> ssp. <i>coulteri</i>	Federal: None State: None CRPR: Rank 1B.1 NCCP/HCP: Not covered	Playas, vernal pools, marshes and swamps (coastal salt).	Does not occur
Coulter's saltbush <i>Atriplex coulteri</i>	Federal: None State: None CRPR: Rank 1B.2 NCCP/HCP: Not covered	Coastal bluff scrub, coastal dunes, coastal sage scrub, valley and foothill grassland. Occurring on alkaline or clay soils.	Does not occur
Davidson's saltscale <i>Atriplex serenana</i> var. <i>davidsonii</i>	Federal: None State: None CRPR: Rank 1B.2 NCCP/HCP: Not covered	Alkaline soils in coastal sage scrub, coastal bluff scrub.	Does not occur
Decumbent goldenbush <i>Isocoma menziesii</i> var. <i>decumbens</i>	Federal: None State: None CRPR: Rank 1B.2 NCCP/HCP: Not covered	Chaparral, coastal scrub (sandy, often in disturbed areas)	Does not occur
Estuary seablite <i>Suaeda esteroa</i>	Federal: None State: None CRPR: Rank 1B.2 NCCP/HCP: Not covered	Coastal salt marsh and swamps. Occurring in sandy soils	Does not occur
Intermediate mariposa-lily <i>Calochortus weedii</i> var. <i>intermedius</i>	Federal: None State: None CRPR: Rank 1B.2	Rocky soils in chaparral, coastal sage scrub,	Does not occur



Species Name	Status	Habitat	Potential to Occur
	NCCP/HCP: Covered	valley and foothill grassland.	
Laguna Beach dudleya <i>Dudleya stolonifera</i>	Federal: FT State: ST CRPR: Rank 1B.1 NCCP/HCP: Covered	Chaparral, cismontane woodland, coastal sage scrub, valley and foothill grassland. Occurring on rocky soils.	Does not occur
Los Angeles sunflower <i>Helianthus nuttallii</i> ssp. <i>parishii</i>	Federal: None State: None CRPR: Rank 1A NCCP/HCP: Not covered	Marshes and swamps (coastal salt and freshwater).	Does not occur
Lucky morning-glory <i>Calystegia felix</i>	Federal: None State: None CRPR: Rank 1B.1 NCCP/HCP: Not covered	Historically associated with wetland and marshy places, but possibly in drier situations as well. Possibly silty loam and alkaline soils. Meadows and seeps (sometimes alkaline), riparian scrub (alluvial).	Does not occur
Many-stemmed dudleya <i>Dudleya multicaulis</i>	Federal: None State: None CRPR: Rank 1B.2 NCCP/HCP: Not covered	Chaparral, coastal sage scrub, valley and foothill grassland. Often occurring in clay soils.	Does not occur
Mesa horkelia <i>Horkelia cuneata</i> var. <i>puberula</i>	Federal: None State: None CRPR: Rank 1B.1 NCCP/HCP: Not covered	Sandy or gravelly soils in chaparral (maritime), cismontane woodland, and coastal scrub.	Does not occur
Mud nama <i>Nama stenocarpum</i>	Federal: None State: None CRPR: Rank 2B.2 NCCP/HCP: Not covered	Marshes and swamps	Does not occur
Nuttall's scrub oak <i>Quercus dumosa</i>	Federal: None State: None CRPR: Rank 1B.1 NCCP/HCP: Covered	Closed-cone coniferous forest, chaparral, and coastal sage scrub. Occurring on sandy, clay loam soils.	Does not occur
Orcutt's pincushion <i>Chaenactis glabriuscula</i> var. <i>orcuttiana</i>	Federal: None State: None CRPR: Rank 1B.1 NCCP/HCP: Not covered	Coastal bluff scrub (sandy soils) and coastal dunes.	Does not occur
Parish's brittlescale <i>Atriplex parishii</i>	Federal: None State: None CRPR: Rank 1B.1 NCCP/HCP: Not covered	Chenopod scrub, playas, vernal pools.	Does not occur
Prostrate vernal pool <i>navarretia Navarretia prostrata</i>	Federal: None State: None CRPR: Rank 1B.2 NCCP/HCP: Not covered	Coastal sage scrub, valley and foothill grassland (alkaline), vernal pools. Occurring in mesic soils.	Does not occur

Species Name	Status	Habitat	Potential to Occur
Robinson's pepper grass <i>Lepidium virginicum</i> var. <i>robinsonii</i>	Federal: None State: None CRPR: Rank 4.3 NCCP/HCP: Not covered	Chaparral, coastal sage scrub	Does not occur
Salt marsh bird's-beak <i>Chloropyron maritimum</i> ssp. <i>maritimum</i>	Federal: FE State: SE CRPR: Rank 1B.2 NCCP/HCP: Not covered	Coastal dune, coastal salt marshes and swamps.	Does not occur
Salt Spring checkerbloom <i>Sidalcea neomexicana</i>	Federal: None State: None CRPR: Rank 2B.2 NCCP/HCP: Not covered	Mesic, alkaline soils in chaparral, coastal sage scrub, lower montane coniferous forest, Mojavean desert scrub, and playas.	Does not occur
San Bernardino aster <i>Symphotrichum defoliatum</i>	Federal: None State: None CRPR: Rank 1B.2 NCCP/HCP: Not covered	Cismontane woodland, coastal scrub, lower montane coniferous forest, meadows and seeps, marshes and swamps, valley and foothill grassland (vernally mesic).	Does not occur
San Diego button-celery <i>Eryngium aristulatum</i> var. <i>parishii</i>	Federal: FE State: SE CRPR: Rank 1B.1 NCCP/HCP: Not covered	Mesic soils in vernal pools, valley and foothill grasslands, coastal sage scrub.	Does not occur
Sanford's arrowhead <i>Sagittaria sanfordii</i>	Federal: None State: None CRPR: Rank 1B.2 NCCP/HCP: Not covered	Marshes and swamps (assorted shallow freshwater).	Does not occur
Santa Ana River woolly star <i>Eriastrum densifolium</i> ssp. <i>sanctorum</i>	Federal: FE State: SE CRPR: Rank 1B.1 NCCP/HCP: Not covered	Alluvial fan sage scrub, chaparral. Occurring on sandy or rocky soils.	Does not occur
South coast saltscale <i>Atriplex pacifica</i>	Federal: None State: None CRPR: Rank 1B.2 NCCP/HCP: Not covered	Coastal bluff scrub, coastal dunes, coastal sage scrub, playas.	Does not occur
Southern tarplant <i>Centromadia parryi</i> ssp. <i>australis</i>	Federal: None State: None CRPR: Rank 1B.1 NCCP/HCP: Not covered	Disturbed habitats, margins of marshes and swamps, vernal mesic valley and foothill grassland, vernal pools.	Does not occur
Summer holly <i>Comarostaphylis diversifolia</i> ssp. <i>diversifolia</i>	Federal: None State: None CRPR: Rank 1B.2 NCCP/HCP: Not covered	Chaparral.	Does not occur
Ventura Marsh milk-vetch <i>Astragalus pycnostachyus</i> var. <i>lanosissimus</i>	Federal: FE State: SE CRPR: Rank 1B.1 NCCP/HCP: Not covered	Coastal dunes, coastal scrub, marshes and swamps (edges, coastal salt or brackish)	Does not occur

Source: Appendix C

### 5.3.3.4 Special-Status Wildlife Species

According to the CNDDDB, 50 special-status wildlife species have been recorded in the Newport Beach, Seal Beach, Laguna Beach, Tustin, Orange, Anaheim, and Los Alamitos quadrangles. No special-status animal species were observed onsite during the field investigation conducted for the Biological Technical Report. While not observed onsite during the general biological survey, great blue heron individuals may occasionally occur onsite as a transient species but is not expected to occur onsite in a nesting colony due to lack of suitable nesting trees and frequent human disturbance. Based on the focused surveys conducted within the Project site, no overwintering monarch butterflies were detected in or around ornamental eucalyptus or pine trees onsite. Further, the trees onsite occur individually and are not clustered in groves or exhibit the microclimate typical for overwintering uses. As such, the Biological Technical Report concluded that overwintering monarch butterflies are confirmed absent (Appendix C).

According to the Biological Technical Report, the western yellow bat has a low potential to roost in ornamental trees, including palms, on the Project site; and the Big free-tailed bat is rare in southern California – the only recorded Orange County occurrence in the CNDDDB is from Corona del Mar in 1985, and if it occurred, it would likely be a flyover/foraging and not roosting, as it typically roosts on cliffs. Further, the Project site provides suitable foraging, breeding, and roosting habitat for a number of raptor species. No raptor species were detected over the course of field studies; however, common, urban adapted species may occasionally occur. The Project site lacks potential nesting habitat (e.g., mature trees, shrubs) for special-status raptor species but is expected to provide marginal foraging habitat for common raptors that support prey species such as insects, spiders, lizards, snakes, small mammals, and other birds.

The site has been subject to decades of anthropogenic disturbances, which has removed native habitat for sensitive wildlife species. Based on the habitat requirements for the specific species with potential to exist in the quadrangles and the quality of the onsite habitat, the Biological Technical Report (Appendix C) determined that the Project site and offsite improvement areas do not have potential to support any of the other special-status wildlife species known to occur in the vicinity of the site and all are presumed to be absent, as shown in Table 5.3-2.

**Table 5.3-2: Special-Status Wildlife Species Probability List**

Species Name	Status	Habitat	Potential to Occur
<b>Invertebrates</b>			
American bumble bee <i>Bombus pensylvanicus</i>	Federal: None State: None State Rank: S2 NCCP/HCP: Not covered	Coastal prairie, great basin grassland, and valley & foothill grassland. Forages on a wide variety of flowers including vetches ( <i>Vicia</i> ), clovers ( <i>Trifolium</i> ), thistles ( <i>Cirsium</i> ), sunflowers ( <i>Helianthus</i> ), etc. Nests above ground under long grass or underground. Queens overwinter in rotten wood or underground.	Does not occur
Crotch's bumble bee <i>Bombus crotchii</i>	Federal: None State: SCE State Rank: S2 NCCP/HCP: Not covered	Relatively warm and dry sites, including the inner Coast Range of	Not expected to occur



Species Name	Status	Habitat	Potential to Occur
		California and margins of the Mojave Desert.	
Dorothy's El Segundo Dune weevil <i>Trigonoscuta dorothea dorothea</i>	Federal: None State: None State Rank: S1 NCCP/HCP: Not covered	Sand dunes in El Segundo, CA.	Does not occur
Globose dune beetle <i>Coelus globosus</i>	Federal: None State: None State Rank: S1S2 NCCP/HCP: Not covered	Burrows under vegetation in coastal sand dunes	Does not occur
Mimic tryonia (California brackishwater snail) <i>Tryonia imitator</i>	Federal: None State: None State Rank: S2 NCCP/HCP: Not covered	Coastal areas with brackish waters.	Does not occur
Monarch butterfly (California overwintering population) <i>Danaus plexippus pop. 1</i>	Federal: FPT State: None State Rank: S2 NCCP/HCP: Not covered	Roosts in winter in wind-protected tree groves along the California coast from northern Mendocino to Baja California, Mexico.	Overwintering population confirmed absent
Riverside fairy shrimp <i>Streptocephalus woottoni</i>	Federal: FE State: None State Rank: S2 NCCP/HCP: Not covered	Restricted to deep seasonal vernal pools, vernal pool-like ephemeral ponds, and stock ponds.	Does not occur
San Diego fairy shrimp <i>Branchinecta sandiegonensis</i>	Federal: FE State: None State Rank: S1 NCCP/HCP: Not covered	Seasonal vernal pools	Does not occur
San Gabriel chestnut <i>Glyptostoma gabrielense</i>	Federal: None State: None State Rank: S3 NCCP/HCP: Not covered	Semi-arid areas, most often under rocks, debris, logs or cactus in low elevation hills	Does not occur
Wandering (=saltmarsh) skipper <i>Panoquina errans</i>	Federal: None State: None State Rank: S2 NCCP/HCP: Not covered	Ocean bluffs and other open areas near the ocean.	Does not occur
Western beach tiger beetle <i>Cicindela latesignata latesignata</i>	Federal: None State: None State Rank: S1 NCCP/HCP: Not covered	Forages in open unvegetated areas such as marsh plains and levees. Larvae burrow in moist unvegetated substrates.	Does not occur
Western tidal-flat tiger beetle <i>Habroscelimorpha gabbii</i>	Federal: None State: None State Rank: S1 NCCP/HCP: Not covered	Open, unvegetated areas in or near salt marshes.	Does not occur
<b>Fish</b>			
Santa Ana sucker <i>Catostomus santaanae</i>	Federal: FT State: None State Rank: S1 NCCP/HCP: Not covered	Small, shallow streams, less than 7 meters in width, with currents ranging from swift in the canyons to sluggish in the bottom lands.	Does not occur

Species Name	Status	Habitat	Potential to Occur
		Preferred substrates are generally coarse and consist of gravel, rubble, and boulders with growths of filamentous algae, but occasionally they are found on sand/mud substrates.	
Southern steelhead - southern California DPS <i>Oncorhynchus mykiss irideus</i> pop. 10	Federal: FE State: CE State Rank: S1 NCCP/HCP: Not covered	Clear, swift moving streams with gravel for spawning. Federal listing refers to populations from Santa Maria river south to southern extent of range (San Mateo Creek in San Diego county.)	Does not occur
Tidewater goby <i>Eucyclogobius newberryi</i>	Federal: FE State: SSC State Rank: S3 NCCP/HCP: Not covered	Occurs in shallow lagoons and lower stream reaches along the California coast from Agua Hedionda Lagoon, San Diego Co. to the mouth of the Smith River.	Does not occur
<b>Amphibians</b>			
Western spadefoot <i>Spea hammondi</i>	Federal: FPT State: SSC State Rank: S3S4 NCCP/HCP: Covered	Seasonal pools in coastal sage scrub, chaparral, and grassland habitats.	Does not occur
<b>Reptiles</b>			
Coast horned lizard <i>Phrynosoma blainvillii</i>	Federal: None State: SSC State Rank: S4 NCCP/HCP: Covered	Occurs in a variety of vegetation types including coastal sage scrub, chaparral, annual grassland, oak woodland, and riparian woodlands.	Does not occur
Green sea turtle <i>Chelonia mydas</i>	Federal: FT State: None State Rank: S1 NCCP/HCP: Not covered	Inhabits the shallow waters of lagoons, bays, estuaries, mangroves, eelgrass and seaweed beds. Prefers areas with abundant aquatic vegetation, such as pastures of sea grasses and algae, in shallow, protected water.	Does not occur
Orange-throated whiptail <i>Aspidoscelis hyperythra</i>	Federal: None State: None State Rank: S2S3	Coastal sage scrub, chaparral, non-native grassland, oak	Does not occur

Species Name	Status	Habitat	Potential to Occur
	NCCP/HCP: Covered	woodland, and juniper woodland.	
Red-diamond rattlesnake <i>Crotalus ruber</i>	Federal: None State: SSC State Rank: S3 NCCP/HCP: Covered	Habitats with heavy brush and rock outcrops, including coastal sage scrub and chaparral.	Does not occur
Southern California legless lizard <i>Anniella stebbinsi</i>	Federal: None State: SSC State Rank: S3 NCCP/HCP: Not covered	Broadleaved upland forest, chaparral, coastal dunes, coastal scrub; found in a broader range of habitats than any of the other species in the genus. Often locally abundant, specimens are found in coastal sand dunes and a variety of interior habitats, including sandy washes and alluvial fans	Does not occur
Southwestern pond turtle <i>Actinemys pallida</i>	Federal: FPT State: SSC State Rank: S3 NCCP/HCP: Not covered	Slow-moving permanent or intermittent streams, small ponds and lakes, reservoirs, abandoned gravel pits, permanent and ephemeral shallow wetlands, stock ponds, and treatment lagoons. Abundant basking sites and cover necessary, including logs, rocks, submerged vegetation, and undercut banks.	Does not occur
<b>Birds</b>			
American peregrine falcon (nesting) <i>Falco peregrinus anatum</i>	Federal: Delisted State: Delisted State Rank: S3S4 NCCP/HCP: Covered	Breeding habitat consists of high cliffs, tall buildings, and bridges along the coast and inland. Foraging habitat primarily includes open areas near wetlands, marshes, and adjacent urban landscapes.	Not expected to occur
Belding's savannah sparrow <i>Passerculus sandwichensis beldingi</i>	Federal: None State: SE State Rank: S3 NCCP/HCP: Not covered	Coastal Marshes	Does not occur
Black skimmer (nesting colony) <i>Rynchops niger</i>	Federal: None State: SSC State Rank: S2 NCCP/HCP: Not covered	Open sandy beaches, gravel or shell bars with sparse vegetation, mats of sea wrack (tide-	Does not occur

Species Name	Status	Habitat	Potential to Occur
		stranded debris) in saltmarsh.	
Burrowing owl (burrow sites & some wintering sites) <i>Athene cunicularia</i>	Federal: None State: SC, SSC State Rank: S2 NCCP/HCP: Not covered	Shortgrass prairies, grasslands, lowland scrub, agricultural lands (particularly rangelands), coastal dunes, desert floors, and some artificial, open areas as a year-long resident. Occupies abandoned ground squirrel burrows as well as artificial structures such as culverts and underpasses.	Does not occur
California black rail <i>Laterallus jamaicensis coturniculus</i>	Federal: None State: ST, FP State Rank: S2 NCCP/HCP: Not covered	Nests in high portions of salt marshes, shallow freshwater marshes, wet meadows, and flooded grassy vegetation.	Does not occur
California least tern (nesting colony) <i>Sterna antillarum browni</i>	Federal: FE State: SE, FP State Rank: S2 NCCP/HCP: Not covered	Flat, vegetated substrates near the coast. Occurs near estuaries, bays, or harbors where fish is abundant.	Does not occur
Coastal cactus wren (San Diego & Orange County only) <i>Campylorhynchus brunneicapillus sandiegensis</i>	Federal: None State: SSC State Rank: S2 NCCP/HCP: Covered	Occurs almost exclusively in cactus (cholla and prickly pear) dominated coastal sage scrub.	Does not occur
Coastal California gnatcatcher <i>Polioptila californica californica</i>	Federal: FT State: SSC State Rank: S2 NCCP/HCP: Covered	Low elevation coastal sage scrub and coastal bluff scrub.	Does not occur
Grasshopper sparrow (nesting) <i>Ammodramus savannarum</i>	Federal: None State: SSC State Rank: S3 NCCP/HCP: Not covered	Open grassland and prairies with patches of bare ground.	Does not occur
Great blue heron (nesting colony) <i>Ardea herodias</i>	Federal: None State: None State Rank: S4 NCCP/HCP: Not covered	Saltwater and freshwater habitats, from open coasts, marshes, sloughs, riverbanks, and lakes to backyards. Forages in grasslands and agricultural fields. Nests in trees or high places.	Does not occur in a nesting colony
Least Bell's vireo (nesting) <i>Vireo bellii pusillus</i>	Federal: FE State: SE State Rank: S3 NCCP/HCP: Covered	Dense riparian habitats with a stratified canopy, including southern willow scrub, mule fat scrub, and riparian forest.	Does not occur

Species Name	Status	Habitat	Potential to Occur
Light-footed Ridgway's rail <i>Rallus obsoletus levipes</i>	Federal: FE State: SE, FP State Rank: S1 NCCP/HCP: Not covered	Cordgrass-pickleweed salt marsh.	Does not occur
Swainson's hawk (nesting) <i>Buteo swainsoni</i>	Federal: None State: ST State Rank: S4 NCCP/HCP: Not covered	Summer in wide open spaces of the American West. Nest in grasslands, but can use sage flats and agricultural lands. Nests are placed in lone trees.	Does not occur
Tricolored blackbird (nesting colony) <i>Agelaius tricolor</i>	Federal: None State: ST, SSC State Rank: S2 NCCP/HCP: Not covered	Breeding colonies require nearby water, a suitable nesting substrate, and open-range foraging habitat of natural grassland, woodland, or agricultural cropland.	Does not occur
Western snowy plover (nesting) <i>Charadrius alexandrinus nivosus</i>	Federal: FT State: SSC State Rank: S3 NCCP/HCP: Not covered	Sandy or gravelly beaches along the coast, estuarine salt ponds, alkali lakes, and at the Salton Sea.	Does not occur
White-tailed kite (nesting) <i>Elanus leucurus</i>	Federal: None State: FP State Rank: S3S4 NCCP/HCP: Not covered	Low elevation open grasslands, savannah-like habitats, agricultural areas, wetlands, and oak woodlands. Dense canopies used for nesting and cover.	Does not occur
Yellow rail <i>Coturnicops noveboracensis</i>	Federal: None State: SSC State Rank: S2 NCCP/HCP: Not covered	Shallow marshes, and wet meadows; in winter, drier freshwater and brackish marshes, as well as dense, deep grass, and rice fields.	Does not occur
Yellow warbler (nesting) <i>Setophaga petechia</i>	Federal: None State: SSC State Rank: S3 NCCP/HCP: Not covered	Breed in lowland and foothill riparian woodlands dominated by cottonwoods, alders, or willows and other small trees and shrubs typical of low, open-canopy riparian woodland. During migration, forages in woodland, forest, and shrub habitats.	Does not occur
Yellow-breasted chat (nesting) <i>Icteria virens</i>	Federal: None State: SSC State Rank: S4 NCCP/HCP: Not covered	Dense, relatively wide riparian woodlands and thickets of willows, vine tangles, and dense	Does not occur

Species Name	Status	Habitat	Potential to Occur
		brush with well-developed understories.	
<b>Mammals</b>			
American badger <i>Taxidea taxus</i>	Federal: None State: SSC State Rank: S3 NCCP/HCP: Not covered	Most abundant in drier open stages of most scrub, forest, and herbaceous habitats, with friable soils.	Does not occur
Big free-tailed bat <i>Nyctinomops macrotis</i>	Federal: None State: SSC State Rank: S3 WBWG: MH NCCP/HCP: Not covered	Roost mainly in crevices and rocks in cliff situations; also rarely utilizes buildings, caves, and tree cavities.	Not expected to occur
Mexican long-tongued bat <i>Choeronycteris mexicana</i>	Federal: None State: SSC State Rank: S1 WBWG: H NCCP/HCP: Not covered	Variety of habitats ranging from desert, montane, riparian, to pinyon-juniper habitats. Found roosting in desert canyons, deep caves, mines, or rock crevices. Can use abandoned buildings.	Does not occur
Pacific pocket mouse <i>Perognathus longimembris pacificus</i>	Federal: FE State: SSC State Rank: S2 NCCP/HCP: Covered	Fine, alluvial soils along the coastal plain. Scarcely in rocky soils of scrub habitats.	Does not occur
Silver-haired bat <i>Lasionycteris noctivagans</i>	Federal: None State: None State Rank: S3S4 WBWG: M NCCP/HCP: Not covered	Temperate, northern hardwoods with ponds or streams nearby. Roost in hollow snags and bird nests.	Not expected to occur
South coast marsh vole <i>Microtus californicus stephensi</i>	Federal: None State: SSC State Rank: S2 NCCP/HCP: Not covered	Tidal marshes in Los Angeles, Orange and southern Ventura Counties.	Does not occur
Southern California saltmarsh shrew <i>Sorex ornatus salicornicus</i>	Federal: None State: SSC State Rank: S1 NCCP/HCP: Not covered	Coastal marshes. Requires dense vegetation and woody debris for cover.	Does not occur
Western mastiff bat <i>Eumops perotis californicus</i>	Federal: None State: SSC State Rank: S3S4 WBWG: H NCCP/HCP: Not covered	Occurs in many open, semi-arid to arid habitats, including conifer and deciduous woodlands, coastal scrub, grasslands, and chaparral. Roosts in crevices in cliff faces, high buildings, trees, and tunnels.	Not expected to occur

Species Name	Status	Habitat	Potential to Occur
Western yellow bat <i>Lasiurus xanthinus</i>	Federal: None State: SSC State Rank: S3 WBWG: H NCCP/HCP: Not covered	Found in valley foothill riparian, desert riparian, desert wash, and palm oasis habitats. Roosts in trees, particularly palms. Forages over water and among trees.	Potential to occur

Source: Appendix C

### 5.3.3.5 Jurisdictional Waters

Two drainage culverts are located near the western corner of the property that function to drain surface runoff from upland areas of the golf course, including cart paths and fairways. Engineered depressions that appear to capture and direct runoff into the culverts were determined to be non-jurisdictional due to the lack of a defined bed and bank and lack of evidence of surface flow. Therefore, no jurisdictional drainage features, riparian vegetation, or wetlands are present (Appendix C).

### 5.3.3.6 Wildlife Movement

Wildlife corridors connect otherwise isolated pieces of habitat and allow movement or dispersal of plants and animals. Corridors can be local or regional in scale. Their functions may vary temporally and spatially based on conditions and species present. Local wildlife corridors allow access to resources such as food, water, and shelter within the framework of their daily routine. Animals use these corridors, which are often hillsides or tributary drainages, to move between different habitats. Regional corridors provide these functions over a larger scale and link two or more large habitat areas, allowing the dispersal of organisms and the consequent mixing of genes between populations.

The Project site is bound by Irvine Avenue to the north and west, Mesa Drive to the southwest, and commercial and residential land uses to the north, east, and west. The adjacent Santa Ana Delhi Channel is a cement lined channel that is likely used for local movement by small, urban adapted mammals and reptiles. Some local wildlife movement may occur within the Project site; however, given the lack of connection to any native open space, the Project site does not comprise or occur within a wildlife linkage or corridor.

### 5.3.3.7 Orange County Central Coastal NCCP/HCP

The Project site is located within the Orange County Central/Coastal NCCP/HCP. Within the NCCP/HCP, the Project is located within the Coastal Subarea. The Project site is not located within the Habitat Reserve System within the NCCP/HCP and is identified as a development site under the Orange County Central/Coastal NCCP/HCP (Appendix C).

## 5.3.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of State CEQA Guidelines indicates that a Project could have a significant effect if it were to:

- BIO-1 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.

- BIO-2 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 Wildlife or U.S. Fish and Wildlife Service.
- BIO-3 Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- BIO-4 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.
- BIO-5 Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- BIO-6 Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

### 5.3.5 METHODOLOGY

The analysis within this Draft EIR section is based on the Biological Technical Report completed for the Project site, included as Appendix C. The Biological Technical Report is based on literature review of biological resources occurring within the Project site and surrounding vicinity; vegetation mapping; habitat assessments for special-status botanical and wildlife species; general biological surveys; and focused surveys for overwintering western monarch butterfly. The literature review was based on the review of the following: aerial photographs, topographic maps, and database searches of the CNDDDB, the USFWS Endangered Species Lists, and the CNPS rare plant lists. In addition, field surveys were conducted on September 10, 2024 to document existing conditions within the Project site and surrounding lands. A general biological field survey, in-field habitat assessments, and focused surveys, vegetation mapping, and investigation of jurisdictional waters and wetlands were conducted. Focused surveys for overwintering western monarch butterfly were conducted on November 19 and December 11, 2024. Information obtained through the research and site surveys were compared to the CEQA Guidelines Appendix G thresholds and existing regulatory requirements and policies to determine whether a potentially significant impact could occur and measures to reduce potential impacts.

### 5.3.6 ENVIRONMENTAL IMPACTS

**IMPACT BIO-1: THE PROJECT WOULD NOT 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 with Mitigation Incorporated.** As described in the environmental setting, the Project site and offsite improvement areas contain developed/disturbed land and turf grass/ornamental landscaping.

#### **Special-Status Plants**

As shown in Table 5.3-1, 36 special-status plant species are associated with the Project region. None of the special-status plant species were observed during the general biological surveys conducted in September 2024. The Project site and surrounding vicinity have been subject to decades of anthropogenic disturbances



from development, which has removed native plant communities that have historically occurred in the area. Therefore, the Biological Technical Report (Appendix C) concluded that no special-status plants have the potential to occur within the Project site. Therefore, development within the Project site would result in no impacts to special-status plant species.

### Special-Status Animal Species

As shown in Table 5.3-2, a total of 50 special-status animal species have been identified with the potential to occur within the Project region. No special-status wildlife species were observed during the field investigation on September 10, 2024. While not observed onsite during the general biological survey, great blue heron individuals may occasionally occur onsite as a transient species but is not expected to occur onsite in a nesting colony due to lack of suitable nesting trees and frequent human disturbance. Based on the focused surveys conducted within the Project site, no overwintering monarch butterflies were detected in or around ornamental eucalyptus or pine trees onsite. Further, the trees onsite occur individually and are not clustered in groves or exhibit the microclimate typical for overwintering uses. As such, the Biological Technical Report (Appendix C) concluded that overwintering monarch butterflies are confirmed absent.

According to the Biological Technical Report, western yellow bat has a low potential to roost in ornamental trees, including palms, on the Project site. Further, the Project site provides suitable foraging, breeding, and roosting habitat for a number of raptor species. No raptor species were detected over the course of field studies; however, common, urban adapted species may occasionally occur. The Project site lacks potential nesting habitat (e.g., mature trees, shrubs) for special-status raptor species but is expected to provide marginal foraging habitat for common raptors that support prey species such as insects, spiders, lizards, snakes, small mammals, and other birds. The Biological Technical Report determined that the Project site does not have the potential to support any of the other special-status species listed in Table 5.3-2 in a live-in capacity.

Given the limited roosting habitat for western yellow bat onsite, Mitigation Measure BIO-1 is included to require a pre-construction nesting bat survey. With implementation of Mitigation Measure BIO-1, impacts would be less than significant.

### Indirect Impacts

In the context of biological resources, indirect effects are those associated with developing areas adjacent to native open space. The Project site is surrounded by residential, commercial, and golf course land uses. There is no native open space adjacent to the Project site. The Upper Newport Bay Nature Preserve and Ecological Reserve ("Upper Newport Bay") is located approximately 0.3 miles south of the Project site. The area between the Project site and Upper Newport Bay contains a hill with existing recreational and residential land uses that is approximately 50 feet higher in elevation than the Project site and 40 to 50 feet higher in elevation than the northernmost portion of the Upper Newport Bay. The hill provides a natural barrier to potential indirect effects to the Upper Newport Bay from the proposed Project. As such, the Project would not result in substantial drainage, lighting, or noise impacts to the Upper Newport Bay. Furthermore, the Project would implement the City's landscaping requirements and not use invasive plant species including plant species listed as "Moderate" or "High" invasiveness by the California Invasive Plant Council. Therefore, the Project is not expected to result in significant indirect impacts to special-status biological resources and impacts would be less than significant.

**IMPACT BIO-2: THE PROJECT WOULD NOT 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 WILDLIFE OR U.S. FISH AND WILDLIFE SERVICE.**

**No Impact.** The Biological Technical Report determined that the Project site does not contain any drainage, riparian, or riverine features. There are no CDFW, United States Army Corps of Engineers, or Regional Water Quality Control Board (RWQCB) jurisdictional waters within the Project site boundaries. The Project site does not contain any wetlands or vernal pools. While the Project is adjacent to the Santa Ana Delhi Channel, Project construction and operation would not result in any disturbance to the Channel. Furthermore, during construction of the Project, the use of Best Management Practices (BMPs) during construction implemented as part of a Stormwater Pollution Prevention Program (SWPPP) would ensure that sediments from exposed soils do not flow into the Channel during storm events. In addition, the Project site is comprised of disturbed/developed area and turf grass/ornamental landscaping, which is not classified as a sensitive natural community (Appendix C). Therefore, the Project would not result in impacts related to riparian habitat or other sensitive natural community.

**IMPACT BIO-3: THE PROJECT WOULD NOT HAVE A SUBSTANTIAL ADVERSE EFFECT ON STATE OR FEDERALLY PROTECTED WETLANDS (INCLUDING, BUT NOT LIMITED TO, MARSH, VERNAL POOL, COASTAL, ETC.) THROUGH DIRECT REMOVAL, FILLING, HYDROLOGICAL INTERRUPTION, OR OTHER MEANS.**

**No Impact.** As previously described, the Project site does not include any wetlands or vernal pools. In addition, there are no CDFW, Army Corps of Engineers, or RWQCB jurisdictional waters within the Project site boundaries (Appendix C). While the Project is adjacent to the Santa Ana Delhi Channel, Project construction and operation would not result in any disturbance to the Channel. Furthermore, during construction of the Project, the use of BMPs during construction implemented as part of a SWPPP would ensure that sediments from exposed soils do not flow into the Channel during storm events. Therefore, the Project would not impact federally protected wetlands.

**IMPACT BIO-4: THE PROJECT WOULD NOT 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 with Mitigation Incorporated.**

**Wildlife Movement**

Wildlife corridors are linear features that connect areas of open space and provide avenues for the migration of animals and access to additional areas of foraging. Typically, mountain canyons or riparian corridors are used as corridors, and the Project site does not contain these features. The Project site is within an urbanized setting. The adjacent Santa Ana Delhi Channel is likely used for local movement by small, urban adapted mammals and reptiles. Project construction and operation would not result in any disturbance to the Santa Ana Delhi Channel. Some local wildlife movement may occur within the Project site; however, given the lack of connection to any native open space, the Project site does not comprise or occur within a wildlife linkage or corridor. Development of the site would not result in impacts related to established native resident or migratory wildlife corridor.

**Migratory Birds**

The Project site contains and is bordered by trees that can be utilized by nesting birds and raptors during the nesting bird season that generally extends from February 1 through September 15 but may be extended due to weather and drought conditions. Nesting birds are protected under the federal MBTA and Section 3503 of the California Fish and Game Code. Any activities that occur during the nesting/breeding season of birds protected by the MBTA could result in a potentially significant impact if requirements of the MBTA are not followed. Although impacts to native birds are prohibited by MBTA and similar provisions within the California Fish and Game Code, the native birds with potential to nest on the Project site would be those

that are common to the region and highly adapted to human landscapes. Nevertheless, the Project would be required to implement Mitigation Measure BIO-2, which requires a pre-construction nesting bird survey. With implementation of Mitigation Measure BIO-2, impacts to nesting birds would be less than significant.

**Impact BIO-5: THE PROJECT WOULD NOT CONFLICT WITH ANY LOCAL POLICIES OR ORDINANCES PROTECTING BIOLOGICAL RESOURCES, SUCH AS A TREE PRESERVATION POLICY OR ORDINANCE.**

**No Impact.** The Project would not conflict with any local policies or ordinances protecting biological resources. See discussions under Impact BIO-6 regarding compliance with the Orange County Central/Coastal NCCP/HCP.

The City of Newport Beach Council Policy G-1 (Retention or Removal of City Trees) and Municipal Code Chapter 13.08, Planting, regulates the removal, severe trimming, planting, and maintenance of any trees within a public right-of-way, city street, or city property. The proposed Project includes new landscaping along the site frontages of Irvine Avenue and Mesa Drive that may extend into the public right-of-way adjacent to the street. However, implementation of the City's development review and permitting process would ensure that any tree removal and proposed new landscaping would be consistent with the City Council Policy and municipal code requirements. Thus, the Project would not conflict with a tree preservation policy or ordinance.

Additionally, the Project would not conflict with Newport Beach Municipal Code Chapter 7.26, which sets forth protections for migratory and nonmigratory waterfowl, as it would not impact any habitat for such species. Therefore, the Project would not conflict with any local policies or ordinances protecting biological resources, and no impacts would occur.

**IMPACT BIO-6: THE PROJECT WOULD NOT 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 Project site is located within the Orange County Central/Coastal NCCP/HCP. Within the NCCP/HCP, the Project is located within the Coastal Subarea. The Project site is not located within the Habitat Reserve System within the NCCP/HCP and is identified as a development site under the Orange County Central/Coastal NCCP/HCP (Appendix C). As the Project is designated as a development site, the Project would not conflict with the Orange County Central/Coastal NCCP/HCP. As such, impacts related to an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan would not occur.

### 5.3.7 CUMULATIVE IMPACTS

The cumulative study area for purposes of biological resources encompasses the Coastal Subregion of the Orange County Central/Coastal NCCP/HCP. This cumulative impact analysis considers development of the Project in conjunction with other development projects in the vicinity of the Project site as well as the projects identified in Table 5-1, *Cumulative Projects List*, in Section 5.0, *Environmental Impact Analysis*. The Project would not have significant impacts related to jurisdictional waters, wildlife movement, local ordinances or regulations protecting biological resources, habitat conservation plans, plant communities, and habitat fragmentation. In addition, Mitigation Measures BIO-1 and BIO-2 would reduce potential impacts to roosting bats and nesting birds to a less than significant level that would not be cumulatively considerable.

As shown on Figure 5-1, *Cumulative Projects*, in Section 5.0, *Environmental Impact Analysis*, the majority of cumulative projects consist of redevelopment of previously developed land, which generally does not contain

substantial habitat resources. Likewise, the Housing Opportunity sites to the south of the Project site across Mesa Drive are golf course areas that do not provide substantial natural habitat resources. Cumulative projects would be required to comply with applicable survey requirements and NCCP/HCP requirements and mitigation for biological resources, such as the Migratory Bird Treaty Act and focused surveys. Since all projects would be required to implement their respective mitigation measures through the City's development review and permitting process, the contribution would not be cumulatively considerable. There are no projects that would, in combination with the Project, produce a significant impact to biological resources. Therefore, Project impacts would be less than cumulatively considerable and would be less than significant.

### 5.3.8 EXISTING REGULATIONS AND PLANS, PROGRAMS, OR POLICIES

The following would reduce potential impacts related to biological resources.

#### Existing Regulations

- Federal Endangered Species Act
- Clean Water Act
- Migratory Bird Treaty Act
- California's Endangered Species Act
- California Fish and Game Code
- Municipal Code Chapter 7.26, *Protection of Natural Habitat for Migratory and Other Waterfowl*
- Municipal Code Chapter 13.08, *Planting*
- Municipal Code Chapter 21.30B, *Habitat Protection*

#### Existing City Council Policy Manual Policy

- City Council Policy Manual Policy G-1, *Retention, Removal, and Maintenance of City Trees*

#### Plans, Programs, or Policies

None.

### 5.3.9 PROJECT DESIGN FEATURES

None.

### 5.3.10 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Without mitigation, the following impacts would be **potentially significant**:

- Impact BIO-1: Impacts to special status species in local or regional plans, policies, or regulations.
- Impact BIO-4: Impacts to wildlife movement or native wildlife nursery sites.

The following would result in **no impacts**:

- Impact BIO-2: Impacts to riparian habitat or sensitive communities.
- Impact BIO-3: Impacts to State or federally protected wetlands.
- Impact BIO-5: Impacts related to conflict with local policies or ordinances.
- Impact BIO-6: Impacts related to conflict with provisions of the NCCP/HCP.

### 5.3.11 MITIGATION MEASURES

**Mitigation Measure BIO-1: Pre-Construction Roosting Bat Survey.** Project plans and construction permitting, including tree removal permits, shall require that in order to avoid and/or minimize injury to roosting bats and avoid maternity roosts until the maternity roost is no longer in use, a qualified biologist shall conduct a pre-construction bat roost survey for roosting bats no more than 14 days prior to site disturbance. The pre-construction bat roost survey shall consist of a minimum of two emergent bat surveys (conducted consecutively or as determined by the biologist). The emergent surveys shall begin 30 minutes before dusk and extend to one hour after dark.

If roosting bats are detected onsite outside of the bat maternity season (April 1 through August 31), the roost tree shall be removed in a manner to avoid and/or minimize injury to roosting bats. This may include using mechanical equipment to gently nudge the tree trunk multiple times prior to removal or for palm trees and other species, to de-frond or de-branch the tree using a mechanical lift and gently lower the cut fronds or branches to the ground. Regardless of the method, the fallen tree and/or material shall be left undisturbed overnight until at least the next morning to give roosting bats time to exit before site disturbance.

If roosting bats are detected onsite during the maternity season (September 1 through March 31), the Project shall avoid the subject roost(s) and incorporate an avoidance buffer (300 feet or as determined by the qualified biologist) until after the maternity season or until a qualified biologist determines no maternity roosting is occurring. The qualified biologist shall clearly delineate any bat maternity roosts and any required avoidance buffers, which shall be clearly marked with flags and/or fencing prior to the initiation of construction activities. Once the qualified biologist approves removal of the subject roost tree(s), the same tree removal procedures as outlined above shall be implemented prior to tree removal.

**Mitigation Measure BIO-2: Pre-Construction Nesting Bird Survey.** Project plans and construction permitting, including tree removal permits, shall state that vegetation removal should occur outside of the nesting bird season (generally between February 1 and August 31). If vegetation removal is required during the nesting bird season, the applicant shall conduct take avoidance surveys for nesting birds prior to initiating vegetation removal/clearing. Surveys shall be conducted by a qualified biologist(s) within three days of vegetation removal. If active nests are observed, a qualified biologist shall determine appropriate minimum disturbance buffers and other adaptive mitigation techniques (e.g., biological monitoring of active nests during construction-related activities, staggered schedules, etc.) to ensure that impacts to nesting birds are avoided until the nest is no longer active. At a minimum, construction activities shall stay outside of a 200-foot buffer around the active nests. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist and City of Newport Beach Planning Division verify that the nests are no longer occupied, and the juvenile birds can survive independently from the nests. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, normal construction activities may occur.

### 5.3.12 LEVEL OF SIGNIFICANCE AFTER MITIGATION

The mitigation measures listed above, as well as existing regulations, would reduce potential impacts associated with biological resources for Impacts BIO-1 and BIO-4 to a level that is less than significant.

### 5.3.13 REFERENCES

City of Newport Beach. (2001, January). *Santa Ana Heights Specific Plan*. Retrieved September 23, 2024, from [ocpublicworks.com](http://ocpublicworks.com).

City of Newport Beach. (2006a, July). *General Plan*. Retrieved September 23, 2024, from newportbeachca.gov: <https://www.newportbeachca.gov/government/departments/community-development/planning-division/general-plan-codes-and-regulations/general-plan>

City of Newport Beach. (2006b, July). *General Plan Environmental Impact Report*. Retrieved September 23, 2024, from newportbeachca.gov: <https://www.newportbeachca.gov/government/departments/community-development/planning-division/general-plan-codes-and-regulations/general-plan/general-plan-environmental-impact-repor>

City of Newport Beach. (2024, May). *Newport Beach Municipal Code*. Retrieved September 23, 2024, from codepublishing.com: <https://www.codepublishing.com/CA/NewportBeach/>

Glenn Lukos Associates, Inc. (2025). *Biological Technical Report for the Snug Harbor Project*. **(Appendix C)**

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## 5.4 Cultural Resources

### 5.4.1 INTRODUCTION

This section describes the cultural resources conditions in the Project region and potential impacts from Project implementation. The analysis in this section is based, in part, on the following documents and resources:

- *City of Newport Beach General Plan, 2006*
- *City of Newport Beach General Plan Environmental Impact Report (General Plan EIR), 2006*
- *City of Newport Beach Municipal Code*
- *Historic Resources Evaluation for the Newport Beach Golf Course Clubhouse and Driving Range Shack/Canopy in Newport Beach, Orange County, California*, prepared by LSA Associates, 2024, included as Appendix D
- *Phase I Archaeological Resources Assessment for the Surf Farm Project, Located in the City of Newport Beach, Orange County, California*, prepared by Glenn Lukos Associates, 2024, included as Appendix E

In accordance with Public Resources Code Section 15120(d), certain information and communications that disclose the location of archaeological sites and sacred lands are allowed to be exempt from public disclosure.

#### Definitions

- **Archaeological resources** include any material remains of human life or activities that are at least 100 years of age, and that are of scientific interest. A unique or significant archaeological resource is an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it (1) contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information; (2) has a special and particular quality, such as being the oldest of its type or the best available example of its type; and (3) is directly associated with a scientifically recognized important prehistoric or historic event or person.
- **Cultural resources** are defined as buildings, sites, structures, or objects, each of which may have historic, architectural, archaeological, cultural, or scientific importance, according to CEQA.
- **Historic building or site** is one that is noteworthy for its significance in local, state, or national history or culture, its architecture or design, or its works of art, memorabilia, or artifacts.
- **Historic context** refers to the broad patterns of historical development in a community or its region that is represented by cultural resources. A historic context statement is organized by themes such as economic, residential, and commercial development.
- **Historic integrity** is defined as “the ability of a property to convey its significance.”
- **Historical resources** are defined as “a resource listed or eligible for listing on the California Register of Historical Resources” (CRHR) (Public Resources Code, Section 5024.1; 14 CCR 15064.5). Under CEQA Guidelines Section 15064.5(a), the term “historical resources” includes the following:
  - (1) A resource listed in or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Public Resources Code, Section 5024.1).
  - (2) A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, will be presumed to be historically



or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

- (3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Public Resources Code Section 5024.1) including the following:
- (A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
  - (B) Is associated with the lives of persons important in California's past;
  - (C) 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
  - (D) Has yielded, or may be likely to yield, information important in prehistory or history.
- (4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to Section 5020.1(k) of the Public Resources Code), or identified in a historical resources survey (meeting the criteria in Section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code Sections 5020.1(j) or 5024.1.

## 5.4.2 REGULATORY SETTING

### 5.4.2.1 Federal Regulations

#### National Historic Preservation Act

The National Historic Preservation Act of 1966 established the National Register of Historic Places (National Register), which is the official register of designated historic places. The National Register is administered by the National Park Service, and includes listings of buildings, structures, sites, objects, and districts that possess historical, architectural, engineering, archaeological, or cultural significance at the national, state, or local level.

To be eligible for the National Register, a property must be significant under one or more of the following criteria per 36 Code of Federal Regulations Part 60:

- A. Properties that are associated with events that have made a significant contribution to the broad patterns of our history;
- B. Properties that are associated with the lives of persons significant in our past;
- C. Properties that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. Properties that have yielded, or may be likely to yield, information important in prehistory or history.

In addition to meeting one or more of the aforementioned criteria, an eligible property must also possess historic "integrity," which is "the ability of a property to convey its significance." The National Register criteria

recognize seven qualities that define integrity: location, design, setting, materials, workmanship, feeling, and association.

Structures, sites, buildings, districts, and objects over 50 years of age can be listed in the National Register as significant historical resources. Properties under 50 years of age that are of exceptional importance or are contributors to a district can also be included in the National Register.

Properties listed in or eligible for listing in the National Register are also eligible for listing in the California Register, and as such, are considered historical resources for CEQA purposes.

### 5.4.2.2 State Regulations

#### California Register of Historical Resources

Eligibility for inclusion in the California Register is determined by applying the following criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
2. It is associated with the lives of persons important in California's past;
3. 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 value; or
4. It has yielded or is likely to yield information important in prehistory or history. The Register includes properties which are listed or have been formally determined to be eligible for listing in the National Register, State Historical Landmarks, and eligible Points of Historical Interest (PRC §5024.1).

In addition to meeting one or more of the above criteria, the California Register requires that sufficient time has passed since a resource's period of significance to "obtain a scholarly perspective on the events or individuals associated with the resources." (CCR 4852 [d][2]). The California Register also requires that a resource possess integrity. This is defined as the ability for the resource to convey its significance through seven aspects: location, setting, design, materials, workmanship, feeling, and association.

#### California Health and Safety Code Section 7050.5

Health and Safety Code Section 7050.5(b) and (c) provides that if human remains are discovered, excavation or disturbance in the vicinity of human remains shall cease until the County Coroner is contacted and has reviewed the remains. If the Coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, the Coroner is required to contact the Native American Heritage Commission (NAHC) by telephone within 24 hours.

#### Public Resources Code Section 5097.98

Public Resources Code Section 5097.98 provides guidance on the appropriate handling of Native American remains. Once the NAHC receives notification from the Coroner of a discovery of Native American human remains, the NAHC is required to notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. According to Public Resources Code Section 5097.98(k), the NAHC is authorized to mediate disputes arising between landowners and known descendants relating to the

treatment and disposition of Native American human burials, skeletal remains, and items associated with Native American burials.

### CEQA Guidelines Section 15064.5

Section 15064.5 of the CEQA Guidelines provides guidelines for determining the significance of impacts to archaeological and historical resources. The section provides the definition of historical resources, and how to analyze impacts to resources that are designated or eligible for designation as a historical resource. Section 15064.5 additionally provides provisions for the accidental discovery or recognition of human remains in any location other than a dedicated cemetery.

### 5.4.2.3 Local and Regional Regulations

#### City of Newport Beach General Plan 2006

The City of Newport Beach General Plan contains the following policies related to Cultural Resources that are applicable to the Project:

- HR 1.2      Reservation or Re-Use of Historical Structures.** Encourage the preservation of structures listed on the National Register of Historic Places and/or the list of California Historical Landmarks, and/or the Newport Beach Register of Historical Property. Provide incentives, such as grading reductions or waivers of application fees, permit fees, and/or any liens placed by the City to properties listed in the National or State Register or the Newport Beach Register of Historical Property in exchange for preservation easements.
- HR 1.4      Adaptive Elements with New Projects.** Require that proposed development that is located on a historical site or structure incorporate a physical link to the past within the site or structural design, if preservation or adaptive reuse is not a feasible option. For example, incorporate historical photographs or artifacts within the proposed project or preserve the location and structures of existing pathways, gathering places, seating areas, rail lines, roadways, or viewing vantage points within the proposed site design.
- HR 1.5      Historical Elements within New Projects.** Require that proposed development that is located on a historical site or structure incorporate a physical link to the past within the site or structural design, if preservation or adaptive reuse is not a feasible option. For example, incorporate historical photographs or artifacts within the proposed project or preserve the location and structures of existing pathways, gathering places, seating areas, rail lines, roadways, or viewing vantage points within the proposed site design.
- HR 1.6      Documentation.** Require that, prior to the issuance of a demolition or grading permit, developers of a property that contains an historic structure as defined by CEQA retain a qualified consultant to record the structure in accordance with U.S. Secretary of Interior guidelines (which includes drawings, photographs, and written data) and submit this information to the Newport Beach Historical Society, Orange County Public Library, and City Planning Department.
- HR 1.7      Offer for Relocation of Historic Structures.** Require that, prior to the demolition of a historic structure, developers offer the structure for relocation by interested parties.
- HR 2.1      New Development Activities.** Require that, in accordance with CEQA, new development protect and preserve paleontological and archaeological resources from destruction and avoid and mitigate impacts to such resources. Through planning policies and permit

conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.

**HR 2.2 Grading and Excavation Activities.** Maintain sources of information regarding paleontological and archeological sites and the names and addresses of responsible organizations and qualified individuals, who can analyze, classify, record, and preserve paleontological or archeological findings. Require a qualified paleontologist/archeologist to monitor all grading and/or excavation where there is a potential to affect cultural, archeological or paleontological resources. If these resources are found, the applicant shall implement the recommendations of the paleontologist/archeologist, subject to the approval of the City Planning Department.

**HR 2.4 Paleontological or Archaeological Materials.** Require new development to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach, or Orange County, whenever possible.

## Newport Beach City Council Policy Manuel

**Policy K-2: Places of Historical and Architectural Significance.** The City Council may designate as historical property any building or part thereof, object, structure, monument, or collection thereof having importance to the history or architecture of the City of Newport Beach in accordance with the criteria set forth below.

1. Property may be designated as historical property if it meets any of the following standards of architectural significance:
  - a. Structures or areas that embody distinguishing characteristics of an architectural style, period, or method of construction, or of architectural development with the City.
  - b. Notable works of a master builder, designer, or architect whose style influenced the City's architectural development, or structures showing the evolution of an architect's style.
  - c. Rare structures displaying a building type, design, or indigenous building form.
  - d. Structures which embody special architectural and design features.
  - e. Outstanding examples of structures displaying original architectural integrity, structurally or stylistically, or both.
  - f. Unique structures or places that act as focal or pivotal points important as a key to the character or visual quality of an area.
2. Property may be designated as historical property if it meets any of the following standards of historical significance.
  - a. Sites and structures connected with events significant in the economic, cultural, political, social, or civic history of the City of Newport Beach, the County of Orange, the State of California, or the United States of America.
  - b. Structures or areas identified with the lives of historical personages of the City of Newport Beach, the County of Orange, the State of California, or the United States of America.
  - c. Sites and groups of structures representing historical development patterns, including, but not limited to, urbanization patterns, railroads, agricultural settlements, and canals.

**Policy K-5: Paleontological and Archaeological Resource Protection Guidelines:** The City will ensure that potential impacts to paleontological and archaeological resources by public or private development are properly evaluated and mitigated in accordance with the General Plan, Local Coastal Program and CEQA.

### Procedures

- A. During the preparation of an initial study for a project, staff or a qualified consultant shall determine if paleontological or archaeological resources exist at or near a project site. If the site is located in the Coastal Zone, the requirements and procedures provided in Newport Beach Municipal Code Section 21.30.105(A), or any successor statute, shall be implemented.
- B. If resources are known to exist at or near a project site or that, the project could otherwise affect known resources, a preliminary investigation report shall be prepared by a qualified professional archaeologist or paleontologist.
- C. If the preliminary investigation report concludes that resources are not likely to be at the present at the project site or encountered during construction, no further analysis shall be required.
- D. If the preliminary report concludes that resources are present at the site or are likely to be present at the site or may be encountered by project construction, additional investigative work shall be prepared to identify and disclose the potential impacts of the project. The impact assessment report shall make every effort to identify the value of the resource and shall identify feasible design modifications or other methods to avoid and/or minimize project-related impacts. The impact assessment report may include a suggested excavation plan for assessing or mitigating the effect of the project on the qualities which make the resource important if avoidance is considered infeasible. The impact assessment report shall also identify feasible mitigation measures that can be either incorporated within project specifications or applied as conditions of approval.
- E. If paleontological or archaeological resources are discovered during construction, all construction activities in the general area of the discovery shall be temporarily halted until the resource is examined by a qualified monitor. The monitor shall the significance of the resource recommend next steps (i.e. additional excavation, curation, preservation, etc.).
- F. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner determines that the remains are not subject to the provisions of Section 27491 of the Government Code, or any successor statute, or any other related provisions of law concerning investigation of 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 their authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code, or any successor statute. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission and the Newport Beach Building Official.

## 5.4.3 ENVIRONMENTAL SETTING

### Historical Setting

Orange County contains prehistoric sites dating from 9,000 to 10,000 years ago that show signs of human presence. Sites from 6,000 to 1,000 BC (Milling Stone period) are common in the coastal region of Southern California and at many inland locations. Between 1,000 BC to 650 AD (Intermediate period), orientation of sites shifted toward hunting, maritime subsistence, and acorn processing. The late prehistoric period from 650 AD until European contact in 1769 included the introduction of pottery, triangular arrow points, and cremation practices.

In July of 1769, Orange County was explored by those of European descent during a Franciscan expedition led by Don Gaspar Portola. In the 1800s, Spanish and Mexican land owners, whose holdings comprised Newport Beach's upper bay and lower bay, sold their tracts to American entrepreneurs by the names of Flint, Bixby, Irvine, and McFadden. In 1870, a ship from San Diego made its first trip to a marshy lagoon to exchange goods. James McFadden and James Irvine named the landing on the bay "Newport". In 1888, James McFadden modified the isolated settlement by building a wharf that extended from the shallower bay to deeper water so that large steamers could dock, which drastically increased shipping activity. By 1890, Newport Beach was acknowledged as a vibrant shipping town. The Pacific Electric Railroad was established in 1905, which connected the City of Newport Beach to Los Angeles. Rail travel brought new visitors to the area and eventually West Newport, East Newport, Bay Island, Balboa, Corona del Mar, Balboa Island, and Port Orange were subdivided. In 1906, residents voted to incorporate and Newport Beach became the fifth City to incorporate in Orange County (City of Newport Beach, 2006b).

Between 1934 and 1936, the Federal government and Orange County dredged the lower bay and extended jetties, creating the present day contour of Newport Beach. At the end of World War II, a housing construction boom began, which increased in the 1950s with the construction of the Santa Ana Freeway. With increased residential development, the City's economic industry of fishing declined and was replaced with new businesses and commercial centers. By the 1970s, the development of Fashion Island, hotels, restaurants, offices, and new housing tracts led to the establishment of many active employment, retail, and residential areas that characterize Newport Beach today (City of Newport Beach, 2006b).

### *Golf in Southern California*

The Historical Resources Evaluation (Appendix D) details that the first golf courses in southern California were in Riverside at the Victoria Club and the Riverside Polo Club, both in 1893. In the 1890s, other courses were established in Riverside, Redlands, Pasadena, Santa Monica, and Los Angeles. Golf course construction boomed in the early 20th century. Although World War I led to a slowdown, the 1920s would become the "Golden Age" for both golf course construction and for great amateur players in the southern California region. In the 1930s, the number of public golf courses began to grow. However, golf was hit hard by the Great Depression, and the number of clubs dropped significantly between 1930 and 1939. The game did not fully recover until the post-World War II years (1945–1973). More than 150 golf courses were built in southern California from 1960 to 1979, and another golf course building boom took place in the 1980s (Appendix D).

### *Project Site*

Based on historic maps and aerials of the Project site and vicinity, the Project site was initially disturbed by mechanical disking as early as 1938 and the drainage adjacent to the site was constructed prior to 1938.

The current golf course and buildings were constructed in 1976 and are not yet 50 years old. The golf course is one of more than 900 golf courses in California. The Historic Resources Evaluation (Appendix D) prepared for the Project has evaluated the site and describes that the Project site is part of an 18-hole executive golf course with a one-story Ranch-style clubhouse that has a Tiki influence and includes a pro shop, offices, restrooms, and a restaurant. The clubhouse is irregular in plan and has a complex flat, shed, and gable roof. The shed and gable portions of the roof are sheathed with what appears to be synthetic Spanish barrel tiles and have large, exposed rafters (some notched) and wide eaves. The shed roof has a slightly extended peak accentuated by a heavy, notched, exposed ridge beam. The exterior walls are covered with textured stucco and have board-and-batten accents, as well as concrete and pebble stone accent panels and faux buttresses. The pebble stone accents are patterned after the flagstone-accent walls popular in the 1960s and 1970s. Fenestration consists of metal-framed windows typical of retail/commercial businesses.

The building has a central covered walkway on the northwest elevation of the pro shop that leads to a wide breezeway between the pro shop and the restaurant. The restaurant entrance, located northwest of the breezeway, is deeply recessed and has a pair of paneled wood doors with paneling above that gives the appearance of floor-to-ceiling doors.

The driving range shack and canopies are located southwest of the clubhouse. They form a single structure that is T-shaped in plan, with the gable-roofed shack in the center and the shed-roofed canopies flanking it. The canopies are supported by metal poles and faux battered piers. The shack's northeast gable-end peak is slightly extended above a heavy ridge beam, and the fascia rests on two exposed rafters. The northwest and southeast sides of the shack also have exposed rafters, and they support the eaves. The walls are covered with textured stucco. The northeast elevation features a thick concrete and pebble stone accent that is wider at the bottom than the top and extends beyond the side elevations. The southwest elevation was not visible. In addition, the Project site contains a freestanding, wood-framed canopy over an outdoor dining area west of the clubhouse; holes 1, 2, and 9 of the golf course; the driving range; and a parking lot.

### Archaeological Setting

The chronology of coastal Southern California, which is inclusive of the Project site, is typically divided into three general time periods: the Early Holocene (11,000 to 8,000 Before Present [B.P.]), the Middle Holocene (8,000 to 4,000 B.P.), and the Late Holocene (4,000 B.P. to A.D. 1769). Sites dating from 9,000 to 10,000 years ago show evidence of human presence within the Orange County region. A review of geologic mapping as detailed in the Phase I Archaeological Resources Assessment (Appendix E) indicates that the Project area is underlain by Myford sandy loam and Thapto-Histic Fluvaquent deposits.

A total of 38 cultural resources studies have been performed within a 0.5-mile radius of the Project site. Of these previous studies, three include the Project site. The records search conducted for the proposed Project identified nine cultural resources, all of which are precontact/prehistoric. The nine resources primarily consist of lithic scatters and habitation debris; however, resource P-30-000174, which is less than 0.25-mile northwest of the Project site, also contained human remains (which were excavated in 1950). No archaeological or historic resources have been previously recorded within the Project site. However, the Project site near Upper Newport Bay (which would have served as a commonly and heavily used food source for precontact populations in the area) indicates an elevated sensitivity for subsurface cultural resources within the Project site.

### 5.4.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of State CEQA Guidelines indicates that a Project could have a significant effect if it were to:

- CUL-1 Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5.
- CUL-2 Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5.
- CUL-3 Disturb any human remains, including those interred outside of dedicated cemeteries.

### Historical Resource Thresholds

Historical resources are usually 50 years old or older and must meet at least one of the criteria for listing in the California Register (such as association with historical events, important people, or architectural significance), in addition to maintaining a sufficient level of physical integrity (CEQA Guidelines Section 15064.5[a][3]). Additionally, CEQA Guidelines Section 15064.5(b), states that a project with an effect that

may cause a substantial adverse change in the significance of a historical resource is a project that would have a significant effect on the environment. A substantial adverse change in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired. The significance of a historical resource is materially impaired when a project:

- a) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or
- b) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to Section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- c) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

### 5.4.5 METHODOLOGY

**Archaeological and Historic Records Search.** An archaeological and historical records search was conducted at the South Central Coastal Information Center (SCCIC) of the California Historical Resources Inventory System (CHRIS), located at California State University, Fullerton on September 9, 2024. This search included the Project site with an additional 0.5-mile buffer. In addition, archival research was done to obtain historical development information. This archival research included review of the National Register, the California Register, the Statewide Historical Resources Inventory, historical maps, historical aerial photographs from 1938 to present, construction histories, and City Directories.

**Archaeological and Historic Field Surveys.** A pedestrian survey was conducted at the Project site on September 10, 2024. At the time of the pedestrian survey, approximately 25 percent of ground sediments were visible due to manicured landscaping and concrete. The active golf driving range was not surveyed as it has no natural sediment and is covered by artificial turf and the paved portion of the parking lot was not surveyed.

The historic (built-environment) survey consisted of inspection of the exterior of buildings and structures as they were constructed over 45 years ago. The survey assessed the buildings' current conditions and documented evidence of renovations or alterations. Photographs were taken of each of the buildings as part of the documentation process. A description of each structure's style, design and method of construction was recorded on California Department of Parks and Recreation (DPR) Series 523 forms.

**Subsurface Archaeological Sensitivity Assessment.** A desktop analysis was conducted to assess the potential for subsurface archaeological resources within the Project area. Sources reviewed as part of the desktop analysis include geologic maps and soil maps, the SCCIC records search results, the geotechnical report for the proposed Project, and the historic map and aerial review.

### 5.4.6 ENVIRONMENTAL IMPACTS

**IMPACT CUL-1: THE PROJECT WOULD NOT CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A HISTORICAL RESOURCE PURSUANT TO § 15064.5.**



**No Impact.** According to the *State CEQA Guidelines*, a historical resource is defined as something that meets one or more of the following criteria:

1. Listed in, or determined eligible for listing in, the California Register of Historical Resources;
2. Listed in a local register of historical resources as defined in Public Resources Code (PRC) Section 5020.1(k);
3. Identified as significant in a historical resources survey meeting the requirements of PRC Section 5024.1(g); or
4. Determined to be a historical resource by the project's Lead Agency.

PRC Section 5024.1 directs evaluation of historical resources to determine their eligibility for listing on the CRHR. The criteria for listing resources on the CRHR were expressly developed to be in accordance with previously established criteria developed for listing on the NRHP, enumerated above, and require similar protection to what NHPA Section 106 mandates for historic properties. According to PRC Section 5024.1(c)(1-4), a resource is considered historically significant if it meets at least one of the following criteria:

1. Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States;
2. Associated with the lives of persons important to local, California or national history;
3. Embodies the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values; or
4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

As described previously, the Project site is currently developed with a clubhouse; driving range shack and canopies; holes 1, 2, and 9; the driving range; and parking lot. As previously discussed, the onsite structures and improvements were constructed more than 45 years ago. Therefore, a Historical Resources Evaluation, as included in Appendix D to this Draft EIR, was prepared for the Project.

According to the findings of the Historical Resources Evaluation, neither the 1976 Ranch-style clubhouse, driving range shack, and canopies nor holes 1, 2, and 9 meet the criteria for listing in the National Register (Criteria A-D), California Register of Historical Resources (Criteria 1-4), or designation under the City Council policy Manual (Criteria 1 a-f and 2a-c), as detailed below.

**Criterion A/1 and City Criteria 2.a and 2.c:** The improvements onsite do not retain a significant role in history related to golf or the City of Newport Beach. The Historical Resources Evaluation details that the Newport Beach Golf Course clubhouse, driving range shack, and holes 1 through 9 were completed in 1976. It is not associated with Golf's Golden Age (1910–1930) or the post-World War II (1945–1973) construction boom. No evidence was found that it is associated with any other significant events in national, state, county, or local history. The residential subdivisions around the Project site were all built more than a decade before the golf course; and the golf course was not included in the planning process for those developments. Thus, the site does not appear to be part of a historical development pattern. Therefore, the Historical Resources Evaluation (Appendix D) determined that the onsite structures do not appear to meet the eligibility requirements under National Register Criterion A, California Register Criterion 1, or City Council Policy Manual Criteria 2.a and 2.c.

**Criterion B/2 and City Criteria 2.b:** The onsite structures are not identified with historic individuals or events of national, state, or local history and are not associated with significant individual owners or occupants. No evidence was found that the Project site is associated with the productive lives of anyone significant in the history of the nation, state, county, or City. Therefore, the Historical Resources Evaluation (Appendix D) determined that the onsite structures do not appear to meet the eligibility requirements under National Register Criterion B, California Register Criterion 2, or City historic criteria.

**Criterion C/3 and City Criteria 1.a and 1.b:** The onsite structures are not related to any historically significant architects, construction companies, or developers. Although the buildings embody some characteristics of the Ranch style such as the combination of wall cladding (stucco, board-and-batten, and stone) and the low and moderately pitched roofs. The concrete and pebble stone accent panels and faux buttresses, heavy exposed rafters and ridge beams, and extended gable peaks give the structures a Tiki influence. However, the buildings do not express the ideals of either style more fully than others of a similar type, style, and vintage and do not possess high artistic value. Thus, they were determined to not be significant for their architectural design. No evidence was found that the designers of the buildings were master engineers or designers, or that their style influenced the City's architectural development. Thus, the buildings were determined to not be a significant work of a master. Therefore, the Historical Resources Evaluation (Appendix D) determined that the onsite structures do not appear to meet the eligibility requirements under National Register Criterion C, California Register Criterion 3, or City historic criteria.

**Criterion D/4:** The onsite structures do not appear to yield significant information that would expand current knowledge or theories of design, methods of construction, operation, or other information that is not already known. The buildings were constructed in 1976 using modern methods and materials. Therefore, the Historical Resources Evaluation determined that the onsite structures do not appear to meet the eligibility requirements under National Register Criterion D, California Register Criterion 4, or City historic criteria.

**Other Policy Manual Criteria:** The Historical Resources Evaluation (Appendix D) determined that the onsite structures do not meet any of the other requirements set forth by the City of Newport Beach City Council Policy Manual criteria to be considered a historic resource, as described below.

*City Criterion 1.c.: Rare structures displaying a building type, design, or indigenous building form.* The 1976 Ranch-style clubhouse and driving range shack and canopies are not rare building structures, building types, or indigenous building forms. Thus, they are not significant under this criterion.

*City Criterion 1.d.: Structures which embody special architectural and design features.* The Project site structures do not embody any special architectural and design features. As detailed previously, although the buildings embody some characteristics of the Ranch style such as the combination of wall cladding (stucco, board-and-batten, and stone) and the low and moderately pitched roofs; the concrete and pebble stone accent panels and faux buttresses, heavy exposed rafters and ridge beams, and extended gable peaks give the structures a Tiki influence. However, the buildings do not express the ideals of either style more fully than others of a similar type, style, and vintage and do not possess high artistic value. As a result, they were determined to not be significant for their architectural design and are not significant under this criterion.

*City Criterion 1.e.: Outstanding examples of structures displaying original architectural integrity, structurally or stylistically, or both.* The Project site buildings are not outstanding examples of a structural system or architectural style. Thus, they are not significant under this criterion.

*City Criterion 1.f.: Unique structures or places that act as focal or pivotal points important as a key to the character or visual quality of an area.* The golf course and related structures are not unique and are not a focal point of the community or important to its visual character. There are 4 golf courses in Newport Beach and another 57 courses within 20 miles of the City. Neither the nearby residential properties, which were developed years before the Newport Beach Golf Course, nor the adjacent and nearby nonresidential properties are oriented so that the golf course is their focal point. The Historical Resources Evaluation (Appendix D) determined that the golf course is not a key visual feature that characterizes the area; and that the Project site is not significant under this criterion.

Therefore, none of the existing buildings onsite meet any of the historic resource criteria and do not meet the definition of a historical resource pursuant to CEQA or the City of Newport Beach. Thus, impacts related to historic resources from implementation of the proposed Project would not occur.

**IMPACT CUL-2: THE PROJECT WOULD NOT CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF AN ARCHAEOLOGICAL RESOURCE PURSUANT TO § 15064.5.**

**Less than Significant with Mitigation Incorporated.** As described previously, the Project has been disturbed since at least 1938 from mechanical disking and onsite structures were constructed in 1976. Thus, the site has been previously disturbed, including ground disturbance to depths for installation of the existing utility infrastructure that serves the site. A Phase I Archaeological Resources Assessment was prepared for the proposed Project to analyze the potential archaeological sensitivity of the Project site and the potential for Project ground disturbance to result in impacts to archaeological resources.

Based on the SCCIC records search results and archaeological survey of the Project site, no archaeological resources have been identified within or immediately adjacent to the proposed Project site. However, the Phase I Archaeological Resources Assessment determined that due to the presence of known archaeological resources, including human remains, within 0.25-mile from the Project site and the Project site's proximity to the Upper Newport Bay, the Project area is sensitive for prehistoric archaeological deposits (Appendix E).

As described in Section 3.0, *Project Description*, construction activities within the Project site include demolition of existing buildings; removal of existing infrastructure and landscaping; and grading and excavation to depths of 15 feet below ground surface to remove existing onsite undocumented fill. As the Project site is sensitive for previously unknown archaeological resources, the Phase I Archaeological Resources Assessment determined that the Project would be required to implement Mitigation Measures CUL-1 and CUL-2, which requires an archaeologist to be retained for monitoring throughout proposed Project ground disturbing activities and preparation of a monitoring report. With implementation of Mitigation Measure CUL-1 and CUL-2, potential impacts related to archeological resources would be less than significant.

**IMPACT CUL-3: THE PROJECT WOULD NOT DISTURB ANY HUMAN REMAINS, INCLUDING THOSE INTERRED OUTSIDE OF DEDICATED CEMETERIES.**

**Less than Significant Impact.** The Project site has been extensively disturbed, as described above, and has not been previously used as a cemetery. Thus, impacts related to known human remains are less than significant. However, in the unanticipated event that human remains are found during proposed Project construction activities, compliance with California Health and Safety Code Section 7050.5 would ensure that human remains are treated with dignity and as specified by law, which would reduce the impact to a less than significant level.

As specified by California Health and Safety Code Section 7050.5, included as PPP CUL-1, if human remains are found on the Project site, the County Coroner's office shall be immediately notified and no further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will make a determination as to the Most Likely Descendent. The existing California Health and Safety Code regulations provide that impacts related to potential disturbance of human remains are less than significant.

## 5.4.7 CUMULATIVE IMPACTS

The cumulative study area for cultural resources includes the coastal region of Orange County.

**Historic Resources:** The Project's contribution to cumulative impacts to historical resources was analyzed in context with past projects in Orange County that were once similarly influenced by the golfing industry in the region. The Historical Resources Evaluation determined the absence of historical resources. Therefore,

Project implementation would have no potential to contribute towards a significant cumulative impact to historical sites and/or resources, and cumulatively considerable impacts would not occur.

**Archaeological Resources:** The Project's impact to prehistoric archaeological resources was analyzed in the context of the coastal region of Orange County, which is identified as sensitive for archaeological resources. Construction activities within the Project site – as with other development projects in the region – may uncover subsurface prehistoric archaeological resource that meet the CCR § 15064.5 definition. However, mitigation has been included to reduce the potential of the Project to result in an impact to an archaeological resource that could contribute to a significant cumulative impact. With compliance with project-specific mitigation, the Project would result in a less than significant cumulatively considerable impact.

**Disturbance of Human Remains:** Mandatory compliance with the provisions of California Health and Safety Code § 7050.5, Public Resources Code § 5097 et seq., and CEQA Guidelines Section 15064.5 would assure that the Project, in addition to all development projects, treat human remains that may be uncovered during development activities in accordance with prescribed, respectful, and appropriate practices, thereby avoiding significant cumulative impacts.

## 5.4.8 EXISTING REGULATIONS AND PLANS, PROGRAMS, OR POLICIES

The following would reduce potential impacts related to cultural resources.

### Existing Regulations

- California Health and Safety Code Section 7050.5
- Public Resources Code Section 5097.98

### Existing City Council Policy Manual Policies

- City Council Policy Manual Policy K-2, *Places of Historical and Architectural Significance*
- City Council Policy Manual Policy K-5, *Paleontological and Archaeological Resource Protection Guidelines*

### Plans, Programs, or Policies

**PPP CUL-1: Human Remains.** California Health and Safety Code Section 7050.5, CEQA Guidelines 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. 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 be halted until the coroner has conducted an investigation into the circumstances, manner and cause of 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.

## 5.4.9 PROJECT DESIGN FEATURES

None.

### 5.4.10 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Impact CUL-1 and CUL-3 would be less than significant.

Without mitigation, the following impacts would be **potentially significant**:

- Impact CUL-2: Implementation of the Project may impact an archaeological resource.

### 5.4.11 MITIGATION MEASURES

**Mitigation Measure CUL-1: Cultural Resources Monitoring Program.** Prior to issuance of grading permits the applicant/developer shall provide evidence to the City of Newport Beach Planning Division that a qualified professional archeologist meeting the Secretary of Interior's PQS for Archaeology (as defined in the Code of Federal Regulations, 36 CFR Part 61) has been retained to prepare a Cultural Resource Monitoring Program (CRMP) and to conduct monitoring of rough grading activities. The CRMP shall be developed in coordination with the consulting tribe(s) and address the details of all activities and provides procedures that must be followed in order to reduce the impacts to cultural, tribal cultural and historic resources to a level that is less than significant as well as address potential impacts to undiscovered buried archaeological resources associated with this project. The Archaeologist shall conduct Cultural Resource Sensitivity Training, in conjunction with the Tribe(s) designated Tribal Representative. The training session shall focus on the archaeological and tribal cultural resources that may be encountered during ground-disturbing activities as well as the procedures to be followed in such an event.

The retained Qualified archeologist and Consulting Tribe(s) representative shall attend the pre-grade meeting with the grading contractors to explain and coordinate the requirements of the monitoring plan.

In the event that a resource is inadvertently discovered during ground-disturbing activities, work shall be halted within 60 feet of the find until it can be evaluated by the qualified archaeologist. Construction activities can continue in other areas. If the find is considered a "resource" the archaeologist shall pursue either protection in place or recovery, salvage and treatment of the deposits. Recovery, salvage and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4 in consultation with the City. Per CEQA Guidelines Section 15126.4(b)(3), preservation in place shall be the preferred means to avoid impacts to archaeological resources qualifying as historical resources. Consistent with CEQA Guidelines Section 15126.4(b)(3)(C), if unique archaeological resources cannot be preserved in place or left in an undisturbed state, recovery, salvage, and treatment shall be required at the developer/applicant's expense. If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to consulting tribe(s) for review and comment. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

**Mitigation Measure CUL-2: Monitoring Report.** A final monitoring report shall be prepared by the qualified archaeologist prior to issuance of any certificate of occupancy. The final monitoring report(s) created as a part of the Project (isolate records, site records, survey reports, testing reports, etc.) shall be submitted to the Lead Agency and Consulting Tribe(s) for review and comment. After approval of all parties, the final reports are to be submitted to the South Central Coastal Information Center, and the Consulting Tribe(s).

## 5.4.1 2 LEVEL OF SIGNIFICANCE AFTER MITIGATION

With implementation of Mitigation Measures CUL-1 through CUL-3 and compliance with regulatory requirements, Project impacts to cultural resources would be less than significant.

## 5.4.1 3 REFERENCES

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- LSA Associates. (2024). *Historic Resources Evaluation for the Newport Beach Golf Course Clubhouse and Driving Range Shack/Canopy in Newport Beach, Orange County, California. (Appendix D)*

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## 5.5 Energy

### 5.5.1 INTRODUCTION

This section of the Draft EIR assesses the significance of the use of energy, including electricity, natural gas, and gasoline and diesel fuels, that would result from implementation of the proposed Project. It discusses existing energy use patterns and examines whether the proposed Project (including development and operation) would result in the unnecessary consumption of large amounts of fuel or energy or use such resources in a wasteful or inefficient manner, including the use of renewable energy resources. This section of the EIR is based, in part, on the following documents and resources.

- *City of Newport Beach General Plan, 2006*
- *City of Newport Beach General Plan Environmental Impact Report (General Plan EIR), 2006*
- *City of Newport Beach Municipal Code*
- *Surf Farm Energy Tables*, prepared by Urban Crossroads, 2024, included as Appendix F

Refer to Section 5.7, *Greenhouse Gas Emissions*, for a discussion of the relationship between energy consumption and greenhouse gas (GHG) emissions, and Section 5.16, *Utilities and Service Systems*, for a discussion of utilities, including electric and natural gas utilities.

### 5.5.2 REGULATORY SETTING

#### 5.5.2.1 Federal Regulations

##### **Energy Independence and Security Act, Corporate Average Fuel Efficiency Standards**

On December 19, 2007, the Energy Independence and Security Act of 2007 was signed into law, requiring an increased Corporate Average Fuel Economy (CAFE) standard of 35 miles per gallon (mpg) for the combined fleet of cars and light trucks by the 2020 model year.

In addition to setting increased CAFE standards for motor vehicles, the Energy Independence and Security Act includes the following additional provisions:

- Renewable Fuel Standard (RFS) (Section 202)
- Appliance and Lighting Efficiency Standards (Sections 301–325)
- Building Energy Efficiency (Sections 411–441)

Additional provisions of the Act address energy savings in government and public institutions, promoting research for alternative energy, additional research in carbon capture, international energy programs, and the creation of green jobs.

#### 5.5.2.2 State Regulations

##### **California Code of Regulations (CCR) Title 13, Motor Vehicles, Section 2449(d)(3)**

No vehicle or engines subject to this regulation may idle for more than 5 consecutive minutes. The idling limit does not apply to:

- Idling when queuing;



- Idling to verify that the vehicle is in safe operating condition;
- Idling for testing, servicing, repairing or diagnostic purposes;
- Idling necessary to accomplish work for which the vehicle was designed (such as operating a crane);
- Idling required to bring the machine system to operating temperature; and
- Idling necessary to ensure safe operation of the vehicle.

## Assembly Bill 1279

Assembly Bill (AB) 1279 requires the State to achieve net zero GHG emissions as soon as possible, but no later than 2045, and achieve and maintain net negative greenhouse gas emissions thereafter. The bill also requires California to reduce statewide GHG emissions by 85 percent compared to 1990 levels and directs the California Air Resources Board to work with relevant State agencies to achieve these goals.

## Title 24 Energy Efficiency Standards and California Green Building Standards

California Code of Regulations (CCR) Title 24 Part 6: The California Energy Code was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. The most recently updated 2022 Energy Code encourages efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, and strengthens ventilation standards, among other requirements.

CCR, Title 24, Part 11: California Green Building Standards Code (CALGreen) is a comprehensive and uniform regulatory code for all new construction and major renovations and is administered by the California Building Standards Commission. The purpose of CALGreen is to improve public health, safety, and general welfare through enhanced design and construction of buildings using concepts which reduce negative impacts and promote those principles which have a positive environmental impact and encourage sustainable construction practices. It is also updated every three years. The most recent update is the 2022 CALGreen Code that became effective January 1, 2023.

It should be noted that the 2025 California Green Building Code and Energy Efficiency Standards are expected to be effective on January 1, 2026. The Project would be required to comply with the applicable standards in place at the time plan check submittals are made.

The 2022 California Energy Code and CALGreen Building Standards Code mandatory measures for nonresidential uses that reduce air pollutant emissions and are applicable to the proposed Project include, but are not limited to, the following:

- Short-term bicycle parking. If the new project or an additional alteration is anticipated to generate visitor traffic, provide permanently anchored bicycle racks within 200 feet of the visitors' entrance, readily visible to passers-by, for 5% of new visitor motorized vehicle parking spaces being added, with a minimum of one two-bike capacity rack (5.106.4.1.1).
- Long-term bicycle parking. For new buildings with tenant spaces that have 10 or more tenant-occupants, provide secure bicycle parking for 5% of the tenant-occupant vehicular parking spaces with a minimum of one bicycle parking facility (5.106.4.1.2).
- EV charging stations. New construction shall facilitate the future installation of EV supply equipment. The compliance requires empty raceways for future conduit and documentation that the electrical system has adequate capacity for the future load. The number of spaces to be provided for is contained in Table 5.106.5.3.3 (5.106.5.3). Additionally, Table 5.106.5.4.1 specifies requirements for the installation of raceway conduit and panel power requirements for medium- and heavy-duty electric vehicle supply equipment for warehouses, grocery stores, and retail stores.

- Outdoor light pollution reduction. Outdoor lighting systems shall be designed to meet the backlight, uplight and glare ratings per Table 5.106.8 (5.106.8).
- Construction waste management. Recycle and/or salvage for reuse a minimum of 65% of the nonhazardous construction and demolition waste in accordance with Section 5.408.1.1, 5.405.1.2, or 5.408.1.3; or meet a local construction and demolition waste management ordinance, whichever is more stringent (5.408.1).
- Excavated soil and land clearing debris. 100% of trees, stumps, rocks and associated vegetation and soils resulting primarily from land clearing shall be reuse or recycled. For a phased project, such material may be stockpiled on site until the storage site is developed (5.408.3).
- Recycling by Occupants. Provide readily accessible areas that serve the entire building and are identified for the depositing, storage, and collection of non-hazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, organic waste, and metals or meet a lawfully enacted local recycling ordinance, if more restrictive (5.410.1).
- Water conserving plumbing fixtures and fittings. Plumbing fixtures (water closets and urinals) and fittings (faucets and showerheads) shall comply with the following:
  - Water Closets. The effective flush volume of all water closets shall not exceed 1.28 gallons per flush (5.303.3.1)
  - Urinals. The effective flush volume of wall-mounted urinals shall not exceed 0.125 gallons per flush (5.303.3.2.1). The effective flush volume of floor-mounted or other urinals shall not exceed 0.5 gallons per flush (5.303.3.2.2).
  - Showerheads. Single showerheads shall have a minimum flow rate of not more than 1.8 gallons per minute and 80 psi (5.303.3.3.1). When a shower is served by more than one showerhead, the combine flow rate of all showerheads and/or other shower outlets controlled by a single valve shall not exceed 1.8 gallons per minute at 80 psi (5.303.3.3.2).
  - Faucets and fountains. Nonresidential lavatory faucets shall have a maximum flow rate of not more than 0.5 gallons per minute at 60 psi (5.303.3.4.1). Kitchen faucets shall have a maximum flow rate of not more than 1.8 gallons per minute of 60 psi (5.303.3.4.2). Wash fountains shall have a maximum flow rate of not more than 1.8 gallons per minute (5.303.3.4.3). Metering faucets shall not deliver more than 0.20 gallons per cycle (5.303.3.4.4). Metering faucets for wash fountains shall have a maximum flow rate not more than 0.20 gallons per cycle (5.303.3.4.5).
- Outdoor potable water uses in landscaped areas. Nonresidential developments shall comply with a local water efficient landscape ordinance or the current California Department of Water Resources' Model Water Efficient Landscape Ordinance (MWELo), whichever is more stringent (5.304.1).
- Water meters. Separate submeters or metering devices shall be installed for new buildings or additions in excess of 50,000 SF or for excess consumption where any tenant within a new building or within an addition that is project to consume more than 1,000 gallons per day (GPD) (5.303.1.1 and 5.303.1.2).
- Outdoor water uses in rehabilitated landscape projects equal or greater than 2,500 SF. Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 SF requiring a building or landscape permit (5.304.3).
- Commissioning. For new buildings 10,000 SF and over, building commissioning shall be included in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (5.410.2).

The 2022 Energy Code has been adopted by the City of Newport Beach in Municipal Code Chapter 15.17, and the 2022 CALGreen Code in Municipal Code Chapter 15.11.

### 5.5.2.3 Local and Regional Regulations

#### City of Newport Beach General Plan 2006

The City of Newport Beach General Plan 2006 contains the following policies related to energy that are applicable to the Project:

- Policy CE 7.1.8 Electric Vehicle (EV) Charging Stations.** Install additional EV charging stations on City properties, support existing private development to add new EV charging stations and develop incentives for the installation of EV charging stations and other alternative fuels systems as part of new development.
- Policy NR 24.1 Incentives for Energy Conservation.** Develop incentives that encourage the use of energy conservation strategies by private and public developments.
- Policy NR 24.2 Energy-Efficient Design Features.** Promote energy-efficient design features.
- Policy NR 24.3 Incentives for Green Building Program Implementation.** Promote or provide incentives for “Green Building” programs that go beyond the requirements of Title 24 of the California Administrative Code and encourage energy efficient design elements as appropriate to achieve “green building” status.
- Policy NR 24.4 Incentives for Provision of LEED Certified Buildings.** Provide incentives for implementing Leadership in Environmental and Energy Design (LEED) certified building such as fee waivers, bonus densities, and/or awards recognition programs.

#### City of Newport Beach Energy Action Plan

The City of Newport Beach’s Energy Action Plan outlines strategies to enhance energy efficiency, promote renewable energy, and reduce GHG emissions. By implementing energy efficiency programs in residential and commercial buildings, encouraging renewable energy sources like solar, and setting long-term sustainability goals, the plan aims to mitigate climate change impacts. It also emphasizes community engagement and collaboration with local organizations to foster a culture of energy conservation. Ultimately, the plan directly contributes to reducing GHG emissions, improving air quality, and promoting a healthier, more sustainable environment for residents. The Plan is focused on City buildings and facilities and does not include any specific policies for new commercial recreational development projects.

#### City of Newport Beach Municipal Code

**Section 15.11.010, Adoption of the California Green Building Standards Code.** The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2022 Edition of the California Green Building Standards Code.

**Section 15.17.010, Adoption of the California Energy Code.** The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2022 Edition of the California Energy Code, 24 CCR and all national codes and standards referenced therein to the prescribed extent of each such reference.

**Section 15.18.040, Solar Energy Requirements.** This section of the Municipal Code sets the requirements for solar energy systems with the City of Newport Beach.

**Chapter 15.19, Electric Vehicle Charging Stations.** Municipal Code Chapter 15.19 aims to encourage the use of electric vehicle charging stations by removing unreasonable barriers, minimizing costs to property owners and the City, and expanding the ability of property owners to install electric vehicle charging stations.

Pursuant to Municipal Code Section 15.19.060, applications to install electric vehicle charging stations through issuance of a building permit or similar nondiscretionary permit will be administratively reviewed and approved by the Building Division.

### 5.5.3 ENVIRONMENTAL SETTING

#### 5.5.3.1 Electricity

The Southern California Edison Company (SCE) is the electrical purveyor in the City of Newport Beach. SCE provides electricity service to more than 14 million people in a 50,000-square-mile area of central, coastal and Southern California. California utilities are experiencing increasing demands that require modernization of the electric distribution grid to, among other things, accommodate two-way flows of electricity and increase the grid's capacity. SCE is in the process of implementing infrastructure upgrades to ensure the ability to meet future demands. In addition, as described by the Edison International 2023 Annual Report, the SCE electrical grid modernization effort supports implementation of California requirements to achieve carbon neutrality by 2045. The State has set Renewables Portfolio Standards that require retail sellers of electricity to provide 60 percent of power from renewable resources by 2030. The State also requires sellers of electricity to deliver 100 percent of retail sales from carbon-free sources by 2045, including interim targets of 90 percent by 2035 and 95 percent by 2040. In 2023 approximately 49 percent of power that SCE delivered to customers came from carbon-free resources (SCE, 2024).

The Project site is currently served by the SCE electricity distribution systems that exist along the roadways adjacent to the Project site. The existing uses on the Project site currently use 96,160 kWh of electricity per year (Appendix F).

#### 5.5.3.2 Natural Gas

The Southern California Gas Company (SoCalGas) is the natural gas purveyor in the City of Newport Beach and is the principal distributor of natural gas in Southern California. SoCalGas estimates that gas demand will decline at an annual rate of 3.0 percent from 2024 to 2040 due to mandated energy efficiency standards and programs, renewable electricity goals, and global warming). The gas supply available to SoCalGas is regionally diverse and includes supplies from California (onshore and offshore), the southwestern United States, the Rocky Mountains, and Canada. SoCalGas designs its facilities and supplies to provide continuous service during extreme peak demands and has identified the ability to meet peak demands through 2030 (CGEU, 2024).

The Project site currently connects to an existing 2-inch gas line in Irvine Avenue via a 1-inch line through the existing parking lot to the north. The existing uses on the Project site currently use 900,000 kBtu of natural gas per year (Appendix F).

#### 5.5.3.3 Petroleum

The vehicular trips related to the existing golf course uses on the Project site generates the greatest existing use of petroleum results is from Project-generated traffic and the vehicle fuel economies of vehicles. These existing uses on the Project site are estimated to generate 5,282,945 vehicle miles traveled (VMT) that utilize 196,821 gallons of fuel annually (Appendix F).

## 5.5.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of State CEQA Guidelines indicates that a Project could have a significant effect if it were to:

- ENE-1 Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.
- ENE-2 Conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

## 5.5.5 METHODOLOGY

A number of factors are considered when weighing whether a project would use a proportionately large amount of energy or whether the use of energy would be wasteful in comparison to other projects. Factors such as the use of onsite renewable energy features, energy conservation features or programs, and relative use of transit are considered.

According to Appendix F of the CEQA Guidelines, conserving energy is defined as decreasing overall per capita energy consumption, decreasing reliance on natural gas and oil, and increasing reliance on renewable energy sources. Neither Appendix F of the CEQA Guidelines nor Public Resources Code Section 21100(b)(3) offer a numerical threshold of significance that might be used to evaluate the potential significance of energy consumption of a project. Rather, the emphasis is on reducing “the wasteful, inefficient, and unnecessary consumption of energy.”

Construction activities would result in wasteful, inefficient, or unnecessary use of energy if construction equipment is old or not well maintained, if equipment is left to idle when not in use, if travel routes are not planned to minimize vehicle miles traveled, or if excess lighting or water is used during construction activities. Energy usage during project operation would be considered “wasteful, inefficient, and unnecessary” if the project were to violate federal, State, and/or local energy standards, including Title 24 of the California Code of Regulations, inhibit feasible opportunities to use alternative energy sources, such as solar energy, or otherwise inhibit the conservation of energy.

## 5.5.6 ENVIRONMENTAL IMPACTS

### **IMPACT ENE-1: THE PROJECT WOULD NOT RESULT IN POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACT DUE TO WASTEFUL, INEFFICIENT, OR UNNECESSARY CONSUMPTION OF ENERGY RESOURCES, DURING PROJECT CONSTRUCTION OR OPERATION.**

#### **Less than Significant Impact.**

#### **Construction**

During construction of the proposed Project, energy would be consumed in three general forms:

1. Petroleum-based fuels used to power off-road construction vehicles and equipment, construction worker travel to and from the Project site, as well as delivery truck trips;
2. Electricity associated with providing temporary power for lighting and electric construction equipment; and
3. Energy used in the production of construction materials, such as asphalt, steel, concrete, pipes, and manufactured or processed materials such as lumber and glass.

Construction activities related to the proposed Project and the associated infrastructure are not expected to result in demand for fuel greater on a per-unit-of-development basis than any other development projects

in Southern California. Demolition of existing structures is limited and much of the demolition materials would be recycled pursuant to the CALGreen Building Standards Code. Also, CCR Title 13, Motor Vehicles, Section 2449(d)(3), *Idling*, limits idling times of construction vehicles to no more than 5 minutes, thereby precluding unnecessary and wasteful consumption of fuel due to unproductive idling of construction equipment. The energy analysis modeling for construction of the Project (included as Appendix F) details that the total construction would utilize 23,801 kWh of electricity as detailed in Table 5.5-1.

**Table 5.5-1: Estimated Construction Electricity Usage**

Land Use	Cost per kWh	Project Construction Electricity Usage (kWh)
Clubhouse	\$0.16	20,492
Athlete Accommodation Building	\$0.16	3,309
<b>Construction Electricity Usage</b>		<b>23,801</b>

Source: Appendix F

Also, as shown in Table 5.5-2, construction of the Project is estimated to result in the need for 68,414 gallons of diesel fuel.

**Table 5.5-2: Estimated Construction Fuel Consumption**

Construction Activity	Duration (Days)	Equipment	HP Rating	Quantity	Usage Hours	Load Factor	HP-hrs/day	Total Fuel Consumption
	20	Concrete/Industrial Saws	33	1	8	0.73	193	208
		Excavators	36	2	8	0.38	219	237
		Rubber Tired Dozers	367	1		0.40	1,174	1,270
Site Preparation	30	Tractors/Loaders/Backhoes	84	2	8	0.37	497	806
		Crawler Tractors	87	1	8	0.43	299	485
Grading	50	Rubber Tired Loaders	150	2	8	0.36	864	2,335
		Excavators	36	2	8	0.38	219	592
		Graders	148	4	8	0.41	1,942	5,248
		Rubber Tired Dozers	367	2	8	0.40	2,349	6,348
		Scrapers	423	2	8	0.48	3,249	8,780
Building Construction	300	Cranes	367	1	8	0.29	851	13,807
		Forklifts	82	3	8	0.20	394	6,383
		Generator Sets	14	2	8	0.74	166	2,688
		Tractors/Loaders/Backhoes	84	3		0.37	746	12,096
		Welders	46	1	8	0.45	166	2,685
Paving	60	Pavers	81	2	8	0.42	544	1,765
		Paving Equipment	89	2	8	0.36	513	1,663
		Rollers	36	2	8	0.38	219	710
Architectural Coating	40	Air Compressors	37	1	8	0.48	142	307
<b>Construction Fuel Demand (Gallons Diesel Fuel)</b>								<b>68,414</b>

Source: Appendix F

Table 5.5-3 shows that construction workers would use approximately 6,973 gallons of fuel in automobiles during construction of the Project.

**Table 5.5-3: Estimated Construction Worker Fuel Consumption (Automobiles)**

Year	Construction Activity	Duration (Days)	Worker Trips/Day	Trip Length (miles)	VMT	Average Vehicle Fuel Economy (mpg)	Estimated Fuel Consumption (gallons)
2026	LDA						
	Demolition	20	5	18.5	1,850	34.81	53
	Site Preparation	30	4	18.5	2,220	34.81	64
	Grading	50	15	18.5	13,875	34.81	399
	Building Construction	97	13	18.5	23,329	34.81	670
	LDT1						
	Demolition	20	3	18.5	1,110	26.28	42
	Site Preparation	30	2	18.5	1,110	26.28	42
	Grading	50	8	18.5	7,400	26.28	282
	Building Construction	97	7	18.5	12,562	26.28	478
	LDT2						
	Demolition	20	3	18.5	1,110	26.07	43
	Site Preparation	30	2	18.5	1,110	26.07	43
	Grading	50	8	18.5	7,400	26.07	284
	Building Construction	97	7	18.5	12,562	26.07	482
2027	LDA						
	Building Construction	203	13	18.5	48,822	35.67	1,369
	Paving	60	8	18.5	8,880	35.67	249
	Architectural Coating	40	3	18.5	2,220	35.67	62
	LDT1						
	Building Construction	203	7	18.5	26,289	26.76	982
	Paving	60	4	18.5	4,440	26.76	166
	Architectural Coating	40	2	18.5	1,480	26.76	55
	LDT2						
	Building Construction	203	7	18.5	26,289	26.65	987
	Paving	60	4	18.5	4,440	26.65	167
	Architectural Coating	40	2	18.5	1,480	26.65	56
<b>Total Construction Worker Fuel Consumption</b>							<b>6,973</b>

Notes: LDA = light-duty auto vehicles. LDT1 = light-duty trucks with equivalent test weight less than or equal to 3,750 lbs. LDT2 = light-duty trucks with equivalent test weight between 3,751 and 5,750 lbs.

Source: Appendix F

Table 5.5-4 shows that approximately 4,035 gallons of fuel would be used by vendor trucks for construction of the Project.

**Table 5.5-4: Estimated Construction Vendor/Hauling Fuel Consumption**

Year	Construction Activity	Duration (Days)	Vendor Trips/Day	Trip Length (miles)	VMT	Average Vehicle Fuel Economy (mpg)	Estimated Fuel Consumption (gallons)
2026	MHDT						
	Demolition	20	1	10.2	204	7.76	26
	Site Preparation	30	1	10.2	306	7.76	39
	Grading	50	1	10.2	510	7.76	66
	Building Construction	97	4	10.2	3,958	7.76	510
	HHDT (Vendor)						
	Demolition	20	1	10.2	204	6.20	33
	Site Preparation	30	1	10.2	306	6.20	49
	Grading	50	1	10.2	510	6.20	82
	Building Construction	97	4	10.2	3,958	6.20	638
	HHDT (Hauling)						
	Demolition	20	9	8	1,440	6.20	232
2026	MHDT						
	Building Construction	203	4	10.2	8,282	7.91	1,048
	HHDT						
	Building Construction	203	4	10.2	8,282	6.32	1,311
<b>Total Construction Vendor/Hauling Fuel Consumption</b>							<b>4,035</b>

Notes: MHDT = medium-heavy-duty trucks. HHDT = heavy-heavy-duty trucks.

Source: Appendix F

Construction contractors are required to demonstrate compliance with applicable California Air Resources Board (CARB) regulations governing the accelerated retrofitting, repowering, or replacement of heavy-duty diesel on- and off-road equipment. In addition, compliance with existing CARB idling restrictions and the use of newer engines and equipment would reduce fuel combustion and energy consumption. Overall, construction activities would require limited energy consumption as construction of the Project would only last 18 months, and would comply with all existing regulations, and would therefore not be expected to use large amounts of energy or fuel in a wasteful manner. Thus, impacts related to construction energy usage would be less than significant.

### Operation

Once operational, the proposed Project would generate demand for electricity, gasoline for motor vehicle trips, and natural gas for the proposed restaurant uses and to heat the lagoon, warming pools, and spa water. Operational use of energy also includes the heating, cooling, and lighting of the buildings, building water heating, operation of electrical systems and plug-in appliances within the buildings, parking lot and outdoor lighting, and the transport of electricity and water to the areas where they would be consumed. This use of energy is typical for urban development and no operational activities or land uses would occur that would result in extraordinary energy consumption. In addition, as shown in Figure 3-11, *Proposed Solar PV Installation*, the Project proposes the use of solar PV panels on canopies in the parking lot areas and on top



of both proposed buildings in order to implement renewable energy and reduce the need for electricity from the electric grid. The proposed solar PV panels are included as Project Design Feature (PDF) -1.

As detailed by the energy modeling that was prepared for the Project (Appendix F), fuel consumed by Project-generated traffic is a function of total vehicle miles traveled (VMT) and the estimated vehicle fuel economies of vehicles. As detailed in Table 5.5-5, operation of the Project is estimated to result in an annual VMT of 5,997,818 miles and a fuel consumption of 223,454 gallons per year. This would be a 26,633 gallon per year increase in fuel consumption compared to the existing golf course uses onsite, as shown in Table 5.5-5.

**Table 5.5-5: Change in Traffic Generated Annual Fuel Consumption**

Vehicle Type	Average Vehicle Fuel Economy (mpg)	Annual VMT	Estimated Annual Fuel Consumption (gallons)
LDA	35.67	2,966,844	83,183
LDT1	26.76	239,837	8,962
LDT2	26.65	1,415,427	53,116
MDV	21.86	871,057	39,850
LHDT1	17.30	166,959	9,649
LHDT2	16.21	43,783	2,701
MHDT	7.91	93,154	11,782
HHDT	6.32	34,590	5,473
OBUS	6.48	3,597	555
UBUS	3.79	2,133	563
MCY	42.49	133,077	3,132
SBUS	6.65	5,795	872
MH	5.96	21,568	3,616
<b>Total (All Vehicles)</b>		<b>5,997,818</b>	<b>223,454</b>
<i>Existing</i>		<i>5,282,945</i>	<i>196,821</i>
<b>Net Total (All Vehicles)</b>		<b>714,837</b>	<b>26,633</b>

Notes: LDA = light-duty auto vehicles. LDT1 = light-duty trucks with equivalent test weight less than or equal to 3,750 lbs. LDT2 = light-duty trucks with equivalent test weight between 3,751 and 5,750 lbs. MHDT = medium-heavy-duty trucks. HHDT = heavy-heavy-duty trucks. OBUS = Other Bus. UBUS = Urban Bus. MCY =Motorcycle. SBUS = School Bus. MH = Motorhome.

Source: Appendix F

Project buildings operations, lagoon and pools operations, and site maintenance activities would result in the consumption of electricity and natural gas. As shown on Table 5.5-6, the Project would result in a net increase of 9,559,556 kWh per year of electricity and 11,258,880 kBTU per year of natural gas.

The Project buildings and parking lot canopies would be covered in solar PV panels (included as PDF-1) that would generate renewable energy that would be used for operation of the Project. As shown below in Table 5.5-5, the proposed solar PV panels would provide approximately 2,375,568 kWh per year of energy, which equates to 20 percent of the Project's annual energy demand.

**Table 5.5-6: Project Annual Operational Natural Gas and Electricity Summary**

<b>Land Use</b>	<b>Natural Gas Demand (kBTU/year)</b>	<b>Electricity (kWh/year)</b>
Project	12,158,880	12,031,284
<i>Proposed Onsite Solar Generation</i>	-	2,375,568
<b>Total Project Energy Demand</b>	<b>12,158,880</b>	<b>9,655,716</b>
<i>Existing</i>	900,000	96,160
<b>Total Net Project Energy Demand</b>	<b>11,258,880</b>	<b>9,559,556</b>

Source: Appendix F

Because this use of energy is typical for urban development and onsite renewable energy would be utilized, no operational activities or land uses would occur that would result in wasteful, inefficient, or unnecessary consumption of energy resources. In addition, adherence to current California Building Code and Energy Code standards and maximizing the use of renewable energy sources (see PDF-1) will ensure the most energy efficient technologies and practices are used for the development and operation of the Project. Therefore, impacts related to operational energy consumption would be less than significant.

**IMPACT ENE-2: THE PROJECT WOULD NOT CONFLICT WITH OR OBSTRUCT A STATE OR LOCAL PLAN FOR RENEWABLE ENERGY OR ENERGY EFFICIENCY.**

**No Impact.** As described previously, the proposed Project would be required to meet the CCR Title 24 energy efficiency standards in effect during permitting of the proposed Project. The City's administration of the CCR Title 24 requirements includes review of design components and energy conservation measures that occur during the permitting process, which ensures that all requirements are met. In addition, the proposed Project would not conflict with or obstruct opportunities to use renewable energy, such as solar energy. The proposed Project incorporates the use of solar energy (included as PDF-1) and EV charging stations and EV parking. Through the City's development permitting process, the proposed Project would be required to comply with most current Title 24 Building Energy Efficiency Standards, which provide minimum efficiency standards related to various building features, including water and space heating and cooling equipment, building insulation and roofing, and lighting. As shown in Table 5.10-4, *General Plan Policy Consistency Analysis*, in Section 5.10, *Land Use and Planning*, the proposed Project would be consistent with the General Plan policies related to energy conservation such as policies NR 24.2 and NR 24.3. Thus, the proposed Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency, and impacts would not occur.

## 5.5.7 CUMULATIVE IMPACTS

The geographic context for analysis of cumulative impacts regarding energy includes past, present, and future development within Southern California because energy supplies (including electricity, natural gas, and petroleum) are generated and distributed throughout the southern California region.

As discussed under Impact ENE-1, construction- and operation-related energy impacts resulting from implementation of the proposed Project would not be considered inefficient, wasteful, or unnecessary. All development projects throughout the region would be required to comply with the energy efficiency standards in the Title 24 requirements. Additionally, like the proposed Project, some of the developments could provide for additional reductions in energy consumption by use of solar panels, sky lights, or other LEED type energy efficiency infrastructure. As of 2023 approximately 49 percent of power that SCE delivered to customers came from carbon-free resources (SCE 2024), and as detailed previously, the State Renewables Portfolio Standards requires that to increase through 2045. With implementation of the

proposed solar PV panels (included as PDF-1) and other required features, such as EV charging, and existing Title 24 and CALGreen energy conservation regulations, cumulative electricity and natural gas consumption would not be cumulatively wasteful, inefficient, or unnecessary. As discussed under Impact E-2, the Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Other cumulative development projects would also be required to demonstrate compliance with CCR Title 24 energy efficiency standards.

Petroleum consumption associated with the proposed Project would be primarily attributable to vehicle trips from employees, vendors, and patrons. However, State fuel efficiency standards and alternative fuels policies (per AB 1007 Pavely) would contribute to a reduction in fuel use, and the Federal Energy Independence and Security Act and the State Long Term Energy Efficiency Strategic Plan would reduce reliance on non-renewable energy resources cumulatively for all projects. Further, the Project includes EV charging and EV parking that would promote electric vehicle use and reduce the use of petroleum. Thus, cumulative impacts related to petroleum would be less than significant. For these reasons, the consumption of energy resources by the Project would not occur in a wasteful, inefficient, or unnecessary manner and would be less than cumulatively considerable. Thus, cumulative impacts would be less than significant.

## 5.5.8 EXISTING REGULATIONS AND PLANS, PROGRAMS, OR POLICIES

The following would reduce potential impacts related to energy.

### Existing Regulations

- California Energy Code (Code of Regulations, Title 24 Part 6)
- California Green Building Standards Code (CALGreen; Code of Regulations, Title 24 Part 11)
- Municipal Code Section 15.11.010, *Adoption of the California Green Building Standards Code*
- Municipal Code Section 15.17.010, *Adoption of the California Energy Code*
- Municipal Code Section 15.18.040, *Solar Energy Requirements*
- Municipal Code Section Chapter 15.19, *Electric Vehicle Charging Stations*

### Plans, Programs, or Policies

None.

## 5.5.9 PROJECT DESIGN FEATURES

The proposed Project includes the following PDF that reduces potential impacts related to energy:

**PDF-1 Solar:** The proposed Project includes installation of solar panels on the roofs of the buildings and on 14 to 18-foot-high solar canopies in portions of the parking areas to provide onsite renewable energy to provide power to the proposed Project.

## 5.5.10 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

The Project would result in less-than-significant impacts for both Impacts ENE-1 and ENE-2.

## 5.5.11 MITIGATION MEASURES

No mitigation measures are required.

## 5.5.12 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Impacts would be less than significant.

## 5.5.13 REFERENCES

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- Urban Crossroads. (2025). *Surf Farm Energy Tables*. **(Appendix F)**

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## 5.6 Geology and Soils

### 5.6.1 INTRODUCTION

This section describes the geology and soil conditions in the Project region and potential impacts from Project implementation. The analysis in this section is based, in part, on the following documents and resources.

- *City of Newport Beach General Plan, 2006*
- *City of Newport Beach General Plan Environmental Impact Report (General Plan EIR), 2006*
- *City of Newport Beach Municipal Code*
- *Geotechnical Exploration*, prepared by Carl Kim Geotechnical, Inc., 2024, included as Appendix H
- *Paleontological Resources Assessment for the Snug Harbor Project in Newport Beach, Orange County, California*, prepared by LSA Associates, 2024, included as Appendix I

### 5.6.2 REGULATORY SETTING

#### 5.6.2.1 Federal Regulations

##### **Earthquake Hazards Reduction Act**

The Earthquake Hazards Reduction Act (Act) was enacted in 1997 to “reduce the risks to life and property from future earthquakes in the United States through the establishment and maintenance of an effective earthquake hazards and reduction program.” To accomplish this, the Act established the National Earthquake Hazards Reduction Program that provides characterization, and prediction of hazards and vulnerabilities; improvement of building codes and land use practices; risk reduction through post-earthquake investigations and education; development and improvement of design and construction techniques; improvement of mitigation capacity; and accelerated application of research results. Programs under this Act provide building code requirements such as emergency evacuation responsibilities and seismic code standards such as those to which development under the proposed Project would be required to adhere.

#### 5.6.2.2 State Regulations

##### **Alquist-Priolo Earthquake Fault Zoning Act**

The Alquist-Priolo Earthquake Fault Zoning Act (Act) requires the State Geologist to establish “Earthquake Fault Zones” and publish appropriate maps that depict these zones. The boundary of an Earthquake Fault Zone is generally about 500 feet from major active faults and 200 to 300 feet from well-defined minor faults. The Act also requires local agencies to regulate development within Earthquake Fault Zones. Before a development project can be permitted within an Earthquake Fault Zone, a geologic investigation is required to demonstrate that proposed buildings would not be constructed across active faults. A site-specific evaluation and written report must be prepared by a licensed geologist. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back a minimum of 50 feet from the fault.

##### **Seismic Hazards Mapping Act**

The Seismic Hazards Mapping Act (Act) addresses earthquake hazards related to liquefaction and seismically induced landslides. Under the Act, seismic hazard zones are mapped by the State Geologist to

assist local governments in land use planning. The Act states “it is necessary to identify and map seismic hazard zones in order for cities and counties to adequately prepare the safety element of their general plans and to encourage land use management policies and regulations to reduce and mitigate those hazards to protect public health and safety.” Section 2697(a) of the Act states that “cities and counties shall require, prior to the approval of a project located in a seismic hazard zone, a geotechnical report defining and delineating any seismic hazard.”

### **California Building Code**

The California Building Code (CBC) is included in Title 24 of the California Code of Regulations. The current CBC was adopted by the City of Newport Beach and is included in Chapter 15.04 of the Municipal Code. The code provides standards to protect property and public safety. The CBC regulates the design and construction of excavations, foundations, building frames, retaining walls, and other building elements, and thereby mitigate the effects of seismic shaking and adverse soil conditions. The code also regulates grading activities, including drainage and erosion control.

### **California Construction General Permit**

The State of California adopted a Statewide National Pollutant Discharge Elimination System (NPDES) Permit for General Construction Activity (Construction General Permit) that regulates construction site storm water management. Dischargers whose projects disturb one or more acres of soil, or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the general permit for discharges of storm water associated with construction activity.

To obtain coverage under this permit, project operators must electronically file Permit Registration Documents, which include a Notice of Intent (NOI), a Storm Water Pollution Prevention Plan (SWPPP), and other compliance-related documents, including a risk-level assessment for construction sites, an active storm water effluent monitoring and reporting program during construction, rain event action plans, and numeric action levels (NALs) for pH (potential of hydrogen) and turbidity, as well as requirements for qualified professionals to prepare and implement the plan. The Construction General Permit requires the SWPPP to identify best management practices (BMPs) that will be implemented to reduce soil erosion. Types of BMPs include preservation of vegetation and sediment control (e.g., fiber rolls). The SWPPP must contain a visual monitoring program; a chemical monitoring program for “non-visible” pollutants to be implemented if there is a failure of BMPs; and a monitoring plan if the site discharges directly to a water body listed on the State’s 303(d) list of impaired waters.

### **Requirements for Geotechnical Investigations**

Requirements for geotechnical investigations are included in CBC Appendix J, Grading, Section J104; additional requirements for subdivisions requiring tentative and final maps and for other specified types of structures are in the California Health and Safety Code Sections 17953 to 17955 and in CBC Section 1803. Testing of samples from subsurface investigations is required, such as from borings or test pits. Studies must be done as needed to evaluate site geology, slope stability, soil strength, position and adequacy of load-bearing soils, the effect of moisture variation on load-bearing capacity, compressibility, liquefaction, differential settlement, and expansiveness. CBC Section J105 sets forth requirements for inspection and observation during and after grading.

## Public Resources Code (PRC) Section 5097.5

Requirements for paleontological resource management are included in the PRC Division 5, Chapter 1.7, Section 5097.5, and Division 20, Chapter 3, Section 30244, which states that no person shall knowingly and willfully excavate upon, or remove, destroy, injure or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor. These statutes prohibit the removal, without permission, of any paleontological site or feature from lands under the jurisdiction of the State or any city, county, district, authority, or public corporation, or any agency thereof. As a result, local agencies are required to comply with PRC Section 5097.5 for their own activities, including construction and maintenance, as well as for permit actions (e.g., encroachment permits) undertaken by others. PRC Section 5097.5 also establishes the removal of paleontological resources as a misdemeanor and requires reasonable mitigation of adverse impacts to paleontological resources from developments on public (state, county, city, and district) lands.

### 5.6.2.3 Local and Regional Regulations

#### City of Newport Beach General Plan 2006

The City of Newport Beach General Plan 2006 contains the following goals and policies related to geology and soils that are applicable to the Project:

##### *Safety Element*

**Goal S 4**            **Adverse effects caused by seismic and geologic hazards are minimized by reducing the known level of risk to loss of life, personal injury, public and private property damage, economic and social dislocation, and disruption of essential services.**

**Policy S 4.7**        **New Development.** Conduct further seismic studies for new development in areas where potentially active faults may occur.

##### *Natural Resources Element*

**Goal NR 3**            **Enhancement and protection of water quality of all natural water bodies, including coastal waters, creeks, bays, harbors, and wetlands.**

**Policy NR 3.4**        **Storm Drain Sewer System Permit.** Require all development to comply with the regulations under the City's municipal separate storm drain system permit under the National Pollutant Discharge Elimination System.

**Policy NR 3.9**        **Water Quality Management Plan.** Require new development applications to include a Water Quality Management Plan (WQMP) to minimize runoff from rainfall events during construction and post-construction.

**Policy NR 3.10**      **Best Management Practices.** Implement and improve upon Best Management Practices (BMPs) for residences, businesses, development projects, and City operations.

**Policy NR 3.11**      **Site Design and Source Control.** Include site design and source control BMPs in all developments. When the combination of site design and source control BMPs are not sufficient to protect water quality as required by the National Pollutant Discharge Elimination System (NPDES), structural treatment BMPs will be implemented along with site design and source control measures.



- Policy NR 3.12 Reduction of Infiltration.** Include equivalent BMPs that do not require infiltration, where infiltration of runoff would exacerbate geologic hazards.
- Policy NR 3.14 Runoff Reduction on Private Property.** Retain runoff on private property to prevent the transport of pollutants into natural water bodies, to the maximum extent practicable.
- Policy NR 3.19 Natural Drainage Systems.** Require incorporation of natural drainage systems and stormwater detention facilities into new developments, where appropriate and feasible, to retain stormwater in order to increase groundwater recharge.
- Policy NR 3.20 Impervious Surfaces.** Require new development and public improvements to minimize the creation of and increases in impervious surfaces, especially directly connected impervious areas, to the maximum extent practicable. Require redevelopment to increase area of pervious surfaces, where feasible.
- Policy NR 4.4 Erosion Minimization.** Require grading/erosion control plans with structural BMPs that prevent or minimize erosion during and after construction for development on steep slopes, graded, or disturbed areas.
- Goal NR 18 Protection and preservation of important paleontological and archaeological resources.**
- Policy NR 18.1 New Development.** Require new development to protect and preserve paleontological and archaeological resources from destruction and avoid and minimize impacts to such resources in accordance with the requirements of CEQA. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.
- Policy NR 18.4 Donation of Materials.** Require new development, where on-site preservation and avoidance are not feasible, to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach or Orange County, whenever possible.

#### *Historical Resources Element*

- Goal HR 2 Identification and protection of important archaeological and paleontological resources within the City.**
- Policy HR 2.1 New Development Activities.** Require that, in accordance with CEQA, new development protect and preserve paleontological and archaeological resources from destruction and avoid and mitigate impacts to such resources. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.
- Policy HR 2.2 Grading and Excavation Activities.** Maintain sources of information regarding paleontological and archeological sites and the names and addresses of responsible organizations and qualified individuals, who can analyze, classify, record, and preserve paleontological or archeological findings. Require a qualified paleontologist/archeologist to monitor all grading and/or excavation where there is a potential to affect cultural, archeological or paleontological resources. If these resources are found, the Applicant shall implement the recommendations of the paleontologist/archaeologist, subject to the approval of the City Planning Department.

**Policy HR 2.4 Paleontological and Archaeological Materials.** Require new development to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach, or Orange County, whenever possible.

## Newport Beach City Council Policy Manual

**Policy K-5: Paleontological and Archaeological Resource Protection Guidelines.** The City will ensure that potential impacts to paleontological and archaeological resources by public or private development are properly evaluated and mitigated in accordance with the General Plan, Local Coastal Program and CEQA.

### Procedures

- A. During the preparation of an initial study for a project, staff or a qualified consultant shall determine if paleontological or archaeological resources exist at or near a project site. If the site is located in the Coastal Zone, the requirements and procedures provided in Newport Beach Municipal Code Section 21.30.105(A), or any successor statute, shall be implemented.
- B. If resources are known to exist at or near a project site or that, the project could otherwise affect known resources, a preliminary investigation report shall be prepared by a qualified professional archaeologist or paleontologist.
- C. If the preliminary investigation report concludes that resources are not likely to be at the present at the project site or encountered during construction, no further analysis shall be required.
- D. If the preliminary report concludes that resources are present at the site or are likely to be present at the site or may be encountered by project construction, additional investigative work shall be prepared to identify and disclose the potential impacts of the project. The impact assessment report shall make every effort to identify the value of the resource and shall identify feasible design modifications or other methods to avoid and/or minimize project-related impacts. The impact assessment report may include a suggested excavation plan for assessing or mitigating the effect of the project on the qualities which make the resource important if avoidance is considered infeasible. The impact assessment report shall also identify feasible mitigation measures that can be either incorporated within project specifications or applied as conditions of approval.
- E. If paleontological or archaeological resources are discovered during construction, all construction activities in the general area of the discovery shall be temporarily halted until the resource is examined by a qualified monitor. The monitor shall assess the significance of the resource and recommend next steps (i.e. additional excavation, curation, preservation, etc.).
- F. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner determines that the remains are not subject to the provisions of Section 27491 of the Government Code, or any successor statute, or any other related provisions of law concerning investigation of 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 their authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code, or any successor statute. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission and the Newport Beach Building Official.

## City of Newport Beach Municipal Code

**Chapter 15.04, Building Code.** This municipal code section adopts the California Building Code, as amended by the City, which provides seismic safety regulations that are required for all development.

**Chapter 15.10, Excavation and Grading Code.** This municipal code section sets forth regulations to control grading, excavation, and draining conditions, hazardous conditions, and related construction components.

### 5.6.3 ENVIRONMENTAL SETTING

#### 5.6.3.1 Regional Setting

The Project region is located within the Los Angeles Basin which is part of the Peninsular Range physiographic Province of California. The Peninsular Ranges are characterized by a series of northwest trending mountain ranges separated by valleys. Range geology consists of granitic rock intruding the older metamorphic rocks. Valley geology is characterized by shallow to deep alluvial basins consisting of gravel, sand, silt, and clay (Appendix H).

The site is located northwest of the pediment of the San Joaquin Hills in the Santa Ana Heights area, approximately 0.75-mile north of Upper Newport Bay. The Santa Ana Heights area consists of “old paralic deposits overlain by alluvial-fan deposits” (Appendix H).

#### 5.6.3.2 Fault Rupture

In 1972, the Alquist-Priolo Special Studies Zones Act was signed into law. In 1994, it was renamed the Alquist-Priolo Earthquake Fault Zoning Act (A-P Act). The primary purpose of the A-P Act is to mitigate the hazard of fault rupture by prohibiting the location of structures for human occupancy across the trace of an active fault. The A-P Act requires the State Geologist (Chief of the California Geology Survey) to delineate “Earthquake Fault Zones” along with faults that are “sufficiently active” and “well-defined.” The boundary of an “Earthquake Fault Zone” is generally about 500 feet from major active faults and 200 to 300 feet from well-defined minor faults. The A-P Act dictates that cities and counties withhold development permits for sites within an Alquist-Priolo Earthquake Fault Zone until geologic investigations demonstrate that the site zones are not threatened by surface displacements from future faulting. Seismic activity has been known to cause surface rupture, or ground displacement, along a fault or within the general vicinity of a fault zone.

The City is located within the Peninsular Ranges Province that is exposed to risk from multiple earthquake fault zones. The highest risks originate from the Newport-Inglewood fault zone, the Whittier fault zone, the San Joaquin Hills fault zone, and the Elysian Park fault zone, each with the potential to cause moderate to large earthquakes that would cause ground shaking in Newport Beach and nearby communities (City of Newport Beach, 2006b).

The Project site is not located within an Alquist-Priolo Fault Zone and no active faults are known to cross the site. The closest known active fault is a segment of the Newport-Inglewood-Rose Canyon Fault Zone approximately 5.6 miles to the west (Appendix H). Inferred/buried strands of the Newport-Inglewood-Rose Canyon Fault Zone are mapped trending south of the site but are not currently zoned as active. The closest mapped trace is approximately 0.9-mile south of the site. No photo lineaments or other geomorphic evidence of active or potentially active faults intersecting the site were observed or recognized as part of our review of aerial photos and historic topographic maps; therefore, the Geotechnical Exploration (Appendix H) determined that the potential for surface fault rupture at the site is expected to be low.

### 5.6.3.3 Ground Shaking

All of Southern California is seismically active. The amount of motion expected at a building site can vary from none to forceful depending upon the distance to the fault, the magnitude of the earthquake, and the local geology. Greater movement can be expected at sites located on poorly consolidated material such as alluvium located near the source of the earthquake epicenter or in response to an earthquake of great magnitude.

### 5.6.3.4 Onsite Soils

Based on geologic maps, the Project site is situated on undocumented fill, alluvium, and older terrace deposits. The site contains variable thicknesses of man-made fill that vary from soft to stiff sandy lean clay, and loose to dense silty sand and clayey sand that is generally moist. Quaternary alluvium (Qal) encountered in site explorations consisted of layers of lean clay, sandy lean clay, clayey sand, silty sand, and poorly graded sands. Also, Quaternary terrace deposits (Qt) encountered in site explorations consisted of layers of lean clay, sandy lean clay, and fat clay with interlayers or intermixed zones of silty sand, poorly graded sand, and silt. The materials were generally moist. Fine-grained soils varied from soft to hard while granular soils encountered were logged as medium dense to very dense (Appendix H).

### 5.6.3.5 Groundwater

The Geotechnical Exploration (Appendix H) describes that based on a regional scale study the historic highest groundwater in the site vicinity is at a depth of about 10 feet below ground surface (bgs). Information from the geotechnical site investigation documents the presence of water-bearing zones and non-water bearing zones in the subsurface. Measured groundwater depths bgs and elevations were variable, with data indicating perched water and confined pressurized water-bearing zones present. Most recent measurements encountered groundwater in a monitoring well as shallow as a depth of approximately 18.52 feet below top of casing. The groundwater levels measured during the geotechnical investigation are a “snapshot” of the groundwater levels and do not account for potential fluctuations levels due to seasonal and tidal variations (Appendix H).

### 5.6.3.6 Liquefaction

Liquefaction occurs when vibrations or water pressure within a mass of soil cause the soil particles to lose contact with one another. As a result, the soil behaves like a liquid, has an inability to support weight, and can flow down very gentle slopes. This condition is usually temporary and is most often caused by an earthquake vibrating water-saturated fill or unconsolidated soil. Soils that are most susceptible to liquefaction are clean, loose, saturated, and uniformly graded fine-grained sands that lie below the groundwater table within approximately 50 feet below ground surface. Clayey (cohesive) soils, or soils which possess clay particles in excess of 20 percent, are generally not considered to be susceptible to liquefaction, nor are those soils which are above the historic static groundwater table. Lateral spreading refers to spreading of soils in a rapid fluid-like flow movement similar to water.

As shown in Figure 5.6-1, *Liquefaction Zone*, the northwest portion of the site is mapped by the California Geological Survey as being potentially susceptible to liquefaction. However, the Geotechnical Exploration testing identified that the Project site has a low liquefaction potential due to the underlying soil composition and properties. The Geotechnical Exploration found that based on the soil conditions onsite, and a design groundwater level of 15 feet bgs, liquefaction hazards were deemed low (Appendix H).

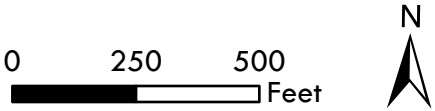
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# Liquefaction Zone



## Legend

- Project Boundary
- Liquefaction Zones



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### 5.6.3.7 Settlement

Settlement is the vertical compression of soil due to load-bearing stress. The General Plan Final EIR describes that potential hazards posed by seismic settlement and/or collapse in the City is greater in areas underlain by late Quaternary unconsolidated sediments (City of Newport Beach, 2006b). Strong ground shaking can cause settlement of alluvial soils and artificial fills if they are not adequately compacted.

Based on the onsite soils and groundwater conditions, the Geotechnical Exploration determined that static and seismic settlement is not a potential concern of the Project site. The seismic settlement potential is estimated to be less than 0.5 inch (Appendix H).

### 5.6.3.8 Lateral Spreading

Lateral spreading is a type of liquefaction induced ground failure associated with the lateral displacement of surficial blocks of sediment resulting from liquefaction in a subsurface layer. Once liquefaction transforms the subsurface layer into a fluid mass, gravity plus the earthquake inertial forces may cause the mass to move downslope towards a free face (such as a river channel or an embankment). Lateral spreading may cause large, horizontal displacements, and such movement typically damages pipelines, utilities, bridges, and structures. As described previously, the Project site is not susceptible to liquefaction. Therefore, the site is not at risk for lateral spreading (Appendix H).

### 5.6.3.9 Subsidence

Ground subsidence is the gradual settling or sinking of the ground surface with little or no horizontal movement. Subsidence typically occurs in areas with subterranean oil, gas, or groundwater, and is most commonly associated with overdraft of groundwater. Effects of subsidence include fissures, sinkholes, depressions, and disruption of surface drainage. The Geotechnical Exploration describes that the Project site is not within an area with known significant subsidence associated with groundwater or petroleum withdrawal, peat oxidation, or hydrocompaction.

### 5.6.3.10 Landslides

Landslides and other slope failures are secondary seismic effects that are common during or soon after earthquakes. Areas that are most susceptible to earthquake induced landslides are steep slopes underlain by loose, weak soils, and areas on or adjacent to existing landslide deposits.

The Geotechnical Exploration describes that the existing elevation of the Project site is approximately 58 feet above mean sea level (msl), and slopes to the northwest. An existing 15-20-foot-high slope descends from the southeast edge of the site. The remainder of the site generally slopes from approximately 50 feet msl to approximately 15 feet msl at the northwest corner of the site.

The site is not located within a mapped area considered potentially susceptible to seismically induced slope instability (Appendix H). In addition, the Project site is not adjacent to any substantial hills or slopes that could be subject to a landslide.

### 5.6.3.11 Expansive Soils

Expansive soils are soils containing water-absorbing minerals that expand as they take in water. These soils can damage buildings due to the force they exert as they expand. Expansive soils contain certain types of clay minerals that shrink or swell as the moisture content changes; the shrinking or swelling can shift, crack,



or break structures built on such soils. Arid or semiarid areas with seasonal changes of soil moisture experience a much higher frequency of problems from expansive soils than areas with higher rainfall and more constant soil moisture. The proposed Project is in a semiarid region with marked seasonal changes in precipitation; most rain falls in winter, and there is a long dry season in summer and autumn. Therefore, the City's climate is such that a relatively high incidence of soil expansion is expected where soils contain the requisite clay minerals.

The General Plan Environmental Impact Report describes that due to the presence of fine-grained components in the City with some potential for expansive soils throughout Newport Beach, expansive soils testing prior to grading is required as part of a soil engineering report, per the CBC and the City of Newport Beach development and permitting requirements.

The Geotechnical Exploration included expansion index testing on soil samples collected from the Project site, which determined that very low to medium expansive soils are present onsite (Appendix H).

### 5.6.3.12 Paleontological Resources

Paleontological resources include any fossilized remains, traces, or imprints of organisms preserved in or on the earth's crust that are of paleontological interest and that provide information about the history of life on earth, except that the term does not include any materials associated with an archaeological resource or any cultural item defined as Native American human remains. Significant paleontological resources are defined as fossils or assemblages of fossils that are unique, unusual, rare, uncommon, or important to define a particular time frame or geologic strata, or that add to an existing body of knowledge in specific areas, in local formations, or regionally.

The City's General Plan EIR describes that Newport Beach is underlain by Holocene-age alluvial sediments and early Pleistocene marine deposits. Below these deposits lie Miocene and late Cretaceous sedimentary rocks. Pleistocene sediments have a rich fossil history in Southern California. Local paleontological sites have yielded fossils of horses, elephants, bison, antelopes, and dire wolves. In addition to illuminating the striking differences between southern California in the Pleistocene and today, this abundant fossil record has been vital in studies of extinction, ecology, and climate change. Throughout Orange County, extinct Pleistocene animals are well known from alluvial sediments.

The Natural History Museum of Los Angeles County database search completed for the proposed Project identified records of five recorded fossil localities in the general Project vicinity. None of these were documented within the Project site. The localities in the vicinity are associated with units mapped from similar geologic units as those found on the Project site (Appendix I). The recorded fossil localities include:

- Fossils located in the drainage channel north of Irvine Avenue in Costa Mesa that yielded invertebrate fossils.
- Fossils in an unspecified location in Newport Beach, yielded Venerid bivalve.
- A locality at the southwest end of the Newport Freeway, between Santa Isabel Avenue and 23rd Street, produced several fossils, including camel, sea turtle, uncatalogued fish and birds, and invertebrates.
- A locality near the intersection of Superior Avenue and Pacific Coast Highway, yielded horse, other unspecified mammals, and invertebrates such as clams, scaphopod, and marine gastropods.
- A locality at the south side of a bluff south of Bayview School and west of the San Joaquin Gun Club, several invertebrates were recovered.

The Project site contains man-made artificial fill underlain with young axial channel deposits and old paralic deposits overlain by alluvial fan deposits. These soils are assigned a low paleontological resource sensitivity to a depth of approximately 10 feet. Soils below 10 feet include older alluvial fan and Pleistocene deposits

that have the potential to preserve both marine and terrestrial animals and are considered to have a high paleontological sensitivity.

## 5.6.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of the CEQA Guidelines indicates that a Project could have a significant effect if it were to:

- GEO-1 Directly or indirectly cause 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);
  - ii) Strong seismic ground shaking;
  - iii) Seismic-related ground failure, including liquefaction; or
  - iv) Landslides.
- GEO-2 Result in substantial soil erosion or the loss of topsoil.
- GEO-3 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.
- GEO-4 Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.
- GEO-5 Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.
- GEO-6 Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

## 5.6.5 METHODOLOGY

A Geotechnical Exploration was prepared for the Project site (Appendix H), which included field exploration, exploratory soil borings, acquisition of representative soil samples, laboratory testing, engineering analysis, and pertinent geological literature review. The laboratory testing determined the characteristics of the geology and soils that underlie the site. These subsurface conditions were then analyzed to identify potential significant impacts resulting from Project construction and operation in relation to geology and soils.

In determining whether a geotechnical-related impact would result from the proposed Project, the analysis includes consideration of State law, including the California Building Code that is integrated into the City's Municipal Code, and implemented/verified during Project permitting approvals. In general, existing State law, building codes, and municipal codes that are implemented by the approving agency provide for an adequate level of safety or reduction of potential effects such that projects developed and operated to code reduce potential of impacts.

In determining whether a paleontological-related impact would result from the proposed Project, the analysis includes consideration of the types of soils that exist on the Project site, the paleontological sensitivity of those soils, the past disturbance on the site, and the proposed excavation. Existing conditions and sensitivity were also determined through a fossil locality search conducted at the Natural History Museum of Los Angeles County in October 2024. The purpose of the locality search was to identify previously recorded or otherwise

known fossil localities in or adjacent to the Project area. The analysis combines these factors to identify the potential of Project construction to impact any unknown paleontological resources on the site.

### 5.6.6 ENVIRONMENTAL IMPACTS

**IMPACT GEO-1: THE PROJECT WOULD NOT DIRECTLY OR INDIRECTLY CAUSE 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.** As described previously, the Project site is not located within an Alquist-Priolo Earthquake Fault Zone and no active faults are known/recorded to cross the site. The closest known active faults are associated with the Newport-Inglewood-Rose Canyon Fault Zone approximately 5.6 miles to the west (Appendix H). Inferred/buried strands of the Newport-Inglewood-Rose Canyon Fault Zone are mapped trending 0.9-mile south of the site but are not currently zoned as active (Appendix H). Because no known faults exist on or adjacent to the site, the proposed Project would not expose people or structures to potential substantial adverse effects from rupture of a known earthquake fault that is delineated on an Alquist-Priolo Earthquake Fault Zoning Map or other evidence of a fault, and impacts would not occur.

- (II) **SEISMIC-RELATED GROUND SHAKING; OR**

**Less than Significant.** The proposed Project site is within a seismically active region, with numerous faults capable of producing significant ground motions. The closest known active faults are associated with the Newport-Inglewood-Rose Canyon Fault Zone approximately 5.6 miles to the west (Appendix H). Therefore, Project implementation could subject people and structures to hazards from ground shaking. However, seismic shaking is a risk throughout Southern California, and the Project site is not at greater risk of seismic activity or impacts as compared to other areas within the region.

The CBC includes provisions to reduce impacts caused by major structural failures or loss of life resulting from earthquakes or other geologic hazards. For example, Chapter 16 of the CBC contains requirements for design and construction of structures to resist loads, including earthquake loads. The CBC provides procedures for earthquake-resistant structural design that include considerations for onsite soil conditions, occupancy, and the configuration of the structure including the structural system and height.

As described previously, the City of Newport Beach has adopted the CBC as part of the Municipal Code Chapter 15.04, which regulates all building and construction projects within the City and implements a minimum standard for building design and construction that includes specific requirements for seismic safety, excavation, foundations, retaining walls and site demolition. Structures built in the City are required to be built in compliance with the CBC. The proposed Project would be required to adhere to the provisions of the CBC as part of the building plan check and development review process. Compliance with the requirements of the CBC for structural safety would reduce hazards from strong seismic ground shaking. Because the proposed Project would be required to be constructed in compliance with the CBC and the City's Municipal Code, which would be verified through the City's plan check and permitting process and is included as PPP GEO-1, the proposed Project would result in a less than significant impact related to strong seismic ground shaking.

**(III) SEISMIC-RELATED GROUND FAILURE, INCLUDING LIQUEFACTION; OR**

**Less than Significant.** As described by the Geotechnical Exploration (Appendix H), a portion of the site is identified by mapping as being potentially liquifiable, and the Project site consists of subsurface soils that consist of man-made fill, alluvium, and older terrace deposits. Underlying soils include layers of lean clay, sandy lean clay, clayey sand, silty sand, and poorly graded sands. The highest historic groundwater on the Project site was encountered at approximately 10 feet bgs. The highest groundwater encountered within recent onsite borings was at a depth of 18.52 feet bgs. However, using a design high groundwater level of 15 feet bgs, the Geotechnical Exploration determined that the liquefaction potential is considered low (Appendix H).

As described previously, structures built in the City are required to be built in compliance with the CBC, as included in the City's Municipal Code as Chapter 15.04 (and herein as PPP GEO-1), which regulates all building and construction projects within the City and implements a minimum standard for building design and construction that includes specific requirements for seismic safety, excavation, foundations, retaining walls, and site demolition. Compliance with the CBC (included as PPP GEO-1) would require proper construction of building footings and foundations so that it would withstand the effects of potential ground movement, including liquefaction and settlement. The CBC also includes provisions to reduce impacts caused by potential major structural failures or loss of life resulting from geologic hazards. For example, the CBC requires that a California Certified Engineering Geologist or California-licensed civil engineer provide site-specific engineering data to demonstrate the satisfactory performance of proposed structures. The City requires the Project-specific engineering design recommendations be incorporated into grading plans and building specifications as a condition of construction permit approval. Therefore, the development of the proposed Project would be required to conform to the seismic design parameters of the CBC, as included as PPP GEO-1, which are reviewed by the City for appropriate inclusion as part of the building plan check and development review process. Compliance with the requirements of the CBC and City's Municipal Code for structural safety (included as PPP GEO-1) would reduce hazards from seismic-related ground failure, including liquefaction and settlement to a less than significant level.

**(IV) LANDSLIDES.**

**No Impact.** The proposed Project site is located in a seismically active region subject to strong ground shaking. As described previously, the Geotechnical Exploration describes that the Project site has an existing 15-20-foot-high slope that descends from the southeast edge of the site; and the remainder of the site generally slopes from approximately 50 feet msl to approximately 15 feet msl to the northwest corner of the site. However, there are no substantial hills or slopes and the site is not within a seismically induced landslide hazard zone area and is not considered potentially susceptible to seismically-induced slope instability as shown on Figure 4.5-2 of the General Plan Environmental Impact Report (City of Newport Beach, 2006b) and as determined by the Geotechnical Exploration (Appendix H). Thus, the Project site is not located within or adjacent to an earthquake-induced landslide area. In addition, the Project would grade the site pursuant to the CBC requirements, which are included in the City's Municipal Code as Chapter 15.04. Compliance would be verified during the City's construction review and permitting process, and has been included as PPP GEO-1. Therefore, the proposed Project would not expose people or structures to substantial adverse effects involving landslides, and impacts related to landslides would not occur.

**IMPACT GEO-2: THE PROJECT WOULD NOT RESULT IN SUBSTANTIAL SOIL EROSION OR THE LOSS OF TOPSOIL.****Less than Significant.****Construction**

Construction of the proposed Project has the potential to contribute to soil erosion and the loss of topsoil. Grading and excavation activities that would be required for the proposed Project would expose and loosen topsoil, which could be eroded by wind or water.

All projects in the City are required to conform to the permit requirements, which include installation of BMPs in compliance with the NPDES permit, which establishes minimum stormwater management requirements and controls that are required to be implemented for the proposed Project in compliance with General Plan Policies NR 3.10, NR 3.11, and NR 3.12. To reduce the potential for soil erosion and the loss of topsoil, a SWPPP is required by the Regional Water Quality Control Board (RWQCB) regulations to be developed by a QSD (Qualified SWPPP Developer) included as PPP WQ-1. The SWPPP is required to address site-specific conditions related to specific grading and construction activities. The SWPPP is required to identify potential sources of erosion and sedimentation loss of topsoil during construction, identify erosion control BMPs to reduce or eliminate the erosion and loss of topsoil, such as use of silt fencing, fiber rolls, or gravel bags, stabilized construction entrance/exit, hydroseeding. With compliance with RWQCB requirements, and the BMPs in the SWPPP that are required to be prepared to implement the proposed Project, construction impacts related to erosion and loss of topsoil would be less than significant.

**Operation**

The proposed Project includes installation of landscaping, such that during operation of the proposed Project substantial areas of loose topsoil that could erode would not exist. In addition, as described in Section 5.7, *Hydrology and Water Quality*, the onsite drainage features that would be installed by the proposed Project have been designed to slow, filter, and slowly discharge stormwater into the offsite drainage system, which would also reduce the potential for stormwater to erode topsoil during Project operations. Furthermore, implementation of the proposed Project requires City approval of a site-specific Water Quality Management Plan (WQMP) (included as PPP WQ-3), which would ensure that the City's General Plan, RWQCB requirements, and appropriate operational BMPs would be implemented to minimize or eliminate the potential for soil erosion or loss of topsoil to occur. As a result, potential impacts related to substantial soil erosion or loss of topsoil would be less than significant.

**IMPACT GEO-3: THE PROJECT WOULD NOT 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.** As described previously, the site contains a 15-20-foot-high slope that descends from the southeast edge of the site, and the remainder of the site generally slopes to the northwest from approximately 50 feet msl to approximately 15 feet msl at the northwest corner of the site. However, there are no substantial hills or slopes and the site is not within a seismically induced landslide hazard zone area and is not considered potentially susceptible to seismically-induced slope instability, and potential impacts related to landslides would not be significant. In addition, the Project would grade the site pursuant to the CBC requirements, which are included in the City's Municipal Code as Chapter 15.04. Compliance would be verified during the City's construction review and permitting process and has been included as PPP GEO-1.

As described previously, although a portion of the site is identified as within a potentially liquifiable area, the Geotechnical Exploration determined that the liquefaction potential is considered low. As a result, the

potential for lateral spreading on the site is low (Appendix H). Thus, impacts related to lateral spreading would be less than significant. In addition, the Geotechnical Exploration describes that the Project site is not within an area with known significant subsidence associated with groundwater or petroleum withdrawal, peat oxidation, or hydrocompaction. Therefore, impacts related to subsidence would not occur.

The Geotechnical Exploration identified that seismically-induced settlement onsite could be 0.5 inch or less and recommends that the Project implement CBC seismic structural design criteria that are specific to the onsite soils, including excavation and recompaction of soils, and development of foundation systems to reduce potential settlement. Likewise, the CBC requires that a California Certified Engineering Geologist or California-licensed civil engineer provide site-specific engineering data for the proposed structures, which are reviewed by the City for appropriate inclusion as part of the building plan check and development review process. In addition to CBC requirements, all Project excavations would comply with the current California and Federal Occupational Safety and Health Administration (CALOSHA) requirements (29 CFR-Part 1926, Subpart P), related to onsite safety. Thus, impacts related to geologic unit or soils instability or collapse would also be less than significant.

**IMPACT GEO-4: THE PROJECT WOULD NOT BE LOCATED ON EXPANSIVE SOIL, AS DEFINED IN TABLE 18-1-B OF THE UNIFORM BUILDING CODE (1994), CREATING SUBSTANTIAL DIRECT OR INDIRECT RISKS TO LIFE OR PROPERTY.**

**Less than Significant.** Expansive soils shrink and swell as the moisture content in soil changes, which causes shifting, cracking, and damage to structures built on these soils. Fine-grained soils, such as silts and clays, may contain variable amounts of expansive clay minerals. Most of the Newport Mesa and Corona del Mar areas are underlain by marine terrace deposits and young alluvial fan sediments that are composed primarily of granular soils (silty sand, sand, and gravel) (City of Newport Beach, 2006b).

The Geotechnical Exploration describes that the Project site's near-surface soils consist of undocumented fill with soft to stiff sandy lean clay, and loose to dense and silty sand and clayey sand. The Project site soils were determined to have a very low to medium potential for expansion due to the clay content (Appendix H). The Geotechnical Exploration describes that excavation and recompaction of soils, and design of foundation systems would reduce potential effects of expansive soils to a less than significant level.

Prior to approval of construction, an engineering level design geotechnical report is required to be prepared and submitted to the City that details the project designs that have been included to address potential geotechnical and soil conditions pursuant to the CBC requirements that are included in the City's Municipal Code Chapter 15.04 and implemented by PPP GEO-1. Compliance with the CBC, through design level geotechnical specifications, including those related to expansive soils that would be reviewed and approved by the City, would ensure that potential impacts related to expansive soils would be less than significant.

**IMPACT GEO-5: THE PROJECT WOULD NOT HAVE SOILS INCAPABLE OF ADEQUATELY SUPPORTING THE USE OF SEPTIC TANKS OR ALTERNATIVE WASTEWATER DISPOSAL SYSTEMS WHERE SEWERS ARE NOT AVAILABLE FOR THE DISPOSAL OF WASTEWATER.**

**No Impact.** The Project site is currently connected to the City's sewer system. As detailed in Chapter 3.0, *Project Description*, the Project would install a new onsite sewer system that would connect to the existing 12-inch sewer in Mesa Drive. The proposed Project would not use septic tanks or alternative wastewater disposal systems. As a result, no impacts related to septic tanks or alternative wastewater disposal systems would occur from implementation of the proposed Project.

**IMPACT GEO-6: THE PROJECT WOULD NOT DIRECTLY OR INDIRECTLY DESTROY A UNIQUE PALEONTOLOGICAL RESOURCE OR SITE OR UNIQUE GEOLOGIC FEATURE.**

**Less than Significant with Mitigation Incorporated.** The proposed Project consists of the development of a surf park, amenity clubhouse, athlete accommodations, and associated infrastructure improvements. Earthmoving activities, including grading and trenching activities, have the potential to disturb previously unknown paleontological resources. The Paleontological Resources Assessment (Appendix I) describes that the Project site consists of non-sensitive artificial fill and young axial channel deposits to 10 feet in depth, which are underlain by old paralic deposits and other Pleistocene deposits. Due to the occurrence of terrestrial and marine fossils at shallow depths from late Pleistocene alluvial fan sediments across Orange County, the sediments underlying the Project site are considered as having high paleontological sensitivity (Appendix I). Also, based on the presence of nearby significant fossil localities, the Project site is considered to have a high potential to yield significant paleontological resources below 10 feet in depth. As such, the Paleontological Resources Assessment concluded that the Project site has a high sensitivity for paleontological resources (Appendix I).

As a result, Mitigation Measure PAL-1 is included to require preparation of a Paleontological Resources Impact Mitigation Program (PRIMP) that would require ground disturbing activities below 10 feet bgs in areas of young axial channel deposits and in of old paralic deposits overlain by alluvial fan deposits to be monitored to identify and recover any significant fossil remains. Any collected resources shall be prepared to the point of identification, identified to the lowest taxonomic level possible, cataloged, and curated into the permanent collections of a scientific institution. With implementation of Mitigation Measure PAL-1, potential impacts to paleontological resources would be less than significant.

## 5.6.7 CUMULATIVE IMPACTS

**Geology and Soils.** The potential cumulative exposure of people or structures to unstable geologic units and/or expansive soils that have the potential to result in onsite or offsite landslides, lateral spreading, subsidence, liquefaction, movement, or collapse tend to be localized in nature, as each site-specific development has unique geologic considerations. For geology and soils, the cumulative study area consists of the area that could be affected by proposed Project activities and the areas affected by other projects whose activities could directly or indirectly affect the geology and soils of the project site.

Site-specific development projects within Newport Beach and adjacent areas within the County of Orange and Cities of Costa Mesa and Irvine are subject to uniform site-development policies and construction standards of the CBC and site-specific geotechnical studies prepared to define site-specific conditions that might pose a risk to safety, such as those described previously for the proposed Project. While increases in the number of people and structures subject to unstable geologic units and soils would increase in the proposed Project and with cumulative development, given the application of CBC requirements by the City through the construction permitting process, the cumulative effects would be less than significant.

**Paleontological Resources.** The geographic area of potential cumulative impacts related to paleontological resources includes areas that are underlain by similar geologic units from the same time period, which includes the Orange County region. A cumulative impact could occur if development projects incrementally result in the loss of the same types of unique paleontological resources. As detailed in the City's General Plan EIR, and the Paleontological Resources Assessment (Appendix I), the City, including the Project site, varies in paleontological sensitivity from low to high sensitivity increasing with depth. However, incorporation of Mitigation Measure PAL-1, which requires paleontological monitoring in paleontologically sensitive soils and provides procedures for fossil recovery which would preserve the quality and integrity of these resources, would reduce the potential for the proposed Project to result in cumulatively considerable impacts to a less than significant level. Therefore, paleontological resource impacts would be less than cumulatively significant.

### 5.6.8 EXISTING REGULATIONS AND PLANS, PROGRAMS, OR POLICIES

The following would reduce potential impacts related to geology and soils.

#### Existing Regulations

- California Building Code, Title 24 of the California Code of Regulations
- Public Resources Code (PRC) Section 5097.5
- Municipal Code Chapter 15.04, *Building Code*
- Municipal Code Chapter 15.10, *Excavation and Grading Code*

#### Existing City Council Policy Manual Policy

- City Council Policy Manual Policy K-5, *Paleontological and Archaeological Resource Protection Guidelines*

#### Plans, Programs, or Policies

The following Plans, Programs, and Policies (PPP) related to geology and soils are incorporated into the proposed Project and would reduce potential impacts. These actions will be included in the proposed Project's mitigation monitoring and reporting program (MMRP):

**PPP GEO-1: CBC Compliance.** The proposed Project is required to comply with the California Building Standards Code (CBC) as included in the City's Municipal Code as Chapter 15.04, to preclude significant adverse effects associated with seismic and soils hazards. As part of CBC compliance, CBC related and geologist and/or civil engineer specifications for the proposed Project shall be incorporated into grading plans and building specifications as a condition of construction permit approval.

**PPP WQ-1: SWPPP.** As included in Section 5.9, *Hydrology and Water Quality*.

**PPP WQ-3: WQMP.** As included in Section 5.9, *Hydrology and Water Quality*.

### 5.6.9 PROJECT DESIGN FEATURES

None.

### 5.6.10 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Upon implementation of regulatory requirements Impacts GEO-1 i-iv, GEO-2, GEO-3, GEO-4, and GEO-5 would be less than significant or have no impact.

Without mitigation, the following impact would be **potentially significant**:

- Impact GEO-6: Project implementation could uncover subsurface paleontological resources.

### 5.6.11 MITIGATION MEASURES

**Mitigation Measure PAL-1:** Prior to commencement of any grading activity on site, a paleontologist shall be retained to develop a Paleontological Resources Impact Mitigation Program (PRIMP) for this project. The PRIMP shall include the methods that will be used to protect paleontological resources that may exist within the project area as well as procedures for monitoring, fossil preparation and identification, curation into a



repository, and preparation of a report at the conclusion of grading. The PRIMP shall be consistent with the guidelines of the Society of Vertebrate Paleontology (SVP) and include, but not be limited to, the following:

- Excavation and grading activities in deposits with high paleontological sensitivity (Young Axial Channel Deposits below a depth of 10 feet and Old Paralac Deposits Overlain by Alluvial Fan Deposits) shall be monitored by a paleontological monitor following a PRIMP. No monitoring is required for excavations in deposits with no paleontological sensitivity (Artificial Fill).
- If paleontological resources are encountered during the course of ground disturbance, the paleontological monitor shall have the authority to temporarily redirect construction away from the area of the find in order to assess its significance. In the event that paleontological resources are encountered when a paleontological monitor is not present, work in the immediate area of the find shall be redirected and a paleontologist should be contacted to assess the find for significance. If determined to be significant, the fossil shall be collected from the field.
- Collected resources shall be prepared to the point of identification, identified to the lowest taxonomic level possible, cataloged, and curated into the permanent collections of a scientific institution.
- At the conclusion of the monitoring program, a report of findings shall be prepared to document the results of the monitoring program.

### 5.6.12 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Compliance with existing regulatory programs and implementation of Mitigation Measure PAL-1 would reduce potential impacts associated with unique paleontological resources to a level that is less than significant.

### 5.6.13 REFERENCES

- Carl Kim Geotechnical, Inc. (2024). *Geotechnical Exploration Proposed Wavegarden Cove, 3100 Irvine Avenue, Newport Beach, California*. (**Appendix H**)
- City of Newport Beach. (2001, January). *Santa Ana Heights Specific Plan*. Retrieved September 23, 2024, from [ocpublicworks.com](https://www.ocpublicworks.com).
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- LSA Associates. (2024). *Paleontological Resources Assessment for the Snug Harbor Project in Newport Beach, Orange County, California*. (**Appendix I**)

## 5.7 Greenhouse Gas Emissions

### 5.7.1 INTRODUCTION

This section of the Draft EIR evaluates greenhouse gas (GHG) emissions associated with the proposed Project and its contribution to global climate change. Specifically, this section evaluates the extent to which GHG emissions from the Project contribute to elevated levels of GHGs in the Earth's atmosphere and consequently contribute to climate change. This section also addresses the Project's consistency with applicable plans, policies, and public agency regulations adopted for the purpose of reducing the emissions of GHGs. The analysis within this section is based on the following City documents and technical reports:

- *City of Newport Beach General Plan, 2006*
- *City of Newport Beach General Plan Environmental Impact Report (General Plan EIR), 2006*
- *City of Newport Beach Municipal Code*
- *Surf Farm Greenhouse Gas Analysis, prepared by Urban Crossroads, 2025, included as Appendix J*

### 5.7.2 REGULATORY SETTING

#### 5.7.2.1 Federal Regulations

##### **Energy Independence and Security Act, Corporate Average Fuel Efficiency Standards**

On December 19, 2007, the Energy Independence and Security Act of 2007 was signed into law, requiring an increased Corporate Average Fuel Economy (CAFE) standard of 35 miles per gallon (mpg) for the combined fleet of cars and light trucks by the 2020 model year.

In addition to setting increased CAFE standards for motor vehicles, the Energy Independence and Security Act includes the following additional provisions:

- Renewable Fuel Standard (RFS) (Section 202)
- Appliance and Lighting Efficiency Standards (Sections 301–325)
- Building Energy Efficiency (Sections 411–441)

Additional provisions of the Act address energy savings in government and public institutions, promoting research for alternative energy, additional research in carbon capture, international energy programs, and the creation of green jobs.

#### 5.7.2.2 State Regulations

##### **California Assembly Bill 1493– Pavley**

In 2002, the California Legislature adopted Assembly Bill (AB) 1493 requiring the adoption of regulations to reduce GHG emissions in the transportation sector. In September 2004, pursuant to AB 1493, the California Air Resources Board (CARB) approved regulations to reduce GHG emissions from new motor vehicles beginning with the 2009 model year (Pavley Regulations). In September 2009, CARB adopted amendments to the Pavley Regulations to reduce GHG emissions from 2009 to 2016. CARB, the United States Environmental Protection Agency (USEPA), and the United States Department of Transportation's National Highway Traffic and Safety Administration have coordinated efforts to develop fuel economy and

GHG standards for model 2017-2025 vehicles. The GHG standards are incorporated into the “Low Emission Vehicle” (LEV) Regulations.

### **California Executive Order S-3-05 – Statewide Emission Reduction Targets**

Executive Order S-3-05 was signed by Governor Arnold Schwarzenegger in June 2005. Executive Order S-3-05 establishes statewide emission reduction targets through the year 2050:

- By 2010, reduce GHG emissions to 2000 levels;
- By 2020, reduce GHG emissions to 1990 levels; and
- By 2050, reduce GHG emissions to 80 percent below 1990 levels.

### **California Assembly Bill 32 (AB 32), Global Warming Solutions Act of 2006 (Chapter 488, Statutes of 2006)**

In 2006, the California Legislature passed the California Global Warming Solutions Act of 2006 (AB 32), which created a comprehensive, multi-year program to reduce GHG emissions in California. AB 32 required CARB to develop a Scoping Plan that describes the approach California will take to reduce GHGs to achieve the goal of reducing emissions to 1990 levels by 2020. The Scoping Plan was first approved by CARB in 2008 and must be updated at least every five years. Since 2008, there have been two updates to the Scoping Plan. Each of the Scoping Plans have included a suite of policies to help the State achieve its GHG targets, in large part leveraging existing programs whose primary goal is to reduce harmful air pollution. The 2017 Scoping Plan identifies how the State can reach the 2030 climate target to reduce GHG emissions by 40 percent from 1990 levels, and substantially advance toward the 2050 climate goal to reduce GHG emissions by 80 percent below 1990 levels.

The AB 32 Scoping Plan also anticipates that local government actions will result in reduced GHG emissions because local governments have the primary authority to plan, zone, approve, and permit development to accommodate population growth and the changing needs of their jurisdictions. The Scoping Plan also relies on the requirements of Senate Bill 375 (discussed below) to align local land use and transportation planning for achieving GHG reductions.

The Scoping Plan must be updated every five years to evaluate AB 32 policies and ensure that California is on track to achieve the GHG reduction goals. On December 15, 2022, CARB adopted the 2022 Scoping Plan. The 2022 Scoping Plan builds on the previous Scoping Plans as well as the requirements set forth by AB 1279, which directs the state to become carbon neutral no later than 2045. To achieve this statutory objective, the 2022 Scoping Plan lays out how California can reduce GHG emissions by 85 percent below 1990 levels and achieve carbon neutrality by 2045. The Scoping Plan scenario to do this is to “deploy a broad portfolio of existing and emerging fossil fuel alternatives and clean technologies, and align with statutes, Executive Orders, Board direction, and direction from the governor.” The 2022 Scoping Plan sets one of the most aggressive approaches to reach carbon neutrality in the world.

### **Senate Bill 375 (Chapter 728, Statutes of 2008)**

In August 2008, the California Legislature passed, and on September 30, 2008, Governor Schwarzenegger signed, Senate Bill (SB) 375, which addresses GHG emissions associated with the transportation sector through regional transportation and sustainability plans. Regional GHG reduction targets for the automobile and light-truck sector for 2020 and 2035, as determined by CARB, are required to consider the emission reductions associated with vehicle emission standards (see SB 1493), the composition of fuels (see Executive Order S-1-07), and other CARB-approved measures to reduce GHG emissions. Regional metropolitan planning organizations will be responsible for preparing a Sustainable Communities Strategy within their

Regional Transportation Plan. The goal of the Sustainable Communities Strategy is to establish a development plan for the region, which, after considering transportation measures and policies, will achieve, if feasible, the GHG reduction targets. If a Sustainable Communities Strategy is unable to achieve the GHG reduction target, a metropolitan planning organization must prepare an Alternative Planning Strategy demonstrating how the GHG reduction target would be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies. SB 375 provides incentives for streamlining CEQA requirements by substantially reducing the requirements for “transit priority projects,” as specified in SB 375, and eliminating the analysis of the impacts of certain residential projects on global warming and the growth-inducing impacts of those projects when the projects are consistent with the Sustainable Communities Strategy or Alternative Planning Strategy. On September 23, 2010, CARB adopted the SB 375 targets for the regional metropolitan planning organizations.

### **Executive Order B-30-15 – 2030 Statewide Emission Reduction Target**

Executive Order B-30-15 was signed by Governor Jerry Brown on April 29, 2015, establishing an interim statewide GHG reduction target of 40 percent below 1990 levels by 2030, which is necessary to guide regulatory policy and investments in California in the midterm, and put California on the most cost-effective path for long-term emission reductions. Under this Executive Order, all State agencies with jurisdiction over sources of GHG emissions are required to continue to develop and implement emissions reduction programs to reach the State’s 2050 target and attain a level of emissions necessary to avoid dangerous climate change. According to the Governor’s Office, this Executive Order is in line with the scientifically established levels needed in the United States to limit global warming below 2°C - the warming threshold at which scientists say there will likely be major climate disruptions such as super droughts and rising sea levels.

### **Senate Bill 32 (Chapter 249, Statutes of 2016)**

Senate Bill 32 was signed on September 8, 2016, by Governor Jerry Brown. SB 32 requires the State to reduce statewide GHG emissions to 40 percent below 1990 levels by 2030, a reduction target that was first introduced in Executive Order B-30-15. The new legislation builds upon the AB 32 goal of 1990 levels by 2020 and provides an intermediate goal to achieving S-3-05, which sets a statewide GHG reduction target of 80 percent below 1990 levels by 2050. A related bill that was also approved in 2016, AB 197 (Chapter 250, Statutes of 2016) creates a legislative committee to oversee regulators to ensure that CARB is not only responsive to the Governor, but also the Legislature.

### **AB 398 – Extension of Cap and Trade Program to 2030 (Chapter 617, Statutes of 2017)**

AB 398 was signed by Governor Brown on July 25, 2017 and became effective immediately as urgency legislation. AB 398, among other things, extending the cap and trade program through 2030.

### **Senate Bill 97 (Chapter 185, Statutes of 2007)**

SB 97 (Health and Safety Code Section 21083.5) was adopted in 2007 and required the Office of Planning and Research to prepare amendments to the State CEQA Guidelines for the mitigation of GHG impacts. The amendments became effective on March 18, 2010. The CEQA Amendments provide guidance to public agencies regarding the analysis and mitigation of the effects of GHG emissions in CEQA documents. A new section, State CEQA Guidelines Section 15064.4, was added to assist agencies in determining the significance of GHG emissions. The State CEQA Guidelines Section gives discretion to the lead agency whether to: (1) use a model of methodology to quantify GHG emissions resulting from a project, and which model or methodology to use; or (2) rely on a qualitative analysis or performance-based standards. CEQA does not provide guidance to determine whether the project’s estimated GHG emissions are significant or cumulatively considerable.

Also amended were State CEQA Guidelines Sections 15126.4 and 15130, which address mitigation measures and cumulative impacts respectively. However, GHG mitigation measures are referenced in general terms, and no specific measures are identified. Additionally, the revision to the cumulative impact discussion requirement (Section 15130) simply directs agencies to analyze GHG emissions in an EIR when a project's incremental contribution of emissions may be cumulatively considerable, however it does not answer the question of when emissions are cumulatively considerable.

Section 15183.5 permits programmatic GHG analysis and later project-specific tiering, as well as the preparation of Greenhouse Gas Reduction Plans. Compliance with such plans can support a determination that a project's cumulative effect is not cumulatively considerable, according to Section 15183.5(b).

### California Air Resources Board Scoping Plan

On December 15, 2022, CARB adopted the 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan). The 2022 Scoping Plan builds on the previous 2017 Scoping Plan as well as the requirements set forth by AB 1279, which directs the State to become carbon neutral no later than 2045. To achieve this statutory objective, the 2022 Scoping Plan lays out how California can reduce GHG emissions by 85 percent below 1990 levels and achieve carbon neutrality by 2045. The Scoping Plan scenario to do this is to “deploy a broad portfolio of existing and emerging fossil fuel alternatives and clean technologies, and align with statutes, Executive Orders, Board direction, and direction from the governor.” The 2022 Scoping Plan sets one of the most aggressive approaches to reach carbon neutrality in the world. Unlike the 2017 Scoping Plan, CARB no longer includes a numeric per capita threshold and instead advocates for compliance with a local GHG reduction strategy (CAP) consistent with CEQA Guidelines Section 15183.5.

The key elements of the 2022 CARB Scoping Plan focus on transportation; the regulations that affect this sector are adopted and enforced by CARB on vehicle manufacturers and outside the jurisdiction and control of local governments. As stated in the Plan's executive summary:

*“The major element of this unprecedented transformation is the aggressive reduction of fossil fuels wherever they are currently used in California, building on and accelerating carbon reduction programs that have been in place for a decade and a half. That means rapidly moving to zero-emission transportation; electrifying the cars, buses, trains, and trucks that now constitute California's single largest source of planet-warming pollution.”*

*“[A]pproval of this plan catalyzes a number of efforts, including the development of new regulations as well as amendments to strengthen regulations and programs already in place, not just at CARB but across state agencies.”*

Under the 2022 Scoping Plan, the 2045 carbon neutrality goal is to be implemented by the following objectives:

- Reimagine roadway projects that increase VMT in a way that meets community needs and reduces the need to drive.
- Double local transit capacity and service frequencies by 2030.
- Complete the High-Speed Rail (HSR) System and other elements of the intercity rail network by 2040.
- Expand and complete planned networks of high-quality active transportation infrastructure.
- Increase availability and affordability of bikes, e-bikes, scooters, and other alternatives to light-duty vehicles, prioritizing needs of underserved communities.
- Shift revenue generation for transportation projects away from the gas tax into more durable sources by 2030.
- Authorize and implement roadway pricing strategies and reallocate revenues to equitably improve transit, bicycling, and other sustainable transportation choices.

- Prioritize addressing key transit bottlenecks and other infrastructure investments to improve transit operational efficiency over investments that increase VMT.
- Develop and implement a statewide transportation demand management (TDM) framework with VMT mitigation requirements for large employers and large developments.
- Prevent uncontrolled growth of autonomous vehicle (AV) VMT, particularly zero-passenger miles.
- Channel new mobility services towards pooled use models, transit complementarity, and lower VMT outcomes.
- Establish an integrated statewide system for trip planning, booking, payment, and user accounts that enables efficient and equitable multimodal systems.
- Provide financial support for low-income and disadvantaged Californians' use of transit and new mobility services.
- Expand universal design features for new mobility services.
- Accelerate infill development in existing transportation-efficient places and deploy strategic resources to create more transportation-efficient locations.
- Encourage alignment in land use, housing, transportation, and conservation planning in adopted regional plans (RTP/SCS and RHNA) and local plans (e.g., general plans, zoning, and local transportation plans).
- Accelerate production of affordable housing in forms and locations that reduce VMT and affirmatively further fair housing policy objectives.
- Reduce or eliminate parking requirements (and/or enact parking maximums, as appropriate) and promote redevelopment of excess parking, especially in infill locations.
- Preserve and protect existing affordable housing stock and protect existing residents and businesses from displacement and climate risk.

## **Title 24 Energy Efficiency Standards and California Green Building Standards**

California Code of Regulations (CCR) Title 24 Part 6: The California Energy Code was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. The most recently updated 2022 Energy Code encourages efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, and strengthens ventilation standards, among other requirements.

CCR, Title 24, Part 11: California Green Building Standards Code (CALGreen) is a comprehensive and uniform regulatory code for all new construction and major renovations, and is administered by the California Building Standards Commission. The purpose of CALGreen is to improve public health, safety, and general welfare through enhanced design and construction of buildings using concepts which reduce negative impacts and promote those principles which have a positive environmental impact and encourage sustainable construction practices. It is also updated every three years. The most recent update is the 2022 CALGreen Code that became effective January 1, 2023.

It should be noted that the 2025 California Energy Code and CALGreen Building Code Standards are expected to be effective on January 1, 2026. The Project would be required to comply with the applicable standards in place at the time plan check submittals are made.

The 2022 California Energy Code and CALGreen Code mandatory measures for nonresidential uses that reduce air pollutant emissions and are applicable to the proposed Project include, but are not limited to, the following:

- Short-term bicycle parking. If the new project or an additional alteration is anticipated to generate visitor traffic, provide permanently anchored bicycle racks within 200 feet of the visitors' entrance,

readily visible to passers-by, for 5% of new visitor motorized vehicle parking spaces being added, with a minimum of one two-bike capacity rack (5.106.4.1.1).

- Long-term bicycle parking. For new buildings with tenant spaces that have 10 or more tenant-occupants, provide secure bicycle parking for 5% of the tenant-occupant vehicular parking spaces with a minimum of one bicycle parking facility (5.106.4.1.2).
- EV charging stations. New construction shall facilitate the future installation of EV supply equipment. The compliance requires empty raceways for future conduit and documentation that the electrical system has adequate capacity for the future load. The number of spaces to be provided for is contained in Table 5.106. 5.3.3 (5.106.5.3). Additionally, Table 5.106.5.4.1 specifies requirements for the installation of raceway conduit and panel power requirements for medium- and heavy-duty electric vehicle supply equipment for warehouses, grocery stores, and retail stores.
- Outdoor light pollution reduction. Outdoor lighting systems shall be designed to meet the backlight, uplight and glare ratings per Table 5.106.8 (5.106.8).
- Construction waste management. Recycle and/or salvage for reuse a minimum of 65% of the nonhazardous construction and demolition waste in accordance with Section 5.408.1.1. 5.405.1.2, or 5.408.1.3; or meet a local construction and demolition waste management ordinance, whichever is more stringent (5.408.1).
- Excavated soil and land clearing debris. 100% of trees, stumps, rocks and associated vegetation and soils resulting primarily from land clearing shall be reuse or recycled. For a phased project, such material may be stockpiled on site until the storage site is developed (5.408.3).
- Recycling by Occupants. Provide readily accessible areas that serve the entire building and are identified for the depositing, storage, and collection of non-hazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, organic waste, and metals or meet a lawfully enacted local recycling ordinance, if more restrictive (5.410.1).
- Water conserving plumbing fixtures and fittings. Plumbing fixtures (water closets and urinals) and fittings (faucets and showerheads) shall comply with the following:
  - Water Closets. The effective flush volume of all water closets shall not exceed 1.28 gallons per flush (5.303.3.1)
  - Urinals. The effective flush volume of wall-mounted urinals shall not exceed 0.125 gallons per flush (5.303.3.2.1). The effective flush volume of floor-mounted or other urinals shall not exceed 0.5 gallons per flush (5.303.3.2.2).
  - Showerheads. Single showerheads shall have a minimum flow rate of not more than 1.8 gallons per minute and 80 psi (5.303.3.3.1). When a shower is served by more than one showerhead, the combine flow rate of all showerheads and/or other shower outlets controlled by a single valve shall not exceed 1.8 gallons per minute at 80 psi (5.303.3.3.2).
  - Faucets and fountains. Nonresidential lavatory faucets shall have a maximum flow rate of not more than 0.5 gallons per minute at 60 psi (5.303.3.4.1). Kitchen faucets shall have a maximum flow rate of not more than 1.8 gallons per minute of 60 psi (5.303.3.4.2). Wash fountains shall have a maximum flow rate of not more than 1.8 gallons per minute (5.303.3.4.3). Metering faucets shall not deliver more than 0.20 gallons per cycle (5.303.3.4.4). Metering faucets for wash fountains shall have a maximum flow rate not more than 0.20 gallons per cycle (5.303.3.4.5).
- Outdoor potable water uses in landscaped areas. Nonresidential developments shall comply with a local water efficient landscape ordinance or the current California Department of Water Resources' Model Water Efficient Landscape Ordinance (MWELO), whichever is more stringent (5.304.1).
- Water meters. Separate submeters or metering devices shall be installed for new buildings or additions in excess of 50,000 SF or for excess consumption where any tenant within a new building or

within an addition that is project to consume more than 1,000 gallons per day (GPD) (5.303.1.1 and 5.303.1.2).

- Outdoor water uses in rehabilitated landscape projects equal or greater than 2,500 SF. Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 SF requiring a building or landscape permit (5.304.3).
- Commissioning. For new buildings 10,000 SF and over, building commissioning shall be included in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (5.410.2).

The City of Newport Beach has adopted the 2022 Energy Code in Municipal Code Chapter 15.17 and the 2022 CALGreen Code in Municipal Code Chapter 15.11.

### 5.7.2.3 Local and Regional Regulations

#### City of Newport Beach General Plan 2006

The City of Newport Beach General Plan 2006 contains the following policies related to greenhouse gas emissions that are applicable to the Project:

**Policy CE 7.1.8 Electric Vehicle (EV) Charging Stations.** Install additional EV charging stations on City properties, support existing private development to add new EV charging stations and develop incentives for the installation of EV charging stations and other alternative fuels systems as part of new development.

**Policy NR 6.1 Walkable Neighborhoods.** Provide for walkable neighborhoods to reduce vehicle trips by siting amenities such as services, parks, and schools in close proximity to residential areas.

**Policy NR 24.2 Energy-Efficient Design Features.** Promote energy-efficient design features.

**Policy NR 24.3 Incentives for Green Building Program Implementation.** Promote or provide incentives for "Green Building" programs that go beyond the requirements of Title 24 of the California Administrative Code and encourage energy efficient design elements as appropriate to achieve "green building" status.

#### City of Newport Beach Energy Action Plan

The City of Newport Beach's Energy Action Plan outlines strategies to enhance energy efficiency, promote renewable energy, and reduce GHG emissions. By implementing energy efficiency programs in residential and commercial buildings, encouraging renewable energy sources like solar, and setting long-term sustainability goals, the plan aims to mitigate climate change impacts. It also emphasizes community engagement and collaboration with local organizations to foster a culture of energy conservation. Ultimately, the plan directly contributes to reducing GHG emissions, improving air quality, and promoting a healthier, more sustainable environment for residents. The Plan is focused on City buildings and facilities and does not include any specific policies for new commercial recreational development projects.

#### City of Newport Beach Municipal Code

**Section 15.11.010, Adoption of the California Green Building Standards Code.** The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2022 Edition of the California Green Building Standards Code.



**Section 15.17.010, Adoption of the California Energy Code.** The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2022 Edition of the California Energy Code, 24 CCR and all national codes and standards referenced therein to the prescribed extent of each such reference.

**Section 15.18.040, Solar Energy Requirements.** This section of the Municipal Code sets the requirements for solar energy systems with the City of Newport Beach.

**Chapter 15.19, Electric Vehicle Charging Stations.** Municipal Code Chapter 15.19 aims to encourage the use of electric vehicle charging stations by removing unreasonable barriers, minimizing costs to property owners and the City, and expanding the ability of property owners to install electric vehicle charging stations. Pursuant to Municipal Code Section 15.19.060, applications to install electric vehicle charging stations through issuance of a building permit or similar nondiscretionary permit will be administratively reviewed and approved by the Building Division.

## 5.7.3 ENVIRONMENTAL SETTING

### 5.7.3.1 Greenhouse Gases Overview

Gases that trap heat in the atmosphere are called greenhouse gases (GHGs). The major concern with GHGs is that increases in their concentrations are contributing to global climate change. Global climate change is a change in the average weather on Earth that can be measured by wind patterns, storms, precipitation, and temperature. Although there is disagreement as to the rate of global climate change and the extent of the impacts attributable to human activities, most in the scientific community agree that there is a direct link between increased emissions of GHGs and long-term global temperature increases.

The principal GHGs are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), perfluorocarbons (PFCs), and hydrofluorocarbons (HFCs). Because different GHGs have different warming potential, and CO<sub>2</sub> is the most common reference gas for climate change, GHG emissions are often quantified and reported as CO<sub>2</sub> equivalents (CO<sub>2</sub>e). For example, SF<sub>6</sub> is a GHG commonly used in the utility industry as an insulating gas in circuit breakers and other electronic equipment. SF<sub>6</sub>, while comprising a small fraction of the total GHGs emitted annually world-wide, is a much more potent GHG, with 22,800 times the global warming potential as CO<sub>2</sub>. Therefore, an emission of one metric ton (MT) of SF<sub>6</sub> could be reported as an emission of 22,800 MT of CO<sub>2</sub>e. Large emission sources are reported in million metric tons (MMT) of CO<sub>2</sub>e. The principal GHGs are described below, along with their global warming potential.

**Carbon dioxide:** Carbon dioxide (CO<sub>2</sub>) is an odorless, colorless, natural GHG. Carbon dioxide's global warming potential is 1. Natural sources include decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; evaporation from oceans; and volcanic outgassing. Anthropogenic (manmade) sources are from burning coal, oil, natural gas, and wood.

**Methane:** Methane (CH<sub>4</sub>) is a flammable gas and is the main component of natural gas. It has a lifetime of 12 years, and its global warming potential is 28. Methane is extracted from geological deposits (natural gas fields). Other sources are landfills, fermentation of manure, and decay of organic matter.

**Nitrous oxide:** Nitrous oxide (N<sub>2</sub>O) (laughing gas) is a colorless GHG that has a lifetime of 121 years, and its global warming potential is 265. Sources include microbial processes in soil and water, fuel combustion, and industrial processes.

**Sulfur hexafluoride:** Sulfur hexafluoride (SF<sub>6</sub>) is an inorganic, odorless, colorless, and nontoxic, nonflammable gas that has a lifetime of 3,200 years and a high global warming potential of 23,500. This gas is manmade and used for insulation in electric power transmission equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas.

**Perfluorocarbons:** Perfluorocarbons (PFCs) have stable molecular structures and only break down by ultraviolet rays about 60 kilometers above Earth's surface. Because of this, they have long lifetimes, between 10,000 and 50,000 years. Their global warming potential ranges from 7,000 to 11,000. Two main sources of perfluorocarbons are primary aluminum production and semiconductor manufacturing.

**Hydrofluorocarbons:** Hydrofluorocarbons (HFCs) are a group of GHGs containing carbon, chlorine, and at least one hydrogen atom. Their global warming potential ranges from 100 to 12,000. Hydrofluorocarbons are synthetic manmade chemicals used as a substitute for chlorofluorocarbons in applications such as automobile air conditioners and refrigerants.

Some of the potential effects in California of global warming may include loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more forest fires, and more drought years. Globally, climate change has the potential to impact numerous environmental resources through potential, though uncertain, impacts related to future air temperatures and precipitation patterns. The projected effects of global warming on weather and climate are likely to vary regionally, but are expected to include the following direct effects:

- Higher maximum temperatures and more hot days over nearly all land areas;
- Higher minimum temperatures, fewer cold days and frost days over nearly all land areas;
- Reduced diurnal temperature range over most land areas;
- Increase of heat index over land areas; and
- More intense precipitation events.

There are also many secondary effects that are projected to result from global warming, including global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity. While the possible outcomes and the feedback mechanisms involved are not fully understood and much research remains to be done, the potential for substantial environmental, social, and economic consequences over the long term may be great.

GHGs are produced by both direct and indirect emissions sources. Direct emissions include consumption of natural gas, heating and cooling of buildings, landscaping activities and other equipment used directly by land uses. Indirect emissions include the consumption of fossil fuels for vehicle trips, electricity generation, water usage, and solid waste disposal.

### 5.7.3.2 Project Site Conditions

The proposed Project is located in the northern portion of the City of Newport Beach east of the intersection of Mesa Drive and Irvine Avenue within the Newport Beach Golf Course. The primary GHG emissions in the City of Newport Beach result from on-road transportation, building energy, water use, and wastewater generation.

The Project site encompasses approximately 15.38 acres and is comprised of one parcel. The Project site is currently developed with a 38-bay partially covered synthetic turf driving range, a 1,050-square-foot (SF) putting green, a 8,975 SF building that includes a pro shop and a restaurant that seats 233 people, a surface parking lot with 280 parking spaces, and three holes of the existing NB Golf Course (holes 1, 2, and 9). Existing GHG emissions occur from operation of the site for commercial recreational activities and vehicle trips associated with this use and total approximately 1,839.59 CO<sub>2</sub>e annually.

## 5.7.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of State CEQA Guidelines indicates that a Project could have a significant effect if it were to:

- GHG-1 Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
- GHG-2 Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

CEQA Guidelines Section 15064.4 provides discretion to the lead agency whether to: (1) use a model of methodology to quantify GHG emissions resulting from a project, and which model or methodology to use; or (2) rely on a qualitative analysis or performance-based standards. In addition, CEQA does not provide guidance to determine whether the project's estimated GHG emissions are significant, but recommends that lead agencies consider several factors that may be used in the determination of significance of project related GHG emissions, including:

- The extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting.
- Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.
- The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

CEQA Guidelines Section 15130(f) describes that the effects of GHG emissions are by their very nature cumulative and should be analyzed in the context of CEQA's requirements for cumulative impact analysis. Additionally, CEQA Guidelines Section 15064(h)3 states that a project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project would comply with an approved plan or mitigation program that provides requirements to avoid or lessen the cumulative problem.

The SCAQMD formed a working group to identify greenhouse gas emissions thresholds for land use projects that could be used by local lead agencies in the Basin in 2008. The working group developed several different options that are contained in the SCAQMD Draft Guidance Document – Interim CEQA Greenhouse Gas Significance Threshold, that could be applied by lead agencies, which includes the following tiered approach:

- Tier 1 consists of evaluating whether or not the project qualifies for any applicable exemption under CEQA.
- Tier 2 consists of determining whether the project is consistent with a greenhouse gas reduction plan. If a project is consistent with a qualifying local greenhouse gas reduction plan, it does not have significant greenhouse gas emissions.
- Tier 3 consists of screening values, which the lead agency can choose, but must be consistent with all projects within its jurisdiction. A project's construction emissions are averaged over 30 years and are added to the project's operational emissions. If a project's emissions are below one of the following screening thresholds, then the project is less than significant:
  - All land use types: 3,000 MTCO<sub>2</sub>e per year
  - Based on land use type:
    - Residential: 3,500 MTCO<sub>2</sub>e per year
    - Commercial: 1,400 MTCO<sub>2</sub>e per year
    - Mixed use: 3,000 MTCO<sub>2</sub>e per year
    - Industrial use: 10,000 MTCO<sub>2</sub>e per year when SCAQMD is the lead agency

SCAQMD used the Executive Order S-3-05-year 2050 goal as the basis for the Tier 3 screening level. Achieving the Executive Order's objective would contribute to worldwide efforts to cap CO<sub>2</sub> concentrations at 450 ppm, thus stabilizing global climate.

The City of Newport Beach has not adopted its own numeric threshold of significance for determining impacts concerning GHG emissions, but uses a screening threshold of 3,000 MTCO<sub>2e</sub>/yr. This approach is a widely accepted screening threshold used by the City of Newport Beach and numerous cities in the South Coast Air Basin (SCAB) and is based on the SCAQMD staff's proposed GHG screening threshold for stationary source emissions for non-industrial projects.

Thus, and based on guidance from the SCAQMD, if the Project would emit GHGs less than 3,000 MTCO<sub>2e</sub>/yr, the Project is not considered a substantial GHG emitter and the GHG impact is less than significant. Conversely, if the Project would emit GHGs in excess of 3,000 MTCO<sub>2e</sub>/yr, then the Project could be considered a substantial GHG emitter, and mitigation would be required.

### 5.7.5 METHODOLOGY

The California Emissions Estimator Model (CalEEMod) v2022 is the most recent version and has been used to determine construction and operational GHG emissions from the proposed Project. The purpose of this model is to calculate construction-source and operational-source GHG emissions from direct and indirect sources; and quantify applicable air quality and GHG reductions achieved from mitigation measures, if applied. Construction emissions are quantified and per SCAQMD methodology, the total GHG emissions for construction activities are divided by 30-years and then added to the annual operational phase of GHG emissions.

In addition, CEQA requires the lead agency to consider the extent to which the proposed Project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions. Therefore, this section addresses whether the proposed Project complies with various programs and measures designed to reduce GHG emissions. There is no statewide program or regional program or plan that has been adopted with which all new development must comply; thus, this analysis has identified the most relevant to the City of Newport Beach and the proposed Project.

### 5.7.6 ENVIRONMENTAL IMPACTS

#### **IMPACT GHG-1: THE PROJECT WOULD NOT GENERATE GREENHOUSE GAS EMISSIONS, EITHER DIRECTLY OR INDIRECTLY, THAT MAY HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT.**

##### **Less than Significant Impact.**

##### **Construction**

As described in Section 3.0, *Project Description*, construction of the proposed Project is anticipated to occur over approximately 18 months. The construction-related activities involve the following: demolition, site preparation, excavation, grading, paving, construction of the surf lagoon, pools, spa, building structures, parking lots, infrastructure, landscape installation, and architectural coatings. These construction activities would result in the emission of GHGs from equipment exhaust, construction-related vehicular activity and construction worker automobile trips. The maximum emissions of GHGs from construction of the Project was based on the assumption that each piece of construction equipment would operate 8 hours per day, which is a conservative assumption that all equipment would be operating throughout the entire workday. The total

estimated construction related GHG emissions from construction of the proposed Project were amortized over 30 years per SCAQMD methodology.

As shown on Table 5.7-1, construction of the proposed Project would result in the generation of approximately 25.93 MTCO<sub>2e</sub>.

**Table 5.7-1: Project Construction Greenhouse Emissions**

Year	Emissions (MT/yr)				
	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	Refrigerants	Total CO <sub>2e</sub> <sup>1</sup>
2026	418.88	0.02	0.01	0.06	421.20
2027	354.19	0.01	0.01	0.07	356.64
Total GHG Emissions	773.07	0.03	0.01	0.13	777.84
<b>Amortized Construction Emissions</b>	<b>25.77</b>	<b>1.01E-03</b>	<b>0.00</b>	<b>0.00</b>	<b>25.93</b>

CO<sub>2</sub> = carbon dioxide, CH<sub>4</sub> = methane, N<sub>2</sub>O = nitrous oxide, CO<sub>2e</sub> = carbon dioxide equivalent, MT/yr = metric tons per year  
Source: Appendix J

### Operation

Operation of the proposed Project would generate GHG emissions from vehicle trips, electricity and natural gas consumption, water, and wastewater transport (the energy used to pump water), and solid waste generation. The GHG generated by Project vehicular trips would be limited. As detailed in Section 5.14, *Transportation*, the proposed Project would result in a net increase of 186 daily trips. GHG emissions from electricity consumed by the proposed Project would be generated off site by fuel combustion at the electricity provider. The Project is expected to consume 9,655,716 kWh of electricity per year. The Project includes installation of solar panels on building roofs and on canopies in the parking lots (Project Design Feature (PDF) -1 Solar). These solar panels would generate approximately 2,375,568 kWh or 24 percent of the Projects yearly energy demand. Additionally, it is estimated that the Project would consume 12,158,880 kBtu of natural gas per year for kitchen and water heating purposes. GHG emissions associated with natural gas usage in kitchens and water heaters was calculated using CalEEMod (Appendix J).

GHG emissions from water transport are also indirect emissions resulting from the energy required to transport water from its source. The Project is expected to consume 28.85 million gallons of water per year, and approximately 53,351 gallons per day of wastewater. GHG emissions from solid waste disposal (of approximately 17.91 tons per year) are associated with the anaerobic breakdown of material. Additionally, the Project involves both the removal of existing trees and the addition of new ones, which may affect carbon sequestration at the site. Mature trees store substantial carbon, and their removal can lead to immediate emissions and reduced sequestration capacity. Conversely, while young trees initially sequester less carbon, they can contribute significantly over time as they grow. Sequestration associated with the Project was calculated and included in the estimated GHGs that would be generated from the Project.

As shown in Table 5.7-2, construction and operation of the Project would generate approximately 2,433.05 MTCO<sub>2e</sub>/yr, which would not exceed the screening threshold of 3,000 MTCO<sub>2e</sub> per year. Therefore, construction and operation of the proposed Project would be less than significant.

<sup>1</sup> CalEEMod reports the most common GHGs emitted which include CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, and Refrigerants. These GHGs are then converted into the CO<sub>2e</sub> by multiplying the individual GHG by the global warming potential (GWP).

**Table 5.7-2: Project Operation Greenhouse Emissions**

Emission Source	Emissions (MT/yr)				
	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	Refrigerants	Total CO <sub>2</sub> e
Annual construction-related emissions amortized over 30 years	25.77	1.00E-03	0.00	0.00	25.93
Mobile Source	1,546.00	0.07	0.06	2.15	1,568.00
Area Source	1.61	< 0.005	< 0.005	0.00	1.62
Energy Source	2,161.41	0.20	0.02	0.00	2,172.03
Water Usage Source	19.20	< 0.005	< 0.005	0.00	19.30
Waste Source	13.50	1.35	0.00	0.00	47.20
Refrigeration Source	0.00	0.00	0.00	0.01	0.01
Sequestration	-0.45	0.00	0.00	0.00	-0.45
<b>Project CO<sub>2</sub>e (All Sources)</b>	<b>3,833.64</b>				
Holes to Remain <sup>1</sup>	439.00				
<b>Total CO<sub>2</sub>e (All Sources)</b>	<b>4,272.64</b>				
<i>Existing</i>	<i>-1,839.59</i>				
<b>Net Emissions (Proposed – Existing)</b>	<b>2,433.05</b>				

CO<sub>2</sub> = carbon dioxide, CH<sub>4</sub> = methane, N<sub>2</sub>O = nitrous oxide, CO<sub>2</sub>e = carbon dioxide equivalent, MT/yr = metric tons per year  
Source: Appendix J

<sup>1</sup>Per the Trip Generation Assessment for proposed Project included as Table 5.14-2, the Project would retain 15 holes of the existing 18-hole Newport Beach Golf Course.

## **IMPACT GHG-2: THE PROJECT WOULD NOT CONFLICT WITH AN APPLICABLE PLAN, POLICY OR REGULATION ADOPTED FOR THE PURPOSE OF REDUCING THE EMISSIONS OF GREENHOUSE GASES.**

### **Less than Significant Impact.**

The proposed Project consists of redevelopment of an existing commercial golf course recreation area with a new and different commercial recreation use. The Project site is adjacent to arterial roadways that connect to nearby freeways. The existing pedestrian and bicycle infrastructure, proposed bicycle racks, and site location adjacent to an OCTA bus route would promote non-vehicular transportation to the site and reduce the vehicle miles traveled and related GHG emissions. Providing a recreation development in such a location is consistent with the intent of the AB 32 Scoping Plan and SB 375, which is focused on infill land use patterns and improving transportation alternatives.

The proposed Project would be implemented pursuant to the CALGreen Building/Title 24 requirements and would provide new land uses in a sustainable manner. The City's administration of the Title 24 requirements includes review of proposed energy conservation measures during the permitting process, which ensures that all requirements are met. Typical Title 24 measures include insulation; use of energy-efficient heating, ventilation, and air conditioning equipment; energy-efficient indoor and outdoor lighting systems; reclamation of heat rejection from refrigeration equipment to generate hot water; and incorporation of skylights, and solar infrastructure. In complying with the Title 24 standards, the proposed Project would be implementing regulations that reduce GHG emissions. As detailed in Section 3.0, *Project Description*, the proposed Project includes installation of solar panels on the proposed buildings and on canopies in the parking lots. The Project would provide EV charging stations and EV parking.

The Project would also be consistent with the following existing regulatory requirements:

- **Pavley emissions standard and Low Carbon Fuel Standard:** Pavley emissions standards (AB 1493) apply to all new passenger vehicles starting with model year 2009, and the Low Carbon Fuel Standard became effective in 2010 and regulates the transportation fuel used. The second phase of implementation of the Pavley regulations per AB 1493 is referred to as the Advanced Clean Car program, which combines the control of smog-causing pollutants and GHG emissions into a single coordinated package of requirements for model years 2017 through 2025. The regulation reduces GHGs from new cars by 34 percent from 2016 levels by 2025. The Project would be consistent with these requirements as they apply to all new passenger vehicles and vehicle fuel purchased in California.
- **Medium/Heavy-Duty Vehicle Regulations:** Medium/heavy-duty vehicle regulations are implemented by the State to reduce emissions from trucks. Since the proposed Project has a large truck component, these regulations would aid in reducing GHG emissions from the Project. The Project is consistent with this measure and its implementation as medium and heavy-duty vehicles associated with construction of the Project would be required to comply with the requirements of this regulation.
- **Tractor-Trailer Greenhouse Gas Regulation:** Tractor-trailers subject to this State regulation are primarily 53-foot or longer box-type trailers, are required to be either use USEPA SmartWay certified tractors and trailers or retrofit their existing fleet with SmartWay verified technologies. The Project is consistent with this regulation, as it applies to specific trucks that are used throughout the State.
- **Renewable Portfolio Standard:** As a customer of Southern California Edison, the Project would purchase from an increasing supply of renewable energy sources and more efficient baseload generations, reduce GHG emissions, and be consistent with this requirement.
- **Million Solar Roofs Program:** The Project is consistent with this scoping plan measure as the Project would provide solar panels on building roofs and on canopies in the parking lots.
- **Water Efficiency and Waste Diversion:** Development and operation of the Project would be implemented in consistency with water conservation requirements (as included in Title 24) and solid waste recycling and landfill diversion requirements of the State.

#### **AB 32 & SB 32**

The Project is consistent with AB 32 and SB 32 through implementation of measures that address GHG emissions related to building energy, solid waste management, wastewater, and water conveyance. The proposed Project would not interfere with the State's implementation of Executive Order B-30-15 and SB 32's target of reducing statewide GHG emissions to 40 percent below 1990 levels by 2030; Executive Order S-3-05's target of reducing statewide GHG emissions to 80 percent below 1990 levels by 2050; or AB 1279's target of achieving carbon neutrality by 2045 because it would not result in a substantial increase in GHG emissions and would not exceed thresholds. Therefore, a conflict with AB 32 and SB 32 would not occur.

#### **CARB Scoping Plan**

As detailed in Section 5.7.2, *Regulatory Setting*, the CARB Scoping Plan recommends actions for achieving carbon neutrality through reduced GHG emissions levels. The proposed Project would include energy-efficient/energy-conserving design features and would not interfere with the State's implementation of AB 1279's target of 85 percent below 1990 levels and carbon neutrality by 2045 because it is consistent with the GHG reductions listed in CARB's most recent Scoping Plan (2022) and would not exceed GHG thresholds. Therefore, a conflict with the CARB Scoping Plan would not occur. As demonstrated in Table 5.7-3, the Project is consistent with the CARB 2022 Scoping Plan Actions.

**Table 5.7-3: Project Consistency with the CARB 2022 Scoping Plan Actions**

Action	Consistency
<b>GHG Emissions Reductions Relative to the SB 32 Target</b>	
40 percent below 1990 levels by 2030.	<b>Consistent.</b> Development pursuant to the proposed Project would comply with the Title 24, Part 6, building energy requirements along with other local and State initiatives that aim to achieve the 40 percent below 1990 levels by 2030 goal. This would be ensured through the City's existing development permitting process. As detailed previously, implementation of the Project would result in GHG emissions from energy and mobile needs that would not exceed thresholds and impacts would be less than significant.
<b>Smart Growth/Vehicle Miles Traveled VMT</b>	
VMT per capita reduced 25 percent below 2019 levels by 2030, and 30 percent below 2019 levels by 2045.	<b>Consistent.</b> As discussed in Section 5.14, <i>Transportation</i> , the proposed Project would result in redevelopment of a commercial recreation area that is located near existing arterial roadways, bike lanes, sidewalks, and bus stops, which meet smart growth and reduced VMT criteria. In addition, the Project would meet the City's VMT screening criteria and would result in a less than significant impact related to VMT.
<b>Light-Duty Vehicle (LDV) Zero-Emission Vehicles (ZEVs)</b>	
100 percent of LDV sales are ZEV by 2035.	<b>Consistent.</b> Development Projects would be designed and constructed in accordance with the Title 24 Part 6 and Part 11 requirements, which includes EV parking and EV charging stations in the parking lot.
<b>Truck ZEVs</b>	
100 percent of medium-duty (MDV)/HDC sales are ZEV by 2040 (AB 74 University of California Institute of Transportation Studies [ITS] report).	<b>Consistent.</b> The new development pursuant to the proposed Project would be designed and constructed in accordance with the most updated Title 24 regulations and would implement an EV charging station in the parking lot. The Project does not involve regular truck transportation for operation and does not involve truck ZEVs.
<b>Aviation</b>	
20 percent of aviation fuel demand is met by electricity (batteries) or hydrogen (fuel cells) in 2045. Sustainable aviation fuel meets most or the rest of the aviation fuel demand that has not already transitioned to hydrogen or batteries.	<b>Not Applicable.</b> Development and operation of the proposed Project would not utilize aviation fuel.
<b>Ocean-going Vessels (OGV)</b>	
2020 OGV At-Berth regulation fully implemented, with most OGVs utilizing shore power by 2027. 25 percent of OGVs utilize hydrogen fuel cell electric technology by 2045.	<b>Not Applicable.</b> Development and operation of the proposed Project would not utilize any OGVs.
<b>Port Operations</b>	
100 percent of cargo handling equipment is zero-emission by 2037. 100 percent of drayage trucks are zero emission by 2035.	<b>Not Applicable.</b> Development and operation of the proposed Project would not impact any operations at any ports.



Action	Consistency
<b>Freight and Passenger Rail</b>	
100 percent of passenger and other locomotive sales are ZEV by 2030. 100 percent of line haul locomotive sales are ZEV by 2035. Line haul and passenger rail rely primarily on hydrogen fuel cell technology, and others primarily utilize electricity.	<b>Not Applicable.</b> Development and operation of the proposed Project would not involve any rail operations.
<b>Oil and Gas Extraction</b>	
Reduce oil and gas extraction operations in line with petroleum demand by 2045.	<b>Not Applicable.</b> The proposed Project would not involve any oil or gas extraction.
<b>Petroleum Refining</b>	
CCS on majority of operations by 2030, beginning in 2028. Production reduced in line with petroleum demand.	<b>Not Applicable.</b> The proposed Project would not involve any petroleum refining.
<b>Electricity Generation</b>	
Sector GHG target of 38 million metric tons of carbon dioxide equivalent (MTCO <sub>2e</sub> ) in 2030 and 30 MTCO <sub>2e</sub> in 2035. Retail sales load coverage of 20 gigawatts (GW) of offshore wind by 2045. Meet increased demand for electrification without new fossil gas-fired resources.	<b>Consistent.</b> The proposed Project would comply with the Title 24, Part 6 building requirements, including related to renewable energy generation requirements as well as improved insulation reducing energy consumption. The Project includes installation of solar panels on buildings and on canopies in the parking lots. In addition, the Project includes EV charging station in the parking lot.
<b>New Residential and Commercial Buildings</b>	
All electric appliances beginning 2026 (residential) and 2029 (commercial), contributing to 6 million heat pumps installed statewide by 2030.	<b>Consistent.</b> The proposed Project would comply with the Title 24, Part 6 building energy requirements.
<b>Existing Residential Buildings</b>	
80 percent of appliance sales are electric by 2030 and 100 percent of appliance sales are electric by 2035. Appliances are replaced at end of life such that by 2030 there are 3 million all-electric and electric-ready homes—and by 2035, 7 million homes—as well as contributing to 6 million heat pumps installed statewide by 2030.	<b>Consistent.</b> The proposed Project does not involve the operation of any existing residential buildings. However, appliances within Project buildings would comply with the Title 24, Part 6 building energy requirements.
<b>Existing Commercial Buildings</b>	
80 percent of appliance sales are electric by 2030, and 100 percent of appliance sales are electric by 2045. Appliances are replaced at end of life, contributing to 6 million heat pumps installed statewide by 2030.	<b>Consistent.</b> The proposed Project does not involve the continued operations of existing commercial buildings. However, appliances within Project buildings would comply with the Title 24, Part 6 building energy requirements and would utilize energy efficient appliances.
<b>Energy Demand</b>	
7.5 percent of energy demand electrified directly and/or indirectly by 2030; 75 percent by 2045.	<b>Consistent.</b> The proposed Project would comply with the Title 24, Part 6 building energy requirements, including renewable energy generation requirements from onsite solar, as well as improved insulation reducing energy consumption.
<b>Construction Equipment</b>	
25 percent of energy demand electrified by 2030 and 75 percent electrified by 2045.	<b>Consistent.</b> Through City permitting, the proposed Project would be required to use construction equipment that is registered by CARB and meet CARB's standards. CARB

Action	Consistency
	sets its standards to be in line with the goal of reducing energy demand by 25 percent in 2030 and 75 percent in 2045.
<b>Energy Generation</b>	
Electrify 0 percent of boilers by 2030 and 100 percent of boilers by 2045. Hydrogen for 25 percent of process heat by 2035 and 100 percent by 2045. Electrify 100 percent of other energy demand by 2045.	<b>Consistent.</b> The proposed Project would comply with the Title 24, Part 6 building energy requirements, including installing electrical wiring for all built in appliances, electric outlets for landscape equipment, solar panels, and provision of electric charging stations.
<b>Stone, Clay, Glass, and Cement</b>	
CCS on 40 percent of operations by 2035 and on all facilities by 2045. Process emissions reduced through alternative materials and CCS.	<b>Not Applicable.</b> Uses proposed do not involve manufacturing or storage of stone, clay, glass, or cement.
<b>Other Industrial Manufacturing</b>	
0 percent energy demand electrified by 2030 and 50 percent by 2045.	<b>Not Applicable.</b> The proposed Project would comply with the Title 24, Part 6, including increases in renewable energy generation requirements as well as improved insulation reducing energy consumption.
<b>Combined Heat and Power</b>	
Facilities retire by 2040.	<b>Not Applicable.</b> The proposed Project does not involve any existing combined heat and power facilities.
25 percent energy demand electrified by 2030 and 75 percent by 2045.	<b>Not Applicable.</b> The proposed Project does not involve generation of energy; but Project buildings would comply with the Title 24 renewable energy generation requirements, including installation of solar on buildings and parking lot canopies.
<b>Low Carbon Fuels for Transportation</b>	
Biomass supply is used to produce conventional and advanced biofuels, as well as hydrogen.	<b>Not Applicable.</b> The proposed Project does not involve any production of biofuels.
<b>Low Carbon Fuels for Buildings and Industry</b>	
In 2030s, biomethane <sup>135</sup> blended in pipeline Renewable hydrogen blended in fossil gas pipeline at 7 percent energy (~20 percent by volume), ramping up between 2030 and 2040. In 2030s, dedicated hydrogen pipelines constructed to serve certain industrial clusters	<b>Not Applicable.</b> The proposed Project does not involve any production of fuels for buildings and industry.
<b>Non-combustion Methane Emissions</b>	
Increase landfill and dairy digester methane capture. Some alternative manure management deployed for smaller dairies. Moderate adoption of enteric strategies by 2030. Divert 75 percent of organic waste from landfills by 2025. Oil and gas fugitive methane emissions reduced 50 percent by 2030 and further reductions as infrastructure components retire in line with reduced fossil gas demand.	<b>Not Applicable.</b> The proposed Project does not involve any landfill and/or dairy uses.

Action	Consistency
High Global Warming Potential (GWP) Potential Emissions	
Low GWP refrigerants introduced as building electrification increases, mitigating HFC emissions.	<b>Consistent.</b> The new development pursuant to the proposed Project would comply with the Title 24, Part 6, building energy requirements, including use of low GWP refrigerants, which would be verified through the City's existing development permitting process.

Overall, the proposed Project would not interfere with the State's implementation of Executive Order B-30-15 and SB 32's target of reducing statewide GHG emissions to 40 percent below 1990 levels by 2030; Executive Order S-3-05's target of reducing statewide GHG emissions to 80 percent below 1990 levels by 2050; AB 1279's target of achieving carbon neutrality by 2045, or CARB's 2022 Scoping Plan because it does not interfere with implementation of the GHG reduction measures as the Project results in a less than significant impact that does not exceed thresholds.

#### City of Newport Beach General Plan

As listed previously in Section 5.7.2.3, *Local and Regional Regulations*, the General Plan includes various policies in the Circulation Element and the Natural Resources Element that are related to reduction of GHG emissions. The proposed Project consistency with these policies (along with other General Plan policies related to avoiding or mitigating environmental impacts) is evaluated in Table 5.10-4, *General Plan Policy Consistency Analysis*, in Section 5.10, *Land Use and Planning*, which determined that the Project would be consistent with the policies of the General Plan related to GHG reductions, which include provision of EV charging stations, walkable environment, energy efficient design measures, and implementation of green building measures. Thus, the proposed Project would not conflict with an applicable General Plan policy adopted for the purpose of reducing GHGs.

#### City of Newport Beach Energy Action Plan

The City's Energy Action Plan is not directly applicable to the proposed Project because the goals and policies in the plan are focused on energy efficiency and sustainability of City facilities. However, because the Project is required to comply CALGreen and Title 24 standards, the Project would not conflict with the community-wide energy use goals of the Energy Action Plan.

### 5.7.7 CUMULATIVE IMPACTS

GHG emissions impacts are assessed in a cumulative context since no single project can cause a discernible change to climate. Climate change impacts are the result of incremental contributions from natural processes, and past and present human-related activities. Therefore, the area in which a proposed project in combination with other past, present, or future projects, could contribute to a significant cumulative climate change impact would not be defined by a geographical boundary such as a project site or combination of sites, city or air basin. GHG emissions have high atmospheric lifetimes and can travel across the globe over a period of 50 to 100 years or more. Even though the emissions of GHGs cannot be defined by a geographic boundary and are effectively part of the global issue of climate change, CEQA places a boundary for the analysis of impacts at the state's borders. Thus, the geographic area for analysis of cumulative GHG emissions impacts is the State of California.

Executive Order S-3-05, Executive Order B-30-15, AB 32, and SB 32 recognizes that California is the source of substantial amounts of GHG emissions and recognizes the significance of the cumulative impact of GHG emissions from sources throughout the state and sets performance standards for reduction of GHGs.

The analysis of GHG emission impacts under CEQA contained in this Draft EIR effectively constitutes an analysis of the Project's contribution to the cumulative impact of GHG emissions. As described previously, the City's evaluation of impacts using the SCAQMD's 3,000 MTCO<sub>2e</sub>/year threshold. As shown in Table 5.7-2, the estimated GHG emissions from development and operation of the Project would not exceed the SCAQMD's threshold and includes sustainable features such as solar panels on the proposed buildings and canopies in the parking lot, included as PDF-1 Solar. The Project would not generate GHG emissions that would be cumulatively considerable. Therefore, cumulative impacts related to GHG emissions would be less than significant.

## 5.7.8 EXISTING REGULATIONS AND PLANS, PROGRAMS, OR POLICIES

The following would reduce potential impacts related to GHGs.

### Existing Regulations

- Clean Car Standards – Pavley Assembly Bill 1493
- California Executive Order S-3-05
- Assembly Bill 32 (Global Warming Solutions Act of 2006)
- Senate Bill 375
- California Executive Order B-30-15
- Senate Bill 32
- California Green Building Standards Code (Code of Regulations, Title 24 Part 6)
- Assembly Bill 1279
- California Energy Code (Code of Regulations, Title 24 Part 6)
- California Green Building Standards Code (CALGreen; Code of Regulations, Title 24 Part 11)
- Municipal Code Section 15.11.010, *Adoption of the California Green Building Standards Code*
- Municipal Code Section 15.17.010, *Adoption of the California Energy Code*
- Municipal Code Section 15.18.040, *Solar Energy Requirements*
- Municipal Code Section Chapter 15.19, *Electric Vehicle Charging Stations*

### Plans, Programs, or Policies

None.

## 5.7.9 PROJECT DESIGN FEATURES

The proposed Project includes the following PDF that reduces potential impacts related to GHGs:

**PDF-1 Solar:** The proposed Project includes installation of solar panels on the roofs of the buildings and on 14 to 18-foot-high solar canopies in portions of the parking areas to provide onsite renewable energy to provide power to the proposed Project.

## 5.7.10 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Impact GHG-1 and GHG-2 would be less than significant.

### 5.7.11 MITIGATION MEASURES

No mitigation measures are required.

### 5.7.12 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Impacts would be less than significant.

### 5.7.13 REFERENCES

- City of Newport Beach. (2001, January). *Santa Ana Heights Specific Plan*. Retrieved September 23, 2024, from [ocpublicworks.com](http://ocpublicworks.com).
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- City of Newport Beach. (2006b, July). *General Plan Environmental Impact Report*. Retrieved September 23, 2024, from [newportbeachca.gov: https://www.newportbeachca.gov/government/departments/community-development/planning-division/general-plan-codes-and-regulations/general-plan/general-plan-environmental-impact-repor](https://www.newportbeachca.gov/government/departments/community-development/planning-division/general-plan-codes-and-regulations/general-plan/general-plan-environmental-impact-repor)
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- City of Newport Beach. (2024, May). *Newport Beach Municipal Code*. Retrieved September 23, 2024, from [codepublishing.com: https://www.codepublishing.com/CA/NewportBeach/](https://www.codepublishing.com/CA/NewportBeach/)
- Urban Crossroads. (2025). *Surf Farm Greenhouse Gas Analysis*. (**Appendix J**)

## 5.8 Hazards and Hazardous Materials

### 5.8.1 INTRODUCTION

This section considers the nature and range of foreseeable hazardous materials and physical hazards impacts that would result from implementation of the proposed Project. It identifies the ways that hazardous materials and other types of hazards could expose people and the environment to various health and safety risks during construction activities and operation of proposed Project.

This section describes routine hazardous materials that are likely to be used, handled, or processed within the Project area, and the potential for upset and accident conditions in which hazardous materials could be released. The impact analysis identifies ways in which hazardous materials might be routinely used, stored, handled, processed, or transported, and evaluates the extent to which existing and future populations could be exposed to hazardous materials. Additionally, the section evaluates potential hazards related to operation of airport facilities in the Project vicinity.

The term “hazardous material” is defined as any material that, because of quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.<sup>1</sup>

The analysis in this section is based, in part, on the following documents and resources.

- *City of Newport Beach General Plan, 2006*
- *City of Newport Beach General Plan Environmental Impact Report (General Plan EIR), 2006*
- *City of Newport Beach Municipal Code*
- *Phase I Environmental Site Assessment*, prepared by Orion Environmental Inc., 2024, included as Appendix K
- *Phase II Environmental Site Assessment*, prepared by Orion Environmental Inc., 2024, included as Appendix L
- *Aircraft Hazard and Land Use Risk Assessment & Wildlife Hazard Management Analysis*, prepared by Johnson Aviation, Inc., 2024, included as Appendix M
- *Solar Glare Analysis*, prepared by Johnson Aviation, Inc., 2024, included as Appendix N

### 5.8.2 REGULATORY SETTING

#### 5.8.2.1 Federal Regulations

##### **Resource Conservation and Recovery Act of 1976**

Federal hazardous waste regulations are generally promulgated under the Resource Conservation and Recovery Act (RCRA). Pursuant to the RCRA, the United States Environmental Protection Agency (USEPA) regulates the generation, transportation, treatment, storage, and disposal of hazardous waste in a “cradle to grave” manner. The RCRA was designed to protect human health and the environment, reduce/eliminate the generation of hazardous waste, and conserve energy and natural resources. The USEPA has largely

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<sup>1</sup>State of California, Health and Safety Code, Chapter 6.95, Section 25501(o).

delegated responsibility for implementing the RCRA program in California to the State, which implements this program through the California Hazardous Waste Control Law.

The RCRA regulates landfill siting, design, operation, and closure (including identifying liner and capping requirements) for licensed landfills. In California, the RCRA landfill requirements are delegated to the California Department of Resources Recycling and Recovery (CalRecycle), which is discussed in detail below.

The RCRA allows the USEPA to oversee the closure and post-closure of landfills. Additionally, the federal Safe Drinking Water Act, 40 CFR Part 141, gives the EPA the power to establish water quality standards and beneficial uses for waters from below- or above-ground sources of contamination. For the Project area, water quality standards are administered by the Regional Water Quality Control Board (RWQCB).

The RCRA also allows the USEPA to control risk to human health at contaminated sites. Vapor intrusion presents a significant risk to human populations overlying contaminated soil and groundwater and is considered when conducting human health risk assessments and developing Remedial Action Objectives.

### **Occupational Safety and Health Act of 1970**

Federal and state occupational health and safety regulations also contain provisions regarding hazardous waste management through the Occupational Safety and Health Act of 1970 (amended), which is implemented by the United States Department of Labor Occupational Safety and Health Administration (OSHA). Title 29 of the Code of Federal Regulations (29 CFR) requires special training of handlers of hazardous materials; notification to employees who work in the vicinity of hazardous materials; acquisition from the manufacturer of material safety data sheets, which describe the proper use of hazardous materials; and training of employees to remediate any hazardous material accidental releases. OSHA regulates the administration of 29 CFR.

OSHA also establishes standards regarding safe exposure limits for chemicals to which construction workers may be exposed. Safety and Health Regulations for Construction (29 CFR Part 1926.65 Appendix C) contains requirements for construction activities, which include occupational health and environmental controls to protect worker health and safety. The guidelines describe the health and safety plan(s) that must be developed and implemented during construction, including associated training, protective equipment, evacuation plans, chains of command, and emergency response procedures.

Adherence to applicable hazard-specific OSHA standards is required to maintain worker safety. For example, methane is regulated by OSHA under 29 CFR Part 1910.146 with regard to worker exposure to a “hazardous atmosphere” within confined spaces where the presence of flammable gas vapor or mist is in excess of 10 percent of the lower explosive limit. Title 49 of the CFR governs the manufacture of packaging and transport containers, packing and repacking, labeling, and the marking of hazardous material transport. Title 42, Part 82 governs solid waste disposal and resource recovery.

### **Hazardous Materials Transportation Act**

The transportation of hazardous materials is regulated by the Hazardous Materials Transportation Act, which is administered by the Research and Special Programs Administration of the United States Department of Transportation (USDOT). The Hazardous Materials Transportation Act provides the USDOT with a broad mandate to regulate the transport of hazardous materials, with the purpose of adequately protecting the nation against risk to life and property, which is inherent in the commercial transportation of hazardous materials. The USDOT has regulations that govern the transportation of hazardous materials are applicable to any person who transports, ships, causes to be transported or shipped, or are involved in any way with the manufacture or testing of hazardous materials packaging or containers. The USDOT regulations pertaining to the actual movement govern every aspect of the movement, including packaging, handling,

labeling, marking, placarding, operational standards, and highway routing. Additionally, the USDOT is responsible for developing curriculum to train for emergency response and administers grants to states and Indian tribes for ensuring the proper training of emergency responders. Hazardous Materials Transportation Act was enacted in 1975 and was amended and reauthorized in 1990, 1994, and 2005.

### **Federal Regulation 49 Code of Federal Regulation Part 77**

The Federal Aviation Agency (FAA) is the federal agency that identifies potential impacts related to air traffic and related safety hazards. The Federal Regulation 49 Code of Federal Regulation (CFR) Part 77 establishes standards and notification requirements for objects affecting navigable airspace. This notification serves as the basis for:

- Evaluating the effect of the proposed construction or alteration on operating procedures,
- Determining the potential hazardous effect of the proposed construction on air navigation,
- Identifying mitigating measures to enhance safe air navigation, and
- Charting of new objects.

FAA Federal Aviation Regulations (FAR) Part 77 includes the establishment of imaginary surfaces (airspace that provides clearance of obstacles for runway operation) that allows the FAA to identify potential aeronautical hazards in advance, thus preventing or minimizing adverse impacts to the safe and efficient use of navigable airspace. The regulations identify three-dimensional imaginary surfaces through which no object should penetrate. The imaginary surface for SNA consists of a 100:1 slope extending outward for 20,000 feet from the nearest runway. Section 77.17 (Obstruction Standards) also states that an object would be an obstruction to air navigation if it is higher than 200 feet above ground level. Exceedance of 200 feet above ground level or the 100:1 imaginary surface requires notification to FAA (per FAR Part 77). An object that would be constructed or altered within the height restriction or imaginary surface area of the airport is not necessarily incompatible (ALUP 2008) but would be subject to FAA notification and an FAA aeronautical study to determine whether the proposed structures would constitute a hazard to air navigation.

### **5.8.2.2 State Regulations**

#### **Hazardous Materials Management and Waste Handling**

In the regulation of hazardous waste management, California law often mirrors or is more stringent than federal law. The California Environmental Protection Agency (CalEPA) and California Occupational Safety and Health Administration (CalOSHA) are the primary State agencies responsible for hazardous materials management. Additionally, the California Emergency Management Agency administers the California Accidental Release Prevention program. The California Department of Toxic Substances Control (DTSC), which is a branch of CalEPA, regulates the generation, transportation, treatment, storage, and disposal hazardous waste, as well as the investigation and remediation of hazardous waste sites. The California DTSC program incorporates the provisions of both federal (RCRA) and State hazardous waste laws. The California Department of Pesticide Regulation, which is a branch of CalEPA, regulates the sale, use, and cleanup of pesticides (CCR, Title 3).

Excavated soil containing hazardous substances and hazardous building materials would be classified as a hazardous waste if they exhibit the characteristics of ignitability, corrosivity, reactivity, or toxicity (CCR, Title 22, Division 4.5, Chapter 11, Article 3). State and federal laws require detailed planning to ensure that hazardous materials are properly handled, used, stored, and disposed of, and in the event that such materials are accidentally released, to prevent or to mitigate injury to health or the environment. These laws and regulations are overseen by a variety of State and local agencies. The California Integrated Waste



Management Board and the RWQCB specifically address management of hazardous materials and waste handling in their adopted regulations (CCR, Title 14 and CCR, Title 27).

The primary local agency with responsibility for implementing federal and State laws and regulations pertaining to hazardous materials management within a region is known as the Certified Unified Program Agency (CUPA). The Unified Program is the consolidation of six State environmental regulatory programs into one program under the authority of a CUPA, which is a local agency that has been certified by CalEPA to implement the Unified Program within the local agency's jurisdiction. This program was established under the amendments to the California Health and Safety Code made by SB 1082 in 1994. The six consolidated programs are:

- Hazardous Materials Release Response Plan and Inventory (Business Plans)
- California Accidental Release Prevention
- Hazardous Waste (including Tiered Permitting)
- Underground Storage Tanks
- Above Ground Storage Tanks (Spill Prevention Control and Countermeasures requirements)
- Uniform Fire Code (UFC) Article 80 Hazardous Material Management Program and Hazardous Material Identification System

The Certified Unified Program Agency for the Project area is the Orange County Environmental Health Division.

### **Hazardous Waste Control Act**

The Hazardous Waste Control Act was passed in 1972 and established the California Hazardous Waste Control Program within the Department of Health Services. California's hazardous waste regulatory effort became the model for the federal RCRA. California's program, however, was broader and more comprehensive than the federal system, regulating wastes and activities not covered by the federal program. California's Hazardous Waste Control Law was followed by emergency regulations in 1973 that clarified and defined the hazardous waste program, as follows:

- Included definitions of what was a waste and what was hazardous as well as what was necessary for appropriate handling, processing, and disposal of hazardous and extremely hazardous waste in a manner that would protect the public, livestock, and wildlife from hazards to health and safety.
- The early regulations also established a tracking system for the handling and transportation of hazardous waste from the point of waste generation to the point of ultimate disposition, as well as a system of fees to cover the costs of operating the hazardous waste management program.
- Advancing the newly developing awareness of hazardous waste management issues, the program established a technical reference center for public and private use dealing with all aspects of hazardous waste management.

### **California Government Code Section 65962.5**

Government Code Section 65962.5 (commonly referred to as the Cortese List) includes DTSC-listed hazardous waste facilities and sites, Department of Health Services lists of contaminated drinking water wells, sites listed by the State Water Resources Control Board as having underground storage tank leaks and which have had a discharge of hazardous wastes or materials into the water or groundwater, and lists from local regulatory agencies of sites that have had a known migration of hazardous waste/material.

## **California Code of Regulations (CCR), Title 22 - Hazardous Waste Control Law, Chapter 6.5**

The DTSC regulates the generation, transportation, treatment, storage, and disposal of hazardous waste under the RCRA and the California Hazardous Waste Control Law. Both laws impose “cradle-to-grave” regulatory systems for handling hazardous waste in a manner that protects human health and the environment. CalEPA has delegated some of its authority under the Hazardous Waste Control Law to county health departments and other Certified Unified Program Agencies.

## **CCR, Title 23, Chapter 16 – Underground Storage Tanks**

Title 23, Chapter 16 of the CCR establishes construction requirements for new underground storage tanks; establishes separate monitoring requirements for new and existing underground storage tanks; establishes uniform requirements for unauthorized release reporting and for repair, upgrade, and closure of underground storage tanks; and specifies variance request procedures.

## **CCR, Title 27 – Solid Waste**

Title 27 of the CCR contains a waste classification system that applies to solid wastes that cannot be discharged directly or indirectly to waters of the State and which therefore must be discharged to waste management sites for treatment, storage, or disposal. CalRecycle and its certified Local Enforcement Agency regulate the operation, inspection, permitting, and oversight of maintenance activities at active and closed solid waste management sites and operations.

## **California Human Health Screening Levels**

The California Human Health Screening Levels (CHHSLs or “Chisels”) are concentrations of 54 hazardous chemicals in soil or soil gas that CalEPA considers to be below thresholds of concern for risks to human health. The CHHSLs were developed by the Office of Environmental Health Hazard Assessment on behalf of CalEPA. The CHHSLs were developed using standard exposure assumptions and chemical toxicity values published by the EPA and CalEPA. The CHHSLs can be used to screen sites for potential human health concerns where releases of hazardous chemicals to soils have occurred. Under most circumstances, the presence of a chemical in soil, soil gas, or indoor air at concentrations below the corresponding CHHSL can be assumed to not pose a significant health risk to people who may live or work at the site. There are separate CHHSLs for residential and commercial/industrial sites.

## **CCR, Title 8 – Occupational Safety**

CalOSHA administers federal occupational safety requirements and additional State requirements in accordance with CCR, Title 8. CalOSHA requires preparation of an Injury and Illness Prevention Program (IIPP), which is an employee safety program of inspections, procedures to correct unsafe conditions, employee training, and occupational safety communication. This program is administered via inspections by the local CalOSHA enforcement unit.

CalOSHA regulates lead exposure during construction activities under CCR Title 8, Section 1532.1, Lead, which establishes the rules and procedures for conducting demolition and construction activities such that worker exposure to lead contamination is minimized or avoided.

Compliance with CalOSHA regulations and associated programs would be required for the Project due to the potential hazards posed by onsite construction activities and contamination from former uses.

## **Emergency Response to Hazardous Materials Incidents**

California has developed an emergency response plan to coordinate emergency services provided by federal, State, and local government, and private agencies. The plan is administered by the California Emergency Management Agency and includes response to hazardous materials incidents. The California Emergency Management Agency coordinates the response of other agencies, including CalEPA, the California Highway Patrol, the California Department of Fish and Wildlife, the Regional Water Quality Control Board, the South Coast Air Quality Management District, and the City of Newport Beach Fire Department.

## **California Emergency Services Act**

The California Emergency Services Act (Government Code Section 8550 et seq.) was adopted to establish the State's roles and responsibilities during human-made or natural emergencies that result in conditions of disaster and/or extreme peril to life, property, or the resources of the State. This act is intended to protect health and safety by preserving the lives and property of the people of the State.

## **California Public Utilities Code, Section 21676, Airport Land Use Commission**

Prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the Airport Land Use Commission (ALUC), the local agency first refers the proposed action to the ALUC. If the ALUC determines that the proposed action is inconsistent with the Airport Land Use Plan, the referring agency is notified. The local agency may, after a public hearing, propose to overrule the ALUC by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article, which are to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.

At least 45 days prior to the decision to overrule the ALUC, the local agency governing body must provide the ALUC a copy of the proposed decision and findings. The ALUC may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the ALUC's comments are not available within this time limit, the local agency governing body may act without them. The comments by the ALUC are advisory to the local agency governing body. The local agency governing body shall include comments from the ALUC in the public record of any final decision to overrule the ALUC, which may only be adopted by a two-thirds vote of the governing body.

### **5.8.2.3 Regional Regulations**

#### **South Coast Air Quality Management District Rule 1403**

SCAQMD Rule 1403 governs the demolition of buildings containing asbestos materials. Rule 1403 specifies work practices to minimize asbestos emissions during building demolition and renovation activities, including the removal and associated disturbance of asbestos containing materials. The requirements for demolition and renovation activities include asbestos surveying, notification, asbestos containing materials removal procedures and time schedules, handling and cleanup procedures, storage, and disposal requirements for asbestos containing waste materials.

## Airport Environs Land Use Plan for John Wayne Airport

John Wayne Airport (SNA) is within the oversight of the Orange County ALUC. The ALUC is required to prepare and adopt an airport land use plan for each of the airports within its jurisdiction. The ALUC prepared the Airport Environs Land Use Plan (AELUP) for SNA (amended April 17, 2008). The AELUP intends “to safeguard the general welfare of the inhabitants within the vicinity of the airport and to ensure the continued operation of the airport. Specifically, the plan seeks to protect the public from the adverse effects of aircraft noise, to ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, and to ensure that no structures or activities adversely affect navigable airspace.”

Land uses within the AELUP planning area boundaries are required to conform to safety, noise, and height restrictions. Public Utilities Code Section 21675(c) requires that area surrounding any airport which affects, or is affected by, aircraft operations be embraced by the boundaries of its compatibility plan (i.e., AELUP). The planning area sets limits of the area within which proposed land use projects are to be referred to the ALUC for review. Planning area boundaries are determined by the location and configuration of the airport included in the plan, and the extent of the noise and safety impacts associated with that airport, with certain exceptions. The overall planning area is the furthest extent of the 60 CNEL contour, the FAR Part 77 Notification Imaginary Surface area, and the runway safety zones associated with the airport. In most instances, the airport influence area is designated by the ALUC as its planning area boundary for the airport and the two terms can be considered synonymous.

Pursuant to California Public Utilities Code Section 21676, local governments are required to submit all general plans, specific plans, general plan amendments, and zone changes that occur in the ALUC planning areas for consistency review by the ALUC. If such an amendment or change is deemed inconsistent with the ALUC plan, a local government may override the ALUC decision by a two-thirds vote of its governing body, if it makes specific findings that the proposed action is consistent with the purposes stated in Section 21670(a)(2) of the Public Utilities Code: “to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public’s exposure to excessive noise and safety hazards in areas around public airports to the extent that these areas are not already devoted to incompatible uses.”

**Aircraft Noise Sources:** The AELUP has identified land uses that are consistent with different levels of aircraft noise, which are listed below.

- Residential land uses are consistent with aircraft noise at 60 dBA Community Noise Equivalent Level (CNEL) or below and conditionally consistent at 65 dBA CNEL or below.
- Community facility land uses are consistent with aircraft noise at 65 dBA CNEL or below and normally inconsistent with aircraft noise higher than 65 dBA CNEL.
- Commercial, retail, and office land uses are consistent with aircraft noise at 65 dBA CNEL or below and conditionally consistent with aircraft noise higher than 65 dBA CNEL.

**Safety Zones:** The AELUP and the California Airport Land Use Planning Handbook identifies safety and compatibility zones that depict which land uses are acceptable and unacceptable, which include Safety Zones 1 through 6: Zone 1 that are described below.

- **Safety Zone 1:** Runway Protection Zone is defined as “a trapezoidal area off each end of a runway used to enhance the protection of people and property on the ground. The innermost of the safety zones.” Aircraft in this area are on very close final approach or departure and are less than 200 feet above the runway.
- **Safety Zone 2:** Inner Approach/Departure Zone would extend beyond the Runway Protection Zone. Aircraft in this area are overflying at low altitudes on final approach and straight-out departures and are between 200 and 400 feet above the runway.

- **Safety Zone 3:** Inner Turning Zone “encompasses locations where aircraft are typically turning from the base to final approach legs of the standard traffic pattern and are descending from traffic pattern altitude.” The “zone also includes the area where departing aircraft normally complete the transition from takeoff power and flap settings to a climb mode and have begun to turn to their en route heading.” Aircraft in this area are less than 500 feet above the runway.
- **Safety Zone 4:** Outer Approach/Departure Zone is situated along the extended runway centerline beyond Zone 3. Aircraft in this area are less than 1,000 feet above the runway.
- **Safety Zone 5:** Sideline Zone encompasses close-in areas lateral to runways. These areas are not normally overflown. This area is on airport property. Limited to airport related uses.
- **Safety Zone 6:** includes all other portions of regular traffic patterns and pattern entry routes. Residential uses are allowed. Aircraft in this area are between 1,000 to 1,500 feet above the runway.

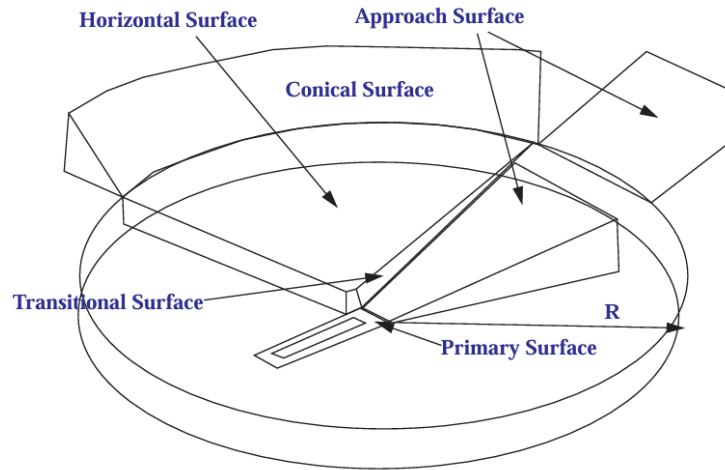
**Obstructions to Air Navigation:** The ALUC has adopted the FAR Part 77 as the criteria for determining height restrictions in Orange County. These regulations are the only definitive standard available and the standard most generally used (AELUP 2008). The allowable height of structures surrounding an airport is described in FAR Part 77 as the allowable height at which safe movement of aircraft occurs. The regulation requires that notice be given to the FAA if there is a proposal to construct a structure that would exceed a 100:1 slope of an imaginary surface extending outward for 20,000 feet from the nearest runway at SNA. Beyond the 100:1 imaginary surface, FAR Part 77 requires notification to FAA for any project that will be more than 200 feet in height above the ground level.

According to the provisions set forth in FAR Part 77, an object is an “Obstruction to Air Navigation” if it is of greater height than any imaginary surface established under the regulation. Imaginary surfaces exist primarily to prevent existing or proposed manmade objects, objects of natural growth or terrain from extending upward into navigable airspace.

There are five imaginary surfaces which the FAA applies to public use airports for the purpose of determining obstructions to air navigation. These imaginary surfaces either slope out and up from all sides and ends of runways or are a horizontal plane or a sloping plain above public use airports. As detailed by the California Airport Land Use Planning Handbook, the imaginary surfaces include:

- **Primary Surface:** A surface longitudinally centered on a runway that extends 200 feet from each runway end.
- **Approach Surface:** Longitudinally centered with the runway and extends beyond the primary surface and extends outward and upward for a horizontal distance of 4,000 feet. Height limits for the surface range from 150 feet above the airport elevation at the inner edge to 350 feet at the outer edge.
- **Transitional Surface:** A surface extending outward and upward at right angles to the runway centerline and extends at a slope of 7:1 from the edge of the Primary and Approach Surfaces.
- **Horizontal Surface:** A horizontal plane 150 feet above the established airport elevation and encompasses an area from the transitional surface to the conical surface.
- **Conical Surface:** A 20:1 sloped surface extending upward and outward beyond the horizontal surface for a distance of 4,000 feet.

### Graphical Depiction



**AELUP Policies:** The following policies in the ALUC Airport Environs Land Use Plan are relevant to the proposed Project:

**Policy 3.2.1** Within the boundaries of the AELUP, any land use may be found to be inconsistent with the AELUP which:

1. Places people so that they are affected adversely by aircraft noise,
2. Concentrates people in areas susceptible to aircraft accidents,
3. Permits structures of excessive height in areas which would affect adversely the continued operation of the airport, or
4. Permits activities or facilities that would affect adversely aeronautical operations.

**Policy 3.2.3 Noise Impact Zone "1" - High Noise Impact (65 dB CNEL and above).** Noise impact in this zone is sufficient to warrant restrictions on residential uses and to require sound attenuation measures on other uses. The ALUC does not support residential development within the 65 dB CNEL noise contour. All residential units are inconsistent in this area unless it can be shown conclusively that such units are sufficiently sound attenuated for present and projected noise exposures, which shall be the energy sum of all noise impacting the project, so as not to exceed an interior standard of 45 dB CNEL, with an accompanying dedication of an aviation easement for noise to the airport proprietor applicable to single family residences, multi-family residences and mobile homes. Furthermore, all residential units are to be sufficiently indoor oriented so as to preclude noise impingement on outdoor living areas, as defined in Section 1.7.

Noise-sensitive institutional uses such as schools, churches, hospitals, libraries, and other noise-sensitive uses may also be inconsistent in this zone. All noise-sensitive uses are inconsistent in this area unless it can be shown conclusively that such units are sufficiently sound attenuated for present and projected noise exposures, which shall be the energy sum of all noise impacting the project, so as not to exceed an interior standard of 45 dB CNEL, and may require the dedication of an aviation easement for noise to the airport proprietor. Commercial, industrial, and recreational uses may be acceptable in this zone providing that commercial and industrial structures are sufficiently sound attenuated to allow normal work activities to be conducted. Said structures shall be sound attenuated against the combined input of all present and projected exterior noise to meet the following criteria:

<b>Typical Use</b>	<b>Level L (eq)</b>
Private office <sup>1</sup> , church sanctuary, board room, conference room, etc.	45 dB(A)
General office <sup>2</sup> , reception, clerical etc.	50 dB(A)
Bank lobby, retail store, restaurant, typing pool, etc.	55 dB(A)
Manufacturing, kitchen, warehousing, etc.	60 dB(A)

\*L(eq) is the equivalent sound level for a specified time period in dB(A).

\*\*Measures from 7:00 a.m. to 7:00 p.m. or other appropriate, approved time period.

<sup>1</sup>An enclosed office intended for use by an individual

<sup>2</sup>An open office intended to have more than one work station

- Policy 3.2.4 Noise Impact Zone "2" - Moderate Noise Impact (60 dB CNEL or greater, less than 65 dB CNEL).** Noise impacts in this area are sufficient to require sound attenuation as set forth in the California Noise Insulation Standards, Title 25, California Code of Regulations. Single noise events in this area create serious disturbances to many inhabitants. Even though the ALUC would not find residential units incompatible in this area, the ALUC strongly recommends that residential units be limited or excluded from this area unless sufficiently sound attenuated. The residential use interior sound attenuation requirement shall be a CNEL value not exceeding an interior level of 45 dB. In addition, it is recommended that designated outdoor common or recreational areas within Noise Impact Zone 2 provide outdoor signage informing the public of the presence of operating aircraft.
- Policy 3.2.5 Runway Protection Zone "RPZ," Extreme Crash Hazard.** The severe potential for loss of life and property due to accidents prohibits most land uses in this area. Only airport related uses and open space uses, including agriculture and certain types of transportation and utility uses are permitted. No buildings intended for human habitation are permitted in the RPZ. Furthermore, because of the proximity to aeronautical operations, uses in this area must not attract birds nor emit excessive glare or light, nor produce or cause steam, smoke, dust, or electronic interference so as to interfere with, or endanger, aeronautical operations.
- Policy 3.2.6 Height Restriction Zone.** Any object, which by reason of its height or location would interfere with the established, or planned, airport flight procedures, patterns, or navigational systems, is unacceptable. This will ensure the stability of local air transportation, as well as promote land uses that are compatible with the airport environs. However, any object which rises above the height of surrounding development, or which is located in close proximity to any of the various flight paths, must be clearly visible during hours of twilight or darkness and must not threaten, endanger, or interfere with aeronautical operations.
- Policy 3.2.7 Airspace/Airport Inconsistency.** Any structure, either within or outside of the planning area, is inconsistent with this AELUP if it:
1. Is determined to be a "Hazard" by the FAA;
  2. Would raise the ceiling or visibility minimums at an airport for an existing or planned instrument procedure (i.e., a procedure consistent with the FAA approved airport layout plan or a proposed procedure formally on file with the FAA);
  3. Would result in a loss in airport utility, e.g. in a diminution of the established operational efficiency and capacity of the airport, such as by causing the usable length of the runway (s) to be reduced; or
  4. Would conflict with air space used for the airport traffic pattern or enroute navigation to and from the airport.

### 5.8.2.4 Local Regulations

#### City of Newport Beach Local Hazard Mitigation Plan

The 2016 Local Hazard Mitigation Plan is a FEMA-approved document that identifies the natural and human-caused hazards of concern within the planning area and the potential actions identified by the City to mitigate these hazards. This document complies with the Federal Disaster Mitigation Act of 2000, which requires an update every five years to ensure jurisdictions remain eligible for FEMA mitigation grant opportunities. The Local Hazards Mitigation Plan describes and analyzes issues of concern to the City including earthquakes, floods, tsunamis, wildfires, unstable slopes, and strong winds.

#### City of Newport Beach Emergency Operations Plan

Pursuant to Municipal Code Section 2.20.050, *Emergency Operations Plan*, the City of Newport Beach maintains an Emergency Operations Plan (EOP) that guides the City through the mitigation, preparedness, response, and recovery phases of emergency management. The plan's purpose is to establish policies and procedures that will assure the most effective utilization of all resources in the City to minimize potential loss of life and protect the environment and property. The City adopted the EOP in 2022, which identifies evacuation routes, emergency facilities, and City personnel and describes the overall responsibilities of federal, State, regional, Operational Area, and City entities. The EOP contains strategies and programs for implementation to better prepare the public for natural and human caused disasters. The EOP continues the City's compliance with the Standardized Emergency Management System (SEMS), the National Incident Management System (NIMS), the Incident Command System (ICS), the National Response Framework (NRF), and the National Preparedness Guidelines, including Comprehensive Preparedness Guide 101: Developing and Maintaining Emergency Operations Plans (CPG-101).

#### City of Newport Beach Emergency Response Organization

The activities identified in the EOP are carried out by the City's Emergency Response Organization, which is made up of assigned representatives from City departments. The Emergency Response Organization is formed per Municipal Code Section 2.20.080, *Emergency Organization*, and maintains a readiness condition 24 hours per day, seven days per week.

In substantial emergency situations, the City also may choose to activate its Emergency Operations Center, which is responsible for directing, coordinating, and supporting the various City departments and other agencies in their emergency response activities. The Emergency Operations Center is a stand-alone facility, located in the Newport Beach Police Department, with resources necessary to facilitate an effective emergency response. When the Emergency Response Organization is activated, representatives from City departments report to the Emergency Operations Center and fill their assigned roles. The Emergency Operations Center allows for face-to-face coordination among personnel who must create policy, set priorities, inform the public, and support first responders.

#### City of Newport Beach General Plan

The City of Newport Beach General Plan 2006<sup>2</sup> contains the following policies related to hazards and hazardous materials that are applicable to the Project:

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<sup>2</sup> The City of Newport Beach General Plan 2022 Housing Element and Noise Element have updated policies related to airport compatibility noise levels, which are not applicable to the proposed project and are not identified herein.



- Policy LU 3.7 Natural Resource and Hazardous Areas.** Require that new development is located and designed to protect areas with high natural resource value and protect residents and visitors from threats to life or property.
- Policy LU 6.15.3 Airport Compatibility.** Require that all development be constructed in conformance with the height restrictions set forth by the Federal Aviation Administration (FAA), Federal Aviation Regulations (FAR) Part 77, and Caltrans Division of Aeronautics, and that residential development shall be allowed only on parcels with noise levels of less than John Wayne Airport 65 dBA CNEL noise contour area as shown in Figure N5 of the Noise Element of the General Plan unless and until the City determines, based on substantial evidence, that the sites wholly within the 65 dBA CNEL noise contour shown in Figure N5 are needed for the City to satisfy its Sixth Cycle RHNA mandate. Nonresidential uses are, however, encouraged on parcels located wholly within the 65 dBA CNEL contour area.
- Policy S 5.2 Facility Use or Storage of Hazardous Materials Standards.** Require that all new facilities storing, using, or otherwise involved with substantial quantities of onsite hazardous materials within flood zones comply with standards of elevation, anchoring, and flood proofing, and hazardous materials are stored in watertight containers.
- Policy S 6.2 Development in Interface Areas.** Apply hazard reduction, fuel modification, and other methods to reduce wildfire hazards to existing and new development in urban wildland interface areas.
- Policy S 6.4 Use of City-Approved Plant List.** Use fire-resistive, native plant species from the City-approved plant list in fuel modification zones abutting sensitive habitats.
- Policy S 7.1 Known Areas of Contamination.** Require proponents of projects in known areas of contamination from oil operations or other uses to perform comprehensive soil and groundwater contamination assessments in accordance with American Society for Testing and Materials standards, and if contamination exceeds regulatory action levels, require the proponent to undertake remediation procedures prior to grading and development under the supervision of the County Environmental Health Division, County Department of Toxic Substances Control, or Regional Water Quality Control Board (depending upon the nature of any identified contamination).
- Policy S 7.2 Development Design within Methane Gas Districts.** Ensure that any development within identified methane gas districts be designed consistent with the requirements of the Newport Beach Municipal Code.
- Policy S 8.6 John Wayne Airport Traffic Pattern Zone.** Use the most currently available John Wayne Airport (JWA) Airport Environs Land Use Plan (AELUP) as a planning resource for evaluation of land use compatibility and land use intensity in areas affected by JWA operations. In particular, future land use decisions within the existing JWA Clear Zone/Runway Protection Zone (Figure S5) should be evaluated to minimize the risk to life and property associated with aircraft operations.
- Policy N 1.5A Airport Area Infill Projects.** Allow infill residential projects proximate to John Wayne Airport to have a higher exterior noise level standard (65-70 dBA CNEL) if it can be shown that there are no practical mechanisms or designs to meet the exterior noise levels. The interior standard of 45 dBA CNEL shall be enforced for any residential component of projects. No residential units may be located on parcels wholly within the John Wayne Airport 65 dBA CNEL noise contour area as shown in Figure N5, of the Noise Element of the General Plan, unless and until the City determines, based on substantial evidence, that

the sites wholly within such contour area are needed for the City to satisfy its Sixth Cycle RHNA mandate. Nonresidential uses are encouraged on parcels located wholly within the 65 dBA CNEL contour area, shown in Figure N5.

**Policy N 3.1 New Development.** Ensure new development is compatible with the noise environment proximate to John Wayne Airport by not allowing residential units on parcels located wholly within the John Wayne Airport 65 dBA CNEL noise contour, as shown in Figure N5 of the Noise Element of the General Plan, unless and until the City determines, based on substantial evidence, that the sites wholly within such contour area are needed for the City to satisfy its Sixth Cycle RHNA mandate.

## City of Newport Beach Municipal Code

**Chapter 2.20 Emergency Services.** This chapter provides for the preparation and implementation of plans to provide services within this City in the event of an emergency and for the coordination of the emergency service functions with all other public agencies and affected private persons, corporations, and organizations. Municipal Code Section 2.20.050 requires City Council to adopt an Emergency Operations Plan.

**Chapter 9.04 Fire Code.** The City of Newport Beach has adopted the 2022 California Fire Code with City amendments and some exceptions. Chapter 9.04, also called the Fire Code, establishes a variety of regulations related to hazards such as: recommendations for development on land containing or emitting toxic substances, hazardous materials documentation procedures, hazardous materials management plan, storage tank regulations, etc. The Newport Beach Fire Department (NBFD) enforces locally developed fire regulations which reduce the amount and continuity of fuel (vegetation) available, firewood storage, debris clearing, proximity of vegetation to structures and other measures aimed at “Hazard Reduction.”

**Chapter 15.55, Methane Overlay Zone.** This Municipal Code chapter establishes a methane gas mitigation district that requires property owners to test for and mitigate the presence of methane gas prior to significant new construction. The methane gas mitigation district may be applied to those areas of the City where studies have shown there is a distinct possibility of high concentrations of methane gas in soil close to ground surface.

**Chapter 30, Section 080 (F), Airport Environs Land Use Plan.** This section of the Municipal Code establishes the standards for the regulations of noise levels pursuant to health, safety, and welfare within the City. The Municipal Code incorporates the AELUP requirements and allows residential uses on parcels wholly or partially outside the John Wayne Airport 65 dBA CNEL noise contour as shown in Figure N5 of the Noise Element of the General Plan and consistent with Title 21 of the California Code of Regulations, subject to conditions of this section of the Municipal Code that apply to all residential projects within the John Wayne Airport 60 dBA CNEL or higher CNEL noise as shown in Figures N4 and N5 of the Noise Element of the General Plan.

## 5.8.3 ENVIRONMENTAL SETTING

The Project site has been in use as a golf course and associated facilities since 1976. The Project site is currently developed with a driving range, three golf holes, a practice putting green, and a clubhouse with a bar/restaurant. Golf courses are known to require heavy application of pesticides and herbicides and routine course maintenance may have resulted in a potential release of hazardous materials at the site. Thus, the Phase I Environmental Site Assessment (Appendix K) identified one Recognized Environmental Condition (REC) from the historic use of pesticides and herbicides at the Project site. In addition, fire training activities are often associated with the application of polyfluoroalkyl substances (PFAS)-containing fire suppressants. The adjacent Fire Station contains a training center, which is located uphill and upgradient of the Project site (Appendix K). Therefore, a Phase II Environmental Site Assessment (Appendix L) conducted onsite soil and

groundwater testing throughout the site for the presence of herbicides, pesticides, and metals in the soil as well as PFAS in groundwater from the fire training center. The laboratory test results were compared to corresponding USEPA Regional Screening Levels (RSLs) for residential use and Department of Substances Control Screening Levels (DTSC SLs) for commercial/industrial uses. The testing results showed no exceedance of laboratory detection limits or RSLs. These results indicate there is no likely release of these compounds at the Project site and a threat to human health or the environment is not present from these compounds.

### 5.8.3.1 Methane

Methane is hazardous and flammable at high concentrations. Generally, methane forms in areas such as swamps, landfills, or areas associated with petroleum deposits. Five methane gas mitigation districts have been identified in the City, and natural seepages of gas occur in the western and southwestern portions of the City. Special development regulations (Municipal Code Chapter 15.55 – Methane Overlay Zone), intended to prevent gases from accumulating, apply to projects located in methane overlay districts.

The Project site and vicinity are not located within a methane gas mitigation district and is not identified within an area of methane gas seepage.

### 5.8.3.2 Asbestos

Asbestos is a naturally occurring fibrous material that was used as a fireproofing and insulating agent in building construction before such uses were banned by the USEPA in the 1970s, although some nonfriable<sup>3</sup> use of asbestos in roofing materials still exists. The presence of asbestos can be found in materials such as ducting insulation, wallboard, shingles, ceiling tiles, floor tiles, insulation, plaster, floor backing, and many other building materials. The OSHA regulation 29 CFR 1926.1101 requires certain construction materials to be presumed to contain asbestos, for purposes of this regulation. All thermal system insulation, surfacing material, and asphalt/vinyl flooring that are present in a building constructed prior to 1981 and have not been appropriately tested are “presumed asbestos-containing material”.

Asbestos and asbestos-containing materials (ACMs) are considered both a hazardous air pollutant and a human health hazard. The risk to human health is from inhalation of airborne asbestos, which commonly occurs when ACMs are disturbed during such activities as demolition and renovation. The buildings within the Project site were constructed between 1974 and 1981. Therefore, there is potential that the existing buildings on the Project site contain ACMs.

### 5.8.3.3 Lead

In 1978, the Consumer Product Safety Commission set the allowable lead levels in paint at 0.06 percent by weight in a dry film of newly applied paint. In the 1970s, the chief concern for lead-based paint was its cumulative effect on body systems, primarily when paint chips containing lead were ingested by children. Research in the early 1980s showed that lead dust is of special concern because the smaller particles are more easily absorbed by the body. Common methods of paint removal, such as sanding, scraping, and burning, create excessive amounts of dust. Lead dust is especially hazardous to young children because they play on the floor and engage in a great deal of hand-to-mouth activity, increasing their potential for exposure. The Phase II Environmental Site Assessment (Appendix L) completed soils testing, which identified that levels of lead in the soil do not exceed health risk screening levels.

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<sup>3</sup> Nonfriable asbestos refers to ACMs that contain asbestos fibers in a solid matrix that does not allow for them to be easily released.

### 5.8.3.4 John Wayne Airport

John Wayne Airport (SNA) is located approximately 0.4-mile northeast of the Project site. The Project site is located within the airport planning boundaries and ALUC notification area as shown on Figure 5.8-1, *John Wayne Airport Notification Area*. As shown on Figure 5.8-2, *2024 John Wayne Airport Noise Contours*, the airport's noise monitoring program shows that the Project site is located within the SNA 65 CNEL noise contour, which indicates that noise from aircraft on the Project site is 65 dB CNEL and is within the noise impact area related to SNA operations.

The airport has two runways: the shorter 2R/20L which is 2,887 feet long is used by general aviation prop-powered aircraft and the longer 2L/20R which is 5,700 feet long is used by commercial aircraft. With winds predominantly coming from the ocean, aircraft typically depart to the southwest and arrive from the northeast about 95 percent of the time with slight variations from year to year. The reverse (depart to northeast and arrive from southwest) occurs primarily when Santa Ana wind conditions occur, but there are times when winds aloft, or other weather conditions may cause operations to go into reverse.

As shown on Figure 5.8-3, *John Wayne Airport Safety Zones for 2L/20R*, the Project site is located within Safety Zone 2, the Inner Approach/Departure Zone; Safety Zone 4, Outer Approach/Departure Zone; and Safety Zone 6, the Traffic Pattern Zone, for the 2L/20R runway that is used by commercial aircraft. The Project site is not located within any of the Safety Zones for the 2R/20L runway that is used by general aviation prop-powered aircraft, as shown in Figure 5.8-4, *John Wayne Airport Safety Zones for 2R/20L*.

Pursuant to the AELUP, Safety Zone 2, the Inner Approach/Departure Zone, poses a higher risk to persons in the area for aircraft accidents. Aircraft are typically overflying this zone at lower altitudes and emergency landings from straight out departures can be more prevalent in this zone than in other zones. Zone 4, the Outer Approach/Departure Zone has moderate aircraft accident risk; aircraft emergencies can occur over this area approximately two to six percent of the time. Zone 6, the Traffic Pattern Zone, has the lowest risk for aircraft accidents (Appendix M).

The Project site is also located under the FAR Part 77 Obstruction Imaginary Surface area for both runways. As shown on Figure 5.8-5, *FAA Part 77 Obstruction Imaginary Surfaces for Runway 2L/20R*, a majority of the Project site is located under the Approach Surface and the westernmost portion of the site is located under the Inner Transitional Surface for the 2L/20R runway that is used by commercial aircraft. Figure 5.8-6, *FAA Part 77 Obstruction Imaginary Surfaces for Runway 2R/20L*, shows that the Project site is under the Conical Surface for the 2R/20L runway.

FAR Part 77 requires notification to FAA for any project that would be more than 200 feet in height above ground level or within the imaginary surface of a 100:1 slope extending outward for 20,000 feet from the nearest runway, as this area may result in aeronautical hazards. The Project site has previously undergone FAA Part 77 evaluation as part of installation of poles on the existing driving range, which determined that structures on the site that are below 162 feet above mean sea level (amsl) would not have a significant adverse impact related to aeronautical hazards (FAA, 2016).

Because the Project site is located within the AELUP Notification area for SNA and within the SNA planning area boundary, and the Project proposes a General Plan Amendment, the City is required to refer the proposed Project to the ALUC for review, pursuant to the California Public Utilities Code Section 21676, as listed previously.

**Aircraft Accident Hazards.** A review of aircraft accidents at John Wayne Airport in the National Transportation Safety Board (NTSB) database (Appendix M) identified 66 accidents investigated by the NTSB at SNA between 1982 and 2024 (through October 9th, 2024). Of the accidents investigated, 14 were fatal and 57 (90%) occurred during the takeoff, climb, approach, landing or traffic pattern phase of

flight. Of the fatal accidents, one person on the ground sustained minor injuries. Nine accidents (9%) were caused by wake turbulence.

Over the 42-year review period between 1982 and 2024, five fatal accidents involving aircraft using SNA were generally located south of the airport and within 3.5 miles. During this same period, over 15 million aircraft operations took place at SNA (0.033 fatal accidents per 100,000 aircraft operations). The location of the five fatal accident sites south of the airport are shown in Figure 5.8-7, *Historical Aviation Accidents South of John Wayne Airport*, and the accidents are described below.

- On January 30, 2018, a private helicopter pilot departed with three passengers on a cross-country flight. The helicopter reached a maximum altitude of 500 feet amsl before it entered a rapid descent and impacted homes in Newport Beach (Egret Court near Shearwater Place in the Bayview Terrace community) and the ground less than one mile from SNA on a southeasterly heading. There were three fatalities, one person seriously injured and one person on the ground sustained minor injuries.
- On November 21, 2010, during a cross-country flight at night, the pilot contacted air traffic control (ATC) that the aircraft had run out of fuel. The pilot was unable to reach the airport and landed in an ecological reserve at “Back Bay”, south of the airport, in about three feet of water. The accident resulted in three fatalities.
- On March 31, 1989, a Piper aircraft took off from the airport with a trail of black smoke, as per several witnesses. The aircraft staggered off the ground and never got above 100 feet above ground level. The pilot contacted ATC that the aircraft was coming back to the runway, but shortly thereafter entered a steep left turn, stalled and crashed into tennis courts (Newport Beach Tennis Club) approximately two nautical miles from the airport. The accident resulted in five fatalities.
- On December 19, 1985, a Piper aircraft on a flight from San Diego to Torrance declared an emergency because the engine had quit and requested vectors to the airport. The pilot received clearance to land on either runway but three minutes later told ATC that he did not think he was going to reach the airport. The aircraft subsequently collided with trees, a house, and a fence in a residential area approximately three miles from the airport. The accident resulted in one fatality.
- On October 7, 1984, shortly after takeoff, the propeller separated from an aircraft. The aircraft continued to climb straight ahead and then was observed in a steep left turn and crashed into the roof of a building approximately one quarter mile southeast of the airport. There was one fatality.

The aircraft hazard assessment included in Appendix M, determined that the history of accidents at SNA are consistent with the California Airport Land Use Planning Handbook study findings regarding typical aircraft accidents and airport hazard risks.

**Airport Wildlife Hazards.** The 2011 California Airport Land Use Planning Handbook recognizes that “A variety of land uses, facilities, and structures on and near airports can create wildlife hazard attractants that pose a threat to aircraft operations. Examples of these include sanitary landfills, water management facilities, ponds built for recreational use, wetlands, agricultural areas, natural areas, and landscaping.” These areas may provide food and drinking sources, wildlife corridors, roost sites, migratory flyway stop over sites or numerous other functions that may benefit wildlife, while creating a hazard to aircraft operations. Parks and golf courses, with their large grassy areas and water features, may also act as attractants to wildlife.

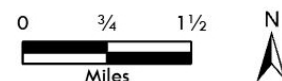
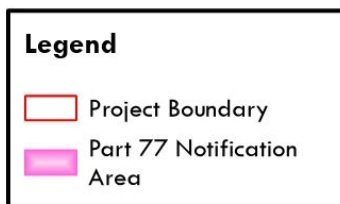
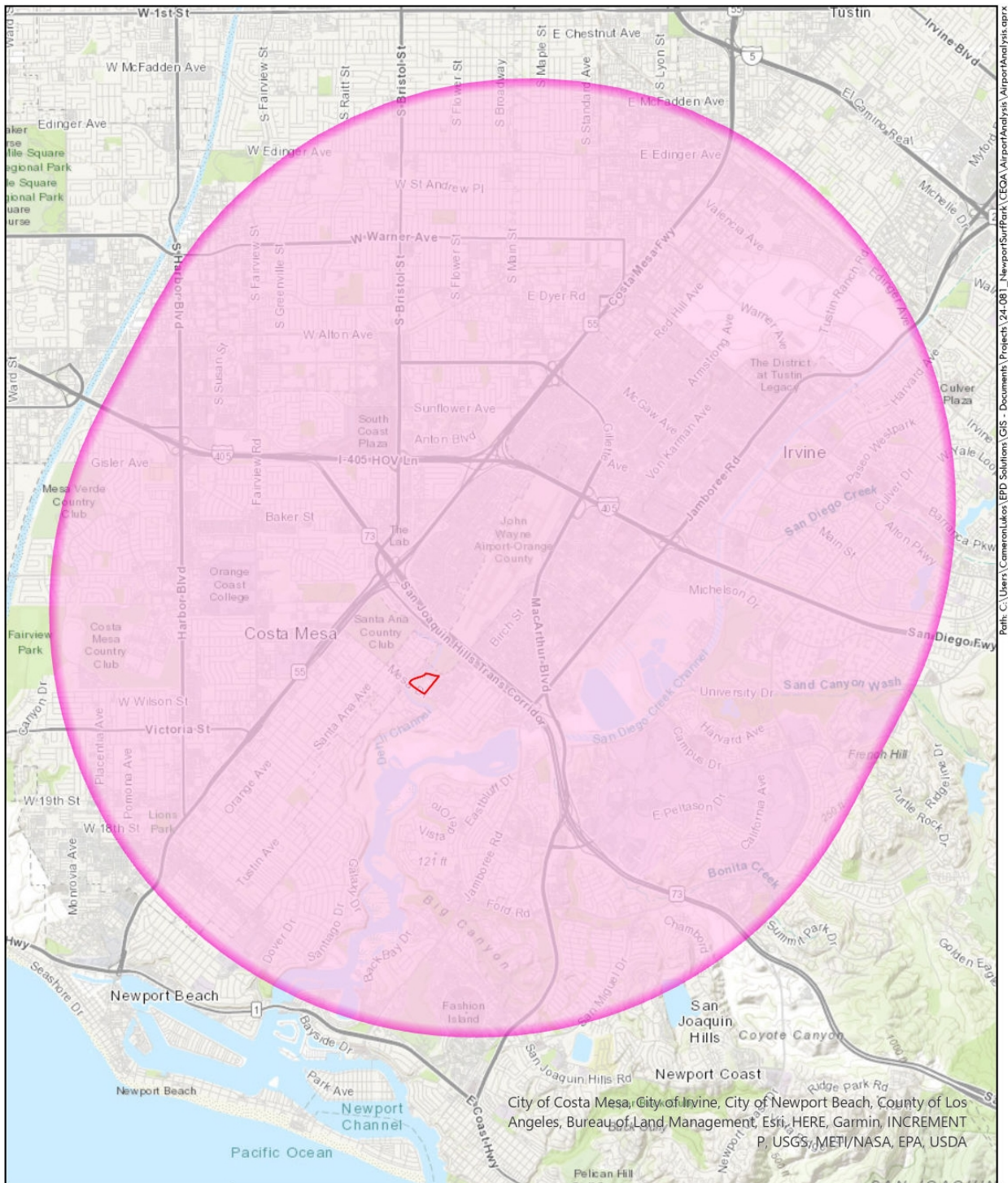
FAA Advisory Circular 150/5200-33C, *Hazardous Wildlife Hazard Attractants on and near Airports*, recommends minimum separation criteria for land uses that attract wildlife to the vicinity of airports; into, or across the airport’s approach or departure paths or aircraft operations areas. Generally, the FAA recommends a distance of five miles between an airport’s aircraft operations area and a wildlife attractant. For airports serving turbine-powered aircraft, the FAA recommends a separation distance of 10,000 feet between an airport’s operations area and a wildlife attractant. These recommended separation standards

are used to determine whether a development plan has the potential to impact aircraft operations by attracting wildlife, whether design changes should be made, and whether any mitigation measures need to be enacted.

The existing NB Golf Course contains trees, large grassy areas, and high poles that may provide roost sites, migratory flyway stop-over sites, or other functions that may benefit wildlife; and therefore, is considered a wildlife attractant (Appendix M).

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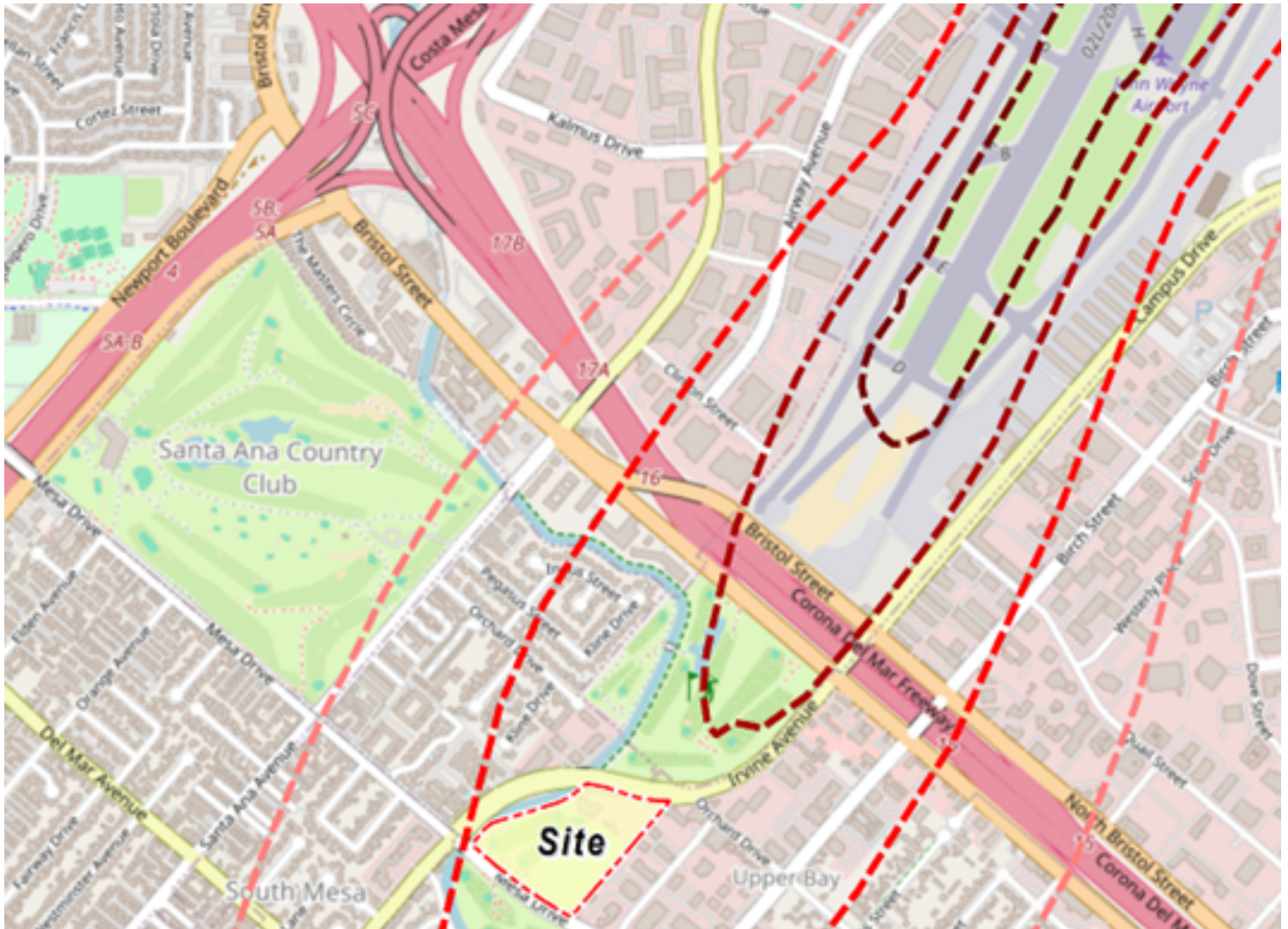
# John Wayne Airport Notification Area





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# 2024 John Wayne Airport Noise Contours



## LEGEND:



60 dBA CNEL Noise Level Contour



65 dBA CNEL Noise Level Contour



70 dBA CNEL Noise Level Contour

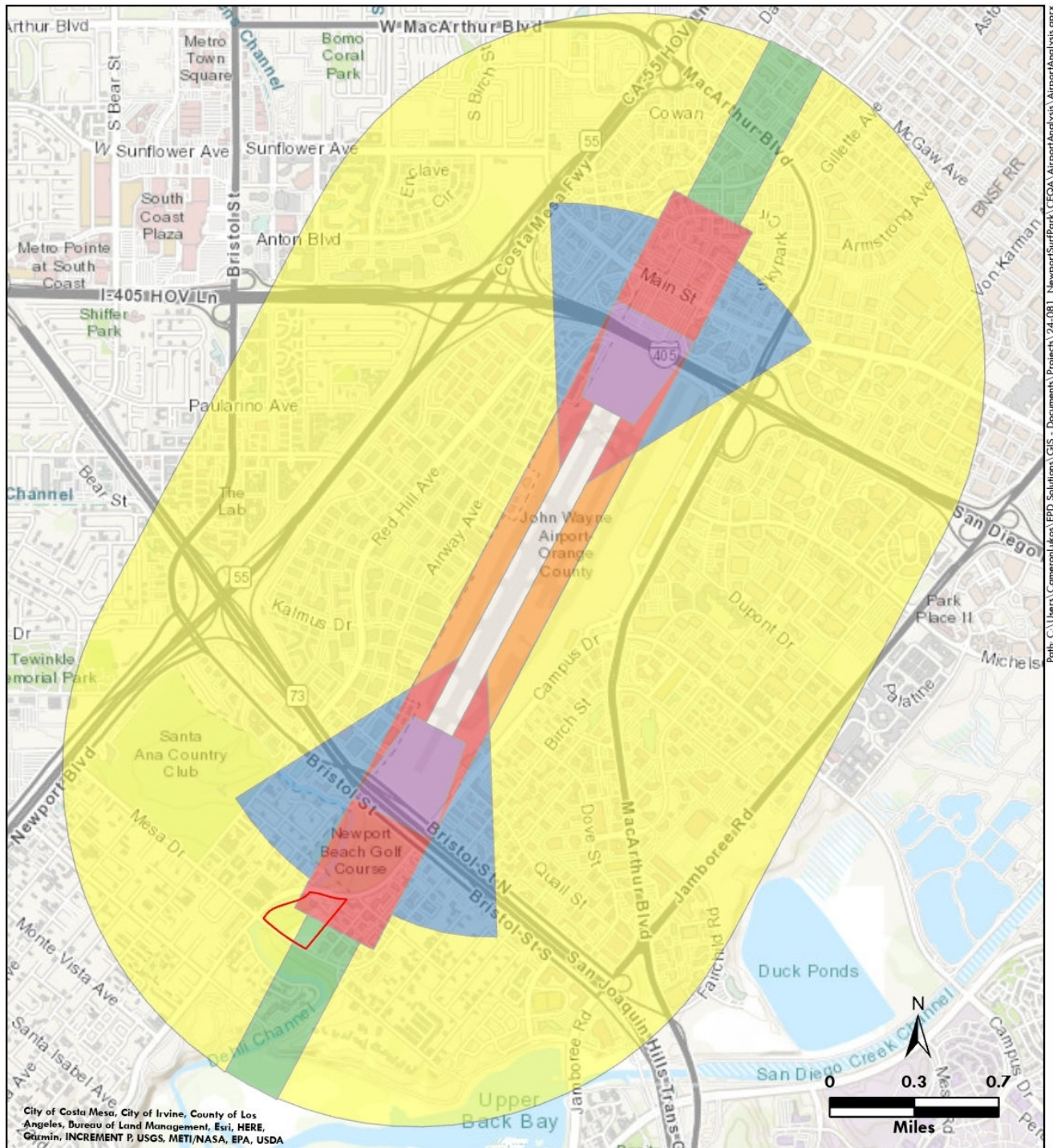


75 dBA CNEL Noise Level Contour

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# John Wayne Airport Safety Zones for 2L/20R



## Legend

Project Boundary

### JWA Safety Zones 2L/20R

Safety Zone 1: Runway Protection Zone

Safety Zone 2: Inner Approach / Departure Zone

Safety Zone 3: Inner Turning Zone

Safety Zone 4: Outer Approach / Departure Zone

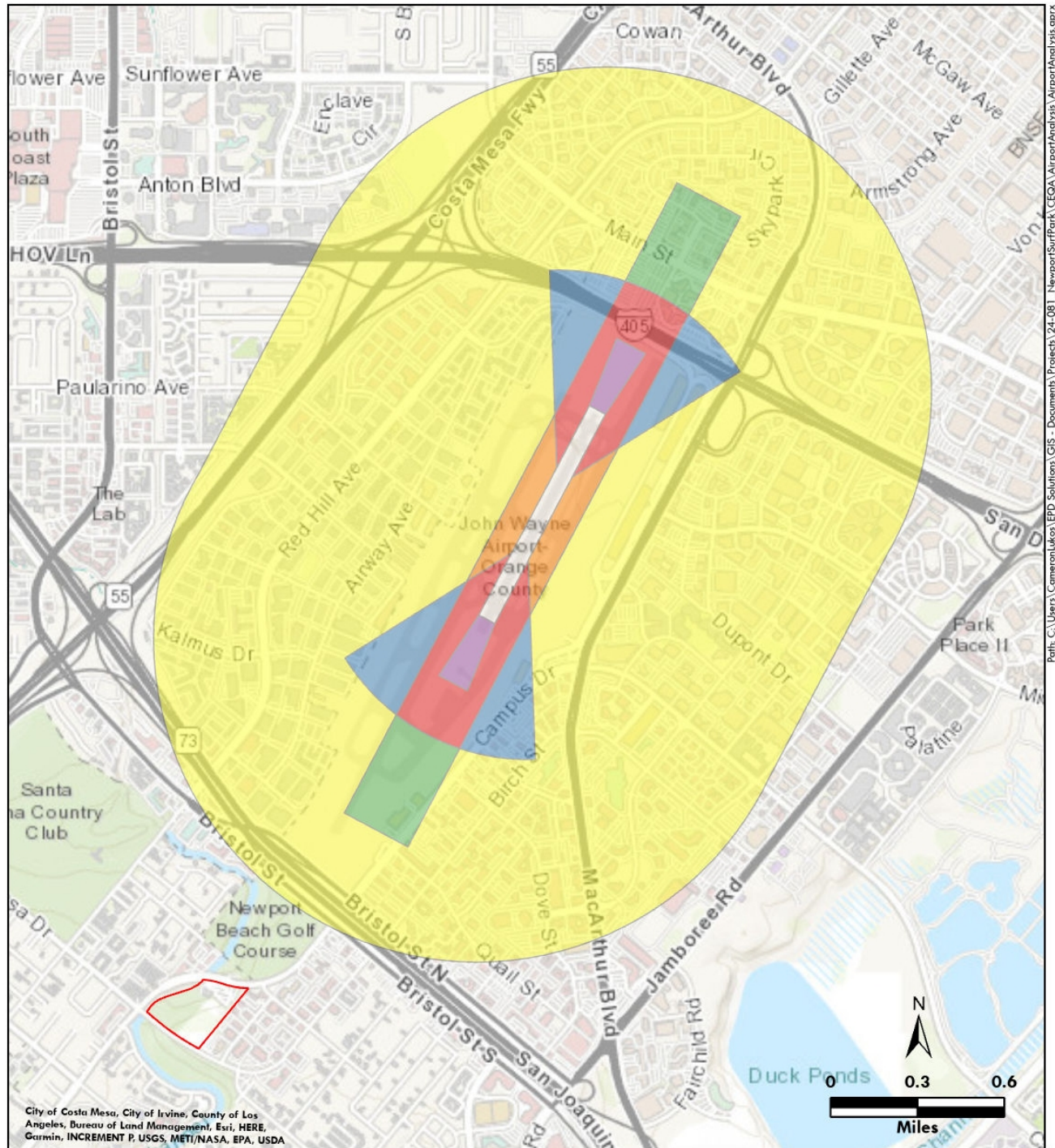
Safety Zone 5: Sideline Zone

Safety Zone 6: Traffic Pattern Zone

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# John Wayne Airport Safety Zone for 2R/20L



## Legend

Project Boundary

### JWA Safety Zones 2L/20R

Safety Zone 1: Runway Protection Zone

Safety Zone 2: Inner Approach / Departure Zone

Safety Zone 3: Inner Turning Zone

Safety Zone 4: Outer Approach / Departure Zone

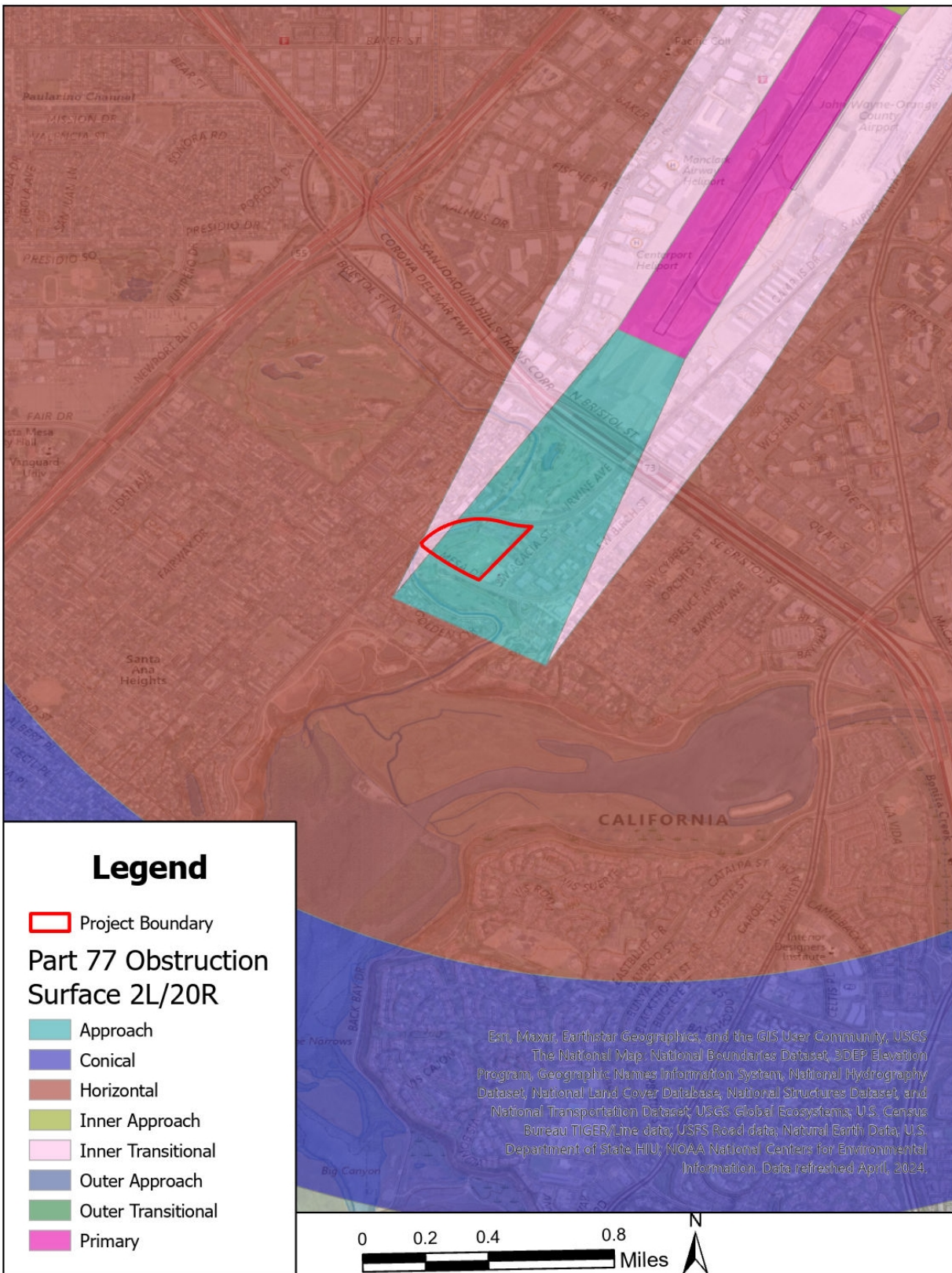
Safety Zone 5: Sideline Zone

Safety Zone 6: Traffic Pattern Zone

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# John Wayne Airport - FAA Part 77 Obstruction Imaginary Surfaces for Runway 2L/20R



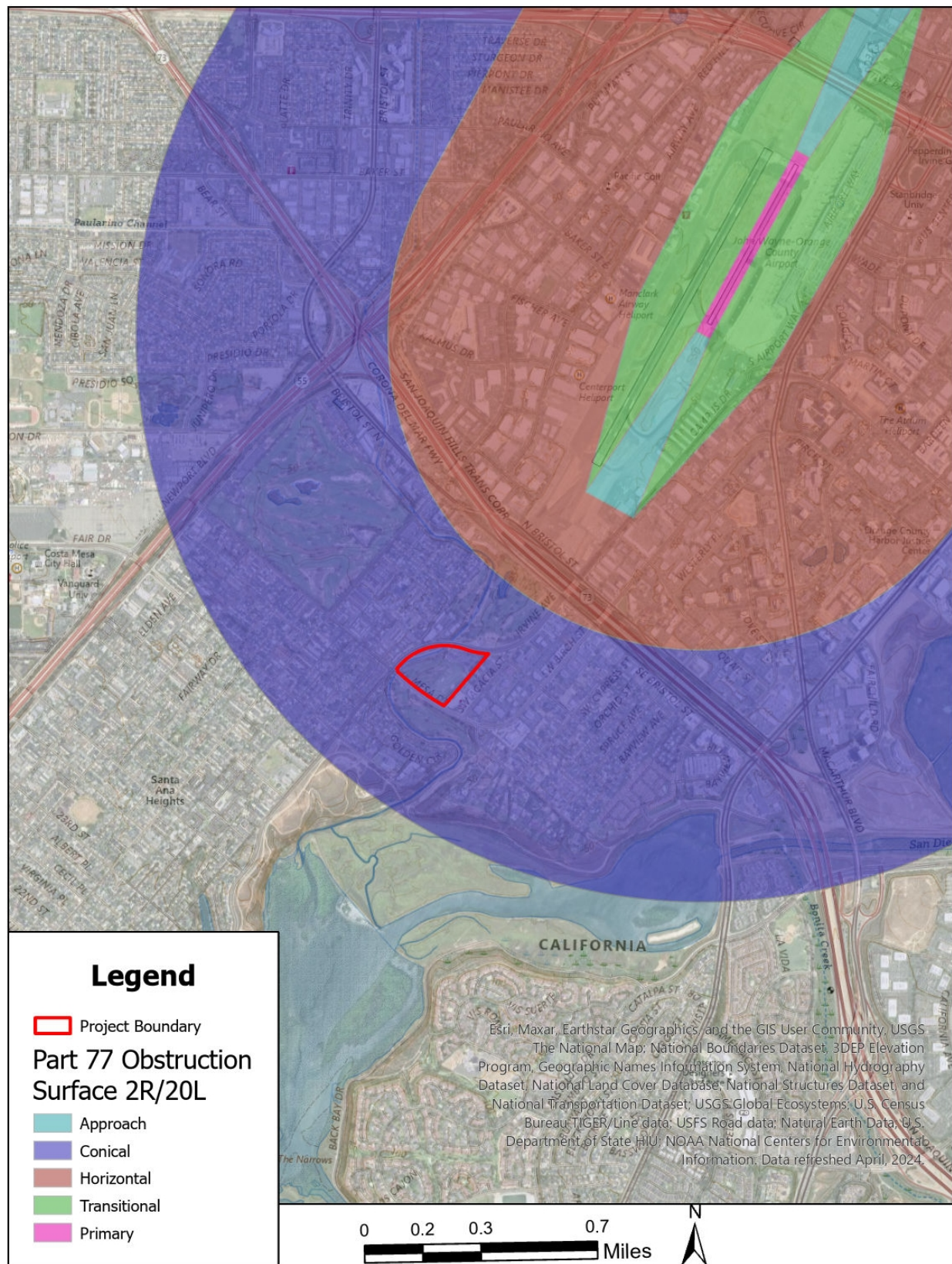
Snug Harbor Surf Park Project  
City of Newport Beach

**Figure 5.8-5**



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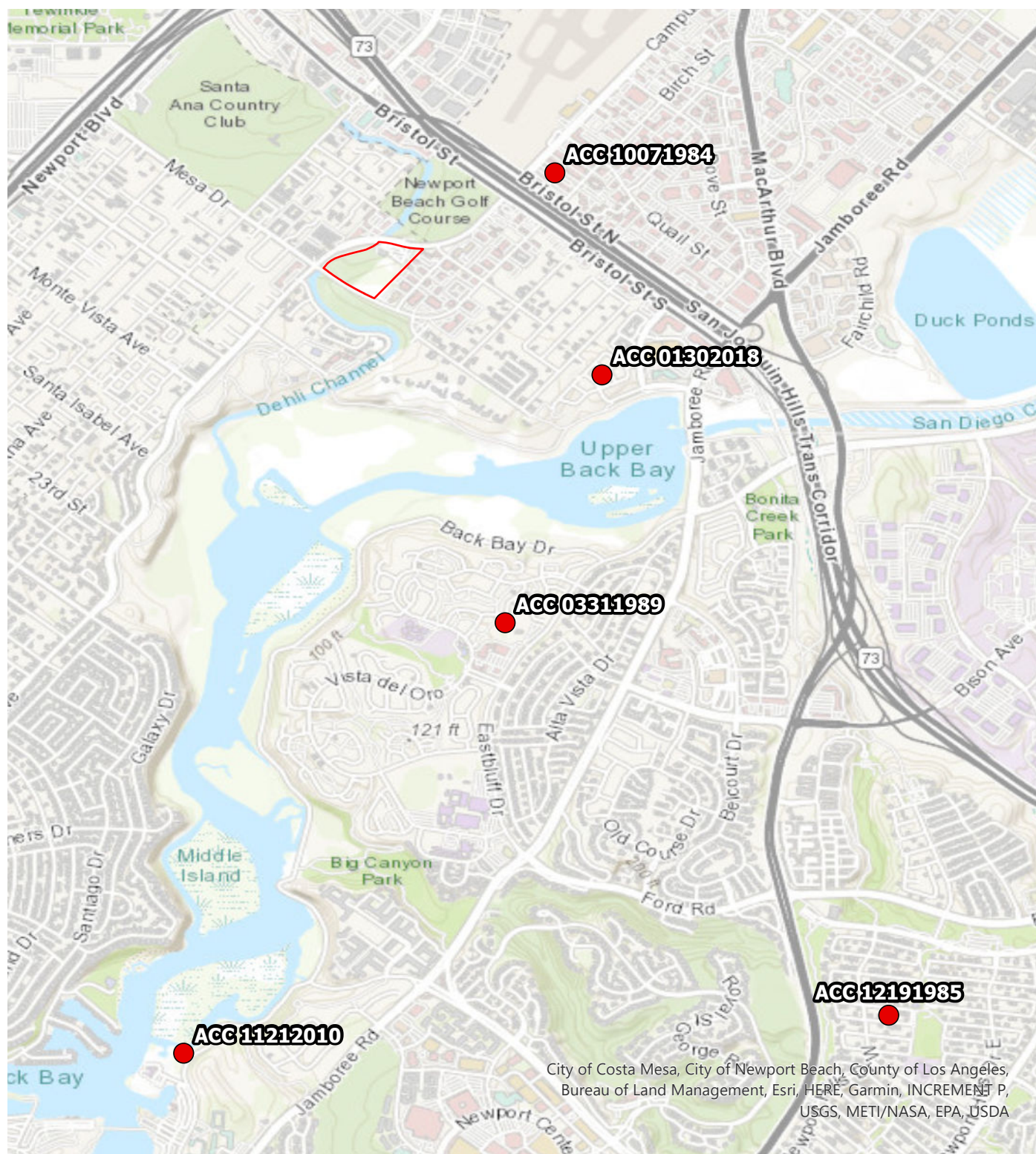
# John Wayne Airport - FAA Part 77 Obstruction Imaginary Surfaces for Runway 2R/20L



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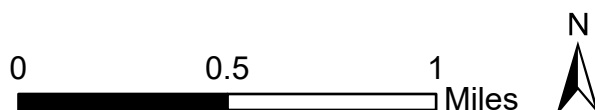


# Historical Aviation Accidents South of John Wayne Airport



## Legend

- Project Boundary
- Historical Accident Sites



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## 5.8.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of the CEQA Guidelines indicates that a Project could have a significant effect if it were to:

- HAZ-1 Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- HAZ-2 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.
- HAZ-3 Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- HAZ-4 Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment.
- HAZ-5 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 or excessive noise for people residing or working in the project area.
- HAZ-6 Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- HAZ-7 Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

## 5.8.5 METHODOLOGY

This evaluation of the significance of potential impacts related to hazards and hazardous materials considers both direct effects to the resource and indirect effects in a local or regional context. Potentially significant impacts would generally result in the loss or degradation of public health and safety or conflict with local, State, or federal agency regulations. Information for this section was obtained, in part, from review of mapping of potential hazards and site testing that was completed as part of the Phase I and Phase II Environmental Site Assessments, which are included as Appendix K and L.

The methodology for the evaluation of potential Project impacts related to the operation of SNA focuses on potential hazards associated with development of structures on the Project site, onsite persons, and ongoing operation of SNA. The proposed Project was evaluated for compliance with existing FAA, California Division of Aeronautic, and AELUP planning guidelines and regulations related to airport hazards and land uses. The Project was also evaluated for aircraft accident hazards based on the National Transportation Safety Board (NTSB) and California Airport Land Use Planning Handbook data. Also, the glare analysis implements the FAA criteria of no potential for glint or glare in the airport traffic control tower cab, and no potential for pilot glare or “low potential for after-image” along the final approach path.

## 5.8.6 ENVIRONMENTAL IMPACTS

### **IMPACT HAZ-1: THE PROJECT WOULD NOT CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT THROUGH THE ROUTINE TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS MATERIALS.**

#### **Less than Significant.**

##### **Construction**

The proposed construction activities, as detailed in Chapter 3.0, *Project Description*, would involve the routine transport, use, and disposal of hazardous materials such as paints, solvents, oils, grease, and caulking during construction activities. In addition, hazardous materials would routinely be needed for fueling and servicing construction equipment on the site. These types of materials are not acutely hazardous, and all storage, handling, use, and disposal of these materials are regulated by federal and State regulations that are implemented by the City of Newport Beach during building permitting for construction activities.

Construction contractors would be required through City permitting to comply with federal, State, and local laws and regulations regarding the transport, use, and storage of hazardous materials. Applicable laws and regulations include, but are not limited to, CFR, Title 29 - Hazardous Waste Control Act; CFR, Title 49, Chapter I; and Hazardous Materials Transportation Act requirements as imposed by the USDOT, CalOSHA, CalEPA, DTSC, and the Fire Department. Additionally, construction activities would require a Stormwater Pollution Prevention Plan (SWPPP) (and included as PPP WQ-1), which is mandated by the National Pollution Discharge Elimination System (NPDES) General Construction Permit and enforced by the Santa Ana RWQCB. The SWPPP would include strict onsite handling rules and best management practices (BMPs) to minimize potential adverse effects to workers, the public, and the environment during construction, including, but not limited to:

- Establishing a dedicated area for fuel storage and refueling activities that includes secondary containment protection measures and spill control supplies;
- Following manufacturers' recommendations on the use, storage, and disposal of chemical products used in construction;
- Avoiding overtopping construction equipment fuel tanks;
- Properly containing and removing grease and oils during routine maintenance of equipment; and
- Properly disposing of discarded containers of fuels and other chemicals.

Implementation of the SWPPP, as confirmed through the City's permitting process, would limit potentially significant hazards from runoff of contaminated materials during construction to a less-than-significant level.

##### **Operation**

Operation of the proposed Project includes activities related to a recreational surf park, amenity clubhouse, and athlete accommodations. The surf lagoon would use basic pool cleaning equipment and chemicals to maintain the pH levels for surfers. Project hazardous materials usage would be limited to small amounts. Furthermore, cleaning and degreasing solvents, fertilizers, pesticides, and other materials used in the regular maintenance of mechanical equipment, buildings, and landscaping would be utilized. The quantities stored at the site would be comparable to typical commercial recreation uses, and would be regulated by State and local law, including Fire Department regulations requiring proper storage and inspection and City operational permitting. Normal routine use of these products pursuant to existing regulations would not result in a significant hazard to the environment, residents, or workers in the vicinity of the proposed Project. Therefore, operational impacts related to routine transport, use, and disposal of hazardous materials during operation of the proposed Project would be less than significant.

**IMPACT HAZ-2: THE PROJECT WOULD NOT 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.**

**Construction**

**Accidental Releases.** While the routine use, storage, transport, and disposal of hazardous materials in accordance with applicable regulations during demolition, excavation, grading, and construction activities would not pose health risks or result in significant impacts; improper use, storage, transportation and disposal of hazardous materials and wastes could result in accidental spills or releases, posing health risks to workers, the public, and the environment. Thus, implementation of the proposed Project could potentially result in the accidental release of hazardous materials. The use of BMPs during construction implemented as part of a SWPPP as required by the NPDES General Construction Permit (and included as PPP WQ-1) would minimize potential adverse effects to workers, the public, and the environment. Construction contract specifications would include strict onsite handling rules and BMPs that include, but are not limited to:

- Establishing a dedicated area for fuel storage and refueling activities that includes secondary containment protection measures and spill control supplies;
- Following manufacturers' recommendations on the use, storage, and disposal of chemical products used in construction;
- Avoiding overtopping construction equipment fuel tanks;
- Properly containing and removing grease and oils during routine maintenance of equipment; and
- Properly disposing of discarded containers of fuels and other chemicals.

**Contaminated Soils.** As described previously, the Phase I Environmental Site Assessment (included as Appendix K) identified one REC which includes the historic use of pesticides and herbicides at the Project site. In addition, the potential use of PFAS at the adjacent fire station for fire suppression training was identified as an EC. The Phase II Environmental Site Assessment (Appendix L) conducted onsite soils and groundwater testing throughout the site to test for the presence of herbicides, pesticides, and metals in the soil as well as PFAS from the fire training center.

The laboratory test results were compared to corresponding USEPA RSLs for residential use and DTSC SLs for commercial/industrial uses. Soil herbicides, organochlorine pesticides, and PFAs did not exceed laboratory detection limits or RSLs. As none of these compounds are present at the site beyond USEPA and DTSC SLs, any release of these compounds at the site would not pose a threat to human health or the environment. Thus, any excavation of soils as part of Project construction activity is not expected to result in the release of any hazardous materials beyond USEPA and DTSC SLs, and impacts would be less than significant.

**Asbestos Containing Materials.** Buildings on the Project site were constructed in the 1970s when many structures were constructed with what are now recognized as hazardous building materials, such as lead and asbestos. Demolition of these structures could result in the release of hazardous materials. However, asbestos abatement contractors must follow State regulations contained in California Code of Regulations Sections 1529, and 341.6 through 341.14 as implemented by SCAQMD Rule 1403 to ensure that asbestos removed during demolition or redevelopment of the existing buildings is transported and disposed of at an appropriate facility. The contractor and hauler of the material are required to file a Hazardous Waste Manifest which details the hauling of the material from the site and the disposal of it. Section 19827.5 of the California Health and Safety Code requires that local agencies not issue demolition permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations



regarding hazardous air pollutants, including asbestos. These requirements are included as PPP HAZ-1 to ensure that the Project applicant submits verification to the City that the appropriate activities related to asbestos have occurred, which would reduce the potential of impacts related to asbestos to a less than significant level.

**Lead Based Materials.** Lead-based materials may also be located within existing structures on the Project site. The lead exposure guidelines provided by the United States Department of Housing and Urban Development provide regulations related to the handling and disposal of lead-based products. Federal regulations to manage and control exposure to lead-based paint are described in Code of Federal Regulations Title 29, Section 1926.62, and State regulations related to lead are provided in the California Code of Regulations Title 8 Section 1532.1, as implemented by CalOSHA. These regulations cover the demolition, removal, cleanup, transportation, storage and disposal of lead-containing material. The regulations outline the permissible exposure limit, protective measures, monitoring, and compliance to ensure the safety of construction workers exposed to lead-based materials. CalOSHA's Lead in Construction Standard requires project applicants to develop and implement a lead compliance plan when lead-based paint would be disturbed during construction or demolition activities. The plan must describe activities that could emit lead, methods for complying with the standard, safe work practices, and a plan to protect workers from exposure to lead during construction activities. In addition, CalOSHA requires 24-hour notification if more than 100 SF of lead-based paint would be disturbed. These requirements are included as PPP HAZ-2 to ensure that the Project applicant submits verification to the City that the appropriate activities related to lead have occurred, which would reduce the potential of impacts related to lead-based materials to a less than significant level.

**Undocumented Hazardous Materials.** As described previously, the Project site has a history of various uses that include use and storage of hazardous materials, such as golf course maintenance with the use of pesticides and herbicides. As a result, there is the potential for undocumented hazardous material to exist on site. However, the existing federal and State regulations related to hazardous materials and construction include procedures to follow in the case hazardous materials are uncovered during construction activities.

Excavated soil containing hazardous substances and hazardous building materials would be classified as a hazardous waste if they exhibit the characteristics of ignitability, corrosivity, reactivity, or toxicity (CCR, Title 22, Division 4.5, Chapter 11, Article 3). State and federal laws require detailed planning to ensure that hazardous materials are properly handled, used, stored, and disposed of, and in the event that such materials are accidentally released, to prevent or to mitigate injury to health or the environment. These regulations are detailed previously and include, but are not limited to, the Federal Resource Conservation and Recovery Act, the Occupational Safety and Health Act that is implemented by OSHA, and the Hazardous Materials Transportation Act. Additionally, the California Integrated Waste Management Board and the RWQCB specifically address management of hazardous materials and waste handling in their adopted regulations (CCR, Title 14 and CCR, Title 27). Thus, with implementation of existing regulations, impacts related to upset or accident conditions involving the release of hazardous materials into the environment would be less than significant.

### Operation

As described above, the risks related to upset or accident conditions involving the release of hazardous materials into the environment would be adequately addressed through compliance with existing federal, State, and local regulations. Development under the proposed Project would involve commercial recreation uses that would use and store common hazardous materials such as paints, pool cleaning chemicals, solvents, and cleaning products. As stated previously, the surf lagoon would use basic cleaning equipment and chemicals to maintain the pH levels for surfers. Also, building and lagoon mechanical systems and grounds/landscape maintenance could also use a variety of products formulated with hazardous materials, including fuels, cleaners, lubricants, adhesives, sealers, and pesticides/herbicides.

As described previously, normal routine use of these products pursuant to existing regulations would not result in a significant hazard to the environment, residents, or workers in the vicinity of the proposed Project. In addition, a Water Quality Management Plan (WQMP) is required to be implemented for the proposed Project (as further discussed in Section 5.9, *Hydrology and Water Quality* (included as PPP WQ-3)). The BMPs that would be implemented as part of the WQMP would protect human health and the environment should any accidental spills or releases of hazardous materials occur during operation of the proposed Project. As a result, operation of the proposed Project would not result in 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, and impacts would be less than significant.

**IMPACT HAZ-3: THE PROJECT WOULD NOT 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.** The Project site is located 0.3-mile west of the closest school, which is the Newport Montessori School, located at 20221 SW Cypress Street, Newport Beach. Thus, the proposed Project would not be within 0.25 mile of an existing school.

**Construction**

As described in the previous responses, Project construction would involve the use and disposal of various hazardous materials. However, all storage, handling, use, and disposal of these materials are regulated by federal and State regulations that are implemented by the City of Newport Beach during construction permitting. In addition, the use of BMPs during construction implemented as part of a SWPPP as required by the NPDES General Construction Permit (and included as PPP WQ-1) would minimize potential adverse effects to workers, the public, and the environment. Construction contract specifications would include strict onsite handling rules and BMPs that include, but are not limited to:

- Establishing a dedicated area for fuel storage and refueling activities that includes secondary containment protection measures and spill control supplies;
- Following manufacturers' recommendations on the use, storage, and disposal of chemical products used in construction;
- Avoiding overtopping construction equipment fuel tanks;
- Properly containing and removing grease and oils during routine maintenance of equipment; and
- Properly disposing of discarded containers of fuels and other chemicals.

**Operation**

As described in response to Impact HAZ-1, operation of the proposed Project includes activities related to commercial recreational development, which generally uses common hazardous materials, including: solvents, cleaning agents, paints, pesticides, batteries, and aerosol cans. Normal routine use of these products pursuant to existing regulations would not result in a significant hazard to the environment or school facilities in the vicinity of the proposed Project. Therefore, operational impacts related to nearby schools would be less than significant.

**IMPACT HAZ-4: THE PROJECT WOULD NOT BE LOCATED ON A SITE WHICH IS INCLUDED ON A LIST OF HAZARDOUS MATERIALS SITES COMPILED PURSUANT TO GOVERNMENT CODE § 65962.5 AND, AS A RESULT, WOULD IT CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT.**

**No Impact.** The Phase I Environmental Site Assessment that was conducted included database searches to determine if the Project area or any nearby properties are identified as currently having hazardous

materials and is included in Table 5.8-1. The record searches determined that although the site has a history of various uses and identified as previously generating hazardous wastes and clean-up activities, the Project site is not located on or near a site which is included on a Cortese List of hazardous materials sites pursuant to Government Code Section 65962.5 (Appendix K).

**Table 5.8-1: Phase I Hazardous Materials Site Database Review**

Property	Address <sup>1</sup>	Direction Relative to Subject Property	Groundwater Gradient	Distance from Subject Property (miles)	Database <sup>2</sup>	Notes
Subject Property						
Newport Beach Golf Course	3100 Irvine Avenue	--	--	--	CERS HAZ	Chemical storage facility, hazardous chemical management; multiple violations for training, business plans, and timely waste disposal; Active USEPA ID; Former leaking underground storage tank cleanup adjacent to the Project site, case closed in 2006
					DELISTED TNK	
					FINDS/FRS	
					HAZ GEN	
					HAZNET	
					HW ORANGE	
					LOP ORANGE	
					LUST	
					RCRA NON GEN	
					RCRA NON GEN	
					UST SWEEPS	
Surrounding Properties						
No Name Listed	20321 Acacia, Santa Ana Heights	E	Cross gradient	0.02	HIST MANIFEST	Photochemical & photo processing waste
Newport Bay Terrace Apartments	1691 Mesa Drive	W	Downgradient	0.04	RCRA NON GEN	No records or compliance monitoring violations as of October 2023
Newport Beach Fire Department	20401 Acacia St	SSE	Upgradient	0.04	CERS TANK	Chemical storage facility; AST; history of violations related to record keeping
					AST	
Back Bay Cleaners	2675 Irvine Ave, Costa Mesa	W	Cross Gradient	0.07	CLEANUP SITES	Former dry cleaner; open cleanup site; small quantity generator
					DRY CLEANERS	
					EMISSIONS	
					FED DRYCLEANERS	
					ICP ORANGE	
					RCRA NON GEN	
					RCRA SQG	

Source: Appendix K.

<sup>1</sup> All addresses are in Newport Beach unless noted

<sup>2</sup>Database abbreviations are defined as follows:

AST – Statewide list of ASTs

CERS HAZ – California Environmental Reporting System (CERS) Hazardous Waste Sites

CERS TANK – California Environmental Reporting System (CERS) Tanks

CLEANUP SITES – List of Cleanup Program sites in the state of California made available through the SWRCB

DELISTED TNK – Delisted Storage Tanks

DRY CLEANERS – A list of drycleaners related to facilities that have USEPA ID numbers

EMISSIONS – Toxic pollutant emissions facilities

FED DRYCLEANERS – A list of drycleaner facilities from Enforcement and Compliance History Online

FINDS/FRS – Facility Registry Service/Facility Index

HAZ GEN – List of handlers listed as having generated waste from the facilities and manifest data

HAZNET – Hazardous Waste Manifest Data

HIST MANIFEST – List of historical waste manifest received by the DTSC from the year 1980 to 1992

HW ORANGE – List of Hazardous Waste Facilities in Orange County

ICP ORANGE – Orange County Industrial Cleanup Program (ICP) overseeing the voluntary cleanup of contaminated properties

LOP ORANGE – Orange County Local Oversight Program (LOP) of leaking USTs

LUST – Leaking Underground Storage Tank (LUST)

RCRA NON GEN – Resource Conservation and Recovery Act (RCRA) verified non-generator

RCRA SQG – RCRA Small Quantity Generator (SQG)

UST SWEEPS – Statewide Environmental Evaluation and Planning System historical list of USTs

Gasoline was identified as a potential chemical of concern beneath the golf course parcel to the north of the Project site across Irvine Avenue. Three groundwater monitoring wells were installed in 1990 and monitored until 2004. Petroleum hydrocarbons, including gasoline, benzene, toluene, ethylbenzene, xylenes, and oxygenates, have not been detected since 1995 (Appendix K). The case was closed, and a No Further Action (NFA) letter was issued in 2006.

Also, although the Phase I Environmental Site Assessment (Appendix K) identified offsite sources of contamination, such as LUSTs, it did not identify any onsite or surrounding area sites that are included on a Cortese List of hazardous materials sites compiled pursuant to Government Code Section 65962.5. In addition, none of the listings for the adjacent properties were identified as a REC or HREC for the proposed Project. As a result, impacts related to hazards from being located on or adjacent to a hazardous materials site would not occur from implementation of the proposed Project.

**IMPACT HAZ-5: THE PROJECT WOULD NOT, 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, RESULT IN A SAFETY HAZARD OR EXCESSIVE NOISE FOR PEOPLE RESIDING OR WORKING IN THE PROJECT AREA.**

**Less than Significant.** As described previously, SNA is located approximately 0.4 mile northeast of the Project site. The Project site is located within the Safety Zone 2, the Inner Approach/Departure Zone; Safety Zone 4, Outer Approach/Departure Zone; and Safety Zone 6, the Traffic Pattern Zone, for the 2L/20R runway that is used by commercial aircraft as shown on Figure 5.8-3, *John Wayne Airport Safety Zones for 2L/20R*. In addition, the Project site is located within the FAR Part 77 Obstruction Imaginary Surface area for both runways (shown on Figures 5.8-5 and 5.8-6).

The proposed Project involves redevelopment that would result in a surf lagoon; a three-story, amenity clubhouse; a two-story 20-unit athlete accommodation building; ancillary maintenance buildings, outdoor seating/lounging areas, warming pools, spas and associated parking. The three-story amenity clubhouse building would have a maximum height of 50 feet and the two-story athlete accommodations building would have a maximum height of 40 feet. In addition, the exterior lighting poles would be 71 feet in height.

The existing elevation of the site slopes to the northwest and is between approximately 58 feet amsl and 15 feet amsl. The proposed grading plan would modify onsite elevations resulting in an elevation of approximately 42 feet amsl at the location of the proposed amenity clubhouse building that would be up to 50 feet in height. Thus, the top of the proposed amenity clubhouse building structure would be

approximately 92 feet amsl. The proposed two-story 40-foot-high athlete accommodation building would be constructed at a ground elevation of 43 feet; and the top of the structure would be 83 feet amsl. In addition, the proposed 71-foot-tall lighting poles would be located on areas that are 37 feet amsl or less, which would result in maximum light pole heights of 108 feet amsl.

As described previously, the Project site has previously undergone FAA evaluation, which determined that structures on the site that are below 162 feet amsl would not have a significant adverse impact related to aeronautical hazards (FAA, 2016). As the tallest building structure would be 92 feet amsl and the light poles would be a maximum of 108 feet amsl, both would be below 162 feet amsl; therefore, the Project structures would not have a significant adverse impact related to aeronautical hazards.

### **Aircraft Accident Hazards**

Due to the prevailing ocean winds at SNA, the predominant direction of aircraft departing SNA is to the southwest and aircraft arriving into SNA is from the northeast (about 95 percent of the time), the Project site is mostly exposed to overflight by aircraft departing SNA to the southwest. Therefore, the accident risk over the Project site is also predominantly from aircraft departing SNA.

As per accident trends, there is generally a lower rate of accidents that occur during takeoff (departure) versus during landing (on approach). At SNA, 10 of the 66 accidents reported by the NTSB between 1982 and 2024 occurred during the takeoff phase of flight. All of those ten accidents, except for one, were attributed to general aviation operations.

Using the accident data in the California Airport Land Use Planning Handbook and from the NTSB database for SNA, the aircraft hazard assessment (Appendix M) developed a rough order of magnitude estimate of accident risk at the Project site. Over the most recent ten-year period (2014-2024), SNA had 11 accidents listed in the NTSB database. Two occurred during the takeoff or departure phase of the flight. During this same time period there were over 3 million aircraft operations at SNA. This results in a risk rate of 0.067 accidents per 100,000 aircraft operations. Combining these two figures (0.3 accidents per year) provides an estimate of the chances of an accident on the Project site as 0.035% per year. The additional factor that aircraft typically depart to the southwest about 95 percent of the time brings the chances of an accident on the Project site to 0.033% per year.

In terms of the annual risk to an individual on the Project site, if there is a 0.033% chance of an onsite accident per year, and as per the California Airport Land Use Planning Handbook, approximately, 0.11% of general aviation aircraft accidents result in fatalities to people on the ground, this yields a 0.000036% chance of a fatality per year, or an approximate risk of 0.036 in 100,000 operations. Therefore, impacts from potential aircraft accidents would be less than significant.

### **Airport Wildlife Hazards**

The proposed surf lagoon would be a body of water that could have the potential to attract wildlife hazards. Water in general, is considered a wildlife attractant. However, the wave lagoon would have no food sources or resting or nesting sites like those found in an ocean or the nearby Upper Newport Bay ecological preserve. Also, movement of staff, lifeguards, and surfers in the lagoon would reduce most of the risk associated with attracting wildlife.

The SNA General Aviation Noise Ordinance prohibits commercial departures between 10:00 p.m. and 7:00 a.m. (8:00 a.m. on Sundays) and commercial arrivals between 11:00 p.m. and 7:00 a.m. (8:00 a.m. on Sundays). The proposed hours of operation for the surf lagoon are 6:00 a.m. to 11:00 p.m., 7 days a week. The times that no commercial SNA departures and arrivals occur would coincide with the hours that the surf park would be closed. Therefore, the lack of surfer, lifeguard, and water movement when the lagoon is closed would not present a hazard due to birds who may be attracted to the times of limited movement and

standing/still water. In addition, as detailed in Section, 3.0, *Project Description*, and in PDF-2, the Project would not include trees or other vegetation that produces seeds, fruits, nuts, or berries providing food for birds that would be an attractant. Therefore, Project impacts related to generation of wildlife hazards to airport operations would be less than significant.

Further, in reviewing the 66 accidents at SNA between 1982 and 2024, none were caused by a wildlife strike. In reviewing the FAA's wildlife strike database, there were 669 wildlife strike incidents reported for SNA between 1990 and June 2024. There was a total of 305,523 wildlife strike incidents across airports in the United States during the same time frame.

### **Airport Noise Hazards**

As shown on Figure 5.8-2, the Project site is located within the SNA 65 CNEL noise contour as measured by the airport in 2024, which indicates that noise from aircraft on the Project site is 65 dB CNEL and is within the noise impact area related to SNA operations. As detailed in Section 5.11, *Noise*, the General Plan Land Use Noise Compatibility Matrix, identifies that commercial recreation facilities are "normally compatible" up to 75 dBA CNEL. Therefore, the proposed Project would be consistent with the 2024 noise contours, and impacts related to excessive noise would be less than significant.

Also, as detailed in Section 5.10, *Land Use and Planning*, AELUP contains airport noise contours from 1985 (shown in Figure 5.10-3 in Section 5.10, *Land Use and Planning*), which identifies that a majority of the Project site is located within the 65 dBA CNEL and a small area in the northeastern portion of the Project site that is planned for parking and wave lagoon machinery is in the 70 dBA CNEL airport noise contour.

The AELUP for SNA states that community facilities and commercial land uses are "normally consistent" within the 70 CNEL contour. Therefore, the proposed community related commercial recreation facilities that are proposed for the site would be consistent with the AELUP aircraft noise land use planning. Thus, impacts related to hazardous noise conditions from the operation of SNA would be less than significant.

### **Airport Other Hazards**

The proposed Project would not result in hazards related to excessive glare, light, steam, smoke, dust, or electronic interference. Exterior lighting fixtures and security lighting would be installed in accordance with Municipal Code Section 20.30.070, which requires that all outdoor lighting fixtures be designed to shield adjacent properties and roadways from glare.

The proposed parking canopies and building roofs would be covered in PV solar panels, as shown in Figure 3-11, *Proposed Solar PV Installation*. Solar PV reflections of sunlight glint and glare have the potential to affect pilots' vision, particularly on final approach to runways, and can also impact air traffic controllers' vision when controlling aircraft near airports. Therefore, a solar glare analysis (included as Appendix N) was prepared using an FAA developed a computer analysis tool to measure the potential impact of reflected glint and glare from Solar PV installation.

The solar analysis modeling (included as Appendix N) was prepared based on the location of the approximately 70,908 square feet of proposed rooftop and carport installed solar PV arrays and analyzed the potential impacts of the proposed solar PV installation on John Wayne Airport operations. The analysis determined that the proposed Project would not produce any glare on the air traffic control tower or in any of the final approach areas to the runways at John Wayne Airport. Thus, the proposed solar panels would not result in glare impacts to operation of SNA. In addition, the proposed Project would not use highly reflective surfaces and does not include large areas of glass on the buildings, as shown in the Project elevations, included in Chapter 3.0, *Project Description*. Therefore, the proposed Project would not generate substantial sources of glare and impacts would be less than significant.

As described in Section 5.2, *Air Quality*, operation of the proposed commercial recreation uses would not generate substantial quantities of smoke or dust emissions. As described, dust emissions are regulated by SCAQMD requirements and construction related air quality emissions that could include steam, smoke, and dust emissions would be less than significant with implementation of the standard SCAQMD Rules listed in Section 5.2, *Air Quality*.

The proposed Project consists of a surf park that would include the use of typical electronics, such as computers, televisions, screens at the lagoons, and other electronics with wireless capability. These types of electronics are similar to those currently being used by the existing golf course and restaurant uses on the site, and other uses in the vicinity of the site. The new surf park use on the site would use similar technology that does not cause electronic interference that could affect aircraft. Thus, impacts related to electronic interference with operations of the SNA would not occur.

The proposed Project would comply with this ALUC notification and all other applicable rules and regulations as they pertain to SNA and airport safety. ALUCs are not implementing agencies in the manner of local governments, and nor do they do not issue project permits. However, due to the nature of the required City approvals (i.e., the proposed General Plan Amendment), the City of Newport Beach is required, pursuant to Public Utilities Code Section 21676, to refer the proposed Project to the ALUC for ALUC review. If the project is deemed inconsistent with the ALUC plan, a local government may override the ALUC decision by a two-thirds vote of its governing body, if it makes specific findings that the proposed action is consistent with the purposes stated in Section 21670(a)(2) of the Public Utilities Code: “to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public’s exposure to excessive noise and safety hazards in areas around public airports to the extent that these areas are not already devoted to incompatible uses.” Therefore, an inconsistency finding from the ALUC for John Wayne Airport would not preclude the City from approving the Project and it being implemented.

Overall, the proposed Project would not introduce a safety hazard associated with airport operations for people residing, working, and visiting the Project site. Thus, Project-related hazard impacts associated with SNA operations would be less than significant.

**IMPACT HAZ-6: THE PROJECT WOULD NOT IMPAIR IMPLEMENTATION OF OR PHYSICALLY INTERFERE WITH AN ADOPTED EMERGENCY RESPONSE PLAN OR EMERGENCY EVACUATION PLAN.**

**No Impact.** The City of Newport Beach adopted the City of Newport Beach Local Hazard Mitigation Plan, prepared by the City of Newport Beach in 2016. The Local Hazard Mitigation Plan does not identify any specific requirements for the Project site, nor is the site identified by the Plan as being part of an emergency evacuation route, nor is the site directly adjacent to an emergency evacuation route. Irvine Boulevard, south of 23<sup>rd</sup> Street, is the nearest designated tsunami evacuation route identified in the City’s Local Hazard Mitigation Plan (City of Newport Beach, 2016).

The City has adopted and implemented programs to reduce and prevent risks associated with wildfire including Municipal Code Section 2.20.050 (Emergency Operations Plan), Municipal Code Chapter 9.04 (Fire Code), and Municipal Code Chapter 15.04 (Building Code). Municipal Code Sections 9.04.110 through 9.04.160 require compliance with emergency access design standards as part of new construction of roads to provide sufficient access for emergency equipment. The Fire Code also sets standards for road dimension, design, grades, and other fire safety features. Although temporary lane closures on surrounding streets may be required during short periods of the Project’s construction period in order to construct the Project and connect the Project to the existing utility facilities within the existing roadways, the construction of the Project would not require the complete closure of any public or private streets or roadways during construction. For all temporary closures, which may include single lanes and sidewalk segments, the Project Applicant would

be required to obtain a Temporary Street and Sidewalk Closure Permit from the City of Newport Beach Public Works Department. Therefore, there is no potential for the Project to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No impact would occur.

**IMPACT HAZ-7: THE PROJECT WOULD NOT EXPOSE PEOPLE OR STRUCTURES, EITHER DIRECTLY OR INDIRECTLY, TO A SIGNIFICANT RISK OF LOSS, INJURY OR DEATH INVOLVING WILDLAND FIRES.**

**Less than Significant.** The Project site is located within an urban developed area and is not located within an identified wildland fire hazard area and is not an area where residences are intermixed with wildlands. The City's GPU FEIR and the CalFire High Fire Hazard Severity Zones map shows that the site is located within a low fire susceptibility area (City of Newport Beach, 2006b) (Cal Fire, 2024). In addition, implementation of the proposed Project would be required to adhere to the following chapters of the City's Municipal Code to reduce potential fire hazards: Chapter 15.04 Uniform Building Code, Chapter 9.04.110 Fire Code, and Chapter 2.20.050 Emergency Operations Plan. Additionally, the proposed Project would be developed in compliance with any further guidelines from the Fire Department related to fire prevention and is subject to approval by the City's Building Division. Therefore, the proposed Project would not expose people or structures to a significant risk of loss, injury, or death from wildfires.

## 5.8.7 CUMULATIVE IMPACTS

The proposed Project's contribution to cumulative impacts to hazards and hazardous was analyzed in context with past and foreseeably future projects in the City of Newport Beach and adjacent areas in the Cities of Costa Mesa and Irvine that are similarly affected by hazardous soil conditions, LUST conditions, asphalt contamination, and asbestos and lead containing building materials. Cumulative redevelopment and land use changes within the City would have the potential to expose future area residents, employees, and visitors to chemical hazards through redevelopment of sites and structures that may be contaminated from either historic or ongoing uses. The severity of potential hazards for individual projects would depend upon the location, type, and size of development and the specific hazards associated with individual sites. As shown on Figure 5-1, *Cumulative Projects*, in Section 5.0, *Environmental Impact Analysis*, the closest cumulative development project is located across Orchard Drive at the eastern corner of Orchard Drive and Southwest Acacia Street, approximately 527 feet from the Project site. The cumulative project across Orchard Drive is a renovation of the existing office building and addition of a parking garage and would not include extensive redevelopment of the area. It is unlikely that similar construction activities involving hazardous materials would occur simultaneously that could have the potential to cumulatively contribute to an impact.

All hazardous materials users and transporters, as well as hazardous waste generators and disposers are subject to regulations that require proper transport, handling, use, storage, and disposal of such materials to ensure public safety, which are verified by the City during the construction and development permitting process. Thus, if hazardous materials are found to be present on present or future project sites appropriate remediation activities would be required pursuant to standard federal, State, and regional regulations that would reduce the potential for hazard related impacts to occur; and have the potential to cumulatively combine. Further, Project compliance with the relevant federal, State, and local regulations during the construction and operation would ensure that the Project would not result in impacts that have the potential to cumulative. Thus, cumulative impacts related to hazardous materials and emergency response/evacuation would be less than significant.

Regarding airport related hazards, as detailed previously, the proposed structures would not encroach into any obstruction imaginary surfaces for SNA; therefore, they would not have the potential to cumulatively result in aeronautical hazards. Likewise, exterior lighting would be installed in accordance with Municipal



Code Section 20.30.070 to not cumulatively combine, and the Project would comply with ALUC notification and all other applicable rules and regulations as they pertain to SNA and airport safety. As a result, cumulative impacts related to airport hazards would be less than significant.

## 5.8.8 EXISTING REGULATIONS AND PLANS, PROGRAMS, OR POLICIES

The following would reduce potential impacts related to hazards and hazardous materials.

### Existing Regulations

- United States Code of Federal Regulations Title 42, Sections 6901 et seq.: Resource Conservation and Recovery Act
- United States Code of Federal Regulations Title 42, Sections 11001 et seq.: Emergency Planning & Community Right to Know Act
- United States Code of Federal Regulations Title 49, Parts 101 et seq.: Regulations implementing the Hazardous Materials Transportation Act (United States Code of Federal Regulations Title 49 Sections 5101 et seq.)
- United States Code of Federal Regulations Title 15, Sections 2601 et seq.: Toxic Substances Control Act
- US Environmental Protection Agency Asbestos Hazard Emergency Response Act, 40 United States Code of Regulations Section 763
- California Occupational Safety and Health Administration Regulation 29, CFR Standard 1926.62
- California Code of Regulations Title 24, Part 2: California Building Code
- California Code of Regulations Title 24, Part 9: California Fire Code
- California Code of Regulations Title 8, Section 1532.1: Lead in Construction Standard
- California Code of Regulations Title 8, Section 1529: Asbestos
- Title 8 of the California Code of Regulations, Section 1532.1: Lead
- Municipal Code Chapter 2.20, *Emergency Services*
- Municipal Code Chapter 9.04, *Fire Code*
- Municipal Code Chapter 15.55, *Methane Overlay Zone*
- Municipal Code Chapter 30, Section 080 (F), *Airport Environs Land Use Plan*

### Plans, Programs, or Policies

The following Plans, Programs, and Policies (PPP) related to hazards and hazardous materials are incorporated into the proposed Project and would reduce potential impacts. These actions will be included in the proposed Project's mitigation monitoring and reporting program (MMRP):

**PPP HAZ-1: SCAQMD Rule 1403.** Prior to issuance of demolition permits, the Project applicant shall submit verification to the City Building and Safety Division that an asbestos survey has been conducted at all existing buildings located on the Project site. If asbestos or asbestos containing material is found, the Project applicant shall follow all procedural requirements and regulations of the South Coast Air Quality Management District (SCAQMD) Rule 1403. Rule 1403 regulations require that the following actions be taken: notification of SCAQMD prior to construction activity, asbestos removal in accordance with prescribed procedures, placement of collected asbestos in leak-tight containers or wrapping, and proper disposal.

**PPP HAZ-2: Lead.** Prior to issuance of demolition permits, the Project applicant shall submit verification to the City Building and Safety Division that a lead-based paint survey has been conducted at all existing buildings located on the Project site. If lead-based paint is found, the Project applicant shall follow all procedural requirements and regulations for proper removal and disposal of the lead-based paint.

CalOSHA has established limits of exposure to lead contained in dusts and fumes. Specifically, CCR Title 8, Section 1532.1 provides for exposure limits, exposure monitoring, and respiratory protection, and mandates good working practices by workers exposed to lead.

**PPP WQ-1: SWPPP.** As included in Section 5.9, *Hydrology and Water Quality*.

**PPP WQ-3: WQMP.** As included in Section 5.9, *Hydrology and Water Quality*.

## 5.8.9 PROJECT DESIGN FEATURES

The proposed Project includes the following PDF that reduces potential impacts related to hazards:

**PDF-2 Vegetation:** The proposed Project does not include landscaping or other vegetation that produces seeds, fruits, nuts, or berries, such as fruit bearing trees and shrubs. Likewise, Project site areas would be planted with seed mixtures that do not contain millet or any other large seed producing grass.

## 5.8.10 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Upon implementation of regulatory requirements Impacts HAZ-1, HAZ-2, HAZ-3, HAZ-4, HAZ-5, HAZ-6, and HAZ-7 would be either less than significant or have no potential impact.

## 5.8.11 MITIGATION MEASURES

No mitigation measures are required.

## 5.8.12 LEVEL OF SIGNIFICANCE AFTER MITIGATION

No mitigation measures are required. Impacts would be less than significant with compliance with existing regulations.

## 5.8.13 REFERENCES

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- Orion Environmental Inc., (2024b). Phase II Environmental Site Assessment. **(Appendix L)**.

## 5.9 Hydrology and Water Quality

### 5.9.1 INTRODUCTION

This section describes the hydrology and water quality conditions in the Project region and potential impacts from Project implementation. The analysis in this section is based, in part, on the following documents and resources.

- *City of Newport Beach General Plan, 2006*
- *City of Newport Beach General Plan Environmental Impact Report (General Plan EIR), 2006*
- *City of Newport Beach Municipal Code*
- *Geotechnical Exploration*, prepared by Carl Kim Geotechnical, Inc., 2024, included as Appendix H
- *Preliminary Water Quality Management Plan (WQMP)*, prepared by Fuscoe Engineering, Inc., 2024, included as Appendix O
- *Preliminary Hydrology Report*, prepared by Fuscoe Engineering, Inc., 2024, included as Appendix P
- *Water Supply Evaluation*, prepared by Fuscoe Engineering, Inc., 2024, included as Appendix S

### 5.9.2 REGULATORY SETTING

#### 5.9.2.1 Federal Regulations

##### Clean Water Act

The Clean Water Act established the basic structure for regulating discharges of pollutants into “waters of the U.S.” The Act specifies a variety of regulatory and non-regulatory tools to sharply reduce direct pollutant discharges into waterways, finance municipal wastewater treatment facilities, and manage polluted runoff. Key components of the Clean Water Act that are relevant to the Project are:

- Sections 303 and 304, which provide water quality standards, criteria, and guidelines. Section 303(d) requires the state to develop lists of water bodies that do not attain water quality objectives (are impaired) after implementation of required levels of treatment by point-source dischargers (municipalities and industries). Section 303(d) also requires that the state develop a Total Maximum Daily Loads for each of the listed pollutants. The Total Maximum Daily Load is the amount of pollutant loading that the water body can receive and still be in compliance with water quality objectives. After implementation of the Total Maximum Daily Load, it is anticipated that the contamination that led to the 303(d) listing would be remediated. Preparation and management of the Section 303(d) list is administered by the Regional Water Quality Control Boards (RWQCBs).
- Section 401 requires activities that may result in a discharge to a federal water body to obtain a water quality certification to ensure that the proposed activity would comply with applicable water quality standards.
- Section 402 regulates point- and nonpoint-source discharges to surface waters through the National Pollutant Discharge Elimination System (NPDES) program. In California, the State Water Resources Control Board (SWRCB) oversees the NPDES program, which is administered by the local RWQCBs. The NPDES program provides both general permits (those that cover a number of similar or related activities) and individual permits.

## National Pollutant Discharge Elimination System

The NPDES Permit program under the Clean Water Act controls water pollution by regulating point- and nonpoint-sources that discharge pollutants into “waters of the U.S.” California has an approved state NPDES program. The United States Environmental Protection Agency (USEPA) has delegated authority for NPDES permitting to the SWRCB, which has nine regional boards. The Santa Ana RWQCB regulates water quality in the City of Newport Beach. Discharge of stormwater runoff from construction areas of one acre or more requires either an individual permit issued by the RWQCB or coverage under the statewide Construction General Stormwater Permit for stormwater discharges (discussed below). Specific industries and public facilities, including wastewater treatment plants that have direct stormwater discharges to navigable waters, are also required to obtain either an individual permit or obtain coverage under the statewide General Industrial Stormwater Permit.

### 5.9.2.2 State Regulations

#### Porter-Cologne Act

The Porter-Cologne Water Quality Control Act of 1969, codified as Division 7 of the California Water Code, authorizes the SWRCB to provide comprehensive protection for California’s waters through water allocation and water quality protection. The SWRCB implements the requirements of the Clean Water Act and establishes water quality standards that have to be set for certain waters by adopting water quality control plans under the Porter-Cologne Act. The Porter-Cologne Act establishes the responsibilities and authorities of the nine RWQCBs, including preparing water quality plans for areas in the region, and identifying water quality objectives and waste discharge requirements. Water quality objectives are defined as limits or levels of water quality constituents and characteristics established for reasonable protection of beneficial uses or prevention of nuisance. Beneficial uses consist of all the various ways that water can be used for the benefit of people and/or wildlife.

The City of Newport Beach is within the Santa Ana River Basin, Region 8, in the San Diego Creek sub-watershed. The Water Quality Control Plan for this region was adopted in 1995. This Basin Plan gives direction on the beneficial uses of the state waters within Region 8, describes the water quality that must be maintained to support such uses, and provides programs, projects, and other actions necessary to achieve the established standards.

#### California Anti-Degradation Policy

A key policy of California’s water quality program is the State’s Anti-Degradation Policy. This policy, formally known as the Statement of Policy with Respect to Maintaining High Quality Waters in California (SWRCB Resolution No. 68-16), restricts degradation of surface and ground waters. In particular, this policy protects water bodies where existing quality is higher than necessary for the protection of beneficial uses. Under the Anti-Degradation Policy, any actions that can adversely affect water quality in all surface and ground waters must (1) be consistent with maximum benefit to the people of the state; (2) not unreasonably affect present and anticipated beneficial use of the water; and (3) not result in water quality less than that prescribed in water quality plans and policies (i.e., will not result in exceedances of water quality objectives).

#### California Construction General Permit

The State of California adopted a Statewide NPDES Permit for General Construction Activity (Construction General Permit) on September 2, 2009 (Order No. 2009-0009-DWQ, as amended by 2010-0014-DWQ, 2012-0006-DWQ, and 2022-0057-DWQ). The latest Construction General Permit amendment became

effective September 1, 2023. The Construction General Permit regulates construction site stormwater management. Dischargers whose projects disturb one or more acres of soil, or whose projects disturb less than one acre, but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the Construction General Permit for discharges of stormwater associated with construction activity. Construction activity subject to this permit includes clearing, grading, and disturbances to the ground, such as stockpiling or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility.

To obtain coverage under this permit, project operators must electronically file Permit Registration Documents, which include a Notice of Intent, a Stormwater Pollution Prevention Plan (SWPPP), and other compliance-related documents, including a risk-level assessment for construction sites, an active stormwater effluent monitoring and reporting program during construction, rain event action plans, and numeric action levels for pH and turbidity, as well as requirements for qualified professionals to prepare and implement the plan.

The Construction General Permit requires project applicants to file a Notice of Intent with the SWRCB to discharge stormwater, and to prepare and implement a SWPPP for projects that disturb one or more acres of soil. The SWPPP would include a site map, description of stormwater discharge activities, and best management practices (BMPs) taken from the menu of BMPs set forth in the California Stormwater Quality Association (CASQA) BMP Handbook that will be employed to prevent water pollution. It must describe BMPs that will be used to control soil erosion and discharges of other construction-related pollutants (e.g., petroleum products, solvents, paints, cement) that could contaminate nearby water bodies. It must demonstrate compliance with local and regional erosion and sediment control standards, identify responsible parties, provide a detailed construction timeline, and implement a BMP monitoring and maintenance schedule. The Construction General Permit requires the SWPPP to identify BMPs that will be implemented to reduce controlling potential chemical contaminants from impacting water quality. Types of BMPs include erosion control (e.g., preservation of vegetation), sediment control (e.g., fiber rolls), non-stormwater management (e.g., water conservation), and waste management. The SWPPP also includes descriptions of BMPs to reduce pollutants in stormwater discharges after all construction phases have been completed at the site (post-construction BMPs).

### **California Water Resources Control Board Low Impact Development Policy**

The SWRCB adopted the Low Impact Development Policy which, at its core, promotes the idea of “sustainability” as a key parameter to be prioritized during the design and planning process for future development. The SWRCB has directed its staff to consider sustainability in all future policies, guidelines, and regulatory actions. The Low Impact Development Policy is a proven approach to manage stormwater. The RWQCBs are advancing Low Impact Development in California in various ways, including provisions for Low Impact Development requirements in renewed NPDES Phase I Municipal Separate Storm Sewer System (MS4) permit.

#### **5.9.2.3 Local and Regional Regulations**

##### **Santa Ana Regional Water Quality Control Board Water Quality Control Plan (Basin Plan)**

The City of Newport Beach is within the jurisdiction of the Santa Ana RWQCB. The RWQCB sets water quality standards for all ground and surface waters within its region through implementation of a Water Quality Control Plan (Basin Plan). The Basin Plan describes existing water quality conditions and establishes water quality goals and policies. The Basin Plan is also the basis for the Regional Board’s regulatory programs. To this end, the Basin Plan establishes water quality standards for all the ground and surface waters of the region. The term “water quality standards,” as used in the Federal Clean Water Act, includes both the

beneficial uses of specific water bodies and the levels of quality which must be met and maintained to protect those uses. The Basin Plan includes an implementation plan describing the actions that are necessary to achieve and maintain target water quality standards. The Santa Ana Basin Plan has been in place since 1995, (with updates in 2008, 2011, 2016, and 2019) with the goal of protecting public health and welfare and maintaining or enhancing water quality potential beneficial uses of the water.

### **Santa Ana Regional Municipal Separate Storm Sewer System Permit**

The Municipal Separate Storm Sewer System (MS4) Permit for the Santa Ana Region, NPDES Permit No. CAS618030 (Order R8-2009-0030 as amended by Order No. R8-2010-0062) regulates urban runoff from areas under jurisdiction of the Permit's various permittees, which include Orange County, Orange County Flood Control District, and the incorporated cities within Orange County including the City of Newport Beach. When discharged, urban runoff (or stormwater) has the potential to mix with and carry various pollutants into receiving waters. The MS4 Permit lists allowable and unallowable discharges and requires implementation of LID infrastructure, which are engineered facilities that are designed to retain and/or biotreat runoff on the project site. Developments that qualify as a development or redevelopment project, which includes the proposed project as specified by criteria in the MS4 Permit, are required to develop a site specific water quality management plan (WQMP), which includes site design, source control and treatment control elements to reduce the discharge of pollutants in runoff. The WQMP is required to be approved prior to the issuance of a building or grading permit, and post-construction BMPs are required to be implemented. The MS4 Permit requires priority projects to infiltrate, harvest and use, evapotranspire, or biotreat/biofilter, the 85th percentile of a 24-hour storm event (Design Capture Volume). The MS4 Permit also requires the evaluation and use of LID features using the following hierarchy of treatment: infiltration, evapotranspiration, harvest/reuse, and biotreatment.

Biotreatment BMPs are a broad class of LID BMPs that reduce stormwater volume to the maximum extent practicable, treat stormwater using a suite of treatment mechanisms characteristic of biologically active systems, and discharge water to the downstream storm drain system or directly to receiving waters. Treatment mechanisms include media filtration (though biologically-active media), vegetative filtration (straining, sedimentation, interception, and stabilization of particles resulting from shallow flow through vegetation), general sorption processes (i.e., absorption, adsorption, ion exchange, precipitation, surface complexation), biologically-mediated transformations, and other processes to address both suspended and dissolved constituents. Examples of biotreatment BMPs include bioretention with underdrains, vegetated swales, constructed wetlands, and proprietary biotreatment systems.

### **Santa Ana Regional Water Quality Control Board Dewatering Permit**

On December 6, 2019, the Santa Ana RWQCB issued the General Waste Discharge Requirements for Discharges to Surface Waters Resulting from De Minimis Discharges or Groundwater Dewatering Operations, and/or Groundwater Cleanup/Remediation Operations at Sites within the Newport Bay Watershed Permit (Newport Bay, NPDES No. CAG918002) (Groundwater Discharge Permit). This Permit regulates construction dewatering and discharges of groundwater to surface waters during excavation. This permit specifies the discharge prohibitions, receiving water limitations, monitoring and reporting program requirements, and general compliance determination criteria for groundwater dewatering during construction activities. Dischargers are required to collect and analyze representative groundwater samples for all constituents listed in the Groundwater Discharge Permit. Based on the results, dischargers would be required to provide treatment for any toxic compounds detected above the applicable screening levels. To obtain coverage under the Groundwater Discharge Permit, each permittee must submit a Notice of Intent to begin the application process.

## County of Orange Drainage Area Management Plan

The Drainage Area Management Plan (DAMP) is the primary policy, planning and implementation document for NPDES Stormwater Permit compliance throughout Orange County, including the City of Newport Beach. The DAMP describes the agreements, structures and programs that:

- Provide the framework for the program management activities and plan development;
- Provide the legal authority for prohibiting unpermitted discharges into the storm drain system and for requiring BMPs in new development and significant redevelopment;
- Ensure that all new development and significant redevelopment incorporates appropriate Site Design, Source Control, and Treatment Control BMPs to address specific water quality issues;
- Ensure that construction sites implement control practices that address construction related pollutants including erosion and sediment control and onsite hazardous materials and waste management.

The DAMP requires that new development and significant redevelopment projects (or priority projects), such as the proposed Project, develop and implement a Preliminary WQMP that includes BMPs and LID design features that would provide onsite treatment of stormwater to prevent pollutants from onsite uses from leaving the site.

## City of Newport Beach General Plan 2006

The City of Newport Beach General Plan 2006 contains the following policies related to hydrology and water quality that are applicable to the Project:

- LU 2.8      Adequate Infrastructure.** Accommodate the types, densities, and mix of land uses that can be adequately supported by transportation and utility infrastructure (water, sewer, storm drainage, energy, and so on) and public services (schools, parks, libraries, seniors, youth, police, fire, and so on).
- NR 1.1      Water Conservation in New Development.** Enforce water conservation measures that limit water usage, prohibit activities that waste water or cause runoff, and require the use of water-efficient landscaping and irrigation in conjunction with new construction projects.
- NR 1.2      Use of Water Conserving Devices.** Establish and actively promote use of water conserving devices and practices in both new construction and major alterations and additions to existing buildings. This can include the use of rainwater capture, storage, and reuse facilities.
- NR 3.4      Storm Drain Sewer System Permit.** Require all development to comply with the regulations under the City's municipal separate storm drain system permit under the National Pollutant Discharge Elimination System.
- NR 3.5      Natural Water Bodies.** Require that development does not degrade natural water bodies. Require new development applications to include a Water Quality Management Plan (WQMP) to minimize runoff from rainfall events during construction and post-construction.
- NR 3.9      Water Quality Management Plan.** Require new development applications to include a Water Quality Management Plan (WQMP) to minimize runoff from rainfall events during construction and post-construction.
- NR 3.10      Best Management Practices.** Implement and improve upon Best Management Practices (BMPs) for residences, businesses, development projects, and City operations.



- NR 3.11 Site Design and Source Control.** Include site design and source control BMPs in all developments. When the combination of site design and source control BMPs are not sufficient to protect water quality as required by the National Pollutant Discharge Elimination System (NPDES), structural treatment BMPs will be implemented along with site design and source control measures.
- NR 3.12 Reduction of Infiltration.** Include equivalent BMPs that do not require infiltration, where infiltration of runoff would exacerbate geologic hazards.
- NR 3.14 Runoff Reduction on Private Property.** Retain runoff on private property to prevent the transport of pollutants into natural water bodies, to the maximum extent practicable.
- NR 3.15 Street Drainage Systems.** Require all street drainage systems and other physical improvements created by the City, or developers of new subdivisions, to be designed, constructed, and maintained to minimize adverse impacts on water quality. Investigate the possibility of treating or diverting street drainage to minimize impacts to water bodies.
- NR 3.16 Siting of New Development.** Require that development be located on the most suitable portion of the site and designed to ensure the protection and preservation of natural and sensitive site resources that provide important water quality benefits.
- NR 3.19 Natural Drainage Systems.** Require incorporation of natural drainage systems and stormwater detention facilities into new developments, where appropriate and feasible, to retain stormwater in order to increase groundwater recharge.
- NR 3.20 Impervious Surfaces.** Require new development and public improvements to minimize the creation of and increases in impervious surfaces, especially directly connected impervious areas, to the maximum extent practicable. Require redevelopment to increase area of pervious surfaces, where feasible.
- NR 4.3 Restore Natural Hydrologic Conditions.** Preserve, or where feasible, restore natural hydrologic conditions such that downstream erosion, natural sedimentation rates, surface flow, and groundwater recharge function near natural equilibrium states.
- S 5.3 Minimization of Flood Hazard Risk.** Require stormwater detention basins, where appropriate, to reduce the potential risk of flood hazards.

### City of Newport Beach Municipal Code

**Chapter 14.17 Water Efficient Landscape Requirement.** This municipal code establishes standards for water efficiency without waste by setting maximum applied water allowances and to encourage economic incentives to promote efficient use of landscaping water.

**Chapter 14.36 Water Quality.** This municipal code addresses improvements to water quality to comply with federal requirements for the control of urban pollutants to storm water runoff and requires that all new development within the City shall be completed in accordance with the DAMP and conditions identified by the City to reduce or eliminate pollutants in stormwater runoff.

## 5.9.3 ENVIRONMENTAL SETTING

### 5.9.3.1 Watershed

The Project site is in the Santa Ana River Watershed and in the San Diego Creek sub-watershed. The Santa Ana River Watershed includes much of Orange County, much of western Riverside County, part of southwestern San Bernardino County, and a small portion of Los Angeles County. The watershed is bounded on the south by the Santa Margarita watershed, on the east by the Salton Sea and Southern Mojave watersheds, and on the north and west by the Mojave and San Gabriel watersheds, respectively. The watershed covers approximately 2,800 square miles in area with about 700 miles of rivers. The Santa Ana River extends over 100 miles from the San Bernardino Mountains in San Bernardino County to the Pacific Ocean at the boundary between the Cities of Huntington Beach and Newport Beach.

The Santa Ana Watershed is subdivided into several smaller watersheds, and as mentioned above, the Project site is in the San Diego Creek sub-watershed. The San Diego Creek sub-watershed spans 112.2 square miles in central Orange County, with its main tributary, San Diego Creek, draining into Upper Newport Bay. Smaller tributaries of this watershed include Serrano Creek, Borrego Canyon Wash, Agua Chinon Wash, Bee Canyon Wash, Peters Canyon Wash, Sand Canyon Wash, Bonita Canyon Creek, and the Santa Ana Delhi Channel.

The Project site drains to the Santa Ana–Delhi Channel and then to the Upper Newport Back Bay.

**Watershed Impairments.** Section 303(d) of the Federal CWA requires states to identify water bodies that are “impaired,” or those that do not meet water quality standards and are not supporting their beneficial uses. Total Maximum Daily Loads (TMDLs) are then designed to serve as pollution control plans for these specific pollutants.

The Upper and Lower Newport Back Bay are included on the Section 303(d) List of Water Quality Impairments for: chlordane, copper, DDT, nutrients, PCBs, sedimentation, malathion, toxicity, and indicator bacteria (Appendix O).

### 5.9.3.2 Groundwater Basin

The Project site is located within the Coastal Plain of Orange County Groundwater Basin No. 8-001. The Coastal Plain of Orange County basin underlies a coastal alluvial plain in northwestern Orange County. The basin is bounded on the northwest and the north by the Los Angeles-Orange County line; on the northeast by the Whittier fault zone and consolidated rocks of the Puente Hills and Chino Hills; on the east by consolidated rocks of the Santa Ana Mountains; on the south by consolidated rocks of the Laguna Hills and San Joaquin Hills; and on the southwest by the Pacific Ocean. As described in the Phase I Environmental Site Assessment, the groundwater basin is located in the lower Santa Ana River Watershed (Appendix K).

The Orange County Water District (OCWD) manages the Orange County Basin through a Basin Production Percentage (BPP) that is determined each water year based on groundwater conditions, availability of imported water supplies, water year precipitation, Santa Ana River runoff, and basin management objectives. While there is no legal limit as to how much an agency pumps from the Orange County Basin, there is a financial disincentive to pump above the BPP. For example, if the BPP is set at 75 percent, all pumpers within the Basin, including the City, can supply 75 percent of their water needs from groundwater supplies at a cost significantly less than the cost of imported water. If groundwater production is equal to or less than the BPP (i.e., less than 75 percent in the example above), all producers within the Basin pay a replenishment assessment (RA) fee which is used to fund groundwater replenishment and recharge programs aimed at ensuring the long-term viability and stability of the Basin. In the 2021-22 water year, the BPP was

77 percent. The 2020 Newport Beach Urban Water Management Plan (UWMP) describes that OCWD anticipates being able to sustain the BPP at 85 percent starting in 2025 (City of Newport Beach, 2021).

### 5.9.3.3 Groundwater Supply

The City of Newport Beach 2020 UWMP describes that the City produces potable groundwater from the Orange County Groundwater Basin, which is managed by the OCWD. The Basin is classified as a medium priority basin, due to the regional reliance on the Basin's groundwater supplies. The Basin is not currently experiencing overdraft conditions. The City pumps groundwater through four wells found in the City.

The City's access to groundwater allows the City to shift its reliance to groundwater during single dry years and consecutive dry years. The local groundwater basins act as a large reservoir, storing water during wet years and allowing the City to meet its demands during dry periods.

The golf course is currently irrigated via well water. The Water Supply Evaluation (Appendix S) prepared for the Project, estimates that irrigation water usage for the three golf course holes that would be eliminated by the Project is approximately 15,299 gallons per day (GPD) or 17.14 acre-feet per year (AFY) of groundwater.

### 5.9.3.4 Groundwater Conditions

Per the Preliminary Geotechnical Exploration (Appendix H), the highest historic groundwater at the site has been mapped at a depth of about 10 feet below ground surface (bgs). Groundwater in May 2024 was encountered between a depth of 14 feet and 20 feet bgs.

### 5.9.3.5 Storm Drain Facilities

The Santa Ana – Delhi Channel, maintained by the Orange County Flood Control District (OCFCD), is a 55-foot-wide by 16-foot-high reinforced-concrete storm drain channel that runs in a southerly direction, along the westerly boundary of the site along Irvine Avenue.

As described in the Hydrology Report (included as Appendix P), currently 3.4 acres of the site (22 percent) is impervious, as most of the site consists of three holes of the golf course that is covered in grass and trees. The topography of the site slopes in a northwesterly direction, toward OCFCD's Santa Ana – Delhi Channel and Irvine Avenue. An existing 15- to 20-foot-high slope descends from the southeast boundary of the site. The remainder of the site generally slopes more gently toward the westerly boundary of the Project. There are currently five drainage discharge points to the Santa Ana – Delhi Channel at or within the site. Two points in Irvine Avenue where drainage is conveyed to catch basins and then discharged into the Santa Ana – Delhi Channel, and three pipes that discharge directly to the Santa Ana – Delhi Channel (Appendix P).

There is currently offsite drainage from properties located along the easterly boundary of the Project site that conveys to the golf course via surface gutter or pipes. The drainage is conveyed through the golf course, combines with the onsite drainage, and then discharges into the Santa Ana – Delhi Channel (Appendix P). The Santa Ana-Delhi Channel flows are conveyed to the Upper and Lower Newport Bay.

### 5.9.3.6 Soil Infiltration

The Geotechnical Exploration (Appendix H) describes that due to shallow groundwater and the presence of thick clay layers underlying the Project site, soils are expected to have very low to no permeability, making stormwater infiltration infeasible.

### 5.9.3.7 Flood Zone, Tsunami, Seiche

According to the Flood Insurance Rate Map (FIRM), published by the Federal Emergency Management Agency (FEMA) (06059C0267J), the Project site is within a “0.2 Percent Annual Chance Flood Hazard, Zone X” flood plain area defined as areas of 1 percent annual chance flood with average depth less than one foot or with drainage areas of less than one square mile. In addition, Zone X flood plain areas are outside the 100-year floodplain.

A tsunami is a series of ocean waves caused by a sudden displacement of the ocean floor, most often due to earthquakes. The Project site is over 4.2 miles from the Pacific Ocean, and adjacent to, but outside of the Tsunami Hazard Zone identified by the California Department of Conservation (DOC, 2023).

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. There are no water bodies in the vicinity of the Project site, and no existing risks related to seiche flood hazards exist on or near the site.

## 5.9.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of the CEQA Guidelines indicates that a Project could have a significant effect if it were to:

- HYD-1 Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.
- HYD-2 Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.
- HYD-3 Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in a substantial erosion or siltation on- or off-site.
- HYD-4 Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite.
- HYD-5 Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
- HYD-6 Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows.
- HYD-7 In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.
- HYD-8 Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

### 5.9.5 METHODOLOGY

This evaluation of the significance of potential impacts related to hydrology and water quality is based on a review of published information and reports regarding regional hydrology and surface water quality. The potential impacts on hydrology and water quality were evaluated by considering the general type of pollutants that the Project would generate during construction and operation. In determining the level of significance, the analysis recognizes that development under the proposed Project would be required to comply with relevant federal, State, and regional laws and regulations that are designed to ensure compliance with applicable water quality standards and waste discharge requirements. The regional and local regulations related to water quality standards have been developed to reduce the potential of pollutants in the water resources (as described in Section 5.9.2, *Regulatory Setting*, above), and are implemented to specific waterbodies, such as 303(d) TMDL requirements, or development projects such as grading and construction permit regulations to reduce hydrology and water quality impacts.

### 5.9.6 ENVIRONMENTAL IMPACTS

#### **IMPACT HYD-1: THE PROJECT WOULD NOT VIOLATE ANY WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS OR OTHERWISE SUBSTANTIALLY DEGRADE SURFACE OR GROUND WATER QUALITY.**

##### **Less than Significant Impact.**

##### **Construction**

The nearest surface water to the Project site is the Santa Ana-Delhi Channel that is adjacent to the site. Santa Ana-Delhi Channel is the main receiving water for the Project site and is not classified as an impaired water body and has not been placed on the 303(d) list. However, the Santa Ana-Delhi Channel conveys flows into the Upper and Lower Newport Bay that is on the 303(d) list of impairments for nutrients, as detailed previously.

The Project proposes construction of a commercial recreation surf park with a 5.06-acre (220,427 SF) surf lagoon, amenity clubhouse building, athlete accommodation, associated internal driveways and drive aisles, parking, landscaping, utility connections, stormwater infrastructure, and sidewalks. Implementation of the Project would include demolition of the existing golf course facilities and buildings, site preparation, grading, and construction of the surf lagoon, new buildings, and infrastructure on the Project site. Grading, stockpiling of materials, excavation and the import/export of building materials, construction of new structures, and landscaping activities would expose and loosen sediment and building materials, which may have the potential to mix with stormwater and urban runoff and degrade surface and receiving water quality.

Additionally, construction generally requires the use of heavy equipment and construction-related materials and chemicals, such as concrete, cement, asphalt, fuels, oils, antifreeze, transmission fluid, grease, solvents, and paints. In the absence of proper controls, these potentially harmful materials could be accidentally spilled or improperly disposed of during construction activities and could wash into and pollute surface waters or groundwater, resulting in a significant impact to water quality.

Pollutants of concern during construction activities generally include sediments, trash, petroleum products, concrete waste (dry and wet), sanitary waste, and chemicals. Each of these pollutants on its own or in combination with other pollutants can have a detrimental effect on water quality. In addition, chemicals, liquid products, petroleum products (such as paints, solvents, and fuels), and concrete-related waste may be spilled or leaked during construction, which would have the potential to be transported via storm runoff into nearby receiving waters and eventually may affect surface or groundwater quality. During construction

activities, excavated soil would be exposed, thereby increasing the potential for soil erosion and sedimentation to occur compared to existing conditions. In addition, during construction, vehicles and equipment are prone to tracking soil and/or spoil from work areas to paved roadways, which is another form of erosion that could affect water quality. However, the use of Best Management Practices (BMPs) during construction implemented as part of a SWPPP as required by the City of Newport Beach and the MS4 permit would serve to ensure that Project impacts related to construction activities resulting in a degradation of water quality would be less than significant. Compliance with these requirements included as PPP WQ-1 would be verified during the City's construction permitting process to ensure that impacts related to construction activities resulting in a degradation of water quality would be less than significant.

### **Operation**

Project operations would introduce the potential for pollutants such as chemicals from lagoon chlorine products, cleaning products, pesticides, sediment from landscaping, trash and debris, and oil and grease from vehicles in the parking lots. As described previously, the Upper and Lower Newport Back Bay, to which the Project site ultimately drains, are listed as impaired on the USEPA's 303(d) list for various pollutants. Therefore, additional pollutant discharge could create new or exacerbate existing impairments within these waterbodies, which could result in a significant impact related to water quality. In accordance with State Water Resources Board Order R8-2010-0062, NPDES No. CAS618030, the proposed Project would be required to incorporate a WQMP with post-construction (or permanent) Low Impact Development (LID) site design, source control, and treatment control BMPs, included as PPP WQ-3. As stated in the Project WQMP, (Appendix O) the Santa Ana Regional MS4 Permit and Orange County DAMP was used as a guide for the design of drainage facilities and to establish criteria for water quality for the Project. In addition, the Orange County Hydrology Manual was used for hydrological data (Appendix P).

The two surf lagoon basins would be drained once every two years into the sewer system, alternating between basins. One of the surf basins would be drained annually, facility maintenance would occur, and then the basin would be refilled. This process would be coordinated via permit with the Costa Mesa Sanitary District (CMSD) that provides sewer services to the site, and the City of Newport Beach Utilities Department that provides water to the Project site. Therefore, because the basin water would drain directly to the sewer system, no impacts to surface water or groundwater would occur as part of operation and maintenance of the surf lagoons.

The MS4 Permit identifies the use of infiltration BMPs to assist in recharge of groundwater. However, as described previously, the onsite soils have a low infiltration rate and are considered infeasible to support drainage on the Project site (Appendix O). Therefore, the proposed Project would install vegetated biotreatment systems for water quality treatment via bio-filtration that have been sized to treat runoff from the Design Capture Storm (85th percentile, 24-hour) from the proposed Project. The vegetated biotreatment systems are devices that are manufactured to mimic natural systems such as bioretention areas by incorporating plants, soil, and microbes engineered to provide treatment at higher flow rates or volumes and with smaller footprints than their natural counterparts.

The vegetated biotreatment systems proposed for the Project consist of Modular Wetlands Systems that utilize multi-stage treatment processes including screening media filtration, settling, and biofiltration. The pre-treatment chamber contains a filter to capture trash, debris, gross solids and sediments, a settling chamber for separating out larger solids, and a media filter cartridge for capturing fine silts, metals, nutrients, and bacteria. Runoff then flows through the wetland chamber where treatment of the water is done through a variety of physical, chemical, and biological processes. As stormwater passes down through the planting soil, pollutants are filtered, absorbed, biodegraded, and sequestered by the soil and plants, functioning similar to bioretention systems. Similar to existing conditions, the offsite runoff would continue to be collected on the Project site and flow northwest through the proposed northern parking lot and eventually into the Santa Ana-Delhi Channel. The discharge chambers at the end of the units collect treated flows and

discharge it into the existing storm drains with a maximum outlet flow rate equal or less than the existing condition.

The Project site is located within a hydrological conditions of concern (HCOC) susceptible area due to potential for downstream flooding, erosion, and pollution. The Project site is considered a HCOC if post-development runoff volume for the two-year, 24-hour storm event exceeds the predevelopment volume for the 2-year, 24-hour storm by more than five percent. As shown in the Hydrology Report, the proposed flowrate for the two-year, 24-hour storm event would be 14.1 cfs, which is only 1.4 percent higher than the existing flow rate of 13.9. Thus, the proposed Project is not considered a HCOC (Appendix P).

As described previously, a WQMP is required to be approved prior to the issuance of a building or grading permit. The Project's WQMP would be reviewed and approved by the City to ensure it complies with the Santa Ana RWQCB MS4 Permit and Orange County DAMP regulations. In addition, the City's permitting process would ensure that all BMPs in the WQMP would be implemented with the proposed Project. Overall, implementation of the WQMP pursuant to the existing regulations would ensure that operation of the proposed Project would not violate any water quality standards, waste discharge requirements, or otherwise degrade water quality; and impacts would be less than significant.

**IMPACT HYD-2: THE PROJECT WOULD NOT SUBSTANTIALLY DECREASE GROUNDWATER SUPPLIES OR INTERFERE SUBSTANTIALLY WITH GROUNDWATER RECHARGE SUCH THAT THE PROJECT MAY IMPEDE SUSTAINABLE GROUNDWATER MANAGEMENT OF THE BASIN.**

**Less than Significant Impact.** As described previously, the golf course is currently irrigated via well water. The Water Supply Evaluation (Appendix S) prepared for the Project, estimates that irrigation water usage for the three golf course holes that would be eliminated by the Project is approximately 15,299 gallons per day (GPD) or 17.14 acre-feet per year (AFY) of groundwater. Implementation of the Project would convert this three-hole golf course area, and the use of the onsite well water would be eliminated.

**Construction**

Due to the existing high groundwater there is a potential for groundwater to be encountered during construction. Any groundwater dewatering would be temporary and limited to the excavation area. Because of the relative size of the Project site, as compared to the water basin, and the limited scope of excavation that would be deep enough to encroach into groundwater, the volume of groundwater removed would not be substantial and would not decrease groundwater supplies or impede groundwater management. The proposed Project would comply with the requirements of a Groundwater Discharge Permit, including testing and treatment, if necessary, that would be implemented through the RWQCB and the City's permitting process (and included as PPP WQ-2). Thus, any dewatering activities during construction would result in less than significant impacts to groundwater.

**Operation**

According to the 2020 UWMP, in 2020, approximately 76 percent of the City's water supply came from groundwater from the Orange County Groundwater Basin. The remaining supply comes from the Metropolitan Water District (28.5 percent) and recycled water (3.5 percent) (City of Newport Beach, 2021). The OCWD manages basin water supply through the Basin Production Percentage (BPP), which is set based on groundwater conditions, availability of imported supplies, and precipitation. As shown on Table 5.9-1, the City's UWMP shows that the anticipated production of groundwater would remain steady from 2025 through 2045 and that in 2045, approximately 82.1 percent of supply would be from the Orange County Basin and 14.5 percent from imported/purchased sources.

**Table 5.9-1: City of Newport Beach Projected Water Supply Projections (acre-feet)**

Source	2025	2030	2035	2040	2045	2045 Percentage
OC Groundwater Basin	12,175	12,605	12,729	12,869	12,838	82.1%
Imported/Purchased	2,149	2,224	2,246	2,271	2,265	14.5%
Recycled	542	542	542	542	542	3.5%
<b>Total</b>	<b>14,866</b>	<b>15,371</b>	<b>15,517</b>	<b>15,682</b>	<b>15,645</b>	<b>100%</b>

Source: City of Newport Beach. (2021). 2020 Urban Water Management Plan.

As detailed in Section 5.16, *Utilities and Service Systems*, the supply of water listed in Table 5.9-1 would be sufficient during both normal years and multiple dry year conditions between 2025 and 2045 to meet all of the City's estimated needs, including the proposed Project. Based on population growth projections and planned land uses, the UWMP projected an increase in water supply from 14,866 AF in 2025 to 15,371 AF in 2030 (per Table 5.9-1), which is an increase of 505 AF. The Project's annual net demand of 87 AF of potable water (as detailed in Table 5.16-9, *Net Change in Water Demands*, in Section 5.16, *Utilities and Service Systems*) would be 17.2 percent of the anticipated increase in water supply between 2025 and 2030. Therefore, the proposed Project would not result in a demand for water that could result in changes to the projected groundwater pumping that would decrease groundwater supplies. The UWMP also notes that additional water may be purchased from the Metropolitan Water District of Southern California. Thus, impacts related to groundwater supplies would be less than significant.

In addition, as described previously the onsite soils have a low infiltration rate and do not currently provide onsite infiltration. As such, infiltration of water to the existing groundwater basin is neither currently occurring, nor would occur by the proposed Project. Therefore, impacts related to interference with groundwater recharge would be less than significant.

**IMPACT HYD-3: THE PROJECT WOULD NOT SUBSTANTIALLY ALTER THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, INCLUDING THROUGH THE ALTERATION OF THE COURSE OF A STREAM OR RIVER OR THROUGH THE ADDITION OF IMPERVIOUS SURFACES, IN A MANNER WHICH WOULD RESULT IN A SUBSTANTIAL EROSION OR SILTATION ON- OR OFF-SITE.**

**Less than Significant Impact.** The Project site does not include, and is not adjacent to, a stream or river.

**Construction**

Construction of the proposed Project would require demolition of the existing building structures, including foundations and floor slabs, removal of pavement and existing infrastructure, and excavation for construction of the subterranean basement that would expose and loosen building materials and sediment, which has the potential to mix with storm water runoff and result in erosion or siltation offsite.

The NPDES Construction General Permit and Orange County DAMP require preparation and implementation of a SWPPP by a Qualified SWPPP Developer for the proposed construction activities (included as PPP WQ-1). The SWPPP is required to address site-specific conditions related to potential sources of sedimentation and erosion and would list the required BMPs that are necessary to reduce or eliminate the potential of erosion or alteration of a drainage pattern during construction activities. Common types of construction BMPs include:

- Silt fencing, fiber rolls, or gravel bags
- Street sweeping and vacuuming
- Storm drain inlet protection



- Stabilized construction entrance/exit
- Vehicle and equipment maintenance, cleaning, and fueling
- Hydroseeding
- Material delivery and storage
- Stockpile management
- Spill prevention and control
- Solid waste management
- Concrete waste management

In addition, a Qualified SWPPP Practitioner (QSP) is required to ensure compliance with the SWPPP through regular monitoring and visual inspections during construction activities. The SWPPP would be amended and BMPs revised, as determined necessary through field inspections, in order to protect against substantial soil erosion, the loss of topsoil, or alteration of the drainage pattern. Compliance with the Construction General Permit and a SWPPP prepared by a QSD and implemented by a QSP (per PPP WQ-1) would prevent construction-related impacts related to potential alteration of a drainage pattern or erosion from development activities. Overall, with implementation of the existing construction regulations that would be verified by the City during the permitting approval process, impacts related to alteration of an existing drainage pattern during construction that could result in substantial erosion, siltation, and increases in stormwater runoff would be less than significant.

### Operation

The Project-specific Preliminary WQMP describes that the Project site currently includes 3.40 acres of impermeable surfaces, which equates to 22 percent of the site. After completion of Project construction, the site would have a significant increase in impermeable surfaces (i.e., 13.89 acres or 90 percent of the site would have impermeable surfaces). However, this includes the 5.06-acre (20,427 SF) surf lagoon, which would capture rainfall and not result in runoff. As shown on Table 5.9-2, while implementation of the proposed Project would result in a large increase in impermeable surfaces, the 100-year, 24-hour storm volume would decrease by approximately 11 percent.

**Table 5.9-2: 100-Year Storm Runoff Rate**

Sub Area	Existing Condition (CFS)	Proposed Condition (CFS)
A	10.6	19.2
B	0.5	3.8
C	3.2	16.2
D	11.1	1.0
E (Lagoon)	19.8	0
<b>Totals</b>	<b>45.2</b>	<b>40.2</b>
<b>Change</b>	<b>-11.1%</b>	

Source: Preliminary Hydrology Report, Appendix P

The proposed Project would maintain the existing drainage pattern. The Project includes installation of an onsite storm drainage system that includes two bioretention basins at the north parking lot and two bioretention basins in the southern parking lot, and an 18-inch storm drain that would connect to the existing storm drain line at the intersection of Mesa Drive and Irvine Avenue and the existing drain within Irvine Avenue near the existing site driveway.

The runoff from the Project buildings and hardscape would be collected by roof drains, surface flow designed pavement, curbs, and area drains and conveyed to vegetated biotreatment systems (described previously) for treatment. Similar to existing conditions, the offsite runoff would continue to flow northwest through the proposed northern parking lot and eventually into the Santa Ana-Delhi Channel. Treated runoff would be conveyed to the Santa Ana-Delhi Channel with a maximum outlet flow rate equal or less than the existing condition. From there, flows would travel to the Delhi Channel that drains to Upper Newport Bay.

The Project-related runoff conditions (flow rates) would decrease from existing conditions (shown in Table 5.9-2), and the proposed Project would manage the runoff with vegetated biotreatment systems that have been designed to accommodate stormwater associated with the proposed Project. As described previously, the vegetated biotreatment systems contain catch basin inlet filters to capture trash, debris, gross solids and sediments, a settling chamber for separating out larger solids, and a media filter cartridge for capturing fine silts, metals, nutrients, and bacteria.

The MS4 Permit and DAMP require new development projects to prepare a WQMP (included as PPP WQ-3) that is required to include BMPs to reduce the potential of erosion and/or sedimentation through site design and structural treatment control BMPs. The Preliminary WQMP has been completed and is included as Appendix O. As part of the permitting approval process, the proposed drainage and water quality design and engineering plans would be reviewed by the City to ensure that the site specific BMPs limit the potential for erosion and siltation. Overall, the proposed drainage system and adherence to the existing regulations would ensure that Project impacts related to alteration of a drainage pattern and erosion/siltation from operational activities would be less than significant.

**IMPACT HYD-4: THE PROJECT WOULD NOT SUBSTANTIALLY ALTER THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, INCLUDING THROUGH THE ALTERATION OF THE COURSE OF A STREAM OR RIVER OR THROUGH THE ADDITION OF IMPERVIOUS SURFACES, IN A MANNER WHICH WOULD 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.** The Project site does not include, and is not adjacent to, a stream or river.

**Construction**

Construction of the proposed Project would require demolition of the existing building structures, including foundations, floor slabs, and utilities systems. In addition, excavation for subterranean parking structures would occur. These activities could temporarily alter the existing drainage pattern of the site and could result in flooding on- or offsite if drainage is not properly controlled. However, as described previously, implementation of the proposed Project requires a SWPPP (included as PPP WQ-1) that would address site-specific drainage issues related to construction of the proposed Project and include BMPs to eliminate the potential of flooding or alteration of a drainage pattern during construction activities. This includes regular monitoring and visual inspections during construction activities. Compliance with the Construction General Permit and a SWPPP prepared by a QSD and implemented by a QSP (per PPP WQ-1) as verified by the City through the construction permitting process would prevent construction-related impacts related to potential alteration of a drainage pattern or flooding onsite or offsite from development activities. Therefore, impacts would be less than significant.

**Operation**

As described previously, and detailed in Table 5.9-2, while the proposed Project would result in an increase of impervious surfaces, buildout of the proposed Project would result in a decrease of the 100-year storm runoff flowrate by 11.1 percent and the proposed Project would maintain the existing drainage pattern by collecting runoff via roof drains, curbs, and area drains and conveying it to vegetated biotreatment systems

(described previously) for treatment. Treated runoff would be conveyed to the Santa Ana-Delhi Channel adjacent to the site with a maximum outlet flow rate equal or less than the existing condition.

The Project-related runoff conditions (flow rates) would decrease from existing conditions (shown in Table 5.9-2), and the proposed Project would manage the runoff with the vegetated biotreatment systems that have been designed to accommodate the proposed Project pursuant to the MS4 Permit and DAMP requirements. The Preliminary Water Quality Management Plan that was prepared for the proposed Project (Appendix O) details that the biotreatment system would meet the design capture volume of 18,867 cubic feet and 3.419 cubic feet per second (cfs). The vegetated biotreatment systems would filter and discharge runoff into the existing offsite storm drains, or directly into the Santa Ana-Delhi Channel. As part of the permitting approval process, the proposed drainage design and engineering plans would be reviewed by the City to ensure that the proposed drainage would accommodate the appropriate design flows. Overall, the proposed drainage system and adherence to the existing MS4 Permit and DAMP regulations would ensure that Project impacts related to alteration of a drainage pattern or flooding from operational activities would be less than significant.

**IMPACT HYD-5: THE PROJECT WOULD NOT SUBSTANTIALLY ALTER THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, INCLUDING THROUGH THE ALTERATION OF THE COURSE OF A STREAM OR RIVER OR THROUGH THE ADDITION OF IMPERVIOUS SURFACES, IN A MANNER WHICH WOULD CREATE OR CONTRIBUTE RUNOFF WATER WHICH WOULD EXCEED THE CAPACITY OF EXISTING OR PLANNED STORMWATER DRAINAGE SYSTEMS OR PROVIDE SUBSTANTIAL ADDITIONAL SOURCES OF POLLUTED RUNOFF.**

**Less than Significant Impact.** The Project site does not include, and is not adjacent to, a stream or river.

#### **Construction**

As described in the previous response, construction of the proposed Project would require demolition and excavation activities that could temporarily alter the existing drainage pattern of the site and could result in increased runoff and polluted runoff if drainage is not properly controlled. However, as described previously, implementation of the proposed Project requires a SWPPP (included as PPP WQ-1) that would address site-specific pollutant and drainage issues related to construction of the proposed Project and include BMPs to eliminate the potential of polluted runoff and increased runoff during construction activities. This includes regular monitoring and visual inspections during construction activities. Compliance with the Construction General Permit and a SWPPP prepared by a QSD and implemented by a QSP (per PPP WQ-1) as verified by the City through the construction permitting process would prevent construction-related impacts related to increases in run-off and pollution from development activities.

In addition, any groundwater extracted during groundwater dewatering activities that is discharged to surface waters would be tested and treated (if necessary) to ensure that any discharges meet the water quality limits specified in the required Groundwater Discharge Permit (as specified in PPP WQ-2). The Groundwater Discharge Permit would prevent substantial additional sources of polluted runoff being discharged to the storm drain system through implementation of construction BMPs that target pollutants of concern in runoff from the Project site as well as testing and treatment (if required) of groundwater prior to its discharge to surface waters. Therefore, impacts would be less than significant.

#### **Operation**

As described previously and detailed in Table 5.9-2, the proposed Project would result in a decrease of the 100-year, 24-hour storm runoff flowrate by 11.1 percent and the proposed Project would manage runoff with vegetated biotreatment systems that have been designed to accommodate the proposed Project design

pursuant to the MS4 Permit and DAMP requirements. The units would filter, treat, and discharge runoff into the Santa Ana-Delhi Channel with a maximum outlet flow rate equal or less than the existing condition.

As part of the permitting approval process, the proposed drainage design and engineering plans would be reviewed by the City to ensure that the proposed drainage would accommodate the appropriate design flows. Additionally, the City permitting process would ensure that the drainage system specifications adhere to the existing MS4 Permit and DAMP regulations, which would ensure that pollutants are removed prior to discharge. Overall, with compliance to the existing regulations as verified by the City's permitting process, Project impacts related to the capacity of the drainage system and polluted runoff would be less than significant.

**IMPACT HYD-6: THE PROJECT WOULD NOT SUBSTANTIALLY ALTER THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, INCLUDING THROUGH THE ALTERATION OF THE COURSE OF A STREAM OR RIVER OR THROUGH THE ADDITION OF IMPERVIOUS SURFACES, IN A MANNER WHICH WOULD IMPEDE OR REDIRECT FLOOD FLOWS.**

**Less than Significant Impact.** As described previously, the Project site does not include, and is not adjacent to, a stream or river. Implementation of the proposed Project would not alter the course of a stream or river. In addition, according to the FEMA FIRM for the Project area (06059C0267J), the Project site is located within "Zone X," which is an area determined to be outside of the 0.2 percent annual chance flood. Therefore, the Project site is not located within a flood hazard area that could be inundated with flood flows.

As detailed previously, implementation of the proposed Project would result in an increase of impermeable surfaces from 22 percent of the site to 90 percent of the site. However, because the surf lagoon would capture rainfall, the proposed Project would result in an 11.1 percent decrease of the 100-year, 24-hour storm runoff flowrate. Also, the proposed Project would maintain the existing drainage pattern and drainage would be accommodated by vegetated biotreatment systems that have been sized to accommodate the DAMP required design storm. Therefore, the proposed Project would impede or redirect flood flows by the addition of the impervious surfaces. As detailed previously, the City's permitting process would ensure that the drainage system specifications adhere to the existing MS4 Permit and DAMP regulations, and compliance with existing regulations would ensure that impacts would be less than significant.

**IMPACT HYD-7: THE PROJECT WOULD NOT, IN FLOOD HAZARD, TSUNAMI, OR SEICHE ZONES, RISK RELEASE OF POLLUTANTS DUE TO PROJECT INUNDATION.**

**Less than Significant Impact.** As described previously, the FEMA FIRM for the Project area (06059C0267J) shows that the Project site is located within "Zone X," which is an area of minimal flood hazard potential outside of the 0.2 percent annual chance flood. Thus, the Project site is not located within a flood hazard area that could be inundated with flood flows and result in release of pollutants. Impacts related to flood hazards and pollutants would not occur from the proposed Project.

Also, as detailed previously, the Project site is over 4.2 miles from the Pacific Ocean, and adjacent to, but outside of the Tsunami Hazard Zone identified by the California Department of Conservation (DOC 2023). Thus, the Project site would not be inundated by a tsunami that could result in the release of pollutants, and impacts would not occur.

The Project is proposing to build a lagoon with two, 5.1-million-gallon surf basins with adjacent structures. This Project site is also in a seismically active region where strong seismic waves could cause oscillations in the lagoon, flooding nearby structures. Seismically induced oscillations in the lagoon could cause water to spill over the sides of the lagoon.

However, the proposed 5.06-acre (220,427 SF) acre surf lagoon comprised of two, 5.1-million-gallon basins of water would be designed to contain waves from the moving water and would have perimeter walls that

would contain most waves generated by seismic movement; such that the sloshing of water would stay within the lagoon. In a worst case, wave energy may be directed toward the southwest where the sloshing action akin to a rogue wave could theoretically breach the basin wall and splash onto the hardscape surrounding the lagoon and drain to the Project's bioretention basins where the water would be treated and discharged into the Santa Ana-Delhi Channel (CKG Geology, 2025). Because of the planned shape of the lagoon and configuration of the walls, walkways, etc., seiche energy is expected to attenuate rapidly, posing a low to moderate hazard to a localized area. Any chemicals or other potential pollutants would be kept on site as required by existing regulations and the WQMP would be implemented to reduce the potential for any pollutants to enter waterbodies. Therefore, due to the limited risk related to seiche and limited potential pollutants, impacts related to the release of pollutants on the Project site resulting from a seiche inundation would be less than significant.

**IMPACT HYD-8: THE PROJECT WOULD NOT CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF A WATER QUALITY CONTROL PLAN OR SUSTAINABLE GROUNDWATER MANAGEMENT PLAN.**

**Less than Significant Impact.** As described previously, use of BMPs during construction implemented as part of a SWPPP as required by the NPDES Construction General Permit (implemented through PPP WQ-1) and a RWQCB Groundwater Discharge Permit (implemented through PPP WQ-2) would serve to ensure that Project impacts related to construction activities resulting in a degradation of water quality would be less than significant. Thus, construction of the proposed Project would not conflict with or obstruct implementation of a water quality control plan.

Also, as described previously, development projects are required to implement a WQMP (per the Regional MS4 Permit and PPP WQ-3) that would comply with the Orange County DAMP. The WQMP and applicable BMPs are verified as part of the City's permitting approval process, and construction plans would be required to demonstrate compliance with these regulations. Therefore, operation of the proposed Project would not conflict with or obstruct implementation of a water quality control plan.

In addition, as detailed previously, the OCWD manages basin water supply through the BPP, such that the anticipated production of groundwater would remain steady from 2025 through 2045 (as shown in Table 5.9-1). The Project's annual net demand of 87 AF of potable water (as detailed in Table 5.16-9, *Net Change in Water Demands*, in Section 5.16, *Utilities and Service Systems*) would be 17.2 percent of the UWMP anticipated increase in water supply between 2025 and 2030. Therefore, the proposed Project would be consistent with the groundwater management plan and would not conflict with or obstruct its implementation. Thus, impacts related to conflict with a water quality control plan or sustainable groundwater management plan would be less than significant.

## 5.9.7 CUMULATIVE IMPACTS

**Water Quality.** The geographic scope for cumulative impacts related to hydrology and water quality includes the Santa Ana Watershed and the Newport Back Bay because cumulative projects and developments pursuant to the proposed Project could incrementally exacerbate the existing impaired conditions and could result in new pollutant-related impairments.

Related developments within the watershed would be required to implement water quality control measures pursuant to the same NPDES General Construction Permit that requires implementation of a SWPPP (for construction), a WQMP (for operation) and BMPs to eliminate or reduce the discharge of pollutants in stormwater discharges, reduce runoff, reduce erosion and sedimentation, and increase filtration and infiltration, in areas permitted. The NPDES permit requirements have been set by the State Water Board and implemented by the RWQCB and the Orange County DAMP to reduce incremental effects of individual

projects so that they would not become cumulatively considerable. Therefore, overall potential impacts to water quality associated with present and future development in the watershed would not be cumulatively considerable upon compliance with all applicable laws, permits, ordinances and plans. As detailed previously, the proposed Project would be implemented in compliance with all regulations, as would be verified during the permitting process. Therefore, cumulative impacts related to water quality would be less than significant.

**Drainage.** The geographic scope for cumulative impacts related to stormwater drainage includes the geographic area served by the existing stormwater infrastructure for the Project area, from capture of runoff through final discharge points. As described above, the proposed Project would result in a reduction in storm water runoff and includes installation of vegetated biotreatment systems that would filter and discharge runoff through storm drain connections to the offsite drainage infrastructure. The vegetated biotreatment systems would retain runoff and control drainage, pursuant to the required design storm. As a result, the proposed Project would not generate runoff that could combine with additional runoff from cumulative projects that could cumulatively combine to impact drainage. Thus, cumulative impacts related to drainage would be less than significant.

**Groundwater Basin.** The geographic scope for cumulative impacts related to the groundwater basin is the Orange County Basin. The cumulative impacts are evaluated in light of development projections in the recent City General Plan Update and General Plan EIR that evaluates conditions contributing to the cumulative effects to the groundwater basin. As described previously, the volume of water that would be needed by the proposed Project is within the UWMP anticipated groundwater pumping volumes. Therefore, the proposed Project would not result in changes to the projected groundwater pumping that would decrease groundwater supplies. As a result, the proposed Project would not require additional supply pumped from the groundwater basin that could have the potential to combine with effects from other projects to become cumulatively considerable. Therefore, cumulative impacts related to the groundwater basin would be less than significant.

## 5.9.8 EXISTING REGULATIONS AND PLANS, PROGRAMS, OR POLICIES

The following would reduce potential impacts related to hydrology and water quality.

### Existing Regulations

- Construction General Permit, Order No. 2009-0009-DWQ, as amended by 2010-0014-DWQ, 2012-0006-DWQ, and 2022-0057-DWQ
- California Water Resources Control Board Low Impact Development (LID) Policy
- Santa Ana Region MS4 Permit; NPDES Permit No. CAS618030 (Order R8-2009-0030 as amended by Order No. R8-2010-0062)
- Orange County Drainage Area Management Plan (DAMP)
- Municipal Code Chapter 14.17, *Water Efficient Landscape Requirement*
- Municipal Code Chapter 14.36, *Water Quality*

### Plans, Programs, or Policies

The following Plans, Programs, and Policies (PPP) related to hydrology and water quality are incorporated into the proposed Project and would reduce potential impacts. These actions will be included in the proposed Project's mitigation monitoring and reporting program (MMRP):

**PPP WQ-1: NPDES/SWPPP.** Prior to issuance of any grading or demolition permits, the applicant shall provide the City Building and Safety Division evidence of compliance with the NPDES (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of one acre or larger. The Project applicant/proponent shall comply by submitting a Notice of Intent (NOI) and by developing and implementing a Stormwater Pollution Prevention Plan (SWPPP) and a monitoring program and reporting plan for the construction site.

**PPP WQ-2: Groundwater Dewatering Permits.** Prior to initiation of excavation activities, the Project applicant shall obtain coverage under the Santa Ana RWQCB General Waste Discharge Requirements for Discharges to Surface Waters Resulting from De Minimis Discharges or Groundwater Dewatering Operations, and/or Groundwater Cleanup/Remediation Operations at Sites within the Newport Bay Watershed Permit (Order No. R8-2019-0061, NPDES No. CAG918002), or any other subsequent permit for dewatering activities, and provide evidence of coverage to the City of Newport Beach designee. This shall include submission of a Notice of Intent (NOI) for coverage under the permit to the Santa Ana Regional Water Quality Control Board (RWQCB) at least 60 days prior to the start of excavation activities and anticipated discharge of dewatered groundwater to surface waters. Groundwater dewatering activities shall comply with all applicable provisions in the permit, including water sampling, analysis, treatment (if required), and reporting of dewatering-related discharges. Upon completion of groundwater dewatering activities, a Notice of Termination shall be submitted to the Santa Ana RWQCB.

**PPP WQ-3: WQMP.** Prior to the approval of the Grading Plan and issuance of Grading Permits, a completed Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Public Works Department. The WQMP shall identify all Post-Construction, Site Design, Source Control, and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development project in order to minimize the adverse effects on receiving waters.

### 5.9.9 PROJECT DESIGN FEATURES

None.

### 5.9.10 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Upon implementation of regulatory requirements, Impacts HYD-1 through HYD-8 would be less than significant.

### 5.9.11 MITIGATION MEASURES

No mitigation measures are required.

### 5.9.12 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Impacts would be less than significant.

### 5.9.13 REFERENCES

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Fuscoe Engineering, Inc. (2024b). *Preliminary Water Quality Management Plan (PWQMP)*. **(Appendix O)**

Fuscoe Engineering, Inc. (2024c). *Water Supply Evaluation*. **(Appendix S)**



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## 5.10 Land Use and Planning

### 5.10.1 INTRODUCTION

In accordance with CEQA Guidelines Section 15125(d), this section provides a summary of the plans, policies, and regulations of the City of Newport Beach, and regional, State, and federal agencies that have policy and regulatory control over the Project site and proposed Project. Policy conflicts do not, in and of themselves, indicate a significant environmental effect within the meaning of CEQA. To the extent that physical environmental impacts may result from such conflicts, those impacts are analyzed in this EIR in the specific topical sections to which the impact pertains (e.g., noise, air quality, greenhouse gas emissions, or transportation).

More specifically, this section examines the potential for the proposed Project to physically divide an established community and/or conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect, including relevant goals and policies of the City of Newport Beach General Plan, the Santa Ana Heights Specific Plan, the City's municipal code, the Airport Environs Land Use Plan (AELUP) for John Wayne Airport (SNA), and the Southern California Association of Governments' (SCAG) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), "Connect SoCal 2024."

### 5.10.2 REGULATORY SETTING

#### 5.10.2.1 Federal Regulations

##### **Federal Regulation 49 Code of Federal Regulation Part 77**

The Federal Aviation Agency (FAA) is the federal agency that identifies potential impacts related to air traffic and related safety hazards. The Federal Regulation 49 Code of Federal Regulation (CFR) Part 77 establishes standards and notification requirements for objects affecting navigable airspace. This notification serves as the basis for:

- Evaluating the effect of the proposed construction or alteration on operating procedures;
- Determining the potential hazardous effect of the proposed construction on air navigation;
- Identifying mitigating measures to enhance safe air navigation; and
- Charting of new objects.

FAA Federal Aviation Regulations (FAR) Part 77 includes the establishment of imaginary surfaces (airspace that provides clearance of obstacles for runway operation) that allows the FAA to identify potential aeronautical hazards in advance, thus preventing or minimizing adverse impacts to the safe and efficient use of navigable airspace. The regulations identify three-dimensional imaginary surfaces through which no object should penetrate. The imaginary surface for SNA consists of a 100:1 slope extending outward for 20,000 feet from the nearest runway. Section 77.17 (Obstruction Standards) also states that an object would be an obstruction to air navigation if it is higher than 200 feet above ground level. Exceedance of 200 feet above ground level or the 100:1 imaginary surface requires notification to FAA (per FAR Part 77). An object that would be constructed or altered within the height restriction or imaginary surface area of the airport is not necessarily incompatible (ALUP 2008) but would be subject to FAA notification and an FAA aeronautical study to determine whether the proposed structures would constitute a hazard to air navigation.

### 5.10.2.2 State Regulations

#### **California Public Utilities Code, Section 21676, Airport Land Use Commission**

Prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the Airport Land Use Commission (ALUC), the local agency shall first refer the proposed action to the ALUC. If the ALUC determines that the proposed action is inconsistent with the airport land use plan, the referring agency shall be notified. The local agency may, after a public hearing, propose to overrule the ALUC by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article, which are to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.

At least 45 days prior to the decision to overrule the determination of the ALUC the local agency governing body shall provide the ALUC and the Caltrans Division of Aeronautics (Division) with a copy of the proposed decision and findings. The ALUC and the Division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the ALUC's or the Division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the ALUC or Division are advisory to the local agency governing body. The local agency governing body shall include comments from the ALUC and the Division in the public record of any final decision to overrule the ALUC, which may only be adopted by a two-thirds vote of the governing body.

#### **California Coastal Act**

The California Coastal Act of 1976 (Coastal Act; Public Resources Code [PRC] Section 30000) and the California Coastal Commission, which is the State's coastal protection and planning agency, were established by voter initiative to plan for and regulate new development and create strong policies to protect public access to and along the shoreline. To ensure maximum public access to the coast and public recreation areas, the Coastal Act directs each local government lying within the coastal zone to prepare a Local Coastal Program (LCP) consistent with Section 30501 of the Coastal Act in consultation with the Coastal Commission and with public participation.

Until an LCP has been adopted by the local jurisdiction and certified compliant with the Coastal Act, the Coastal Commission retains permitting authority within the local jurisdiction. Regardless of State or local jurisdiction, a coastal development permit is required for development in the coastal zone that results in changes to the density or intensity of the use of land, impacts to environmentally sensitive habitat areas, and/or impacts to coastal access. The City of Newport Beach has an adopted LCP that was approved by the Coastal Commission and was implemented in 2017. The Project site is adjacent to areas that are within the Coastal Zone and subject to the California Coastal Act.

#### **California Code of Regulations Section 13050.5(a)**

For a development located inside and outside the coastal zone, including any structure, similar integrated physical construction, or division of land, a coastal development permit shall be required for only those portions of the development located within the coastal zone.

### 5.10.2.3 Regional and Local Regulations

#### SCAG 2024 Regional Transportation Plan/Sustainable Communities Strategy

The Southern California Association of Governments (SCAG) is designated by federal law as a Metropolitan Planning Organization (MPO) and under State law as a Regional Transportation Planning Agency and a Council of Governments. The SCAG region encompasses six counties (Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura) and 191 cities in an area covering more than 38,000 square miles. SCAG develops transportation and housing strategies for Southern California as a whole.

SCAG's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) includes long range regional transportation plans, regional transportation improvement programs, regional housing needs allocations, and other plans for the region. Most of the plan's goals are related to regional transportation infrastructure and the efficiency of transportation in the region. SCAG is required by federal law (23 U.S.C. Section 134 et seq.) to prepare and update a long-range RTP/SCS every four years in order to readjust its vision for the future, assess challenges, and rearticulate goals.

The most recent RTP/SCS "Connect SoCal" was approved by SCAG on April 4, 2024 that provided updated growth projections and forecasting for the region. The Connect SoCal 2024 reflects a continuation of the shift toward more efficient resource management. This refers to transportation infrastructure, land resources, and environmental resources. The 2024 Connect SoCal projects that 66 percent of new households and 54 percent of new jobs between 2019–2050 will be located in Priority Development Areas, which are either near transit or in walkable communities.

The 2024 Connect SoCal includes regional planning policies to provide guidance for integrating land use and transportation planning, which include the following topical areas:

#### **Mobility Policies Support**

- Circulation System Preservation and Resilience
- Development of Complete Streets
- Transit and Multimodal Integration
- Transportation System Management
- Transportation Demand Management
- Technology Integration
- Safety
- Funding the System/User Fees

#### **Communities Policies Support**

- Priority Development Areas
- Housing the Region
- 15-Minute Communities
- Equitable Engagement and Decision Making

#### **Environmental Policies Support**

- Sustainable Development
- Air Quality
- Clean Transportation
- Natural and Agricultural Lands Preservation
- Climate Resilience

#### **Economy Policies Support**

- Goods Movement
- Broadband
- Universal Basic Mobility
- Workforce Development
- Tourism

#### Airport Environs Land Use Plan for John Wayne Airport

John Wayne Airport (SNA) is within the oversight of the Orange County Airport Land Use Commission (ALUC). The ALUC is required to prepare and adopt an airport land use plan for each of the airports within its jurisdiction. The ALUC prepared the Airport Environs Land Use Plan (AELUP) for SNA (amended April 17, 2008). The AELUP intends "to safeguard the general welfare of the inhabitants within the vicinity of the airport and to ensure the continued operation of the airport. Specifically, the plan seeks to protect the public from the adverse effects of aircraft noise, to ensure that people and facilities are not concentrated in areas

susceptible to aircraft accidents, and to ensure that no structures or activities adversely affect navigable airspace.”

The AELUP identifies standards for development in the airport’s planning area based on noise contours, accident potential zone, and building heights and identifies safety and compatibility zones that depict which land uses are acceptable and unacceptable in various portions of AELUP Safety Zones 1 through 6, as detailed in Section 5.8, *Hazards and Hazardous Materials*.

ALUC is an agency authorized under State law to assist local agencies in ensuring compatible land uses near airports. Primary areas of concern for ALUC are noise, safety hazards, and airport operational integrity. ALUCs are not implementing agencies in the manner of local governments, nor do they issue permits for a project such as those required by local governments. However, pursuant to California Public Utilities Code Section 21676, local governments are required to submit all general plan amendments and zone changes that occur in the ALUC planning areas for consistency review by the ALUC.

If such an amendment or change is deemed inconsistent with the ALUC plan, a local government may override the ALUC decision by a two-thirds vote of its governing body, if it makes specific findings that the proposed action is consistent with the purposes stated in Section 21670(a)(2) of the Public Utilities Code: “to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public’s exposure to excessive noise and safety hazards in areas around public airports to the extent that these areas are not already devoted to incompatible uses.”

**Building Height Restrictions:** The ALUC has adopted the FAR Part 77 as the criteria for determining height restrictions in Orange County. These regulations are the only definitive standard available and the standard most generally used (AELUP 2008). The allowable height of structures surrounding an airport is described in FAR Part 77 as the allowable height at which safe movement of aircraft occurs. The regulation requires that notice be given to the FAA if there is a proposal to construct a structure that would exceed a 100:1 slope of an imaginary surface extending outward for 20,000 feet from the nearest runway at SNA. Beyond the 100:1 imaginary surface, FAR Part 77 requires notification to FAA for any project that will be more than 200 feet in height above the ground level pursuant to FAR Part 77 Section 77.13. Additional details regarding FAR Part 77 criteria are provided in Section 5.8, *Hazards and Hazardous Materials*.

**Airport Environs Land Use Plan Policies:** The following policies in the AELUP for SNA are relevant to the proposed Project:

**Policy 3.2.1** Within the boundaries of the AELUP, any land use may be found to be inconsistent with the AELUP which:

1. Places people so that they are affected adversely by aircraft noise,
2. Concentrates people in areas susceptible to aircraft accidents,
3. Permits structures of excessive height in areas which would affect adversely the continued operation of the airport, or
4. Permits activities or facilities that would affect adversely aeronautical operations.

**Policy 3.2.3 Noise Impact Zone "1" - High Noise Impact (65 dB CNEL and above).** Noise impact in this zone is sufficient to warrant restrictions on residential uses and to require sound attenuation measures on other uses. The ALUC does not support residential development within the 65 dB CNEL noise contour. All residential units are inconsistent in this area unless it can be shown conclusively that such units are sufficiently sound attenuated for present and projected noise exposures, which shall be the energy sum of all noise impacting the project, so as not to exceed an interior standard of 45 dB CNEL, with an accompanying dedication of an avigation easement for noise to the airport proprietor applicable to single family residences, multi-family residences and mobile homes. Furthermore, all

residential units are to be sufficiently indoor oriented so as to preclude noise impingement on outdoor living areas, as defined in Section 1.7.

Noise-sensitive institutional uses such as schools, churches, hospitals, libraries, and other noise-sensitive uses may also be inconsistent in this zone. All noise-sensitive uses are inconsistent in this area unless it can be shown conclusively that such units are sufficiently sound attenuated for present and projected noise exposures, which shall be the energy sum of all noise impacting the project, so as not to exceed an interior standard of 45 dB CNEL, and may require the dedication of an avigation easement for noise to the airport proprietor. Commercial, industrial, and recreational uses may be acceptable in this zone providing that commercial and industrial structures are sufficiently sound attenuated to allow normal work activities to be conducted. Said structures shall be sound attenuated against the combined input of all present and projected exterior noise to meet the following criteria:

Private office <sup>1</sup> , church sanctuary, board room, conference room, etc.	45 dB(A)
General office <sup>2</sup> , reception, clerical etc.	50 dB(A)
Bank lobby, retail store, restaurant, typing pool, etc.	55 dB(A)
Manufacturing, kitchen, warehousing, etc.	60 dB(A)

\*L<sub>eq</sub> is the equivalent sound level for a specified time period in dB(A).

\*\*Measures from 7:00 a.m. to 7:00 p.m. or other appropriate, approved time period.

<sup>1</sup>An enclosed office intended for use by an individual.

<sup>2</sup>An open office intended to have more than one work station.

**Policy 3.2.4 Noise Impact Zone "2" - Moderate Noise Impact (60 dB CNEL or greater, less than 65 dB CNEL).** Noise impacts in this area are sufficient to require sound attenuation as set forth in the California Noise Insulation Standards, Title 25, California Code of Regulations. Single noise events in this area create serious disturbances to many inhabitants. Even though the ALUC would not find residential units incompatible in this area, the ALUC strongly recommends that residential units be limited or excluded from this area unless sufficiently sound attenuated. The residential use interior sound attenuation requirement shall be a CNEL value not exceeding an interior level of 45 dB. In addition, it is recommended that designated outdoor common or recreational areas within Noise Impact Zone 2 provide outdoor signage informing the public of the presence of operating aircraft.

**Policy 3.2.5 Runway Protection Zone "RPZ," Extreme Crash Hazard.** The severe potential for loss of life and property due to accidents prohibits most land uses in this area. Only airport related uses and open space uses, including agriculture and certain types of transportation and utility uses are permitted. No buildings intended for human habitation are permitted in the RPZ. Furthermore, because of the proximity to aeronautical operations, uses in this area must not attract birds nor emit excessive glare or light, nor produce or cause steam, smoke, dust, or electronic interference so as to interfere with, or endanger, aeronautical operations.

**Policy 3.2.6 Height Restriction Zone.** Any object, which by reason of its height or location would interfere with the established, or planned, airport flight procedures, patterns, or navigational systems, is unacceptable to the Commission. Similarly, any proposal which would cause a diminution in the utility of an airport is unacceptable to the Commission. The standards, criteria, and procedures promulgated by the FAA for the thorough evaluation of development projects are designed to ensure the safe and efficient use of the navigable airspace. The application of these principles by the Commission will ensure the stability of local air transportation, as well as promote land uses that are compatible

with the airport environs. However, any object which rises above the height of surrounding development, or which is located in close proximity to any of the various flight paths, must be clearly visible during hours of twilight or darkness and must not threaten, endanger, or interfere with aeronautical operations. Such objects, even if within the above height restrictions, are not acceptable to the Commission unless they are clearly marked or lighted according to FAA standards.

**Policy 3.2.7 Airspace/Airport Inconsistency.** Any structure, either within or outside of the planning area, is inconsistent with this AELUP if it:

1. Is determined to be a "Hazard" by the FAA;
2. Would raise the ceiling or visibility minimums at an airport for an existing or planned instrument procedure (i.e., a procedure consistent with the FAA approved airport layout plan or a proposed procedure formally on file with the FAA);
3. Would result in a loss in airport utility, e.g. in a diminution of the established operational efficiency and capacity of the airport, such as by causing the usable length of the runway(s) to be reduced; or
4. Would conflict with air space used for the airport traffic pattern or enroute navigation to and from the airport.

### City of Newport Beach Local Coastal Program – Coastal Land Use Plan and Implementation Plan

The Coastal Land Use Plan (LUP) of the City's LCP was derived from the City's General Plan Land Use Element and is intended to identify the distribution of land uses in the coastal zone. The City of Newport Beach has an adopted LCP that was approved by the Coastal Commission and was implemented in 2017 with approval of the Implementation Plan (IP). The LUP sets forth goals, objectives, and policies that govern the use of land and water in the coastal zone within the City of Newport Beach and its Sphere of Influence, with the exception of Newport Coast and Banning Ranch. As shown in Figure 3-7, *Coastal Zone Boundary*, in Section 3.0, *Project Description*, the Project site is adjacent to areas that are within the Coastal Zone. The IP is the primary tool used by the City to carry out the goals, objectives, and policies of the LUP.

The Project site is not located within the Coastal Zone and is not within the LUP. Mesa Drive is located within the Coastal Zone and limited infrastructure improvements are proposed within the right-of-way as detailed below and shown in Figure 5.10-1, *Proposed Improvements within Mesa Drive*. However, the following LCP IP Sections are applicable to the proposed Project.

#### *LCP IP Section 21.52.035*

This section provides a list of projects exempt from Coastal Development Permit Requirements.

#### *LCP IP Section 21.52.035(C)(4)(a-d)*

4. **Repair and Maintenance.** Repair or maintenance activities, with the exception of the following activities that involve a risk of substantial adverse environmental impacts:
  - a. Any method of repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:
    - i. Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures; or
    - ii. The placement, whether temporary or permanent, of riprap, or artificial berms of sand, or any other form of solid material, on a beach or in coastal waters, streams, wetlands, estuaries, or on shoreline protective works; or

- iii. The replacement of twenty (20) percent or more of the materials of an existing structure with materials of a different kind; or
  - iv. The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area or bluff or within twenty (20) feet of coastal waters or streams.
- b. Any method of routine maintenance dredging that involves:
- i. The dredging of one hundred thousand (100,000) cubic yards or more within a twelve (12) month period; or
  - ii. The placement of dredged spoils of any quantity within an environmentally sensitive habitat area, or any sand area, or within fifty (50) feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within twenty (20) feet of coastal waters or streams; or
  - iii. The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the Coastal Commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.
- c. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, or any sand area, within fifty (50) feet of the edge of a coastal bluff or environmentally sensitive habitat area; or within twenty (20) feet of any coastal waters and streams that include:
- i. The placement or removal, whether temporary or permanent, of riprap, rocks, sand or other beach materials or any other forms of solid materials;
  - ii. The presence, whether temporary or permanent, of mechanized equipment or construction materials, except that the use of such equipment solely for routine beach cleaning and park maintenance shall not require a coastal development permit;
  - iii. All repair and maintenance activities governed by this subsection (C)(4) shall be subject to the permit regulations promulgated pursuant to the Coastal Act, including but not limited to the regulations governing administrative and emergency permits. The provisions of this subsection (C)(4) shall not be applicable to those activities specifically in the document entitled Repair, Maintenance and Utility Hookups, adopted by the Commission on September 5, 1978, unless a proposed activity will have a risk of substantial adverse impact on public access, environmentally sensitive habitat area, wetlands, or public views to the ocean.
- d. Unless destroyed by disaster, the replacement of fifty (50) percent or more of a single-family residence, seawall, revetment, bluff retaining wall, breakwater, groin or any other structure is not repair and maintenance under California Public Resources Code Section 30610(d) but instead constitutes a replacement structure requiring a coastal development permit.

In any particular case, even though an improvement falls into one of the classes set forth in this subsection (C)(4), the Director may, upon finding that the impact of the development on coastal resources or coastal access to be insignificant, waive the requirement of a permit pursuant to Section 21.52.055 (Waiver for De Minimis Development).

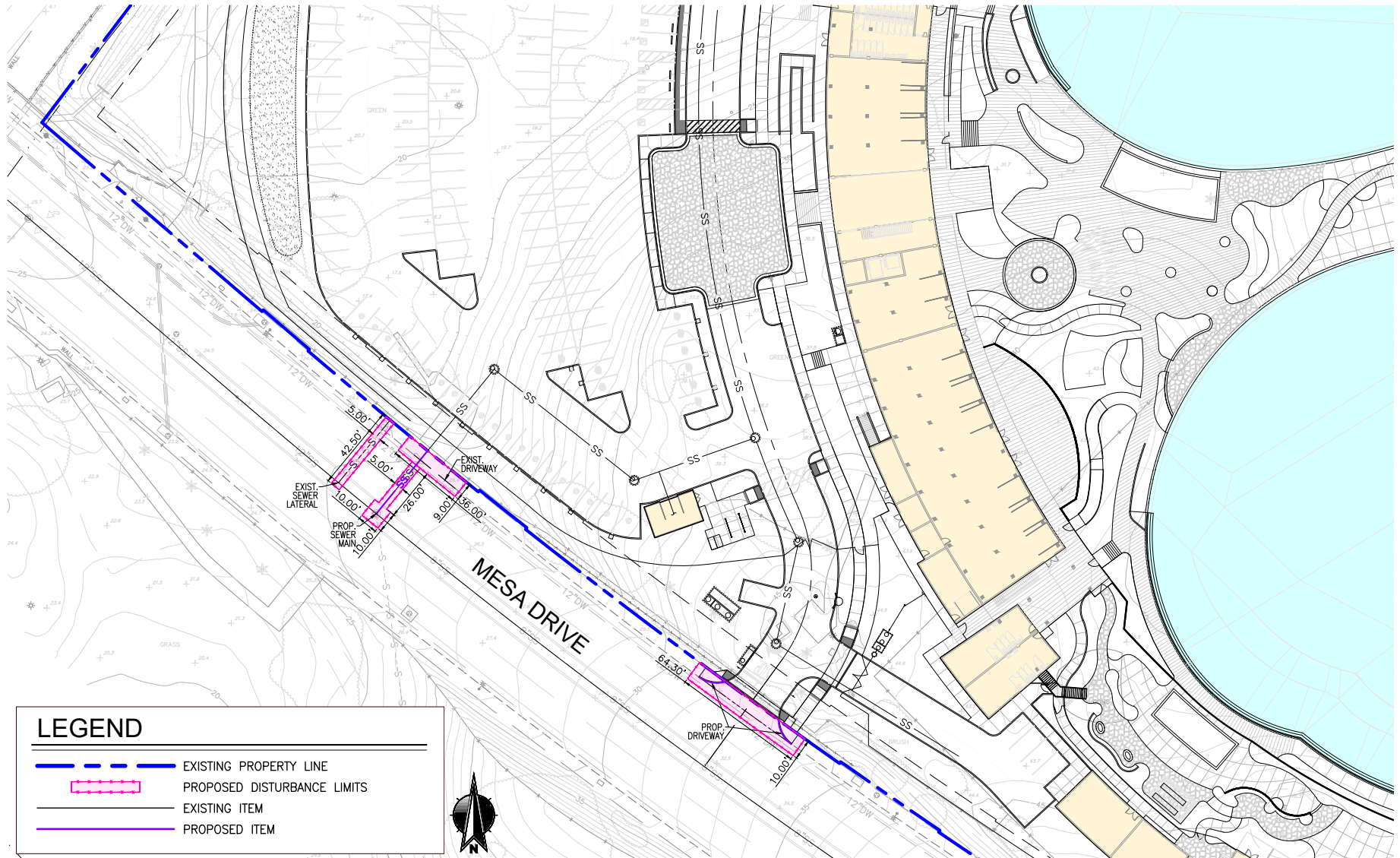
#### *LCP IP Section 21.52.035(C)(5)*

**Utility Connections.** The installation, testing and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to the Coastal Act or the certified LCP; provided, however, that the City or the Coastal Commission may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.



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# Proposed Improvements within Mesa Drive



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## City of Newport Beach General Plan 2006

The City of Newport Beach General Plan 2006 is the City's principal long-range policy and planning document that consists of ten elements that serve as a guide for City decision-making related to land uses and the physical development of the City. The General Plan policies that are relevant to the proposed Project and related to environmental impacts are listed below by General Plan Element.

### *Land Use Element*

- Policy LU 1.6      Public Views.** Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points.
- Policy LU 2.1      Resident-Serving Land Uses.** Accommodate uses that support the needs of Newport Beach's residents including housing, retail, services, employment, recreation, education, culture, entertainment, civic engagement, and social and spiritual activity that are in balance with community natural resources and open spaces.
- Policy LU 2.2      Sustainable and Complete Community.** Emphasize and support the development of uses that enable Newport Beach to be a complete community that maintains the ability to provide locally accessible opportunities for retail, goods and services, and employment.
- Policy LU 2.5      Visitor Serving Uses.** Provide uses that serve visitors to Newport Beach's ocean, harbor, open spaces, and other recreational assets, while integrating them to protect neighborhoods and residents.
- Policy LU 2.8      Adequate Infrastructure.** Accommodate the types, densities, and mix of land uses that can be adequately supported by transportation and utility infrastructure (water, sewer, storm drainage, energy, and so on) and public services (schools, parks, libraries, seniors, youth, police, fire, and so on).
- Policy LU 3.1      Neighborhoods, Districts, Corridors, and Open Spaces.** Maintain Newport Beach's pattern of residential neighborhoods, business and employment districts, commercial centers, corridors, and harbor and ocean districts.
- Policy LU 3.2      Growth and Change.** Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach's share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.
- Policy LU 3.3      Opportunities for Change.** Support opportunities for new development and improved physical environments for residents, businesses, and visitors in the following districts and corridors, as specified in Policies 6.3.1 through 6.22.7:
- **Santa Ana Heights:** Support continued implementation of the adopted Specific Plan and Redevelopment Plan.

**Policy LU 3.7 Natural Resource and Hazardous Areas.** Require that new development is located and designed to protect areas with high natural resource value and protect residents and visitors from threats to life or property.

**Policy LU 3.8 Project Entitlement Review with Airport Land Use Commission.** Refer the adoption or amendment of the General Plan, Zoning Code, specific plans, and Planned Community development plans for land within the John Wayne Airport planning area, as established in the JWA Airport Environs Land Use Plan (AELUP), to the Airport Land Use Commission (ALUC) for Orange County for review, as required by Section 21676 of the California Public Utilities Code. In addition, refer all development projects that include buildings with a height greater than 200 feet above ground level to the ALUC for review.

**Policy LU 4.1 Land Use Diagram.** Support land use development consistent with the Land Use Plan. Figure LU1 depicts the general distribution of uses throughout the City and Figure LU2 through Figure LU15 depict specific use categories for each parcel within defined Statistical Areas. Table LU1 (Land Use Plan Categories) specifies the primary land use categories, types of uses, and, for certain categories, the densities/intensities to be permitted. The permitted densities/intensities or amount of development for land use categories for which this is not included in Table LU1, are specified on the Land Use Plan, Figure LU4 through Figure LU15. These are intended to convey maximum and, in some cases, minimums that may be permitted on any parcel within the designation or as otherwise specified by Table LU2 (Anomaly Locations). The density/intensity ranges exclude increases allowed through the applications of density bonus laws and are calculated based on actual land area, actual number of dwelling units in fully developed residential areas, and development potential in areas where the General Plan allows additional development.

To determine the permissible development, the user should:

- a. Identify the parcel and the applicable land use designation on the Land Use Plan, Figure LU4 through Figure LU15
- b. Refer to Figure LU4 through Figure LU15 and Table LU1 to identify the permitted uses and permitted density or intensity or amount of development for the land use classification. Where densities/intensities are applicable, the maximum amount of development shall be determined by multiplying the area of the parcel by the density/intensity.
- c. For anomalies identified on the Land Use Map by a symbol, refer to Table LU2 to determine the precise development limits.
- d. For residential development in the Airport Area, refer to the policies prescribed by the Land Use Element that define how development may occur.

**Policy LU 5.6.2 Form and Environment.** Require that new and renovated buildings be designed to avoid the use of styles, colors, and materials that unusually impact the design character and quality of their location such as abrupt changes in scale, building form, architectural style, and the use of surface materials that raise local temperatures, result in glare and excessive illumination of adjoining properties and open spaces, or adversely modify wind patterns.

**Policy LU 5.6.3 Ambient Lighting.** Require that outdoor lighting be located and designed to prevent spillover onto adjoining properties or significantly increase the overall ambient illumination of their location.

#### *Historical Resources Element*

**Policy HR 2.1 New Development Activities.** Require that, in accordance with CEQA, new development protect and preserve paleontological and archaeological resources from destruction, and avoid and mitigate impacts to such resources. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.

**Policy HR 2.2 Grading and Excavation Activities.** Maintain sources of information regarding paleontological and archeological sites and the names and addresses of responsible organizations and qualified individuals, who can analyze, classify, record, and preserve paleontological or archeological findings. Require a qualified paleontologist/archeologist to monitor all grading and/or excavation where there is a potential to affect cultural, archeological or paleontological resources. If these resources are found, the applicant shall implement the recommendations of the paleontologist/archeologist, subject to the approval of the City Planning Department.

**Policy HR 2.3 Cultural Organizations.** Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow representatives of such groups to monitor grading and/or excavation of development sites.

**Policy HR 2.4 Paleontological or Archaeological Materials.** Require new development to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach, or Orange County, whenever possible.

#### *Circulation Element*

**Policy CE 2.2.1 Safe Roadways.** Provide for safe roadway conditions by adhering to nationally recognized improvement standards and uniform construction and maintenance practices.

**Policy CE 2.2.4 Traffic Control.** Design traffic control measures to ensure City streets and roads function with safety and efficiency for vehicles, bicycles, and pedestrians.

**Policy CE 2.2.5 Driveway and Access Limitations.** Limit driveway and local street access on arterial streets to maintain a desired quality of traffic flow and limit hazards to active transportation modes. Wherever possible, consolidate and/or reduce the number of driveways and implement access controls during redevelopment of adjacent parcels.

**Policy CE 2.2.7 Emergency Access.** Provide all residential, commercial, and industrial areas with efficient and safe access for emergency vehicles. An emergency evacuation map shall be prepared as part of an updated Safety Element.

**Policy CE 5.2.6 Pedestrian Improvements in New Development Projects.** Require new development projects to include safe and attractive sidewalks, walkways, and bike lanes in accordance with the Master Plan, and, if feasible, trails.

- Policy CE 5.2.12 Bicycle Supporting Amenities.** Require bicycle facilities such as bike racks, bike stations, or lockers according to national standards for long-term and short-term bicycle utilization on City property and with new development and encourage the addition of such bicycle facilities within existing development.
- Policy CE 7.1.1 Vehicle Miles Traveled (VMT) Analysis.** Follow the analysis methodology for vehicle miles traveled according to the Newport Beach VMT thresholds policy and as required in Senate Bill 743 and the revised California Environmental Quality Act (CEQA) Guidelines.
- Policy CE 7.1.2 VMT Mitigation Measures.** Require implementation of CEQA project related VMT mitigation measures when warranted and monitor reductions in VMT from new development.
- Policy CE 7.1.5 Support Facilities for Alternative Modes.** Require new development projects to provide facilities commensurate with development type and intensity to support alternative modes, such as preferential parking for carpools, bike racks, bike stations, bicycle lockers, showers, commuter information areas, rideshare vehicle loading areas, water transportation docks, and bus stop improvements.
- Policy CE 7.1.7 Project Site Design Supporting Alternative Modes.** Encourage increased use of public transportation by requiring project site designs that facilitate the use of public transportation and walking.
- Policy CE 7.1.8 Electric Vehicle (EV) Charging Stations.** Install additional EV charging stations on City properties, support existing private development to add new EV charging stations and develop incentives for the installation of EV charging stations and other alternative fuels systems as part of new development.
- Policy CE 9.1.10 Development Requirements.** Require development to provide the needed roadway improvements adjacent to a site, commensurate with project impact and in accordance with the Master Plan of Streets and Highways.

#### *Recreation Element*

- Policy R 1.12 Aircraft Overflight and Noise.** Require that all public parks located within the noise impact zones as defined in the 1985 JWA Master Plan for John Wayne Airport be posted with a notification to users regarding aircraft overflight and noise.
- Policy R 4.1 Provision of Recreation Services.** Provide high quality recreational services through professionally-trained recreational personnel to program participants.
- Policy R 4.2 Compatible Recreation Activities.** Provide a variety of compatible recreational activities within a given location.
- Policy R 4.3 Variety of Programs.** Provide a variety of quality programs offered in safe and secure environments for the community's youth that enhance and extend the learning day, promote health and wellness, encourage expansion of skills, and reinforce self esteem, good character, and positive behavior.
- Policy R 4.5 Variety of Adult Recreational Programs.** Provide a variety of quality enrichment and recreational programs for the adult population that promote health and wellness; development and/or enhancement of skills and talents; extend learning opportunities; promote sportsmanship; and provide unique opportunities to engage in new activities.

*Natural Resources Element*

- Policy NR 1.1 Water Conservation in New Development.** Enforce water conservation measures that limit water usage, prohibit activities that waste water or cause runoff, and require the use of water-efficient landscaping and irrigation in conjunction with new construction projects.
- Policy NR 1.2 Use of Water Conserving Devices.** Establish and actively promote use of water conserving devices and practices in both new construction and major alterations and additions to existing buildings. This can include the use of rainwater capture, storage, and reuse facilities.
- Policy NR 3.4 Storm Drain Sewer System Permit.** Require all development to comply with the regulations under the City's municipal separate storm drain system permit under the National Pollutant Discharge Elimination System.
- Policy NR 3.5 Natural Water Bodies.** Require that development does not degrade natural water bodies.
- Policy NR 3.9 Water Quality Management Plan.** Require new development applications to include a Water Quality Management Plan (WQMP) to minimize runoff from rainfall events during construction and post-construction.
- Policy NR 3.10 Best Management Practices.** Implement and improve upon Best Management Practices (BMPs) for residences, businesses, development projects, and City operations.
- Policy NR 3.11 Site Design and Source Control.** Include site design and source control BMPs in all developments. When the combination of site design and source control BMPs are not sufficient to protect water quality as required by the National Pollutant Discharge Elimination System (NPDES), structural treatment BMPs will be implemented along with site design and source control measures.
- Policy NR 3.12 Reduction of Infiltration.** Include equivalent BMPs that do not require infiltration, where infiltration of runoff would exacerbate geologic hazards. (Policy HB 8.12)
- Policy NR 3.14 Runoff Reduction on Private Property.** Retain runoff on private property to prevent the transport of pollutants into natural water bodies, to the maximum extent practicable. (Policy HB 8.14).
- Policy NR 3.16 Siting of New Development.** Require that development be located on the most suitable portion of the site and designed to ensure the protection and preservation of natural and sensitive site resources that provide important water quality benefits. (Policy HB 8.16).
- Policy NR 3.17 Parking Lots and Rights-of-Way.** Require that parking lots and public and private rights-of-way be maintained and cleaned frequently to remove debris and contaminated residue. (Policy HB 8.17)
- Policy NR 3.19 Natural Drainage Systems.** Require incorporation of natural drainage systems and stormwater detention facilities into new developments, where appropriate and feasible, to retain stormwater in order to increase groundwater recharge. (Policy HB 8.19)
- Policy NR 3.20 Impervious Surfaces.** Require new development and public improvements to minimize the creation of and increases in impervious surfaces, especially directly connected impervious areas, to the maximum extent practicable. Require redevelopment to increase area of pervious surfaces, where feasible. (Policy HB 8.20)



- Policy NR 4.3     Restore Natural Hydrologic Conditions.** Preserve, or where feasible, restore natural hydrologic conditions such that downstream erosion, natural sedimentation rates, surface flow, and groundwater recharge function near natural equilibrium states.
- Policy NR 4.4     Erosion Minimization.** Require grading/erosion control plans with structural BMPs that prevent or minimize erosion during and after construction for development on steep slopes, graded, or disturbed areas.
- Policy NR 6.1     Walkable Neighborhoods.** Provide for walkable neighborhoods to reduce vehicle trips by siting amenities such as services, parks, and schools in close proximity to residential areas.
- Policy NR 6.4     Transportation Demand Management Ordinance.** Implement the Transportation Demand Management (TDM) Ordinance, which promotes and encourages the use of alternative transportation modes and provides those facilities such as bicycle lanes that support such alternate modes.
- Policy NR 7.2     Source Emission Reduction Best Management Practices.** Require the use of Best Management Practices (BMP) to minimize pollution and to reduce source emissions.
- Policy NR 8.1     Management of Construction Activities to Reduce Air Pollution.** Require developers to use and operate construction equipment, use building materials and paints, and control dust created by construction activities to minimize air pollutants.
- Policy NR 10.2     Orange County Natural Communities Conservation Plan.** Comply with the policies contained within the Orange County Natural Communities Conservation Plan.
- Policy NR 10.3     Analysis of Environmental Study Areas.** Require a site-specific survey and analysis prepared by a qualified biologist as a filing requirement for any development permit applications where development would occur within or contiguous to areas identified as ESAs.
- Policy NR 10.4     New Development Siting and Design.** Require that the siting and design of new development, including landscaping and public access, protect sensitive or rare resources against any significant disruption of habitat values.
- Policy NR 10.5     Development in Areas Containing Significant or Rare Biological Resources.** Limit uses within an area containing any significant or rare biological resources to only those uses that are dependent on such resources, except where application of such a limitation would result in a taking of private property. If application of this policy would likely constitute a taking of private property, then a non-resource-dependent use shall be allowed on the property, provided development is limited to the minimum amount necessary to avoid a taking and the development is consistent with all other applicable resource protection policies. Public access improvements and educational, interpretative and research facilities are considered resource dependent uses.
- Policy NR 10.6     Use of Buffers.** Maintain a buffer of sufficient size around significant or rare biological resources, if present, to ensure the protection of these resources. Require the use of native vegetation and prohibit invasive plant species within these buffer areas.
- Policy NR 10.7     Exterior Lighting.** Shield and direct exterior lighting away from significant or rare biological resources to minimize impacts to wildlife.

- Policy NR 18.1 New Development.** Require new development to protect and preserve paleontological and archaeological resources from destruction, and avoid and minimize impacts to such resources in accordance with the requirements of CEQA. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.
- Policy NR 18.3 Potential for New Development to Impact Resources.** Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow qualified representatives of such groups to monitor grading and/or excavation of development sites.
- Policy NR 18.4 Donation of Materials.** Require new development, where on site preservation and avoidance are not feasible, to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach or Orange County, whenever possible.
- Policy NR 20.1 Enhancement of Significant Resources.** Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points, as shown in Figure NR3.
- Policy NR 20.2 New Development Requirements.** Require new development to restore and enhance the visual quality in visually degraded areas, where feasible, and provide view easements or corridors designed to protect public views or to restore public views in developed areas, where appropriate.
- Policy NR 20.4 Public View Corridor Landscaping.** Design and site new development, including landscaping, on the edges of public view corridors, including those down public streets, to frame, accent, and minimize impacts to public views.
- Policy NR 23.1 Maintenance of Natural Topography.** Preserve cliffs, canyons, bluffs, significant rock outcroppings, and site buildings to minimize alteration of the site's natural topography and preserve the features as a visual resource.
- Policy NR 23.7 New Development Design and Siting.** Design and site new development to minimize the removal of native vegetation, preserve rock outcroppings, and protect coastal resources.
- Policy NR 24.2 Energy-Efficient Design Features.** Promote energy-efficient design features.
- Policy NR 24.3 Incentives for Green Building Program Implementation.** Promote or provide incentives for "Green Building" programs that go beyond the requirements of Title 24 of the California Administrative Code and encourage energy efficient design elements as appropriate to achieve "green building" status.

#### *Safety Element*

- Policy S 4.7 New Development.** Conduct further seismic studies for new development in areas where potentially active faults may occur.
- Policy S 5.1 New Development Design within 100-year Floodplains.** Require that all new development within 100-year floodplains incorporate sufficient measures to mitigate flood hazards including the design of onsite drainage systems that are connected with the City's storm drainage system, gradation of the site such that runoff does not impact adjacent properties, and buildings are elevated.

- Policy S 5.2 Facility Use or Storage of Hazardous Materials Standards.** Require that all new facilities storing, using, or otherwise involved with substantial quantities of onsite hazardous materials within flood zones comply with standards of elevation, anchoring, and flood proofing, and hazardous materials are stored in watertight containers.
- Policy S 5.3 Minimization of Flood Hazard Risk.** Require stormwater detention basins, where appropriate, to reduce the potential risk of flood hazards.
- Policy S 7.1 Known Areas of Contamination.** Require proponents of projects in known areas of contamination from oil operations or other uses to perform comprehensive soil and groundwater contamination assessments in accordance with American Society for Testing and Materials standards, and if contamination exceeds regulatory action levels, require the proponent to undertake remediation procedures prior to grading and development under the supervision of the County Environmental Health Division, County Department of Toxic Substances Control, or Regional Water Quality Control Board (depending upon the nature of any identified contamination).
- Policy S 7.2 Development Design within Methane Gas Districts.** Ensure that any development within identified methane gas districts be designed consistent with the requirements of the Newport Beach Municipal Code.
- Policy S 7.4 Implementation of Remediation Efforts.** Minimize the potential risk of contamination to surface water and groundwater resources and implement remediation efforts to any resources adversely impacted by urban activities.

*Noise Element*

- Policy N 1.1 Noise Compatibility of New Development.** Require that all proposed projects are compatible with the noise environment through use of Table N2 and enforce the interior and exterior noise standards shown in Table N3.
- Policy N 1.7 Commercial/ Entertainment Uses.** Limit hours and/or require attenuation of commercial/entertainment operations adjacent to residential and other noise sensitive uses in order to minimize excessive noise to these receptors.
- Policy N 1.8 Significant Noise Impacts.** Require the employment of noise mitigation measures for existing sensitive uses when a significant noise impact is identified. A significant noise impact occurs when there is an increase in the ambient CNEL produced by new development impacting existing sensitive uses. The CNEL increase is shown in the table below.
- Policy N 4.2 New Uses.** Require that new uses such as restaurants, bars, entertainment, parking facilities, and other commercial uses where large numbers of people may be present adjacent to sensitive noise receptors obtain a use permit that is based on compliance with the noise standards in Table N3 and the City's Municipal Code.
- Policy N 4.6 Maintenance of Construction Activities.** Enforce the Noise Ordinance noise limits and limits on hours of maintenance or construction activity in or adjacent to residential areas, including noise that results from in-home hobby or work related activities.
- Policy N 5.1 Limiting Hours of Activity.** Enforce the limits on hours of construction activity.

## City of Newport Beach City Council Policy Manual

The City of Newport Beach City Council Policy Manual contains the following policies related to land use, planning, and mitigating an environmental effect.

**Policy G-1 Retention, Removal, and Maintenance of City Trees.** This policy establishes standards for the retention, removal, maintenance, reforestation, tree trimming standards, and supplemental trimming of City trees. The policy provides definitions of certain trees that should be protected and provisions for the removal of such trees.

**Policy K-2 Places of Historical and Architectural Significance:** The City Council may designate as historical property any building or part thereof, object, structure, monument, or collection thereof having importance to the history or architecture of the City of Newport Beach in accordance with the criteria set forth below.

1. Property may be designated as historical property if it meets any of the following standards of architectural significance:
  - a. Structures or areas that embody distinguishing characteristics of an architectural style, period, or method of construction, or of architectural development with the City.
  - b. Notable works of a master builder, designer, or architect whose style influenced the City's architectural development, or structures showing the evolution of an architect's style.
  - c. Rare structures displaying a building type, design, or indigenous building form.
  - d. Structures which embody special architectural and design features.
  - e. Outstanding examples of structures displaying original architectural integrity, structurally or stylistically, or both.
  - f. Unique structures or places that act as focal or pivotal points important as a key to the character or visual quality of an area.
2. Property may be designated as historical property if it meets any of the following standards of historical significance.
  - a. Sites and structures connected with events significant in the economic, cultural, political, social, or civic history of the City of Newport Beach, the County of Orange, the State of California, or the United States of America.
  - b. Structures or areas identified with the lives of historical personages of the City of Newport Beach, the County of Orange, the State of California, or the United States of America.
  - c. Sites and groups of structures representing historical development patterns, including, but not limited to, urbanization patterns, railroads, agricultural settlements, and canals.

**Policy K-3 Implementation Procedures for the California Environmental Quality Act:** The intent of this policy statement is to protect the environment of the City of Newport Beach, to comply with the California Environmental Quality Act ("CEQA"), and to implement the basic principles, objectives, and criteria contained in the Guidelines adopted by the Secretary for Resources pursuant to the provisions of CEQA, as amended. The following general policies shall apply:

1. The City, in implementing the requirements of CEQA, shall, wherever possible, integrate these procedures into the existing planning and review procedures of the City.
2. In reviewing and assessing the significance of environmental impacts, the City shall be guided by the applicable General Plan and Local Coastal Program policies and standards.

**Policy K-5**

**Paleontological and Archaeological Resource Protection Guidelines:** The City will ensure that potential impacts to paleontological and archaeological resources by public or private development are properly evaluated and mitigated in accordance with the General Plan, Local Coastal Program and CEQA.

**Procedures**

- A. During the preparation of an initial study for a project, staff or a qualified consultant shall determine if paleontological or archaeological resources exist at or near a project site. If the site is located in the Coastal Zone, the requirements and procedures provided in Newport Beach Municipal Code Section 21.30.105(A), or any successor statute, shall be implemented.
- B. If resources are known to exist at or near a project site or that, the project could otherwise affect known resources, a preliminary investigation report shall be prepared by a qualified professional archaeologist or paleontologist.
- C. If the preliminary investigation report concludes that resources are not likely to be at the present at the project site or encountered during construction, no further analysis shall be required.
- D. If the preliminary report concludes that resources are present at the site or are likely to be present at the site or may be encountered by project construction, additional investigative work shall be prepared to identify and disclose the potential impacts of the project. The impact assessment report shall make every effort to identify the value of the resource and shall identify feasible design modifications or other methods to avoid and/or minimize project-related impacts. The impact assessment report may include a suggested excavation plan for assessing or mitigating the effect of the project on the qualities which make the resource important if avoidance is considered infeasible. The impact assessment report shall also identify feasible mitigation measures that can be either incorporated within project specifications or applied as conditions of approval.
- E. If paleontological or archaeological resources are discovered during construction, all construction activities in the general area of the discovery shall be temporarily halted until the resource is examined by a qualified monitor. The monitor shall the significance of the resource recommend next steps (i.e. additional excavation, curation, preservation, etc.).
- F. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner determines that the remains are not subject to the provisions of Section 27491 of the Government Code, or any successor statute, or any other related provisions of law concerning investigation of 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 their authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code, or any successor statute. The coroner shall make his or her determination within two working days from the time the person

responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission and the Newport Beach Building Official.

### City of Newport Beach Santa Ana Heights Specific Plan

Santa Ana Heights is an area roughly bounded by Upper Newport Bay to the south, Santa Ana Avenue to the west, Bristol Street to the north, and the Bayview Terrace area (near the Marriott Suites) to the east. Santa Ana Heights was annexed from the County of Orange to the City of Newport Beach in two segments – the area east of Irvine Avenue became part of the City in January of 2002 and the area west of Irvine Avenue was added on January 1, 2008. The County of Orange prepared and adopted the Specific Plan for the area prior to it becoming part of the City to improve the area and plan for development that is consistent with the noise generated by John Wayne Airport.

The Santa Ana Heights Specific Plan is included in the City's Municipal Code as Chapter 20.90. The Specific Plan includes design guidelines and land use regulations that are applicable to the proposed Project that are listed in the municipal code discussion below.

### City of Newport Beach Municipal Code

**Municipal Code Sections 20.90.040.D.3 and 20.90.040.D.4** provide the following requirements related to John Wayne Airport:

3. Prior to the issuance of a building permit for a structure that penetrates the 100:1 Notice Surface pursuant to FAR Part 77.13, the project applicant shall submit a "Notice of Proposed Construction" to the Federal Aviation Administration (FAA), which will initiate an Aeronautical Study of the project by the FAA. Upon completion of the FAA Aeronautical Study, the project applicant shall submit evidence to the Community Development Director that restrictions and conditions, if any, imposed on the project by the FAA have been incorporated into the design of the project.
4. All projects including, but not limited to, General Plan amendments and zone changes within the project area pertinent to the Airport Land Use Commission's (ALUC) John Wayne Airport "Airport Environs Land Use Plan" shall be referred to ALUC until such time as the City becomes a "Consistent Local Agency" as defined by ALUC. For purposes of this requirement, the term "project" shall include those applications requiring discretionary approvals, tentative tract map or parcel map approvals or modifications, and/or condominium conversions. Such projects shall not include minor modifications, such as remodels and additions to single-family dwelling units with no intensification of development.

**Municipal Code Section 20.90.050**, Open Space and Recreation District SP-7 (OSR) states that the principal permitting uses include golf courses and outdoor commercial recreation; and accessory uses include detached buildings, fences and walls, restrooms, and any other structure or use that is consistent with the purpose and intent of the land use. The site development standards listed in Municipal Code Section 20.90.050(E) include the following:

- **Building Site Area.** One acre minimum.
- **Building Height.** Eighteen feet maximum unless otherwise provided for by an approved use permit.
- **Building Setbacks.** Twenty feet minimum from all property lines.
- **Lighting.** All lighting shall be designed and located so that direct light rays are confined to the premises.

### 5.10.3 ENVIRONMENTAL SETTING

#### 5.10.3.1 Existing Uses Onsite

The Project site consists of a portion of the NB Golf Course. The golf course is separated into three physically distinct land areas and the Project site consists of the central portion, which is bounded by Irvine Avenue and Mesa Drive. The Project site is comprised of one parcel encompassing 15.38 acres that currently includes a 38-bay partially covered driving range, a 1,050-square-foot (SF) putting green, a 8,975 SF building that includes a pro shop and a restaurant, a 2,664 driving range building, parking lot with 280 parking spaces, and three holes of the existing NB Golf Course (holes 1, 2, and 9). The existing total square footage of existing building space on the site is 11,639 SF, as listed in Table 5.10-1 below.

**Table 5.10-1: Existing Onsite Building Square Footage**

Existing Building Use	Square Footage
Restaurant	7,200
Pro Shop	1,775
Driving Range Building	2,664
<b>Total</b>	<b>11,639</b>

The majority of the site is covered in grass or artificial grass associated with the golf course and the paved parking lot. The golf course and the driving range are lighted for nighttime play until 10:00 p.m., and the driving range is surrounded by approximately 40 net poles that range in height from 25 to 80 feet depending on location. The poles and netting separating the driving range from the buildings to the east are approximately 80 feet tall, the poles and netting separating the driving range from the golf course on the west are approximately 50 feet tall and the poles and netting separating the driving range from Mesa Drive to the south are between 62 and 65 feet tall. Some of the poles are wood (telephone pole-like) while others are pipes. In addition, some of the poles have pipe extensions to increase the overall height of the netting for safety purposes. The Project site's existing conditions are shown in Figure 3-4, *Site Photos*.

Existing hours of operation for the driving range and golf course are 7:00 a.m. to 10:00 p.m. The hours of operation for the pro shop are generally 10:00 a.m. to 7:00 p.m.; and the restaurant generally operates from 8:00 a.m. to 10:00 p.m.

#### 5.10.3.2 Existing General Plan Land Use and Zoning Designations

The 15.38-acre Project site has a General Plan Land Use designation of Parks and Recreation (PR), as shown on Figure 3-5, *Existing General Plan Land Use Designations*. The General Plan states that the PR land use permits parks (both active and passive), golf courses, marina support facilities, aquatic facilities, tennis clubs and courts, private recreation, and similar facilities. The Project site is identified as Anomaly Number 58, with a development limit of 20,000 SF.

The Project site is located within the Santa Ana Heights Specific Plan (SP-7), which provides zoning regulations for the site. The Santa Ana Heights Specific Plan designates the site as Open Space and Recreation (OSR), as shown in Figure 3-6, *Existing Zoning Designations*. Permitted uses within the OSR zone, subject to a use permit, include golf courses and outdoor commercial recreation. Also, accessory uses and structures are permitted when customarily associated with and subordinate to a principal permitted use on the same building site.

### 5.10.3.3 Surrounding Land Uses

The Project site is located within an urban area that is fully developed. The Project site is adjacent to the two other portions of the NB Golf Course; including: the 21.28-acre northern portion located northeast of the Project site across Irvine Avenue that contains nine holes of golf (holes 10-18) and contains the 2,782 SF golf course maintenance building. The 14.51-acre southern portion to the south of the Project site across Mesa Drive that contains six holes of golf (holes 3-8). Additionally, the Santa Ana-Delhi Channel is located along the northwesterly Project site boundary. The land uses immediately adjacent to the Project site include:

- **Northwest:** The Santa Ana-Delhi Channel followed by Irvine Avenue followed by multifamily residential.
- **North:** Irvine Avenue followed by “The Jetty” commercial center and nine holes of the NB Golf Course (holes 10-18).
- **Northeast:** Commercial and Office Uses.
- **Southeast:** Newport Beach Fire Station 7 and Fire Department Training Center.
- **South:** Mesa Drive followed by six holes of the NB Golf Course (holes 3-8).
- **Southwest:** The Santa Ana-Delhi Channel followed by Mesa Drive, followed by “The Ranch” retail shopping center.

### 5.10.3.4 John Wayne Airport

John Wayne Airport (SNA) is located approximately 0.4 miles northeast of the Project site. The Project site is located within the airport planning boundaries and ALUC notification area as shown in Section 5.8, *Hazards and Hazardous Materials*, on Figure 5.8-1, *John Wayne Airport Notification Area*. Also, as shown in Figure 5.8-2, *2024 John Wayne Airport Noise Contours*, the Project site is located within the SNA 65 CNEL noise contour, as measured by the airport, which indicates that noise from aircraft on the Project site is 65 dB CNEL and is within the noise impact area related to SNA operations.

The City uses the 2014 airport noise contours for planning purposes, which are shown in Figure 5.10-2, *City Planning John Wayne Airport Noise Contours*. As detailed, the City’s planning contours show the Project site largely within the 65 CNEL noise contour with the southwestern portion of the site within the 60 CNEL noise contour. Additionally, the AELUP includes noise contours for SNA that are based on volumes from airport operations in 1985. As shown in Figure 5.10-3, *AELUP 1985 John Wayne Airport Noise Contours*, the AELUP contours identify that a majority of the Project site is located within the 65 dBA CNEL and a small area in the northeastern portion of the Project site is in the 70 dBA CNEL noise contour.

The airport has two runways: the shorter 2R/20L which is 2,887 feet long is used by general aviation prop-powered aircraft and the longer 2L/20R which is 5,700 feet long is used by commercial aircraft. With winds predominantly coming from the ocean, aircraft typically depart to the southwest and arrive from the northeast about 95 percent of the time with slight variations from year to year. The reverse (depart to northeast and arrive from southwest) occurs primarily when Santa Ana wind conditions occur, but there are times when winds aloft, or other weather conditions may cause operations to go into reverse.

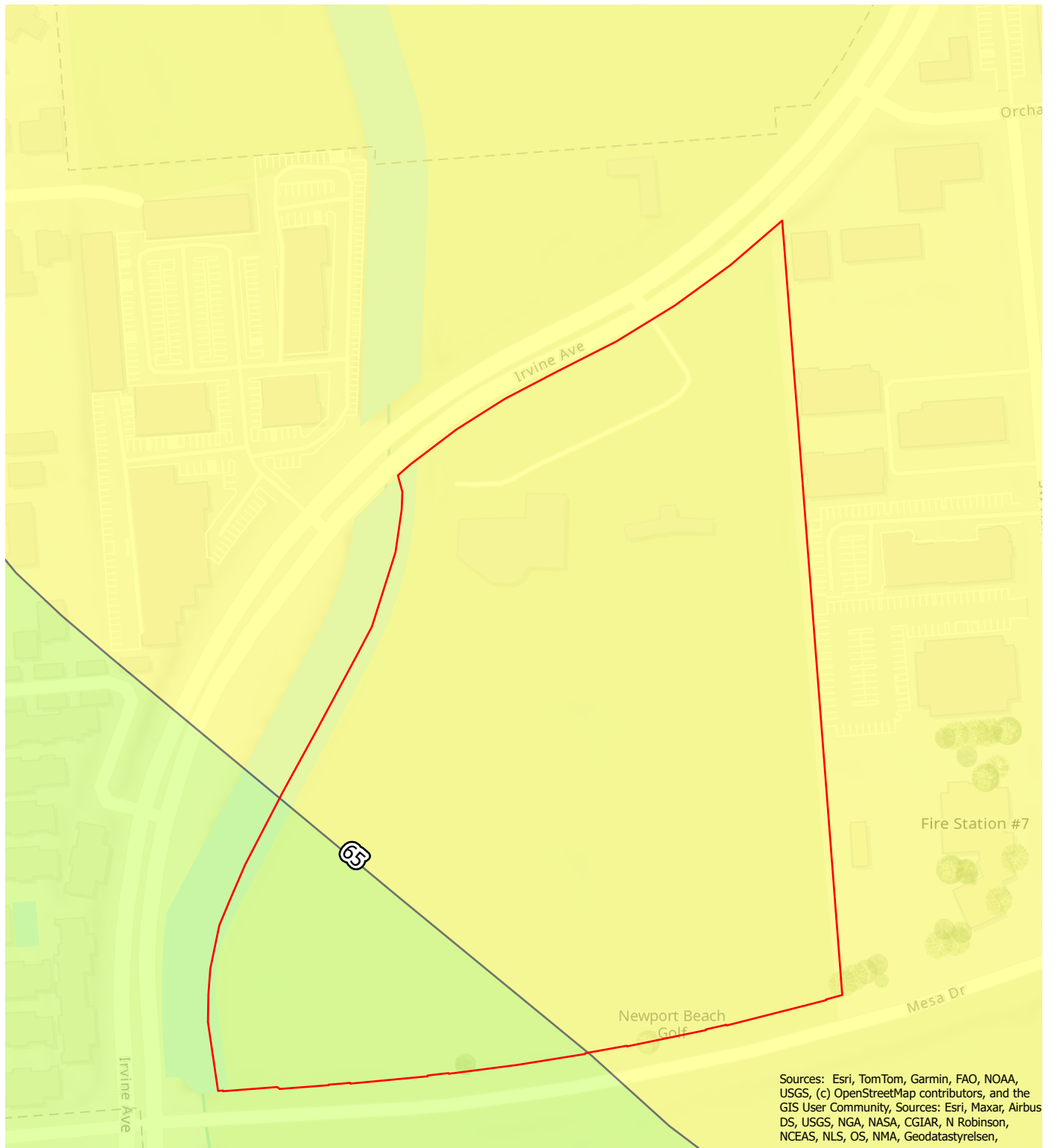
As detailed previously in Section 5.8, *Hazards and Hazardous Materials*, the Project site is also located under the FAR Part 77 Obstruction Imaginary Surface area for both runways. As shown on Figure 5.8-5, *FAA Part 77 Obstruction Imaginary Surfaces for Runway 2L/20R*, a majority of the Project site is located under the Approach Surface and the westernmost portion of the site is located under the Inner Transitional Surface for the 2L/20R runway that is used by commercial aircraft. Figure 5.8-6, *FAA Part 77 Obstruction Imaginary Surfaces for Runway 2R/20L*, shows that the Project site is under the Conical Surface for the 2R/20L runway.



FAR Part 77 requires notification to FAA for any project that would be more than 200 feet in height above ground level or within the imaginary surface of a 100:1 slope extending outward for 20,000 feet from the nearest runway, as this area may result in aeronautical hazards. The Project site has previously undergone FAR Part 77 evaluation as part of installation of poles on the existing driving range, which determined that structures on the site that are below 162 feet above mean sea level (amsl) would not have a significant adverse impact related to aeronautical hazards (FAA, 2016).

Because the Project site is located within the AELUP Notification area for SNA and within the SNA planning area boundary, and the Project proposes a General Plan Amendment, the City is required to refer the proposed Project to the ALUC for review, pursuant to the California Public Utilities Code Section 21676, as listed previously.

# City Planning John Wayne Airport Noise Contours



## Legend

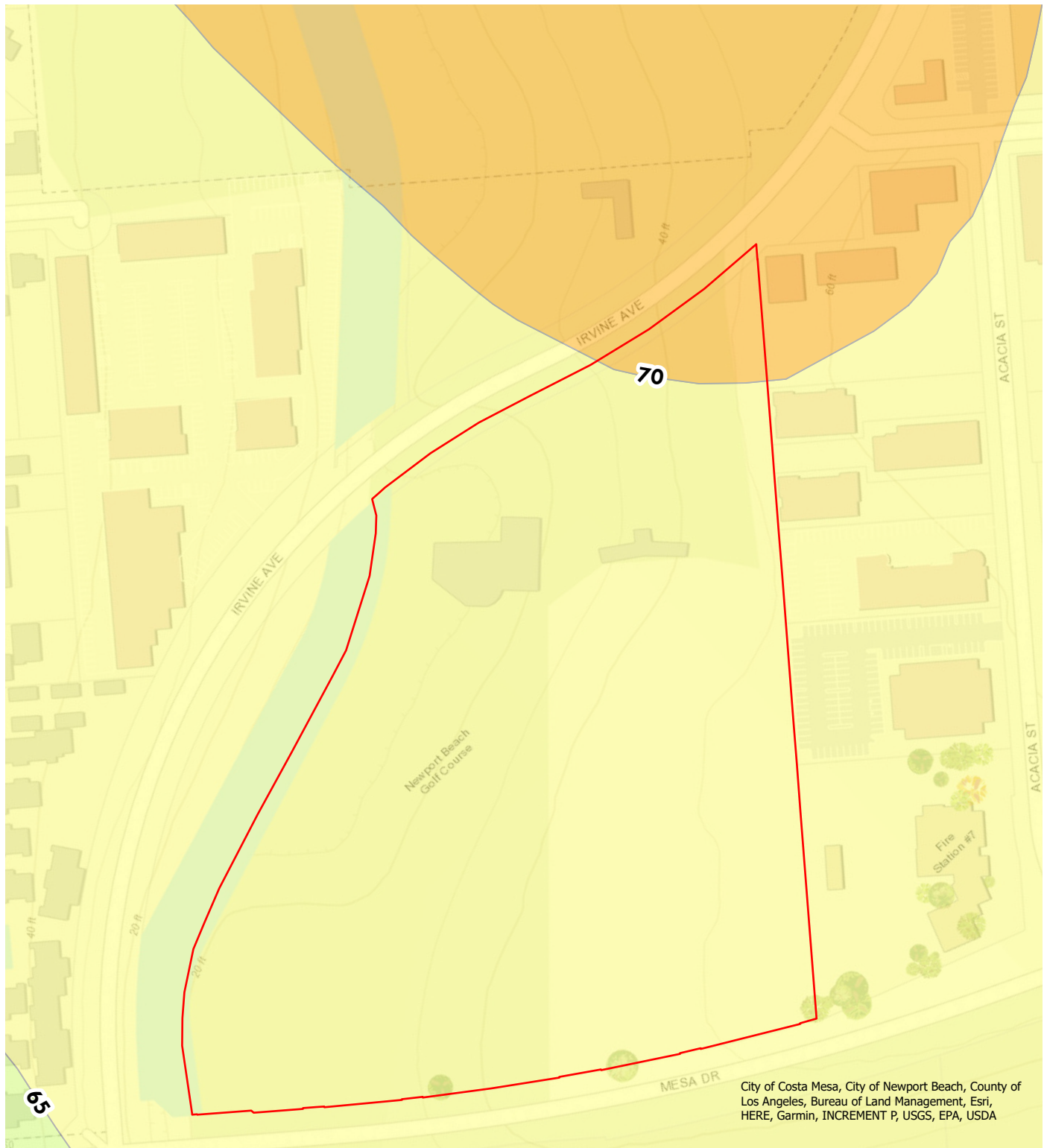
- Project Boundary
  - CNEL 65
  - CNEL 60
- JWA 2014 CNEL Noise Contours**

0 200 400 Feet

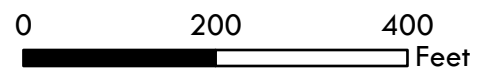
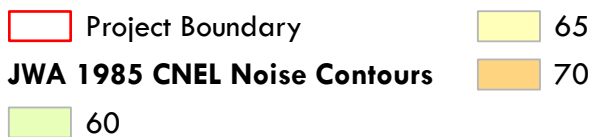


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# AELUP 1985 John Wayne Airport Noise Contours



## Legend



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## 5.10.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of State CEQA Guidelines indicates that a Project could have a significant effect if it were to:

- LU-1      Physically divide an established community.
- LU-2      Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

## 5.10.5 METHODOLOGY

The analysis of physically dividing an established community identifies the existing land uses of the Project site and adjacent areas prior to and after implementation of the proposed Project to determine if a potential physical division would occur, including establishment of a new and inconsistent land use within or through an existing established community and implementation of new streets or other infrastructure that has the potential to result in a physical division.

The analysis of land use consistency impacts considers whether the proposed Project would be inconsistent with (or conflict with) regional and local plans, policies, and regulations that are applicable to the proposed Project, including the SCAG RTP/SCS, the AELUP for SNA, the City of Newport Beach General Plan, City of Newport Beach City Council Policy Manual, City of Newport Beach Santa Ana Heights Specific Plan, and the City's Municipal Code. Consistent with the scope and purpose of this Draft EIR, this discussion primarily focuses on those goals and policies that relate to avoiding or mitigating environmental impacts, and an assessment of whether any inconsistency with these standards creates a significant physical impact on the environment. Thus, a project's inconsistency with a policy is only considered significant if such inconsistency would cause significant physical environmental impacts (as defined by CEQA Guidelines Section 15382).

CEQA Guidelines Section 15125(d) requires that an EIR discuss inconsistencies with applicable plans that the decision-makers should address. A project need not be consistent with each and every policy and objective in a planning document. Rather, a project is considered consistent with the provisions of the identified regional and local plans if it meets the general intent of the plans and would not preclude the attainment of the primary goals of the land use plan or policy.

## 5.10.6 ENVIRONMENTAL IMPACTS

### **IMPACT LU-1: THE PROJECT WOULD NOT PHYSICALLY DIVIDE AN ESTABLISHED COMMUNITY.**

#### **Less than Significant Impact.**

The physical division of an established community could occur if a major road (expressway or freeway, for example) were built through an existing community or neighborhood, or if a major development were built that was inconsistent with the land uses in the community such that it divided the community.

As described previously, the Project site has long been developed with a golf course, driving range, parking lot, restaurant, and similar golf course facilities. The site is bound by roadways, the Santa Ana-Delhi Channel, and commercial office development and Fire Department facilities. Although the Project site consists of the central portion of the NB Golf Course (holes 1, 2, and 9), the site is currently physically separated from holes 10-18 to the north by Irvine Avenue and physically separated from holes 3-8 by Mesa Drive.

The Project would modify the site to provide a different type of commercial recreation facility, while maintaining the portions of the commercial recreational golf course to the north (holes 10-18) and the south (holes 3-8) of the site and the golf cart connectivity between the two golf course areas. The Project would

maintain a driveway location along Irvine Avenue and would provide a new 26-foot-wide driveway along Mesa Drive. A 26-foot-wide internal roadway would connect the parking areas and the two driveways and would provide additional connectivity. The Project would continue to support the golf course holes to the north and south of the site by providing a starter shack, golf course parking, and golf cart storage. The residential, commercial, and office communities that surround the Project site would remain the same. Although a change to the existing golf course uses would occur as the number of holes would be reduced and the driving range removed, a physical division of an established community would not occur.

In addition, the proposed Project would not change offsite roadways or install any infrastructure that would result in a physical division. As detailed in Section 3.0, *Project Description*, the Project includes installation of new infrastructure on the site that would connect to existing infrastructure that is adjacent to the site and would not result in any physical division. Thus, the proposed Project would result in less-than-significant impacts related to physical division of an established community.

**IMPACT LU-2: THE PROJECT WOULD NOT CAUSE A SIGNIFICANT ENVIRONMENTAL IMPACT DUE TO A CONFLICT WITH ANY LAND USE PLAN, POLICY, OR REGULATION ADOPTED FOR THE PURPOSE OF AVOIDING OR MITIGATING AN ENVIRONMENTAL EFFECT.**

**Less than Significant Impact.**

**SCAG Regional Transportation Plan/Sustainable Communities Strategy**

The 2024 Connect SoCal regional planning policies provide guidance for integrating land use and transportation planning. The proposed Project provides for redevelopment of a commercial recreation area to provide a different type of recreational use in an already developed urban area that would make use of the existing circulation and utility infrastructure, which is consistent with Connect SoCal policies related to infill and redevelopment within urban areas. In addition, green building measures, such as water efficiency, Low Impact Development (LID), and renewable energy sources would be implemented by the proposed Project to reduce Project energy demands and GHG emissions.

The proposed Project would be consistent with the applicable 2024 Connect SoCal regional planning policies, as detailed below in Table 5.10-2. Due to the consistency of the Project with the applicable policies, implementation of the proposed Project would not result in conflict with SCAG 2024 Connect SoCal.

**Table 5.10-2: Consistency with Applicable SCAG 2024 Connect SoCal Regional Planning Policies**

2024 Connect SoCal Planning Policy	Proposed Project Consistency with Policy
<b>Mobility Policies Support</b>	
<ul style="list-style-type: none"> <li>• Circulation System Preservation and Resilience</li> <li>• Development of Complete Streets</li> <li>• Transit and Multimodal Integration</li> <li>• Transportation System Management</li> <li>• Transportation Demand Management</li> <li>• Technology Integration</li> <li>• Safety</li> <li>• Funding the System/User Fees</li> </ul>	<p><b>Consistent.</b> The Project does not propose any circulation changes or roadway improvements. The Project site is adjacent to existing sidewalks and bike paths and would provide bicycle parking onsite. In addition, OCTA Bus Route 178 provides service along Irvine Avenue with stops adjacent to the Project site. Thus, the Project would not result in an inconsistency with the provision of complete streets, use of transit, or multimodal integration. Project visitors would be able to use existing sidewalks, bike paths, and transit to use the proposed facilities. Thus, the Project is consistent, and does not conflict with the 2024 Connect SoCal mobility policies.</p>
<b>Communities Policies Support</b>	
<ul style="list-style-type: none"> <li>• Priority Development Areas</li> <li>• Housing the Region</li> <li>• 15-Minute Communities</li> <li>• Equitable Engagement and Decision Making</li> </ul>	<p><b>Consistent.</b> The 2024 Connect document describes that Communities policies support growth within areas of existing and planned urban infrastructure, such as transit; with a focus on future housing and population growth within a 15-minute walk, bike ride or roll from their home. The Project would provide new surf-related</p>

2024 Connect SoCal Planning Policy	Proposed Project Consistency with Policy
	recreational amenities within the existing recreational area that is served by transit. The Project does not involve housing, and the site has not been planned for housing. Thus, the Project is consistent, and does not conflict, with the 2024 Connect SoCal communities policies.
<b>Environmental Policies Support</b>	
<ul style="list-style-type: none"> <li>• Sustainable Development</li> <li>• Air Quality</li> <li>• Clean Transportation</li> <li>• Natural and Agricultural Lands Preservation</li> <li>• Climate Resilience</li> </ul>	<b>Consistent.</b> The Project would be required to comply with applicable Title 24/CALGreen requirements for sustainable development and clean transportation. As detailed previously in Section 5.2, <i>Air Quality</i> , Tables 5.2-7 and 5.2-8 identify that neither construction nor operation of the Project would exceed any thresholds for air quality emissions. The Project involves installation of solar panels on the building roofs and parking lot canopies. As detailed in Section 5.14, <i>Transportation</i> , impacts related to VMT and clean transportation (from use of existing sidewalks, bike paths, and bus routes). In addition, the proposed Project does not include any agricultural land and does not involve conversion of natural land uses into other uses. Therefore, the proposed Project is consistent, and does not conflict, with the 2024 Connect SoCal environmental policies.
<b>Economy Policies Support</b>	
<ul style="list-style-type: none"> <li>• Goods Movement</li> <li>• Broadband</li> <li>• Universal Basic Mobility</li> <li>• Workforce Development</li> <li>• Tourism</li> </ul>	<b>Consistent.</b> The proposed Project supports workforce development in the sports, entertainment, hospitality, and tourism industries. In addition, the surf park and athlete accommodations support tourism in Newport Beach. Therefore, the proposed Project is consistent and does not conflict with the 2024 Connect SoCal economy policies.

### Airport Environs Land Use Plan for John Wayne Airport

As described previously, SNA is located approximately 0.4 miles north/northeast of the Project site within the airport planning boundaries, AELUP notification area, and under the FAR Part 77 Obstruction Imaginary Surface area for both runways. Additionally, the AELUP includes noise contours for SNA that are based on noise volumes from airport operations in 1985. As shown in Figure 5.10-3, *AELUP 1985 John Wayne Airport Noise Contours*, the AELUP contours identify that a majority of the Project site is located within the 65 dBA CNEL and a small area in the northeastern portion of the Project site is in the 70 dBA CNEL noise contour. Table 5.10-3 provides an assessment of the proposed Project's consistency with the AELUP policies for SNA. As detailed, the proposed Project would be consistent with AELUP policies and the proposed Project would not conflict with the AELUP for SNA.

**Table 5.10-3: Consistency with John Wayne Airport Environs Land Use Plan Policies**

AELUP Policy	Proposed Project Consistency with Applicable Policy
<p><b>Policy 3.2.1:</b> Within the boundaries of the AELUP, any land use may be found to be inconsistent with the AELUP which:</p> <ol style="list-style-type: none"> <li>1. Places people so that they are affected adversely by aircraft noise,</li> <li>2. Concentrates people in areas susceptible to aircraft accidents,</li> <li>3. Permits structures of excessive height in areas which would affect adversely the continued operation of the airport, or</li> </ol>	<p><b>Consistent.</b> As shown and Figure 5.8-2, <i>2024 John Wayne Airport Noise Contour</i>, the Project site is located within the SNA 65 CNEL noise contour, per most recent noise measurements completed by the airport. In addition, the AELUP noise contours shown in Figure 5.10-3, identify that a majority of the Project site is located within the 65 dBA CNEL and a small area in the northeastern portion of the Project site is in the 70 dBA CNEL noise contour. As detailed in Section 5.11, <i>Noise</i>, the General Plan Land Use Noise Compatibility Matrix (Table 5.11-1), identifies that commercial recreation facilities are "normally compatible" up to 75 dBA CNEL,</p>



AELUP Policy	Proposed Project Consistency with Applicable Policy
<p>4. Permits activities or facilities that would affect adversely aeronautical operations.</p>	<p>and the AELUP for SNA states that community facilities and commercial land uses are “conditionally consistent” within the 70 CNEL contour (Table 5.11-3) with interior sound attenuation. There are no proposed structures proposed within the 70 CNEL contour. Only parking and lagoon equipment would be located in the area. Therefore, the proposed community related commercial recreation facilities that are proposed for the site would be consistent with the AELUP aircraft noise land use planning, and people would not be adversely affected by aircraft noise.</p> <p>The Project would be operated through a reservation and ticketing system and would not concentrate people on the site. The maximum number of participants in the lagoon at one time would be 72 people with an average hourly usage of 35-45 people. In addition Section 5.8, <i>Hazards and Hazardous Materials</i>, details that there is a 0.033% chance of an onsite accident per year, and as per the California Airport Land Use Planning Handbook, approximately, 0.11% of general aviation aircraft accidents result in fatalities to people on the ground, this yields a 0.000036% chance of a fatality per year, or an approximate risk of 0.036 in 100,000 operations. Thus, the site has limited susceptibility to aircraft accidents. It should also be noted that the existing uses, a golf course, driving range and restaurant, likewise bring visitors to the Project site.</p> <p>Section 5.8, <i>Hazards and Hazardous Materials</i>, also details that the Project site has previously undergone FAA evaluation, which determined that structures on the site that are below 162 feet amsl would not have a significant adverse impact related to aeronautical hazards. As the tallest building structure would be 92 feet amsl and the light poles would be a maximum of 108 feet amsl, both would be below 162 feet amsl; therefore, the Project structures would not have excessive heights in areas which would adversely affect the continued operation of the airport or adversely affect aeronautical operations. Therefore, the proposed Project is consistent with Policy 3.2.1.</p>
<p><b>Policy 3.2.3: Noise Impact Zone "1" - High Noise Impact (65 dB CNEL and above).</b> Noise impact in this zone is sufficient to warrant restrictions on residential uses and to require sound attenuation measures on other uses. The ALUC does not support residential development within the 65 dB CNEL noise contour. All residential units are inconsistent in this area unless it can be shown conclusively that such units are sufficiently sound attenuated for present and projected noise exposures, which shall be the energy sum of all noise impacting the project, so as not to exceed an interior standard of 45 dB CNEL, with an accompanying dedication of an avigation easement for noise to the airport proprietor applicable to single family residences, multi-family residences and mobile homes. Furthermore, all residential units are to be sufficiently indoor oriented so as to</p>	<p><b>Consistent.</b> As shown and Figure 5.10-3, the 1985 AELUP noise contours identify that a majority of the Project site is located within the 65 dBA CNEL and a small area in the northeastern portion of the Project site that is planned for parking and wave lagoon machinery is in the 70 dBA CNEL noise contour. This indicates that noise from aircraft on a majority of the Project site is 65 dB CNEL and that a small area of the parking lot and wave equipment area is within the 70 dB CNEL noise impact area related to SNA operations. However, as detailed in Section 5.11, <i>Noise</i> (Table 5.11-3), the AELUP for SNA states that community facilities and commercial land uses are “conditionally consistent” within the 70 CNEL contour with interior sound attenuation. There are no proposed structures proposed within the 70 CNEL contour. Only parking and lagoon equipment would be located in the</p>

AELUP Policy	Proposed Project Consistency with Applicable Policy								
<p>preclude noise impingement on outdoor living areas, as defined in Section 1.7.</p> <p>Noise-sensitive institutional uses such as schools, churches, hospitals, libraries, and other noise-sensitive uses may also be inconsistent in this zone. All noise-sensitive uses are inconsistent in this area unless it can be shown conclusively that such units are sufficiently sound attenuated for present and projected noise exposures, which shall be the energy sum of all noise impacting the project, so as not to exceed an interior standard of 45 dB CNEL, and may require the dedication of an avigation easement for noise to the airport proprietor. Commercial, industrial, and recreational uses may be acceptable in this zone providing that commercial and industrial structures are sufficiently sound attenuated to allow normal work activities to be conducted. Said structures shall be sound attenuated against the combined input of all present and projected exterior noise to meet the following criteria:</p> <table border="0"> <tr> <td>Private office<sup>1</sup>, church sanctuary, board room, conference room, etc.</td><td>45 dB(A)</td></tr> <tr> <td>General office<sup>2</sup>, reception, clerical etc.</td><td>50 dB(A)</td></tr> <tr> <td>Bank lobby, retail store, restaurant, typing pool, etc.</td><td>55 dB(A)</td></tr> <tr> <td>Manufacturing, kitchen, warehousing, etc.</td><td>60 B(A)</td></tr> </table> <p>*L(eq) is the equivalent sound level for a specified time period in dB(A).  **Measures from 7:00 a.m. to 7:00 p.m. or other appropriate, approved time period.  <sup>1</sup>An enclosed office intended for use by an individual  <sup>2</sup> An open office intended to have more than one work station.</p>	Private office <sup>1</sup> , church sanctuary, board room, conference room, etc.	45 dB(A)	General office <sup>2</sup> , reception, clerical etc.	50 dB(A)	Bank lobby, retail store, restaurant, typing pool, etc.	55 dB(A)	Manufacturing, kitchen, warehousing, etc.	60 B(A)	<p>area. Therefore, the proposed community related commercial recreation facilities that are proposed for the site would be consistent with the AELUP aircraft noise land use planning.</p> <p>The Project does not include typical noise sensitive uses, such as residential, schools, or churches. The Project does include 20 athlete accommodation units, which would provide short-term lodging for surfers and related visitors. As detailed in Section 5.11, Noise, existing ambient noise levels near the site range from 67.8 to 73.7 dBA. Additionally, as described in Section 5.11, Noise, the proposed Project would comply with California Noise Insulation Standards, Title 24 California Code of Regulations that require interior noise levels to not exceed 45 dBA CNEL.</p> <p>Therefore, the proposed Project is consistent with Policy 3.2.3.</p>
Private office <sup>1</sup> , church sanctuary, board room, conference room, etc.	45 dB(A)								
General office <sup>2</sup> , reception, clerical etc.	50 dB(A)								
Bank lobby, retail store, restaurant, typing pool, etc.	55 dB(A)								
Manufacturing, kitchen, warehousing, etc.	60 B(A)								
<p><b>Policy 3.2.4:</b> Noise Impact Zone “2” – Moderate Noise Impact (60 dB CNEL or greater, less than 65 dB CNEL). Noise impacts in this area are sufficient to require sound attenuation as set forth in the California Noise Insulation Standards, Title 25, California Code of Regulations. Single noise events in this area create serious disturbances to many inhabitants. Even though the Commission would not find residential units incompatible in this area, the Commission strongly recommends that residential units be limited or excluded from this area unless sufficiently sound attenuated. The residential use interior sound attenuation requirement shall be a CNEL value not exceeding an interior level of 45 dB. In addition, it is recommended that designated outdoor common or recreational areas within Noise Impact Zone 2 provide outdoor signage informing the public of the presence of operating aircraft.</p>	<p><b>Consistent.</b> The Project site is not located within Noise Impact Zone 2. As shown in Figure 5.10-3, the Project site is identified by the AELUP as being located within the SNA 65 and 70 CNEL noise contours, which indicates that noise from aircraft on the Project site is 65 to 70 dB CNEL and is within the noise impact area related to SNA operations.</p> <p>However, as detailed in Section 5.11, Noise, the AELUP for SNA states that community facilities and commercial land uses are “conditionally consistent” within the 70 CNEL contour with interior sound attenuation. There are no proposed structures proposed within the 70 CNEL contour. Only parking and lagoon equipment would be located in the area. Therefore, the proposed community related commercial recreation facilities that are proposed for the site would be consistent with the AELUP aircraft noise land use planning.</p> <p>Additionally, as described in Section 5.11, Noise, the proposed Project would comply with California Noise Insulation Standards, Title 24 California Code of Regulations that require interior noise levels to not</p>								

AELUP Policy	Proposed Project Consistency with Applicable Policy
	exceed 45 dBA CNEL. Therefore, the proposed Project is consistent with Policy 3.2.4.
<p><b>Policy 3.2.5:</b> Runway Protection Zone “RPZ,” Extreme Crash Hazard. The severe potential for loss of life and property due to accidents prohibits most land uses in this area. Only airport related uses and open space uses, including agriculture and certain types of transportation and utility uses are permitted. No buildings intended for human habitation are permitted in the RPZ. Furthermore, because of the proximity to aeronautical operations, uses in this area must not attract birds nor emit excessive glare or light, nor produce or cause steam, smoke, dust, or electronic interference so as to interfere with, or endanger, aeronautical operations.</p>	<p><b>Consistent.</b> The Project site is not located within the Runway Protection Zone, as detailed in Section 5.8, <i>Hazards and Hazardous Materials</i>. Therefore, the proposed Project is consistent with Policy 3.2.5.</p>
<p><b>Policy 3.2.6:</b> Height Restriction Zone. Any object, which by reason of its height or location would interfere with the established, or planned, airport flight procedures, patterns, or navigational systems, is unacceptable. This will ensure the stability of local air transportation, as well as promote land uses that are compatible with the airport environs. However, any object which rises above the height of surrounding development, or which is located in close proximity to any of the various flight paths, must be clearly visible during hours of twilight or darkness and must not threaten, endanger, or interfere with aeronautical operations.</p>	<p><b>Consistent.</b> The Project site is within the SNA FAR Part 77 Notification Imaginary Surface area, which requires notification to FAA for any project that would exceed a 100:1 slope of an imaginary surface extending outward for 20,000 feet from the nearest runway at SNA or would be more than 200 feet in height above the ground level. Section 5.8, <i>Hazards and Hazardous Materials</i>, details that the Project site has previously undergone FAA evaluation, which determined that structures on the site that are below 162 feet amsl would not have a significant adverse impact related to aeronautical hazards. The tallest proposed building structure would be 92 feet amsl and the proposed light poles would be a maximum of 108 feet amsl. Thus, both would be below 162 feet amsl, and the Project structures would not have excessive heights in areas which would adversely affect the continued operation of the airport or adversely affect aeronautical operations. Therefore, the Project is consistent with Policy 3.2.6.</p>
<p><b>Policy 3.2.7:</b> Airspace/Airport Inconsistency. Any structure, either within or outside of the planning area, is inconsistent with this AELUP if it:</p> <ol style="list-style-type: none"> <li>1. Is determined to be a “Hazard” by the FAA;</li> <li>2. Would raise the ceiling or visibility minimums at an airport for an existing or planned instrument procedure (i.e., a procedure consistent with the FAA approved airport layout plan or a proposed procedure formally on file with the FAA);</li> <li>3. Would result in a loss in airport utility, e.g. in a diminution of the established operational efficiency and capacity of the airport, such as by causing the usable length of the runway(s) to be reduced; or</li> <li>4. Would conflict with air space used for the airport traffic pattern or enroute navigation to and from the airport.</li> </ol>	<p><b>Consistent.</b> Section 5.8, <i>Hazards and Hazardous Materials</i>, details that the Project site has previously undergone FAA evaluation, which determined that structures on the site that are below 162 feet amsl would not have a significant adverse impact related to aeronautical hazards. The tallest proposed building structure would be 92 feet amsl and the proposed light poles would be a maximum of 108 feet amsl. Thus, both would be below 162 feet amsl, and the Project structures would not have excessive heights in areas which would adversely affect the continued operation of the airport or adversely affect aeronautical operations. Thus, the Project would not be a hazard, raise the visibility minimums, result in a loss of airport utility, or conflict with air space.</p> <p>Overall, the proposed structures would not adversely affect SNA aeronautical operations and would comply with AELUP and FAR Part 77 notification requirements. Therefore, the proposed Project is consistent with Policy 3.2.7.</p>

**City of Newport Beach Local Coastal Program – Coastal Land Use Plan and Implementation Plan**

As described previously and shown in Figure 3-7, *Coastal Zone Boundary*, in Section 3.0, *Project Description*, the Project site is adjacent to areas that are within the Coastal Zone. The Project site is not located within the Coastal Zone and is not within the jurisdiction of the LUP. The proposed Project would result in the replacement of existing onsite infrastructure with new offsite connections to the existing infrastructure within Mesa Drive adjacent to the site and install new roadway striping within Mesa Drive.

The Project proposes three improvements within the Mesa Drive right-of-way, as depicted on Figure 5.10-1, *Proposed Improvements within Mesa Drive*. These improvements include a driveway relocation, roadway striping (i.e., paint), and a sewer line improvement. These improvements are exempt from the need for a CDP, consistent with the City's LCP IP Section 21.52.035 (Projects Exempt from Coastal Development Permit Requirements).

**Driveway Relocation and Roadway Striping.** The existing driveway to the Project site along Mesa Drive is undersized and does not meet City or accessibility standards. The Project includes relocation of the driveway approximately 200 feet to the east, away from the Irvine Avenue intersection, and build it to current 26-foot-wide driveway standards. The driveway relocation includes closing the existing driveway within the right-of-way, converting the existing curb returns to a curb and gutter, and resurfacing the sidewalk. The relocated driveway would include new curb returns, resurfacing, and roadway striping to denote the driveway turn. The City's LCP IP Section 21.52.035(C)(4) allows for repair and maintenance activities, except for activities that involve a risk of substantial adverse environmental impacts. The driveway relocation is within developed paved areas and, as detailed below, does not involve any of the activities listed in 21.52.035(C)(4)(a-d), and would not result in substantial adverse environmental impacts for the following reasons:

- a. *Any method of repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work...*

The driveway relocation and striping does not involve any repair or maintenance to a seawall, bluff retaining wall, breakwater, groin, culvert, outfall or similar shoreline work. The driveway relocation is not sited proximate to any of the features identified in subsection a above.

- b. *Any method of routine maintenance dredging...*

The driveway relocation and striping does not involve any dredging. This section is not applicable.

- c. *Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, or any sand area, within fifty (50) feet of the edge of a coastal bluff or environmentally sensitive habitat area; or within twenty (20) feet of any coastal waters and streams...*

The driveway relocation is on the inland side of Mesa Drive and is not located in proximity to any of the areas identified in subsection (c) above. Mesa Drive is not located within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area or within 20 feet of coastal waters or streams. Mesa Drive is an existing paved street with a curb, gutter, sidewalk and roadway striping. The *Biological Technical Report for the Snug Harbor Project*, included as Appendix C, concludes that there is no environmentally sensitive habitat area and the driveway relocation would not impact any of the areas identified in subsection c above.

- d. *Unless destroyed by disaster, the replacement of fifty (50) percent or more of a single-family residence, seawall, revetment, bluff retaining wall, breakwater, groin or any other structure is not repair and maintenance under California Public Resources Code Section 30610(d) but instead constitutes a replacement structure requiring a coastal development permit.*

The driveway relocation and striping would not constitute replacement of more than 50 percent of any structure and subsection d is not applicable.

**Sewer Line Replacement.** The existing 6-inch sewer line in Mesa Drive that extends approximately 42.5 feet offsite to the 12-inch sewer main would be upgraded with a new 12-inch sewer line in an easterly direction approximately 20 feet away from the Irvine Avenue intersection. The replacement would be installed in the location of the existing driveway and would connect to the existing 12-inch sewer line in Mesa Drive in the location of the existing manhole, which would accommodate on-going maintenance. The existing 6-inch sewer line is more than 50 years old and needs to be replaced to accommodate the proposed Project.

*IP Section 21.52.035(C)(5) Utility Connections. The installation, testing and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to the Coastal Act or the certified LCP; provided, however, that the City or the Coastal Commission may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources...*

The sewer line replacement would not result in any impacts to coastal resources including scenic resources because the work would occur within the existing paved portion of Mesa Drive and would be located underground. The work would require a temporary lane closure on Mesa Drive but would not result in closure of Mesa Drive or result in any impact to coastal resources as there is no coastal access in the immediate area, no environmentally sensitive habitat area, and no other coastal resources in the immediate vicinity of the Project site, as further detailed in Section 5.3, *Biological Resources*.

IP Section 21.52.035(C)(5) exempts utility connections, including the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to the Coastal Act or certified LCP. In this case, the Project site is located adjacent to and outside of the Coastal Zone boundary, and does not require a CDP. Consistent with California Code of Regulations Section 13050.5(a), for a development located inside and outside the coastal zone, including any structure, similar integrated physical construction, or division of land, a CDP shall be required for only those portions of the development located within the coastal zone. As such, it is not necessary for the development, which is outside of the Coastal Zone, to secure a CDP.

### **City of Newport Beach General Plan**

The Project site has a General Plan land use designation of Parks and Recreation (PR), permits parks (both active and passive), golf courses, marina support facilities, aquatic facilities, tennis clubs and courts, private recreation, and similar facilities. The proposed Project would remove the existing golf-related facilities on the site and redevelop the site with surf park facilities, while continuing to provide parking, a starter shack, golf cart storage, and golf cart paths for the remaining golf course areas to the north and south of the proposed Project. The proposed surf park would implement the existing land use designation providing both active and passive (spectator) recreation. The PR land use designation allows for both aquatic facilities and private recreation. Thus, the proposed Project would be consistent with the existing PR land use designation.

The Project site currently has a General Plan identification as Anomaly Number 58, with a development limit of 20,000 SF related to the existing golf course uses on the site. The proposed Project would change the existing uses and includes a General Plan Amendment to increase the development limit to 59,772 net SF to accommodate the proposed clubhouse, athletic facilities, and athlete accommodations. The existing and proposed development limit is specific to the Project site and implementation of the Project would not result in a conflict related to avoiding or mitigating an environmental effect.

A detailed analysis of the proposed Project's consistency with the applicable General Plan policies that serve to avoid or mitigate environmental impacts is provided in Table 5.10-4. As described, the proposed Project

would be consistent with the relevant policies, and impacts related to conflict with a General Plan policy related to an environmental effect would be less than significant.

**Table 5.10-4: General Plan Policy Consistency Analysis**

Relevant General Plan Policies	Project Consistency
Land Use Element	
<b>LU 1.6 Public Views.</b> Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points.	<b>Consistent.</b> As discussed in Section 5.1, <i>Aesthetics</i> , all development within the proposed Project site would be set back from adjacent streets and would not encroach on the existing public long-distance views. The proposed buildings would have a minimum setback 20 feet from Mesa Drive, and 20 feet from Irvine Avenue. These setbacks would protect, and the proposed landscaping along the roadways would enhance public views. Therefore, the Project is consistent with Policy LU 1.6.
<b>LU 2.1 Resident-Serving Land Uses.</b> Accommodate uses that support the needs of Newport Beach's residents including housing, retail, services, employment, recreation, education, culture, entertainment, civic engagement, and social and spiritual activity that are in balance with community natural resources and open spaces.	<b>Consistent.</b> As discussed in Section 3.0, <i>Project Description</i> , the proposed Project would develop a commercial recreational facility including a surf lagoon, amenity clubhouse, and athlete accommodations. The proposed uses would provide employment, recreation, culture, entertainment, and social activity in balance with community natural resources and open spaces. Therefore, the Project is consistent with Policy LU 2.1.
<b>LU 2.2 Sustainable and Complete Community.</b> Emphasize and support the development of uses that enable Newport Beach to be a complete community that maintains the ability to provide locally accessible opportunities for retail, goods and services, and employment.	<b>Consistent.</b> As discussed in Section 3.0, <i>Project Description</i> , the proposed Project would develop a commercial recreational facility including a surf lagoon, amenity clubhouse, and athlete accommodations that would provide retail goods and services, and employment. Therefore, the Project is consistent with Policy LU 2.2.
<b>LU 2.5 Visitor Serving Uses.</b> Provide uses that serve visitors to Newport Beach's ocean, harbor, open spaces, and other recreational assets, while integrating them to protect neighborhoods and residents.	<b>Consistent.</b> As discussed in Section 3.0, <i>Project Description</i> , the proposed Project would develop a commercial recreational facility including a surf lagoon, amenity clubhouse, and athlete accommodations that would be integrated between golf course holes 10-8 to the north of the site across Irvine Avenue and holes 3-8 to the south of the site across Mesa Drive. The Project would be integrated into the existing development, between the existing roadways and the Santa Ana-Delhi Channel, along an arterial roadway near freeway access. Therefore, the Project is consistent with Policy LU 2.5.
<b>LU 2.8 Adequate Infrastructure.</b> Accommodate the types, densities, and mix of land uses that can be adequately supported by transportation and utility infrastructure (water, sewer, storm drainage, energy, and so on) and public services (schools, parks, libraries, seniors, youth, police, fire, and so on).	<b>Consistent.</b> As discussed in Section 5.14, <i>Transportation</i> , the proposed Project would result in 186 net new vehicle trips that would be accommodated by the existing street system. As discussed in Section 5.16, <i>Utilities and Service Systems</i> , implementation of the proposed Project would not result in the need for expanded utility infrastructure or provision of services. The proposed Project would be served by the existing infrastructure that is adequate to serve the Project and surrounding areas. Also, as detailed in Section 5.12, <i>Public Services</i> , the proposed Project would not require expansion or construction of new public facilities to serve the Project along with other

Relevant General Plan Policies	Project Consistency
	service needs. Therefore, the Project is consistent with Policy LU 2.8.
<p><b>LU 3.1 Neighborhoods, Districts, Corridors, and Open Spaces.</b> Maintain Newport Beach's pattern of residential neighborhoods, business and employment districts, commercial centers, corridors, and harbor and ocean districts.</p>	<p><b>Consistent.</b> As discussed in Section 3.0, <i>Project Description</i>, the proposed Project would develop a commercial recreational facility including a surf lagoon, amenity clubhouse, and athlete accommodations on the Project site, which would change the type of commercial recreation provided on the site. The Project would maintain and support the golf course holes 10-18 to the north of the site, across Irvine Avenue, and holes 3-8 to the south of the site across Mesa Drive. The Project would not modify the street system that surrounds the site and would not change the pattern of development within the area. Therefore, the Project is consistent with Policy LU 3.1.</p>
<p><b>LU 3.2 Growth and Change.</b> Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach's share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.</p>	<p><b>Consistent.</b> As discussed in Section 3.0, <i>Project Description</i>, the proposed Project would redevelop the site to provide a different type of commercial recreational use; changing the existing golf-related facilities to a surf lagoon, amenity clubhouse, and athlete accommodations that would result in approximately the same number of employees on the site (as detailed in Section 3.0, <i>Project Description</i>). Thus, unplanned growth would not occur. Also, as discussed in Sections 5.12, <i>Public Services</i>, and 5.14, <i>Transportation</i>, the proposed Project would not result in impacts related to the street system or public services. Therefore, the Project is consistent with Policy LU 3.2.</p>
<p><b>LU 3.3 Opportunities for Change.</b> Support opportunities for new development and improved physical environments for residents, businesses, and visitors in the following districts and corridors, as specified in Policies 6.3.1 through 6.22.7:</p> <p><b>Santa Ana Heights:</b> Support continued implementation of the adopted Specific Plan and Redevelopment Plan.</p>	<p><b>Consistent.</b> As discussed in Section 3.0, <i>Project Description</i>, the proposed Project would redevelop the existing golf-related facilities to a surf lagoon, amenity clubhouse, and athlete accommodations. As detailed within this section, the Project would implement the Santa Ana Heights Specific Plan land use designation for the site. The proposed Project would result in a new development with an improved physical environment and the facility would be available to residents and visitors, and would support local visitor and surf recreation related businesses. Therefore, the Project is consistent with Policy LU 3.3.</p>
<p><b>LU 3.7 Natural Resource and Hazardous Areas.</b> Require that new development is located and designed to protect areas with high natural resource value and protect residents and visitors from threats to life or property.</p>	<p><b>Consistent.</b> The proposed Project is located on a site that is currently developed and surrounded by developed urban uses. The Project is not located within or adjacent to areas of high resource value; and as detailed in Section 5.8, <i>Hazards and Hazardous Materials</i>, the Project would not result in threats to life or property. Therefore, the Project is consistent with Policy LU 3.7.</p>
<p><b>LU 3.8 Project Entitlement Review with Airport Land Use Commission.</b> Refer the adoption or amendment of the General Plan, Zoning Code, specific plans, and Planned Community development plans for land within the John Wayne Airport planning area, as established in the JWA Airport Environs Land Use Plan (AELUP), to the</p>	<p><b>Consistent.</b> As discussed in Section 5.8, <i>Hazards and Hazardous Materials</i>, because the Project site is located within the AELUP Notification area for SNA and within the SNA planning area boundary, and the Project proposes a General Plan Amendment, the City is required to refer the proposed Project to the ALUC for</p>

Relevant General Plan Policies	Project Consistency
<p>Airport Land Use Commission (ALUC) for Orange County for review, as required by Section 21676 of the California Public Utilities Code. In addition, refer all development projects that include buildings with a height greater than 200 feet above ground level to the ALUC for review.</p>	<p>review, pursuant to the California Public Utilities Code Section 21676. Therefore, the Project is consistent with Policy LU 3.8.</p>
<p><b>LU 4.1 Land Use Diagram.</b> Support land use development consistent with the Land Use Plan. Figure LU1 depicts the general distribution of uses throughout the City and Figure LU2 through Figure LU15 depict specific use categories for each parcel within defined Statistical Areas. Table LU1 (Land Use Plan Categories) specifies the primary land use categories, types of uses, and, for certain categories, the densities/intensities to be permitted. The permitted densities/intensities or amount of development for land use categories for which this is not included in Table LU1, are specified on the Land Use Plan, Figure LU4 through Figure LU15. These are intended to convey maximum and, in some cases, minimums that may be permitted on any parcel within the designation or as otherwise specified by Table LU2 (Anomaly Locations). The density/intensity ranges exclude increases allowed through the applications of density bonus laws and are calculated based on actual land area, actual number of dwelling units in fully developed residential areas, and development potential in areas where the General Plan allows additional development.</p> <p>To determine the permissible development, the user should:</p> <ol style="list-style-type: none"> <li>Identify the parcel and the applicable land use designation on the Land Use Plan, Figure LU4 through Figure LU15</li> <li>Refer to Figure LU4 through Figure LU15 and Table LU1 to identify the permitted uses and permitted density or intensity or amount of development for the land use classification. Where densities/intensities are applicable, the maximum amount of development shall be determined by multiplying the area of the parcel by the density/intensity.</li> <li>For anomalies identified on the Land Use Map by a symbol, refer to Table LU2 to determine the precise development limits.</li> <li>d. For residential development in the Airport Area., refer to the policies prescribed by the Land Use Element that define how development may occur.</li> </ol>	<p><b>Consistent.</b> As discussed above, the proposed Project would be consistent with the site's current General Plan Land Use Designation of Parks and Recreation which permits parks (both active and passive), golf courses, marina support facilities, aquatic facilities, tennis clubs and courts, private recreation, and similar facilities (City of Newport Beach, 2006). The proposed Project would require a General Plan Amendment in order to modify Anomaly Number 58 that currently limits the allowable increase in development on the site to 20,000 SF. With implementation of the General Plan Amendment, development of the proposed Project would be consistent with the General Plan development allowances for the site. Therefore, the Project is consistent with Policy LU 4.1.</p>
<p><b>Policy LU 5.6.2.</b> Form and Environment. Require that new and renovated buildings be designed to avoid the use of styles, colors, and materials that unusually impact the design character and quality of their location such as abrupt changes in scale, building form, architectural style, and the use of surface materials that raise local temperatures, result in glare and excessive illumination of adjoining properties and open spaces, or adversely modify wind patterns.</p>	<p><b>Consistent.</b> As discussed in Section 5.1, <i>Aesthetics</i>, the proposed two- and three-story buildings would be consistent with the two- to three-story high commercial office buildings that are located on Mesa Drive, Acacia, and Irvine Avenue to the northwest of the site; and the three-story fire training tower that is adjacent to the site. The proposed development provides the same type of modern visual character as surrounding residential, commercial, and office development that surrounds the site.</p>



Relevant General Plan Policies	Project Consistency
	In addition, the Project lighting would be required to comply with Municipal Code Section 21.30.070, Outdoor Lighting, through the City's permitting process to ensure that it would not result in glare and excessive illumination of adjoining properties. Therefore, the Project is consistent with Policy LU 5.6.2.
<b>Policy LU 5.6.3.</b> Ambient Lighting. Require that outdoor lighting be located and designed to prevent spillover onto adjoining properties or significantly increase the overall ambient illumination of their location.	<b>Consistent.</b> As discussed in Section 5.1, <i>Aesthetics</i> , the Project lighting would be required to comply with Municipal Code Section 21.30.070, Outdoor Lighting, through the City's permitting process to ensure that it would not result in glare and excessive illumination of adjoining properties. Therefore, the Project is consistent with Policy LU 5.6.3.
<b>Historical Resources Element</b>	
<b>HR 2.1 New Development Activities.</b> Require that, in accordance with CEQA, new development protect and preserve paleontological and archaeological resources from destruction, and avoid and mitigate impacts to such resources. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.	<b>Consistent.</b> As discussed in Section 5.4, <i>Cultural Resources</i> , and Section 5.6, <i>Geology and Soils</i> , both archeological and paleontological resources studies were conducted (included as Appendix E and I, respectively). Mitigation Measures CUL-1, CUL-2, and PAL-1 have been included to ensure that no significant impacts to either archeological or paleontological resources would occur. Therefore, the Project is consistent with Policy HR 2.1.
<b>HR 2.2 Grading and Excavation Activities.</b> Maintain sources of information regarding paleontological and archeological sites and the names and addresses of responsible organizations and qualified individuals, who can analyze, classify, record, and preserve paleontological or archeological findings. Require a qualified paleontologist/archeologist to monitor all grading and/or excavation where there is a potential to affect cultural, archeological or paleontological resources. If these resources are found, the applicant shall implement the recommendations of the paleontologist/archeologist, subject to the approval of the City Planning Department.	<b>Consistent.</b> As discussed in Section 5.4, <i>Cultural Resources</i> , and Section 5.6, <i>Geology and Soils</i> , both archeological and paleontological resources studies were conducted (included as Appendix E and I, respectively). Mitigation Measures CUL-1, CUL-2, and PAL-1 have been included to provide for archeological and paleontological monitoring on the site during grading and excavation activities to ensure that significant impacts to archeological and paleontological resources would not occur. Therefore, the Project is consistent with Policy HR 2.2.
<b>HR 2.3 Cultural Organizations.</b> Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow representatives of such groups to monitor grading and/or excavation of development sites.	<b>Consistent.</b> In accordance with AB 52 and SB 18, the City sent letters to 20 Native American representatives identified by NAHC, notifying them of the proposed Project. Agency to agency consultation occurred between the City and two tribes who stated that they have cultural affiliation with the Project region. While none of the tribes presented substantial evidence indicating that tribal cultural resources are present on the site, Mitigation Measures TCR-1 through TCR-3 have been included to provide for Native American monitoring on the site during grading and excavation activities to ensure that significant impacts to tribal cultural resources would not occur. Therefore, the Project is consistent with Policy HR 2.3.
<b>HR 2.4 Paleontological or Archaeological Materials.</b> Require new development to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable	<b>Consistent.</b> As discussed in Section 5.4, <i>Cultural Resources</i> , and Section 5.6, <i>Geology and Soils</i> , both archeological and paleontological resources studies were conducted (included as Appendix E and I, respectively). Mitigation Measures CUL-1, CUL-2, and

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repository, located within Newport Beach, or Orange County, whenever possible.	PAL-1 would ensure that there would be no significant impacts on either archeological or paleontological resources. Therefore, the Project is consistent with Policy HR 2.4.
Circulation Element	
<b>CE 2.2.1 Safe Roadways.</b> Provide for safe roadway conditions by adhering to nationally recognized improvement standards and uniform construction and maintenance practices.	<b>Consistent.</b> As discussed in Section 5.14, <i>Transportation</i> , the proposed Project does not include improvements to public roadways. However, the new driveways that would provide vehicular access to the site and the onsite circulation would be required to adhere to the City's public works and engineering recognized improvement standards and uniform construction and maintenance practices that would be verified through the City's construction permitting process. Therefore, the Project is consistent with Policy CE 2.2.1.
<b>CE 2.2.4 Traffic Control.</b> Design traffic control measures to ensure City streets and roads function with safety and efficiency for vehicles, bicycles, and pedestrians.	<b>Consistent.</b> As discussed in Section 5.14, <i>Transportation</i> , the proposed Project does not include traffic control measures for public roadways. However, the new driveways that would provide vehicular access to the site and the onsite circulation would be required to adhere to the City's public works and engineering recognized traffic control standards that would be verified through the City's construction permitting process. Therefore, the Project is consistent with Policy CE 2.2.4.
<b>CE 2.2.5 Driveway and Access Limitations.</b> Limit driveway and local street access on arterial streets to maintain a desired quality of traffic flow and limit hazards to active transportation modes. Wherever possible, consolidate and/or reduce the number of driveways and implement access controls during redevelopment of adjacent parcels.	<b>Consistent.</b> As discussed in Section 5.14, <i>Transportation</i> , the proposed Project would provide two driveway locations to access the site from two sides. In addition, City permitting would ensure that ingress and egress is consistent with the City of Newport Beach General Plan Circulation Element and development standards. Therefore, the Project is consistent with Policy CE 2.2.5.
<b>CE 2.2.7 Emergency Access.</b> Provide all residential, commercial, and industrial areas with efficient and safe access for emergency vehicles. An emergency evacuation map shall be prepared as part of an updated Safety Element.	<b>Consistent.</b> As discussed in Section 5.14, <i>Transportation</i> , the proposed Project would provide two driveway locations to access the site from two sides. In addition, City permitting would ensure that ingress and egress is consistent with the requirements in Section 503 of the California Fire Code (Title 24, California Code of Regulations, Part 9). Therefore, the Project would provide efficient and safe access for emergency vehicles and would be consistent with Policy CE 2.2.7.
<b>CE 5.2.6 Pedestrian Improvements in New Development Projects.</b> Require new development projects to include safe and attractive sidewalks, walkways, and bike lanes in accordance with the Master Plan, and, if feasible, trails.	<b>Consistent.</b> As discussed in Section 5.14, <i>Transportation</i> , bike lanes and sidewalks currently exist adjacent to the Project site. The Project would provide onsite pedestrian walkways that would connect to the offsite sidewalks and bicycle parking facilities. Therefore, the Project provides onsite pedestrian and bicycle related improvements and is consistent with Policy CE 5.2.6.
<b>CE 5.2.12 Bicycle Supporting Amenities.</b> Require bicycle facilities such as bike racks, bike stations, or lockers according to national standards for long-term and short-term bicycle utilization on City property and with new development and encourage the addition of such bicycle facilities within existing development.	<b>Consistent.</b> As discussed in Section 3.0, <i>Project Description</i> , and Section 5.14, <i>Transportation</i> , the proposed Project would include installation of both temporary and long-term bicycle parking areas. Therefore, the Project is consistent with Policy CE 5.2.12.

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<b>CE 7.1.1 Vehicle Miles Traveled (VMT) Analysis.</b> Follow the analysis methodology for vehicle miles traveled according to the Newport Beach VMT thresholds policy and as required in Senate Bill 743 and the revised California Environmental Quality Act (CEQA) Guidelines.	<b>Consistent.</b> As detailed in Section 5.14, <i>Transportation</i> , the analysis of VMT for the proposed Project follows the City's VMT thresholds policy and as required in SB 743 and CEQA. Therefore, the Project is consistent with Policy CE 7.1.1.
<b>CE 7.1.2 VMT Mitigation Measures.</b> Require implementation of CEQA project related VMT mitigation measures when warranted and monitor reductions in VMT from new development.	<b>Consistent.</b> As discussed in Section 5.14, <i>Transportation</i> , the proposed Project would not result in a potentially significant impact related to VMT and mitigation measures are not warranted. Therefore, the Project is consistent with Policy CE 7.1.1.
<b>CE 7.1.5 Support Facilities for Alternative Modes.</b> Require new development projects to provide facilities commensurate with development type and intensity to support alternative modes, such as preferential parking for carpools, bike racks, bike stations, bicycle lockers, showers, commuter information areas, rideshare vehicle loading areas, water transportation docks, and bus stop improvements.	<b>Consistent.</b> As discussed in Section 3.0, <i>Project Description</i> , and Section 5.14, <i>Transportation</i> , the proposed Project supports alternative modes of travel and includes a drop-off and pick-up area for carpools and ride-shares, bicycle parking, and onsite pedestrian walkways that would complement the existing offsite sidewalks and bike paths. Therefore, the Project is consistent with Policy CE 7.1.5.
<b>CE 7.1.7 Project Site Design Supporting Alternative Modes.</b> Encourage increased use of public transportation by requiring project site designs that facilitate the use of public transportation and walking.	<b>Consistent.</b> As discussed in Section 3.0, <i>Project Description</i> , and Section 5.14, <i>Transportation</i> , the proposed Project supports alternative modes of travel and includes onsite pedestrian walkways that would complement the existing offsite sidewalks on Irvine Avenue with bus stops for OCTA Bus Route 178. Therefore, the Project facilitates the use of public transportation and walking and is consistent with Policy CE 7.1.7.
<b>CE 7.1.8 Electric Vehicle (EV) Charging Stations.</b> Install additional EV charging stations on City properties, support existing private development to add new EV charging stations and develop incentives for the installation of EV charging stations and other alternative fuels systems as part of new development.	<b>Consistent.</b> As discussed in Section 3.0, <i>Project Description</i> and Section 5.14, <i>Transportation</i> , the proposed Project includes installation of EV charging stations and EV parking spots on the Project site. Therefore, the Project is consistent with Policy CE 7.1.8.
<b>CE 9.1.10 Development Requirements.</b> Require development to provide the needed roadway improvements adjacent to a site, commensurate with project impact and in accordance with the Master Plan of Streets and Highways.	<b>Consistent.</b> As discussed in Section 5.14, <i>Transportation</i> , the proposed Project would not require or include any roadway improvements. However, the proposed driveways and onsite vehicular circulation would be required to adhere to the City's public works and engineering recognized traffic control standards that would be verified through the City's construction permitting process. Therefore, the Project is consistent with Policy CE 9.1.10.
Recreation Element	
<b>R 1.12 Aircraft Overflight and Noise.</b> Require that all public parks located within the noise impact zones as defined in the 1985 JWA Master Plan for John Wayne Airport be posted with a notification to users regarding aircraft overflight and noise.	<b>Consistent.</b> The proposed Project is a commercial recreation facility and would not be a public park. The Project site is located within the SNA 65 CNEL noise contour, which indicates that noise from aircraft on the Project site is 65 dB CNEL and is within the noise impact area related to SNA operations. However, as detailed in Section 5.8, <i>Hazards and Hazardous Materials</i> , and Section 5.11, <i>Noise</i> , the AELUP for SNA states that community facilities and commercial land uses are "normally consistent" within the 65 CNEL contour.

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	Therefore, the proposed Project would not result in an impact related to aircraft overflight and noise and would be consistent with Policy R 1.12.
<b>R 4.1 Provision of Recreation Services.</b> Provide high quality recreational services through professionally-trained recreational personnel to program participants.	<b>Consistent.</b> The proposed Project would provide high quality surf-related recreational services through professionally-trained recreational personnel to program participants. Therefore, the Project is consistent with Policy R 4.1.
<b>R 4.2 Compatible Recreation Activities.</b> Provide a variety of compatible recreational activities within a given location.	<b>Consistent.</b> The proposed Project would add to the variety of recreation activities in the area and the surfing activities would be compatible with the City's location near the ocean. Therefore, the Project is consistent with Policy R 4.2.
<b>R 4.3 Variety of Programs.</b> Provide a variety of quality programs offered in safe and secure environments for the community's youth that enhance and extend the learning day, promote health and wellness, encourage expansion of skills, and reinforce self-esteem, good character, and positive behavior.	<b>Consistent.</b> The proposed Project would provide surf-related recreational services in a safe and secure environment that would promote health and wellness, encourage expansion of skills, and reinforce self-esteem, good character, and positive behavior. Therefore, the Project is consistent with Policy R 4.3.
<b>R 4.5 Variety of Adult Recreational Programs.</b> Provide a variety of quality enrichment and recreational programs for the adult population that promote health and wellness; development and/or enhancement of skills and talents; extend learning opportunities; promote sportsmanship; and provide unique opportunities to engage in new activities.	<b>Consistent.</b> The proposed Project would provide surf-related recreational services in a safe and secure environment that would promote health and wellness, enhancement of skills, extend learning opportunities; promote sportsmanship; and provide unique opportunities to engage in a new activity. Therefore, the Project is consistent with Policy R 4.5.
Natural Resources Element	
<b>NR 1.1 Water Conservation in New Development.</b> Enforce water conservation measures that limit water usage, prohibit activities that waste water or cause runoff, and require the use of water-efficient landscaping and irrigation in conjunction with new construction projects.	<b>Consistent.</b> The proposed Project would be constructed according to Title 24 requirements of the 2022 California administrative code for water conservation and landscaping would be implemented throughout the Project site, including implementation of bioretention basins that would limit runoff. BMPs for stormwater management would also be implemented to direct stormwater into landscape areas to use for irrigation. Therefore, the Project is consistent with Policy N 1.1.
<b>NR 1.2 Use of Water Conserving Devices.</b> Establish and actively promote use of water conserving devices and practices in both new construction and major alterations and additions to existing buildings. This can include the use of rainwater capture, storage, and reuse facilities.	<b>Consistent.</b> As discussed in Section 5.16, <i>Utilities and Service Systems</i> , the proposed Project would be required to implement the CALGreen Code for efficient use of water. Additionally, as discussed in Section 5.9, <i>Hydrology and Water Quality</i> , development and construction of the Project site would require preparation and adherence to a Stormwater Pollution Prevention Plan (SWPPP) and Water Quality Management Plan (WQMP). Therefore, the Project would use water conserving devices and would be consistent with Policy NR 1.2.
<b>NR 3.4 Storm Drain Sewer System Permit.</b> Require all development to comply with the regulations under the City's municipal separate storm drain system permit under the National Pollutant Discharge Elimination System.	<b>Consistent.</b> As discussed in Section 5.9, <i>Hydrology and Water Quality</i> , construction of the Project site and operation of the proposed Project would require preparation and adherence to a SWPPP and a WQMP. Therefore, the Project is consistent with Policy NR 3.4.
<b>NR 3.5 Natural Water Bodies.</b> Require that development does not degrade natural water bodies.	<b>Consistent.</b> As discussed in Section 5.3, <i>Biological Resources</i> , there are no natural bodies of water within

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	the Project site. In addition, as discussed in Section 5.9, <i>Hydrology and Water Quality</i> , a SWPPP and WQMP would be required to be implemented to ensure that the Project would not degrade offsite natural water bodies. Therefore, the Project is consistent with Policy NR 3.5.
<b>NR 3.9 Water Quality Management Plan.</b> Require new development applications to include a Water Quality Management Plan (WQMP) to minimize runoff from rainfall events during construction and post-construction.	<b>Consistent.</b> As discussed in Section 5.9, <i>Hydrology and Water Quality</i> , construction of the Project site and operation of the proposed Project would require preparation and adherence to a SWPPP and a WQMP. Therefore, the Project is consistent with Policy NR 3.9.
<b>NR 3.10 Best Management Practices.</b> Implement and improve upon Best Management Practices (BMPs) for residences, businesses, development projects, and City operations.	<b>Consistent.</b> As discussed in Section 5.9, <i>Hydrology and Water Quality</i> , the proposed Project would implement SWPPP and a WQMP, both of which would provide BMPs to reduce or eliminate soil erosion and pollution. During operation, onsite drainage features would include BMPs that have been designed to slow, filter, and slowly discharge stormwater into the offsite drainage system. Therefore, the Project is consistent with Policy NR 3.10.
<b>NR 3.11 Site Design and Source Control.</b> Include site design and source control BMPs in all developments. When the combination of site design and source control BMPs are not sufficient to protect water quality as required by the National Pollutant Discharge Elimination System (NPDES), structural treatment BMPs will be implemented along with site design and source control measures.	<b>Consistent.</b> As discussed in Section 5.9, <i>Hydrology and Water Quality</i> , the proposed Project would implement a WQMP that would be approved by the City and includes design and source control BMPs to protect water quality, which include landscaping and drainage features that have been designed to slow, filter, and slowly discharge stormwater into the offsite drainage system. Therefore, the Project is consistent with Policy NR 3.11.
<b>NR 3.12 Reduction of Infiltration.</b> Include equivalent BMPs that do not require infiltration, where infiltration of runoff would exacerbate geologic hazards. (Policy HB 8.12)	<b>Consistent.</b> As discussed in Section 5.9, <i>Hydrology and Water Quality</i> , infiltration is not feasible for the Project site. Thus, the Project would utilize modular wetland systems and bioretention basins which would collect flows, filter, and then direct runoff into the Santa Ana Delhi Channel, which is adjacent to the site. Therefore, the Project is consistent with Policy NR 3.12.
<b>NR 3.14 Runoff Reduction on Private Property.</b> Retain runoff on private property to prevent the transport of pollutants into natural water bodies, to the maximum extent practicable. (Policy HB 8.14).	<b>Consistent.</b> As discussed in Section 5.9, <i>Hydrology and Water Quality</i> , the proposed Project would implement a SWPPP and a WQMP that would provide BMPs to reduce or eliminate transport of pollutants into natural water bodies. Onsite drainage features would be installed that have been designed to slow and filter stormwater prior to discharge to reduce runoff and prevent transport of pollutants. Therefore, the Project is consistent with Policy NR 3.14.
<b>NR 3.16 Siting of New Development.</b> Require that development be located on the most suitable portion of the site and designed to ensure the protection and preservation of natural and sensitive site resources that provide important water quality benefits. (Policy HB 8.16).	<b>Consistent.</b> The Project site is a developed site that is used for golf-related recreation. The site does not contain a natural or sensitive site resource as detailed in Section 5.3, <i>Biological Resources</i> , and the site does not provide important water quality benefits. As discussed in Section 5.9, <i>Hydrology and Water Quality</i> , the proposed Project would require preparation and adherence to a SWPPP and a WQMP that would protect water quality. Therefore, the Project is consistent with Policy NR 3.16.
<b>NR 3.17 Parking Lots and Rights-of-Way.</b> Require that parking lots and public and private rights-of-way be	<b>Consistent.</b> As discussed in the Preliminary WQMP (included as Appendix O), operation of the Project shall include sweeping all onsite streets, drive aisles, and/or

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maintained and cleaned frequently to remove debris and contaminated residue. (Policy HB 8.17)	uncovered parking areas at minimum of a quarterly basis. Therefore, the Project is consistent with Policy NR 3.17.
<b>NR 3.19 Natural Drainage Systems.</b> Require incorporation of natural drainage systems and stormwater detention facilities into new developments, where appropriate and feasible, to retain stormwater in order to increase groundwater recharge. (Policy HB 8.19)	<b>Consistent.</b> As discussed in Section 5.9, <i>Hydrology and Water Quality</i> , infiltration and groundwater recharge is not feasible at the Project site. Thus, the Project would utilize modular wetland systems and bioretention basins which would collect flows, filter, and then direct runoff into the Santa Ana Delhi Channel, which is adjacent to the site. Therefore, the Project is consistent with Policy NR 3.19.
<b>NR 3.20 Impervious Surfaces.</b> Require new development and public improvements to minimize the creation of and increases in impervious surfaces, especially directly connected impervious areas, to the maximum extent practicable. Require redevelopment to increase area of pervious surfaces, where feasible. (Policy HB 8.20)	<b>Consistent.</b> As discussed in Section 5.9, <i>Hydrology and Water Quality</i> , while the proposed Project would result in an increase of impervious surfaces, buildout of the proposed Project would result in a decrease the 100-year storm runoff flowrate by 11.1 percent and the proposed Project would maintain the existing drainage pattern by collecting runoff via roof drains, curbs, and area drains and conveying it to vegetated biotreatment systems utilizing permeable landscaping for treatment. Therefore, the Project is consistent with Policy NR 3.20.
<b>NR 4.3 Restore Natural Hydrologic Conditions.</b> Preserve, or where feasible, restore natural hydrologic conditions such that downstream erosion, natural sedimentation rates, surface flow, and groundwater recharge function near natural equilibrium states.	<b>Consistent.</b> As discussed in Section 5.9, <i>Hydrology and Water Quality</i> , infiltration and groundwater recharge is not feasible at the Project site. Thus, the Project would utilize modular wetland systems and bioretention basins which would collect flows, filter, and then direct runoff into the Santa Ana Delhi Channel, which is adjacent to the site. The Project would not impact hydrologic conditions, sedimentation, or erosion. Therefore, the Project is consistent with Policy NR 4.3.
<b>NR 4.4 Erosion Minimization.</b> Require grading/erosion control plans with structural BMPs that prevent or minimize erosion during and after construction for development on steep slopes, graded, or disturbed areas.	<b>Consistent.</b> As discussed in Section 5.6, <i>Geology and Soils</i> , the proposed Project would implement a SWPPP and provide BMPs to reduce or eliminate soil erosion and the loss of topsoil during construction. During operation, onsite drainage features would be installed that have been designed to slow, filter, and slowly discharge stormwater into the offsite drainage system. Therefore, the Project would minimize erosion and would be consistent with Policy NR 4.3.
<b>NR 6.1 Walkable Neighborhoods.</b> Provide for walkable neighborhoods to reduce vehicle trips by siting amenities such as services, parks, and schools in close proximity to residential areas.	<b>Consistent.</b> As discussed in Section 5.14, <i>Transportation</i> , existing sidewalks are located adjacent to the Project site, and the Project would install onsite walkways that would provide for pedestrian access to and from the site. The Project is located at the existing NB Golf Course, which is a commercial recreation land use that is located along an arterial roadway near the freeways, but also, in close proximity to retail services (across Irvine Avenue) and residential areas within the City. Therefore, the Project is consistent with Policy NR 6.1.
<b>NR 6.4 Transportation Demand Management Ordinance.</b> Implement the Transportation Demand Management (TDM) Ordinance, which promotes and encourages the use of alternative transportation modes and provides those facilities such as bicycle lanes that support such alternate modes.	<b>Consistent.</b> As discussed in Section 5.14, <i>Transportation</i> , bike lanes and sidewalks currently exist adjacent to the Project site. The Project would provide onsite pedestrian walkways that would connect to the offsite sidewalks and bicycle parking facilities. Therefore, the Project supports

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	these alternative modes of transportation and is consistent with Policy NR 6.4.
<b>NR 7.2 Source Emission Reduction Best Management Practices.</b> Require the use of Best Management Practices (BMP) to minimize pollution and to reduce source emissions.	<b>Consistent.</b> As discussed in Section 5.2, <i>Air Quality</i> , construction of the Project would implement all related SCAQMD Rules for reduction of source emissions. Therefore, the Project is consistent with Policy NR 7.2.
<b>NR 8.1 Management of Construction Activities to Reduce Air Pollution.</b> Require developers to use and operate construction equipment, use building materials and paints, and control dust created by construction activities to minimize air pollutants.	<b>Consistent.</b> As discussed in Section 5.2, <i>Air Quality</i> , the proposed Project would implement SCAQMD Rule 403 regarding construction dust and Rule 1113 regarding the use of low VOC architectural coatings. Therefore, the Project is consistent with Policy NR 8.1.
<b>NR 10.2 Orange County Natural Communities Conservation Plan.</b> Comply with the policies contained within the Orange County Natural Communities Conservation Plan.	<b>Consistent.</b> As discussed in Section 5.3, <i>Biological Resources</i> , the proposed Project would be consistent with the Orange County Natural Communities Conservation Plan as the Project site is listed as a development site and is not located within a Habitat Reserve System. Therefore, the Project is consistent with Policy NR 10.2.
<b>NR 10.3 Analysis of Environmental Study Areas.</b> Require a site-specific survey and analysis prepared by a qualified biologist as a filing requirement for any development permit applications where development would occur within or contiguous to areas identified as ESAs.	<b>Consistent.</b> As discussed in Section 5.3, <i>Biological Resources</i> , a biological resources assessment was conducted and is included as Appendix C which included a survey for ESA listed species on the Project site. The Project site does not contain and is not adjacent to any ESAs. Therefore, the Project is consistent with Policy NR 10.3.
<b>NR 10.4 New Development Siting and Design.</b> Require that the siting and design of new development, including landscaping and public access, protect sensitive or rare resources against any significant disruption of habitat values.	<b>Consistent.</b> As discussed in Section 5.3, <i>Biological Resources</i> , the Project site does not include any sensitive or rare resources. However, the western yellow bat has a low potential to roost in ornamental trees, including palms, on the Project site. Also, the Project site provides suitable foraging, breeding, and roosting habitat for bird and raptor species. Therefore, Mitigation Measures BIO-1 and BIO-2 would ensure that there are no significant impacts to nesting birds or roosting bats onsite. Therefore, the Project is consistent with Policy NR 10.4.
<b>NR 10.5 Development in Areas Containing Significant or Rare Biological Resources.</b> Limit uses within an area containing any significant or rare biological resources to only those uses that are dependent on such resources, except where application of such a limitation would result in a taking of private property. If application of this policy would likely constitute a taking of private property, then a non-resource-dependent use shall be allowed on the property, provided development is limited to the minimum amount necessary to avoid a taking and the development is consistent with all other applicable resource protection policies. Public access improvements and educational, interpretative and research facilities are considered resource dependent uses.	<b>Consistent.</b> As discussed in Section 5.3, <i>Biological Resources</i> , the Project site does not include any significant or rare biological resources. However, the western yellow bat has a low potential to roost in ornamental trees, including palms, on the Project site. Also, the Project site provides suitable foraging, breeding, and roosting habitat for birds and raptor species. Therefore, Mitigation Measure BIO-1 and BIO-2 would ensure that there are no significant impacts to biological resources. Therefore, the Project is consistent with Policy NR 10.4.
<b>NR 10.6 Use of Buffers.</b> Maintain a buffer of sufficient size around significant or rare biological resources, if present, to ensure the protection of these resources. Require the use of native vegetation and prohibit invasive plant species within these buffer areas.	<b>Consistent.</b> As discussed in Section 5.3, <i>Biological Resources</i> , the Upper Newport Bay Nature Preserve and Ecological Reserve ("Upper Newport Bay") is located approximately 0.3 miles south of the Project site. The area between the Project site and Upper Newport Bay contains a hill with existing recreational and residential

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	land uses which provides a buffer. Therefore, the Project would not result in substantial drainage, lighting, or noise impacts to the Upper Newport Bay. Therefore, the Project is consistent with Policy NR 10.6.
<b>NR 10.7 Exterior Lighting.</b> Shield and direct exterior lighting away from significant or rare biological resources to minimize impacts to wildlife.	<b>Consistent.</b> While there are no significant or rare biological resources on or adjacent to the site, the proposed Project would shield and direct light away from potential offsite sensitive species through compliance with Municipal Code Section 20.30.070 (Outdoor Lighting). Therefore, the Project is consistent with Policy NR 10.7.
<b>NR 18.1 New Development.</b> Require new development to protect and preserve paleontological and archaeological resources from destruction, and avoid and minimize impacts to such resources in accordance with the requirements of CEQA. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.	<b>Consistent.</b> As discussed in Section 5.4, <i>Cultural Resources</i> , and Section 5.6, <i>Geology and Soils</i> , both archeological and paleontological resource studies were conducted (included as Appendix E and I, respectively). Mitigation Measures CUL-1, CUL-2, and PAL-1 were included to provide for monitoring during construction and excavation activities that would reduce potential impacts to archeological and paleontological resources to a less than significant level. Therefore, the Project is consistent with Policy NR 18.1.
<b>NR 18.3 Potential for New Development to Impact Resources.</b> Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow qualified representatives of such groups to monitor grading and/or excavation of development sites.	<b>Consistent.</b> In accordance with AB 52 and SB 18, the City sent letters to 20 Native American representatives identified by NAHC, notifying them of the proposed Project. Agency to agency consultation occurred between the City and two tribes, who stated that they have cultural affiliation with the Project region. While none of the tribes presented substantial evidence indicating that tribal cultural resources are present on the site, Mitigation Measures TCR-1 through TCR-3 have been included to provide for Native American monitoring on the site during grading and excavation activities to ensure that significant impacts to tribal cultural resources would not occur. Therefore, the Project is consistent with Policy NR 18.3.
<b>NR 18.4 Donation of Materials.</b> Require new development, where on site preservation and avoidance are not feasible, to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach or Orange County, whenever possible.	<b>Consistent.</b> As discussed in Section 5.4, <i>Cultural Resources</i> , and Section 5.6, <i>Geology and Soils</i> , Mitigation Measures CUL-1, CUL-2, and PAL-1 provide for archeological and paleontological monitoring on the site during grading and excavation activities, which includes potential donation of materials and curation at scientific institutions. Therefore, the Project is consistent with Policy NR 18.4.
<b>NR 20.1 Enhancement of Significant Resources.</b> Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points, as shown in Figure NR3.	<b>Consistent.</b> As discussed in Section 5.1, <i>Aesthetics</i> , none of the adjacent roadways feature long range view of scenic vistas such as the Upper Newport Bay Preserve. The Upper Newport Bay Preserve can be seen from Irvine Avenue south of University Drive, as shown in General Plan Figure NR-3. The Project would not result in significant impacts to significant scenic and visual resources from public vantage points. Therefore, the Project is consistent with Policy NR 20.1.
<b>NR 20.2 New Development Requirements.</b> Require new development to restore and enhance the visual quality in visually degraded areas, where feasible, and	<b>Consistent.</b> As discussed in Section 5.1, <i>Aesthetics</i> , the proposed Project site is developed with the NB Golf Course and is mostly covered with both natural and



Relevant General Plan Policies	Project Consistency
provide view easements or corridors designed to protect public views or to restore public views in developed areas, where appropriate.	artificial grasses and ornamental vegetation. The proposed Project would include landscaping that utilizes native draught tolerant vegetation and would provide new landscaping along the Irvine Avenue and Mesa Drive right-of-way. The proposed Project would not encroach upon public view corridors. Therefore, the Project is consistent with Policy NR 20.2.
<b>Policy NR 20.4. Public View Corridor Landscaping.</b> Design and site new development, including landscaping, on the edges of public view corridors, including those down public streets, to frame, accent, and minimize impacts to public views.	<b>Consistent.</b> As discussed in Section 3.0, <i>Project Description</i> and Section 5.1, <i>Aesthetics</i> , the Project includes installation of new landscaping along the Irvine Avenue and Mesa Drive right-of-way and along both driveway entrances to the site. The new landscaping would frame and accent driveway entrances, and would screen views of the proposed parking areas, PV solar canopies, and proposed building structures to minimize impacts to public views. Therefore, the Project is consistent with Policy NR 20.4.
<b>Policy NR 23.1 Maintenance of Natural Topography.</b> Preserve cliffs, canyons, bluffs, significant rock outcroppings, and site buildings to minimize alteration of the site's natural topography and preserve the features as a visual resource.	<b>Consistent.</b> As discussed in Section 5.1, <i>Aesthetics</i> , the Project site does not include any cliffs, canyons, bluffs, significant rock outcroppings; and thus, these types of natural topographic features would not be impacted from implementation of the Project. The Project does involve grading of the site; however, as detailed in Section 5.1, <i>Aesthetics</i> , the natural southwestward slope of the site would as viewed from Mesa Drive would remain with implementation of the Project. Therefore, the Project is consistent with Policy NR 23.1.
<b>Policy NR 23.7 New Development Design and Siting.</b> Design and site new development to minimize the removal of native vegetation, preserve rock outcroppings, and protect coastal resources.	<b>Consistent.</b> As discussed in Section 5.1, <i>Aesthetics</i> , the Project site does not include any native vegetation, rock outcroppings, or coastal resources. The Project site is developed and contains ornamental vegetation, and no native vegetation, rock outcroppings, or coastal resources would be removed as part of the Project. Therefore, the Project is consistent with Policy NR 23.7.
<b>NR 24.2 Energy-Efficient Design Features.</b> Promote energy-efficient design features.	<b>Consistent.</b> As discussed in Section 5.5, <i>Energy</i> , the proposed Project would implement energy efficient practices as outlined in Part 6 of Title 24 of the California Code of Regulations, adopted by the City in Municipal Code Chapter 15.17, which includes installation of solar panels on canopies in the parking areas and on building rooftops to maximize the use of renewable energy. Therefore, the Project is consistent with Policy NR 24.2.
<b>NR 24.3 Incentives for Green Building Program Implementation.</b> Promote or provide incentives for "Green Building" programs that go beyond the requirements of Title 24 of the California Administrative Code and encourage energy efficient design elements as appropriate to achieve "green building" status.	<b>Consistent.</b> As discussed in Section 3.0, <i>Project Description</i> , solar panels would be installed on building tops and solar canopies over portions of the parking areas to produce renewable energy to provide power to the proposed onsite operations. Therefore, the Project is consistent with Policy NR 24.2.
Safety Element	
<b>S 4.7 New Development.</b> Conduct further seismic studies for new development in areas where potentially active faults may occur.	<b>Consistent.</b> As discussed in Section 5.6, <i>Geology and Soils</i> , a Geotechnical Exploration was prepared for the Project site and is included as Appendix H, which determined that there are no potentially active fault lines

Relevant General Plan Policies	Project Consistency
	within 500 feet of the Project site. Therefore, the Project would be consistent with Policy S 4.7.
<p><b>S 5.1 New Development Design within 100-year Floodplains.</b> Require that all new development within 100-year floodplains incorporate sufficient measures to mitigate flood hazards including the design of onsite drainage systems that are connected with the City's storm drainage system, gradation of the site such that runoff does not impact adjacent properties, and buildings are elevated.</p>	<p><b>Consistent.</b> The Project site is not located within a 100-year floodplain. The Federal Emergency Management Agency (FEMA) Flood Zone Map 06059C0267J identifies that the Project site is located in Flood Zone X, which are areas that are determined to be outside of the 0.2% annual chance of flooding. In addition, the proposed Project would install an onsite drainage system that would be connected to the existing drainage channel that is adjacent to the site. Therefore, the Project would be consistent with Policy S 5.1.</p>
<p><b>S 5.2 Facility Use or Storage of Hazardous Materials Standards.</b> Require that all new facilities storing, using, or otherwise involved with substantial quantities of onsite hazardous materials within flood zones comply with standards of elevation, anchoring, and flood proofing, and hazardous materials are stored in watertight containers.</p>	<p><b>Consistent.</b> As discussed in the previous response, the Project site is not located within a flood zone. Section 5.8, <i>Hazards and Hazardous Materials</i>, details that the proposed Project would not use or store substantial quantities of hazardous materials and would comply with all required standards regarding the use, storage, and transportation of the limited quantities of hazardous materials that would be used by the Project. Therefore, the Project would be consistent with Policy S 5.2.</p>
<p><b>S 5.3 Minimization of Flood Hazard Risk.</b> Require stormwater detention basins, where appropriate, to reduce the potential risk of flood hazards.</p>	<p><b>Consistent.</b> As discussed in Section 5.9, <i>Hydrology and Water Quality</i>, the Project would utilize modular wetland systems and bioretention basins which would collect flows, filter, and then direct runoff into the Santa Ana Delhi Channel, which is adjacent to the site. The Project would not result in a potential flood risk, and the Project is consistent with Policy S 5.3.</p>
<p><b>S 7.1 Known Areas of Contamination.</b> Require proponents of projects in known areas of contamination from oil operations or other uses to perform comprehensive soil and groundwater contamination assessments in accordance with American Society for Testing and Materials standards, and if contamination exceeds regulatory action levels, require the proponent to undertake remediation procedures prior to grading and development under the supervision of the County Environmental Health Division, County Department of Toxic Substances Control, or Regional Water Quality Control Board (depending upon the nature of any identified contamination).</p>	<p><b>Consistent.</b> As discussed in Section 5.8, <i>Hazards and Hazardous Materials</i>, a Phase II Environmental Site Assessment (Appendix L) was conducted on the Project site, which included soils sampling, determined that there were no levels of herbicides, organochlorine pesticides, or Per- and polyfluoroalkyl substances (PFAS) detected above laboratory reporting limits. Therefore, the Project would be consistent with Policy S 7.1.</p>
<p><b>S 7.2 Development Design within Methane Gas Districts.</b> Ensure that any development within identified methane gas districts be designed consistent with the requirements of the Newport Beach Municipal Code.</p>	<p><b>Consistent.</b> As detailed in Section 5.8, <i>Hazards and Hazardous Materials</i>, the Project site is not located within the Methane Gas Mitigation District as defined and listed in Municipal Code Section 15.55.030. Therefore, the Project is consistent with Policy S 7.2.</p>
<p><b>S 7.4 Implementation of Remediation Efforts.</b> Minimize the potential risk of contamination to surface water and groundwater resources and implement remediation efforts to any resources adversely impacted by urban activities.</p>	<p><b>Consistent.</b> As discussed in Section 5.9, <i>Hydrology and Water Quality</i>, the proposed Project would implement a SWPPP and a WQMP that would provide BMPs to reduce or eliminate contamination to surface water or groundwater resources. Onsite drainage features would be installed that have been designed to slow and filter stormwater prior to discharge to reduce runoff and prevent transport of pollutants. Therefore, the Project is consistent with Policy S 7.4.</p>

Relevant General Plan Policies	Project Consistency
Noise Element	
<b>N 1.1 Noise Compatibility of New Development.</b> Require that all proposed projects are compatible with the noise environment through use of Table N2 and enforce the interior and exterior noise standards shown in Table N3.	<b>Consistent.</b> As discussed in Section 5.11, Noise, the proposed Project is compatible with the exterior noise environment and would not require implementation of mitigation measures. In addition, the City's development permitting process would ensure enforcement of the interior noise standards shown in Table N3. Therefore, the Project is consistent with Policy N 1.1.
<b>N 1.7 Commercial/ Entertainment Uses.</b> Limit hours and/or require attenuation of commercial/entertainment operations adjacent to residential and other noise sensitive uses in order to minimize excessive noise to these receptors.	<b>Consistent.</b> As discussed in Section 5.11, Noise, the Project site is not directly adjacent to sensitive receptors and would not result in excessive noise to sensitive receptors, would not exceed noise thresholds, and would not result in a substantial increase in ambient noise, as detailed in Section 5.11, Noise. Therefore, the Project is consistent with Policy N 1.7.
<b>N 1.8 Significant Noise Impacts.</b> Require the employment of noise mitigation measures for existing sensitive uses when a significant noise impact is identified. A significant noise impact occurs when there is an increase in the ambient CNEL produced by new development impacting existing sensitive uses. The CNEL increase is shown in the table below.	<b>Consistent.</b> As discussed in Section 5.11, Noise, the proposed Project would not result in significant impacts related to an increase in ambient noise. Table 5.11-10 and Table 5.11-11 identify that the Project would generate daytime ambient noise level increases ranging from less than 0.1 to 0.8 dBA Leq and nighttime noise level increases ranging from less than 0.1 to 2.0 dBA Leq at the nearby receiver locations, which are less than the thresholds. Therefore, noise impacts related to Project operations would be less than significant and the Project is consistent with Policy N 1.8.
<b>N 4.2 New Uses.</b> Require that new uses such as restaurants, bars, entertainment, parking facilities, and other commercial uses where large numbers of people may be present adjacent to sensitive noise receptors obtain a use permit that is based on compliance with the noise standards in Table N3 and the City's Municipal Code.	<b>Consistent.</b> The Project site is not directly adjacent to sensitive receptors and would not result in an exceedance of noise thresholds or a substantial increase in ambient noise, as detailed in Section 5.11, Noise. In addition, the Project would be in compliance with the City's municipal code, as verified through the City's development review and permitting process, and would obtain use permits as required, per the detail in Section 3.0, Project Description. Therefore, the Project is consistent with Policy N 4.2.
<b>N 4.6 Maintenance of Construction Activities.</b> Enforce the Noise Ordinance noise limits and limits on hours of maintenance or construction activity in or adjacent to residential areas, including noise that results from in-home hobby or work related activities.	<b>Consistent.</b> As discussed in Section 5.11, Noise, construction of the proposed Project would comply with the City of Newport Beach Municipal Code Section 10.28.040 requiring construction activities to take place between 7:00 a.m. and 6:30 p.m. on weekdays and 8:00 a.m. and 6:00 p.m. on Saturdays. Therefore, the Project is consistent with Policy N 4.6.
<b>N 5.1 Limiting Hours of Activity.</b> Enforce the limits on hours of construction activity.	<b>Consistent.</b> As discussed in Section 5.11, Noise, construction of the proposed Project would comply with the City of Newport Beach Municipal Code Section 10.28.040 requiring construction activities to take place between 7:00 a.m. and 6:30 p.m. on weekdays and 8:00 a.m. and 6:00 p.m. on Saturdays. Therefore, the Project is consistent with Policy N 5.1.

Source: City of Newport Beach General Plan

As described previously, the City of Newport Beach City Council Policy Manual contains policies related to land use, planning, and mitigating an environmental effect. Therefore, a detailed analysis of the proposed Project's consistency with the City Council Policy Manual policies was prepared. As detailed in Table 5.10-5, the proposed Project would be consistent with the policies, and impacts related to conflict with a City Council Policy Manual policy related to an environmental effect would not occur.

**Table 5.10-5: City Council Policy Manual Consistency Analysis**

City Council Policy Manual Policy	Project Consistency
<p><b>Policy G-1: Retention, Removal, and Maintenance of City Trees.</b> This policy establishes standards for the retention, removal, maintenance, reforestation, tree trimming standards, and supplemental trimming of City trees. The policy provides definitions of certain trees that should be protected and provisions for the removal of such trees.</p>	<p><b>Consistent.</b> As detailed in Section 5.3, <i>Biological Resources</i>, the proposed Project includes new landscaping along the site frontages of Irvine Avenue and Mesa Drive that may extend into the public right-of-way adjacent to the street. However, implementation of the City's development review and permitting process would ensure that any tree removal and proposed new landscaping would be consistent with the City Council Policy and municipal code requirements. Thus, the Project would be consistent with Policy G-1.</p>
<p><b>Policy K-2 Places of Historical and Architectural Significance:</b> The City Council may designate as historical property any building or part thereof, object, structure, monument, or collection thereof having importance to the history or architecture of the City of Newport Beach in accordance with the criteria set forth below.</p> <ol style="list-style-type: none"> <li>1. Property may be designated as historical property if it meets any of the following standards of architectural significance:               <ol style="list-style-type: none"> <li>a. Structures or areas that embody distinguishing characteristics of an architectural style, period, or method of construction, or of architectural development with the City.</li> <li>b. Notable works of a master builder, designer, or architect whose style influenced the City's architectural development, or structures showing the evolution of an architect's style.</li> <li>c. Rare structures displaying a building type, design, or indigenous building form.</li> <li>d. Structures which embody special architectural and design features.</li> <li>e. Outstanding examples of structures displaying original architectural integrity, structurally or stylistically, or both.</li> <li>f. Unique structures or places that act as focal or pivotal points important as a key to the character or visual quality of an area.</li> </ol> </li> <li>2. Property may be designated as historical property if it meets any of the following standards of historical significance.               <ol style="list-style-type: none"> <li>a. Sites and structures connected with events significant in the economic, cultural, political, social, or civic history of the City of Newport</li> </ol> </li> </ol>	<p><b>Consistent.</b> As detailed in Section 5.4, <i>Cultural Resources</i>, the Historical Resources Evaluation (Appendix D) determined that the onsite structures do not meet any of the criteria set forth by the City of Newport Beach City Council Policy Manual to be considered a historic resource. Thus, the Project site does not contain any buildings or structures that meet the criteria of Policy K-2.</p>

City Council Policy Manual Policy	Project Consistency
<p>Beach, the County of Orange, the State of California, or the United States of America.</p> <p>b. Structures or areas identified with the lives of historical personages of the City of Newport Beach, the County of Orange, the State of California, or the United States of America.</p> <p>c. Sites and groups of structures representing historical development patterns, including, but not limited to, urbanization patterns, railroads, agricultural settlements, and canals.</p>	
<p><b>Policy K-5 Paleontological and Archaeological Resource Protection Guidelines:</b> The City will ensure that potential impacts to paleontological and archaeological resources by public or private development are properly evaluated and mitigated in accordance with the General Plan, Local Coastal Program and CEQA.</p> <p><b>Procedures</b></p> <p>A. During the preparation of an initial study for a project, staff or a qualified consultant shall determine if paleontological or archaeological resources exist at or near a project site. If the site is located in the Coastal Zone, the requirements and procedures provided in Newport Beach Municipal Code Section 21.30.105(A), or any successor statute, shall be implemented.</p> <p>B. If resources are known to exist at or near a project site or that, the project could otherwise affect known resources, a preliminary investigation report shall be prepared by a qualified professional archaeologist or paleontologist.</p> <p>C. If the preliminary investigation report concludes that resources are not likely to be at the present at the project site or encountered during construction, no further analysis shall be required.</p> <p>D. If the preliminary report concludes that resources are present at the site or are likely to be present at the site or may be encountered by project construction, additional investigative work shall be prepared to identify and disclose the potential impacts of the project. The impact assessment report shall make every effort to identify the value of the resource and shall identify feasible design modifications or other methods to avoid and/or minimize project-related impacts. The impact assessment report may include a suggested excavation plan for assessing or mitigating the effect of the project on the qualities which make the resource important if avoidance is considered infeasible. The impact assessment report shall also identify feasible mitigation measures that can be either incorporated within project specifications or applied as conditions of approval.</p> <p>E. If paleontological or archaeological resources are discovered during construction, all construction</p>	<p><b>Consistent.</b> As discussed in Section 5.4, <i>Cultural Resources</i>, and Section 5.6, <i>Geology and Soils</i>, both archeological and paleontological resources studies were conducted (included as Appendix E and I, respectively). Mitigation Measures CUL-1, CUL-2, and PAL-1 have been included to provide for archeological and paleontological monitoring on the site during grading and excavation activities to ensure that significant impacts to archeological and paleontological resources would not occur.</p> <p>Further, if human remains are found on the Project site, California Health and Safety Code Section 7050.5 requires that the County Coroner's office be immediately notified and no further excavation or disturbance of the discovery or any nearby area occur until the Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. Therefore, the Project is consistent with Policy K-5.</p>

City Council Policy Manual Policy	Project Consistency
<p>activities in the general area of the discovery shall be temporarily halted until the resource is examined by a qualified monitor. The monitor shall the significance of the resource recommend next steps (i.e. additional excavation, curation, preservation, etc.).</p> <p>F. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner determines that the remains are not subject to the provisions of Section 27491 of the Government Code, or any successor statute, or any other related provisions of law concerning investigation of 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 their authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code, or any successor statute. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission and the Newport Beach Building Official.</p>	

### City of Newport Beach Santa Ana Heights Specific Plan and Municipal Code

The Project site is located within the Santa Ana Heights Specific Plan (SP-7), which provides zoning regulations for the site. The Santa Ana Heights Specific Plan designates the site as Open Space/Recreation (OS/R), that allows golf courses and outdoor commercial recreation and accessory uses and structures with a use permit.

The proposed surf park and golf course support facilities (including parking, starter shack, golf cart storage, and golf cart paths) for the remaining golf course areas to the north and south of the proposed Project would implement outdoor commercial recreation and accessory uses as intended by the OS/R designation and would not result in a conflict related to avoiding or mitigating an environmental effect. The proposed project is consistent with the Santa Ana Heights Specific Plan and an amendment to SP-7 is not required.

A detailed analysis of the proposed Project's consistency with the Santa Ana Heights Specific Plan regulations (per Municipal Code Chapter 20.90) that serve to avoid or mitigate environmental impacts is provided in Table 5.10-6. As described, the proposed Project would be consistent with the relevant requirements and impacts from conflict with a Specific Plan policy or municipal code requirement related to an environmental effect would be less than significant.

**Table 5.10-6: Specific Plan Policy and Municipal Code Consistency Analysis**

<b>Specific Plan Policy/Municipal Code Requirement</b>	<b>Project Consistency</b>
Prior to the issuance of a building permit for a structure that penetrates the 100:1 Notice Surface pursuant to FAR Part 77.13, the project applicant shall submit a "Notice of Proposed Construction" to the Federal Aviation Administration (FAA), which will initiate an Aeronautical Study of the project by the FAA. Upon completion of the FAA Aeronautical Study, the project applicant shall submit evidence to the Community Development Director that restrictions and conditions, if any, imposed on the project by the FAA have been incorporated into the design of the project.	<b>Consistent.</b> As discussed in Section 5.8, <i>Hazards and Hazardous Materials</i> , the Project site has previously undergone FAA evaluation as part of implementation of poles on the existing driving range, which determined that structures on the site that are below 162 feet amsl would not have a significant adverse impact related to aeronautical hazards (FAA, 2016). As the tallest proposed building structure would be 92 feet amsl and the proposed light poles would be a maximum of 108 feet amsl, both would be below 162 feet amsl, and would not result in impacts related to FAR 77 compliance.
All projects including, but not limited to, General Plan amendments and zone changes within the project area pertinent to the Airport Land Use Commission's (ALUC) John Wayne Airport "Airport Environs Land Use Plan" shall be referred to ALUC until such time as the City becomes a "Consistent Local Agency" as defined by ALUC. For purposes of this requirement, the term "project" shall include those applications requiring discretionary approvals, tentative tract map or parcel map approvals or modifications, and/or condominium conversions. Such projects shall not include minor modifications, such as remodels and additions to single-family dwelling units with no intensification of development.	<b>Consistent.</b> As discussed in Section 5.8, <i>Hazards and Hazardous Materials</i> , because the Project site is located within the AELUP Notification area for SNA and within the SNA planning area boundary, and the Project proposes a General Plan Amendment, the City is required to refer the proposed Project to the ALUC for review, pursuant to the California Public Utilities Code Section 21676. Thus, the Project would be consistent with this requirement.
<b>Building Site Area.</b> One acre minimum.	<b>Consistent.</b> The Project site is 15.38 acres and exceeds the one acre minimum, and therefore, is consistent with this requirement.
<b>Building Height.</b> Eighteen feet maximum unless otherwise provided for by an approved use permit.	<b>Consistent.</b> The proposed clubhouse would have a maximum height of 50 feet and the athlete accommodation building would have a maximum height of 40 feet. Therefore, consistent with this requirement, the Project includes a CUP to allow for the construction of buildings in excess of 18 feet in height.
<b>Building Setbacks.</b> Twenty feet minimum from all property lines.	<b>Consistent.</b> All buildings would be set back 20 feet from all property lines as shown in Figure 3-8, <i>Conceptual Site Plan</i> , in Section 3.0, <i>Project Description</i> .
<b>Lighting.</b> All lighting shall be designed and located so that direct light rays are confined to the premises.	<b>Consistent.</b> The Photometric Plan that has been submitted to the City shows that spillover light would not reach over 0.6 footcandles of light. The City's development review and permitting process would ensure that onsite lighting is consistent with the Photometric Plan and that direct light rays are confined to the Project site.

### 5.10.7 CUMULATIVE IMPACTS

The cumulative study area for land use and planning includes the City of Newport Beach and areas nearby the Project site in the City of Costa Mesa, City of Irvine, and County of Orange. As shown in Table 5-1 and Figure 5-1 in Section 5.0, *Environmental Impact Analysis*, the vicinity of the Project site includes numerous nearby development projects within the City of Newport Beach, City of Costa Mesa, and City of Irvine. A large portion of the cumulative projects consist of redevelopment of existing developed parcels for multi-family residential, commercial, and office developments, which are different but complementary to the proposed surf park Project. In addition, as detailed in Section 5.0, future housing could be developed on any of the 247 Housing Opportunity sites within the City including Housing Opportunity sites 23, 24, 25 and 26, across Mesa Drive from the Project site that totals approximately 13 acres. However, no existing application for development of Housing Opportunity sites 23, 24, 25 and 26 has been submitted to the City.

As described previously, the proposed Project would not physically divide an established community. Therefore, the proposed Project would not have the potential to have a cumulatively considerable impact related to physically dividing communities. In addition, the cumulative projects involve redevelopment of land for new community uses, such as commercial, office, and housing, and do not involve physical division of established community areas.

The proposed Project would implement new commercial recreation uses on the Project site that are consistent with the General Plan land use designation and the Santa Ana Heights Specific Plan. The proposed Project is consistent with the SCAG's 2024 Connect RTP/SCS as detailed in Table 5.10-2. The proposed Project is consistent with the SNA AELUP policies as detailed in Table 5.10-3. Also, as detailed in Tables 5.10-4 through 5.10-6, the proposed Project would not result in a conflict with any General Plan policies, City Council Policy Manual policies, Santa Ana Heights Specific Plan policies, or municipal code regulations adopted for the purpose of mitigating an environmental effect. The proposed General Plan Amendment would modify an existing anomaly related to the Project site and the existing use for recreation to provide for the proposed new surf park. The resulting development allowance is specific to the Project site, which is evaluated herein, and would not result in an impact that could cumulatively combine with other projects to create a significant environmental impact. Future development Projects would be evaluated for plan, policy, and regulation consistency. However, because the proposed Project would not result in conflicts with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the proposed Project, which has the purpose of avoiding or mitigating an environmental effect, the proposed Project would not cumulatively contribute to such an impact that could occur from related projects. As a result, cumulative impacts related to land use and planning from the proposed Project would not be cumulatively considerable.

### 5.10.8 EXISTING REGULATIONS AND PLANS, PROGRAMS, OR POLICIES

#### Existing Regulations

- FAA FAR Part 77
- California Code of Regulations Section 13050.5(a)
- AELUP for SNA
- City of Newport Beach General Plan
- City of Newport Beach Local Coastal Program – Coastal Land Use Plan and Implementation Plan
- City of Newport Beach Santa Ana Heights Specific Plan
- Municipal Code Section 20.90.040.D
- Municipal Code Section 20.90.050



### Existing City Council Policy Manual Policy

- City Council Policy Manual Policy G-1, *Retention, Removal, and Maintenance of City Trees*
- City Council Policy Manual Policy K-2, *Places of Historical and Architectural Significance*
- City Council Policy Manual Policy K-5, *Paleontological and Archaeological Resource Protection Guidelines*

### Plans, Programs, or Policies

None.

## 5.10.9 PROJECT DESIGN FEATURES

None.

## 5.10.10 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Without mitigation, Impacts LU-1 and LU-2 would be less than significant.

## 5.10.11 MITIGATION MEASURES

No mitigation measures are required.

## 5.10.12 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Impacts would be less than significant.

## 5.10.13 REFERENCES

City of Newport Beach. (2001, January). *Santa Ana Heights Specific Plan*. Retrieved September 23, 2024, from [ocpublicworks.com](https://ocpublicworks.com).

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# 5.11 Noise

## 5.11.1 INTRODUCTION

This section describes the noise conditions in the Project region and potential impacts from Project implementation. The analysis in this section is based, in part, on the following documents and resources.

- *City of Newport Beach General Plan, 2006*
- *City of Newport Beach General Plan Environmental Impact Report (General Plan EIR), 2006*
- *City of Newport Beach Municipal Code*
- *Surf Farm Noise Analysis, prepared by Urban Crossroads, 2025, included as Appendix Q*

### Noise and Vibration Terminology

Various noise descriptors are utilized in this Draft EIR analysis, and are summarized as follows:

**dB:** Decibel, the standard unit of measurement for sound pressure level.

**dBA:** A-weighted decibel, an overall frequency-weighted sound level in decibels that approximates the frequency response of the human ear.

**Leq:** The equivalent sound level, which is used to describe noise over a specified period of time, typically 1 hour, in terms of a single numerical value. The Leq of a time-varying signal and that of a steady signal are the same if they deliver the same acoustic energy over a given time. The Leq may also be referred to as the average sound level.

**Lmax:** The instantaneous maximum noise level experienced during a given period of time.

**CNEL:** The Community Noise Equivalent Level is the average A-weighted noise level during a 24-hour day that is obtained after an addition of 5 dBA to measured noise levels between the hours of 7:00 p.m. to 10:00 p.m. and after an addition of 10 dBA to noise levels between the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the evening and nighttime, respectively.

The “ambient noise level” is the background noise level associated with a given environment at a specified time and is usually a composite of sound from many sources from many directions.

### Effects of Noise

Noise is generally loud, unpleasant, unexpected, or undesired sound that is typically associated with human activity that is a nuisance or disruptive. The effects of noise on people can be placed into four general categories:

- Subjective effects (e.g., dissatisfaction, annoyance)
- Interference effects (e.g., communication, sleep, and learning interference)
- Physiological effects (e.g., startle response)
- Physical effects (e.g., hearing loss)

Although exposure to high noise levels has been demonstrated to cause physical and physiological effects, the principal human responses to typical environmental noise exposure are related to subjective effects and interference with activities. Interference effects refer to interruption of daily activities and include interference with human communication activities, such as normal conversations, watching television, telephone

conversations, and interference with sleep. Sleep interference effects can include both awakening and arousal to a lesser state of sleep. With regard to the subjective effects, the responses of individuals to similar noise events are diverse and are influenced by many factors, including the type of noise, the perceived importance of the noise, the appropriateness of the noise to the setting, the duration of the noise, the time of day and the type of activity during which the noise occurs, and individual noise sensitivity.

In general, the more a new noise level exceeds the previously existing ambient noise level, the less acceptable the new noise level will be by those hearing it. With regard to increases in A-weighted noise levels, the following relationships generally occur:

- Except in carefully controlled laboratory experiments, a change of 1 dBA cannot be perceived.
- Outside of the laboratory, a 3-dBA change in noise levels is considered to be a barely perceivable difference.
- A change in noise levels of 5 dBA is considered to be a readily perceivable difference.
- A change in noise levels of 10 dBA is subjectively heard as doubling of the perceived loudness.

## Noise Attenuation

Stationary point sources of noise, including mobile sources such as idling vehicles, attenuate (lessen) at a rate of 6 dBA per doubling of distance from the source over hard surfaces to 7.5 dBA per doubling of distance from the source over hard surfaces, depending on the topography of the area and environmental conditions (e.g., atmospheric conditions, noise barriers [either vegetative or manufactured]). Thus, a noise measured at 90 dBA 50 feet from the source would attenuate to about 84 dBA at 100 feet, 78 dBA at 200 feet, 72 dBA at 400 feet, and so forth. Widely distributed noise, such as a large industrial facility spread over many acres or a street with moving vehicles, would typically attenuate at a lower rate, approximately 4 to 6 dBA per doubling of distance from the source.

Hard sites are those with a reflective surface between the source and the receiver, such as asphalt or concrete surfaces or smooth bodies of water. No excess ground attenuation is assumed for hard sites and the changes in noise levels with distance (drop-off rate) is simply the geometric spreading of the noise from the source. Soft sites have an absorptive ground surface such as soft dirt, grass, or scattered bushes and trees. In addition to geometric spreading, an excess ground attenuation value of 1.5 dBA (per doubling distance) is normally assumed for soft sites. Line sources (such as traffic noise from vehicles) attenuate at a rate between 3 dBA for hard sites and 4.5 dBA for soft sites for each doubling of distance from the reference measurement.

## Fundamentals of Vibration

Vibration is energy transmitted in waves through the ground or man-made structures. These energy waves generally dissipate with distance from the vibration source. There are several different methods that are used to quantify vibration. The peak particle velocity (PPV) is defined as the maximum instantaneous peak of the vibration signal. The PPV is most frequently used to describe vibration impacts to buildings but is not always suitable for evaluating human response (annoyance) because it takes some time for the human body to respond to vibration signals. Instead, the human body responds to average vibration amplitude often described as the root mean square (RMS). The RMS amplitude is defined as the average of the squared amplitude of the signal and is most frequently used to describe the effect of vibration on the human body. Decibel notation (VdB) is commonly used to measure RMS. VdB serves to reduce the range of numbers used to describe human response to vibration. Typically, ground-borne vibration generated by man-made activities attenuates rapidly with distance from the source of the vibration. Sensitive receivers for vibration include structures (especially older masonry structures), people (especially residents, the elderly, and sick), and vibration-sensitive equipment.

The background vibration-velocity level in residential areas is generally 50 VdB. Ground-borne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels. Typical outdoor sources of perceptible ground-borne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. If a roadway is smooth, the ground-borne vibration is rarely perceptible. The range of interest is from approximately 50 VdB, which is the typical background vibration-velocity level, to 100 VdB, which is the general threshold where minor damage can occur in fragile buildings.

## 5.11.2 REGULATORY SETTING

### 5.11.2.1 Federal Regulations

There are no federal regulations concerning noise impacts that are applicable to the Project.

### 5.11.2.2 State Regulations

#### California Green Building Standards Code

The State of California's Green Building Standards Code (CALGreen) contains mandatory measures for non-residential building construction in Section 5.507 on Environmental Comfort. These noise standards are applied to new construction in California for controlling interior noise levels resulting from exterior noise sources. The regulations specify that acoustical studies must be prepared when non-residential structures are developed in areas where the exterior noise levels exceed 65 dBA CNEL, such as within a noise contour of an airport, freeway, railroad, and other areas where noise contours are not readily available. If the development falls within an airport or freeway 65 dBA CNEL noise contour, the combined sound transmission class (STC) rating of the wall and roof-ceiling assemblies shall be constructed to provide an interior noise environment attributable to exterior sources that does not exceed an hourly equivalent noise level of 50 dBA Leq in occupied areas during any hour of operation (Section 5.507.4.2).

### 5.11.2.3 Local and Regional Regulations

#### City of Newport Beach General Plan 2006

The City of Newport Beach General Plan 2006 contains the following policies related to noise that are applicable to the Project:

- R 1.12      Aircraft Overflight and Noise.** Require that all public parks located within the noise impact zones as defined in the 1985 JWA Master Plan for John Wayne Airport be posted with a notification to users regarding aircraft overflight and noise.
- N 1.1      Noise Compatibility of New Development.** Require that all proposed projects are compatible with the noise environment through use of Table N2, and enforce the interior and exterior noise standards shown in Table N3.
- N 1.7      Commercial/ Entertainment Uses.** Limit hours and/or require attenuation of commercial/entertainment operations adjacent to residential and other noise sensitive uses in order to minimize excessive noise to these receptors.
- N 1.8      Significant Noise Impacts.** Require the employment of noise mitigation measures for existing sensitive uses when a significant noise impact is identified. A significant noise impact

occurs when there is an increase in the ambient CNEL produced by new development impacting existing sensitive uses. The CNEL increase is shown in the table below.

CNEL (dBA)	dBA increase
55	3
60	2
65	1
70	1
Over 75	Any increase is considered significant

**N 4.2 New Uses.** Require that new uses such as restaurants, bars, entertainment, parking facilities, and other commercial uses where large numbers of people may be present adjacent to sensitive noise receptors obtain a use permit that is based on compliance with the noise standards in Table N3 and the City's Municipal Code.

**N 4.3 New Commercial Developments.** Require that new commercial developments abutting residentially designated properties be designed to minimize noise impacts generated by loading areas, parking lots, trash enclosures, mechanical equipment, and any other noise generating features specific to the development to the extent feasible.

**N 4.6 Maintenance of Construction Activities.** Enforce the Noise Ordinance noise limits and limits on hours of maintenance or construction activity in or adjacent to residential areas, including noise that results from in-home hobby or work related activities.

**N 5.1 Limiting Hours of Activity.** Enforce the limits on hours of construction activity.

#### **General Plan Noise Land Use Compatibility**

The noise criteria identified in Table N2 of the General Plan Noise Element (included as Table 5.11-1 below) are guidelines to evaluate the land use compatibility of transportation related noise. The compatibility criteria, shown below, provides the City with a planning tool to gauge the compatibility of land uses relative to existing and future exterior noise levels and prevent noise/land use conflicts.

This General Plan land use noise compatibility matrix identifies that commercial recreation is clearly compatible with noise of up to 65 dBA CNEL, normally compatible with noise up to 75 dBA CNEL, and clearly incompatible with noise over 75 dBA CNEL.

**Table 5.11-1: General Plan Land Use Noise Compatibility Matrix (GP Table N2)**

<b>Table N2 Land Use Noise Compatibility Matrix</b>								
<i>Land Use Categories</i>		<i>Community Noise Equivalent Level (CNEL)</i>						
<i>Categories</i>	<i>Uses</i>	<55	55-60	60-65	65-70	70-75	75-80	>80
<b>Residential</b>	Single Family, Two Family, Multiple Family	A	A	B	C	C	D	D
<b>Residential</b>	Mixed Use	A	A	A	C	C	C	D
<b>Residential</b>	Mobile Home	A	A	B	C	C	D	D
<b>Commercial</b> Regional, District	Hotel, Motel, Transient Lodging	A	A	B	B	C	C	D
<b>Commercial</b> Regional, Village District, Special	Commercial Retail, Bank, Restaurant, Movie Theatre	A	A	A	A	B	B	C
<b>Commercial Industrial</b> <b>Institutional</b>	Office Building, Research and Development, Professional Offices, City Office Building	A	A	A	B	B	C	D
<b>Commercial</b> Recreational <b>Institutional</b> Civic Center	Amphitheatre, Concert Hall Auditorium, Meeting Hall	B	B	C	C	D	D	D
<b>Commercial</b> Recreation	Children's Amusement Park, Miniature Golf Course, Go-cart Track, Equestrian Center, Sports Club	A	A	A	B	B	D	D
<b>Commercial</b> General, Special <b>Industrial, Institutional</b>	Automobile Service Station, Auto Dealership, Manufacturing, Warehousing, Wholesale, Utilities	A	A	A	A	B	B	B
<b>Institutional</b>	Hospital, Church, Library, Schools' Classroom	A	A	B	C	C	D	D
<b>Open Space</b>	Parks	A	A	A	B	C	D	D
<b>Open Space</b>	Golf Course, Cemeteries, Nature Centers Wildlife Reserves, Wildlife Habitat	A	A	A	A	B	C	C
<b>Agriculture</b>	Agriculture	A	A	A	A	A	A	A

SOURCE: Newport Beach, 2006

**Zone A:** Clearly Compatible—Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction without any special noise insulation requirements.

**Zone B:** Normally Compatible—New construction or development should be undertaken only after detailed analysis of the noise reduction requirements and are made and needed noise insulation features in the design are determined. Conventional construction, with closed windows and fresh air supply systems or air conditioning, will normally suffice.

**Zone C:** Normally Incompatible—New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of noise reduction requirements must be made and needed noise insulation features included in the design.

**Zone D:** Clearly Incompatible—New construction or development should generally not be undertaken.

## City of Newport Beach Santa Ana Heights Specific Plan

The Project site is located within Santa Ana Heights Specific Plan, which is an area roughly bounded by Upper Newport Bay to the south, Santa Ana Avenue to the west, Bristol Street to the north, and the Bayview Terrace area (near the Marriott Suites) to the east. The Santa Ana Heights Specific Plan is included in the City's Municipal Code as Chapter 20.90. The Specific Plan includes noise regulations that are applicable to the proposed Project, which are listed below.

### Municipal Code Section 20.90.040.D, Noise Mitigation

1. All new or entirely reconstructed structures with habitable rooms (e.g., dwelling units, hotels, motels, convalescent homes and hospitals) shall be sound attenuated against present and projected noise, which shall be the sum of all noise impacting the structure, so as not to exceed a standard of forty-five (45)

dB CNEL in all habitable rooms. In conjunction with this construction, all associated outdoor living areas shall be sound attenuated, if necessary, against present and projected highway noise so as not to exceed a standard of sixty-five (65) dB CNEL. Prior to the issuance of any building permits for such development, an acoustical analysis report describing the sound attenuation measures required to satisfy the noise standards shall be prepared by a City-approved acoustical consultant and submitted to the Community Development Director for approval. The report shall include satisfactory evidence indicating that the sound attenuation measures have been incorporated into the design of the project.

2. All nonresidential structures shall be sound attenuated against the combined impact of all present and projected noise from exterior noise sources as necessary to meet the interior noise criteria of the General Plan Noise Element. Prior to the issuance of any building permits, evidence prepared by a City-approved acoustical consultant that these standards will be satisfied in a manner consistent with applicable zoning regulations shall be submitted to the Community Development Director in the form of an acoustical analysis report describing in detail the exterior noise environment and the acoustical design features required to achieve the interior noise standard and which indicate that the sound attenuation measures specified have been incorporated into the design of the project.
3. Prior to the issuance of a building permit for a structure that penetrates the 100:1 Noise Surface pursuant to FAR Part 77.13, the project applicant shall submit a "Notice of Proposed Construction" to the Federal Aviation Administration (FAA), which will initiate an Aeronautical Study of the project by the FAA. Upon completion of the FAA Aeronautical Study, the project applicant shall submit evidence to the Community Development Director that restrictions and conditions, if any, imposed on the project by the FAA have been incorporated into the design of the project.
4. All projects including, but not limited to, General Plan amendments and zone changes within the project area pertinent to the Airport Land Use Commission's (ALUC) John Wayne Airport "Airport Environs Land Use Plan" shall be referred to ALUC until such time as the City becomes a "Consistent Local Agency" as defined by ALUC. For purposes of this requirement, the term "project" shall include those applications requiring discretionary approvals, tentative tract map or parcel map approvals or modifications, and/or condominium conversions. Such projects shall not include minor modifications, such as remodels and additions to single-family dwelling units with no intensification of development. (Ord. 2023-22 § 940, 2023; Ord. 2010-21 § 1 (Exh. A)(part), 2010)

## City of Newport Beach Municipal Code

**Chapter 10.26 Community Noise Control.** This municipal code establishes the permissible exterior noise levels that may intrude into a neighboring property. According to Section 10.26.025(A) exterior noise levels at single-, two or multiple-family residential land uses (Noise Zone 1) shall not exceed 55 dBA Leq during the daytime hours (7:00 a.m. to 10:00 p.m.) and 50 dBA Leq during the nighttime hours (10:00 p.m. to 7:00 a.m.). For commercial uses, exterior noise levels shall not exceed 65 dBA Leq during the daytime hours (7:00 a.m. to 10:00 p.m.) and 60 dBA Leq during the nighttime hours (10:00 p.m. to 7:00 a.m.).

According to Section 10.26.025(C), in the event the ambient noise level exceeds the noise standard, the maximum allowable noise level under said category shall be increased to reflect the maximum ambient noise level. The City of Newport Beach Municipal Code, Chapter 10.26 Community Noise Control exterior noise level standards are shown in Table 5.11-2.

**Table 5.11-2: City of Newport Beach Noise Standards**

City	Land Use	Time Period	Base Exterior Noise Level Standards (dBA Leq) <sup>2</sup>
Newport Beach <sup>1</sup>	Residential (Noise Zone I)	Daytime	55
		Nighttime	50
	Commercial (Noise Zone II)	Daytime	65
		Nighttime	60

<sup>1</sup> Source: City of Newport Beach Municipal Code, Section 10.26.025 (Appendix 3.1).

<sup>2</sup> Base exterior noise level standards. If the ambient level exceeds allowable exterior Leq noise level, the ambient shall be the standard per Section 10.26.025 (C) of the City of Newport Beach Municipal Code.

"Daytime" = 7:00 a.m. to 10:00 p.m.; "Nighttime" = 10:00 p.m. to 7:00 a.m.

**Municipal Code Section 10.28.040 Construction Activity - Noise Regulations.** This municipal code limits the hours of allowable construction activity to between the hours of 7:00 a.m. - 6:30 p.m. on weekdays and 8:00 a.m. - 6:00 p.m. on Saturdays; with no construction work allowed on Sundays or Federal holidays.

### John Wayne Airport Land Use Plan




The Airport Environs Land Use Plan (AELUP) prepared by the Orange County Airport Land Use Commission (ALUC), identifies noise compatibility policies to safeguard the general welfare of the inhabitants within the vicinity of the airport and to ensure the continued operation of the airport. The AELUP establishes aircraft noise exposure exterior noise level compatibility thresholds for new developments by land use category. According to the AELUP exterior noise thresholds included below, commercial development is considered normally consistent with exterior noise levels of less than 65 dBA CNEL, and conditionally consistent with exterior noise levels greater than 65 dBA CNEL (see Table 5.11-3, below).



**Table 5.11-3: AELUP Land Use Noise Limitations**

AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY AIRPORT ENVIRONS LAND USE PLAN LIMITATIONS ON LAND USE DUE TO NOISE (Applicable to Aircraft Noise Sources)							
LAND USE CATEGORY	COMMUNITY NOISE EQUIVALENT LEVEL dB						
	55	60	65	70	75	80	
Residential (all types): Single and Multi-Family Residences							
Community Facilities: Churches, Libraries, Schools, Preschools, Day-Care Centers, Hospitals, Nursing/Convalescent Homes, & Other noise sensitive uses							
Commercial: Retail, Office							
Industrial:							

	<b>NORMALLY CONSISTENT</b>
	Conventional construction methods used. No special noise reduction requirements.
	<b>CONDITIONALLY CONSISTENT</b>
	Must use sound attenuation as required by the California Noise Insulation Standards, Title 25, California Code of Regulations. Residential use sound attenuation required to ensure that the interior CNEL does not exceed 45 dB. Commercial and industrial structures shall be sound attenuated to meet Noise Impact Zone "1" criteria (refer to Section 3.2.3).
	<b>NORMALLY INCONSISTENT</b>
	All residential units are inconsistent unless are sound attenuated to ensure that the interior CNEL does not exceed 45 dB, and that all units are indoor oriented so as to preclude noise impingement on outdoor living areas.

### 5.11.3 ENVIRONMENTAL SETTING

#### 5.11.3.1 Existing Ambient Noise

To assess the existing noise level environment within and near the Project site, 24-hour noise level measurements were taken on Thursday, September 12, 2024, at eight locations which are shown in Figure 5.11-1. The noise level measurements were positioned as close to the nearest sensitive receiver locations as possible to assess the existing ambient hourly noise levels. The background ambient noise levels in the Project area are dominated by the overflight of airplanes and transportation-related noise associated with surface streets. A description of these locations and the existing noise levels are provided in Table 5.11-4. As shown, existing daytime noise levels range from 67.8 to 73.7 dBA.



# Noise Measurement Locations



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**Table 5.11-4: Summary of 24-Hour Ambient Noise Level Measurements**

Location	Description	Energy Average Noise Level (dBA Leq)	
		Daytime	Nighttime
L1	Located northwest of the site near the residence at 20352 Kline Drive	71.3	50.9
L2	Located west of the site near the pool at 1619 Mesa Drive	67.8	51.8
L3	Located west of the site near the residence at 1691 Mesa Drive	72.4	62.5
L4	Located southwest of the site near the residence at 2698 Riverside Drive	69.1	54.2
L5	Located southwest of the site near the residence at 2503 Anniversary Lane	73.4	65.6
L6	Located south of the site near the residence at 2139 Anniversary Lane	68.3	44.2
L7	Located southeast of the site near the park at 2081 Mesa Drive	70.6	50.0
L8	Located east of the site near the residence at 20250 SW Acacia Street	73.7	53.5

Source: Appendix Q

"Daytime" = 7:00 a.m. to 7:00 p.m.; "Nighttime" = 10:00 p.m. to 7:00 a.m.

### 5.11.3.2 Existing Vibration

Aside from periodic construction work that may occur in the vicinity of the Project site, other sources of groundborne vibration include heavy-duty vehicular travel (e.g., refuse trucks and delivery trucks) on area roadways. Trucks traveling at a distance of 50 feet typically generate groundborne vibration velocity levels of approximately 0.006 inch per second PPV and could reach approximately 0.016 inch per second PPV when trucks pass over bumps in the road (FTA, 2018).

### 5.11.3.3 John Wayne Airport

John Wayne Airport (SNA) is located approximately 0.4-mile northeast of the Project site. As shown on Figure 5.8-2, *2024 John Wayne Airport Noise Contours*, in Section 5.8, *Hazards and Hazardous Materials*, the Project site is located within the 2024 SNA 65 CNEL noise contour, which indicates that noise from aircraft on the Project site is currently 65 dB CNEL and is within the noise impact area related to SNA operations.

According to the AELUP (as listed previously in Section 5.11.2.3), commercial development is considered *normally consistent* with exterior noise levels of less than 65 dBA CNEL, and *conditionally consistent* with exterior noise levels greater than 65 dBA CNEL. The AELUP contains airport noise contours from 1985 (shown in Figure 5.10-3), which identifies that a majority of the Project site is located within the 65 dBA CNEL and a small area in the northeastern portion of the Project site would be in the 70 dBA CNEL aircraft noise level contours.



#### 5.11.3.4 Sensitive Receivers

Noise sensitive receivers are generally defined as locations where people reside or where the presence of unwanted sound could otherwise adversely affect the use of the land. Noise-sensitive land uses are generally considered to include: residences, schools, hospitals, and recreation areas. The noise sensitive receptors that are in the vicinity of the Project site are described below and shown in Figure 5.11-2. Other sensitive land uses in the Project site vicinity that are located at greater distances than those identified in this noise study will experience lower noise levels than those presented for these locations due to the additional attenuation from distance and the shielding of intervening structures.

- R1: Location R1 represents a residence at 20352 Kline Drive, 399 feet northwest of the Project site. Receiver R1 is placed at the use area (backyard) facing the Project site.
- R2: Location R2 represents a residence at 1691 Mesa Drive, 256 feet northwest of the Project site. Receiver R2 is placed at the use area (pool) facing the Project site.
- R3: Location R3 represents a residence at 1691 Mesa Drive, 169 feet northwest of the Project site. Receiver R3 is placed at the building façade facing the Project site.
- R4: Location R4 represents a residence at 2698 Riverside Drive, 502 feet west of the Project site. Receiver R4 is placed at the building façade facing the Project site.
- R5: Location R5 represents a residence at 2916 Irvine Avenue, 284 feet southwest of the Project site. Receiver R5 is placed at the building façade facing the Project site.
- R6: Location R6 represents a residence at 2139 Anniversary Lane, 673 feet south of the Project site. Receiver R6 is placed at the building façade facing the Project site.
- R7: Location R7 represents a park at 2061 Mesa Drive, 797 feet southeast of the Project site. Receiver R7 is placed at the use area facing the Project site.
- R8: Location R8 represents a residence at 20250 SW Acacia Street, 386 feet east of the Project site. Receiver R8 is placed at the building façade facing the Project site.

# Noise Sensitive Receiver Locations



Source: Urban Crossroads. 2025. Surf Farm Noise Analysis.

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## 5.11.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of the CEQA Guidelines indicates that the Project could have a significant effect if it were to result in:

- NOI-1     Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
- NOI-2     Generation of excessive groundborne vibration or groundborne noise levels.
- NOI-3     For a project located within the vicinity of a private airstrip or 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, expose people residing or working in the project area to excessive noise levels.

### Construction Noise

The City of Newport Beach has not adopted any specific construction noise standards. Therefore, the thresholds based on Occupational Safety and Health Administration (CalOSHA) information related to exposure to noise levels are construction noise limits generating a temporary noise level increase above the existing daytime ambient noise levels of up to 12 dBA Leq and not to exceed 80 dBA Leq.

### Operational Noise

The City of Newport Beach General Plan Policy N 1.8 states that a significant noise increase occurs when there is an increase in the ambient CNEL produced by new development impacting existing sensitive uses. General Plan Policy N 1.8 identifies a threshold of 3 dBA in areas with an ambient CNEL of less than 60 dBA, a threshold of 2 dBA in areas with an ambient CNEL between 60 and 65 dBA, and a threshold of 1 dBA in areas with an ambient CNEL between 65 dBA and 75 dBA.

The Municipal Code, Chapter 10.26 Community Noise Control exterior noise level standards identifies a 55 dBA Leq daytime and 50 dBA Leq (or existing ambient level if higher) nighttime noise standard for residential properties; and a 65 dBA Leq daytime and 60 dBA Leq (or existing ambient level if higher) nighttime noise standard for commercial uses, including the Project site.

### Vibration

The City of Newport Beach has not adopted any specific vibration level standards. Therefore, the Caltrans *Transportation and Construction Vibration Guidance Manual*, Table 19, vibration levels are used to assess potential temporary construction-related impacts at adjacent building locations. This criteria is appropriate as vibration impacts are only assessed within structures, vibrations in outdoor environments are generally not an environmental concern, and temporary annoyance is not generally considered a substantial effect on the environment. The nearest vibration-sensitive buildings to the Project site are “older residential structures” with a maximum acceptable continuous vibration threshold of 0.3 PPV (in/sec).

Noise and vibration impacts may be considered significant if any of the following occur as a result of the proposed Project. Table 5.11-5 provides a summary of the noise significance criteria.



**Table 5.11-5: Significance Criteria Summary**

Analysis	Receiving Land Use	Condition(s)	Significance Criteria	
			Daytime	Nighttime
Operational Noise	Residential <sup>1</sup>	Exterior Noise Level Standards	55 dBA Leq	50 dBA Leq
	Commercial <sup>1</sup>	Exterior Noise Level Standards	65 dBA Leq	60 dBA Leq
	Noise-Sensitive <sup>3</sup>	If ambient is < 60 dBA CNEL	≥ 3 dBA CNEL Project Increase	
		If ambient is 60 - 65 dBA CNEL	≥ 2 dBA CNEL Project Increase	
		If ambient is 65 - 75 dBA CNEL	≥ 1 dBA CNEL Project Increase	
		If ambient is > 75 dBA CNEL	Any Project Increase	
Construction	All	Noise Level Threshold <sup>4</sup>	80 dBA Leq	
		Noise Level Increase	≥ 12 dBA CNEL Project Increase	
	All <sup>4</sup>	Vibration Level Threshold <sup>4</sup>	0.3 PPV (in/sec)	n/a

<sup>1</sup> City of Newport Beach General Plan Noise Element Policy N 1.5.

<sup>2</sup> City of Newport Beach Municipal Code, Section 10.26.025 (Appendix 3.1).

<sup>3</sup> City of Newport Beach General Plan Policy N 1.8

<sup>4</sup> Caltrans Transportation and Construction Vibration Guidance Manual, 2020.

"Daytime" = 7:00 a.m. to 10:00 p.m.; "Nighttime" = 10:00 p.m. to 7:00 a.m.

"VdB" = Vibration Decibels

## 5.11.5 METHODOLOGY

### Construction Noise

To identify the temporary construction noise contribution to the existing ambient noise environment, the construction noise levels anticipated from usage of construction equipment needed to implement the proposed Project were combined with the existing ambient noise level measurements at the sensitive receiver locations. The City's Municipal Code limits construction hours to reduce noise, and based on CalOSHA standards, a numeric maximum acceptable construction source noise levels threshold at potentially affected receivers has been identified to provide a quantified determination of what CEQA constitutes a *substantial temporary or periodic noise increase*. The construction noise levels at sensitive receptors are compared against the thresholds to assess the level of significance associated with temporary construction noise level impacts.

### Operational Noise

The primary sources of noise associated with the operation of the proposed Project would be from vehicular trips, roof-top air conditioning units, satellite speakers, main announcement speakers, wave machine activity, lagoon activity, spectator activity, trash enclosure activity, loading activity, and parking lot vehicle movements.

The expected roadway noise level increases from vehicular traffic were calculated based on the average daily traffic volumes from the Trip Generation Assessment, included as Appendix R, prepared for the proposed Project. As detailed in Section 5.14, *Transportation*, the proposed Project is anticipated to generate a net increase of 186 new trips per day, with a reduction of 73 a.m. peak hour trips and a reduction of 10 p.m. peak hour trips. The increase in noise levels generated by the vehicular trips have been quantitatively estimated and compared to the applicable noise standards and thresholds of significance

listed previously. The increase in noise levels generated by these activities has been quantitatively estimated and compared to the applicable noise standards listed previously.

## Vibration

Aside from noise levels, groundborne vibration would also be generated during construction of the Project by various construction-related activities and equipment; and could be generated by truck traffic traveling to and from the Project site. The potential ground-borne vibration levels resulting from construction activities occurring from the proposed Project were estimated by data published by the FTA. Thus, the groundborne vibration levels generated by these sources have also been quantitatively estimated and compared to the applicable thresholds of significance listed previously.

## 5.11.6 ENVIRONMENTAL IMPACTS

**IMPACT NOI-1: THE PROJECT WOULD NOT RESULT IN GENERATION OF A SUBSTANTIAL TEMPORARY OR PERMANENT INCREASE IN AMBIENT NOISE LEVELS IN THE VICINITY OF THE PROJECT IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES.**

**Less than Significant Impact.**

### Construction

Noise generated by construction equipment would include a combination of trucks, power tools, concrete mixers, and portable generators that when combined can reach high levels. Construction is expected to occur in the following stages: site preparation, grading, building construction, paving, architectural coating.

To describe construction noise activities, a construction noise analysis was prepared using reference construction equipment noise levels from the Federal Highway Administration (FHWA) published the Roadway Construction Noise Model (RCNM), which includes a national database of construction equipment reference noise emission levels. The RCNM equipment database provides a comprehensive list of the noise-generating characteristics of specific types of construction equipment. In addition, the database provides an acoustical usage factor to estimate the fraction of time each piece of construction equipment is operating at full power (i.e., its loudest condition) during a construction operation.

According to the EPA, FTA, and FHWA, the overall construction noise level is governed primarily by the noisiest pieces of equipment. The quieter pieces do not affect the overall level, but they do reduce the magnitude of the fluctuations in the noise level. Therefore, a rough estimate of the noise level need only include the noisiest pieces of equipment expected at the site (Appendix Q). Consistent with FHWA and FTA guidance for detailed construction noise assessment, Table 5.11-6 provides the combined noise levels for the loudest construction activities expected for each stage, assuming all equipment operates simultaneously. As shown, noise levels generated by heavy construction equipment range from approximately 76 dBA Lmax to 84.4 dBA Lmax at 50 feet from the noise source, as shown on Table 5.11-6.

**Table 5.11-6: Construction Reference Noise Levels**

Construction Stage	Reference Construction Equipment	Reference Noise Level @ 50 Feet (dBA Leq)	Composite Reference Noise Level (dBA Leq)	Reference Power Level (dBA Lw)
Demolition	Concrete Saw	83.0	84.4	116.0
	Excavator	77.0		
	Backhoe	74.0		
Site Preparation	Tractor	80.0	82.9	114.5
	Front End Loader	75.0		
	Dozer	78.0		
Grading	Tractor	80.0	84.2	115.9
	Grader	81.0		
	Compactor (ground)	76.0		
Building Construction	Crane	73.0	82.1	113.7
	Generator	78.0		
	Gradall	79.0		
Paving	Paver	74.0	77.8	109.5
	Dump Truck	72.0		
	Roller	73.0		
Architectural Coating	Man Lift	68.0	76.2	107.8
	Compressor (air)	74.0		
	Generator (<25kVA)	70.0		

Source: Appendix Q


Per Municipal Code Section 10.28.020, noise sources associated with construction activities shall not take place between the hours of 6:30 p.m. and 7:00 a.m. during the week, before 8:00 a.m. or after 6:00 p.m. on Saturdays; with no construction work allowed on Sundays or Federal holidays. The proposed Project's construction activities would occur pursuant to these regulations. Thus, the construction activities would comply with the City's construction-related noise standards.

Construction noise would be temporary in nature as the operation of each piece of construction equipment would not be constant throughout the construction day, and equipment would be turned off when not in use. The Project construction would involve various stages, and activities frequently shift from one location to another. For example, during site preparation and grading, noise-generating activities may concentrate in an area for a short period to remove an obstruction, while the majority of the grading involves the equipment moving back and forth in a predictable pattern throughout the site; building construction and foundation work generally concentrates near the building footprint, while paving generally involves a predictable pattern of movement throughout the site. Therefore, construction activities were modeled as multiple moving point sources within the construction area, and to provide a conservative analysis the modeling was based on the loudest activity and the highest noise level calculated at each receiver location. As shown in Table 5.11-7, the construction noise levels are expected to range from 50.0 to 63.8 dBA Leq at the nearby receiver locations, which are shown on Figure 5.11-3. This is below the threshold of 80 dBA Leq. In addition, the construction noise is below the existing daytime noise levels that range from 67.8 to 73.7 dBA. Therefore, impacts related to construction noise levels would be less than significant.




# Construction Activity and Receiver Locations






**LEGEND:**

 Construction Activity

 Receiver Locations

 Distance from receiver to construction activity (in feet)

Source: Urban Crossroads. 2025. Surf Farm Air Quality Impact Analysis.



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**Table 5.11-7: Construction Activity Noise Levels**

Receiver Location	Construction Noise Levels (dBA Leq)						
	Demolition	Site Preparation	Grading	Building Construction	Paving	Architectural Coating	Highest Levels <sup>1</sup>
R1	62.0	60.8	59.2	59.4	55.5	54.4	62.0
R2	62.5	61.3	59.7	59.9	56.0	54.9	62.5
R3	63.8	62.6	61.0	61.2	57.3	56.2	63.8
R4	58.7	57.5	55.9	56.1	52.2	51.1	58.7
R5	61.3	60.1	58.5	58.7	54.8	53.7	61.3
R6	57.7	56.5	54.9	55.1	51.2	50.1	57.7
R7	57.6	56.4	54.8	55.0	51.1	50.0	57.6
R8	60.3	59.1	57.5	57.7	53.8	52.7	60.3

Source: Appendix Q

<sup>1</sup>Construction noise level calculations are measured from the Project site boundary to the nearest receiver locations.

To describe the temporary Project construction noise level contributions to the existing ambient noise environment, the Project construction noise levels were combined with the existing ambient noise level measurements at the nearest offsite receiver locations. The difference between the combined Project-construction and ambient noise levels is used to describe the construction noise level contributions. As shown in Table 5.11-8, noise from Project construction would increase existing ambient noise levels between 0.2 to 1.1 dBA Leq during the daytime hours at the nearest receiver locations, which would not exceed the threshold of either 80 dBA or a 12 dBA increase in ambient noise. Therefore, impacts related to the increase in ambient noise from construction activities would be less than significant.

**Table 5.11-8: Increases in Daytime Ambient Noise Levels from Construction Activity**

Receiver Location	Total Project Construction Noise Level	Measurement Location	Reference Ambient Noise Levels	Combined Project and Ambient	Project Increase	Increase Criteria	Increase Criteria Exceeded?
R1	62.0	L1	71.3	71.8	0.5	12	No
R2	62.5	L2	67.8	68.9	1.1	12	No
R3	63.8	L3	72.4	73.0	0.6	12	No
R4	58.7	L4	69.1	69.5	0.4	12	No
R5	61.3	L5	73.4	73.7	0.3	12	No
R6	57.7	L6	68.3	68.7	0.4	12	No
R7	57.6	L7	70.6	70.8	0.2	12	No
R8	60.3	L8	73.7	73.9	0.2	12	No

Source: Appendix Q

## Operation

### Operational Traffic Noise

The expected Project is anticipated to generate a net increase of 186 average daily trips (ADT), which would represent an incremental increase to the existing roadway volumes of 31,000 ADT and 6,000 ADT for Irvine Avenue and Mesa Drive respectively, and is not expected to double traffic or generate a perceptible noise level increase (i.e., less than 3 dBA CNEL) at nearby sensitive land uses adjacent to study

area roadways. Further, the Project would result in a reduction of 73 a.m. peak hour trips and 10 p.m. peak hour trips compared to the existing uses. Due to the low traffic volumes generated by the Project, the offsite traffic noise levels generated by the Project would be less than significant.

### Onsite Operational Noise

Operation of the proposed surf park would generate onsite noise from typical commercial activity such as roof-top air conditioning units that produce 57.4 dBA Leq at 50 feet, parking lot activity that is approximately 63 dBA, trash enclosure activity that is approximately 57.3 dBA Leq at 50 feet, and loading of trucks for operational services and supplies that is approximately 69.8 dBA Leq at 50 feet.

The Project would include satellite speakers located near the seating and surf lagoon areas. To describe the worst-case reference noise level conditions, a reference noise level of 66.4 Leq at a distance of 50 feet (4 times louder than the typical raised human voice) is used. The Project also includes speakers located throughout the facility as shown in Figure 5.11-4, *Operational Noise Sources*, to provide announcements as well as music during outdoor events. A conservative reference noise level of 71.4 Leq at a distance of 50 feet (4 times louder than the typical shouting human voice) is used to identify any potential speaker noise related impacts. The use of all speakers would be limited to the hours of 7:00 a.m. to 10:00 p.m.

Based on the manufacturer's specifications for the wave generator, the proposed wave machinery would generate a peak wave noise event of 61.4 Leq at a distance of 50 feet, which would be limited to the hours of 6:00 a.m. to 11:00 p.m. In addition, the noise from the surf lagoon, warming pools, and spa activities resulted in approximately 57.8 dBA Leq at 50 feet, and surf lagoon spectators result in approximately 43.4 dBA Leq. at 50 feet, as further detailed in the Noise Analysis, included as Appendix Q.

Using these reference noise levels, the Noise Analysis (Appendix Q) calculated the operational source noise levels that are expected to be generated by the Project and the Project-related noise level increases at each of the sensitive receiver locations. Table 5.11-9 shows that the Project operational noise levels during the daytime hours of 7:00 a.m. to 10:00 p.m. are expected to range from 53.8 to 64.1 dBA Leq at the offsite receiver locations. This is less than the existing daytime ambient noise in the Project vicinity, which ranges from 67.8 to 73.7 dBA, as listed previously in Table 5.11-4.

**Table 5.11-9: Daytime Operational Noise Levels**

Noise Source	Operational Noise Levels by Receiver Location (dBA Leq)							
	R1	R2	R3	R4	R5	R6	R7	R8
Roof-Top Air Conditioning Unit	41.5	42.5	43.3	38.7	40.8	37.1	36.1	37.7
Parking Lot Vehicle Movements	25.1	27.1	29.1	21.9	24.5	17.7	15.8	20.1
Trash Enclosure Activity	4.8	9.7	14.7	17.0	23.0	12.5	7.6	18.6
Loading Activity	41.0	39.0	39.0	36.2	30.0	34.7	33.2	43.3
Satellite Speakers	43.5	40.1	40.2	37.0	34.0	41.4	42.4	42.8
Main Announcement Speaker	58.9	55.6	53.9	50.0	48.3	55.1	56.0	58.5
Wave Machine Activity	37.6	33.5	32.1	28.0	25.5	33.5	34.3	36.2
Water Heater Activity	22.2	20.7	20.8	18.2	12.7	19.1	20.3	28.0
Pool Activity	34.5	25.6	25.3	25.3	31.3	33.5	34.5	34.3
Spectator Activity	34.2	25.9	24.0	24.1	32.6	32.0	35.9	36.0
<b>Total (All Noise Sources)</b>	<b>64.1</b>	<b>60.8</b>	<b>59.3</b>	<b>55.1</b>	<b>53.8</b>	<b>60.1</b>	<b>61.0</b>	<b>63.7</b>

Source: Appendix Q



# Operational Noise Sources



- |  |  |   |
|--|--|---|
| <span style="color: blue;">■</span> Roof-Top Air Conditioning Unit | <span style="color: blue;">✱</span> Swimming Pool Activity     | <span style="color: purple;">■</span> Wave Machine Activity       |
| <span style="color: purple;">✱</span> Spectators                   | <span style="color: green;">■</span> Water Heater Units        | <span style="color: orange;">■</span> Loading Activity            |
| <span style="color: green;">✱</span> Satellite Speakers            | <span style="color: pink;">○</span> Main Announcement Speakers | <span style="color: blue;">■</span> Parking Lot Vehicle Movements |
| <span style="color: red;">■</span> Trash Enclosure Activity        |  |   |

Source: Urban Crossroads. 2025. Surf Farm Air Quality Impact Analysis.



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Table 5.11-10 shows that the Project operational noise levels during the nighttime hours of 10:00 p.m. to 7:00 a.m. are expected to range from 40.0 to 45.7 dBA Leq. The differences between the daytime and nighttime noise levels are largely related to the duration of noise activity.

**Table 5.11-10: Nighttime Operational Noise Levels**

Noise Source	Operational Noise Levels by Receiver Location (dBA Leq)							
	R1	R2	R3	R4	R5	R6	R7	R8
Roof-Top Air Conditioning Unit	38.3	39.3	40.0	35.5	37.6	33.8	32.8	34.4
Parking Lot Vehicle Movements	24.2	26.1	28.1	20.9	23.5	16.7	14.8	19.1
Trash Enclosure Activity	3.8	8.8	13.7	16.0	22.0	11.5	6.6	17.6
Loading Activity	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Satellite Speakers	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Main Announcement Speaker	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Wave Machine Activity	36.6	32.6	31.1	27.1	24.6	32.5	33.4	35.2
Water Heater Activity	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Pool Activity	30.6	21.6	21.4	21.3	27.3	29.6	30.5	30.3
Spectator Activity	33.2	24.9	23.0	23.1	31.6	31.0	34.9	35.0
<b>Total (All Noise Sources)</b>	<b>45.7</b>	<b>44.1</b>	<b>44.5</b>	<b>40.0</b>	<b>42.9</b>	<b>41.8</b>	<b>43.0</b>	<b>44.1</b>

Source: Appendix Q

To identify if the Project would comply with local noise regulations, the Project-only operational noise levels are evaluated against the exterior noise level standards at the nearest noise-sensitive receiver locations. For noise-sensitive residential land uses, the City has established exterior noise level standards of 55 dBA Leq during the daytime hours (7:00 a.m. to 10:00 p.m.) and 50 dBA Leq during the nighttime hours (10:00 p.m. to 7:00 a.m.). In the event the ambient noise level exceeds the noise standard, the maximum allowable noise level under said category shall be increased to reflect the maximum ambient noise level (Section 10.26.025(C)). Noise level limits in Table 5.11-11 have been adjusted based on the 24-hour noise level measurements in Table 5.11-4. Table 5.11-11 shows that the operational noise levels associated with the Project would be within the exterior noise level standards at the receiver locations. Therefore, the operational noise impacts would be less than significant.

**Table 5.11-11: Operational Noise Level Compliance**

Receiver Location	Project Operational Noise Levels (dBA Leq)		Noise Level Standards (dBA Leq)		Noise Level Standards Exceeded?	
	Daytime	Nighttime	Daytime	Nighttime	Daytime	Nighttime
R1	64.1	45.7	71.3	50.0	No	No
R2	60.8	44.1	67.8	50.0	No	No
R3	59.3	44.5	72.4	62.5	No	No
R4	55.1	40.0	69.1	50.0	No	No
R5	53.8	42.9	73.4	65.6	No	No
R6	60.1	41.8	68.3	50.0	No	No
R7	61.0	43.0	70.6	50.0	No	No
R8	63.7	44.1	73.7	50.0	No	No

Source: Appendix Q

"Daytime" = 7:00 a.m. to 7:00 p.m.; "Nighttime" = 10:00 p.m. to 7:00 a.m.

To describe the operational noise level increase, the Project operational noise levels are combined with the existing ambient noise level measurements for the nearest receiver locations. The difference between the combined Project and ambient noise levels describes the Project noise level increase to the existing ambient noise environment. Table 5.11-12 and Table 5.11-13 identifies that the Project would generate daytime operational noise level increases ranging from less than 0.1 to 0.8 dBA Leq and nighttime noise level increases ranging from less than 0.1 to 2.0 dBA Leq at the nearby receiver locations, which are less than the thresholds. Therefore, noise impacts related to Project operations would be less than significant.

**Table 5.11-12: Operational Daytime Noise Level Increases**

Receiver Location	Total Project Operational Noise Level	Measurement Location	Reference Ambient Noise Levels	Combined Project and Ambient	Project Increase	Increase Criteria	Increase Criteria Exceeded?
R1	64.1	L1	71.3	72.1	0.8	1.0	No
R2	60.8	L2	67.8	68.6	0.8	1.0	No
R3	59.3	L3	72.4	72.6	0.2	1.0	No
R4	55.1	L4	69.1	69.3	0.2	1.0	No
R5	53.8	L5	73.4	73.4	0.0	1.0	No
R6	60.1	L6	68.3	68.9	0.6	1.0	No
R7	61.0	L7	70.6	71.1	0.5	1.0	No
R8	63.7	L8	73.7	74.1	0.4	1.0	No

Source: Appendix Q

**Table 5.11-13: Operational Nighttime Noise Level Increases**

Receiver Location	Total Project Operational Noise Level	Measurement Location	Reference Ambient Noise Levels	Combined Project and Ambient	Project Increase	Increase Criteria	Increase Criteria Exceeded?
R1	45.7	L1	50.9	52.0	1.1	3.0	No
R2	44.1	L2	51.8	52.5	0.7	3.0	No
R3	44.5	L3	62.5	62.6	0.1	2.0	No
R4	40.0	L4	54.2	54.4	0.2	3.0	No
R5	42.9	L5	65.6	65.6	0.0	1.0	No
R6	41.8	L6	44.2	46.2	2.0	3.0	No
R7	43.0	L7	50.0	50.8	0.8	3.0	No
R8	44.1	L8	53.5	54.0	0.5	3.0	No

Source: Appendix Q

## **IMPACT NOI-2: THE PROJECT WOULD NOT RESULT IN GENERATION OF EXCESSIVE GROUNDBORNE VIBRATION OR GROUNDBORNE NOISE LEVELS.**

### **Less than Significant Impact.**

#### **Construction**

Construction activities for development of the Project would include demolition, site preparation, grading, building construction, paving, architectural coating, which have the potential to generate low levels of groundborne vibration that diminish with distance. People working in close proximity to the construction could be exposed to the generation of excessive groundborne vibration or groundborne noise levels related to construction activities. The results from vibration can range from no perceptible effects at the lowest vibration

levels, to low rumbling sounds and perceptible vibrations at moderate levels, to slight structural damage at the highest levels. Site ground vibrations from construction activities very rarely reach the levels that can damage structures, but they can be perceived in the audible range and be felt in buildings very close to a construction site.

Excavation and grading activities are required for implementation of the Project and can result in varying degrees of ground vibration, depending on the equipment and methods used, distance to the affected structures and soil type. Based on the reference vibration levels provided by Caltrans, a large bulldozer represents the peak source of vibration with a reference velocity of 0.089 PPV in/sec at 25 feet, as shown in Table 5.11-14.

**Table 5.11-14: Vibration Source Levels for Construction Equipment**

Equipment	Vibration Decibels (VdB) at 25 feet
Small bulldozer	0.003
Jackhammer	0.035
Loaded Trucks	0.076
Large bulldozer	0.089

Source: Appendix Q

The Project's potential vibration impacts were determined based on the construction vibration assessment methodology published by Caltrans. Table 5.11-15 identifies the expected Project-related vibration levels at the nearby receiver locations that range from 169 to 797 feet from Project construction activities. As shown, construction vibration velocity levels are estimated to range from 0.00 to 0.01 PPV in/sec, which would not exceed the 0.30 PPV in/sec threshold. Therefore, impacts related to construction vibration would be less than significant.

**Table 5.11-15: Construction Vibration Levels**

Receiver Location	Distance to Construction Activity (Feet)	Receiver Vibration Levels (PPV in/sec)					Threshold (PPV in/sec)	Threshold Exceeded?
		Small Bulldozer	Jack-hammer	Loaded Trucks	Large Bulldozer	Highest Vibration Levels		
R1	399'	0.00	0.00	0.00	0.00	0.00	0.30	No
R2	256'	0.00	0.00	0.01	0.01	0.01	0.30	No
R3	169'	0.00	0.00	0.01	0.01	0.01	0.30	No
R4	502'	0.00	0.00	0.00	0.00	0.00	0.30	No
R5	284'	0.00	0.00	0.01	0.01	0.01	0.30	No
R6	673'	0.00	0.00	0.00	0.00	0.00	0.30	No
R7	797'	0.00	0.00	0.00	0.00	0.00	0.30	No
R8	386'	0.00	0.00	0.00	0.00	0.00	0.30	No

Source: Appendix Q

## Operation

Operation of the proposed Project would include heavy trucks for deliveries, moving trucks, and garbage trucks for solid waste disposal. Truck vibration levels are dependent on vehicle characteristics, load, speed, and pavement conditions. According to the FTA *Transit Noise Impact and Vibration Assessment*, trucks traveling

at a distance of 50 feet typically generate groundborne vibration velocity levels of approximately 0.006 inch per second PPV and could reach approximately 0.016 inch per second PPV when trucks pass over bumps in the road (FTA, 2018). Since the trucks on the site would be travelling at low speeds on smooth surfaces, it is expected that truck vibrations at nearby receiver locations would be less than the vibration threshold of 0.30 PPV; and therefore, would be less than significant.

**IMPACT NOI-3: THE PROJECT WOULD NOT, FOR A PROJECT LOCATED WITHIN THE VICINITY OF A PRIVATE AIRSTRIP OR 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, EXPOSE PEOPLE RESIDING OR WORKING IN THE PROJECT AREA TO EXCESSIVE NOISE LEVELS.**

#### **Less than Significant Impact.**

As described previously, SNA is located approximately 0.4-mile northeast of the Project site. As shown in Section 5.8, *Hazards and Hazardous Materials*, on Figure 5.8-2, *2024 John Wayne Airport Noise Contours*, the Project site is located within the SNA 65 CNEL noise contour as identified by the airport in 2024. As shown in Table 5.11-4, the existing daytime noise levels range from 67.8 to 73.7 dBA, which is largely generated from both airport operations and traffic along both Irvine Avenue and Mesa Drive.

The AELUP contains airport noise contours from 1985 (shown in Figure 5.10-3 in Section 5.10, *Land Use and Planning*), which identifies that a majority of the Project site is located within the 65 dBA CNEL and a small area in the northeastern portion of the Project site that is planned for parking and wave lagoon machinery is in the 70 dBA CNEL airport noise contour. The AELUP for SNA states that community facilities and commercial land uses are “conditionally consistent” within the 70 CNEL contour with interior sound attenuation. There are no proposed structures proposed within the 70 CNEL contour. Only parking and lagoon equipment would be located in the area. In addition, the General Plan Land Use Noise Compatibility Matrix (GP Table N2), included as Table 5.11-1, identifies that commercial recreation facilities are “normally compatible” up to 75 dBA CNEL.

Therefore, the proposed community related commercial recreation facilities that are proposed for the site would be consistent with the aircraft noise from operation of SNA pursuant to both the AELUP and City’s General Plan. Impacts related to exposure of people within the Project area to excessive airport-related noise levels would be less than significant.

### **5.11.7 CUMULATIVE IMPACTS**

Cumulative noise assessment considers development of the proposed Project in combination with ambient growth and other development projects within the vicinity of the proposed Project. As noise is a localized phenomenon and drastically reduces in magnitude as distance from the source increases, only projects and ambient growth in the immediate vicinity could combine with the proposed Project to result in cumulative noise impacts.

#### **Construction Noise**

Construction noise is localized in nature and decreases substantially with distance. Consequently, in order to achieve a substantial cumulative increase in construction noise levels, more than one source emitting high levels of construction noise would need to be in close proximity to the proposed Project. The nearest development project, and the only project within potential hearing distance is Project Number 5 listed in Table 5-1, *Cumulative Projects List*, in Section 5.0, *Environmental Impact Analysis*, which is the Newport Irvine Medical parking garage project located at 3300 Irvine Avenue, which is beyond receiver location R8 shown on Figure 5.11-2, and thus farther from the Project site. As detailed in Table 5.11-8, the increase in ambient

noise from construction activity at R8 is 0.2 dBA. Because the Newport Irvine Medical parking garage project is beyond, and farther than R8, construction noise would be lower at the cumulative project location. In addition, no application for development of Housing Opportunity sites 23, 24, 25, and 26 to the south of Mesa Drive has been submitted to the City; therefore, cumulative construction noise is not anticipated. However, the Project's construction noise increase at R5 (near Housing Opportunity sites 23, 24, 25, and 26) would be 0.3 dBA, which is less than cumulatively significant. Therefore, construction noise generated from the proposed Project would not combine to become cumulatively considerable, and cumulative noise impacts associated with Project construction activities would be less than significant.

### **Operational Traffic Noise**

Cumulative traffic source noise impacts would occur primarily as a result of increased traffic on local roadways due to proposed development projects and related projects within a study area. Therefore, cumulative traffic-generated noise impacts has been assessed based on the contribution of the proposed Project to traffic volumes on the roadways in the Project vicinity. As detailed previously, the Project would result in a reduction of 73 a.m. peak hour trips and 10 p.m. peak hour trips compared to the existing uses. The reduced vehicular trips during peak hours would result in less than cumulatively considerable vehicle noise.

### **Onsite Operational Noise**

As detailed previously, impacts associated with onsite noise sources would be less than significant. Other projects would be required to evaluate onsite noise sources and, if necessary, mitigate for such impacts. The Project would generate daytime operational noise level increases ranging from less than 0.2 to 0.8 dBA Leq and nighttime noise level increases ranging from less than 0.1 to 2.0 dBA Leq at the nearby receiver locations, which are less than the thresholds. Thus, the Project would not result in an exceedance that could have a cumulatively considerable contribution to an increase in ambient noise. Stationary noise is a localized phenomenon and there is very limited potential for cumulative noise impacts to occur. Each related project in the Project vicinity would require noise assessments and compliance with noise-related municipal codes, as part of permitting requirements that would address potential noise impacts and identify necessary attenuation measures, where appropriate. The closest cumulative project consists of a medical office building and parking garage use, which is consistent with the uses in the Project site vicinity and is not anticipated to result in cumulative impacts related to operational noise. Housing Opportunity sites 25 and 26, across Mesa Drive from the Project site, that total 8.82 acres, have been identified for potential future residential uses by the City's Housing Implementation Program. However, the Project would result in between 0.0 to a 0.6 dBA noise increase to the south from operations, which is less than cumulatively considerable, and no applications for development of the site has been submitted to the City. Any future projects would require compliance with noise related municipal codes. As such, the Project, in conjunction with other projects, would not have a cumulatively considerable impact related to onsite operational noise. Cumulative onsite operational noise impacts from the Project would be less than significant.

### **Construction Vibration**

Cumulative construction could also result in the exposure of people to or the generation of excessive groundborne vibration. As described above, the proposed Project would result in limited vibration from construction activities. Cumulatively significant construction vibration would only have the potential to occur when construction activities generating high vibration levels occur in close proximity to one another in a way that concentrates the vibration. The farther construction activities occur from one another on each respective project site, the quicker the vibration dissipates by the time it reaches a sensitive receptor. Additionally, because heavy construction equipment moves around a project site it would only occur for limited durations at receptors. Both the proposed Project and related projects would be required to comply with the limitations on allowable hours of construction that limit potential construction vibration impacts. Due to the limited

vibration generated by Project construction (listed in Table 5.11-15) that would be in temporary locations throughout the site, and the locations of cumulative projects (as shown in Figure 5-1, *Cumulative Projects*, in Section 5.0, *Environmental Impact Analysis*) impacts related to groundborne vibration would be less than cumulatively considerable.

### **Operational Vibration**

As detailed previously, operational vibration from the Project would be limited to trucks on nearby roadways and on site that would be travelling at low speeds on smooth surfaces and would generate vibration below the threshold of 78 VdB. Because the vibration would be limited and would further diminish with distance, the Project vibration would not combine to become cumulatively considerable, and cumulative operational vibration would be less than significant.

## **5.11.8 EXISTING REGULATIONS AND PLANS, PROGRAMS, OR POLICIES**

### **Existing Regulations**

- CALGreen Section 5.507, *Environmental Comfort*
- Municipal Code Chapter 10.26, *Community Noise Control*
- Municipal Code Section 10.28.040, *Construction Activity - Noise Regulations*
- Municipal Code Section 20.90.040.D, *Noise Mitigation*

## **5.11.9 PROJECT DESIGN FEATURES**

None.

## **5.11.10 LEVEL OF SIGNIFICANCE BEFORE MITIGATION**

Impacts NOI-1 through NOI-3 would be less than significant.

### **5.11.11 MITIGATION MEASURES**

No mitigation measures are required.

## **5.11.12 LEVEL OF SIGNIFICANCE AFTER MITIGATION**

Impacts would be less than significant.

## **5.11.13 REFERENCES**

City of Newport Beach. (2001, January). *Santa Ana Heights Specific Plan*. Retrieved September 23, 2024, from [ocpublicworks.com](http://ocpublicworks.com).

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## 5.12 Public Services

### 5.12.1 INTRODUCTION

This section describes the existing fire protection, police protection, schools, and library facilities that serve the Project site and vicinity and evaluates the potential for implementation of the proposed Project to result in an impact. This section of the EIR addresses whether there are physical environmental effects of new or expanded facilities that are necessary to maintain acceptable service levels related to fire, police, schools, and library services. Park services are addressed in Section 5.13, *Parks and Recreation*. Public utilities and service systems, including water, wastewater, drainage, and solid waste, are addressed in Section 5.16, *Utilities and Service Systems*. The analysis in this section is based, in part, on the following documents and resources.

- *City of Newport Beach General Plan, 2006*
- *City of Newport Beach General Plan Environmental Impact Report (General Plan EIR), 2006*
- *City of Newport Beach Municipal Code*

Because CEQA focuses on physical environmental effects, this section analyzes whether any physical changes resulting from an increase in service demands from development pursuant to the proposed Project could result in significant adverse environmental effects. Thus, an increase in staffing associated with public services, or an increase in calls for services, would not, by itself, be considered a physical change in the environment. However, physical changes in the environment resulting from the construction of new facilities or an expansion of existing facilities to accommodate the increased staff or equipment needs resulting from the proposed Project could constitute a significant impact.

### 5.12.2 REGULATORY SETTING

#### 5.12.2.1 Federal Regulations

There are no federal regulations pertaining to public services that would be applicable to the Project.

#### 5.12.2.2 State Regulations

##### **California Building Code**

The California Building Code includes fire safety requirements, including the installation of sprinklers in all commercial and residential buildings; the establishment of fire resistance standards for fire doors, building materials, and particular types of construction; and the clearance of debris and vegetation within a prescribed distance from occupied structures in wildfire hazard areas.

##### **California Fire Code**

California Code of Regulations (CCR) Title 24, Part 9 (California Fire Code) contains regulations relating to construction and maintenance of buildings, the use of premises, and the management of wildland-urban interface areas, among other issues. The California Fire Code is updated every three years by the California Building Standards Commission and was last updated in 2022 (effective January 1, 2023).

The Fire Code sets forth regulations regarding building standards, fire protection and notification systems, fire protection devices such as fire extinguishers and smoke alarms, high-rise building standards, and fire

suppression training. It contains regulations relating to construction, maintenance, and use of buildings. Topics addressed in the code also include fire department access, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards safety, hazardous materials storage and use, provisions intended to protect and assist fire responders, industrial processes, and many other general and specialized fire-safety requirements for new and existing buildings and the surrounding premises. Development under the Project would be subject to applicable regulations of the California Fire Code.

### **California Occupational Safety and Health Administration**

In accordance with the California Code of Regulations, Title 8 Sections 1270 “Fire Prevention” and 6773 “Fire Protection and Fire Fighting Equipment,” California Occupational Safety and Health Administration (Cal/OSHA) has established minimum standards for fire suppression and emergency medical services. The standards include, but are not limited to, guidelines on the handling of highly combustible materials, fire house sizing requirements, restrictions on the use of compressed air, access roads, and the testing, maintenance, and use of all firefighting and emergency medical equipment.

### **Mitigation Fee Act (California Government Code Sections 66000 et seq.)**

Enacted as Assembly Bill (AB) 1600, the Mitigation Fee Act requires a local agency, such as the City of Newport Beach to establish, increase, or impose an impact fee as a condition of development to identify the purpose of the fee and the use to which the fee is to be put. The agency must also demonstrate a reasonable relationship between the fee and the purpose for which it is charged, and between the fee and the type of development Project on which it is to be levied. This Act became enforceable on January 1, 1989.

### **California Government Code (Section 65995(b)) and Education Code (Section 17620)**

California Senate Bill 50 (SB 50), which passed in 1998, amended California Government Code Sections 65995.5 through 65998, which contains limitations on Education Code Section 17620. The statute authorizes school districts to assess development fees within school district boundaries. Government Code Section 65995(b)(3) requires the maximum square footage assessment for development to be increased every two years, according to inflation adjustments.

According to California Government Code Section 65995(3)(h), the payment of statutory fees is “deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization... on the provision of adequate school facilities.” The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

## **5.12.2.3 Local and Regional Regulations**

### **City of Newport Beach General Plan 2006**

The City of Newport Beach General Plan 2006 contains the following policies related to public services that are applicable to the Project:

#### *Land Use Element*

**Policy LU 2.8 Adequate Infrastructure.** Accommodate the types, densities, and mix of land uses that can be adequately supported by transportation and utility infrastructure (water, sewer, storm drainage, energy, and so on) and public services (schools, parks, libraries, seniors, youth, police, fire, and so on).

- Policy LU 3.2 Growth and Change.** Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach's share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.
- Goal LU 6.1 A diversity of governmental service, institutional, educational, cultural, social, religious, and medical facilities that are available for and enhance the quality of life for residents and are located and designed to complement Newport Beach's neighborhoods.**
- Policy LU 6.1.1 Adequate Community Supporting Uses.** Accommodate schools, government administrative and operational facilities, fire stations and police facilities, religious facilities, schools, cultural facilities, museums, interpretative centers, and hospitals to serve the needs of Newport Beach's residents and businesses.

#### *Circulation Element*

- Policy CE 2.2.7 Emergency Access.** Provide all residential, commercial, and industrial areas with efficient and safe access for emergency vehicles. An emergency evacuation map shall be prepared as part of an updated Safety Element.

### **City of Newport Beach Municipal Code**

**Municipal Code Chapter 3.12: Property Development Tax.** Chapter 3.12 of the Municipal Code identifies that the "rapid development of land in the City of Newport Beach has created a need for public improvements and facilities consisting of fire stations and fire-fighting equipment, public City libraries and public City parks, which cannot be met by the ordinary revenues of the City. The need for such improvements results directly from the increase in density in the City by the development of land that has heretofore been vacant and by construction of additional residential, commercial and industrial units on land heretofore developed." Therefore, the City imposes an excise tax upon the construction and occupancy of residential, commercial and industrial units or buildings in the City. Per Municipal Code Section 3.12.110 (Disposition of Proceeds – Funds Created), all tax proceeds are to be used for acquiring, building, improving, expanding, and equipping City fire stations, City libraries, and City parks.

**Municipal Code Section 9.04.010 Adoption of the California Fire Code.** City Council adopts and incorporates by reference, those certain codes known as the "California Fire Code 2022 Edition," and the whole thereof including the matrix adoption tables for each chapter, and Appendices B, BB, C, CC, E, F, G, I and N therein, errata issued during and after publishing date, save and except such portions as are hereinafter deleted, added or amended.

**Municipal Code Chapter 11.03 Special Events.** Provides regulations allowing for special events while mitigating impacts on residents, visitors and businesses, maintaining traffic circulation, and ensuring public safety. The regulations apply to recreation and sporting events.

## 5.12.3 ENVIRONMENTAL SETTING

### 5.12.3.1 Fire Services

The Project site would be served by the Newport Beach Fire Department. The Fire Department is divided into Fire Operations Division, Fire Prevention Division, Emergency Medical Services Division, Lifeguard Operations Division, and Community Emergency Response Team (CERT). The Fire Department provides response to fires, medical emergencies, marine safety, hazardous materials incidents, natural and man-made disasters, automatic and mutual aid assistance to neighboring departments, and related emergencies in an effort to protect life, property, and the environment. In addition, the Fire Department inspects businesses and properties, assists with code enforcement, and conducts public education programs.

The Fire Department operates from eight fire stations and three lifeguard headquarters. The closest fire station is the Santa Ana Heights Fire Station #7 that is located adjacent to the Project site. In addition, one other station (Fire Station #6) is located within three miles of the Project site. Table 5.12-1 identifies the fire stations in the City (City of Newport Beach, 2024a).

**Table 5.12-1: Fire Stations Locations and Distance from Project Site**

Fire Station	Location	Distance from Site
Balboa Peninsula Fire Station #1	110 E. Balboa Boulevard, Newport Beach, CA	7.4 miles
Lido Fire Station #2	2807 Newport Boulevard, Newport Beach, CA	5.6 miles
Fashion Island Fire Station #3	868 Santa Barbara Drive, Newport Beach, CA	3.7 miles
Balboa Island Fire Station #4	124 Marine Avenue, Newport Beach, CA	5.3 miles
Corona Del Mar Fire Station #5	410 Marigold Avenue, Newport Beach, CA	6.4 miles
Mariners Fire Station #6	1348 Irvine Avenue, Newport Beach, CA	2.9 miles
Santa Ana Heights Fire Station #7	20401 Acacia Street, Newport Beach, CA	Adjacent
Newport Coast Fire Station #8	6502 Ridge Park Road, Newport Beach, CA	5.9 miles

Source: City of Newport Beach, 2024a, and Google Maps, 2024

The Fire Department's daily staffing, per shift, includes: one Battalion Chief, 10 Fire Apparatus Engineers, 10 Fire Captains, 17 Paramedics/Firefighters, and two Firefighters. The Fire Department has eight fire engines (one at each fire station), two aerial ladder trucks (one on each side of the City), and four paramedic rescue ambulances (Newport Beach Fire Department, n.d.-a). The City's 2025 Adopted Budget states that in fiscal year 2023, the City budgeted for 143.8 full-time fire personnel and 42.56 part-time personnel, which increased to 151.80 full-time fire personnel and 40.96 part-time personnel in fiscal year 2024 (City of Newport Beach, 2025).

The City's 2025 Adopted Budget states that the Fire Department's performance measure is to have the first unit on scene in 5 minutes 90 percent of the time, and states that the actual response time was 5 minutes 33 seconds in fiscal year 2022-23 and 5 minutes and 34 seconds in fiscal year 2023-24.

The Fire Department's 2023 Annual Report details that in 2023 the department responded to a total of 12,417 calls for service from within the City boundaries, and that 75.6 percent of the calls were for medical services and that 1.09 percent were for fire-related services. In addition, the Fire Department responded to 880 calls from outside the City. Of these, 71.6 percent were medical-related and 10.7 percent were fire-related calls for services.

**Table 5.12-2: Fire Department Calls for Services**

<b>Service Type</b>	<b>2022 in City</b>	<b>2022 Outside of City</b>	<b>2023 in City</b>	<b>2023 Outside of City</b>
Fire	231	115	230	94
Medical	9,942	642	9,390	630
Hazardous Materials	118	14	96	14
Other Emergencies	1,642	78	1,715	86
Service	1,098	61	986	53
Regional Emergencies	0	12	0	3
<b>Area Totals</b>	<b>13,031</b>	<b>928</b>	<b>12,417</b>	<b>880</b>
<b>Response Total</b>	<b>13,959</b>		<b>13,297</b>	

Source: Newport Beach Fire Department Annual Report 2023 (Newport Beach Fire Department, 2023).

### 5.12.3.2 Law Enforcement Services

The Newport Beach Police Department is responsible for law enforcement and public safety activities in the City. The Police Department is located at 870 Santa Barbara Drive, which is 3.7 miles south of the Project site. According to the City's Development Impact Fee Nexus Study, the City is currently planning the development of a new 77,000-square-foot police station in the City (City of Newport Beach, 2025).

The Police Department provides citywide services in crime prevention and investigation, community awareness programs, and other services such as traffic control. The Police Department is separated into four divisions: Office of the Chief, Patrol and Traffic, Support Services, and Detectives. The Police Department has divided the City into patrol areas. The Project site is located in Patrol Area 3, which also includes Eastbluff, Bonita Canyon, Big Canyon, Newport Center, Harbor Cove, Bayside Village, Island Lagoon, Park Newport, Promontory Point, and Balboa Island areas of the City.

The City's 2025 Adopted Budget states that in fiscal year 2023, the City budgeted for 233 full-time Police Department personnel and 14.87 part-time personnel, which increased to 234 full-time personnel and 13.43 part-time personnel in fiscal year 2024. The Fiscal Year 2025 includes 237 full-time personnel (which is a three-employee increase from 2024) and 13.43 part-time personnel.

As shown in Table 5.12-3, in fiscal year 2022-23 the Police Department had 101,169 total calls for service (dispatched and field-initiated), which increased slightly to 101,969 in fiscal year 2023-24. The Police Department has a goal of responding to Priority 1 calls for service, which include things like violent crimes in progress, life-threatening circumstances, and urgent disturbances within an average of three minutes, 30 seconds and Priority 2 calls, which are the next most serious and include events such as violent crimes that have just occurred, property crimes that are in progress or have just occurred, and traffic collisions for service within six minutes. Table 5.12-3 identifies that the Police Department meets these service targets. In regard to existing specific services to the Project site, the Police Department has had 7 non-priority calls for service from the NB Golf Course in both years 2023 and 2024 (Dave Miner, Newport Beach Police Department Police Chief, personal communication, March 4, 2025).

**Table 5.12-3: Police Department Calls for Services and Response Times**

	Fiscal Year 2022-23	Fiscal Year 2023-24	Target
Percentage of all 911 calls answered within 15 seconds	99.8%	99.8%	95%
Average response time for Priority 1 calls	3:21	3:00	3:30
Average response time for Priority 2 calls	5:40	5:57	6:00
Number of phone calls handled in Dispatch	172,614	169,371	-
Total calls for service (dispatched and field-initiated)	101,169	101,946	-

Source: City of Newport Beach Adopted Budget 2025

### 5.12.3.3 School Services

The City of Newport Beach is served by three school districts: Newport-Mesa Unified School District (NMUSD), Santa Ana Unified School District, and Laguna Beach Unified School District. The Newport-Mesa Unified School District provides education services to the majority of residents in Newport Beach, Costa Mesa, and other unincorporated areas of Orange County (City of Newport Beach, 2006b). The Newport-Mesa Unified School District currently operates 32 public schools, including: 22 elementary schools, two junior high schools, five high schools, two alternative schools, and one adult school (City of Newport Beach, 2006b). As of the 2023/2024 school year, the NMUSD had a total enrollment of 17,768 students (California Dept. of Education, 2024). The closest schools to the site are the Back Bay Montessori School, located at 398 University Drive (approximately 0.26 mile southwest of the Project site), Back Bay Alternative High School, located at 390 Monte Vista Avenue (approximately 0.4 mile southwest of the Project site), and Eastbluff Elementary School, located at 2627 Vista Del Oro (approximately 1.1 miles south of the Project site).

### 5.12.3.4 Other Public Facilities

Other governmental services include a variety of public and quasi-public services including libraries, senior centers, and other facilities. The Newport Beach Public Library System services the City with four public library branches and three book pick-up and drop-off facilities at local community centers. Table 5.12-4: Library Facilities shows that library closest to the Project site is the Crean Mariners Library, located approximately 2.5 miles from the Project site.

**Table 5.12-4: Library Facilities**

Facility	Location	Distance from Project Site
Central Library	1000 Avocado Avenue	5.9 miles
Balboa Library	100 East Balboa Boulevard	7.0 miles
Crean Mariners Library	1300 Irvine Avenue	2.5 miles
Corona Del Mar Library	410 Marigold Avenue	5.9 miles
Newport Coast Community Center Concierge Service only (drop off books, pick up holds, search the library catalogue)	6401 San Joaquin Hills Road	6.5 miles
OASIS Senior Center Concierge Service only (drop off books, pick up holds)	801 Narcissus Avenue	5.8 miles
Marina Park Concierge Service only (drop off books, pick up holds)	1600 West Balboa Boulevard	6.1 miles

Source: Newport Beach Public Library, n.d.

## 5.12.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of the CEQA Guidelines indicates that a Project could have a significant effect if it were to 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:

- PS-1 Fire protection services;
- PS-2 Police protection services;
- PS-3 Schools; or
- PS-4 Other public facilities.

Potential impacts to park and recreational facilities are addressed in Section 5.13, *Parks and Recreation*.

## 5.12.5 METHODOLOGY

The evaluation of impacts to public services is based on whether the existing public services can meet the demands of the Project based on established thresholds, including maintaining acceptable service ratios, staffing levels, adequate equipment, response times, or other performance objectives that may result in the need for new or expanded services and facilities; the construction of which could result in a significant environmental impact.

## 5.12.6 ENVIRONMENTAL IMPACTS

**IMPACT PS-1: THE PROJECT WOULD NOT 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 FIRE PROTECTION SERVICES:**

**Less than Significant Impact.** Operation of the Project would result in a net increase of three employees onsite. The existing restaurant, pro-shop, driving range, and golf uses generate approximately 47 employees and the proposed Project is expected to generate 70 total employees including both full-time and part-time, with an average of approximately 55 employees onsite at any given time. The addition of 23 total employees from implementation of the proposed Project is not expected to increase employment and result in an influx of new residents in the City. However, the 20 athlete accommodation units proposed for the site would result in a limited 24-hour population on the site that could result in the need for fire protection services. Also, the Project would increase the number of structures on the Project site. Thus, there would be a potential for the Project to increase the demand for fire protection and emergency medical services.

The Project site is adjacent to Station 7, which is located at 20401 Acacia Street, at the southeastern border of the Project site. The Project would incorporate fire safety features. The buildings would be equipped with fire extinguishers, wet and dry sprinkler systems, pre-action sprinkler systems, fire alarm systems, fire pumps, backflow devices, and clean agent waterless fire suppression systems pursuant to the California Fire Code



adopted under Chapter 9, Section 04 of the Municipal Code. Adherence to fire code requirements would be verified during the City's development review and permitting process and would minimize the demand upon fire stations, personnel, and equipment.

The surf lagoon would include lifeguard facilities, including a lifeguard tower positioned between the two basins with visibility over all parts of the lagoon. All areas of the surf lagoon, warming pools, and spa would be monitored by trained lifeguard professionals who would be trained in how to perform first aid to ensure proper use and safety, which would avoid medical incidents, reducing potential medical calls to the Fire Department.

As discussed in Section 3.0, *Project Description*, the proposed Project is expected to host approximately 12 special events per year that would be ticketed events within the permitted operational capacity of the facility. The special events would be similar to other sporting competitions, such as golf tournaments, and the capacity at the surf lagoon would be limited. Overall, it is possible that the Project could result in additional Fire Department services (particularly medical calls for services); however, any increase in demand would be incremental and would not result in the need for a new or expanded fire facility. Thus, Project impacts related to fire services would be less than significant.

Further, the Project would be required to pay Property Development Tax pursuant to Municipal Code Chapter 3.12.110 or Development Impact Fees pursuant to Resolution No. 2024-83, as applicable. These fees can be applied to the purchase of equipment, maintenance of existing facilities, and the construction of facilities as needed. Impacts to fire services would be less than significant.

**IMPACT PS-2: THE PROJECT WOULD NOT 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 POLICE PROTECTION SERVICES.**

**Less than Significant Impact.** As discussed previously, operation of the Project is estimated to result in approximately 35 employees and the 20 athlete accommodation units would result in a limited 24-hour population onsite. As detailed in Section 3.0, *Project Description*, the maximum number of participants in the lagoon at one time would be 72 people, with an average hourly usage of 35-45 people. The wave lagoon would operate on a reservation basis, and the facility is anticipated to host approximately 12 events per year. The Project could result in an incremental increase in demands on law enforcement services but would not be significant when compared to the current Police Department demand levels. It is possible that increases in demand for police services could result related to vehicle burglaries, damage to vehicles, traffic-related incidents, and crimes against persons, which are typical in the City and do not represent unique law enforcement issues specific to the proposed Project. In addition, the proposed Project would address typical security concerns by providing low-intensity security lighting, security cameras, and 24-hour security personnel. Pursuant to the City's existing permitting process, the Police Department would review the site plans to ensure that the City's safety features are incorporated.

As discussed in Section 3.0, *Project Description*, the proposed Project is expected to host approximately 12 special events per year that would be ticketed events within the permitted operational capacity of the facility. The special events would be similar to other sporting competitions, such as golf tournaments, and capacity would be limited. In addition, trained security personnel would be employed onsite to minimize needs for Police Department services.

The Newport Beach Police Department headquarters is located approximately 3.7 miles south of the Project site in Patrol Area 3. Also, as described previously, the City is planning development of a new 77,000 square foot police station; the exact location is not known at this time. The Project would be required to pay Property Development Tax pursuant to Municipal Code, Chapter 3.12.110 or Development Impact Fees pursuant to Resolution No. 2024-83, as applicable. These fees would provide funds towards Police Department equipment and facilities. As the site would implement security measures and the number of persons on site at any one time would be limited, the Project would not result in the need for new or expanded Police Department facilities to support the Project. Therefore, Project impacts to police services would be less than significant.

**IMPACT PS-3: THE PROJECT WOULD NOT 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 SCHOOL SERVICES.**

**Less than Significant Impact.** The Project site is within the NMUSD boundary. As discussed previously, the Project would result in the development of a surf lagoon with warming pools, spas and seating areas; a three-story amenity clubhouse; a two-story athlete accommodation building; ancillary storage and maintenance areas, and associated parking areas. No residential development is planned as a part of this Project. As such, the Project would not result in a direct demand for new or expanded school services within the area. As described previously, the proposed Project is not anticipated to generate a new population, as the number of employees needed to operate the Project would be similar to those currently onsite, as discussed in Section 7.0, *Effects Found Not Significant*, and substantial in-migration of employees that could generate new students is not anticipated to occur.

Additionally, under State law, development projects are required to pay school impact fees in accordance with Senate Bill 50 (SB 50) at the time of building permit issuance. The funding program established by SB 50 allows school districts to collect fees from new developments to offset the costs associated with increasing school capacity needs and has been found by the legislature to constitute “full and complete mitigation of the impacts of any legislative or adjudicative act... on the provision of adequate school facilities” (Government Code Section 65995[h]). The school impact fees would offset any costs associated with an increase in school capacity due to the Project. As such, impacts on school services would be less than significant.

**IMPACT PS-4: THE PROJECT WOULD NOT 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 OTHER PUBLIC FACILITIES.**

**Less than Significant Impact.** As discussed above in Section 5.12.3.4, *Other Public Facilities*, the City is served by the Newport Beach Public Library System, which consists of four public libraries and three book pick-up and drop-off locations. The nearest public library to the Project site is Crean Mariners Library, located approximately 2.5 miles from the Project site. Demand placed on libraries is based on the generation of a resident population associated with a person’s place of residence, and not typically their place of employment. As discussed above and in Section 7.0, *Effects Found Not Significant*, the proposed Project does not include any residential uses that would directly increase demand for new or expanded public services.

In addition, the Project would generate a net increase of 3 employees compared to the existing uses onsite, and the employees are expected to come from within the Project region and substantial in-migration of employees would not occur. As such, the proposed Project would not directly create a demand for public library facilities or other governmental public facilities, nor would it directly result in the need to modify existing or construct new public service facilities. Additionally, the proposed Project would adhere to the requirement to pay a Property Development Tax as outlined in Municipal Code Chapter 3.12.110 or Development Impact Fees pursuant to Resolution No. 2024-83 as applicable, which provides funding for new and expanded public facilities, including library facilities. Therefore, the Project would result in a less than significant impact related to governmental public facilities.

### 5.12.7 CUMULATIVE IMPACTS

The cumulative setting for public services is areas that are served by the Newport Beach Fire Department, Newport Beach Police Department, school districts, and library. The Project would not significantly increase the need for public services in the Project area, in the cities surrounding the Project site, or within the region. As discussed above, the Project would not generate a substantial number of new employees, and no new residents would be generated by the Project. Although the Project includes 20 athlete accommodations, this would result in a limited number of persons onsite that would not result in the need for new or expanded public facilities. In addition, the Project applicant would pay the required development impact fees. Related projects in the City would be required to demonstrate their level of impact on public services and also pay development impact fees. Therefore, the proposed Project would not combine with past, present, and future projects to result in a cumulative impact related to the provision of public services. Project impacts would be less than cumulatively considerable.

### 5.12.8 EXISTING REGULATIONS AND PLANS, PROGRAMS, OR POLICIES

The following would reduce potential impacts related to public services.

#### Existing Regulations

- California Fire Code (CFC; California Code of Regulations, Title 24, Part 9)
- California Government Code Section 65995(b)
- California Government Code Sections 66000 et seq.
- Municipal Code Chapter 3.12: Property Development Tax
- Municipal Code Section 9.04.010, *Adoption of the California Fire Code*
- Municipal Code Chapter 11.03, *Special Events*

#### Plans, Programs, or Policies

None.

### 5.12.9 PROJECT DESIGN FEATURES

None.

### 5.12.10 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Impacts PS-1, PS-2, PS-3, and PS-4 would be less than significant.

### 5.12.11 MITIGATION MEASURES

No mitigation measures are required.

### 5.12.12 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Impacts would be less than significant.

### 5.12.13 REFERENCES

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## 5.13 Parks and Recreation

### 5.13.1 INTRODUCTION

Pursuant to the requirements of CEQA, this section of the EIR analyzes whether the proposed Project would result in adverse impacts related to the provision of parks, require development of new parks and recreation facilities, increase the use of existing parks and recreational facilities such that substantial physical deterioration or degradation of the facilities would occur or be accelerated or that new or expanded facilities would be required, result in substantial adverse construction-related effects associated with the provision of new or physically altered parks and recreational facilities, whether on site or offsite; and/or adversely affect existing recreational facilities. The analysis in this section is based, in part, on the following documents and resources.

- *City of Newport Beach General Plan, 2006*
- *City of Newport Beach General Plan Environmental Impact Report (General Plan EIR), 2006*
- *City of Newport Beach Municipal Code*

Because CEQA focuses on physical environmental effects, this section analyzes whether any physical changes resulting from an increase in demands for park and recreation facilities from the proposed Project could result in significant adverse environmental effects. Thus, an increase in use of parks and recreation facilities would not, by itself, be considered a physical change in the environment. However, physical changes in the environment resulting from the construction of new facilities or an expansion of existing facilities to accommodate the increased staff or equipment needs related to substantial physical deterioration could constitute a significant impact.

### 5.13.2 REGULATORY SETTING

#### 5.13.2.1 Federal Regulations

No federal laws, regulations, or executive orders apply to the Project.

#### 5.13.2.2 State Regulations

##### **Mitigation Fee Act**

The California Mitigation Fee Act, Government Code Sections 66000, et seq., allows cities to establish fees to be imposed upon development projects for the purpose of mitigating the impact that the development projects have upon the city's ability to provide specified public facilities. In order to comply with the Mitigation Fee Act, the city must follow four primary requirements:

1. Make certain determinations regarding the purpose and use of a fee and establish a nexus or connection between a development project or class of project and the public improvement being financed with the fee;
2. Segregate fee revenue from the General Fund in order to avoid commingling of capital facilities fees and general funds.
3. For fees that have been in the possession of the city for five years or more and for which the dollars have not been spent or committed to a project the city must make findings each fiscal year describing the continuing need for the money; and

4. Refund any fees with interest for developer deposits for which the findings noted above cannot be made.

### 5.13.2.3 Local and Regional Regulations

#### City of Newport Beach General Plan 2006

The City of Newport Beach General Plan 2006 contains the following policies related to recreation that are applicable to the Project:

##### *Land Use Element*

**Policy LU 2.1 Resident-Serving Land Uses.** Accommodate uses that support the needs of Newport Beach's residents including housing, retail, services, employment, recreation, education, culture, entertainment, civic engagement, and social and spiritual activity that are in balance with community natural resources and open spaces.

**Policy LU 2.5 Visitor Serving Uses.** Provide uses that serve visitors to Newport Beach's ocean, harbor, open spaces, and other recreational assets, while integrating them to protect neighborhoods and residents.

##### *Recreation Element*

**Goal R 1 Provision of Facilities—Provision of adequate park and recreation facilities that meet the recreational needs of existing and new residents of the community.**

**Policy R 1.1 Provision of Parkland.** Require future development to dedicate land or pay in-lieu fees at a minimum of 5 acres of parkland per 1,000 persons.

**Policy R 3.1 Adequate Access** Ensure that parks and recreation facilities include provisions for adequate access for persons with disabilities and that existing facilities are appropriately 4.12-22 Chapter 4 Environmental Analysis City of Newport Beach General Plan Update EIR retrofitted to include such access as required by the Americans with Disabilities Act.

**Policy R 4.1 Provision of Recreation Services.** Provide high quality recreational services through professionally-trained recreational personnel to program participants.

**Policy R 4.2 Compatible Recreation Activities.** Provide a variety of compatible recreational activities within a given location.

**Policy R 4.5 Variety of Adult Recreational Programs.** Provide a variety of quality enrichment and recreational programs for the adult population that promote health and wellness; development and/or enhancement of skills and talents; extend learning opportunities; promote sportsmanship; and provide unique opportunities to engage in new activities.

**Policy R 6.3 Recreational Commercial Uses.** Allow recreational commercial uses in commercial areas adjacent to beaches and the bay.

#### City of Newport Beach Municipal Code

**Municipal Code Chapter 3.12: Property Development Tax.** Chapter 3.12 of the Municipal Code identifies that the "rapid development of land in the City of Newport Beach has created a need for public improvements and facilities consisting of fire stations and fire-fighting equipment, public City libraries and public City parks, which cannot be met by the ordinary revenues of the City. The need for such improvements

results directly from the increase in density in the City by the development of land that has heretofore been vacant and by construction of additional residential, commercial and industrial units on land heretofore developed.” Therefore, the City imposes an excise tax upon the construction and occupancy of residential, commercial and industrial units or buildings in the City. Per Municipal Code Section 3.12.110 (Disposition of Proceeds – Funds Created), all tax proceeds are to be used for acquiring, building, improving, expanding, and equipping City fire stations, City libraries, and City parks.

**Municipal Code Chapter 11.03 Special Events.** Provides regulations allowing for special events while mitigating impacts on residents, visitors and businesses, maintaining traffic circulation, and ensuring public safety. The regulations apply to recreation and sporting events.

### 5.13.3 ENVIRONMENTAL SETTING

#### 5.13.3.1 Onsite Recreation

There are no existing public parks within the Project Site. The Project site consists of a portion of the Newport Beach (NB) Golf Course, which is a commercial recreation executive golf course. The NB Golf Course is not a municipal course owned by the City, it is privately owned and open to the public for commercial use. The Project site includes three holes of the existing NB Golf Course (holes 1, 2, and 9), a 38-bay partially covered synthetic turf driving range, a 1,050-square-foot (SF) putting green, a 8,975 SF building that includes a pro shop and a restaurant, and a surface parking lot with 280 parking spaces. The existing hours of operation for the driving range and golf course are 6:30 a.m. to 9:00 p.m. from December to February and 6:00 a.m. to 9:00 p.m. from March to November. The driving range and golf course lighting is limited to between the hours of 7:00 a.m. and 10:00 p.m.

The Project site is adjacent to the two other portions of the NB Golf Course; including: the 21.28-acre northern portion located northeast of the Project site across Irvine Avenue that contains nine holes of golf (holes 10-18), and the 14.51-acre southern portion to the south of the Project site across Mesa Drive that contains six holes of golf (holes 3-8). An existing golf cart path runs along the western portion of the project site, along the Santa Ana-Delhi Channel, and connects the three portions of the golf course, via a tunnel under Irvine Avenue to the north, and across Mesa Drive to the south.

#### 5.13.3.2 City Public Park and Recreation Facilities

The City has approximately 286 acres of passive and active parks as well as 90 acres of active beach recreation. This total is exclusive of approximately 304 acres of undeveloped parkland associated with Upper Buck Gully and Castaways Park (approximately 16.77 acres) (Newport Beach, n.d.-a). The closest existing public park and recreation facilities to the Project site (within 2 miles) in the City of Newport Beach are listed in Table 5.13-1. As shown, the City currently has five parks that provide 149.98 acres of parkland within 2 miles of the Project site. Two parks, Mesa Birch Park and Upper Newport Bay Regional Park, are within a 15-minute walking distance.



**Table 5.13-1: Newport Beach Park and Recreation Facilities Within Two Miles of the Project Site**

Park and Address	Amenities	Acreage	Distance from Project Site	Travel Time from Project Site <sup>1</sup>
Mesa Birch Park 2081 Mesa Drive	Benches, Picnic Tables, Water Fountain	0.73	0.25 mile	Driving: 1 minute Walking: 5 minutes
Bayview Park Mesa Drive and Bay View Avenue	Barbeques, Basketball Court, Playground, Bay View	2.20	0.70 mile	Driving: 5 minutes Walking: 17 minutes
Upper Newport Bay Regional Park Irvine Avenue and University Drive	Parking Lot, Bay View, Walking Paths	135	0.60 mile	Driving: 3 minutes Walking: 11 minutes
Uptown Park 4201 Uptown Newport Drive	Barbeque, Picnic Table, Playground, Restrooms	1.03	1.7 miles	Driving: 6 minutes Walking: 45 minutes
Bonita Creek Park & Community Center 3010 La Vida	Athletic Field, Baseball/Softball Diamonds, Basketball Court, Community Room, Picnic Tables, Playground, Restrooms	11.02	1.8 miles	Driving: 5 minutes Walking: 38 minutes
<b>Total Acreage of Parkland</b>		149.98		

Source: City of Newport Beach, n.d.-a

<sup>1</sup>Per Google Maps

### 5.13.3.3 Golf Recreation

The NB Golf Course is an 18-hole executive golf course with 3,216 yards of golf from the longest tees for a par of 59. Executive golf courses, sometimes also referred to as par-3 or beginner courses, are shorter courses designed for beginners, high handicappers, and people who are short on time. These courses feature more par-3 holes than a full-length course but may also mix in some par-4 and 5 holes. They may be 9 holes or 18 holes and can usually be played in less than two hours (GolfLink, 2023).

There are three public golf courses in Newport Beach and 10 public courses within 10 miles of the Project site (GolfLink, 1996–2024). All courses are privately owned as there is no municipal course within the City of Newport Beach. Public courses refer to commercial courses that are available for anyone to pay to use and do not require membership.

Nearby public golf courses that have driving ranges include the Rancho San Joaquin Golf Course located on Ethel Coplen Way in Irvine that has a 64 station lighted driving range, Newport Back Bay Golf Course on Jamboree Road in Newport Beach, Costa Mesa Country Club located on Golf Course Drive in Costa Mesa which has two 18 hole golf courses and a driving range, and the Tustin Ranch Golf Club on Tustin Ranch Road in Tustin. Table 5.13-2 shows the existing golf courses within 10 miles of the Project site and their amenities. Table 5.13-3 shows all of the public driving ranges within 10 miles of the Project site.

**Table 5.13-2: Public Golf Course Facilities Within Ten Miles of the Project Site**

<b>Course</b>	<b>Amenities</b>	<b>Price for 18 Holes of Golf</b>	<b>Distance from Project Site</b>	<b>Travel Time from Project Site<sup>1</sup></b>
Newport Beach Golf Course 3100 Irvine Ave, Newport Beach	18-hole executive golf course with driving range, pro shop, and practice area	\$32	-	-
Hyatt Regency Newport Back Bay Golf Course 1107 Jamboree Rd, Newport Beach	9-hole executive golf course	\$32 <sup>1</sup>	4.2 miles	11 minutes
Pelican Hill Golf Club 22800 S Pelican Hill Rd, Newport Coast	Two 18-hole golf courses with a driving range and pro shop	\$415	7.9 miles	12 minutes
Costa Mesa Country Club 1701 Golf Course Dr, Costa Mesa	Two 18-hole golf courses with a driving range, pro shop, and practice area	\$82	4.1 miles	12 minutes
Rancho San Juan Golf Course 1 Ethel Coplen Way, Irvine	18-hole golf course with a driving range, pro shop, and practice area	\$82	4.6 miles	12 minutes
Strawberry Farms Golf Club 11 Strawberry Farm Rd, Irvine	18-hole golf course with a driving range, pro shop, and practice area	\$185	6.6 miles	16 minutes
Oak Creek Golf Club 1 Golf Club Dr, Irvine	18-hole golf course with a driving range, pro shop, and practice area	\$210	6.1 miles	18 minutes
Mile Square Golf Course 10401 Warner Ave, Fountain Valley	Two 18-hole golf courses with a driving range, pro shop, and practice area	\$87	5.15 miles	14 minutes
David L. Baker Golf Course 10410 Edinger Ave, Fountain Valley	18-hole executive golf course with driving range and practice area	\$48	5.5 miles	16 minutes
Willowick Golf Course 3017 W 5th St, Santa Ana	18-hole golf course with a driving range, pro shop, and practice area	\$43	8.6 miles	19 minutes
River View Golf Course 1800 W Santa Clara Ave, Santa Ana	18-hole golf course with a driving range, pro shop, and putting course	\$53	9.2 miles	24 minutes
Meadowlark Golf Course 16782 Graham St, Huntington Beach	18-hole golf course with a driving range, pro shop, and practice area	\$68	9.5 miles	21 minutes

Source: (GolfLink, 1994-2016) and (Google Earth, 2024)

<sup>1</sup>Price for 9 holes

**Table 5.13-3: Public Driving Ranges Within Ten Miles of the Project Site**

<b>Course</b>	<b>Driving Range Stations</b>	<b>Price for a Large Bucket of Golf Balls</b>	<b>Distance from Project Site</b>	<b>Travel Time from Project Site<sup>1</sup></b>
Newport Beach Golf Course 3100 Irvine Ave, Newport Beach	38 matted stations with nighttime lighting	\$15	-	-
Pelican Hill Golf Club 22800 S Pelican Hill Rd, Newport Coast	24 grass stations	-	7.9 miles	12 minutes
Costa Mesa Country Club 1701 Golf Course Dr, Costa Mesa	30 matted and 15 grass stations with nighttime lighting	\$17	4.1 miles	12 minutes
Rancho San Juan Golf Course 1 Ethel Coplen Way, Irvine	64 matted stations with nighttime lighting	\$20	4.6 miles	12 minutes
Strawberry Farms Golf Club 11 Strawberry Farm Rd, Irvine	24 matted stations	\$20	6.6 miles	16 minutes
Oak Creek Golf Club 1 Golf Club Dr, Irvine	52 grass stations with nighttime lighting	\$24	6.1 miles	18 minutes
Mile Square Golf Course 10401 Warner Ave, Fountain Valley	40 matted stations with nighttime lighting	\$16	5.15 miles	14 minutes
David L. Baker Golf Course 10410 Edinger Ave, Fountain Valley	32 matted stations with nighttime lighting	\$12	5.5 miles	16 minutes
Willowick Golf Course 3017 W 5th St, Santa Ana	14 grass stations with nighttime lighting	\$12	8.6 miles	19 minutes
River View Golf Course 1800 W Santa Clara Ave, Santa Ana	24 matted stations with nighttime lighting	\$13	9.2 miles	24 minutes
Meadowlark Golf Course 16782 Graham St, Huntington Beach	30 matted stations with nighttime lighting	\$14	9.5 miles	21 minutes

Source: (GolfLink, 1994-2016) and (Google Earth, 2024)

#### 5.13.3.4 Public Beaches

In addition to these park facilities, the City has and partially operates approximately eight miles of beaches that extend from the Santa Ana River jetty to Crystal Cove State Park and border Newport Bay. City beaches provide a wide range of recreational activities and amenities, which include but are not limited to surfing, swimming, beach volleyball, fire rings for barbecues, beach trails for walking, running, and bicycling, and other beach activities (City of Newport Beach, 2024c). There are three State beaches in the City: Crystal Cove State Park – Moro Beach, Crystal Cove State Park – Little Treasure Cove, and Corona del Mar State Beach.

#### 5.13.3.5 Walking and Bike Trails

The City has over 18 miles of pedestrian and bicycle trails throughout the City that have been developed for commuting and recreation. The longest trail is Upper Bay Trail, which is located around the northern edge of the Upper Newport Bay Nature Preserve and connects to University Drive that leads to Irvine Avenue and then the Project site.

### 5.13.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of the CEQA Guidelines indicates that a Project could have a significant effect if it were to:

- REC-1 Result in a substantial adverse physical impact associated with the provision of new or physically altered park/recreation facilities, need for new or physically altered park/recreation facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for park and recreation services.
- REC-2 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.
- REC-3 Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

### 5.13.5 METHODOLOGY

The analysis below considers the increase in use of parks and recreation facilities that would be generated by the proposed Project in relation to the ability of existing public park and recreation facilities to accommodate the increased use. The analysis considers whether an increase in use would result in the substantial physical deterioration of existing recreational facilities, such as accelerated wear on sports facilities and fields, or in the need for new or expanded facilities.

The EIR evaluates the recreational uses that would be provided by the proposed Project and the extent of increased usage of existing City parks and recreational facilities that might result in the substantial physical deterioration of existing recreational facilities. In addition, the analysis of construction impacts associated with the development of proposed recreational facilities are considered as part of the overall Project.

### 5.13.6 ENVIRONMENTAL IMPACTS

**IMPACT REC-1: THE PROJECT WOULD NOT RESULT IN SUBSTANTIAL ADVERSE PHYSICAL IMPACTS ASSOCIATED WITH THE PROVISION OF NEW OR PHYSICALLY ALTERED PARK AND RECREATION FACILITIES, NEED FOR NEW OR PHYSICALLY ALTERED PARK OR RECREATION FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL IMPACTS, IN ORDER TO MAINTAIN ACCEPTABLE PARK AND RECREATION SERVICE RATIOS.**

**Less than Significant Impact.** Typically, residential development increases the need for new parks and increases the use of existing citywide park and recreation facilities. The proposed commercial recreational development would not involve new housing opportunities and would not involve the addition of residents that would use existing park and recreational facilities. While the Athlete Accommodation building would provide 20 units for visitors, these units would be for athletes and their guests who are there to use the surf park for recreational activity and not the surrounding neighborhood or regional parks. In addition, the 20 Athlete Accommodation units would have limited capacity, and the Project would not generate a substantial number of visitors that would require additional park and recreational facilities.

The closest parks to the Project site include Mesa Birch Park, a 0.73-acre park located 0.25 mile from the site at 2081 Mesa Drive; Bayview Park, a 2.20-acre park located 0.70 mile from the site at Mesa Drive and Bay View Avenue; and Upper Newport Bay Regional Park, a 135-acre park located 0.60 mile from the site and accessible from the site via trail. Should visitors to the Project use these existing park and recreation facilities, the use would be limited in comparison to the size and existing use of these facilities.

Also, as discussed in Chapter 7.0, *Effects Found Not Significant*, implementation of the proposed Project would not increase employment in a manner that could result in an influx of new residents in the City. The Project site currently provides 47 full and part-time jobs. The proposed Project would employ approximately 70 full-time and part-time employees with an average of approximately 55 employees onsite at any given time. The increase of 23 total employees from implementation of the proposed Project would not result in a substantial increase in the number of residents that would use City park and recreation facilities.

Although the Project employees may occasionally use local parks, such an increase in use would be limited and would not result in deterioration of the facilities such that the construction or expansion of recreational facilities would be necessary. As detailed previously, the three existing parks within 0.6-mile of the Project site (Mesa Birch Park, Bayview Park, and Upper Newport Bay Regional Park) provide approximately 137.93 of park and recreation facilities. Any additional use of City park and recreation facilities by Project site employees would be less than significant.

As described in Section 3.0, *Project Description*, the proposed Project would remove three holes from the golf course and remove the driving range from the golf recreation activities on the site. Changing the NB Golf Course from an 18-hole course to a 15-hole course would reduce the number of holes to play in the executive golf course. However, the proposed Project would support the 15-hole golf course by providing parking and a check-in station on the site, and by providing golf cart storage within the basement level of the proposed clubhouse building. Golf cart maintenance and landscaping facilities are currently located on the northern golf course parcel near holes 10-18 and would therefore not be affected by the proposed Project. Thus, although reduced, golf recreation would continue to be provided to the north and south of the site and supported on the site.

In addition, as detailed in Table 5.13-2, there are 11 other publicly available golf courses within 10 miles of the Project site that provide a range of golfing activities at a range of costs, some of which are similar to those of the NB Golf Course. Likewise, Table 5.13-3 details that there are nine other public driving ranges within 10 miles of the Project site, and the cost of the other driving ranges are similar to the cost of the

driving range on the Project site. Because the 15-hole executive golf course would be supported by the proposed Project, and due to the number of other golf courses and driving ranges within the vicinity of the site, the proposed Project would not result in the need for new or physically altered golf facilities.

The physical impacts associated with provision of the proposed commercial recreational surf lagoon facility are detailed within this EIR. For example, impacts related to air quality, geology, greenhouse gases, and noise, are detailed within the previous respective sections of this document. No further or additional environmental impacts from implementation of the surf lagoon recreation would occur other than those detailed herein.

Instead of requiring additional recreation facilities, the proposed Project would provide a new commercial recreational facility that would complement both the commercial golf recreation to the north and south of the site, and the City's nearby park and recreation areas. As detailed previously, the Upper Bay Trail is located around the northern edge of the Upper Newport Bay Nature Preserve and connects to University Drive that leads to Irvine Avenue and then the Project site; thus, connecting a variety of park and recreational uses within the City. Overall, the Project would not result in the need for new or physically altered public park or recreation facilities and Project impacts related to park and recreation service ratios would be less than significant.

**IMPACT REC-2: THE PROJECT WOULD NOT 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.** As discussed in Chapter 7.0, *Effects Found Not Significant*, the Project does not propose any residences and would not cause an increase in the residential population. The Project also would not generate a substantial increase in employees that could result in an increase in use of existing park and recreational facilities. As detailed in Section 3.0, *Project Description*, the Project site currently provides 47 full and part-time jobs, and the proposed Project would result in 70 full and part-time jobs with an average of approximately 55 employees onsite at any given time. The increase of 23 total employees would not result in substantial increase in residents or employees that would cause an increase in demand for existing parks or other recreational facilities, and the Project would not cause nor accelerate physical deterioration of existing park or recreational facilities.

Implementation of the proposed Project would result in a smaller NB Golf Course (3-hole reduction) without a driving range. Holes 2 through 8 and 10 through 18 would remain operational through the construction and operation of the proposed Project. Golf course parking during construction would be provided on the site, along with a temporary restroom and check-in station that would be located near the existing Project site driveway along Irvine Avenue. Golf cart maintenance and landscaping facilities are currently located on the northern golf course parcel near holes 10-18 and would therefore not be affected by the proposed Project.

The course would be revised to the new 15-hole format, with holes 1 through 9 located in the northern parcel and holes 10 through 15 on the southern parcel. Golfers would continue to utilize the existing golf cart path and tunnel that takes golfers under Irvine Avenue to a joint-use path located along the south side of the Santa-Ana-Delhi Flood channel to provide golfers circulation between both parcels.

Once the Project is operational, a permanent golf check-in station would be located adjacent to the Amenity Clubhouse to the northwest for golfers to get their carts. The basement golf cart storage area would include a ramp on the western side of the building that leads to the golf check-in area and into the parking lot and the cart path on the northern end of the site.

With the change to the Golf Course and removal of the driving range, it is likely that existing users of the driving range and golf course would use other nearby golf facilities that would incrementally increase their

usage. However, Tables 5.13-2 and 5.13-3 details that there are 11 other publicly available golf courses and nine other public driving ranges within 10 miles of the Project site that provide a range of golfing activities, and the incrementally increased usage would be spread amongst the other existing golf facilities. These are commercial recreational facilities that users pay to use. The increase in fees from the increased usage would provide funding for increased maintenance to offset the increase in use. Thus, substantial physical deterioration of other nearby golf course and driving range facilities would not occur.

The proposed Project would provide a different type of commercial recreational facility in place of the existing driving range and three holes of golf on the site. The proposed surf lagoon and related recreational services would provide a new use to complement the site proximity to the ocean and the local surf culture. The provision of onsite surf-related recreation would not result in a substantial increase in the use of other recreational facilities. While the Athlete Accommodation building would provide 20 units for traveling athletes and visitors, visitors staying at the surf park would be there to use the surf park for recreational activity and not the surrounding neighborhood or regional parks. Any increase in use of the three existing parks within 0.6-mile of the Project site (Mesa Birch Park, Bayview Park, and Upper Newport Bay Regional Park) that total approximately 137.93 acres, by site visitors or employees would be limited and less than significant. Thus, impacts related to an increase in the use of existing neighborhood and regional parks resulting in physical deterioration would be less than significant.

**IMPACT REC-3: THE PROJECT WOULD NOT 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.** As discussed above and in Chapter 7.0, *Effects Found Not Significant*, development of the proposed Project is not expected to result in an increase in residents or employment that would necessitate the need for the expansion of park and recreation facilities. The Project proposes to redevelop a portion of a golf course with a new commercial recreational surf park use. In addition, the remaining 15-hole NB Golf Course would remain operational through the construction and operation of the proposed Project. As stated above, visitors staying at or just visiting the surf park would be athletes there to use the surf park for recreational activity and not the surrounding neighborhood or regional parks. Any use of nearby park and recreation facilities by Project site visitors or employees would be limited and minimal in comparison to the existing park and recreation areas within 0.6-mile from the site (as detailed in Impact REC-1). Therefore, the Project would not require the construction or expansion of other recreational facilities.

The construction activities related to the proposed commercial recreational facilities are included as part of the Project and would not result in any physical environmental effects beyond those identified throughout this Draft EIR. Emissions due to the construction of the surf park facility are included in Sections 5.2, *Air Quality*, and 5.7, *Greenhouse Gas Emissions*. Noise from construction is evaluated in Section 5.11, *Noise*, and vehicular trips from construction of the Project are analyzed in Section 5.14, *Transportation*. Therefore, Project impacts related to the construction or expansion of recreational facilities would be less than significant.

### 5.13.7 CUMULATIVE IMPACTS

The geographic scope for the park and recreation cumulative impact analysis is the greater Newport Beach area where residents, visitors, and employees utilize local recreation facilities. Past, present, and reasonably foreseeable future projects located in the vicinity of the proposed Project, such as those listed in Table 5-1, *Cumulative Projects List*, in Section 5.0, *Environmental Impact Analysis*, may generate an increase in residents and employees that may use recreation facilities. However, as detailed above, the proposed Project would not generate any new residents or a substantial increase in employees that would generate the need for parks and recreation that has the potential to cumulatively combine. The Project proposes a different type of commercial recreational use and would not increase the use of existing recreational facilities in a manner

that would cumulatively combine such that physical deterioration would occur. Therefore, cumulative impacts related to increased needs for park and recreational facilities would be less than significant.

### 5.13.8 EXISTING REGULATIONS AND PLANS, PROGRAMS, OR POLICIES

The following would reduce potential impacts related to parks and recreation.

#### Existing Regulations

- California Government Code Sections 66000 et seq.
- Municipal Code Chapter 3.12: Property Development Tax
- Municipal Code Chapter 11.03, *Special Events*

#### Plans, Programs, or Policies

None.

### 5.13.9 PROJECT DESIGN FEATURES

None.

### 5.13.10 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Impacts REC-1 through REC-3 would be less than significant.

### 5.13.11 MITIGATION MEASURES

No mitigation measures are required.

### 5.13.12 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Impacts would be less than significant.

### 5.13.13 REFERENCES

City of Newport Beach. (2001). *Santa Ana Heights Specific Plan*. Retrieved September 23, 2024, from [ocpublicworks.com](http://ocpublicworks.com).

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## 5.14 Transportation

### 5.14.1 INTRODUCTION

This section addresses potential transportation impacts that may result from implementation of the proposed Project. The following discussion addresses the existing transportation conditions in the Project area, identifies applicable regulations, evaluates the proposed Project's consistency with applicable goals and policies, identifies and analyzes environmental impacts, and, if necessary, recommends measures to reduce or avoid adverse impacts anticipated from implementation of the proposed Project. This analysis has been prepared in accordance with CEQA requirements to evaluate potential transportation impacts based on vehicle miles traveled (VMT). Information within this section is based on the following:

- *City of Newport Beach General Plan, 2006*
- *City of Newport Beach General Plan Environmental Impact Report (General Plan EIR), 2006*
- *City of Newport Beach General Plan Circulation Element, 2022;*
- *City of Newport Beach Municipal Code*
- *Trip Generation Assessment for Surf Farm, Newport Beach, California, Gibson Transportation Consulting, Inc., March 2025, included as Appendix R*

### 5.14.2 REGULATORY SETTING

#### 5.14.2.1 State Regulations

##### **Senate Bill 743 (Steinberg, 2013)**

On September 27, 2013, Senate Bill (SB) 743 was signed into State law. The California legislature found that with the adoption of the Sustainable Communities and Climate Protection Act of 2008 (SB 375), the State had signaled its commitment to encourage land use and transportation planning decisions and investments that reduce vehicle miles traveled (VMT) and thereby contribute to the reduction of greenhouse gas (GHG) emissions, as required by the California Global Warming Solutions Act of 2006 (Assembly Bill 32).

SB 743 required the California Governor's Office of Planning and Research to amend the CEQA Guidelines to provide an alternative to level of service (LOS) as the metric for evaluating transportation impacts under CEQA. Particularly within areas served by transit, SB 743 requires the alternative criteria to promote the reduction of greenhouse gas emissions, development of multimodal transportation networks, and diversity of land uses. The alternative metric for transportation impacts detailed in the CEQA Guidelines is VMT. Jurisdictions had until July 1, 2020, to adopt and begin implementing VMT thresholds for traffic analysis.

##### **AB 1358: California Complete Streets Act**

The California Complete Streets Act was implemented on January 1, 2011, which required circulation elements to address the transportation system from a multimodal perspective. The bill states that streets, roads, and highways must "meet the needs of all users... in a manner suitable to the rural, suburban, or urban context of the general plan." This bill requires a circulation element to plan for all modes of transportation where appropriate—including walking, biking, car travel, and transit. The Complete Streets Act also requires circulation elements to consider the multiple users of the transportation system, including children, adults, seniors, and the disabled. The proposed Project would implement the City's complete streets

planning of the Mobility Element by providing new and improved pedestrian and bicycle circulation facilities near existing bus routes.

## California Fire Code

The California Fire Code sets requirements pertaining to fire safety and life safety, including for emergency access and evacuation (California Code of Regulations Title 24 Part 9). The California Fire Code is incorporated by reference in Section 9.0.010 of the Newport Beach Municipal Code.

### 5.14.2.2 Local and Regional Regulations

#### Regional Transportation Plan/Sustainable Communities Strategy

The Southern California Association of Governments (SCAG) is the designated metropolitan planning organization for six Southern California counties (Ventura, Los Angeles, San Bernardino, Riverside, Orange, and Imperial). As the designated metropolitan planning organization, SCAG is mandated by the federal and State governments to prepare plans for regional transportation and air quality conformity.

SCAG's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) includes long range regional transportation plans and regional transportation improvement programs. Most of the plan's goals are related to regional transportation infrastructure and the efficiency of transportation in the region. SCAG is required by federal law (23 U.S.C. Section 134 et seq.) to prepare and update a long-range RTP/SCS every four years in order to readjust its vision for the future, assess challenges, and rearticulate goals.

The most recent RTP/SCS "Connect SoCal" was approved by SCAG on April 4, 2024 that provided updated growth projections and forecasting for the region. The 2024 Connect SoCal includes regional planning policies (listed in Section 5.10, *Land Use and Planning*) which provide guidance for integrating land use and transportation planning. The 2024 Connect SoCal mobility policies support:

- Circulation System Preservation and Resilience
- Development of Complete Streets
- Transit and Multimodal Integration
- Transportation System Management
- Transportation Demand Management
- Technology Integration
- Safety
- Funding the System/User Fees

Connect SoCal is a planning document for the region, allowing public agencies to implement transportation projects in a coordinated manner while qualifying for federal and State funding. Connect SoCal also supports local jurisdictions in making informed land use planning and development decisions.

#### City of Newport Beach General Plan Circulation Element 2022

The City of Newport Beach General Plan Circulation Element contains the following policies related to transportation that are applicable to the Project:

**CE 2.1.1 Level of Service Standards.** Plan the arterial roadway system to accommodate projected traffic at the following level of service standards:

- A. Level of Service (LOS) "D" throughout the City, unless otherwise noted

B. LOS “E” at any intersection in the Airport Area shared with Irvine, and in Corona del Mar (subject to findings of the most recent General Plan update traffic study)

- CE 2.2.1 Safe Roadways.** Provide for safe roadway conditions by adhering to nationally recognized improvement standards and uniform construction and maintenance practices.
- CE 2.2.5 Driveway and Access Limitations.** Limit driveway and local street access on arterial streets to maintain a desired quality of traffic flow and limit hazards to active transportation modes. Wherever possible, consolidate and/or reduce the number of driveways and implement access controls during redevelopment of adjacent parcels.
- CE 2.2.7 Emergency Access.** Provide all residential, commercial, and industrial areas with efficient and safe access for emergency vehicles. An emergency evacuation map shall be prepared as part of an updated Safety Element.
- CE 7.1.1 Vehicle Miles Traveled (VMT) Analysis.** Follow the analysis methodology for vehicle miles traveled according to the Newport Beach VMT thresholds policy and as required in Senate Bill 743 and the revised California Environmental Quality Act (CEQA) Guidelines.
- CE 7.1.2 VMT Mitigation Measures.** Require implementation of CEQA project related VMT mitigation measures when warranted and monitor reductions in VMT from new development.
- CE 7.1.5 Support Facilities for Alternative Modes.** Require new development projects to provide facilities commensurate with development type and intensity to support alternative modes, such as preferential parking for carpools, bike racks, bike stations, bicycle lockers, showers, commuter information areas, rideshare vehicle loading areas, water transportation docks, and bus stop improvements.
- CE 7.1.7 Project Site Design Supporting Alternative Modes.** Encourage increased use of public transportation by requiring project site designs that facilitate the use of public transportation and walking.
- CE 7.1.8 Electric Vehicle (EV) Charging Stations.** Install additional EV charging stations on City properties, support existing private development to add new EV charging stations and develop incentives for the installation of EV charging stations and other alternative fuels systems as part of new development.
- CE 9.1.10 Development Requirements.** Require development to provide the needed roadway improvements adjacent to a site, commensurate with project impact and in accordance with the Master Plan of Streets and Highways.

## City of Newport Beach Municipal Code

**Chapter 9.04 Fire Code.** The City has adopted the 2022 California Fire Code including subsequent amendments and appendices. Newport Beach Municipal Code (Municipal Code) 9.04.110 – 160 include amendments to Section 503.2 of the Fire Code, which includes minimum dimensions for fire apparatus access roads, turning radius, dead ends, and grades.

**Chapter 15.40 Traffic Phasing Ordinance.** The City of Newport Beach adopted a Traffic Phasing Ordinance (Municipal Code Title 15, Chapter 15.40, Traffic Phasing Ordinance) to meet the following objectives: (1) to provide a uniform method of analyzing the traffic impacts of projects that generate a substantial number of average daily trips and/or trips during the morning or evening peak hour period; (2) to identify the specific and near-term impacts of a project’s traffic as well as circulation system improvements that will accommodate project traffic and ensure that development is phased with identified circulation system improvements; (3) to

ensure that project proponents make or fund circulation system improvements that mitigate the specific impacts of project traffic on primary intersections at or near the time the project is ready for occupancy; and (4) to provide a mechanism for ensuring that a project's cost of mitigating traffic impacts is roughly proportional to project impacts.

These requirements differ from CEQA requirements. VMT is the CEQA significance criteria for the assessment of potential traffic impacts. Level of service (LOS) is used by the City for non-transportation projects where construction of all phases is anticipated to be complete within 60 months of project approval and where the project would generate 300 or more daily trips or increase trips by one percent or more on any leg of any primary intersection.

**Chapter 20.44 Transportation Demand Management Requirements.** The purpose of Chapter 20.44 is to implement the requirements of Orange County's Congestion Management Program. The City's Transportation Demand Management (TDM) Ordinance was established to help mitigate potential impacts of development projects on mobility, congestion, and air quality, as well as to promote TDM strategies. The City uses the TDM Ordinance to encourage changes in individual travel behavior, where certain TDM activities are made mandatory by the ordinance.

## Newport Beach City Council Policy Manual

**Policy L-26: Traffic Management Policy.** Local roadways are planned to accommodate traffic circulating the local village or neighborhood they serve. Keeping regional traffic off of local streets preserves right-of-way for its intended use and for use by other transportation modes. In recognition of the need to discourage non-local cut-through traffic from using residential streets, the City Council adopted Policy L-26 (Traffic Management Policy). This policy provides tools and a process for managing the speed and volume of vehicles on residential streets and implementing considered responses that do not simply shift cut-through traffic from one residential street to another.

## City of Newport Beach Bicycle Master Plan

The City Council adopted the City of Newport Beach Bicycle Master Plan in October 2014, which provides a broad vision, as well as strategies and actions, to improve conditions for bicycling throughout the City. The Bicycle Master Plan provides guidance for expanding the existing bikeway network, connecting gaps within the City, and connecting to adjacent cities. In addition, the Master Plan provides recommendations for education, encouragement, enforcement, and evaluation programs.

## 5.14.3 ENVIRONMENTAL SETTING

### 5.14.3.1 Roadways

Regional access to the Project site is provided from State Route (SR) 73, Interstate 405 (I-405), and SR-55 via various roadways that interconnect in a grid. The Project site is adjacent to Irvine Avenue and Mesa Drive. Table 5.14-1, *Existing Roadway Characteristics within Project Vicinity*, shows the roadway characteristics within the vicinity of the Project.

**Table 5.14-1: Existing Roadway Characteristics within Project Area**

Roadway	Classification <sup>1</sup>	Direction	Existing Travel Lanes	Speed Limit (mph)	On-Street Parking	Sidewalk	Bike Lane
Irvine Avenue	Major Arterial	North-South	6	50	Western Side	Both Sides	Class II, Both Sides
Mesa Drive	Secondary Arterial	East-West	4	45	None	Both Sides	Class II, Both Sides

<sup>1</sup> City of Newport Beach Circulation Element (2022)

#### 5.14.3.2 Existing Site Trips

As detailed in Section 3.0, *Project Description*, the Project site is developed with a 38-bay partially covered driving range, a 1,050-square-foot (SF) putting green, a 8,975 SF building that includes a pro shop and a restaurant that seats 233 people, a 2,782 SF service building, a surface parking lot with 280 parking spaces, and three holes of the existing Newport Beach Golf Course (holes 1, 2, and 9). Based on *Trip Generation Manual, 11th Edition* rates for golf course, driving range, and high-turnover sit-down restaurant, the Trip Generation Assessment (Appendix R) determined that the existing uses on the Project site generate approximately 1,810 daily vehicular trips, 136 a.m. peak hour trips (including 76 inbound trips and 60 outbound trips), and 165 p.m. peak hour trips (including 87 inbound trips and 78 outbound trips).

#### 5.14.3.3 Transit Service

The Orange County Transportation Authority (OCTA) provides fixed route bus service and on-demand paratransit service (such as the one at the Oasis Senior Center provided for seniors) to Orange County, inclusive of Newport Beach. OCTA operates routes through the City. As shown on Figure 5.14-1, *OCTA Transit Routes*, OCTA Bus Route 178 provides service along Irvine Avenue with stops adjacent to the Project site that occur between approximately 5:12 a.m. and 10:44 p.m. OCTA Bus Route 178 travels between Huntington Beach and Irvine with scheduled stops at the intersection of Irvine Avenue and Mesa Drive, which is adjacent to the Project site. However, OCTA Bus Route 178 currently has no weekend service (OCTA, 2025).

#### 5.14.3.4 Walking and Bike Trails

The City has over 18 miles of pedestrian and bicycle trails throughout the City that have been developed for commuting and recreation. The longest trail is Upper Bay Trail, which is located around the northern edge of the Upper Newport Bay Nature Preserve and connects to University Drive that leads to Irvine Avenue and then to the Project site. Figure 5.14-2, *Bike Lanes in Project Vicinity*, shows the bicycle lanes in the Project vicinity.

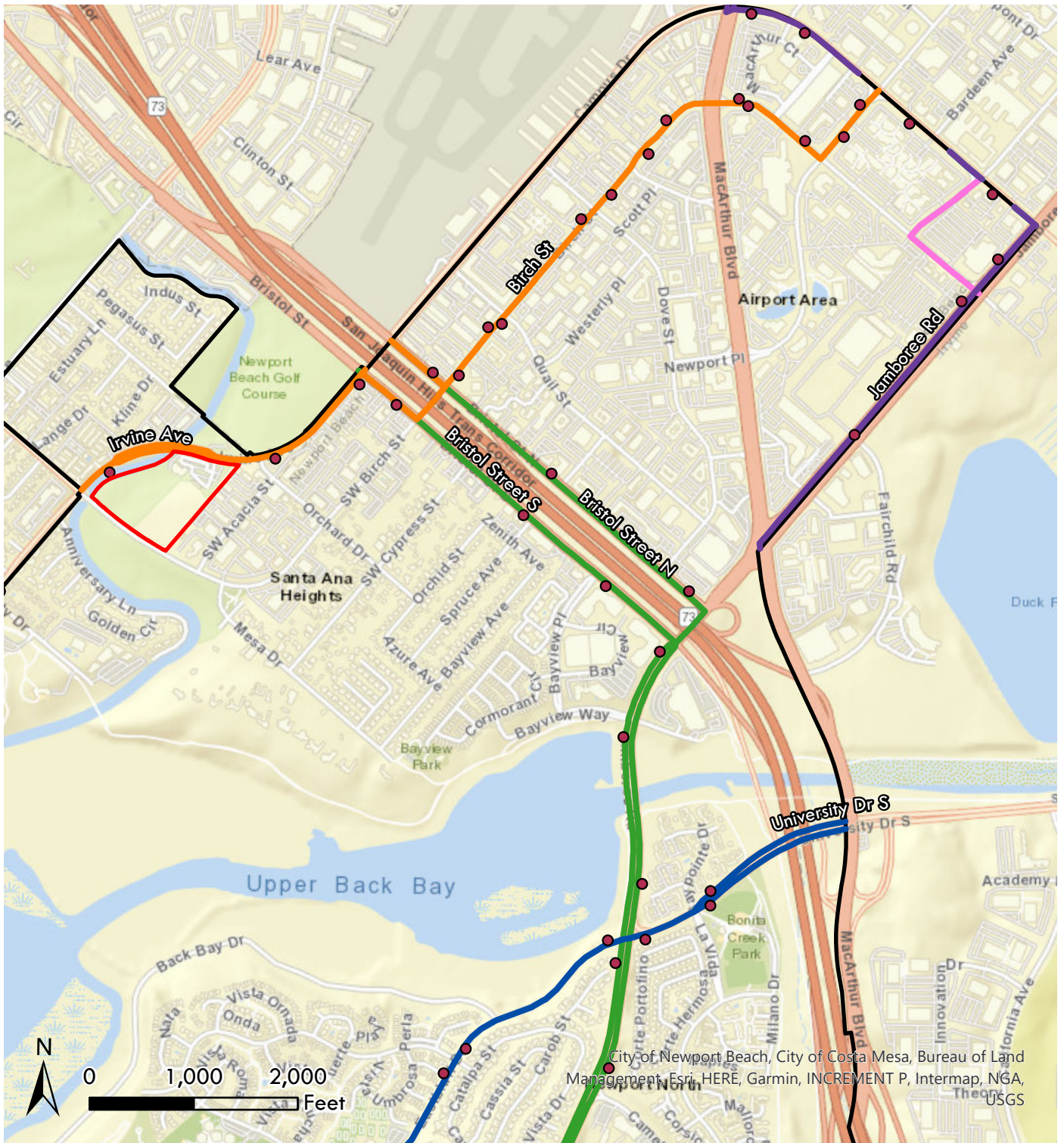
#### 5.14.3.5 Vehicle Miles Traveled

Based on the City's SB 743 Vehicle Miles Traveled Implementation Guide, the Project site is not located within a Transit Priority Area. Figure 3 of the Vehicle Miles Traveled Implementation Guide describes that the Project site has an existing VMT per employee that is higher than the Countywide average commute VMT per employee (City of Newport Beach, 2020a).

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# OCTA Transit Routes



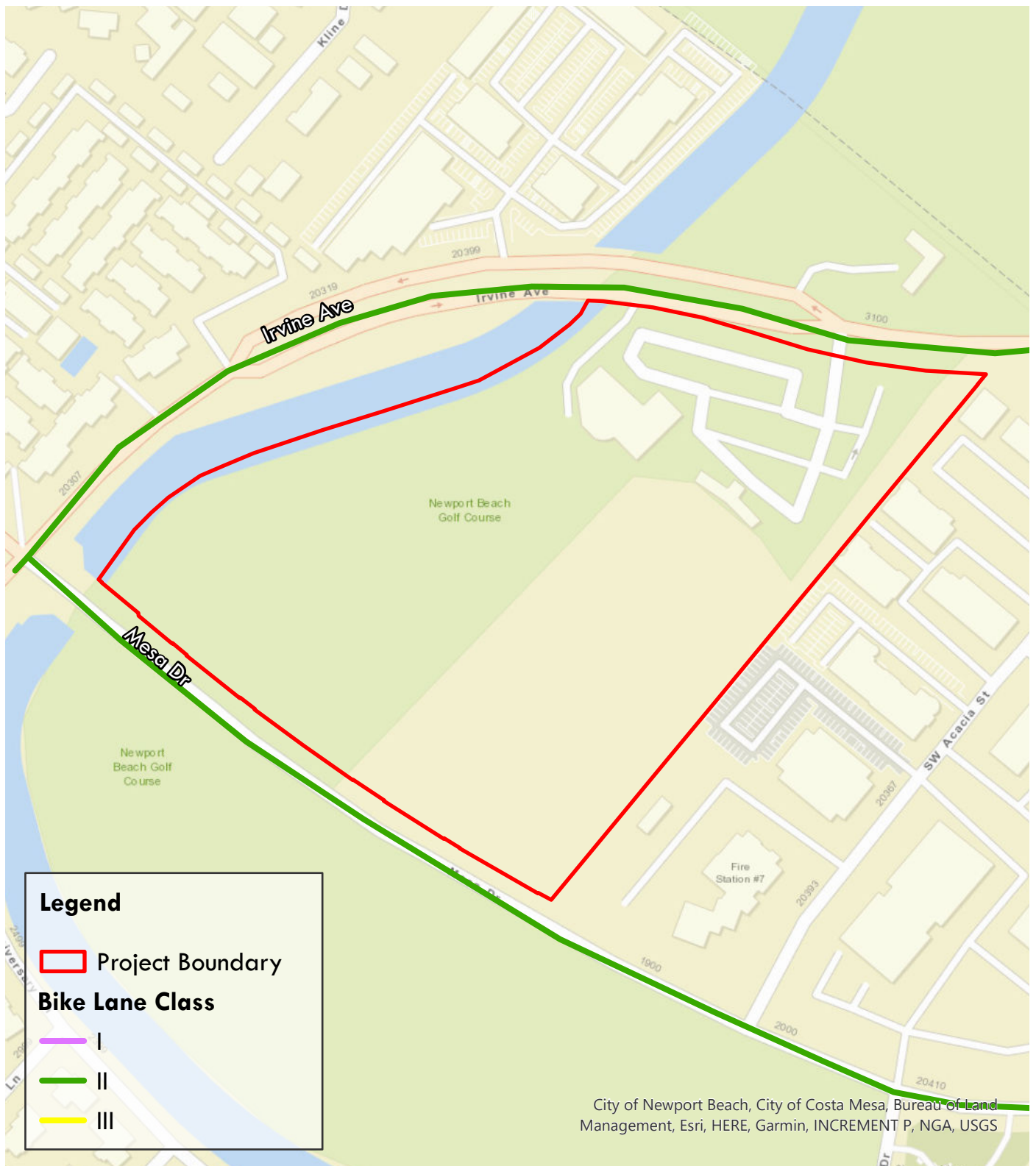
## Legend

<span style="border: 2px solid red; display: inline-block; width: 20px; height: 10px;"></span> Project Boundary	<b>OCTA Route Number</b>	<span style="color: blue;">—</span> 79	<span style="color: purple;">—</span> 472
<span style="border: 2px solid black; display: inline-block; width: 20px; height: 10px;"></span> City of Newport Beach	<span style="color: green;">—</span> 57	<span style="color: orange;">—</span> 178	
<span style="color: red;">●</span> Bus Stops	<span style="color: cyan;">—</span> 59	<span style="color: pink;">—</span> 400	



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## Bike Lanes in Project Vicinity



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## 5.14.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of the CEQA Guidelines indicates that a Project could have a significant effect if it were to:

- TRA-1 Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.
- TRA-2 Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b).
- TRA-3 Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- TRA-4 Result in inadequate emergency access.

### Vehicle Miles Traveled Significance Criteria

CEQA Guidelines Section 15064.3(b)(1) provides that for land use projects:

*VTM traveled exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within 0.5 mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less than significant transportation impact.*

The City of Newport Beach VMT analysis screening criteria is adopted as Council Policy K-3, and states that a land use project that meets one or more of the criteria provided below are considered to have a less-than-significant impact on transportation/traffic and no further VMT analysis is required:

- I. The land use project is located within 0.5 mile of an existing Major Transit Stop or a High Quality Transit Corridor unless the Land Use Project is inconsistent with the Regional Transportation Plan/Sustainable Transportation Communities plan, has a floor area ratio (FAR) of less than 0.75, provides parking in excess of the Newport Beach Municipal Code requirements, or reduces the number of affordable residential units.
- II. The land use project is located in areas with lower than 85 percent of the countywide average VMT per capita trips for residential projects or lower than 85 percent of the countywide average VMT per employee for office or other employee-based land use projects average.
- III. Locally serving retail space of less than 50,000 square feet (SF)
- IV. The land use project has a high level of affordable housing units, as determined by the Community Development Department.
- V. The land use project generates a net increase of 300 or less daily trips, utilizing the most current Institute of Transportation Engineers (ITE) Trip Generation Manual. Credit may apply for existing uses generating traffic on the site, as outlined in Chapter 15.40 (Traffic Phasing Ordinance) of the Newport Beach Municipal Code.
- VI. Institutional/Government and public service uses including, but not limited to, police stations, fire stations, community centers, and refuse centers.

Projects that do not meet one or more of the criteria identified above would require a more detailed VMT analysis.

### 5.14.5 METHODOLOGY

To determine whether the proposed Project would result in a significant impact related to conflict with a program, plan, ordinance, or policy related to the effectiveness of the circulation system, the extent to which the proposed Project would provide facilities to enhance the use of public transit, pedestrian, and bicycle mobility, the proposed Project was compared to adopted plans for public transit, pedestrian mobility, and bicycle facilities. A significant impact would result if the proposed Project resulted in a conflict that could result in an impact on the environment.

As outlined in CEQA Guidelines Section 15064.3, except as provided for roadway capacity transportation projects, a project's effect on automobile delay shall not constitute a significant environmental impact. Therefore, this analysis has been prepared in accordance with CEQA requirements to evaluate potential transportation impacts based on VMT. The City Newport Beach Council Policy K-3 provides criteria for projects that would be considered to have a less than significant impact on VMT and therefore could be screened out from further analysis; and those that would have the potential to result in a VMT impact and therefore require a VMT analysis based on VMT reduction thresholds.

Consistent with the City Guidelines, the VMT screening thresholds were used to identify if the proposed Project could have an impact on VMT, which is detailed below. If the proposed Project meets one of the screening criteria set forth by Council Policy K-3, it can be presumed that the proposed Project would result in a less than significant impact. Trips generated by the proposed Project have been estimated based on trip generation rates provided by the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 11th Edition*, 2021. Where generation rates were not detailed within the ITE Trip Generation Manual, rates were derived from attendance data observed at the Project site, which were reviewed and approved by the City.

### 5.14.6 ENVIRONMENTAL IMPACTS

#### **IMPACT TRA-1: THE PROJECT WOULD NOT CONFLICT WITH A PROGRAM, PLAN, ORDINANCE, OR POLICY ADDRESSING THE CIRCULATION SYSTEM, INCLUDING TRANSIT, ROADWAY, BICYCLE, AND PEDESTRIAN FACILITIES.**

##### **Less than Significant Impact.**

##### **Transit, Bicycle, and Pedestrian Facilities**

Transit: As described previously, the Project vicinity is served by OCTA Route 128. This existing transit service would continue to serve its ridership in the area and may also serve visitors and employees of the Project. There is an existing bus stop for Route 128 with 50-minute headways during weekdays on Irvine Avenue. The Project would not alter the existing bus stop or sidewalk providing access to the bus stop. The proposed Project would not alter or conflict with existing transit stops and schedules, and potential impacts related to transit services would not occur.

Bicycle Facilities: As detailed previously, within the Project vicinity, Irvine Avenue and Mesa Drive have Class II bike lanes on both sides of the roadway. As described in Section 3.0, *Project Description*, the Project would not include any offsite roadway improvements or changes to the existing bicycle lanes. As a result, the Project would not result in any conflicts with City's existing and planned bike lanes. Thus, impacts related to bicycle facilities would not occur.

Pedestrian Facilities: As detailed previously, sidewalks currently exist along both sides of Irvine Avenue and Mesa Drive. As discussed in Section 3.0, *Project Description*, the proposed driveway along Irvine Avenue would be in the same location as the existing driveway. The Project would include new curb cuts for the proposed driveway along Mesa Drive. During construction of the driveway along Mesa Drive, the existing

sidewalk along the northern portion of the roadway would be closed; however, once construction is complete, the sidewalk would continue to be available to pedestrians in its existing configuration. As a result, the Project would not result in any conflicts with the existing and planned pedestrian network. Thus, impacts related to pedestrian facilities would not occur.

### Roadway Facilities

Vehicular traffic to and from the Project site would utilize the existing network of regional and local roadways that currently serve the Project vicinity, as envisioned by the General Plan Circulation Element. As discussed in Section 3.0, *Project Description*, access to the Project site would be provided from two driveways, one along Irvine Avenue and one along Mesa Drive. As detailed in Appendix R, the average vehicle ridership (AVR) for employees was conservatively assumed to be 1.0 persons/vehicle (i.e., 70 vehicles for 70 employees), resulting 140 daily vehicle trips (70 inbound and 70 outbound). As it concerns the visitors, the AVR was conservatively assumed to be 2.0 persons per vehicle (i.e., 700 vehicles for 1,400 visitors), resulting in 1,400 daily vehicle trips (700 inbound and 700 outbound).

Table 5.14-2 identifies the number of trips that would be generated by the Project. As shown in Table 5.14-2, the Project and the 15 golf holes to remain within the golf course would generate approximately 1,996 average daily trips including 63 AM peak hour and 155 PM peak hour trips. Therefore, the Project would result in approximately 186 net new daily trips with a net reduction of 73 AM peak hour trips and 10 PM peak hour trips compared to the existing golf course uses. This is less than the 300 daily trip threshold identified by the City Traffic Phasing Ordinance (Municipal Code Title 15, Chapter 15.40, Traffic Phasing Ordinance) that requires evaluation of potential circulation system improvements. Thus, operational roadway impacts would be less than significant.

**Table 5.14-2: Project Trip Generation**

Land Use			AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
<b><u>Surf Park</u></b>								
Surf Lagoon & Amenities – Visitors	1,400 visitors	1,400	35	2	37	56	55	111
Surf Lagoon & Amenities – Employees	70 employees	140	-	-	-	-	-	-
Golf Course (Offsite Holes to Remain)	15 holes	456	21	5	26	23	21	44
		1,996	56	7	63	79	76	155
<b><u>Existing Golf Course</u></b>								
Golf Course	18 holes	547	25	7	32	28	25	52
Driving Range	38 positions	519	9	6	15	21	26	48
Internal Capture	25%	(137)	(6)	(2)	(8)	(7)	(6)	(13)
Restaurant	233 seats	1,018	55	50	105	52	39	91
Internal Capture	25%	(137)	(6)	(2)	(8)	(7)	(6)	(13)
		1,810	76	60	136	87	78	165
<b>Net New Trips</b>		<b>186</b>	<b>(20)</b>	<b>(53)</b>	<b>(73)</b>	<b>(8)</b>	<b>(2)</b>	<b>(10)</b>

Source: Trip Generation Assessment (Appendix R)

### Construction

Construction of the proposed Project is anticipated to occur over an 18-month period. Construction-related trips generated on a daily basis throughout various construction activities would be derived from construction workers and delivery of materials. It is anticipated Project construction would generate haul trips distributed throughout the day. During construction, there would also be passenger car construction trips associated with construction crew arrivals and departures. The weekday a.m. peak period is 7:00 a.m. to 9:00 a.m., and the

weekday p.m. peak period is 4:00 p.m. to 6:00 p.m. As Newport Beach Municipal Code Section 10.28.040 allowable construction hours begin at 7:00 a.m., it is anticipated that the majority of construction crews would arrive and depart outside the peak hours, while delivery trucks would arrive and depart throughout the day. As shown in Table 5.14-3, the grading phase of construction would generate the most vehicular trips per day from approximately 30 worker trips and 1 vendor trip per day, which would result in a total of 31 daily trips.

**Table 5.14-3: Daily Construction Vehicle Trips**

Construction Activity	Workers Per Day	Vendors Per Day	Hauling Trips Per Day
Demolition	10	1	9
Site Preparation	8	1	0
Grading	30	1	0
Building Construction	11	3	0
Paving	15	0	0
Architectural Coating	2	0	0

Source: Air Quality Impact Analysis (Appendix B)

This equates to approximately 16.7 percent of the net daily trips that would be generated from operation of the Project (as shown in Table 5.14-2). Therefore, 16.7 percent of the daily trips would also not result in an inconsistency with the City's traffic criteria. Additionally, as described above, vendor delivery trucks would arrive and depart throughout the day and a majority of construction crews would arrive and depart outside the peak hours. Furthermore, the construction traffic would be temporary and intermittent depending on the phase of construction, and haul and vendor trucks would be required to utilize City truck routes.

All construction equipment, including construction worker vehicles, would be staged on the Project site for the duration of the construction period. In addition, as part of the grading plan and building plan review processes, the City permits would require appropriate measures to facilitate the passage of persons and vehicles through/around any required road closures (as applicable). Therefore, construction impacts related to conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system would be less than significant.

Overall, the Project would not conflict with the circulation system, and potential impacts related to transit, bicycle, pedestrian, and roadway facilities would be less than significant.

**IMPACT TRA-2: THE PROJECT WOULD NOT CONFLICT OR BE INCONSISTENT WITH CEQA GUIDELINES § 15064.3, SUBDIVISION (B).**

**Less than Significant Impact.** As described previously, CEQA Guidelines Section 15064.3(b) focuses on determining the significance of VMT-related transportation impacts. The City of Newport Beach's SB 743 *Vehicle Miles Traveled Methodology – Council Policy K-3* was adopted in June 2020 and contain the following screening thresholds to assess whether further VMT analysis is required. If the project meets any of the following screening thresholds, then the VMT impact of the project is considered less than significant and further VMT analysis is not required.

- I. The Land Use Project is located within 0.5-mile of an existing Major Transit Stop or a High Quality Transit Corridor unless the Land Use Project is inconsistent with the Regional Transportation Plan/Sustainable Transportation Communities plan, has a floor area ratio (FAR) of less than 0.75, provides parking in excess of the Newport Beach Municipal Code requirements, or reduces the number of affordable residential units.

- II. The Land Use Project is located in areas with lower than 85 percent of the countywide average VMT per capita trips for residential projects or lower than 85 percent of the countywide average VMT per employee for office or other employee -based Land Use Projects average.
- III. Locally serving retail space of less than 50,000 square feet (SF)
- IV. The Land Use Project has a high level of affordable housing units, as determined by the Community Development Department.
- V. The Land Use Project generates a net increase of 300 or less daily trips, utilizing the most current Institute of Transportation Engineers (ITE) Trip Generation Manual. Credit may apply for existing uses generating traffic on the site, as outlined in Chapter 15.40 (Traffic Phasing Ordinance) of the Newport Beach Municipal Code.
- VI. Institutional/ Government and public service uses including, but not limited to, police stations, fire stations, community centers, and refuse centers.

The applicability of each screening criteria in comparison to the proposed Project is discussed below.

Screening Criteria I – Within 0.5-mile of Major Transit Stop or a High Quality Transit Corridor: Per Public Resources Code, Section 21064.3, “Major transit stop” means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.” Per Public Resources Code, Section 21155, a high quality transit corridor means a “corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.” The Project site is not located within one half mile of a major transit stop or a high quality transit corridor; therefore, the Project does not satisfy the requirements of screening criteria I.

Screening Criteria II – Low VMT Area: The City’s guidelines define a low VMT generating area as traffic analysis zones with a total daily VMT lower than 85 percent of the countywide average VMT per employee. Figure 3 of the Vehicle Miles Traveled Implementation Guide describes that the Project site has an existing VMT per employee that is higher than the Countywide average commute VMT per employee (City of Newport Beach, 2020a). Therefore, the Project does not satisfy the requirements of screening criteria II.

Screening Criteria III – Local Serving Retail: The Project would develop a recreational surf park with over 50,000 square feet of building area. Therefore, the Project does not satisfy the requirements of screening criteria III.

Screening Criteria IV – Affordable Housing: The Project does not include any residential development; therefore, the Project does not satisfy the requirements of screening criteria IV.

Screening Criteria V – Net Daily Trips Less than 300 Daily Trips: Table 5.14-2 shows that the Project would result in approximately 186 net new daily trips compared to the existing onsite uses and a net reduction of 73 a.m. peak hour trips and 10 p.m. peak hour trips. Therefore, the Project would result in fewer than 300 net daily trips and the Project would meet the requirements of Screening Criteria V.

Screening Criteria VI – Institutional/Government and Public Service Uses: The Project does not include any government or public service uses; therefore, the Project does not satisfy the requirements of screening criteria IV.

Overall, pursuant to the City’s VMT screening criteria and guidance from OPR and CEQA Guidelines Section 15064.3(b)(1), based on the Project’s net trip generation of less than 300 daily trips, the proposed Project would screen from a full VMT analysis and impacts can be presumed to be less than significant. Therefore, the proposed Project would not conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b), and impacts would be less than significant.



**IMPACT TRA-3: THE PROJECT WOULD NOT SUBSTANTIALLY INCREASE HAZARDS DUE TO A GEOMETRIC DESIGN FEATURE (E.G., SHARP CURVES OR DANGEROUS INTERSECTIONS) OR INCOMPATIBLE USES (E.G., FARM EQUIPMENT).****Less than Significant Impact.****Construction**

The Project proposes construction of the Project to last approximately 18 months. During construction, construction worker vehicles, haul trucks, and vendor trucks would be staged on the portion of the Project site under construction for the duration of the construction period. As part of the grading plan and building plan review processes, City permits would require appropriate measures to facilitate the passage of persons and vehicles through/around any required road closures and measures to properly route heavy-duty construction vehicles entering and leaving the site (as applicable). As a result, impacts related to vehicular circulation design features and incompatible uses during construction of the proposed Project would be less than significant.

**Operation**

The Project does not include incompatible uses. The proposed recreational surf park and operation of the proposed parking lots would not be incompatible with the existing recreational golf parking on the site. The proposed Project would provide for both golf related and surf related circulation needs on the site. Access to the Project site would be provided from two driveways, including: one driveway along Irvine Avenue providing full access and one driveway along Mesa Driveway with left-in and right-in and right-out only access. Vehicular traffic to and from the Project site would utilize the existing network of regional and local roadways that currently serve the Project area. As stated in Section 3.0, *Project Description*, the Project would include provide for golf cart circulation, separate from vehicular circulation. In addition, the Project would not modify the existing sidewalks or bike lanes.

Onsite traffic signing and striping, as approved by the City's transportation engineering. Additionally, sight distance at the Project's access points would be reviewed with respect to City standards at the time of final grading, landscape, and street improvement plan reviews. The Project frontage improvements and site access points would be constructed to be consistent with the identified roadway classifications and respective cross-sections in accordance with the Newport Beach General Plan Circulation Element, and traffic engineering safety standards. Compliance with existing regulations would be ensured through the City's construction permitting process. As a result, potential impacts related to vehicular circulation design features would be less than significant.

**IMPACT TRA-4: THE PROJECT WOULD NOT RESULT IN INADEQUATE EMERGENCY ACCESS.****Less than Significant Impact.****Construction**

The installation of driveways and connections to existing utility systems in roadways that would be implemented during construction of the proposed Project could require the temporary closure of travel lanes. No full roadway closures are anticipated to be needed as part of construction of the proposed Project. However, construction activities would be required to implement measures to facilitate the passage of persons and vehicles through/around any required temporary road restrictions and ensure the safety of passage in accordance with Section 503 of the California Fire Code (Title 24, California Code of Regulations, Part 9), which would be ensured through the City's construction permitting process. Thus, implementation of the proposed Project through the City's permitting process would ensure existing regulations are adhered to and would reduce potential construction related emergency access impacts to a

less than significant level. Therefore, Project impacts related to emergency access during construction would be less than significant.

### **Operation**

The proposed Project would not result in inadequate emergency access to or from the Project site for emergency vehicles. The Project would not interfere with the circulation of emergency vehicles along public streets, and the proposed driveways would provide emergency access from both adjacent roadways and through the site. The Project would be required to design and construct internal access and provide fire suppression facilities (e.g., hydrants and sprinklers) in conformance with the City's Municipal Code Chapter 9.04. This also includes compliance with emergency access design standards to provide sufficient access for emergency equipment. The Fire Code sets minimum standards for site driveway and access dimension, design, grades, and other fire safety features. The Newport Beach Fire Department would review the development plans as part of the construction permitting process to ensure that emergency access is provided pursuant to the requirements of the Uniform Fire Code and Section 503 of the California Fire Code (Title 24, California Code of Regulations, Part 9). Therefore, impacts related to inadequate emergency access would be less than significant.

## **5.14.7 CUMULATIVE IMPACTS**

The cumulative traffic study area for the proposed Project includes the City of Newport Beach and the information utilized in this cumulative analysis is based on the potential to combine with impacts from projects in the vicinity of the proposed Project, as listed in Table 5-1, and the projections contained within the Newport Beach General Plan and Orange County Transportation Analysis Model (OCTAM).

### **Circulation System**

The evaluation of Impact TRA-1 concluded that the proposed Project would utilize the existing circulation system and implement the City's traffic engineering design standards for the onsite circulation system. The proposed Project would result in a reduction in a.m. and p.m. peak hour trips and would not conflict with a plan, ordinance, or policy addressing circulation that could be cumulatively considerable. In addition, cumulative development in the City and surrounding jurisdictions would be subject to site-specific reviews, including reviews of sidewalk, bike lane, and bus stop designs that would not allow potential cumulatively considerable impacts related to alternative transportation. Therefore, the proposed Project would not cumulatively combine with other projects to result in impacts.

### **Vehicle Miles Traveled**

The cumulative traffic study area for the proposed Project includes the City of Newport Beach. As detailed previously under Impact TRA-2, based on City and CEQA Guidelines screening criteria, the proposed Project would not exceed the vehicular trip threshold (300 ADT) and would be less than significant. Therefore, VMT impacts from the proposed Project would be less than cumulatively considerable. Further, cumulative development within the City (including those related to the City's Housing Implementation Program) would be subject to review pursuant to the City of Newport Beach's *SB 743 Vehicle Miles Traveled Methodology – Council Policy K-3* to determine their potential for VMT impacts. Cumulative projects that do not screen out of a VMT analysis pursuant to the City's screening criteria, would be required to conduct a VMT analysis and mitigate any potentially significant impacts. Therefore, cumulative impacts related to VMT would be less than significant.

### **Design and Emergency Access Hazards**

The evaluation of Impact TRA-3 and Impact TRA-4 concluded that the proposed Project would not result in impacts related to incompatible uses, hazards due to roadway design, or emergency access. The proposed circulation layout would be required to be installed in conformance with City design standards that would be ensured through the City's development permitting process to provide that no potentially hazardous design features or inadequate emergency access would be introduced by the proposed Project that could combine with potential hazards from other nearby projects. As the Project's proposed improvements would be implemented in compliance with City traffic engineering design standards, it would not result in an impact that could become cumulatively considerable. In addition, cumulative development in the City and surrounding jurisdictions would be subject to site-specific reviews, including reviews by building and fire protection authorities that would require compliance with existing building and fire code standards that limit the potential of other projects to result in cumulatively considerable design hazards. Therefore, potential impacts related to circulation design features and emergency access would not be cumulatively considerable.

## **5.14.8 EXISTING REGULATIONS AND PLANS, PROGRAMS, OR POLICIES**

The following would reduce potential impacts related to transportation.

### **Existing Regulations**

- Municipal Code Chapter 9.04, *Fire Code*
- Municipal Code Chapter 15.40, *Traffic Phasing Ordinance*
- Municipal Code Chapter 20.44, *Transportation Demand Management Requirements*

### **Existing City Council Policy Manual Policy**

- City Council Policy Manual Policy L-26, *Traffic Management Policy*

### **Plans, Programs, or Policies**

None.

## **5.14.9 PROJECT DESIGN FEATURES**

None.

## **5.14.10 LEVEL OF SIGNIFICANCE BEFORE MITIGATION**

Impacts TRA-1 through TRA-4 would be less than significant.

### **5.14.11 MITIGATION MEASURES**

No mitigation measures are required.

## **5.14.12 LEVEL OF SIGNIFICANCE AFTER MITIGATION**

Impacts would be less than significant.

### 5.14.13 REFERENCES

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- Orange County Transportation Authority. (2025). *Routes and Schedules*. Retrieved March 3, 2025, from: <https://www.octa.net/ebusbook/routePDF/Route178.pdf>
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## 5.15 Tribal Cultural Resources

### 5.15.1 INTRODUCTION

This section describes the tribal cultural resource conditions in the Project region and potential impacts from Project implementation. The analysis in this section is based, in part, on the following documents and resources:

- *City of Newport Beach General Plan, 2006*
- *City of Newport Beach General Plan Environmental Impact Report (General Plan EIR), 2006*
- *City of Newport Beach Municipal Code*
- *Phase I Archaeological Resources Assessment for the Surf Farm Project, Located in the City of Newport Beach, Orange County, California*, prepared by Glenn Lukos Associates, 2024, included as Appendix E

### 5.15.2 REGULATORY SETTING

#### 5.15.2.1 Federal Regulations

##### **Archaeological Resources Protection Act**

The Archaeological Resources Protection Act (ARPA) of 1979 regulates the protection of archaeological resources and sites on federal and Native American lands. ARPA regulates authorized archaeological investigations on federal lands; increased penalties for looting and vandalism of archaeological resources; required that the locations and natures of archaeological resources be kept confidential in most cases. In 1988, amendments to ARPA included a requirement for public awareness programs regarding archaeological resources.

##### **Native American Graves Protection and Repatriation Act**

The Native American Graves Protection and Repatriation Act is a federal law passed in 1990 that mandates museums and federal agencies to return certain Native American cultural items—such as human remains, funerary objects, sacred objects, or objects of cultural patrimony—to lineal descendants or culturally affiliated Indian tribes.

#### 5.15.2.2 State Regulations

##### **California Senate Bill 18**

Senate Bill (SB) 18 (California Government Code Section 65352.3) sets forth requirements for local governments to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) to aid in the protection of tribal cultural resources. The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early stage of planning to protect or mitigate impacts on tribal cultural resources. The California Governor's Office of Planning and Research's 2005 *Tribal Consultation Guidelines: Supplement to General Plan Guidelines* identifies the following contact and notification responsibilities of local governments:

- Prior to the adoption or any amendment of a general plan or specific plan, a local government must notify the appropriate tribes (on the contact list maintained by the NAHC) of the opportunity to conduct consultations for the purpose of preserving, or mitigating impacts to, cultural places located on land

within the local government's jurisdiction that is affected by the proposed plan adoption or amendment. Tribes have 90 days from the date on which they receive notification to request consultation, unless a shorter timeframe has been agreed to by the tribe (Government Code Section 65352.3).

- Prior to the adoption or substantial amendment of a general plan or specific plan, a local government must refer the proposed action to those tribes that are on the NAHC contact list and have traditional lands located within the city or county's jurisdiction. The referral must allow a 45-day comment period (Government Code Section 65352). Notice must be sent regardless of whether prior consultation has taken place. Such notice does not initiate a new consultation process.
- Local government must send a notice of a public hearing, at least 10 days prior to the hearing, to tribes who have filed a written request for such notice (Government Code Section 65092).

## California Assembly Bill 52

Assembly Bill (AB) 52 established a requirement under CEQA to consider "tribal cultural values, as well as scientific and archaeological values when determining impacts and mitigation." Public Resources Code (PRC) Section 21074(a) defines "tribal cultural resources" as "[s]ites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe" that are either "[i]ncluded or determined to be eligible for inclusion in the California Register of Historical Resources" or "in a local register of historical resources." Additionally, defined cultural landscapes, historical resources, and archaeological resources may be considered tribal cultural resources (PRC Sections 21074(b), (c)). The lead agency may also in its discretion treat a resource as a tribal cultural resource if it is supported with substantial evidence.

In order to protect tribal cultural resources, lead agencies are required to offer consultation on CEQA documents to California Native American tribes traditionally and culturally affiliated with the project area prior to release of the CEQA document. PRC Section 21080.3.1(b) defines "consultation" as "the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement." Consultation must "be conducted in a way that is mutually respectful of each party's sovereignty [and] recognize the tribes' potential needs for confidentiality with respect to places that have traditional tribal cultural significance." The consultation process is outlined as follows:

1. California Native American tribes traditionally and culturally affiliated with the project area submit written requests to participate in consultations.
2. Lead agencies are required to provide formal notice to the California Native American tribes that requested to participate within 14 days of the lead agency's determination that an application package is complete or decision to undertake a project.
3. California Native American tribes have 30 days from receipt of notification to request consultation on a project.
4. Lead agencies initiate consultations within 30 days of receiving a California Native American tribe's request for consultation on a project.
5. Consultations are complete when the lead agencies and California Native tribes participating have agreed on measures to mitigate or avoid a significant impact on a tribal cultural resource, or after a reasonable effort in good faith has been made and a party concludes that a mutual agreement cannot be reached (PRC Sections 21082.3(a), (b)(1)-(2); 21080.3.1(b)(1)).

AB 52 requires that the CEQA document disclose significant impacts on tribal cultural resources and discuss feasible alternatives or mitigation to avoid or lessen an impact.

### California Health and Safety Code, Section 7050.5

This code requires that if human remains are discovered on a project site, disturbance of the site shall halt and 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. If the coroner determines that the remains are not subject to his or her authority and recognizes or has reason to believe the human remains are those of a Native American, he or she shall contact, by telephone within 24 hours, the NAHC.

### California Public Resources Code, Sections 5097.9 to 5097.991

PRC Sections 5097.9 to 5097.991 provide protection to Native American historical and cultural resources and sacred sites and identify the powers and duties of the NAHC. These sections also require notification to descendants of discoveries of Native American human remains and provide for treatment and disposition of human remains and associated grave goods.

#### 5.15.2.3 Local Regulations

##### City of Newport Beach General Plan 2006

The City of Newport Beach General Plan contains the following policies related to tribal cultural resources that are applicable to the Project:

- HR 2.1      New Development Activities.** Require that, in accordance with CEQA, new development protect and preserve paleontological and archaeological resources from destruction, and avoid and mitigate impacts to such resources. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.
- HR 2.2      Grading and Excavation Activities.** Maintain sources of information regarding paleontological and archeological sites and the names and addresses of responsible organizations and qualified individuals, who can analyze, classify, record, and preserve paleontological or archeological findings. Require a qualified paleontologist/archeologist to monitor all grading and/or excavation where there is a potential to affect cultural, archeological or paleontological resources. If these resources are found, the applicant shall implement the recommendations of the paleontologist/archeologist, subject to the approval of the City Planning Department.
- HR 2.3      Cultural Organizations.** Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow representatives of such groups to monitor grading and/or excavation of development sites.
- HR 2.4      Paleontological or Archaeological Materials.** Require new development to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach, or Orange County, whenever possible.



- NR 18.1 New Development.** Require new development to protect and preserve paleontological and archaeological resources from destruction, and avoid and minimize impacts to such resources in accordance with the requirements of CEQA. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.
- NR 18.3 Potential for New Development to Impact Resources.** Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow qualified representatives of such groups to monitor grading and/or excavation of development sites.
- NR 18.4 Donation of Materials.** Require new development, where on site preservation and avoidance are not feasible, to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach or Orange County, whenever possible.

### 5.15.3 ENVIRONMENTAL SETTING

#### 5.15.3.1 Native American Tribes

According to available ethnographic maps, ethnographic data, and Native American input, the City of Newport Beach lies within an area on the border of the traditional lands of the Gabrieleño and the Juaneño/Luiseño. As such, both are discussed below.

##### Gabrieleño

The traditional lands of the Gabrieleño at the time of Spanish contact covers much of current-day Los Angeles, San Bernardino, and Orange Counties, which includes the Project site in the City of Newport Beach. The southern region of this cultural area is bound by Aliso Creek, the eastern region is located east of San Bernardino along the Santa Ana River, the northern region includes the San Fernando Valley, and the western region includes portions of the Santa Monica Mountains. The Gabrieleño also occupied several Channel Islands including Santa Barbara Island, Santa Catalina Island, San Nicholas Island, and San Clemente Island. Because of their access to certain resources, including a steatite source from Santa Catalina Island, this group was among the wealthiest and most populous aboriginal groups in Southern California. Trade of materials and resources controlled by the Gabrieleño extended as far north as the San Joaquin Valley, as far east as the Colorado River, and as far south as Baja California.

The Gabrieleño lived in permanent villages and smaller, resource-gathering camps occupied at various times of the year depending upon the seasonality of the resource. Larger villages comprised of several families or clans, while smaller, seasonal camps typically housed smaller family units. Gabrieleño houses were domed, circular structures made of thatched vegetation. Houses varied in size, and could house from one to several families. Sweathouses—semicircular, earth covered buildings—were public structures used in male social ceremonies. Other structures included menstrual huts and a ceremonial structure called a yuvar, an open-air structure built near the chief's house.

Hunting implements included wooden clubs, sinew-backed bows, slings, and throwing clubs. Maritime implements included rafts, harpoons, spears, hook and line, and nets. A variety of other tools included deer scapulae saws, bone and shell needles, bone awls, scrapers, bone or shell flakers, wedges, stone knives and drills, metates, mullers, manos, shell spoons, bark platters, and wooden paddles and bowls. Baskets were made from rush (*Juncus sp.*), deer grass (*Muhlenbergia rigens*), and skunkbush (*Rhus trilobata*).

The social structure of the Gabrieleño is little known; however, there appears to have been at least three social classes: (1) the elite, which included the rich, chiefs, and their immediate family; (2) a middle class, which included people of relatively high economic status or long-established lineages; and (3) a class of people that included most other individuals in the society. Villages were politically autonomous units comprised of several lineages. During times of the year when certain seasonal resources were available, the village would divide into lineage groups and move out to exploit them, returning to the village between forays.

Each lineage had its own leader, with the village chief coming from the dominant lineage. Several villages might be allied under a paramount chief. Chiefly positions were of an ascribed status, most often passed to the eldest son. Chiefly duties included providing village cohesion, leading warfare and peace negotiations with other groups, collecting tribute from the village(s) under his jurisdiction, and arbitrating disputes within the village(s). The status of the chief was legitimized by his safekeeping of the sacred bundle, a representation of the link between the material and spiritual realms and the embodiment of power. Shamans were leaders in the spirit realm. The duties of the shaman included conducting healing and curing ceremonies, guarding of the sacred bundle, locating lost items, identifying and collecting poisons for arrows, and making rain. Marriages were made between individuals of equal social status and, in the case of powerful lineages, marriages were arranged to establish political ties between the lineages. Men conducted the majority of the heavy labor, hunting, fishing, and trading with other groups. Women's duties included gathering and preparing plant and animal resources, and making baskets, pots, and clothing.

Rivers and streams were used as trading routes and travel routes as they provided resources. Thus, many tribal cultural resources are found along rivers, streams, and other known travel or trade routes. Likewise, the Newport Back Bay area would have been an area that provided resources to local tribes. Thus, areas in proximity to the Back Bay have the potential to contain resources.

### Juaneño/Luiseño

The traditional lands of the Juaneño Band of Mission Indians, Acjachemen Nation and Luiseño Indians covered Orange County and parts of San Diego, Los Angeles, and Riverside Counties. The Acjachemen Nation refers to the indigenous people native to the area. Their population is thought to have been upwards of 3,500 before contact with the Spanish. The Juaneño name came about once the local peoples were administered by Mission San Juan Capistrano. Native population within the Mission has been recorded to reach over 1,000 residents. Cremation and burial of the dead were practiced in their society.

The Juaneño resided in permanent, well-defined villages with associated seasonal camps housing between 35 to 300 people. Smaller villages were primarily comprised of a single lineage, while larger villages were a combination of the dominant clan and multiple families. In larger villages, the temple was the center of the town, with housing for the captain or chief nearby. Additionally, residence within villages were typically patrilocal. Each village was politically independent while maintaining contact with other groups in the region through economic, religious, and social networks.

Social structure was clearly defined into three hierarchies: 1) an elite class of chiefly families, lineage heads, and ceremonial specialists; 2) a middle class of established and successful families; and 3) the lower class of wandering peoples and war captives. The *Nota*, or the hereditary village chief, held authority over religious, economic, and warfare powers. Aiding the *Nota* was a council of elder assistants, ritual specialists, and shamans called the *puuplem*. These people, also chosen within the dominant lineage, contributed to community decisions and governing religious duties.

A majority of the traditional diet was comprised of plant foods; of those, acorns were the staple food source. As a result, villages were typically located near abundant water to leach milled acorn products. Communities closer to the coast relied heavily on fish and marine animal resources, while terrestrial game accounted for

the smallest portion of their diet. Thus, the Newport Back Bay area would have been an area that provided resources for sustenance, and areas in proximity to the Back Bay have the potential to contain tribal cultural resources.

### 5.15.3.2 Tribal Cultural Resources

Orange County contains prehistoric sites dating from 9,000 to 10,000 years ago that show signs of human presence. Sites from 6,000 to 1,000 BC (Milling Stone period) are common in the coastal region of Southern California and at many inland locations. Between 1,000 BC to 650 AD (Intermediate period), orientation of sites shifted toward hunting, maritime subsistence, and acorn processing. The late prehistoric period from 650 AD until European contact in 1769 included the introduction of pottery, triangular arrow points, and cremation practices (City of Newport Beach, 2006b).

A total of 38 cultural resources studies have been performed within a 0.5-mile radius of the Project site. Of these previous studies, three include the Project site. The records search conducted for the proposed Project identified nine cultural resources, all of which are precontact/prehistoric. The nine resources primarily consist of lithic scatters and habitation debris; however, resource P-30-000174, which is less than 0.25-mile northwest of the Project site, also contained human remains (which were excavated in 1950). No archaeological or historic resources have been previously recorded within the Project site. However, the Project site near Upper Newport Bay (which would have served as a commonly and heavily used food source for precontact populations in the area) indicates an elevated sensitivity for subsurface tribal cultural resources (Appendix E).

### 5.15.3.3 Sacred Lands File Search

Tribal cultural resources can include archaeological sites, built environment resources, locations of events or ceremonies, resource procurement areas, and natural landscape features with special significance to one or more indigenous groups. The City requested a Sacred Lands File (SLF) Search from the NAHC on May 31, 2024, and received the results on June 18, 2024. The SLF returned positive results, indicating that known tribal resources and/or sacred sites are located within the Project vicinity.

## 5.15.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of State CEQA Guidelines indicates that a Project could have a significant effect if it were to:

- TCR-1 Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
- TCR-2 Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

### 5.15.5 METHODOLOGY

The tribal cultural resources analysis is based on the Phase I Archaeological Resources Assessment and consultation carried out by the City of Newport Beach pursuant to SB 18 and AB 52 (Appendix E). The Phase I Cultural Resources Assessment included an archaeological and historical records search, completed at the South Central Coastal Information Center for the Project site. Pedestrian surveys were conducted at the Project site; see Section 5.4.5 in Section 5.4, *Cultural Resources*, for details on the methodology. The NAHC was contacted to perform a Sacred Lands File search; and local Native American tribes were contacted to elicit local knowledge of cultural resource issues related to the Project.

### 5.15.6 ENVIRONMENTAL IMPACTS

**IMPACT TCR-1: THE PROJECT WOULD NOT CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A TRIBAL CULTURAL RESOURCE, DEFINED IN PUBLIC RESOURCES CODE § 21074 AS EITHER A SITE, FEATURE, PLACE, CULTURAL LANDSCAPE THAT IS GEOGRAPHICALLY DEFINED IN TERMS OF THE SIZE AND SCOPE OF THE LANDSCAPE, SACRED PLACE, OR OBJECT WITH CULTURAL VALUE TO A CALIFORNIA NATIVE AMERICAN TRIBE, AND THAT IS LISTED OR ELIGIBLE FOR LISTING IN THE CALIFORNIA REGISTER OF HISTORICAL RESOURCES, OR IN A LOCAL REGISTER OF HISTORICAL RESOURCES AS DEFINED IN PUBLIC RESOURCES CODE SECTION 5020.1(K).**

**Less than Significant Impact with Mitigation Incorporated.** SB 18 and AB 52 require meaningful consultation between lead agencies and California Native American tribes regarding potential impacts on TCRs. As described above, TCRs are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either eligible or listed in the California Register of Historical Resources or local register of historical resources (PRC Section 21074). In accordance with SB 18 and AB 52, the City sent letters to 20 Native American representatives identified by the City and NAHC, notifying them of the proposed Project.

The City received responses from the Gabrieleño Band of Mission Indians – Kizh Nation and the Gabrieleño Tongva Indians of California requesting consultation. The City consulted with both of the tribes that requested consultation. The Gabrieleño Band of Mission Indians – Kizh Nation provided detail that the Project location is within the Tribe's ancestral tribal territory where resources have previously been found and provided recommended mitigation measures. The Gabrieleño Tongva Indians of California stated that Newport Beach is situated within two village sites, and that the Newport Bay flat areas with saltwater and fresh marshes (apuchan) provided an abundance of food sources and favorable living conditions for the Tongva year-round. Both Tribes indicated that the Project site is sensitive for potential TCRs and that Tribal monitoring during excavation and grading should be required by the City.

During the course of the tribal consultation process, no Native American tribe provided the City with substantial evidence indicating that tribal cultural resources, as defined in PRC Section 21074, are present on the Project site or have been found previously on the Project site. However, due to the Project site's location in an area where Native American tribes are known to have a cultural affiliation, and a positive SLF search results in the Project vicinity, there is the possibility that archaeological resources, including tribal cultural resources, could be encountered during ground disturbing construction activities. As such, Project-specific Mitigation Measures TCR-1 through TCR-3 would be implemented to require Native American monitoring during any ground disturbing activities on the Project site and to avoid potential impacts to tribal cultural resources that may be unearthed by Project construction activities. With implementation of Mitigation Measures TCR-1 through TCR-3, impacts to tribal cultural resources would be less than significant.

**IMPACT TCR-2: THE PROJECT WOULD NOT CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A TRIBAL CULTURAL RESOURCE, DEFINED IN PUBLIC RESOURCES CODE § 21074 AS EITHER A SITE, FEATURE, PLACE, CULTURAL LANDSCAPE THAT IS GEOGRAPHICALLY DEFINED IN TERMS OF THE SIZE AND SCOPE OF THE LANDSCAPE, SACRED PLACE, OR OBJECT WITH CULTURAL VALUE TO A CALIFORNIA NATIVE AMERICAN TRIBE, AND THAT IS A RESOURCE DETERMINED BY THE LEAD AGENCY, IN ITS DISCRETION AND SUPPORTED BY SUBSTANTIAL EVIDENCE, TO BE SIGNIFICANT PURSUANT TO CRITERIA SET FORTH IN SUBDIVISION (C) OF PUBLIC RESOURCES CODE § 5024.1. IN APPLYING THE CRITERIA SET FORTH IN SUBDIVISION (C) OF PUBLIC RESOURCE CODE § 5024.1, THE LEAD AGENCY SHALL CONSIDER THE SIGNIFICANCE OF THE RESOURCE TO A CALIFORNIA NATIVE AMERICAN TRIBE.**

**Less than Significant Impact with Mitigation Incorporated.** As described in the previous response, the Project site has been heavily disturbed for construction of the existing buildings, golf course, and infrastructure. The proposed Project involves excavation. As discussed in Impact TCR-1, no substantial evidence exists that TCRs are present in the Project site. Although, no TCRs have been identified, during the SB 18/AB 52 consultation, the Gabrieleño Band of Mission Indians – Kizh Nation detailed that the proposed Project lies within its ancestral tribal territory within a potentially sensitive area and the Gabrieleño Tongva Indians of California stated that the Project location is within sensitive Tribal area. Therefore, to avoid potential adverse effects to tribal cultural resources, Mitigation Measures TCR-1 through TCR-3 have been included to provide for Native American resource sensitivity training, monitoring, and to prescribe activities should any inadvertent discoveries of tribal cultural resources be unearthed by Project construction activities.

Additionally, as described previously, California Health and Safety Code, Section 7050.5, included as PPP CUL-1, requires that if human remains are discovered in the Project site, disturbance of the site shall halt and remain halted until the coroner has conducted an investigation. If the coroner determines that the remains are those of a Native American, he or she shall contact, by telephone within 24 hours, the NAHC. With implementation of Mitigation Measures TCR-1 through TCR-3 and California Health and Safety Code Section 7050.5, impacts to tribal cultural resources would be less than significant.

### 5.15.7 CUMULATIVE IMPACTS

The cumulative study area for tribal cultural resources includes the Southern California region, which contains the same general tribal historic setting of the Gabrieleño and Juaneño/Luiseño Tribes, as detailed previously in Section 5.15.3, *Environmental Setting*. Other projects in the vicinity of the proposed Project would involve ground disturbances that could reveal buried tribal cultural resources.

Cumulative impacts to tribal cultural resources would be reduced by compliance with applicable regulations and consultations required by SB 18 and AB 52. As described above, the Project site and vicinity is not known to contain tribal cultural resources; however, Mitigation Measures TCR-1 through TCR-3 would be implemented to ensure that impacts would not occur in the case of an inadvertent discovery of a potential tribal cultural resource. This mitigation measure would ensure that the proposed Project would not contribute to a cumulative loss of tribal cultural resources. Therefore, cumulative impacts would be less than significant.

### 5.15.8 EXISTING REGULATIONS AND PLANS, PROGRAMS, OR POLICIES

The following would reduce potential impacts related to tribal cultural resources.

## Existing Regulations

- California Government Code Sections 5097.9-5097.99
- California Health and Safety Code Section 7050.5
- California Public Resources Code Sections 21073 et seq. (AB 52)

## Plans, Programs, or Policies

**PPP CUL-1: Human Remains.** California Health and Safety Code Section 7050.5, CEQA Guidelines 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. 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 be halted until the coroner has conducted an investigation into the circumstances, manner and cause of 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.

## 5.15.9 PROJECT DESIGN FEATURES

None.

## 5.15.10 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Upon implementation of regulatory requirements, Impacts TCR-1 and TCR-2 would be **potentially significant**.

## 5.15.11 MITIGATION MEASURES

### **Mitigation Measure TCR-1: Retain Native American Monitors Prior to Commencement of Ground-Disturbing Activities**

- A. The Project plans, specifications, and grading permits shall state that the Project applicant shall retain Native American monitor(s). The monitor(s) shall be retained prior to the commencement of any “ground-disturbing activity” for the Project (both onsite and any offsite locations that are included in the Project description and/or required in connection with the proposed Project, such as public improvement work). “Ground-disturbing activity” shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.
- B. A copy of the executed monitoring agreement(s) shall be submitted to the Lead Agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.
- C. The monitor(s) shall complete daily monitoring logs that shall provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the tribe(s). Monitor logs shall identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or “TCR”), as well as any discovered Native American (ancestral)

human remains and burial goods. Copies of monitor logs shall be provided to the Project applicant upon written request to the tribe(s).

- D. Onsite tribal monitoring shall conclude upon the earlier of the following (1) written confirmation to the monitoring tribe(s) from a designated point of contact for the Project applicant or Lead Agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the Project site or in connection with the Project are complete; or (2) a determination and written notification by the monitoring tribe(s) to the Lead Agency that no future, planned construction activity and/or development/construction phase at the Project site possesses the potential to impact TCRs.

**Mitigation Measure TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial)**

- A. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by a Native American monitor in consultation with a qualified archaeologist. The monitoring tribe(s) shall recover and retain all discovered TCRs in the form and/or manner the tribe(s) deems appropriate, in the tribe(s) sole discretion, and for any purpose the tribe(s) deems appropriate, including for educational, cultural and/or historic purposes.

**Mitigation Measure TCR-3: Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects**

- A. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.
- B. If Native American human remains and/or grave goods are discovered or recognized on the Project site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed.
- C. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).
- D. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods.
- E. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.

### 5.15.12 LEVEL OF SIGNIFICANCE AFTER MITIGATION

With implementation of Mitigation Measures TCR-1 through TCR-3, impacts would be less than significant.

### 5.15.13 REFERENCES

City of Newport Beach. (2001, January). *Santa Ana Heights Specific Plan*. Retrieved September 23, 2024, from [ocpublicworks.com](http://ocpublicworks.com).

City of Newport Beach. (2006a, July). *General Plan*. Retrieved September 23, 2024, from [newportbeachca.gov](http://newportbeachca.gov): <https://www.newportbeachca.gov/government/departments/community-development/planning-division/general-plan-codes-and-regulations/general-plan>

City of Newport Beach. (2006b, July). *General Plan Environmental Impact Report*. Retrieved September 23, 2024, from [newportbeachca.gov](http://newportbeachca.gov): <https://www.newportbeachca.gov/government/departments/community-development/planning-division/general-plan-codes-and-regulations/general-plan/general-plan-environmental-impact-repor>

City of Newport Beach. (2024, May). *Newport Beach Municipal Code*. Retrieved September 23, 2024, from codepublishing.com: <https://www.codepublishing.com/CA/NewportBeach/>

Glenn Lukos Associates. (2024, October). *Phase I Archaeological Resources Assessment for the Surf Farm Project*. (**Appendix E**)



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## 5.16 Utilities and Service Systems

### 5.16.1 INTRODUCTION

This section of the Draft EIR evaluates the potential effects on utilities and service systems from implementation of the proposed Project by identifying anticipated demand and existing and planned utility availability. This includes water supply and infrastructure, wastewater, drainage, and solid waste, electric power, natural gas, and telecommunications. Information in this section is based, in part, on the following documents and resources:

- *City of Newport Beach General Plan, 2006*
- *City of Newport Beach General Plan Environmental Impact Report (General Plan EIR), 2006*
- *City of Newport Beach Municipal Code*
- *Water Supply Evaluation*, prepared by Fuscoe Engineering, Inc., 2024, included as Appendix S
- *Water Demand Report*, prepared by Fuscoe Engineering, Inc., 2024, included as Appendix T
- *Sewer Analysis Report*, prepared by Fuscoe Engineering, Inc., 2024, included as Appendix U
- *Preliminary Hydrology Report*, prepared by Fuscoe Engineering, Inc., 2024, included as Appendix P
- *Engineering Analysis Report*, prepared by Southern California Edison, 2024, included as Appendix G

Because CEQA focuses on physical environmental effects, this section analyzes whether increases in demand for utilities as a result of implementation of the Project would result in significant adverse physical environmental effects. For example, an increase in wastewater generation, by itself, would not be considered a physical change in the environment; however, physical changes in the environment resulting from the construction of new facilities or an expansion of existing wastewater facilities could constitute a significant impact under CEQA.

### 5.16.2 WATER

#### 5.16.2.1 Water Regulatory Setting

##### **State Regulations**

##### *California Urban Water Management Planning Act*

Section 10610 of the California Water Code established the California Urban Water Management Planning Act (CUWMPA), which requires urban water suppliers to initiate planning strategies to ensure an appropriate level of reliability in its water service. CUWMPA states that every urban water supplier that provides water to 3,000 or more customers, or that annually provides more than 3,000 acre-feet of water service, should make every effort to ensure the appropriate level of reliability in its water service to meet the needs of its various categories of customers during normal, dry, and multiple-dry years. The CUWMPA describes the contents of UWMP's as well as methods for urban water suppliers to adopt and implement the plans.

##### *Water Conservation Act of 2009, Senate Bill X7-7*

The Water Conservation Act of 2009 (Senate Bill [SB] X7-7) was enacted in November 2009 and requires that all water suppliers increase their water use efficiency. SB X7-7 set the goal of achieving a 20 percent reduction in urban per capita water use statewide by 2020. Retail water agencies were required to set targets and track progress toward decreasing daily per capita urban water use in their service areas, in

order to assist the State in meeting its 20 percent reduction goal by 2020. The City of Newport Beach is responsible for preparing a UWMP in compliance with SB X7-7.

### **Senate Bill 610**

Senate Bill (SB) 610 requires public urban water suppliers with 3,000 or more service connections to identify existing and planned sources of water for planned developments of a certain size. It further requires the public water system to prepare a specified water supply assessment (WSA) for projects that meet the following criteria:

1. A proposed residential development of more than 500 dwelling units;
2. A proposed shopping center employing more than 1,000 persons or having more than 500,000 square feet of floor space;
3. A commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space;
4. A hotel or motel, or both, with more than 500 rooms;
5. An industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 sf of floor area;
6. A mixed-use project that includes one or more of the projects above; and
7. A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500-dwelling unit project.

The components of a WSA include existing water demand, future water demand by the project, and must ensure that water is available for the project during normal years, a single dry year, and multiple dry years during a 20-year future projection period. The WSA must also describe whether the project's water demand is accounted for in the water supplier's UWMP. Supplies of water for future water supply must be documented in the WSA.

The Project does not require preparation of a WSA under the WSA criteria (1) through (6) above. As described below, the Project also does not meet WSA criteria (7) because it would not demand an amount of water equivalent to or greater than the amount required by a 500-dwelling unit project.

As detailed in Table 5.16-1, the water demand for 500-dwelling units in Newport Beach in 2024 is estimated to be 120.49 acre-feet yearly (AFY), which is more than the net water demand of the proposed Project (87 AFY), as determined in Table 5.16-9, below. Thus, a WSA for the proposed Project is not required. However, a Water Supply Evaluation (included as Appendix S) was prepared to ensure the City's water supplies are adequate to serve the Project.

**Table 5.16-1: City of Newport Beach 500 Residential Unit Water Demand**

<b>Average Residential Water Demand (AFY/Person)</b>	<b>Average Persons Per Residential Unit</b>	<b>Water Use Factor (AFY/DU)</b>	<b>Water Demand – 500 DUs (AFY)</b>
0.11	2.13	0.24	120.49

Source: Water Supply Evaluation, Appendix S

### **CALGreen Building Code**

California Code of Regulations Title 24, Part 11, establishes the California Green Building Standards Code, or "CALGreen." The CALGreen Code is updated every three years. It was recently updated in 2022 and became effective January 1, 2023. CALGreen sets forth water efficiency standards (i.e., maximum flow rates) for all new plumbing and irrigation fittings and fixtures. The City of Newport Beach has adopted CALGreen within Municipal Code Chapter 15.11.

## Local and Regional Regulations

### *City of Newport Beach General Plan 2006*

The City of Newport Beach General Plan contains the following policies related to water resources that are applicable to the Project:

**Policy LU 2.8 Adequate Infrastructure.** Accommodate the types, densities, and mix of land uses that can be adequately supported by transportation and utility infrastructure (water, sewer, storm drainage, energy, and so on) and public services (schools, parks, libraries, seniors, youth, police, fire, and so on).

**Policy NR 1.1 Water Conservation in New Development.** Enforce water conservation measures that limit water usage, prohibit activities that waste water or cause runoff, and require the use of water-efficient landscaping and irrigation in conjunction with new construction projects.

**Policy NR 1.2 Use of Water Conserving Devices.** Establish and actively promote use of water conserving devices and practices in both new construction and major alterations and additions to existing buildings. This can include the use of rainwater capture, storage, and reuse facilities.

### *Municipal Code*

**Chapter 14.16 Water Conservation and Water Supply Shortage Program.** This chapter establishes a water conservation and supply shortage program. The water conservation and supply program aims to complete the following: reduce water consumption within the City, enable water supply planning, ensure reasonable and beneficial use of water, complement the City's water quality regulations and urban runoff reduction efforts, minimize the effect and hardship of water shortages, and implement the City's Water Shortage Contingency Plan. The chapter establishes permanent water conservation requirements and water supply shortage response actions during times of a declared water shortage.

**Chapter 14.17 Water-Efficient Landscaping.** This chapter establishes reasonable procedures and standards for the design, installation, and maintenance of water-efficient landscapes in conjunction with new construction projects within the City to promote the conservation and efficient use of water in the City and prevent the waste of available water resources.

## 5.16.2.2 Water Environmental Setting

The Project site is located within the water service area of the City of Newport Beach, which provides potable water, recycled water, and wastewater services to an area of approximately 11 square miles along the Orange County of Southern California and covers most of the City's boundaries with the remaining areas served by Irvine Ranch Water District (IRWD) and Mesa Water District. The City's water system includes a wellfield with a total capacity of 10,900 gallons per minute (gpm), 15 recycled water connections, 6 inter-agency emergency interconnections and manages about 300-mile water mains system with 26,765 service connections. (City of Newport Beach, 2021).

The City of Newport Beach has a diverse portfolio of local and imported water supplies to deliver treated water to its customers. Water supplies include recycled water, local groundwater, and imported water. Imported water supplies are received from Colorado River and the State Water Project (SWP) provided by the Metropolitan Water District of Southern California (MET) and delivered through the Municipal Water District of Orange County (MWDOC).

## Water Supply and Demand

The City of Newport Beach has three sources of water supply: imported water from the MET, local groundwater, and recycled water (City of Newport Beach, 2021). The City's water supply is a combination of purchased or imported water, groundwater, and recycled water. As shown on Table 5.16-2, in 2020 the City obtained the majority of its potable water supply from groundwater from the Orange County Groundwater Basin.

**Table 5.16-2: City of Newport Beach Water Supply 2020**

Water Supply	Source	Volume (acre-feet)
Groundwater (not desalinated)	Orange County Groundwater Basin	10,237
Purchased or Imported Water	MWDOC	4,255
Recycled Water	Orange County Water District (OCWD)	513
<b>Retail Total</b>		<b>15,005</b>

Source: (City of Newport Beach, 2021)

Table 5.16-3 summarizes the City of Newport Beach's projected water supplies. As shown, the City water supplies are anticipated to be obtained through a similar mix of purchased or imported water, groundwater, and recycled water through 2045.

**Table 5.16-3: City of Newport Beach Projected Water Supply (AF)**

Water Supply	Source	2025	2030	2035	2040	2045
Groundwater (not desalinated)	Orange County Groundwater Basin	12,175	12,605	12,729	12,869	12,838
Purchased or Imported Water	MWDOC	2,149	2,224	2,246	2,271	2,265
Recycled Water	Orange County Water District (OCWD)	542	542	542	542	542
<b>Retail Total</b>		<b>14,866</b>	<b>15,371</b>	<b>15,517</b>	<b>15,682</b>	<b>15,645</b>

Source: (City of Newport Beach, 2021)

As shown in Table 5.16-3, the 2020 UWMP anticipates that the City's water supply will increase from 14,866 AF in 2025 to 15,645 AF in 2045 (increase of 779 AF) to meet the City's anticipated growth in water demands. Projected demands for the 2020 UWMP were developed using information about planned development, land use, and Southern California Association of Governments (SCAG) projections. The City's retail demand projections include the water savings needed to meet the Water Conservation Act of 2009, SB X7-7 requirements.

The City has the ability to purchase additional supplies of water, if necessary. In addition, the City and other regional water supply users have identified capital improvement program projects to support regional water supply reliability, which include new water wells and pipelines, rehabilitated water wells, and treatment systems to remove contaminants from water (Appendix S).

The 2020 UWMP details the ability of the City to meet the anticipated water demands through 2045 in a five consecutive dry year scenario. Existing and projected water demands by different uses in the City are listed in Table 5.16-4.

**Table 5.16-4: City Actual and 2020 UWMP Projected Demands for Water in Acre-Feet (AFs)**

Use Type	Actual 2020	Projected 2025	Projected 2030	Projected 2035	Projected 2040	Projected 2045
Single-Family	6,750	6,385	6,294	6,202	6,111	6,077
Multi-Family	1,782	1,729	1,691	1,653	1,615	1,614
Commercial	2,463	2,762	3,334	3,584	3,853	3,853
Institutional/Governmental	173	194	234	251	270	270
Landscape <sup>1</sup>	2,629	2,616	2,616	2,616	2,616	2,616
Losses	603	638	661	667	675	673
Other Potable	91	0	0	0	0	0
Potable Total	14,492	14,324	14,829	14,975	15,140	15,103
Recycled Water	513	542	542	542	542	542
<b>Total</b>	<b>15,005</b>	<b>14,866</b>	<b>15,371</b>	<b>15,517</b>	<b>15,682</b>	<b>15,645</b>

<sup>1</sup> Represents large landscape (with irrigation meters) served by potable water and not recycled water

Source: (City of Newport Beach, 2021)

**Groundwater.** The City of Newport Beach produces potable groundwater from the Orange County Groundwater Basin, which is managed by the Orange County Water District (OCWD). The Basin is classified as a medium priority basin, due to the regional reliance on the Basin's groundwater supplies. The Basin is not currently experiencing overdraft conditions. The City pumps groundwater through four wells found in the City. Additionally, the golf course is currently irrigated via well water.

The City's access to groundwater allows the City to shift its reliance to groundwater during single dry years and consecutive dry years. The local groundwater basins act as a large reservoir, storing water during wet years and allowing the City to meet its demands during dry periods.

**Imported Water.** The City of Newport Beach is a member agency of Metropolitan Water District of Southern California (MET) and relies on MET to provide approximately 28.5 percent of its water supply and a small percent of its non-potable water supply.

In the 2020 MET UWMP, the reliability of water deliveries from the State Water Project and the Colorado River Aqueduct were assessed by Metropolitan. Metropolitan determined that its water sources will continue to provide a reliable supply to its member agencies during normal, single dry, and multiple-dry years during the UWMP planning horizon. Unprecedented shortages are addressed in the Water Shortage Contingency Analysis and Catastrophic Supply Interruption Planning portions of the MET UWMP.

**Recycled Water.** The City has over 3,200 catch basins and over 95 miles of storm drain pipe that divert stormwater to the wastewater system. Wastewater is treated at OCWD's Green Acres Project (GAP) and/or Groundwater Replenishment System (GWRS) to produce recycled water that is used for irrigation and groundwater recharge purposes. OCWD's GWRS allows the region to decrease its dependency on imported water and creates a local and reliable source of water. OCWD's GWRS purifies secondary treated wastewater from the Orange County Sanitation District (OC San) Wastewater Treatment Plant No.1 located in Fountain Valley to levels that meet and exceed all State and federal drinking water standards. After purification, treated water from GWRS is injected into the Talbert Seawater Barrier and into the groundwater basin (City of Newport Beach, 2021). The GWRS provides for a continuous loop of water re-use.

The GWRS has a current production capacity of 130 million gallons of water per day. Approximately 30 million gallons per day (MGD) of GWRS water is pumped into injection wells in Huntington Beach and

Fountain Valley to create a seawater intrusion barrier. Approximately 10 MGD are piped to the Mid-Basin injection wells in Santa Ana, and 90 MGD are pumped daily to percolation basins in Anaheim where the GWRS water naturally filters through sand and gravel to the deep aquifers of the groundwater basin to increase the drinking water supply (OCWD 2025).

In 2020, approximately 85 AFY of recycled water was used in the City's service area for landscape irrigation and 428 AFY for golf course irrigation, about 3.5 percent of the City's annual water demand (City of Newport Beach, 2021).

**Demand.** The City only delivers water to retail customers. The City's primary retail customers can be divided into residential, commercial, institutional, and landscape sectors with the single-family residential sector being the City's largest customer segment. In Fiscal Year (FY) 2019-20, the City's total water use was 15,005 AF, which included 14,492 AF of potable water and 513 AF of direct recycled water for landscape irrigation. During this time, the potable water use profile consisted of 58.9 percent residential consumption, 18.2 percent commercial, institutional, and industrial uses, and 18.1 percent for large landscape irrigation.

The City also tracks its annual calendar year (CY) water use under varying land use categories and for CY 2021 through 2023 potable water use ranged from approximately 13,960 AF in 2021 to 11,830 AF in 2023. Table 5.16-5 outlines the City's actual potable water demand by land use from 2021 to 2023.

**Table 5.16-5: City Actual 2021 through 2023 Potable Water Demand in Acre-Feet (AFs)**

Use	2021	2022	2023
Single-Family	6,820	6,339	5,732
Multi-Family	1,850	1,735	1,634
Commercial	2,260	2,322	2,231
City Meter	209	213	169
Sprinkler	2,220	2,199	1,617
City Sprinkler	514	476	374
Boat Dock	18	15	12
Fire	6	6	5
Pool	61	57	55
Pump Station	1	0	0
<b>Total Potable</b>	<b>13,960</b>	<b>13,363</b>	<b>11,830</b>

Source: Water Supply Evaluation, Appendix S

Table 5.16-5 demonstrates that the City's actual water use between 2021 through 2023 was 1,045 AF less than the actual use in 2020 and 906 AF less than the projected use in 2025.

**Project Site Water Demand.** Over the past four years (2020-2023), well production for the golf course irrigation purposes has averaged approximately 91,796 gallons per day (GPD) or 103 AFY. These totals represent the full water demand for the entire 18-hole golf course of which the proposed Project only occupies three; and thus, assumed to be 16.7 percent of the total. During this same period, potable water uses for commercial activities on the Project site buildings and amenities averaged 1,389 GPD or approximately 1.6 AFY. Combined, the total water demand (irrigation and commercial) for the 18-hole golf course and commercial averages about 93,786 GPD or 104 AFY, as shown on Table 5.16-6.

Based on the average irrigation demand per hole, the three holes in the Project site have an average irrigation demand of approximately 15,300 GPD or 17.2 AFY. The total existing demand from the three holes and the commercial on the Project site is approximately 16,689 GPD or 18.7 AFY (Appendix S).

**Table 5.16-6: Existing Newport Beach Golf Course and Project Site Water Demands**

<b>Existing Irrigation Demand – Groundwater Well Production</b>	
2020	29,750,000 gallons
2021	34,787,764 gallons
2022	36,267,270 gallons
2023	33,823,328 gallons
Average Demand 2020-2023 (18-Hole Course)	91,796 GPD 103 AFY
<b>Estimated Project Site Demand 2020-2023 (3-Hole Course)</b>	<b>15,300 GPD</b> <b>17.2 AFY</b>
<b>Existing Commercial Demands – Potable Water</b>	
July 2022 - June 2023	529,584 gallons
July 2023- June 2024	484,704 gallons
<b>Average Demand FY 22-23 &amp; 23-24</b>	<b>1,389 GPD</b> <b>1.6 AFY</b>
<b>Total Existing Demand (Irrigation + Commercial)</b>	
18-Hole Course + Commercial Demands	93,786 GPD 104 AFY
<b>Project Site Demand (3-Hole Course + Commercial)</b>	<b>16,689 GPD</b> <b>18.7 AFY</b>

Source: Water Supply Evaluation, Appendix S

## Water Infrastructure

The Project site is currently served by the City of Newport Beach's water utility. The City's water infrastructure includes a wellfield with a total capacity of 10,900 gallons per minute (GPM), 15 recycled water connections, and six inter-agency emergency interconnections. The City's water distribution network consists of approximately 300 miles of pipelines, serving 26,765 connections. This distribution system is divided into five main pressure zones (Zones 1 through 5) and 16 minor zones. Zones 1 and 2 are the largest and meet the majority of City's demands, while Zones 3, 4, and 5 are smaller pumped zones. The Project site is located within Pressure Zone 2. Supporting this system are four wells, three storage reservoirs, five pump stations, and 43 pressure-reducing stations (PRS) that manage water pressure across the network (Appendix S).

An existing 24-inch domestic water line is located in Irvine Avenue adjacent to the Project site. Additionally, the golf course is currently irrigated via onsite well water.

### 5.16.2.3 Water Thresholds of Significance

Appendix G of the CEQA Guidelines indicates that a Project could have a significant effect if it were to:

- UTIL-1     Require or result in the construction of new water facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects; or
- UTIL-2     Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.



### 5.16.2.4 Water Service Methodology

The evaluation of water supply quantifies the amount of water that would be required to support operation of the proposed Project and compares the demand to the City of Newport Beach's available water supply to identify if sufficient water supplies are available to serve the proposed Project and reasonably foreseeable development during normal, dry, and multiple dry years. Additionally, the existing water supply infrastructure that serves the Project site was identified and evaluated to ensure design capacity would be adequate to supply the proposed Project, or to identify if expansions would be required to serve the proposed development.

### 5.16.2.5 Water Environmental Impacts

**IMPACT UTIL-1: THE PROJECT WOULD NOT REQUIRE OR RESULT IN THE RELOCATION OR CONSTRUCTION OF NEW WATER FACILITIES, OR EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS.**

**Less than Significant Impact.**

The proposed Project would construct onsite water lines to connect to the existing 24-inch water line in Irvine Avenue that are served by the City of Newport Beach. Fire flow calculations were prepared as part of the Water Demand Report (Appendix T) to determine if the existing City water infrastructure is sufficient to provide adequate fire flows, pressure, and hydrant operation for the proposed Project. The existing 24-inch waterline in Irvine Avenue provides domestic water and fire suppression services to the Project site through three fire hydrants on Irvine Avenue, adjacent to the Project site. Fire hydrant test results show that the existing 24-inch waterline has an available calculated flow of 5,969 gpm at 20 psi, which would be available for fire suppression operations. This available flow is higher than the required fire flow of 2,500 gpm at 20 psi (Appendix T). Therefore, the Water Demand Report determined that the existing water infrastructure and fire flow is adequate to serve the proposed Project, and no extensions or offsite new water facilities would be required.

The construction activities related to the new onsite water infrastructure for the proposed lagoon, restrooms, athlete accommodations, and clubhouse are included as part of the Project and would not result in any physical environmental effects beyond those identified throughout this Draft EIR. For example, construction emissions for excavation and installation of the water infrastructure is included in Sections 5.2, *Air Quality*, and 5.7, *Greenhouse Gas Emissions*. Therefore, the proposed Project would not result in the construction of additional new water facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Impacts would be less than significant.

**IMPACT UTIL-2: THE PROJECT WOULD HAVE SUFFICIENT WATER SUPPLIES AVAILABLE TO SERVE THE PROJECT AND REASONABLY FORESEEABLE FUTURE DEVELOPMENT DURING NORMAL, DRY, AND MULTIPLE DRY YEARS.**

**Less than Significant Impact.**

The Water Supply Evaluation for the proposed Project describes that the daily operations of the proposed surf lagoon would require refilling of water from water evaporation that occurs naturally from the surface of the wave lagoon due to surrounding temperature, humidity, pressure, surface area, and wind conditions. In Newport Beach, the annual mean temperature is 66 degrees Fahrenheit, thus evaporation is a major factor in the Project's water demand. Other water losses in the system can occur from various sources including spillage from wave splash, losses in pipes, basin leakages, users carrying water out, water treatment housekeeping, filter cleaning, and filter backwash.

In addition, annual needs for water supplies would occur from re-filling one of the 5.1-million-gallon basins. One of the surf basins would be drained annually, facility maintenance would occur, and then the basin would be refilled. This timing would be coordinated via permit with the City of Newport Beach Utilities Department that provides water to the Project site. A limited volume of rainfall would also provide water to supplement the lagoon water. The total annual water demand for the surf lagoon is 22.7 million gallons per year or 69.8 AFY as detailed in Table 5.16-7.

**Table 5.16-7: Proposed Surf Lagoon Water Demands**

<b>Water Requirements for Routine Surf Lagoon Maintenance</b>			
	<b>Gallons/Year</b>	<b>Gallons/Day</b>	<b>AFY</b>
Draining of the Lagoon (Frequency Annually)	5,100,000	13,973	15.65
Filter Cleaning of the Lagoon (Frequency 77 times per year)	45,067	123	0.14
<b>Total Water Requirements for Routine Maintenance</b>	<b>5,145,067</b>	<b>14,096</b>	<b>15.79</b>
<b>Water Requirements for Lagoon Operation</b>			
Average Temperature	66°F		
Open Water Evaporation Estimate (gal/year)	12,966,764	35,525	39.79
Wave Operation Factor	1.45		
Backwash losses (gal/year)	192,867	528	0.59
Average Evaporation Water Loss (gal/year)	51,572	141	0.16
<b>Operating Water Loss (gal/year)</b>	<b>18,994,674</b>	<b>52,040</b>	<b>58.29</b>
<b>Annual Rainfall (11 inches)</b>	<b>1,396,018</b>	<b>3,825</b>	<b>4.28</b>
<b>Total Water Requirement for Annual Operation</b>	<b>17,598,655</b>	<b>48,215</b>	<b>54.01</b>
<b>Total Water Requirement Routine Maintenance + Annual Operation</b>	<b>22,743,722</b>	<b>62,312</b>	<b>69.80</b>

Source: Water Supply Evaluation, Appendix S

The Water Supply Evaluation (Appendix S) for the proposed Project also describes that community commercial uses have a water demand of 175 gallons per 1,000 square feet per day and that hotels have a water demand of approximately 160 gallons per room per day. Table 5.15-8 shows that based on these rates, the proposed clubhouse and athlete accommodations would result in a water demand of 16,733 GPD or 18.74 AFY.

**Table 5.16-8: Proposed Clubhouse and Athlete Accommodations Water Demands**

<b>Use</b>	<b>Amount</b>	<b>Average Unit Flow</b>	<b>Average Flow (GPD)</b>	<b>Average Flow (AFY)</b>
Clubhouse and Standalone Restrooms	69,216 SF	0.175 GPD/SF	12,113	13.57
Athlete Accommodations	20 units	160 GPD/unit	3,200	3.58
Showers for Lagoon	9 showers	54 GPD/Shower	486	0.54
Pools and Spa	3 pools 1 spa	Based on size	931	1.04
<b>Total</b>			<b>16,733</b>	<b>18.74</b>

Source: Water Supply Evaluation, Appendix S

**Net Change In Water Demands.** The redevelopment of the Project site would reduce the golf course use of groundwater for irrigation; however, use of potable water would increase. As shown in Table 5.16-9, the net increase in water demand from the Project is estimated at 79,045 GPD or 85 AFY, while the existing water use for the golf course (from wells) and current commercial amenities (potable water) total approximately 16,689 GPD or 18.7 AFY. This would result in a net increase in water demand of 62,356 GPD or 70 AFY. However, assuming the Project uses all potable water (and no well water), the net change in potable water demand would be an increase of approximately 77,656 GPD or 87 AFY.

**Table 5.16-9: Net Change in Water Demands**

Use	GPD	AFY
<b>Proposed Water Use</b>		
Surf Lagoon	62,312	69.80
Clubhouse and Accommodations	16,733	18.74
<b>Total Project Water Demands</b>	<b>79,046</b>	<b>88.54</b>
<b>Existing Water Use</b>		
Golf Course 3 Holes	15,299	17.14
Pro Shop, Clubhouse, and Restaurant	1,389	1.56
<b>Total Existing Water Demands</b>	<b>16,689</b>	<b>18.70</b>
<b>Net Change in Overall Water Demand</b>	<b>62,356</b>	<b>70</b>
Net Increase in Potable Water Demand	77,656	87

Source: Water Supply Evaluation, Appendix S

As detailed previously in Table 5.16-3, the City's 2020 UWMP projects an increase in water demand from 14,866 AF in 2025 to 15,371 AF in 2030, which is an increase of 505 AF. The 2020 UWMP bases water demand projections on population growth projections from the Center for Demographic Research at California State Fullerton and planned land uses based on zoning designations. The Project's annual demand if 87 AF of potable water would be 17.2 percent of the anticipated increase in water demand between 2025 and 2030. The UWMP also notes that additional water may be purchased from the Metropolitan Water District of Southern California without the need to construct new infrastructure or sources.

This is conservative; as described previously, Table 5.16-5 demonstrates that the City's actual water use between 2021 through 2023 was 1,045 AF less than the water used in 2020 and 906 AF less than the projected use in 2025. Thus, the increase in water demand from the Project is within projected increases in needed water supplies that the City will be able to provide in normal, dry, and multiple dry years. In addition, the 2020 UWMP details the City's ability to access groundwater resources and purchase additional supplies of water, if necessary (Appendix S). Therefore, the City would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years, and impacts would be less than significant.

In addition, the majority of water used by the Project would become wastewater that would be conveyed to the OC San Wastewater Treatment Plan No.1 that is treated and then conveyed to the OCWD GWRS system that further purifies water to meet all State and federal drinking water standards and then injects it into the groundwater basin providing a loop of water supply and re-use. Therefore, a majority of the water used by the Project (except for irrigation water and evaporation) would become wastewater that would be purified and then reinjected into the groundwater basin for reuse.

### 5.16.2.6 Water Cumulative Impacts

Cumulative water supply impacts are considered on a water purveyor basis based on growth projections and are associated with the capacity of the infrastructure system and the adequacy of the water purveyor's infrastructure and primary sources of water that include groundwater, surface water, and purchased or imported water.

As described previously, the Project site would connect to the existing water infrastructure that is adjacent to the site in Irvine Avenue and would not require construction of any expanded or new City infrastructure to serve the Project. The construction activities related to the proposed onsite water infrastructure are included as part of the Project and would not result in any physical environmental effects beyond those identified throughout this Draft EIR. Thus, potential cumulative impacts from offsite water system expansions would not be generated by the Project.

As discussed above, the Project would result in a net annual water demand of 87AF, which is within the projected demand calculated for the Project site by the 2020 UWMP. As determined by the 2020 UWMP, it is anticipated that existing and future water entitlements from groundwater, surface water, and purchased or imported water sources, plus recycling and conservation, would be sufficient to meet the Project's demand in addition to forecast demand for the City's entire service area. Further, a majority of the water used by the Project would become wastewater that would be recycled for re-use by the OCWD GWRS system and injected back into the groundwater basin. Therefore, the Project would not result in a cumulatively considerable increase in water supply demands that would require new or expanded water sources that could result in an environmental impact. Therefore, cumulative impacts would be less than significant.

### 5.16.2.7 Water Existing Regulations

The following standard regulations would reduce potential impacts related to water:

- California Code of Regulations Title 24, Part 11, the California Green Building Standards Code
- Municipal Code Chapter 14.16, *Water Conservation and Water Supply Shortage Program*
- Municipal Code Chapter 14.17, *Water-Efficient Landscaping*

### 5.16.2.8 Water Project Design Features

None.

### 5.16.2.9 Water Level of Significance Before Mitigation

Impacts UTIL-1 and UTIL-2 would be less than significant.

### 5.16.2.10 Water Mitigation Measures

No mitigation measures are required.

### 5.16.2.11 Water Level of Significance After Mitigation

Impacts would be less than significant.

## 5.16.3 WASTEWATER

### 5.16.3.1 Wastewater Regulatory Setting

#### Local and Regional Regulations

##### *City of Newport Beach General Plan 2006*

The City of Newport Beach General Plan contains the following policies related to wastewater that are applicable to the Project:

##### *Land Use Element*

**Policy LU 2.8 Adequate Infrastructure.** Accommodate the types, densities, and mix of land uses that can be adequately supported by transportation and utility infrastructure (water, sewer, storm drainage, energy, and so on) and public services (schools, parks, libraries, seniors, youth, police, fire, and so on).

**Policy LU 3.2 Growth and Change.** Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach's share of projected regional population growth, improve the relationship, and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.

##### *Natural Resources Element*

**Policy NR 5.1 City Sewer Management and Master Plans.** Implement the Sewer System Management Plan and the Sewer Master Plan.

**Policy NR 5.2 Waste Discharge Permits.** Require waste discharge permits for all food preparation facilities that produce grease.

**Policy NR 5.4 Waste Discharge Permits.** Comply with the RWQCB's Waste Discharge Requirements (WDRs) associated with the operation and maintenance of the City's sewage collection system.

### 5.16.3.2 Wastewater Environmental Setting

Costa Mesa Sanitary District (CMSD) provides sewer system services throughout its service area, which includes the City of Costa Mesa as well as portions of Unincorporated Orange County and the City of Newport Beach, including the Project site. The CMSD sewer system consists of sewer mains, manholes, laterals, pumping stations and pressurized sewer lines (force mains). Sewage is conveyed by CMSD to the Orange County Sanitation District (OC San) Wastewater Treatment Plant No.1 located in Fountain Valley, which has a treatment capacity of 174 million gallons per day (gpd) (City of Newport Beach, 2006), with a typical daily flow of 124 million gpd (OC San, 2025). Thus, the remaining daily capacity of Wastewater Treatment Plant No.1 is approximately 50 million gpd.

As described previously in the recycled water discussion, treated wastewater from the OC San Wastewater Treatment Plant No.1 is conveyed to the OCWD GWRS system that purifies secondary treated wastewater to levels that meet all State and federal drinking water standards and then injects it into the Talbert Seawater Barrier and into the groundwater basin, which creates a loop of water re-use. The GWRS has a current production capacity of 130 million gallons of water per day. Of this approximately 10 MGD are piped to the Mid-Basin injection wells in Santa Ana, and 90 MGD are pumped daily to percolation basins in Anaheim where the GWRS water naturally filters through sand and gravel to the deep aquifers of the groundwater basin to increase the drinking water supply (OCWD 2025).

The Project site is currently served by an onsite 6-inch sewer lateral that connects to the 12-inch CMSD sewer main in Mesa Drive that drains westerly toward Irvine Avenue and discharges to a 21-inch sewer main and then into the Tustin/Irvine Pump Station. From the pump station, the sewer is discharged via a force main to the Eldon Avenue Pump Station, and then a 24-inch sewer main in Fair Drive that continues via gravity toward Fairview Road and to Treatment Plant No.1.

The Sewer Study (Appendix U) prepared for the proposed Project monitored existing flows in Mesa Drive, Irvine Avenue, the Tustin Pump Station, and Fair Drive and determined that the CMSD 12-inch sewer main in Mesa Drive sewer that currently serves the Project site is 17.4 percent full and has an available peak capacity of 838 gpm; the CMSD 21-inch sewer line at Irvine Avenue is 27.0 percent full and has an available peak capacity of 2,583 gpm; the CMSD 21-inch sewer line located upstream from the Tustin Pump Station is 31.1 percent full and has an available peak capacity of 2,390 gpm; and the 24-inch sewer main in Fair Drive is 47.1 percent full and has an available peak capacity of 1,551 gpm (Appendix U).

### 5.16.3.3 Wastewater Thresholds of Significance

Appendix G of the CEQA Guidelines indicates that a Project could have a significant effect if it were to:

- UTIL-3     Require or result in the construction of new wastewater facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects; or
- UTIL-4     Result in a determination by the wastewater treatment provider that would serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

### 5.16.3.4 Wastewater Service Methodology

The evaluation of wastewater infrastructure quantifies the amount of wastewater that would be generated from operation of the proposed Project and compares the demand to the existing and planned sewer infrastructure and wastewater treatment plants. The evaluation identifies if expansions would be required to serve the proposed development, and if those expansions have the potential to result in an environmental impact.

### 5.16.3.5 Wastewater Environmental Impacts

**IMPACT UTIL-3: THE PROJECT WOULD NOT REQUIRE OR RESULT IN THE RELOCATION OR CONSTRUCTION OF NEW WASTEWATER FACILITIES, OR EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS.**

**Less than Significant Impact.** The Project site is currently served by an onsite 6-inch sewer line that connects to the 12-inch CMSD sewer main in Mesa Drive that drains westerly to a CMSD 21-inch sewer main in Irvine

Avenue, and then to a 24-inch sewer main in Fair Drive. The existing 6-inch lateral that extends approximately 42.5 feet offsite to the sewer main would be upgraded to a 12-inch sewer line that would connect to the existing 12-inch sewer line in Mesa Drive.

A Sewer Analysis Report (Appendix U) was prepared to determine whether the sewer system would be able to adequately handle the wastewater flows from the proposed Project in addition to existing flows. The Project would generate wastewater daily from the proposed clubhouse, 20 athlete accommodations, standalone restrooms, and the nine outdoor showers. As shown on Table 5.16-10, the clubhouse, accommodations, and outdoor showers would generate 10,408 gpd at full capacity. Table 5.16-11 shows that operation of the wave lagoon would generate 53,351 gpd. In total, regular operation of the proposed buildings, restrooms, and outdoor showers would result in a total average wastewater flow of 63,79 gpd (44.3 gpm) (Appendix U). Using the CMSD peaking factor, the Sewer Analysis Report determined that the peak wastewater flows would be 111 gpm.

**Table 5.16-10: Estimated Wastewater Generation from Operation of Clubhouse and Accommodations**

Proposed Clubhouse and Accommodations	Size (SF) or Number of Rooms or Showers	Average Flow (gpd/Ksf) of (gpd/key or shower)	Average Flow (gal/day (gpd))	Average Flow (mgd)
Clubhouse (sf)	68,478	0.10	6,848	0.006848
Athlete Accommodations (Rms)	20	150	3,000	0.003000
Restroom Building	738	0.10	74	0.000074
Showers for Pools/Lagoons	9	54	486	0.000486
<b>Totals</b>			<b>10,408</b>	<b>0.01041</b>

Source: Sewer Analysis Report, Appendix U

**Table 5.16-11: Estimated Wastewater Generation from Operation of Surf Lagoon**

Proposed Lagoon, Pools, Spa, Filter Backwash	Avg Flow (m3/year)	Avg Flow (gal/year)	Avg Flow (gal/day (gpd))	Avg Flow (mgd)
Backwash Losses	730	192,846	528	0.000528
Lagoon Operation (Filter Clean & Splash out)	71,895	18,992,650	52,035	0.052035
Spa (0.1% of lagoon area)		19,185	53	0.000053
Pools (1.4% of lagoon area)		268,597	736	0.000736
<b>Total</b>			<b>53,351</b>	<b>0.053351</b>

Source: Sewer Analysis Report, Appendix U

As detailed previously, the 12-inch sewer main in Mesa Drive is 17.4 percent full and has an available peak capacity of 838 gpm. The 111 gpm peak wastewater flow from the Project is 13.2 percent of the available capacity. Without the peaking factor, the Project's operational wastewater flow of 44.3 gpm would be 5.3 percent of the available capacity in the Mesa Drive sewer, which has the least available capacity of the system leading to the wastewater treatment plant. Thus, under operational conditions, the flows from the Project would be within the capacity of the existing sewer system.

In addition to typical daily operational wastewater generating conditions, each of the 5.1-million-gallon basins would be drained once every two years into the sewer system. The two 5.1-million-gallon basins are hydrologically separate. Each year one of the surf basins would be drained; the timing of which would be coordinated with CMSD and approved by CMSD permitting.

As shown on Table 5.16-12, the sewer analysis found that draining a basin at a rate of 727 gpm would be within the capacity of the existing sewer line in Mesa Drive and take approximately 4.9 days to drain one basin.

**Table 5.16-12: Sewer Flow Conditions with the Proposed Project**

Reach	Street	Pipe Size	Capacity @ $\frac{3}{4}$ full (21-24") or half full (12") (gpm)	Existing Peak Flow (gpm)	Project Peak Flow (gpm)	Total Proposed Flow (gpm)	Proposed Flow Depth	Proposed % Full	Available Capacity in Sewer Pipe (Proposed) (gpm)	Number of Days to Drain a 5.1 million gallon lagoon
1	Mesa Drive	12"	966	128	111	239	2.85"	23.7%	727	4.9 days
2	Irvine Avenue/ Mesa Drive	21"	3,144	561	111	672	6.23"	29.7%	2,472	1.4 days
3	Irvine Avenue/ Upstream of Irvine/Tustin Pump Station	21"	3,110	720	111	831	7.04"	33.5%	2,279	1.6 days
4	Fair Drive	24"	3,071	1,520	111	1,631	11.78"	49.1%	1,440	2.5 days

Source: Sewer Analysis Report, Appendix U

The Irvine Avenue Pump Station and the Eldon Avenue Pump Station (off Fair Drive) would accept wastewater flows from the site. As shown below in Table 5.16-13, the pump stations have a remaining capacity to adequately serve the proposed Project which would have a peak flow rate of 111 gpm.

The allowable rate of discharge for the lagoon draining is calculated below by comparing the individual pump design flow capacity to the total proposed flow to the pump station. Table 5.16-13 shows that it would take 5.5 days to drain a 5.1-million-gallon basin based on the flow rates at the Irvine Pump Station, and 3.1 days based on the total flow rates at the Eldon Avenue Pump Station.

**Table 5.16-13: Pump Station Flow and Capacity**

Pump Station	Pump Station Design Flow	Total Flow to Pump Station (Existing & Proposed) (gpm)	Allowable Discharge from Wave Lagoon (Pump Design Capacity – Total Flow to Pump Station) (gpm)	Number of Days to Drain a 5.1 Million Gallon Basin
Irvine Avenue	1,480	831	649	5.5
Eldon Avenue	2,760	1,631	1,129	3.1

Source: Sewer Analysis Report, Appendix U

The existing sewer pipelines would not be adversely impacted by the wastewater flows associated with the proposed Project. No upgrades to the existing sewer infrastructure are proposed or required as part of the proposed Project, other than installing onsite sewers that would connect to the existing offsite system. The construction activities related to the new onsite sewer system are included as part of the proposed Project and would not result in any physical environmental effects beyond those identified throughout this EIR. For example, an analysis of construction emissions for excavation and installation of the sewer infrastructure is included in Sections 5.2, *Air Quality*, and 5.7, *Greenhouse Gas Emissions*, and noise volumes from these activities are evaluated in Section 5.11, *Noise*.

As the proposed Project includes facilities to serve the proposed Project and connect to sewers that would have capacity for the Project, it would not result in the need for construction of other new wastewater facilities



or expansions, the construction of which could cause significant environmental effects. In addition, the proposed Project would be required to pay Development Impact Fees which would be used towards cumulative improvements to the existing sewer system to ensure it continues to meet expected demands. Therefore, potential impacts related to wastewater infrastructure would be less than significant.

**IMPACT UTIL-4: THE PROJECT WOULD NOT RESULT IN A DETERMINATION BY THE WASTEWATER TREATMENT PROVIDER THAT WOULD SERVE THE PROJECT THAT IT DOES NOT ADEQUATE CAPACITY TO SERVE THE PROJECT'S PROJECTED DEMAND IN ADDITION TO THE PROVIDER'S EXISTING COMMITMENTS.**

**Less than Significant Impact.** The proposed Project would result in an increase of wastewater generation from the site. As discussed above, the proposed Project is expected to result in an increase from 1,409 gpd to 63,729 gpd of wastewater. Under existing conditions, the OC San Wastewater Treatment Plan No.1, which serves the Project site, has treatment capacity for approximately 50 million gallons per day of additional flow, and would have capacity to accommodate the proposed Project's operational 63,729 gpd of wastewater. Daily operation of the proposed Project would utilize less than 0.01 percent of the daily available treatment capacity.

As detailed previously, draining one basin per year (each basin every two years) would be done at a rate of 649 gpm based on existing infrastructure capacity. This equates to 934,560 gallons per day of wastewater, which is 1.9 percent of the daily available treatment capacity. Thus, the wastewater treatment plant has ample capacity, and the proposed Project would result in less than significant impacts related to wastewater treatment capacity.

#### 5.16.3.6 Wastewater Cumulative Impacts

Cumulative wastewater infrastructure impacts are considered on a systemwide basis and are associated with the overall capacity of existing and planned infrastructure. The cumulative system evaluated includes the CMSD sewer system that serves the Project site and conveys wastewater to the OCSD wastewater treatment and disposal system.

As described previously, with the proposed Project, the sewer system would have sufficient capacity to handle the increased flows resulting from implementation of the proposed Project. The continued regular assessment, maintenance, and upgrades of the sewer system by the City and OCSD through DIF would reduce the potential of cumulative development projects to result in a cumulatively substantial increase in wastewater such that new or expanded facilities would be required. Thus, increases in wastewater in the sewer system would result in a less than significant cumulative impact.

#### 5.16.3.7 Wastewater Existing Regulations

The following standard regulations would reduce potential impacts related to wastewater:

- California Code of Regulations Title 24, Part 11, the California Green Building Standards Code

#### 5.16.3.8 Wastewater Project Design Features

None.

#### 5.16.3.9 Wastewater Level of Significance Before Mitigation

Impacts UTIL-3 and UTIL-4 would be less than significant.

### 5.16.3.10 Wastewater Mitigation Measures

No mitigation measures are required.

### 5.16.3.11 Wastewater Level of Significance After Mitigation

Impacts would be less than significant.

## 5.16.4 STORMWATER DRAINAGE

### 5.16.4.1 Stormwater Drainage Regulatory Setting

#### Federal Regulations

##### *National Pollution Discharge Elimination System*

Section 402 of the Clean Water Act established the National Pollution Discharge Elimination System (NPDES) regulates the discharge of pollutants from point sources. The United States Environmental Protection Agency (USEPA) has authorized California to administer its NPDES permitting program. The NPDES permitting program prohibits the unauthorized discharge of pollutants from a point source (e.g., pipe, ditch, well) to waters of the United States. The permitting program addresses municipal, commercial, and industrial wastewater discharges and discharges from large animal feeding operations. Permittees must verify compliance with permit requirements by monitoring their effluent, maintaining records, and filing periodic reports. The program is administered at the local level by the RWQCBs. In California, the federal requirements are administered by the State Water Resources Control Board (SWRCB), and individual NPDES permits are issued by the California Regional Water Quality Control Boards (RWQCBs).

#### Local and Regional Regulations

##### *Orange County Stormwater Program: Drainage Area Management Plan (DAMP)*

Section 402(p) of the Clean Water Act requires that municipal NPDES Permits include requirements (1) to essentially prohibit non-storm water discharges into municipal storm sewers and (2) to control the discharge of pollutants from municipal storm drains to the maximum extent practicable. In response to this requirement, the Orange County Drainage Area Management Plan (DAMP) was developed in 1993, which has been updated several times in response to requirements associated with NPDES permit renewals. The City of Newport Beach is a member of the Orange County Stormwater Program, which coordinates all cities and the county government to regulate and control storm water and urban runoff into all Orange County waterways, and ultimately, into the Pacific Ocean. The Orange County Stormwater Program administers the current NPDES MS4 Permit and the DAMP for the County of Orange and the 34 incorporated cities within the region.

##### *City of Newport Beach General Plan 2006*

The City of Newport Beach General Plan contains the following policies related to water resources that are applicable to the Project:

**Policy NR 3.4 Storm Drain Sewer System Permit.** Require all development to comply with the regulations under the City's municipal separate storm drain system permit under the National Pollutant Discharge Elimination System.

**Policy NR 3.11 Site Design and Source Control.** Include site design and source control BMPs in all developments. When the combination of site design and source control BMPs are not sufficient to protect water quality as required by the National Pollutant Discharge Elimination System (NPDES), structural treatment BMPs will be implemented along with site design and source control measures.

**Policy NR 3.15 Street Drainage Systems.** Require all street drainage systems and other physical improvements created by the City, or developers of new subdivisions, to be designed, constructed, and maintained to minimize adverse impacts on water quality. Investigate the possibility of treating or diverting street drainage to minimize impacts to water bodies.

#### *City of Newport Beach Municipal Code*

**Section 19.28.080: Storm Drains.** of the City's Municipal Code requires developers to design and construct all drainage facilities necessary for the removal of surface water from the site (e.g., open/closed channels, catch basins, manholes, junction structures), and to protect offsite properties from a project's water runoff. The storm drain system must be designed in accordance with the standards of the Orange County Flood Division. A drainage fee is also charged to fund improvements to the City's drainage facilities.

### 5.16.4.2 Stormwater Drainage Environmental Setting

The Santa Ana – Delhi Channel, maintained by the Orange County Flood Control District (OCFCD), is a 55-foot-wide by 16-foot-high reinforced-concrete channel that runs in a southerly direction, along the westerly boundary of the site along Irvine Avenue.

The Project site currently is developed with three holes of the NB Golf Course, a driving range, clubhouse/restaurant building and associated parking. As described in the Hydrology Report (included as Appendix P), currently 3.4 acres of the site (22 percent) is impervious, as most of the site consists of three holes of the golf course that is covered in grass and trees. The topography of the site slopes in a northwesterly direction, toward OCFCD's Santa Ana – Delhi Channel and Irvine Avenue. An existing 15- to 20-foot-high slope descends from the southeast boundary of the site. The remainder of the site generally slopes more gently toward the westerly boundary of the Project. There are currently five drainage discharge points to the Santa Ana – Delhi Channel: two points in Irvine Avenue where drainage is conveyed to catch basins and then discharged into the Santa Ana – Delhi Channel, and three points to pipes that discharge directly to the Santa Ana – Delhi Channel (Appendix P).

There is currently offsite drainage from properties located along the easterly boundary of the golf course that conveys to the golf course via surface gutter or pipes. The drainage is conveyed through the golf course, combines with the onsite drainage, and then discharges into the Santa Ana – Delhi Channel (Appendix P).

### 5.16.4.3 Stormwater Drainage Thresholds of Significance

Appendix G of the CEQA Guidelines indicates that a Project could have a significant effect if it were to:

UTIL-5      Require or result in the construction of new stormwater drainage facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects.

### 5.16.4.4 Stormwater Drainage Service Methodology

The evaluation of stormwater drainage infrastructure quantifies the amount of stormwater runoff that would be generated from the proposed Project and identifies if runoff from the Project would be accommodated

by the existing stormwater drainage infrastructure. The evaluation identifies if expansions would be required to serve the proposed development, and if those expansions have the potential to result in an environmental impact.

#### 5.16.4.5 Stormwater Drainage Environmental Impacts

##### **IMPACT UTIL-5: THE PROJECT WOULD NOT REQUIRE OR RESULT IN THE RELOCATION OR CONSTRUCTION OF NEW DRAINAGE FACILITIES, OR EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS.**

**Less than Significant Impact.** As described previously, the Project site currently drains either to storm drains within Irvine Avenue or directly into the Santa Ana-Delhi Channel. The Project-specific Preliminary WQMP describes that the Project site currently includes 3.40 acres of impermeable surfaces, which equates to 22 percent of the site. After completion of Project construction, the site would have an increase in impermeable surfaces (i.e., 13.89 acres or 90 percent of the site would be impermeable surfaces). However, this includes the 5.06-acre (20,427 SF) surf lagoon, which would capture rainfall and not result in runoff. As shown on Table 5.16-14, while implementation of the proposed Project would result in a large increase in impermeable surfaces, the 100-year, 24-hour storm volume would decrease by approximately 11 percent.

**Table 5.16-14: Project Change to 100-Year Storm Runoff Rate**

Sub Area	Existing Condition (CFS)	Proposed Condition (CFS)
A	10.6	19.2
B	0.5	3.8
C	3.2	16.2
D	11.1	1.0
E (Lagoon)	19.8	0
<b>Totals</b>	<b>45.2</b>	<b>40.2</b>
<b>Change</b>	<b>-11.1%</b>	

Source: Preliminary Hydrology Report, Appendix P

The proposed Project would maintain the existing drainage pattern. The Project includes installation of an onsite storm drainage system that includes two bioretention basins at the north parking lot and two bioretention basins in the southern parking lot, and an 18-inch storm drain that would connect to the existing storm drain line at the intersection of Mesa Drive and Irvine Avenue and the existing drain within Irvine Avenue near the existing site driveway.

The runoff from the Project area would be collected by roof drains, surface flow designed pavement, curbs, and area drains and conveyed to the bioretention basins. Treated runoff would be conveyed to the existing storm drain line at the intersection of Mesa Drive and Irvine Avenue, at Irvine Avenue near the existing driveway, or into the Santa Ana-Delhi Channel with a maximum outlet flow rate that has been designed to be equal or less than the existing condition, pursuant to existing DAMP requirements. Due to the decrease in onsite stormwater runoff that would occur from implementation of the proposed Project, no new or expanded drainage facilities would be required.

Similar to existing conditions, the offsite runoff that flows onto the site would continue to be collected on the Project site and flow northwest through the proposed northern parking lot and into the Santa Ana-Delhi Channel. No change in volumes to offsite flows would occur. Therefore, impacts related to drainage facilities would be less than significant.

#### 5.16.4.6 Stormwater Drainage Cumulative Impacts

The geographic scope for cumulative impacts related to stormwater drainage includes the geographic area served by the existing stormwater infrastructure for the Project area, from capture of runoff through final discharge points. As described above, the proposed Project would result in a reduction in stormwater runoff from the Project site. As a result, the proposed Project would not generate additional runoff that could combine with runoff from cumulative projects that could cumulatively combine to impact drainage. Thus, cumulative impacts related to drainage would be less than significant.

#### 5.16.4.7 Stormwater Drainage Existing Regulations

The following standard regulations would reduce potential impacts related to stormwater drainage:

- California Water Resources Control Board Low Impact Development (LID) Policy
- Santa Ana Region MS4 Permit; NPDES Permit No. CAS618030 (Order R8-2009-0030 as amended by Order No. R8-2010-0062)
- Municipal Code Section 19.28.080, *Storm Drains*

#### 5.16.4.8 Stormwater Drainage Project Design Features

None.

#### 5.16.4.9 Stormwater Drainage Level of Significance Before Mitigation

Impacts UTIL-5 would be less than significant.

#### 5.16.4.10 Stormwater Drainage Mitigation Measures

No mitigation measures are required.

#### 5.16.4.11 Stormwater Drainage Level of Significance After Mitigation

Impacts would be less than significant.

### 5.16.5 SOLID WASTE

#### 5.16.5.1 Solid Waste Regulatory Setting

##### **State Regulations**

##### *California Assembly Bill (AB) 341*

On October 6, 2011, Governor Brown signed AB 341 establishing a State policy goal that no less than 75 percent of solid waste generated be source reduced, recycled, or composted by 2020, and requiring CalRecycle to provide a report to the Legislature that recommends strategies to achieve the policy goal.

### California Green Building Standards

**Section 5.408.1 Construction waste diversion.** Recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste.

**Section 5.410.1 Recycling by occupants.** Provide readily accessible areas that serve the entire building and are identified for the depositing, storage and collection of non-hazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, organic waste, and metals, or meet a lawfully enacted local recycling ordinance, if more restrictive.

### Local and Regional Regulations

#### City of Newport Beach Municipal Code

**Section 20.30.120 Solid Waste and Recyclable Materials Storage.** This section provides the standards for the provision of solid waste and recyclable materials storage areas in compliance with the California Solid Waste Reuse and Recycling Access Act (PRC §42900) and Municipal Code Chapters 6.04 and 6.06. All existing and new development projects that require building permits must provide adequate enclosed areas with solid roofs for collecting and loading solid waste and recyclable materials.

### 5.16.5.2 Solid Waste Environmental Setting

The City of Newport Beach is currently served by eight licensed commercial solid waste haulers for commercial uses in the City. Solid waste in the City is then brought to one of six transfer stations which sorts trash from recyclable materials and then transfers the materials to landfills. Solid waste generated by the Project would be disposed of at either the Frank R. Bowerman, Olinda Alpha, or Prima Deshecha Landfill (City of Newport Beach, 2006b). Each landfill is located approximately 16.8, 25.5, and 23.2 roadway miles from the site, respectively. Table 5.16-15 below summarizes the characteristics of each landfill. Based on the maximum received tonnage in November 2024, the three landfills have a combined remaining permitted capacity of approximately 3,094.2 tons per day.

**Table 5.16-15: Landfill Capacity**

Name	Max Daily Permitted (tpd)	Highest Daily Tonnage (tpd) <sup>1</sup>	Available Daily Disposal (tpd)	Closure Date
Frank R. Bowerman Landfill	11,500	9,081.11	2,418.89	12/31/2053
Olinda Alpha Landfill	8,000	7,207	793	12/31/2036
Prima Deshecha Landfill	4,000	3,583.81	416.19	12/31/2102
<b>Total</b>			<b>3,628.08</b>	

Source: CalRecycle, 2024a; CalRecycle, 2024b, CalRecycle, 2024c

<sup>1</sup> Highest Daily Tonnage in November 2024

### 5.16.5.3 Solid Waste Thresholds of Significance

Appendix G of the CEQA Guidelines indicates that a Project could have a significant effect if it were to:

- UTIL-6 Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.
- UTIL-7 Comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

#### 5.16.5.4 Solid Waste Methodology

Solid waste generation from construction and operation of the Project was estimated using a construction and waste generation factor from the Environmental Protection Agency (EPA) and an operational generation factor from CalEEMod version 2022.1.1, respectively. Solid waste volumes were then compared with recent estimates of remaining disposal capacity of the landfill serving the City. As described below in Impact UT-6, potential impacts related to compliance with solid waste regulations were evaluated by identifying how the proposed Project would implement the relevant requirements.

#### 5.16.5.5 Solid Waste Environmental Impacts

**IMPACT UTIL-6: THE PROJECT WOULD NOT GENERATE SOLID WASTE IN EXCESS OF STATE OR LOCAL STANDARDS, OR IN EXCESS OF THE CAPACITY OF LOCAL INFRASTRUCTURE, OR OTHERWISE IMPAIR THE ATTAINMENT OF SOLID WASTE REDUCTION GOALS.**

**Less than Significant Impact.** The proposed Project would result in new development that would generate an increased amount of solid waste. All solid waste-generating activities within the City are subject to the requirements set forth in the 2022 California Green Building Standards Code, which requires demolition and construction activities to recycle or reuse a minimum of 65 percent of the nonhazardous construction and demolition waste, as well as AB 341, which requires diversion of a minimum of 75 percent of operational solid waste to be recycled. Implementation of the proposed Project would be consistent with all State regulations, as ensured through the City's development permitting process.

As discussed above, solid waste generated by the Project would be disposed of at either the Frank R. Bowerman Landfill, the Olinda Alpha Landfill, and/or the Prima Deshecha Landfill. These landfills are Class III municipal solid waste landfills.

##### **Construction**

Construction of proposed Project would involve the demolition of the existing golf course uses, including the 8,975 SF pro shop and restaurant building, and a 2,664 SF driving range building which would result in approximately 700 tons of material being demolished and disposed of in landfills. As detailed in Table 3-5, demolition would occur over approximately 20 days during construction. The 2022 California Green Building Standards Code requires that a minimum of 65 percent of the nonhazardous demolition debris be recycled or reused. Therefore, the demolition would generate approximately 245 tons of solid waste to be disposed of at the landfills over approximately 20 days, which is approximately 12.25 tons of waste per day, which is within the landfills capacity of 3,628.08 tons per day.

After the demolition phase, Project construction would generate solid waste from construction packaging and discarded materials. Utilizing a construction waste factor of 3.89 pounds per square foot (EPA, 1998), construction of the Project would generate approximately 154.69 tons of waste during construction from packaging and discarded materials. The 2022 California Green Building Standards Code requires construction activities to recycle or reuse a minimum of 65 percent of the nonhazardous construction waste. Thus, the construction solid waste that would be disposed of at the landfill would be approximately 35 percent of the waste generated. Therefore, construction activities would generate approximately 54.14 tons of solid waste to be disposed of at the landfill. As shown in Section 3.0, *Project Description*, construction activities would occur over a 300-day period. This equates to approximately 0.18 tons of debris per day.

As described above in Table 5.16-15, Frank R. Bowerman Landfill is permitted to accept 11,500 tons per day, Olinda Alpha Landfill is permitted to accept 8,000 tons per day, and Prima Deshecha Landfill is permitted to accept 4,000 tons per day. Based on disposal rates in November 2024, Frank R. Bowerman Landfill had a highest tonnage received of 9,081.11 tons per day with a remaining capacity of 2,418.89

tons per day, the Olinda Alpha Landfill had a highest tonnage received of 7,207 tons per day with a remaining capacity of 793 tons per day, and Prima Deshecha Landfill had a highest tonnage received of 3,583.81 tons with a remaining capacity of 416.19 tons (CalRecycle, 2024a, b, c). Thus, the facilities' remaining capacities would be able to accommodate the addition of 0.18 tons of waste per day during construction of the proposed Project.

### Operation

Operation of the proposed Project would include a 5.06-acre (20,427 SF) surf lagoon with warming pools, spas and seating areas; a three-story, 68,478 gross SF amenity clubhouse; a two-story athlete accommodation building; ancillary storage and maintenance areas, and associated parking areas. The Newport Beach General Plan EIR uses a solid waste generation factor of 5 pounds per 1,000 SF per day for commercial uses and 2.5 pounds per room per day for visitor serving uses. As shown on Table 5.16-16, based on these generation factors, operation of the proposed Project would generate approximately 71.62 tons of solid waste per year or 0.20 tons per day. AB 341 requires diversion of a minimum of 75 percent of operational solid waste, which would reduce the volume of landfilled solid waste to approximately 17.91 tons per year, or approximately 0.05 ton per day.

**Table 5.16-16: Proposed Project Solid Waste Generation**

Land Use Category	Generation Factor <sup>1</sup>	Solid Waste Generation (tons per year)
Commercial (68,478 SF)	5 pounds/1,000 SF/day	62.49
Visitor Serving (20 rooms)	2.5 pounds/room/day	9.13
<b>Total</b>	<b>-</b>	<b>71.62</b>

<sup>1</sup> City of Newport Beach General Plan EIR Table 4.14-14

As shown in Table 5.16-15, Frank R. Bowerman Landfill had a highest tonnage received of 9,081.11 tons per day with a remaining capacity of 2,418.89 tons per day, the Olinda Alpha Landfill had a highest tonnage received of 7,207 tons per day with a remaining capacity of 793 tons per day, and Prima Deshecha Landfill had a highest tonnage received of 3,583.81 tons per day with a remaining capacity of 416.19 tons per day. The Project's solid waste (17.91 tons per year, or approximately 0.05 ton per day), would represent less than 0.01 percent of any of the landfill's daily remaining permitted capacity. The Frank R. Bowerman Landfill has a permitted capacity until 2053, Olinda Alpha Landfill has a permitted capacity until 2036, and the Prima Deshecha Landfill has a permitted capacity until 2102. Thus, the proposed Project would be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs and the Project would not impair the attainment of solid waste reduction goals. Impacts related to landfill capacity would be less than significant.

### **IMPACT UTIL-7: THE PROJECT WOULD COMPLY WITH FEDERAL, STATE, AND LOCAL MANAGEMENT AND REDUCTION STATUTES AND REGULATIONS RELATED TO SOLID WASTE.**

**No Impact.** The proposed Project would result in new development that would generate solid waste. All solid waste-generating activities within the City are subject to the requirements set forth in the 2022 California Green Building Standards Code that requires demolition and construction activities to recycle or reuse a minimum of 65 percent of the nonhazardous construction and demolition waste, and AB 341 that requires diversion of a minimum of 75 percent of operational solid waste.

As detailed previously, Municipal Code Section 20.30.120 provides standards for the provision of solid waste and recyclable materials storage areas in compliance with the California Solid Waste Reuse and Recycling Access Act (PRC §42900). Implementation of the proposed Project would be consistent with all



State and City regulations, as ensured through the City's development review and permitting process. Therefore, the proposed Project would comply with all solid waste statutes and regulations; and impacts would not occur.

#### 5.16.5.6 Solid Waste Cumulative Impacts

The geographic scope of cumulative analysis for landfill capacity is the service area for the Frank Bowerman Sanitary Landfill, the Olinda Alpha Landfill, and the Prima Deshecha Landfill, which serves the Project area and the City of Newport Beach. The projections of future landfill capacity based on the entire projected waste stream going to these landfills is used for cumulative impact analysis. Based on tonnage rates from November 2024, the Frank R. Bowerman Landfill had a highest tonnage received of 9,081.11 tons with a remaining capacity of 2,418.89 tons, the Olinda Alpha Landfill had a highest tonnage received of 7,207 tons with a remaining capacity of 793 tons, and Prima Deshecha Landfill had a highest tonnage received of 3,583.81 tons with a remaining capacity of 416.19 tons in (CalRecycle, 2024a, b, c). The 0.05 tons of solid waste per day from operation of the proposed Project would be less than 0.01 percent of the remaining daily capacity of the landfill. Due to this small percentage, the increase in solid waste from the proposed Project would be less than cumulatively considerable and would be less than significant.

#### 5.16.5.7 Solid Waste Existing Regulations

The following standard regulations would reduce potential impacts related to solid waste:

- Assembly Bill 341 (Chapter 476, Statutes of 2011)
- California Code of Regulations Title 24, Part 11, the California Green Building Standards Code
- Municipal Code Section 20.30.120, *Solid Waste and Recyclable Materials Storage*

#### 5.16.5.8 Solid Waste Project Design Features

None.

#### 5.16.5.9 Solid Waste Level of Significance Before Mitigation

Impacts UTIL-6 and UTIL-7 would be less than significant.

#### 5.16.5.10 Solid Waste Mitigation Measures

No mitigation measures are required.

#### 5.16.5.11 Solid Waste Level of Significance After Mitigation

Impacts would be less than significant.

## 5.16.6 DRY UTILITIES

### 5.16.6.1 Dry Utilities Regulatory Setting

#### State Regulations

##### *Title 24 Energy Efficiency Standards and California Green Building Standards*

California Code of Regulations (CCR) Title 24 Part 6: The California Energy Code was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. The most recently updated 2022 Energy Code encourages efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, and strengthens ventilation standards, among other requirements.

CCR, Title 24, Part 11: California Green Building Standards Code (CALGreen) is a comprehensive and uniform regulatory code for all new construction and major renovations, and is administered by the California Building Standards Commission. The purpose of CALGreen is to improve public health, safety, and general welfare through enhanced design and construction of buildings using concepts which reduce negative impacts and promote those principles which have a positive environmental impact and encourage sustainable construction practices. It is also updated every three years. The most recent update is the 2022 CALGreen Code that became effective January 1, 2023. The 2022 CALGreen standards that are applicable to the proposed Project include, but are not limited to, the following:

**Electric Vehicle (EV) charging stations.** New construction shall facilitate the future installation of EV supply equipment. The compliance requires empty raceways for future conduit and documentation that the electrical system has adequate capacity for the future load. The number of spaces to be provided is contained in Table 5.106.5.3.3 (5.106.5.3). Additionally, Table 5.106.5.4.1 specifies requirements for the installation of raceway conduit and panel power requirements for medium- and heavy-duty electric vehicle supply equipment for warehouses, grocery stores, and retail stores.

#### Local and Regional Regulations

##### *City of Newport Beach General Plan 2006*

The City of Newport Beach General Plan contains the following policies related to water resources that are applicable to the Project:

**Policy LU 2.8 Adequate Infrastructure.** Accommodate the types, densities, and mix of land uses that can be adequately supported by transportation and utility infrastructure (water, sewer, storm drainage, energy, and so on) and public services (schools, parks, libraries, seniors, youth, police, fire, and so on).

**Policy NR 21.3 Overhead Utilities.** Support programs to remove and underground overhead utilities, in new development as well as existing neighborhoods.

**Policy NR 24.2 Energy Efficient Design Features.** Promote energy efficiency design features.

### 5.16.6.2 Dry Utilities Environmental Setting

#### Electricity

The proposed Project is within the service area of Southern California Edison (SCE). SCE provides electric power to more than 15 million persons within its 50,000 square mile service area, which covers the counties of Mono, Tulare, Inyo, Kern, Ventura, Los Angeles, Orange, Riverside, and San Bernardino. Based on SCE's 2021 Power Content Label Mix, SCE derives electricity from varied energy resources including: natural gas, solar power generation, wind farms, nuclear power plants, hydroelectric generators, and geothermal power plants. SCE also purchases power from open market transactions, which do not have identifiable sources (California Energy Commission, 2023).

Overhead utilities lines currently exist along Mesa Drive, adjacent to the western boundary of the Project site. The Project site is located approximately 1.45 miles from Bayside Substation, which serves the Project area through the Pike 12kV Circuit that provides distribution (SCE, 2024).

#### Natural Gas

The Southern California Gas Company (SoCalGas) is the natural gas purveyor in the City of Newport Beach and is the principal distributor of natural gas in Southern California. The site is currently served by a two-inch service line within Irvine Avenue that connects to a two-inch line in Bristol Street to the north. There is also a three-inch natural gas line at the intersection of Irvine Avenue and Mesa Drive that exists within Mesa Drive to the west of Irvine Avenue and within Irvine Avenue to the south of the site.

#### Telecommunications

Telecommunications would be provided to the proposed Project by a privately owned telecommunication company. Overhead utility lines currently exist on Mesa Drive, adjacent to the Project site.

### 5.16.6.3 Dry Utilities Thresholds of Significance

Appendix G of the CEQA Guidelines indicates that a Project could have a significant effect if it were to:

UTIL-8     Require or result in the relocation or construction of a new or expanded electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects.

### 5.16.6.4 Dry Utilities Methodology

The evaluation of utilities identifies if utility demand from the proposed Project would be accommodated via existing utility infrastructure that would also be available to the proposed Project. The evaluation identifies if expansions would be required to serve the proposed development, and if those expansions have the potential to result in an environmental impact.

### 5.16.6.5 Dry Utilities Environmental Impacts

**IMPACT UTIL-8: THE PROJECT WOULD NOT REQUIRE OR RESULT IN THE RELOCATION OR CONSTRUCTION OF A NEW OR EXPANDED ELECTRIC POWER, NATURAL GAS, OR TELECOMMUNICATIONS FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS.**

**Less than Significant Impact.** The Project site is currently developed with a 38-bay partially covered driving range, a 1,050 SF putting green, a 8,975 SF building that includes a pro shop and a restaurant, surface parking lot with 280 parking spaces, and three holes of the existing Newport Beach Golf Course (holes 1, 2, and 9). Therefore, the site currently generates a limited demand for electricity, natural gas, and other dry utilities.

The proposed Project would generate an increased demand for electricity, natural gas, and telecommunication systems.

### **Electricity**

Electricity would be provided to the Project site by SCE. The Project would connect to the existing electricity powerlines within roadways. SCE prepared an Engineering Analysis Report (included as Appendix G) which determined that the Project's electricity demand would be adequately served by SCE's existing distribution system, and that the existing electrical lines, Pike 12kV Circuit, and Bayside Substation can accommodate the Project (SCE, 2024).

The Project would not require or result in the construction of new facilities or the expansion of existing facilities. The Project would be constructed in compliance with Title 24 requirements. In addition, the Project includes solar photovoltaic panels on the rooftops and parking canopies, which would reduce the Project's electricity demand on the grid. Overall, the Project would not require or result in the relocation or construction of new or expanded electric facilities, which could cause significant environmental effects. Thus, impacts would be less than significant.

### **Natural Gas**

As described in the setting, natural gas services are currently provided to Project site by SoCal Gas. The proposed Project would install new onsite natural gas lines that would connect to one of the existing natural gas distribution lines in Irvine Avenue. The Project would not require or result in the construction of new natural gas facilities or expansion of existing facilities. There are currently two natural gas lines adjacent to the site that would serve the Project and continue to serve surrounding land uses. Adequate natural gas supplies are presently available to meet the increase in demand attributed to the Project. The SoCal Gas Company has provided a Will Serve letter confirming the ability to serve the Project. Thus, potential impacts related to the provisions of natural gas supplies or natural gas infrastructure would be less than significant.

### **Telecommunications**

The proposed Project would connect to the existing telecommunication lines along Mesa Drive, which would be provided by a private telecommunication company on an as-needed basis. The proposed Project is not anticipated to require or result in the construction of new communications facilities or the expansion of existing facilities. Impacts would be less than significant.

The Project Applicant would be responsible for coordinating with each utility company to ensure the connection of utilities occurs according to standard construction and operation procedures administered by the California Public Utilities Commission. Each of the utility systems is available within roadways, and onsite lines would be constructed to connect the existing offsite lines for the proposed development. The construction activities related to dry utility connections are included as a part of the Project and therefore have been addressed throughout this EIR. Construction emissions resulting from excavation activities are analyzed in Sections 5.2, *Air Quality*, and 5.7, *Greenhouse Gas Emissions*. Therefore, potential impacts associated with utilities, including electricity, natural gas and other dry utilities would be less than significant.

#### 5.16.6.6 Dry Utilities Cumulative Impacts

Cumulative dry utilities assessment considers development of the Project in combination with the other development projects within the vicinity of the Project area, as listed in Section 5.0 of this EIR. Cumulative impacts related to the provision of facilities for electricity and communications systems have been evaluated throughout this EIR, primarily associated with the emissions resulting from construction. Mitigation measures have been recommended in cases where cumulatively considerable impacts associated with utilities infrastructure were identified. In addition, existing dry utility lines are present along Mesa Drive. Therefore, cumulatively considerable impacts associated with the provision of utility facilities to serve the proposed Project would be less than significant.

#### 5.16.6.7 Dry Utilities Existing Regulations

The following standard regulations would reduce potential impacts related to dry utilities:

- California Code of Regulations Title 24, Part 11, the California Green Building Code

#### 5.16.6.8 Dry Utilities Project Design Features

None.

#### 5.16.6.9 Dry Utilities Level of Significance Before Mitigation

Impact UTIL-8 would be less than significant.

#### 5.16.6.10 Dry Utilities Mitigation Measures

No mitigation measures are required.

#### 5.16.6.11 Dry Utilities Level of Significance After Mitigation

Impacts would be less than significant.

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## 6. Other CEQA Considerations

### 6.1 SIGNIFICANT AND UNAVOIDABLE ENVIRONMENTAL EFFECTS

CEQA Guidelines Section 15126.2(c) requires an EIR to describe “any significant impacts, including those which can be mitigated but not reduced to a level of insignificance.” The analysis throughout Section 5 of this Draft EIR determined that the Project would reduce potential environmental impacts to a level below significance by implementation of Project design features; regulatory requirements; plans, programs, policies; and mitigation measures. The Draft EIR determined that potentially significant impacts would be mitigated to a level below significance and that no significant and unavoidable environmental effects would occur from implementation of the proposed Project.

### 6.2 GROWTH INDUCEMENT

CEQA Guidelines Section 15126.2(e), *Growth Inducing Impact of the Proposed Project*, requires that an EIR “discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.” The CEQA Guidelines also indicate that it must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment. In general terms, a project may foster spatial, economic, or population growth in a geographic area, if it meets any one of the following criteria:

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

**1. Does the Project directly or indirectly foster economic or population growth or the construction of additional housing?**

Growth-inducing potential of a project would be considered significant if it fosters growth or a concentration of population in excess of what is assumed in master plans, land use plans, or in projections made by regional planning agencies, such as the Southern California Association of Governments (SCAG). The Project site currently employs 47 full and part-time people at the golf course, pro-shop, and restaurant. The proposed Project would employ approximately 70 full-time and part-time employees with an average of approximately 55 employees onsite at any given time. The addition of 23 total employees from implementation of the proposed Project would not result in additional jobs in the area that would result in unplanned growth. Additionally, the 20 athlete accommodations would only be utilized for short time periods by visiting surfers and related guests, and the athlete accommodations would not result in unplanned population growth.

The proposed Project may cause indirect economic growth as it would generate revenue for the City through taxes generated by the development. Additionally, visiting athletes and their guests would purchase goods and services in the region; however, this would be a limited demand from the 20 athlete accommodations and daily park visitors, which are limited by the Project capacity and reservation system. The Project would also facilitate approximately 12 ticketed surf events/competitions per year that would expand the City’s tourism economy and expand transient occupancy tax revenues generated by hotel stays by spectators



traveling from out of town. This potential increase could be accommodated by existing commercial and retail services near the Project site. The Project is highly unlikely to result in the need for additional commercial or retail services to meet Project demands. Further, the Project would not directly or indirectly foster economic or population growth that could result in the construction of additional housing.

## **2. Does the Project remove obstacles to population growth?**

The elimination of a physical obstacle to growth is considered to be a growth inducing impact. A physical obstacle to growth typically involves the lack of public service infrastructure. The proposed Project would induce growth if it would provide public services or infrastructure with excess capacity to serve lands that would otherwise not be developable or to expand the development potential of redevelopment areas.

As detailed in Section 5.16, *Utilities and Service Systems*, the Project site and adjacent areas are currently served by existing infrastructure. The proposed Project would install new onsite water, sewer, and stormwater drainage infrastructure systems that would provide increased capacity to serve the proposed Project and would connect to existing infrastructure adjacent to the site, which has the capacity to serve the Project in addition to existing and anticipated demands. The proposed sewer line upgrade is limited to 42.5 feet of offsite line that extends from the Project site boundary to the existing 12-inch line in Mesa Drive and would not provide for additional capacity that would induce growth. The Project does not provide infrastructure to serve any other lands than the Project site, and it would not expand development areas or the development potential of area.

In addition, a project could remove obstacles to growth through changes to existing regulations related to land development. The Project site is categorized as Parks and Recreation (PR) by the Land Use Element of the General Plan and is zoned Santa Ana Heights Specific Plan (SP-7). The Santa Ana Heights Specific Plan designates the site as Open Space and Recreation (OSR). The proposed Project would implement the existing General Plan and zoning designations. Although, the Project includes a General Plan Amendment to increase the development intensity for the site from the current limit of 20,000 SF to approximately 59,772 SF, this would not result in employment or residential growth, as described in response to number 1, previously.

## **3. Does the proposed Project require the construction of new or expanded facilities that could cause significant environmental effects?**

Growth induced by a project is considered a significant impact if it directly or indirectly affects the ability of agencies to provide needed public services that requires the construction of new public service facilities, or if it can be demonstrated that the potential growth significantly affects the environment in some other way. The proposed Project could slightly increase the demand for fire protection, emergency response, and police services. However, as described in Section 5.12, *Public Services*, the proposed Project would not require development of additional facilities or expansion of existing facilities to maintain existing levels of service for public services. Based on service ratios and build out projections, the proposed Project would not create a demand for services beyond the capacity of existing facilities.

The closest fire station is the Santa Ana Heights Fire Station #7 that is located adjacent to the Project site. Section 5.12, *Public Services*, describes that it is possible that the Project could result in additional Fire Department services (particularly medical calls for services); however, any increase in demand would be incremental and would not result in the need for a new or expanded fire facility. Likewise, the proposed Project would address typical security concerns by providing low-intensity security lighting, security cameras, and 24-hour security personnel and would not result in the need for new or expanded Police Department facilities. Additionally, as the number of employees needed to operate the Project would be similar to those currently onsite, an in-migration of employees would not occur that could require additional school, library, or other governmental services. Therefore, the proposed Project would not require the construction of new or expanded facilities that could cause significant environmental effects.

#### **4. Does the Project encourage or facilitate other activities that could significantly affect the environment, either individually or cumulatively?**

The proposed Project involves a General Plan Amendment, which is specific to the allowable recreational land uses on the Project site itself. The proposed Project does not propose changes to any of the City's building safety standards (i.e., building, grading, plumbing, mechanical, electrical, or fire codes). The proposed Project would comply with all applicable City plans, policies, and ordinances. In addition, Project features and mitigation measures have been identified within this EIR to ensure that the proposed Project minimizes environmental impacts. The proposed Project would not involve any precedent-setting action that could encourage and facilitate other activities that significantly affect the environment.

#### **Environmental Impacts of Induced Growth**

All physical environmental effects from construction of the proposed Project have been analyzed in all technical sections of this EIR. For example, activities such as excavation, grading, construction, and operational vehicular trips of the proposed Project were analyzed in Sections 5.2, *Air Quality*, 5.7, *Greenhouse Gas Emissions*, 5.11, *Noise*, and 5.14, *Transportation*. Therefore, construction and operation of the proposed Project has been analyzed in this EIR and would be adequately mitigated to a less than significant level, as detailed within Chapter 5 of this EIR. Overall, construction and operation of the Project would not result in significant and unavoidable impacts; likewise, potential impacts related to growth from implementation of the proposed Project would be less than significant.

### **6.3 SIGNIFICANT IRREVERSIBLE EFFECTS**

The CEQA Guidelines require the EIR to consider whether “uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely.... Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.” (CEQA Guidelines Section 15126.2(d)). “Nonrenewable resource” refers to the physical features of the natural environment, such as land, waterways, mineral resources, etc. These irreversible environmental changes may include current or future uses of nonrenewable resources, and secondary or growth-inducing impacts that commit future generations to similar uses.

Generally, a project would result in significant irreversible environmental changes if:

- The primary and secondary impacts would generally commit future generations to similar uses;
- The project would involve a large commitment of nonrenewable resources;
- The project would involve uses in which irreversible damage could result from any potential environmental accidents associated with the project; or
- The proposed irretrievable commitments of nonrenewable resources is not justified (e.g., the project involves the wasteful use of energy).

The Project would result in or contribute to the following irreversible environmental changes:

- Lands in the Project area that are currently developed with golf course recreation uses would be committed to surf lagoon and supporting golf recreation and ancillary uses once the proposed lagoon, buildings, parking, etc., is constructed. Secondary effects associated with this irreversible commitment of land resources include:
  - Increased vehicle trips on surrounding roadways during operation of the proposed Project (see Section 5.14, *Transportation*).

- Emissions of air pollutants associated with Project construction and operation (see Section 5.2, *Air Quality*).
- Consumption of non-renewable energy associated with construction and operation of the proposed Project due to the operation of lagoon and building operational systems; and use of automobiles, lighting, heating and cooling systems, appliances, and the like (see Section 5.5, *Energy*).
- Increased ambient noise associated with an increase in activities and traffic from the Project (see Section 5.11, *Noise*).
- Construction of the proposed Project as described in Section 3.0, *Project Description*, would require the use of energy produced from non-renewable resources and construction materials.

In regard to energy usage from the proposed Project, as demonstrated in the analyses contained in Section 5.5, *Energy*, the proposed Project would not involve wasteful or unjustifiable use of non-renewable resources, and conservation efforts would be enforced during construction and operation of proposed development. Solar panels would be installed on building rooftops and on canopies in the parking areas to produce renewable energy for onsite operations. The proposed development would incorporate energy-generating and conserving project design features, including those required by Title 24, the California Building Standards Code, specifically Part 11: California Green Building Standards Code (CALGreen), which specifies green building standards for new developments.

## 6.4 REFERENCES

- City of Newport Beach. (2001, January). *Santa Ana Heights Specific Plan*. Retrieved September 23, 2024, from [ocpublicworks.com](http://ocpublicworks.com).
- City of Newport Beach. (2006a, July). *General Plan*. Retrieved September 23, 2024, from [newportbeachca.gov: https://www.newportbeachca.gov/government/departments/community-development/planning-division/general-plan-codes-and-regulations/general-plan](https://www.newportbeachca.gov/government/departments/community-development/planning-division/general-plan-codes-and-regulations/general-plan)
- City of Newport Beach. (2006b, July). *General Plan Environmental Impact Report*. Retrieved September 23, 2024, from [newportbeachca.gov: https://www.newportbeachca.gov/government/departments/community-development/planning-division/general-plan-codes-and-regulations/general-plan/general-plan-environmental-impact-repor](https://www.newportbeachca.gov/government/departments/community-development/planning-division/general-plan-codes-and-regulations/general-plan/general-plan-environmental-impact-repor)
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## 7. Effects Found Not Significant

CEQA Guidelines Section 15126.2(a) states that “[a]n EIR shall identify and focus on the significant effects on the environment”. During the preparation of this EIR, the Project was determined to have no potential to result in significant impacts under four environmental issue areas: agriculture and forestry resources, mineral resources, population and housing, and wildfire. Therefore, these issue areas were not required to be analyzed in detail in EIR Section 5.0, *Environmental Impact Analysis*.

CEQA Guidelines Section 15128 requires that an EIR contain a statement briefly indicating the reasons that various possible effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR. As allowed by CEQA Guidelines Section 15128, statements related to the above listed topic areas are presented below. The analysis in this section is based, in part, on the following documents and resources:

- *City of Newport Beach General Plan, 2006*
- *City of Newport Beach General Plan Environmental Impact Report (General Plan EIR), 2006*
- *City of Newport Beach Municipal Code*
- *Geotechnical Exploration*, prepared by Carl Kim Geotechnical, Inc., 2024, included as Appendix H

### 7.1 AGRICULTURE AND FORESTRY

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

The Project site is developed for golf course uses and located in an area that is developed for urban uses. The California Department of Conservation (CDC) Farmland Mapping and Monitoring Program identifies the Project site as Urban and Built-Up land (CDC, 2025). No areas of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance would be affected by the proposed Project or converted to a non-agricultural use. Thus, impacts would not occur.

**b) Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?**

The Project site is developed for golf related uses and located in an area that is developed for urban uses. The Project site is zoned Santa Ana Heights Specific Plan (SP-7). The Santa Ana Heights Specific Plan designates the site as Open Space and Recreation (OSR), which does not include agricultural uses. The site is not in a Williamson Act contract, and the vicinity is void of agricultural uses. Thus, impacts would not occur.

**c) Would the Project 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))?**

The Project site is developed for golf and related uses and located in an area that is developed for urban and golf uses. The Project site and vicinity is void of forest land or timberland and is not zoned for forest land or timberland. Thus, impacts would not occur.

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

The Project site is developed for golf and related urban uses and located in an area that is developed for recreation and urban uses. The Project site and vicinity is void of forest land or timberland. Thus, impacts would not occur.

**e) Would the Project 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?**

As the Project site and vicinity do not include agricultural or forest resources, no other changes to the existing environment would occur from implementation of the proposed Project that could result in conversion of farmland to nonagricultural use or forest/timberland land to non-forest or non-timberland use. Thus, impacts related to agriculture and forestry resources would not occur.

## 7.2 MINERAL RESOURCES

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

The California Department of Conservation identifies sites to which continuing access is important to satisfying mineral production needs of the region and the State. The relative importance of potential mineral resource sites is indicated by inclusion in one of four Mineral Resource Zones (MRZ):

- MRZ 1: No mineral resources
- MRZ 2: Significant resource area (quality and quantity known)
- MRZ 3: Significant resource area (quality and quantity unknown)
- MRZ 4: No information (applies primarily to high-value ores)

The City of Newport Beach General Plan Environmental Impact Report details that there is no land within the City of Newport Beach that is designated as Mineral Resource Zone 2 (MRZ 2), which indicates a presence of mineral resources (City of Newport Beach, 2006b). As such, there are no known mineral resources within the City. Historical uses of the Project site and adjacent areas have not included mineral extraction, nor does the Project site currently support mineral extraction. In addition, the Project does not propose any mineral extraction activities. Additionally, there are no mineral resource recovery near the Project site. Therefore, the proposed Project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the State. No impact to availability of mineral resources would occur from implementation of the Project.

**b) Would the Project result in the loss of availability of a locally-important mineral resource recovery site delineated on the general plan, specific plan or other land use plan?**

No known valuable mineral resources exist on or near the Project site, and no mineral resource recovery activities occur on or near the site. The Project site is currently developed with golf course facilities, buildings, and a paved parking lot. Additionally, the Project site is designated as Parks and Recreation (PR) by the Land Use Element of the General Plan. Therefore, no impacts related to the loss of availability of a locally important mineral resource recovery site, as delineated on a local general plan, specific plan, or other land use plan, would occur as a result of Project implementation.

## 7.3 POPULATION AND HOUSING

**a) Would the Project induce substantial unplanned 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)?**

The Project site currently includes three holes of the Newport Beach (NB) Golf Course, a 38-bay driving range, a putting green, a pro shop, a restaurant, and a service building. The golf course has a total of 19 employees (including part-time) with approximately 8-10 employees on site at a time during peak periods. The restaurant has a total of 24 employees; two of which are full-time employees. Overall, the Project site currently provides 47 full and part-time jobs.

The Project would employ approximately 70 full-time and part-time employees with an average of approximately 55 employees onsite at any given time. The addition of 23 total employees from implementation of the proposed Project would not result in additional jobs in the area that would result in unplanned growth. Additionally, the 20 athlete accommodations would only be utilized for short time periods by visiting surfers and related guests, and the athlete accommodations would not result in unplanned population growth. No housing units are included in the Project. Any future development projects (including both housing and recreation) on other parcels within the City, including Housing Opportunity sites, would go through separate project specific review. In addition, indirect growth related to the expansion of infrastructure, such as water, sewer, or street systems would not occur because the Project would only install utility systems that would connect between the site and offsite infrastructure. Therefore, there would be no impacts related to unplanned population growth from the Project.

**b) Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?**

The Project site is currently developed with golf course facilities, buildings, and a paved parking lot. There is no existing housing located on the site. The Project site is designated as Parks and Recreation (PR) by the Land Use Element of the General Plan, which is not a residential land use. Therefore, the Project would not displace substantial numbers of existing people or housing and would not necessitate the construction of replacement housing elsewhere. No impacts to housing would occur.

## 7.4 WILDFIRE

**a) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?**

The Project site is not located in or near a State Responsibility Area or lands classified as very high fire hazard severity zones (CAL FIRE, 2025). The Project site is located within a developed area, surrounded by roadways, drainage facilities, commercial and office uses, open space golf course uses, and Newport Beach Fire Station #7.

In addition, the proposed Project would be built in compliance with the California Building and Fire Code, as adopted by the City in Municipal Code Section 9.04.010. Project plans would be reviewed by the City's Building Division and the Newport Beach Fire Department during the permitting process to ensure that the Project meets fire protection requirements. Therefore, implementation of the Project would not exacerbate wildfire hazard risks or expose people or the environment to adverse environmental effects related to wildfires. Therefore, the Project would not result in any impacts related to wildfire.

**b) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?**

The Project site is not located in or near a State Responsibility Area or lands classified as very high fire hazard severity zones (CAL FIRE, 2025). The Project site is located within a developed area, surrounded by roadways, drainage facilities, commercial and office uses, open space golf course uses, and Newport Beach Fire Station #7. The Project site does not contain substantial slopes. The Project would grade, landscape, and pave the site. The Project includes installation of a drainage system that would capture and filter pollutants, as detailed in Section 5.9, *Hydrology and Water Quality*.

In addition, typical coastal wind conditions occur at the Project site, which are the same as occur throughout the City and surrounding coastal areas. The Project includes development and operation of a wave lagoon and structures that would be developed consistent with the California Building and Fire Code, as adopted by the City in Municipal Code Section 9.04.010. Thus, the Project does not involve slopes, prevailing winds, or other factors, that could exacerbate wildfire risks; and would not expose people to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Therefore, no impact would occur.

**c) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?**

As described previously, the Project site is not located in or near a State Responsibility Area or lands classified as very high fire hazard severity zones (CAL FIRE, 2025). The Project does not require the installation or maintenance of roads, fuel breaks, emergency water sources, power lines or other utilities. As detailed in Section 3.0, *Project Description*, the Project would install onsite infrastructure, such as vehicle circulation, water lines, power lines, and other utilities that would connect to existing offsite infrastructure. , These utility improvements would be on the ground or underground and would not exacerbate fire risk. Project design and implementation of utility improvements would be reviewed and approved by the City as part of the Project construction permitting process to ensure the proposed Project is compliant with all applicable design standards and regulations. Therefore, the proposed Project would not include infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities), that would exacerbate fire risk or that would result in impacts to the environment. No impacts would occur.

**d) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?**

As described previously, the Project site is not located in or near a State Responsibility Area or lands classified as very high fire hazard severity zones (CAL FIRE, 2025). The Project site does not contain substantial slopes. The Project would grade, landscape, and pave the site. The site is not within a landslide hazard zone area and is not considered potentially susceptible to slope instability as shown on Figure 4.5-2 of the General Plan Environmental Impact Report (City of Newport Beach, 2006b) and as determined by the Geotechnical Exploration (Appendix H).The Project includes installation of a drainage system that would capture stormwater runoff as detailed in Section 5.9, *Hydrology and Water Quality*. Thus, the Project would not expose people or structures to risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. No impacts would occur.

## 7.5 REFERENCES

- California Department of Conservation (CDC). (2025). *Farmland Mapping & Monitoring Program*.  
<https://www.conservation.ca.gov/dlrp/fmmp>
- California Department of Forestry and Fire Protection (CAL FIRE). (2025). *Fire Hazard Severity Zone Maps*. Retrieved February 14, 2025, from <https://osfm.fire.ca.gov/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones>
- Carl Kim Geotechnical, Inc. (2024). *Geotechnical Exploration, Proposed Wavegarden Cove, 3100 Irvine Avenue, Newport Beach, California. (Appendix H)*
- City of Newport Beach. (2001, January). *Santa Ana Heights Specific Plan*. Retrieved September 23, 2024, from [ocpublicworks.com](http://ocpublicworks.com).
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## 8. Alternatives

This section addresses alternatives to the proposed Project and describes the rationale for including them in the Draft EIR. The section also discusses the environmental impacts associated with each alternative and compares the relative impacts of each alternative to those of the proposed Project. In addition, this section describes the extent to which each alternative meets the Project objectives.

### 8.1 INTRODUCTION

The identification and analysis of alternatives to a project is a fundamental part of the environmental review process pursuant to CEQA. Public Resources Code (PRC) Section 21002.1(a) establishes the need to address alternatives in an EIR by stating that in addition to determining a project's significant environmental impacts and indicating potential means of mitigating or avoiding those impacts, "the purpose of an environmental impact report is to identify alternatives to the project."

Pursuant to CEQA Guidelines Section 15126.6(a), an EIR must describe a reasonable range of alternatives to the proposed project or to the project's location that would feasibly avoid or lessen its significant environmental impacts while attaining most of the proposed project's objectives. CEQA Guidelines Section 15126.6(b) emphasizes that the selection of project alternatives be based primarily on the ability to reduce impacts relative to the proposed project. In addition, CEQA Guidelines Section 15126.6(e)(2) requires the identification and evaluation of an "Environmentally Superior Alternative".

Pursuant to CEQA Guidelines Section 15126.6(d), discussion of each alternative presented in this EIR Section is intended "to allow meaningful evaluation, analysis, and comparison with the proposed project." As permitted by CEQA, the significant effects of each alternative are discussed in less detail than those of the proposed Project, but in enough detail to provide perspective and allow for a reasoned choice among alternatives to the proposed Project.

In addition, the "range of alternatives" to be evaluated is governed by the "rule of reason" and feasibility, which requires the EIR to set forth only those alternatives that are feasible and necessary to permit an informed and reasoned choice by the lead agency and to foster meaningful public participation (CEQA Guidelines Section 15126.6(f)). CEQA generally defines "feasible" to mean an alternative that is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors and other considerations (CEQA Guidelines Sections 15091(a)(3), 15364).

Based on the CEQA requirements described above, the alternatives addressed in this EIR were selected in consideration of one or more of the following factors:

- The extent to which the alternative could avoid or substantially lessen any of the identified significant environmental effects of the proposed Project;
- The extent to which the alternative could accomplish the objectives of the proposed Project;
- The potential feasibility of the alternative;
- The appropriateness of the alternative in contributing to a "reasonable range" of alternatives that would allow an informed comparison of relative advantages and disadvantages of the proposed Project and potential alternatives to it; and
- The requirement of the CEQA Guidelines to consider a "no project" alternative; and to identify an "environmentally superior" alternative in addition to the no project alternative (CEQA Guidelines Section 15126.6(e)).

Neither the CEQA statute, the CEQA Guidelines, nor recent court cases specify a specific number of alternatives to be evaluated in an EIR. Rather, “the range of alternatives required in an EIR is governed by the rule of reason that sets forth only those alternatives necessary to permit a reasoned choice” (CEQA Guidelines 15126(f)).

## 8.2 SIGNIFICANT ENVIRONMENTAL EFFECTS

CEQA requires the alternatives selected for comparison in an EIR to avoid or substantially lessen one or more significant effects of the project being evaluated. The analysis in Section 5 of this Draft EIR determined that no significant and unavoidable impacts would result from implementation of the proposed Project, and all potentially significant impacts of the Project can be mitigated to a less-than-significant level. Therefore, the analysis of alternatives in this EIR is intended to identify alternatives that would avoid or substantially lessen the need for mitigation, or to further reduce less-than-significant environmental impacts of the Project.

### Biological Resources

As detailed in Section 5.3, *Biological Resources*, the Project contains trees and shrubs that can support nesting songbirds or raptors as well as western yellow bats. Mitigation measures would lessen impacts associated with Impacts BIO-1 and BIO-4 to a less-than-significant level. Mitigation Measure BIO-1 requires a pre-construction bat roost survey. Mitigation Measure BIO-2 requires compliance with the Federal Migratory Bird Treaty Act by requiring a nesting bird survey should construction commence during nesting season, which ensures implementation of a regulatory requirement. With implementation of Mitigation Measures BIO-1 and BIO-2, potential impacts to biological resources would be less than significant.

### Cultural Resources

As detailed in Section 5.4, *Cultural Resources*, earthmoving activities, including grading and trenching activities, are expected to result in excavation to 15 feet below ground surface to remove and recompact undocumented fill soils. As the Project site is sensitive for archaeological resources, the Project would be required to implement Mitigation Measures CUL-1 and CUL-2, which require an archaeologist to be retained for monitoring throughout proposed Project ground disturbing activities, implementation of appropriate activities should potential resources are found, and preparation of a monitoring report. With implementation of Mitigation Measures CUL-1 and CUL-2, impacts to archaeological resources would be less than significant.

### Geology and Soils

As discussed in Section 5.6, *Geology and Soils*, while no paleontological resources were identified during the field survey, there is a potential to disturb previously unknown paleontological resources. The Project site is underlain by fill soils and young axial channel deposits to 10 feet in depth, which are underlain by old paralic deposits and other Pleistocene deposits. Due to the occurrence of terrestrial and marine fossils at shallow depths from late Pleistocene alluvial fan sediments across Orange County, the sediments underlying the Project site are identified as having high paleontological sensitivity. Mitigation Measure PAL-1 is included to require preparation of a Paleontological Resources Impact Mitigation Program (PRIMP) and that excavation activities below 10 feet below ground surface (bgs) be monitored by a qualified professional paleontologist to identify and recover any potentially significant fossil remains identified during earthmoving activities. With implementation of Mitigation Measure PAL-1, potential impacts to paleontological resources would be less than significant.

## Tribal Cultural Resources

As discussed in Section 5.15, *Tribal Cultural Resources*, the Project site has been previously disturbed for construction of the existing buildings, golf course, and infrastructure. Although no TCRs have been identified, during the SB 18/AB 52 consultation it was detailed that the proposed Project lies within ancestral tribal territory within a potentially sensitive area. Therefore, to avoid potential adverse effects to tribal cultural resources, Mitigation Measures TCR-1 through TCR-3 have been included to provide for Native American resource monitoring and to prescribe activities should any inadvertent discoveries of tribal cultural resources be unearthed by Project construction activities. With implementation of Mitigation Measures TCR-1 through TCR-3, impacts to tribal cultural resources would be less than significant.

## 8.3 PROJECT OBJECTIVES

The intent of the Snug Harbor Surf Park Project is to develop and operate an alternative surfing facility to provide consistent and predictable waves for training, lessons, and contests to enhance the Newport Beach surf culture and recreation base, and to provide accommodations to support traveling athletes, coaches, and surf park guests.

CEQA Guidelines Section 15124(b) states that an EIR shall contain a clearly written statement of objectives to help the lead agency develop a reasonable range of alternatives to evaluate in the EIR; and that the objectives should include the underlying purpose of the project and may discuss project benefits. The Project-specific CEQA objectives have been carefully crafted in order to aid decision makers in their review of the proposed Project and its associated environmental impacts. The CEQA Project objectives include the following:

1. Provide an innovative, world-class, full-service, outdoor recreational opportunity to serve a wide range of guests.
2. Maintain consistency with the existing Santa Ana Heights Specific Plan (SP-7) and the Open Space and Recreation (OSR) Specific Plan designation.
3. Expand the City's tourism economy and expand transient occupancy tax revenues.
4. Utilize sustainable solar energy onsite that is consistent with the City's sustainability goals.

## 8.4 ALTERNATIVES CONSIDERED BUT REJECTED

**Alternate Site.** An alternate site for the proposed Project was eliminated from further consideration. Based on a review of available sites for sale and the City of Newport Beach General Plan land use map, there are no other available properties of similar size (15.38 developable acres) that are zoned for commercial recreational uses that could accommodate the site with fewer potential impacts. There are no suitable sites within the control of the Project Applicant; however, in the event land could be purchased of suitable size, due to the built-out nature of the City of Newport Beach, development of a recreational surf park would likely require demolition of structures, removal of existing vegetation, and require similar excavation that would require the same, and potentially additional, mitigation. CEQA specifies that the key question regarding alternative site consideration is whether the basic Project objectives would be attained and if any of the significant effects of the proposed Project would be avoided or substantially lessened by having the proposed Project at another location. Given these reasons, it would be infeasible to develop and operate the proposed Project on an alternate site with fewer environmental impacts while meeting Project objectives. Therefore, the Alternate Site Alternative was rejected from further consideration.

## 8.5 ALTERNATIVES SELECTED FOR FURTHER ANALYSIS

Three alternatives to the proposed Project have been identified for further analysis as representing a reasonable range of alternatives that attain most of the objectives of the Project, may avoid or substantially lessen any of the already less than significant effects of the proposed Project, and are feasible from a development perspective. These alternatives have been developed based on the criteria identified in Section 8.1, and are described below:

**Alternative 1: No Project/No Build Alternative.** Pursuant to Section 15126.6(e)(2) of the CEQA Guidelines, the EIR is required to include a “no project” alternative that shall “discuss the existing conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time the environmental analysis is commenced, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.”

Therefore, under this alternative, no new development would occur on the Project site, and it would remain in its existing condition with three holes of golf, a driving range, putting green, and the existing pro shop and restaurant. This alternative compares impacts of the proposed Project with the existing buildings and golf facilities operating at full capacity.

**Alternative 2: Reduced Project Alternative.** Under the Reduced Project Alternative, the proposed development of the Project would be reduced by 50 percent on the same site. The surf lagoon would consist of one 5.1-million-gallon basin on the site. The amenity clubhouse would provide for the same functions (although amenities, storage, and golf support areas would be reduced) within a 50 percent smaller (34,239 square feet) three-story building structure. The athlete accommodations building would be a 50 percent smaller, two-story structure that would provide 10 units, with five units on each level. The Reduced Project Alternative would also provide for 50 percent less parking on the site. The additional space provided by the 50 percent smaller development footprint would be landscaped. Hours of operation and operational activities would be the same as those proposed by the Project. Consistent with the proposed Project all of the golf amenities would be removed from the Project site and the nine holes of golf (holes 10-18) to the north of Irvine Avenue and the six holes of golf (holes 3-8) to the south of Mesa Drive would remain.

**Alternative 3: Alternative Commercial Recreation Use Alternative.** Under this alternative, the proposed Project site would be developed with a multipurpose recreational facility. A multipurpose recreational facility contains two or more of the following land uses combined at one site: miniature golf, batting cages, video arcade, bumper boats, go-carts, and golf driving range.

The Alternative Commercial Recreation Use Alternative would include the development of a 20,000-square-foot family entertainment building consisting of a snack bar, dining area, restrooms, and arcade gaming area; two outdoor 18-hole miniature golf courses; a 4-acre outdoor area for attractions and rides; and a parking lot. Hours of operation would be consistent with those proposed by the Project.

## 8.6 ALTERNATIVE 1: NO PROJECT/NO BUILD

Under this alternative, the proposed Project would not be approved, and no development would occur. The existing three holes of golf, driving range, pro shop, restaurant, and parking lot would remain and would be operational. In accordance with the CEQA Guidelines, the No Project/No Build Alternative for a development project on an identifiable property consists of the circumstance under which the project does not proceed. Section 15126.6(e)(3)(B) of the CEQA Guidelines states that, “In certain instances, the no project alternative means ‘no build’ wherein the existing environmental setting is maintained.” In addition, the no

project includes what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.

Therefore, under this alternative, no new development would occur on the Project site, and it would remain in its existing condition where the golf facilities, restaurant, and pro shop would remain operational with the same number of employees that currently exist. Accordingly, Alternative 1: No Project/No Build provides a comparison between the environmental impacts of the proposed Project in contrast to the result from not approving, or instead denying, the proposed Project. Thus, this alternative is intended to meet the requirements of CEQA Guidelines Section 15126.6(e) for evaluation of a no project alternative.

## 8.6.1 Environmental Impacts

### Aesthetics

Under this alternative, the Project site would remain in its existing condition with three holes of golf, a driving range, putting green, pro shop and restaurant. Existing views of nets, poles, existing trees, parking lot, site buildings, and golf course areas would be visible from offsite locations. No new structures or landscaping would be introduced, and this alternative would not introduce any structures to the Project site. This alternative would not create new sources of light and glare. However, this alternative would also not provide new landscaping along the perimeter of the site. Overall, this alternative would not change the existing visual character and quality; and therefore, impacts would be less than the Project's less-than-significant impacts.

### Air Quality

Under this alternative, the Project site would remain in its existing condition with three holes of golf, a driving range, putting green, pro shop, and restaurant. Although both the proposed Project and the No Project/No Build Alternative would be consistent with the South Coast Air Quality Management District (SCAQMD) Air Quality Management Plan (AQMP), this alternative would reduce emissions compared to the proposed Project because no new development would occur, no construction would occur, and no increases in vehicular trips would occur. The construction and operational air quality emissions from the Project would be below applicable SCAQMD regional, local, and health risk thresholds; however, the No Project/No Build Alternative would not increase emissions of criteria pollutants or diesel particulate matter (DPM) over existing conditions. Therefore, this alternative would result in reduced impacts to regional air quality and sensitive receptors compared to the proposed Project. This alternative would also not generate any additional or new odors. Therefore, the No Project/No Build Alternative would have less-than-significant impacts and result in less impacts than the proposed Project.

### Biological Resources

Under this alternative, no vegetation removal or grading would occur, and there would be no potential impacts to special-status plants, animals, or sensitive vegetation communities in the Project site. Although mitigation measures required of the proposed Project would reduce biological resource impacts from construction activities to less-than-significant levels, this alternative would generate no impacts to biological resources as compared with the proposed Project and would not require mitigation. Therefore, the No Project/No Build Alternative would result in less impacts than the proposed Project.

### Cultural Resources

Under this alternative, the onsite buildings would remain the same. No grading for construction would occur, and there would be no potential impacts to archaeological resources or human remains that may be buried below ground. Although existing regulations and mitigation measures required of the proposed Project would

reduce cultural resource impacts to less-than-significant levels, this alternative would avoid potential impacts to archaeological resources and human remains associated with the proposed Project and would not require mitigation. Therefore, the No Project/No Build Alternative would result in less impacts than the proposed Project.

## **Energy**

Under the No Project/No Build Alternative no construction activities would occur at the Project site, and no new operation of structures would occur that could increase consumption of energy sources. The existing golf facilities, pro-shop, and restaurant onsite would continue standard operation. Electricity and natural gas usage would be lower under the No Project/No Build Alternative than for the proposed Project. While Project impacts to energy would be less than significant, energy use associated with this alternative would not increase. Therefore, the No Project/No Build Alternative would result in less impacts than the proposed Project.

## **Geology and Soils**

Under the No Project/No Build Alternative, no construction activities, including grading, would occur under this alternative. Thus, there would be no potential for additional workers, building, and structures to experience seismic ground shaking, liquefaction, lateral spreading, subsidence, or collapse within the Project site. Additionally, as no grading activities would occur under this alternative, potential impacts from erosion, loss of topsoil, or to paleontological resources would not occur. While the proposed Project impacts would be less than significant with implementation of existing regulations and mitigation, this alternative would result in no impacts and no mitigation measures would be required. Therefore, the No Project/No Build Alternative would result in less impacts than the proposed Project.

## **Greenhouse Gas Emissions**

Under the No Project/No Build Alternative, no new construction activities would occur at the Project site, and no operation of new structures that would generate greenhouse gas (GHG) emissions would occur under this alternative. Operation and maintenance of the existing golf course, driving range, putting green, pro shop, and restaurant would continue. These activities would continue to generate small levels of GHG emissions from onsite activities. Therefore, this alternative would result in less GHG emissions compared to the proposed Project; but both would be less than significant.

## **Hazards and Hazardous Materials**

Under the No Project/No Build Alternative, no new construction activities would occur at the Project site or and no new operations would occur that could generate, use, or result in transport of, hazardous materials. The No Project/No Build Alternative would not include any construction activities that would use typical construction-related hazardous materials. Thus, potential impacts related to use, disposal, and transport of hazardous materials would be avoided by this alternative. While the Project's impacts related to hazards and hazardous materials would be less than significant, this alternative would result in less impacts because no grading, construction, or use of new hazardous substances would occur. Therefore, the No Project/No Build Alternative would result in less potential impacts than the proposed Project.

## **Hydrology and Water Quality**

Existing water quality conditions, groundwater supplies, drainage patterns, and runoff water amounts would remain "as is" under this alternative as no new development would occur. The No Project/No Build Alternative would not introduce new sources of water pollutants from either the construction or operation phases of

development to the Project site, because no new development would occur. Additionally, this alternative would not require the storm drain facility improvements that would be necessary with the Project. This alternative would maintain a 90 percent pervious surface area of the Project site. However, this alternative would not include installation of new low-impact development (LID) treatment control best management practices (BMPs) to minimize runoff, which would be included with the Project. The No Project/No Build Alternative would result in similar impacts related to hydrology and water quality, compared to those that would occur from the proposed Project.

## **Land Use and Planning**

The No Project/No Build Alternative would not result in new development, and as such, there would be no potential for land uses to be introduced that would physically divide a community or indirectly result in environmental impacts due to a conflict with an existing land use plan. The No Project/No Build Alternative would not require a General Plan Amendment (GPA), a Conditional Use Permit (CUP), a Modification Permit, or a Major Site Development Review (SDR). The alternative does not require an aeronautical review by the FAA or an Airport Environs Land Use Plan (AELUP) consistency review by the Orange County Airport Land Use Commission (ALUC). Overall, the No Project/No Build Alternative would result in no impacts to land use and planning, and therefore, would be less than the Project's less-than-significant impacts.

## **Noise**

Under the No Project/No Build Alternative, no development would occur onsite, and no new sources of noise would be introduced at the Project site. Since no new development would occur and no traffic trips would be generated, this alternative would not contribute to any increase in existing area-wide traffic noise levels or additional ambient noise. In addition, this alternative would not result in construction onsite and no construction noise or vibration would occur. Therefore, the No Project/No Build Alternative would result in less impacts than the proposed Project's less-than-significant impacts.

## **Public Services**

The No Project/No Build Alternative would not result in new development, and as such, would not result in increased demand for public services such as fire and police services, school services, library services, or other services that could require new construction of public facilities. Therefore, while the proposed Project's impacts would be less than significant through compliance with existing regulations, the No Project/No Build Alternative would result in no new impacts.

## **Parks and Recreation**

The No Project/No Build Alternative would not result in new development, and as such would not result in any new people on the site and no potential impact nearby parks or require the development of additional park resources. Therefore, impacts from the No Project/No Build Alternative would be less than those of the proposed Project.

## **Transportation**

The No Project/No Build Alternative would not result in new development, and as such, would not result in any change to existing vehicle trips, traffic, or vehicle miles traveled (VMT). This alternative would also not affect existing transit services, sidewalks, or bicycle routes. As the existing site operations would remain, under the No Project/No Build Alternative fewer average daily trips would be generated than those of the proposed Project (refer to Section 5.14, *Transportation*). Therefore, the No Project/No Build Alternative would result in less impacts than the proposed Project's less-than-significant impacts.



## **Tribal Cultural Resources**

Under the No Project/No Build Alternative, existing conditions would remain, and no land disturbances, such as excavation or grading would occur. Thus, no potential impacts to tribal cultural resources that may be buried below ground would occur. This alternative would avoid the potential impacts to tribal cultural resources that would occur by the Project and would not require mitigation. Therefore, the No Project/No Build Alternative would avoid the need for mitigation and result in less impacts than the proposed Project.

## **Utilities and Service Systems**

Under this alternative, existing conditions would remain, and no new development would occur. No additional domestic water, wastewater, stormwater drainage, electric power, or natural gas facilities would be needed under this alternative, and there would be no change in the demand for domestic water or wastewater treatment services. This alternative would also not result in increased demand for solid waste collection and disposal. While the proposed Project would result in less-than-significant impacts, this alternative would result in less impacts, as no increase in needs for utilities and service systems would occur. Therefore, the No Project/No Build Alternative would result in less impacts than the proposed Project.

## **8.6.2 Conclusion**

### **Ability to Reduce Impacts**

The No Project/No Build Alternative would result in continuation of the existing golf, restaurant, and pro-shop related uses within the Project site, and no new commercial recreational uses on the site would occur. This alternative would result in fewer potential impacts and would not require mitigation for biological resources, cultural resources, paleontological resources, and tribal cultural resources because no ground disturbance or other construction activities would occur. As a result, the mitigation measures that are identified in Section 5 of this EIR would not be required for implementation of the No Project/No Build Alternative.

### **Ability to Achieve Project Objectives**

As shown in Table 8-5 at the end of this section, the No Project/No Build Alternative would not meet most of the proposed Project objectives. Although this alternative would maintain consistency with the SP-7 and OSR Specific Plan designation, this alternative would not provide an innovative, world-class outdoor recreational opportunity. This alternative would not expand the City's tourism economy and expand transient tax occupancy tax revenue. Furthermore, sustainable solar energy would not be installed onsite. Thus, the No Project/No Build Alternative would not meet most of the proposed Project objectives.

## **8.7 ALTERNATIVE 2: REDUCED PROJECT ALTERNATIVE**

Under the Reduced Project Alternative, the proposed Project would be reduced by 50 percent on the same site. The surf lagoon would consist of one 5.1-million-gallon basin on the site. The amenity clubhouse would provide the same functions (although amenities, storage, and golf support areas would be reduced) within a 50 percent smaller (34,239 square feet) three-story building structure. The athlete accommodations building would be a 50 percent smaller two-story structure that would provide 10 units with five units on each level. The alternative would also provide for 50 percent less parking on the site. The additional space provided by the 50 percent smaller development footprint would be landscaped. Hours of operation and operational activities would be the same as those proposed by the Project. Consistent with the proposed Project all of the golf amenities would be removed from the Project site and the nine holes of golf (holes 10-

18) to the north of Irvine Avenue and the six holes of golf (holes 3-8) to the south of Mesa Drive would remain.

### 8.7.1 Environmental Impacts

#### Aesthetics

Under the Reduced Project Alternative, the Project site would be developed with a single, 5.1-million-gallon surf basin, a 34,239-square-foot three-story amenity clubhouse building, and a two-story, 10-unit athlete accommodation building. Development under the Reduced Project Alternative would reduce the proposed development footprint by approximately 50 percent. This alternative would remove the existing structures, poles, and netting on the site and develop two new buildings and one surf basin that would be visually less dense than the proposed Project with increased setbacks and a larger percentage of landscaped area. The Reduced Project Alternative would be consistent with the Santa Ana Heights Specific Plan design guidelines; but, consistent with the Project, would require a GPA and Major Site Development Review for development of over 20,000 square feet on the site, and a CUP for parking and construction of buildings in excess of 18 feet. This alternative would also introduce new sources of light and glare like the proposed Project (although from a smaller area from the reduction of development) and would be similarly subject to the Newport Beach Municipal Code lighting requirements that would be verified during the development review and permitting process. Overall, the Reduced Project Alternative would result in a smaller development with less visual mass but would result in similar less-than-significant impacts as the proposed Project.

#### Air Quality

Under the Reduced Project Alternative, the proposed Project would be reduced by 50 percent. The Project site would be developed with one 5.1-million-gallon surf basin, a 34,239-square-foot amenity clubhouse building, and a two-story, 10-unit athlete accommodation building. The Reduced Project Alternative would incrementally reduce the amount and duration of construction activities compared to the proposed Project, which in turn would result in less overall construction-related air quality emissions. However, as air quality emissions are based on peak day emissions pursuant to SCAQMD guidance, the daily grading and construction activities would have similar levels of maximum daily emissions that would be less than significant.

Under this alternative, operational air quality emissions would be approximately 50 percent of those that would be generated by the proposed Project because only one surf basin and 10 accommodation units would be operational. Likewise, the Reduced Project Alternative would generate a reduction in the number of vehicle trips compared to the proposed Project. As the Project would result in operational emissions below SCAQMD thresholds, the Reduced Project Alternative would result in emissions that would be further below SCAQMD thresholds. Therefore, this alternative would result in less overall air quality impacts compared to the Project; however, impacts under both scenarios would be less than significant.

#### Biological Resources

Under the Reduced Project Alternative, the proposed Project would be reduced by 50 percent. However, development of this alternative would continue to require demolition of the existing structures and removal of existing vegetation, including trees and shrubs, which could provide nesting habitat for migratory bird and bat species. As such, the impacts to biological resources at the Project site would be similar to the Project and require Mitigation Measures BIO-1 and BIO-2 to reduce potential impacts to nesting birds and roosting bats. These mitigation measures would reduce potential impacts from this alternative to a less-than-significant level, which is consistent with the proposed Project. Thus, under both the Reduced Project Alternative and the proposed Project, impacts would be less than significant with mitigation incorporated.

## Cultural Resources

Under the Reduced Project Alternative, the proposed Project would be reduced by 50 percent. Consistent with the findings for the proposed Project, no impacts related to historic resources would occur under this alternative scenario. However, development of this alternative would continue to require excavation and grading that could impact potential archaeological resources or human remains. Thus, potential impacts would be similar to the Project and the same mitigation (Mitigation Measures CUL-1 and CUL-2) would be required to reduce potential impacts related to inadvertent discovery of an archeological resource during construction to a less-than-significant level. Further, like the proposed Project, in the unanticipated event that human remains are found during construction activities compliance with California Health and Safety Code Section 7050.5 would ensure that human remains are treated with dignity and as specified by law and provide that the impact is less than significant. Therefore, although the area and depth of excavation/grading would be less under the Reduced Project Alternative, potential impacts would be similar to those under the proposed Project and mitigation measures would be required. Under both the Reduced Project Alternative and the proposed Project, impacts would be less than significant with compliance with existing regulations and mitigation incorporated.

## Energy

Under the Reduced Project Alternative, approximately 50 percent less building area and only one surf basin would be developed within the Project site. This would result in an approximately 50 percent less demand for energy in comparison to the proposed Project, which was determined to be less than significant. This alternative would also be required to be in compliance with Title 24 requirements and would include similar features to reduce energy usage, such as EV charging stations, solar panels on building roofs, and solar panels on canopies in the parking area to implement onsite renewable energy. Therefore, impacts to energy from the Reduced Project Alternative would be less than significant, which is consistent with the proposed Project.

## Geology and Soils

The Reduced Project Alternative would develop the Project site with one 5.1-million-gallon surf basin, a 34,239-square-foot amenity clubhouse building, and a two-story, 10-unit athlete accommodation building that would result in approximately 50 percent less development than the proposed Project. Although the structures and capacity of the site would be less under the Reduced Project Alternative, the same potential risks related to seismic ground shaking, liquefaction, lateral spreading, subsidence, or collapse within the Project site would occur, and the same California Building Code requirements would apply. Likewise, the same potential soil erosion impacts would be less than significant with compliance with NPDES water quality standards which would be verified through the City's permitting process.

Although the area of excavation that would occur by the Reduced Project Alternative would be smaller than that of the proposed Project, the same mitigation measures regarding paleontological resources would be required. Overall, this alternative would also result in the same type of potential impacts and would be required to comply with the same regulations and mitigation measures. Therefore, impacts under the Reduced Project Alternative would be the same as those of the proposed Project.

## Greenhouse Gas Emissions

Under the Reduced Project Alternative, the proposed Project would be reduced by 50 percent. The Project site would be developed with one 5.1-million-gallon surf basin, a 34,239-square-foot amenity clubhouse building, and a two-story, 10-unit athlete accommodation building. Therefore, a reduced volume of construction activities and related production of GHG emissions would occur. In addition, the reduced amount

of development by this alternative would result in less stationary source emissions from onsite equipment, and less vehicular trips associated GHG emissions would occur compared to the proposed Project. Therefore, the overall volume of GHG emissions would be reduced in comparison to the proposed Project and would also be below the SCAQMD's 3,000 MTCO<sub>2</sub>e threshold. While GHG emissions associated with the Project were determined to be less than significant, this alternative would result in less overall GHG emissions. Impacts under both the proposed Project and the Reduced Project Alternative would be less than significant.

## **Hazards and Hazardous Materials**

Under the Reduced Project Alternative, the proposed Project would be reduced by 50 percent. The Project site would be developed with one 5.1-million-gallon surf basin, a 34,239-square-foot amenity clubhouse building, and a two-story, 10-unit athlete accommodation building. The Reduced Project Alternative would involve use, storage, and transport of the same types of hazardous materials for construction and operation. Like the proposed Project, this alternative would be required to comply with existing regulations regarding hazardous materials such as fuel, paints, solvents, chlorine, and other similar substances that would reduce potential impacts to a less-than-significant level. Likewise, California Code of Regulations Sections 1529 and 341.6 through 341.14 as implemented by SCAQMD Rule 1403 (included as PPP HAZ-1) ensure that asbestos removed during demolition of the existing buildings is transported and disposed of at an appropriate facility. Demolition and disposal of lead-based materials are regulated by the Code of Federal Regulations Title 29, Section 1926.62, and the California Code of Regulations Title 8 Section 1532.1, as implemented by CalOSHA (and included as PPP HAZ-2), which would also be implemented under this alternative to reduce potential impacts and would be consistent with the proposed Project.

The Reduced Project Alternative and the proposed Project would result in the same less-than-significant hazard impacts related to operations at John Wayne Airport (SNA), which is located 0.4 miles northeast of the Project site. The Reduced Project Alternative would include PDF-2, that would ensure onsite landscaping does not produce seeds, fruits, nuts, or berries providing food for birds that would be an attractant and wildlife hazards to airport operations would be less than significant.

The Project site is within the AELUP Notification Area, FAR Part 77 Notification Imaginary Surface area, within airport safety zones, and is within the 65 CNEL noise contour. Like the proposed Project, the Reduced Project Alternative would require AELUP review and an FAA Part 77 evaluation. However, both the proposed Project and the Reduced Project Alternative would result in less-than-significant impacts related to SNA operational hazards. Overall, this alternative would result in the same less-than-significant impacts to hazards and hazardous materials as the proposed Project; and therefore, would be consistent with the proposed Project.

## **Hydrology and Water Quality**

Under the Reduced Project Alternative, the proposed Project would be reduced by 50 percent. Due to the decrease in development, this alternative would result in a decrease in impermeable surfaces and an increase in pervious landscaping areas compared to the Project. Consistent with the Project, construction of the alternative would require implementation of a SWPPP and operational stormwater drainage would be managed through implementation of a WQMP that would detail the design of vegetated biotreatment systems for water quality that would be sized to treat runoff from the Design Capture Storm (85th percentile, 24-hour) as required by the Orange County DAMP. Thus, consistent with the Project these construction and operational impacts to site runoff, hydrology, and water quality from the Reduced Project Alternative would be less than significant.

The Reduced Project Alternative would result in a reduction in water demand, as only one surf basin would be developed, the amenity clubhouse would be 50 percent smaller, and 50 percent fewer athlete

accommodation units would be developed. As the Project water demand would consist of approximately 17.2 percent of the anticipated increase in water supply between 2025 and 2030, the Reduced Project Alternative would be approximately half. Although a greater volume of landscaping irrigation may occur from the larger setback onsite, the Reduced Project Alternative would generate a reduction in overall water demand. Consistent with the Project, impacts related to groundwater recharge and groundwater management would be less than significant under the Reduced Project Alternative.

## Land Use

Under the Reduced Project Alternative, the Project site would be developed with a single 5.1-million-gallon surf basin, a 34,239-square-foot three-story amenity clubhouse building, and a two-story, 10-unit athlete accommodation building. Development under the Reduced Project Alternative would reduce the proposed development footprint by approximately 50 percent. This alternative would result in the same onsite uses with less capacity and increased setbacks compared to the proposed Project. This alternative would not physically disrupt or divide the arrangement of an established community. The Reduced Project Alternative would be consistent with the General Plan policies and Santa Ana Heights Specific Plan design guidelines; but, consistent with the Project, the alternative would require a General Plan Amendment and Major Site Development Review for development of over 20,000 square feet on the site, and a CUP for parking and construction of buildings in excess of 18 feet. In addition, this alternative would be less consistent with the intent of the General Plan Land Use designation of Parks and Recreation (PR) because it would provide less recreation facilities. Overall, the Reduced Project Alternative would require the same planning approvals and impacts related to land use and planning from the Reduced Project Alternative would be less than significant, which is consistent with the proposed Project.

## Noise

Under the Reduced Project Alternative, the proposed Project would be reduced by 50 percent. The Project site would be developed with one 5.1-million-gallon surf basin, a 34,239-square-foot amenity clubhouse building, and a two-story, 10-unit athlete accommodation building. The Reduced Project Alternative would involve the same types of noise sources, although construction noise would be over a shorter timeframe, and operation of this alternative would result in approximately one half of the daily trips in comparison to the proposed Project. Therefore, this alternative would result in a decrease in roadway noise when compared to the proposed Project and impacts would similarly be less than significant. Short-term noise and vibration impacts during construction would be similar to the Project. Like the Project, long-term operational noise would not expose nearby sensitive receivers to noise levels over the City's daytime noise standards. Due to the reduction in development on site under this alternative, noise impacts would be reduced in comparison to the Project, but impacts would be less than significant under both scenarios.

## Public Services

Under the Reduced Project Alternative, the proposed Project would be reduced by 50 percent, which would likely result in a reduction in employees and a 50 percent reduction in onsite surfers and visitors. The same fire, police, schools, and other public facilities would serve the Reduced Project Alternative and the same development impact fees (based on square footage/amount of development) would be required. However, the decrease in employees, surfers, and visitors to the site would likely decrease the number of fire and police service calls compared to the proposed Project. Although impacts would be less than significant under the proposed Project, the need for public services would be reduced under the Reduced Project Alternative.

## Parks and Recreation

Under the Reduced Project Alternative, the proposed Project would be reduced by 50 percent, which would likely result in a reduction in employees and a 50 percent reduction in onsite surfers and visitors. However, the overall provision of commercial recreation under the Reduced Project Alternative would be with less without the onsite golf facilities and with only one surf basin and, as described previously, this alternative would be less consistent with the intent of the PR General Plan Land Use designation because it would provide less recreation facilities with the land area. The overall provision of commercial recreation would be less under this alternative compared to the proposed Project and there would be a reduced benefit related to meeting overall commercial park and recreation needs.

The same public park and recreation facilities would serve the Reduced Project Alternative. The decrease in employees, surfers, and visitors to the site could decrease the number of park and recreation facility users compared to the proposed Project. However, the decrease in both golf and surf commercial recreation could increase the need for parks and recreation at other park and recreation facilities. Overall, impacts related to parks and recreation would be less than significant under the Reduced Project Alternative, which is consistent with the proposed Project.

## Transportation

Under the Reduced Project Alternative, the proposed Project would be reduced by 50 percent. This would result in a reduction in employees and a 50 percent reduction in onsite surfers and visitors. This alternative would continue to provide EV parking, bicycle parking, and be access from existing sidewalks and bicycle lanes. Approximately half of the daily vehicle trips would occur from implementation of the Reduced Project Alternative. As the proposed Project would result in 186 new average daily trips, the reduced trips from the Reduced Project Alternative would be even further below the 300 daily trip threshold identified by the City's Traffic Phasing Ordinance (Municipal Code Title 15, Chapter 15.40) and VMT threshold. Thus, consistent with the proposed Project, impacts from the Reduced Project Alternative would be less than significant.

Also, consistent with the proposed Project, the Reduced Project Alternative would not introduce an incompatible use, increase hazard due to a geometric design feature, or result in inadequate emergency access. The City's development review and permitting process would ensure that transportation hazard and access impacts would not occur. Overall, this alternative would result in similar less-than-significant impacts in comparison to the proposed Project.

## Tribal Cultural Resources

Under the Reduced Project Alternative, the proposed Project would be reduced by 50 percent. However, development of this alternative would continue to require excavation and grading that could impact potential tribal cultural resources. Thus, potential impacts would be similar to the Project and the same mitigation measures would be required to reduce potential impacts related to inadvertent discovery of a tribal cultural resource during construction to a less-than-significant level. Therefore, although the area and depth of excavation/grading would be less under the Reduced Project Alternative, potential impacts would be similar to those the Project and mitigation measures would be required. Under both the Reduced Project Alternative and the proposed Project, impacts would be less than significant with mitigation incorporated.

## Utilities and Service Systems

Under the Reduced Project Alternative, the proposed Project would be reduced by 50 percent. Both the Project and this alternative would require the construction of water, wastewater, stormwater drainage, electric power, natural gas, and telecommunication facilities on the site that would connect to existing offsite

systems. The Reduced Project Alternative would also require draining of the basin every other year, and therefore, consistent with the Project, the sewer line improvement would also be included.

As detailed previously in the hydrology and water quality discussion, the Reduced Project Alternative would generate approximately half of the water demand as the proposed Project; and consistent with the Project, impacts related to water supply in normal, dry, and multiple dry years would be less than significant. Regarding wastewater treatment, the average annual generation of wastewater would be reduced in comparison to the proposed Project but impacts under both scenarios would be less than significant.

Consistent with the proposed Project, the Reduced Project Alternative would include installation of a drainage system that would be sized to treat runoff from the 85th percentile, 24-hour storm as required by the Orange County DAMP. Thus, consistent with the Project, potential impacts to site drainage from the Reduced Project Alternative would be less than significant.

As the Reduced Project Alternative would be 50 smaller and have 50 percent less capacity, it is anticipated that solid waste generated by the alternative would also be approximately half. In addition, this alternative would be subject to State recycling and solid waste regulations. Thus, the alternative would not result in the generation of solid waste in excess of landfill capacity and would be required to comply with existing regulations through the City's permitting process. Further, the Reduced Project Alternative would require a reduced volume of natural gas and electricity for operations. Overall, the Reduced Project Alternative would result in a reduced demand for utilities and service systems, and, consistent with the Project, impacts would be less than significant.

## 8.7.2 Conclusion

### Ability to Reduce Impacts

Under the Reduced Project Alternative, the proposed Project would be reduced by 50 percent and would include one 5.1-million-gallon surf basin, a 34,239-square-foot, three-story amenity clubhouse building, and a two-story, 10-unit athlete accommodation building. The Reduced Project Alternative would result in less development on the site, but it would continue to require a General Plan Amendment and Major Site Development Review for development of over 20,000 square feet on the site, and a CUP for parking and construction of buildings in excess of 18 feet. The same mitigation measures related to biological resources, archaeological resources, paleontological resources, and tribal cultural resources would be required for implementation of the Reduced Project Alternative. Similarly, a reduced volume of noise, air quality, and greenhouse gas emissions would occur from the Reduced Project Alternative; however, impacts under both the Project and the alternative would be less than significant.

Overall, the Reduced Project Alternative would reduce potential impacts related to six topic areas; however, all of the mitigation measures required for the Project would continue to be required for the Reduced Project Alternative (see Table 8-4).

### Ability to Achieve Project Objectives

As shown in Table 8-5, the Reduced Project Alternative would meet the Project objectives, but not to the same extent as the proposed Project. This alternative would develop an innovative outdoor recreational opportunity; however, it would not offer the full services of the proposed Project including both surf basins and the same amount of amenities, in the 50 percent smaller amenity clubhouse building. This alternative would expand the City's tourism economy, but not the extent or intensity of the proposed Project. The alternative would utilize sustainable solar energy onsite and would be consistent with SP-7 and the OSR

designation. Overall, the Reduced Project Alternative would not meet all of the Project objectives to the same extent as the proposed Project.

## 8.8 ALTERNATIVE 3: ALTERNATIVE COMMERCIAL RECREATION USE ALTERNATIVE

Under this alternative, the proposed Project site would be developed with a multipurpose recreational facility. A multipurpose recreational facility contains two or more of the following land uses combined at one site: miniature golf, batting cages, video arcade, bumper boats, go-carts, and golf driving range. A refreshment area may also be provided.

The Alternative Commercial Recreation Use Alternative would include the development of a 20,000-square-foot family entertainment building consisting of a snack bar, dining area, restrooms, and arcade gaming area; two outdoor 18-hole miniature golf courses; a 4-acre outdoor area for attractions and rides; and a parking lot. Hours of operation would be consistent with those proposed by the Project.

### 8.8.1 Environmental Impacts

#### Aesthetics

The Alternative Commercial Recreation Use Alternative would change the views of the site to those of a 20,000-square-foot family entertainment building, outdoor miniature golf courses, and entertainment attractions and rides with landscaping along the perimeter of the site. The visual mass of the proposed building structures would be less under the Alternative Commercial Recreation Use Alternative compared to the Project's 68,478 gross square foot amenity clubhouse and two-story athlete accommodations building. However, the Alternative Commercial Recreation Use Alternative would include attractions and rides that would be visible from offsite locations and would reach heights of 50 feet above the ground, which is the same height as the proposed amenity clubhouse building. Consistent with the Project, the Alternative Commercial Recreation Use Alternative would implement the Santa Ana Heights Specific Plan design guidelines and other Municipal Code development requirements.

The Alternative Commercial Recreation Use Alternative would have the same hours of operation as the proposed Project and would also introduce new sources of light and glare. This alternative would be subject to the same Municipal Code lighting requirements as the Project, that would be verified during the development review and permitting process. Overall, the Alternative Commercial Recreation Use Alternative would result in a less-than-significant impact, consistent with the proposed Project.

#### Air Quality

The Alternative Commercial Recreation Use Alternative would require less excavation and grading than the proposed Project because two surf basins would not be constructed. Also, a reduction in building square footage that would be developed under this alternative would result in less construction overall. The remainder of the construction of this alternative (demolition, building construction, paving, and architectural coatings) would require a similar amount, type, and length of construction activities as the proposed Project. Thus, daily construction-related air quality emissions from this alternative would not exceed, and could be less than, the less-than-significant construction emissions that would be generated by the proposed Project.

Operation of the Alternative Commercial Recreation Use Alternative would result in the same type of stationary source emissions as the Project from operation of the multipurpose recreational facility. As detailed below, operation of the Alternative Commercial Recreation Use Alternative would result in 163 fewer daily



vehicular trips than the proposed Project; and therefore, would result in a reduction in daily vehicular emissions compared to the proposed Project. However, the daily operational emissions from both the Alternative Commercial Recreation Use Alternative and the proposed Project would not exceed SCAQMD thresholds, and impacts related to criteria pollutants would be less than significant. The Alternative Commercial Recreation Use Alternative would also result in less-than-significant impacts related to consistency with the AQMP, and impacts related to odors would be less than significant under both the proposed Project and this alternative.

## Biological Resources

The Alternative Commercial Recreation Use Alternative includes demolition of the existing structures and removal of existing vegetation, including trees and shrubs, which could provide nesting habitat for migratory bird and bat species. As such, the impacts to biological resources at the Project site would be similar to the Project and require Mitigation Measures BIO-1 and BIO-2 to reduce potential project impacts to nesting birds and roosting bats. These mitigation measures would reduce potential impacts from this alternative to a less-than-significant level, which is consistent with the proposed Project. Thus, under both the Alternative Commercial Recreation Use Alternative and the proposed Project, impacts would be less than significant with mitigation incorporated.

## Cultural Resources

Consistent with the findings for the proposed Project, no impacts related to historic resources would occur under this alternative scenario. However, the Alternative Commercial Recreation Use Alternative would redevelop the site that would include excavation and grading that could impact potential archaeological resources or human remains. Thus, potential impacts would be similar to the Project and the same mitigation (Mitigation Measures CUL-1 and CUL-2) would be required to reduce potential impacts related to inadvertent discovery of an archeological resource during construction to a less-than-significant level. Therefore, potential impacts would be similar to those the Project and mitigation measures would be required. Further, like the proposed Project, in the unanticipated event that human remains are found during construction activities compliance with California Health and Safety Code Section 7050.5 would ensure that human remains are treated with dignity and as specified by law and provide that the impact is less than significant. Under both the Alternative Commercial Recreation Use Alternative and the proposed Project, impacts would be less than significant with compliance with existing regulations and mitigation incorporated.

## Energy

The Alternative Commercial Recreation Use Alternative would redevelop the Project site to provide a 20,000-square-foot family entertainment building, outdoor miniature golf courses, entertainment attractions and rides that would require energy supplies. Like the proposed Project, the Alternative Commercial Recreation Use Alternative would be developed in compliance with the CALGreen/Title 24 requirements related to energy. Solar panels would be included on the building roof and operation of the onsite amenities would not use energy in a wasteful or inefficient manner.

As detailed below, operation of the Alternative Commercial Recreation Use Alternative would result in 163 fewer daily vehicular trips than the proposed Project; and therefore, would result in a reduction in vehicular fuel usage compared to the proposed Project. This would result in an incremental decrease in fuel usage over that of the proposed Project. The alternative would also include EV charging stations and parking spaces to provide for electric vehicle usage and renewable energy from solar panels on the site and the increase in fuel use under the Alternative Commercial Recreation Use Alternative would also not be wasteful, inefficient, or unnecessary. Therefore, both the proposed Project and the Alternative Commercial Recreation Use Alternative would result in less-than-significant impacts related to energy.

## Geology and Soils

The Alternative Commercial Recreation Use Alternative would redevelop the site with a family entertainment center/amusement park. This alternative would include the development of a 20,000-square-foot family entertainment building consisting of a snack bar, dining area, restrooms and arcade gaming area; two outdoor 18-hole miniature golf courses; an outdoor area for attractions and rides; and a parking lot. The same potential risks related to seismic ground shaking, liquefaction, lateral spreading, subsidence, or collapse within the Project site would occur, and the same California Building Code requirements would apply. Likewise, the same potential soil erosion impacts would be less than significant with compliance with NPDES water quality standards that would be verified through the City's permitting process.

Although the locations and depths of excavation that would occur by the Alternative Commercial Recreation Use Alternative would be different than the proposed Project, the same mitigation measures regarding paleontological resources would be required. Therefore, this alternative would result in the same type of potential impacts and would be required to comply with the same regulations and mitigation measures. Therefore, impacts related to geology and soils under the Alternative Commercial Recreation Use Alternative would be the same as those of the proposed Project.

## Greenhouse Gas Emissions

The Alternative Commercial Recreation Use Alternative would require less excavation and grading than the proposed Project because two surf basins would not be constructed. Also, a reduction in building square footage that would be developed under this alternative would result in less construction overall. The remainder of the construction of this alternative (demolition, building construction, paving, and architectural coatings) would require a similar amount and type of construction activities as the proposed Project. Thus, the overall construction-related GHG emissions from this alternative would be less than the construction emissions that would be generated by the proposed Project.

The Alternative Commercial Recreation Use Alternative would include solar panels on rooftops and canopies in the parking areas, and EV charging stations to provide for onsite renewable energy generation and electric vehicle usage. As detailed below, operation of the Alternative Commercial Recreation Use Alternative would result in 163 fewer daily vehicular trips than the proposed Project, and therefore, would result in a decrease in vehicular GHG emissions compared to the proposed Project. Thus, operational GHG emissions from the Alternative Commercial Recreation Use Alternative would be less than those generated by the proposed Project and would also be below the 3,000 MTCO<sub>2e</sub> per year threshold. Therefore, the Alternative Commercial Recreation Use Alternative would result in similar less-than-significant GHG impacts as the proposed Project.

## Hazards and Hazardous Materials

Under the Alternative Commercial Recreation Use Alternative a family entertainment center/amusement park would be developed and operated on the site that would include a 20,000-square-foot family entertainment building, two outdoor 18-hole miniature golf courses, and an outdoor area for attractions and rides. The Alternative Commercial Recreation Use Alternative would involve the same types of airport hazards and the attractions and rides could reach heights of 50 feet above the ground, which is the same height as the proposed amenity clubhouse building. Thus, the Alternative Commercial Recreation Use Alternative would require FAA notification and review by the ALUC.

In addition, operation of the Alternative Commercial Recreation Use Alternative would involve use of oils, lubricants, fuels, cleaners, and other types of hazardous materials for construction and operation, which are regulated by existing laws. Like the proposed Project, this alternative would not use, or store substantial quantities of hazardous substances and would be required to comply with existing regulations regarding the

transport, use, and disposal of hazardous materials such as fuel, paints, solvents, chlorine, and other such substances. Overall, this alternative would result in the same less-than-significant impacts to hazards and hazardous materials as the proposed Project, and therefore, would be consistent with the Project's impact.

## Hydrology and Water Quality

The Alternative Commercial Recreation Use Alternative would result in a similar amount of impermeable surfaces as the proposed the Project. Consistent with the Project, the alternative would require implementation of a SWPPP and operational stormwater drainage would be managed through implementation of a WQMP that would include biotreatment systems that would be sized to treat runoff as required by the Orange County DAMP. Thus, consistent with the Project, construction and operational impacts to site runoff, hydrology, and water quality would be less than significant.

The Alternative Commercial Recreation Use Alternative would result in a reduction in water demand compared to the proposed Project, as no surf basins or overnight accommodations would be developed. Although it is possible that the Alternative Commercial Recreation Use Alternative could include an attraction or ride containing water, it would be less than that of the proposed Project. Consistent with the Project, impacts related to groundwater recharge and groundwater management would be less than significant.

## Land Use and Planning

The Alternative Commercial Recreation Use Alternative would develop and operate a 20,000-square-foot family entertainment building, outdoor miniature golf courses, entertainment attractions and rides with landscaping along the perimeter of the site. This alternative would provide a different type of commercial recreation use that is consistent with the OSR Specific Plan designation.

This alternative would not physically disrupt or divide the arrangement of an established community. The Alternative Commercial Recreation Use Alternative would be consistent with the General Plan policies and Santa Ana Heights Specific Plan design guidelines; and would not require a General Plan Amendment or a Major Site Development Review because the entertainment building would not be over 20,000 square feet in size. A CUP (as required for the Project) may be required for this alternative if the entertainment building is over 18 feet in height. Overall, the Alternative Commercial Recreation Use Alternative would not require a General Plan Amendment and would require fewer planning approvals. However, impacts related to land use and planning from the Alternative Commercial Recreation Use Alternative would be less than significant, which is consistent with the proposed Project.

## Noise

The Alternative Commercial Recreation Use Alternative would require less excavation and grading than the proposed Project because two surf basins would not be constructed. Also, a reduction in building square footage that would be developed under this alternative would result in less construction and the length of construction related noise. The remainder of the construction of this alternative (demolition, building construction, paving, and architectural coatings) would require a similar amount and type of construction activities as the proposed Project that would result in similar construction-related noise and vibration that would occur pursuant to Municipal Code allowable timelines, and like the proposed Project, would not exceed thresholds. Thus, consistent with the proposed Project, construction noise and vibration impacts would be less than significant under the Alternative Commercial Recreation Use Alternative.

Operational noise sources from the Alternative Commercial Recreation Use Alternative would be similar to that of the proposed Project and would include rooftop air conditioning, parking lot noise, loading activities, speaker noise, and spectator activity that would be less than significant and compliant with the City's noise standards, which is consistent with the proposed Project. Likewise, the site would be within the 2024 John

Wayne Airport 65 dBA noise contour, which would not result in noise impacts related to the Alternative Commercial Recreation Use Alternative.

In addition, the number of vehicular trips generated by the Alternative Commercial Recreation Use Alternative during the a.m. peak hour would be reduced by 9 trips, and during the p.m. peak hour would be reduced by 28 trips, compared to the proposed Project (Table 8-3) and would generate slightly less traffic noise compared to the proposed Project. However, traffic noise impacts from both the Alternative Commercial Recreation Use Alternative and the proposed Project would be less than significant. Overall, noise impacts from the Alternative Commercial Recreation Use Alternative would be less than significant, which is consistent with the proposed Project.

## Public Services

Under the Alternative Commercial Recreation Use Alternative, the proposed Project would be used for different types of commercial recreation activities than the proposed Project. This alternative would result in a reduction in daily vehicle trips to the site compared to the Project; however, the employees and visitors to the Alternative Commercial Recreation Use Alternative would continue to generate the need for the same fire, police, schools, and other public facilities. Therefore, although the volume of services needed could be less due to the reduction in trips and people onsite, impacts of the Alternative Commercial Recreation Use Alternative would continue to be less than significant.

## Parks and Recreation

The Alternative Commercial Recreation Use Alternative would have a similar number of employees but a potentially reduced number of daily visitors, as detailed by the trip generation in Table 8-1. Because the Alternative Commercial Recreation Use Alternative would provide entertainment type of recreation, any ancillary use of nearby park and recreation facilities by site visitors is anticipated to be limited and would not require expansion or construction of new park and recreation facilities. Thus, impacts related to parks and recreation from the Alternative Commercial Recreation Use Alternative would be less than significant, which is consistent with the proposed Project.

## Transportation

The Alternative Commercial Recreation Use Alternative would include the development of the 15.38-acre Project site with a family entertainment building, two outdoor 18-hole miniature golf courses, an outdoor area for attractions and rides; and a parking lot. As shown on Table 8-1, the Alternative Commercial Recreation Use Alternative would generate approximately 1,377 daily trips with 28 occurring in the a.m. peak hour and 83 occurring in the p.m. peak hour.

**Table 8-1: Trip Generation for the Alternative Commercial Recreation Use Alternative**

				AM Peak Hour			PM Peak Hour		
Land Use	Units	Daily		In	Out	Total	In	Out	Total
<u>Trip Rates</u>									
Multipurpose Recreational Facility <sup>1</sup>	Acres	90		0.9	0.9	1.8	2.7	2.7	5.4
<u>Alternative Trip Generation</u>									
Multipurpose Recreational Facility <sup>1</sup>	15.300 <sup>2</sup>	Acres	1,377	14	14	28	42	42	83
<b>Total Alternative Trip Generation</b>			<b>1,377</b>	<b>14</b>	<b>14</b>	<b>28</b>	<b>42</b>	<b>42</b>	<b>83</b>

<sup>1</sup> SANDAG Land Use Code 435 - Multipurpose Recreational Facility (Average Rate)

<sup>2</sup> To provide a conservative analysis this assumes a 15.3-acre site instead of a 15.38-acre site.

As described in Section 5.14, *Transportation*, the existing development on the site generates 1,810 daily trips and the remaining 15 golf course holes would generate 456 daily trips. Thus, as detailed in Table 8-2, the Alternative Commercial Recreation Use Alternative would result in approximately 23 net new daily trips with a net reduction of 82 a.m. peak hour trips and net reduction of 38 p.m. peak hour trips compared to the existing golf course uses.

**Table 8-2: Net New Trips from the Alternative Commercial Recreation Use Alternative**

			AM Peak Hour			PM Peak Hour		
Land Use		Daily	In	Out	Total	In	Out	Total
<b>Multipurpose Recreational Facility</b>								
Alternative Commercial Recreation Use Alternative <sup>1</sup>	15.3 Acres	1,377	14	14	28	42	42	83
Golf Course (Offsite Holes to Remain)	15 holes	456	21	5	26	23	21	44
<b>Total</b>		<b>1,833</b>	<b>35</b>	<b>19</b>	<b>54</b>	<b>65</b>	<b>63</b>	<b>127</b>
Existing Golf Course <sup>2</sup>		1,810	76	60	136	87	78	165
<b>Net New Trips with Alternative</b>		<b>23</b>	<b>(41)</b>	<b>(41)</b>	<b>(82)</b>	<b>(22)</b>	<b>(15)</b>	<b>(38)</b>

<sup>1</sup> Table 8-1

<sup>2</sup> Table 5.14-2

Source: Trip Generation Assessment (Appendix R)

As described in Section 5.14, *Transportation* (Table 5.14-2), the proposed Project would result in approximately 186 net new daily trips with a net reduction of 73 a.m. peak hour trips and 10 p.m. peak hour trips compared to the existing golf course uses. As shown in Table 8-3, the Alternative Commercial Recreation Use Alternative would generate 163 fewer daily trips, 9 fewer a.m. peak hour trips, and 28 fewer p.m. peak hour trips compared to the proposed Project. However, both the proposed Project and the Alternative Commercial Recreation Use Alternative would generate less than the 300 daily trip threshold identified by the City Traffic Phasing Ordinance (Municipal Code Chapter 15.40) and the City's VMT threshold. Therefore, impacts from both the proposed Project and the Alternative Commercial Recreation Use Alternative would be less than significant.

**Table 8-3: Project Trip Generation Comparison to the Alternative Commercial Recreation Use Alternative**

		AM Peak Hour			PM Peak Hour		
Land Use	Daily	In	Out	Total	In	Out	Total
Net New Trips from Proposed Project <sup>1</sup>	186	(20)	(53)	(73)	(8)	(2)	(10)
Net New Trips from Alternative Commercial Recreation Use <sup>2</sup>	23	(41)	(41)	(82)	(22)	(15)	(38)
<b>Change in Trips with Alternative Commercial Recreation Use</b>	<b>(163)</b>	<b>(21)</b>	<b>12</b>	<b>(9)</b>	<b>(14)</b>	<b>(13)</b>	<b>(28)</b>

<sup>1</sup>Table 5.14-2

<sup>2</sup>Table 8-2

This alternative would also provide EV parking, bicycle parking, and be accessed from existing sidewalks and bicycle lanes. Consistent with the proposed Project, the Alternative Commercial Recreation Use Alternative would not introduce an incompatible use, increase hazard due to a geometric design feature, or result in inadequate emergency access. The City's development review and permitting process would ensure that potential transportation hazard and access impacts would not occur. Overall, this alternative would result in similar less-than-significant impacts as the proposed Project.

## **Tribal Cultural Resources**

The Alternative Commercial Recreation Use Alternative would redevelop the site which would include excavation and grading that could impact potential tribal cultural resources. Thus, potential impacts would be similar to the Project and the same mitigation measures would be required to reduce potential impacts related to inadvertent discovery of a tribal cultural resource during construction to a less-than-significant level. Therefore, potential impacts would be similar to those the Project and mitigation measures would be required. Under both the Alternative Commercial Recreation Use Alternative and the proposed Project, impacts would be less than significant with mitigation incorporated.

## **Utilities and Service Systems**

The Alternative Commercial Recreation Use Alternative would redevelop the Project site with a 20,000-square-foot family entertainment building, outdoor miniature golf courses, entertainment attractions and rides and landscaping. Like the proposed Project, this alternative would include installation of new utility systems that would connect to existing offsite infrastructure in adjacent roadways. As this alternative does not include two surf basins that would be drained and the volume of water and wastewater generated by this alternative would be substantially less than that of the proposed Project. An upgrade to the 50-year-old offsite 6-inch sewer lateral would not be required for capacity; however, due to the age of the sewer lateral it may be included in this alternative.

Consistent with the proposed Project, the Alternative Commercial Recreation Use Alternative would include installation of a drainage system that would be sized to treat runoff from the 85th percentile, 24-hour storm as required by the Orange County DAMP. Thus, consistent with the Project potential impacts to site drainage from the Alternative Commercial Recreation Use Alternative would be less than significant. This alternative would not generate a substantial volume of solid waste and would be subject to State recycling and solid waste regulations. Thus, the alternative would not result in the generation of solid waste in excess of landfill capacity and solid waste impacts would be less than significant.

The other utility demand factors, such as electrical and gas utilities would be less, as a smaller building and no lagoon heating would be needed, and a 24-hour onsite population would not exist under the Alternative Commercial Recreation Use Alternative. Therefore, an overall decreased demand for utilities and service systems would occur from this alternative. Thus, impacts related to utilities and service systems would be less than significant, which is consistent with the proposed Project.

## **8.8.2 Conclusion**

### **Ability to Reduce Impacts**

The Alternative Commercial Recreation Use Alternative would include the development of a 20,000-square-foot family entertainment building consisting of a snack bar, dining area, restrooms, and arcade gaming area; two outdoor 18-hole miniature golf courses; a 4-acre outdoor area for attractions and rides on the site.

The Alternative Commercial Recreation Use Alternative would not require a General Plan Amendment or Major Site Development Review as the onsite building would not be over 20,000 square feet. A CUP may be required if the building is in excess of 18 feet. The same mitigation measures related to biological resources, archaeological resources, paleontological resources, and tribal cultural resources would be required for implementation of the Alternative Commercial Recreation Use Alternative. In addition, an increase of noise, air quality emissions, and greenhouse gas emissions would occur from the alternative.

Overall, the Alternative Commercial Recreation Use Alternative would reduce potential impacts related to three topic areas but all of the mitigation measures required for the Project would continue to be required for the Alternative Commercial Recreation Use Alternative (see Table 8-4).

### Ability to Achieve Project Objectives

As shown in Table 8-5, the Alternative Commercial Recreation Use Alternative would meet the Project objectives, but not to the same extent as the proposed Project. This alternative would partially meet the first objective by developing an outdoor recreational opportunity; however, it would not be innovative or world-class. This alternative would expand the City's tourism economy, but would not expand transient occupancy tax revenues. The alternative would utilize sustainable solar energy onsite and would be consistent with SP-7 and the OSR designation. Overall, the Alternative Commercial Recreation Use Alternative would not meet all of the Project objectives to the same extent as the proposed Project.

## 8.9 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires a lead agency to identify the "environmentally superior alternative" when significant environmental impacts result from a proposed Project. The Environmentally Superior Alternative for the proposed project would be the No Project/No Build Alternative. The No Project/No Build Alternative would avoid all of the potential construction impacts, reduce many of the operational impacts, and would not be required to implement the mitigation measures related to biological resources, cultural resources, paleontological resources, or tribal cultural resources. Although less than significant under the proposed Project, no additional air quality emissions, greenhouse gas emissions, use of energy, hazardous materials, water resources, utilities, or services would occur by the No Project/No Build Alternative.

However, the objectives of the proposed Project would also not be realized by the No Project/No Build Alternative. This alternative would not provide a new innovative, world-class, full-service, outdoor recreational opportunity; expand the City's tourism economy and expand transient occupancy tax revenues; and would not utilize sustainable solar energy onsite. In addition, the No Project/No Build Alternative would not improve the existing sewer lateral that serves the site and is over 50 years old and would not install CALGreen infrastructure or storm water filtration features in accordance with DAMP guidelines to filter and slow the volume and rate of runoff to improve stormwater quality.

Additionally, State CEQA Guidelines Section 15126.6(3)(1) states:

*The "no project" analysis shall discuss the existing conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. If the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.*

Therefore, pursuant to CEQA, because the No Project/No Build Alternative has been identified as the Environmentally Superior Alternative, the Environmentally Superior Alternative among the other alternatives would be the Reduced Project Alternative, which would reduce the proposed Project by 50 percent. The surf lagoon would consist of one 5.1-million-gallon basin. The amenity clubhouse would be 50 percent smaller, and the athlete accommodations building would provide 10 units; with five units on each level. The alternative would also provide for 50 percent less parking on the site. The additional space provided by the 50 percent smaller development footprint would be landscaped.

The Reduced Project Alternative would result in less development on the site, but it would continue to require a General Plan Amendment and Major Site Development Review for development of over 20,000 square feet on the site, and a CUP for parking and construction of buildings in excess of 18 feet. The same mitigation measures related to biological resources, archaeological resources, paleontological resources, and tribal cultural resources would be required for implementation of the Reduced Project Alternative. Similarly, a reduced volume of noise, air quality, and greenhouse gas emissions would occur from the Reduced Project Alternative; however, impacts under both the Project and this alternative would be less than significant. Overall, the Reduced Project Alternative would reduce potential impacts related to six topic areas; however, all of the mitigation measures required for the Project would also be required for the Reduced Project Alternative.

In addition, the Reduced Project Alternative would meet the Project objectives but not to the same extent as the proposed Project. This alternative would develop an innovative outdoor recreational opportunity; however, it would not offer the full services of the proposed Project including both surf basins and the same amount of amenities in the 50 percent smaller amenity clubhouse building and would also result in the removal of onsite golf facilities. Overall resulting in a reduction in commercial recreation. This alternative would expand the City's tourism economy, but not the extent or intensity of the proposed Project. The alternative would utilize sustainable solar energy onsite and would be consistent with SP-7 and the OSR designation. Overall, the Reduced Project Alternative would not meet all of the Project objectives to the same extent as the proposed Project.

Table 8-4 provides, in summary format, a comparison between the level of impacts for each alternative and the proposed Project. In addition, Table 8-5 provides a comparison of the ability of each of the alternatives to meet the objectives of the proposed Project.

**Table 8-4: Impact Comparison of the Proposed Project and Alternatives**

	<b>Proposed Project</b>	<b>Alternative 1 No Project/No Build</b>	<b>Alternative 2 Reduced Project</b>	<b>Alternative 3 Alternative Commercial Recreation Use</b>
<b>Aesthetics</b>	Less than significant	Less than Project	Same as Project	Same as Project
<b>Air Quality</b>	Less than significant	Less than Project	Reduced, but still less than significant	Reduced, but still less than significant
<b>Biological Resources</b>	Less than significant with mitigation	Less than Project, and no mitigation	Same as Project, mitigation required	Same as Project, mitigation required
<b>Cultural Resources</b>	Less than significant with mitigation	Less than Project, and no mitigation	Same as Project, mitigation required	Same as Project, mitigation required
<b>Energy</b>	Less than significant	Less than Project	Same as Project	Same as Project
<b>Geology and Soils</b>	Less than significant with mitigation	Less than Project, and no mitigation	Same as Project, mitigation required	Same as Project, mitigation required
<b>Greenhouse Gases</b>	Less than significant	Less than Project	Reduced, but still less than significant	Reduced, but still less than significant
<b>Hazards and Hazardous Materials</b>	Less than significant	Less than Project	Same as Project	Same as Project
<b>Hydrology and Water Quality</b>	Less than significant	Same as Project	Same as Project	Same as Project
<b>Land Use and Planning</b>	Less than significant	Less than Project	Same as Project	Reduced, but still less than significant
<b>Noise</b>	Less than significant	Less than Project	Reduced, but still less than significant	Same as Project



	<b>Proposed Project</b>	<b>Alternative 1 No Project/No Build</b>	<b>Alternative 2 Reduced Project</b>	<b>Alternative 3 Alternative Commercial Recreation Use</b>
<b>Public Services</b>	Less than significant	Less than Project	Reduced, but still less than significant	Same as Project
<b>Parks and Recreation</b>	Less than significant	Less than Project	Reduced, but still less than significant	Same as Project
<b>Transportation</b>	Less than significant	Less than Project	Same as Project	Same as Project
<b>Tribal Cultural Resources</b>	Less than significant with mitigation	Less than Project, and no mitigation	Same as Project, mitigation required	Same as Project, mitigation required
<b>Utilities and Service Systems</b>	Less than significant	Less than Project	Reduced, but still less than significant	Same as Project
<b>Reduce Impacts of the Project?</b>		Yes	Yes	No
<b>Areas of Reduced Impacts Compared to the Project</b>		15	6	3
<b>Areas of Reduced Mitigation Compared to the Project</b>		4 No mitigation required	0 Same mitigation measures required	0 Same mitigation measures required

**Table 8-5: Comparison of the Proposed Project and Alternatives' Ability to Meet Objectives**

	<b>Project</b>	<b>Alternative 1 No Project</b>	<b>Alternative 2 Reduced Project</b>	<b>Alternative 3 Alternative Commercial Recreation Use</b>
1. Provide an innovative, world-class, full-service, outdoor recreational opportunity to serve a wide range of guests.	Yes	No	Yes, but to a lesser extent	Partially
2. Maintain consistency with the existing Santa Ana Heights Specific Plan (SP-7) and the Open Space and Recreation (OSR) Specific Plan designation.	Yes	Yes	Yes	Yes
3. Expand the City's tourism economy and expand transient occupancy tax revenues.	Yes	No	Yes, but to a lesser extent	Partially
4. Utilize sustainable solar energy onsite that is consistent with the City's sustainability goals.	Yes	No	Yes	Yes, but to a lesser extent

## 9. EIR Preparers and Persons Contacted

### EIR PREPARERS

#### **City of Newport Beach**

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