

SECTION 4.0 ENVIRONMENTAL SETTING, THRESHOLDS OF SIGNIFICANCE, ENVIRONMENTAL IMPACTS, MITIGATION PROGRAM AND LEVEL OF SIGNIFICANCE AFTER MITIGATION

Sections 4.1 through 4.15 of this Environmental Impact Report (EIR) provide an impact analysis for those environmental impact categories where it was determined that the proposed Project could result in “potentially significant impacts”. Each topical EIR section includes the following information: description of the existing environmental setting; identification of thresholds of significance; analysis of potential Project effects; identification of a Mitigation Program as needed to reduce the identified impacts; and identification of the level of significance of impacts after mitigation, including any unavoidable significant adverse impacts. Section 5.0 provides an analysis of cumulative impacts.

The impact analysis is formatted to analyze the potential impacts of the Project related to each identified threshold of significance set forth in Sections 4.1 through 4.15.

The Mitigation Program identified to reduce potential Project impacts consists of Project Design Features (PDFs), Standard Conditions and Requirements (SCs), and Mitigation Measures (MMs). The components of the Mitigation Program are described below.

- **Project Design Features** – PDFs are specific design elements proposed by the Project Applicant that have been incorporated into the Project to prevent the occurrence of, or reduce the significance of, potential environmental effects. Because PDFs have been incorporated into the Project, they do not constitute mitigation measures as defined by the California Environmental Quality Act (CEQA). However, PDFs are identified many topical issues in the Mitigation Program, and are included in the Mitigation Monitoring and Reporting Program (MMRP) to be developed for, and would be implemented as a part of, the proposed Project. In the absence of the implementation of a PDF, a significant impact could occur.
- **Standard Conditions and Requirements** – Existing requirements and standard conditions are based on local, State, or federal regulations or laws that are frequently required independently of CEQA review and also serve to offset or prevent specific impacts. Typical SCs include compliance with the provisions of the *California Building Code*, South Coast Air Quality Management District rules, local agency requirements, and other regulations and standards. The City of Newport Beach may impose additional conditions including those that are standard to all projects, typical to a project of a particular nature, or specific to the proposed Project during the approval process, as appropriate.
- **Mitigation Measures** – Where a potentially significant environmental effect has been identified and is not reduced to a level considered less than significant through the application of PDFs and SCs, Project-specific mitigation measures have been recommended.

Modifications to the Mitigation Program may be made by the City subject to one of the following findings, documented by evidence included in the administrative record:

- a. The PDF, SC, or MM included in the Final EIR and MMRP is no longer required because the significant environmental impact identified in the Final EIR has been found not to

exist, or to occur at a level which makes the impact less than significant as a result of changes in the Project, changes in conditions of the environment, or other factors; or

- b. The modified or substitute PDF, SC, or MM to be included in the MMRP provides a level of environmental protection equal to, or greater than that afforded by the PDF, SC, or MM included in the Final EIR and the MMRP; and
- c. The modified or substitute PDF, SC, or MM does not have significant adverse effects on the environment in addition to, or greater than that which was considered by the responsible hearing bodies in their decisions on the Final EIR and the proposed Project; and
- d. The modified or substitute PDF, SC, or MM is feasible, and the City, through measures included in the MMRP or other City procedures, can ensure its implementation.

The City of Newport Beach Community Development Department, in conjunction with any appropriate agencies or City departments, shall determine the adequacy of any proposed “environmental equivalent/timing” and, if determined necessary, may refer said determination to the Planning Commission. Findings and related documentation supporting the findings involving modifications to any PDF, SC, and/or MM shall be maintained in the Project file with the MMRP and shall be made available to the public upon request.