

# BAYSIDE FAMILY RESORT HOTEL PROJECT

## Initial Study

Prepared for  
City of Newport Beach

September 2019





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City of Newport Beach

September 2019

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# ENVIRONMENTAL CHECKLIST

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## Initial Study

1. **Project Title:** Bayside Family Resort Hotel
2. **Lead Agency Name and Address:** City of Newport Beach, Community Development Department, Planning Division, 100 Civic Center Drive, Newport Beach, CA 92660
3. **Contact Person and Phone Number:** Makana Nova, 949-644-3249
4. **Project Location:** The Bayside Family Resort Hotel (“Project”) is located at 1131 Back Bay Drive, Newport Beach, CA 92660 (“Project Site”). The Project Site is situated within the Newport Dunes of the Upper Newport Bay area (“Project area”).
5. **Project Sponsor’s Name and Address:** Newport Bayside Resort, LLC  
20342 Acacia Street, Suite #110  
Newport Beach, CA 92660
6. **General Plan Designation(s):** Parks and Recreation (PR)
7. **Zoning:** Planned Community-48 (PC-48) Newport Dunes
8. **Description of Project:**

Introduction: The Newport Bayside Resort, LLC (“Project Applicant”) is proposing to construct an approximate 201,499 square-foot hotel with up to 275 rooms, recreational areas and amenities, associated surface parking lots, and the installation of additional landscaping and lighting at the Newport Dunes within the Upper Newport Bay.

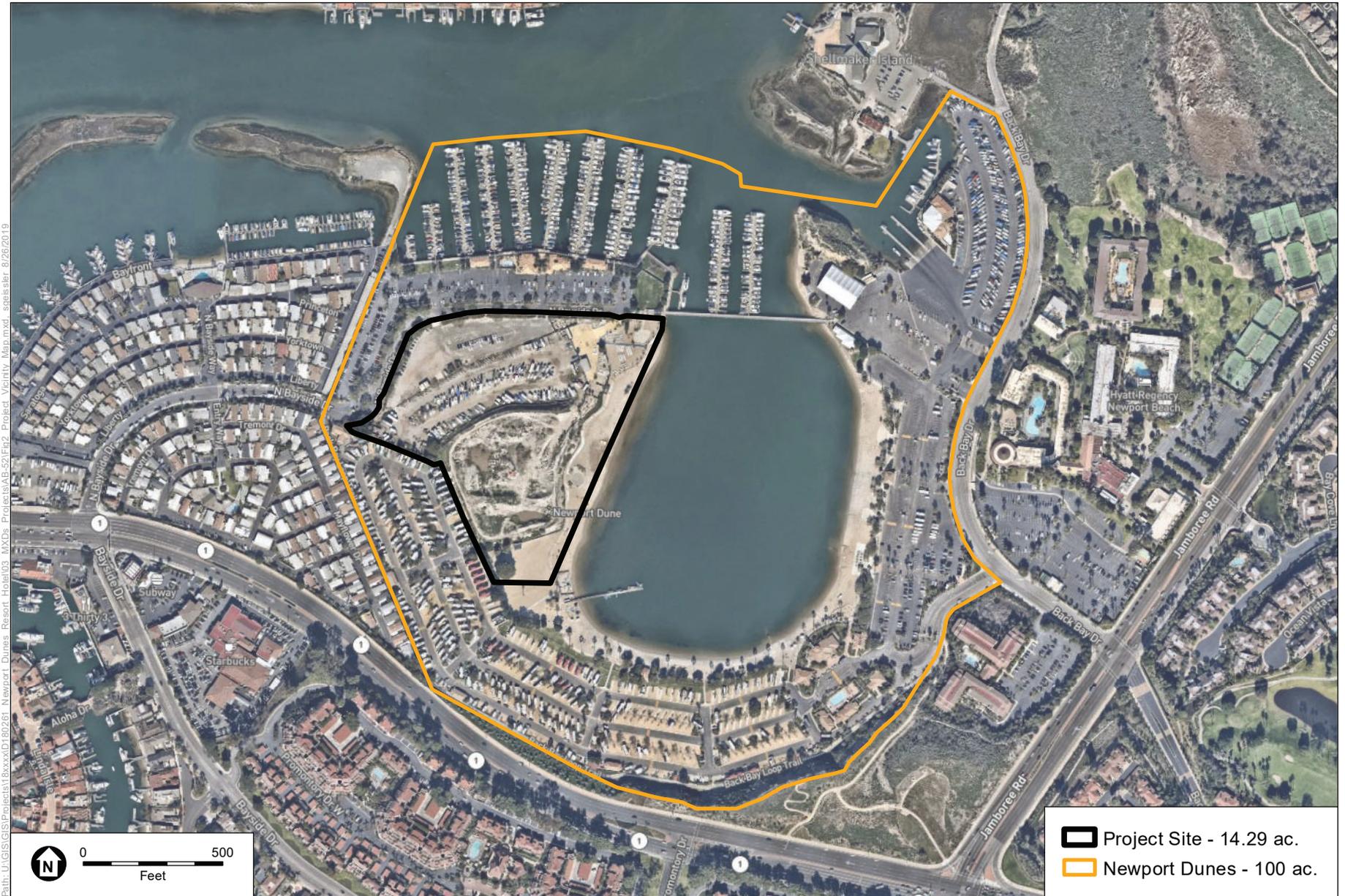
Project Location: The Project Site is located in the City of Newport Beach (“City”) which is located at the western edge of Orange County (“County”), adjacent to the Pacific Ocean and is bordered by Costa Mesa to the northwest, Huntington Beach to the west, Irvine to the northeast, and unincorporated portions of Orange County to the southeast; refer to **Figure 1**. The Project Site is approximately 14.29 acres and is located at the northwest portion of Newport Dunes. The Newport Dunes consists of 100 acres of State tidelands property on the Upper Newport Bay held in trust by the County of Orange; however, it is located within the City’s corporate limits and Coastal Zone; refer to **Figure 2**. The northern portion of the Project Site currently operates as a boat storage facility and parking lot with Camp James day camp and FiiN (Fostering Interest in Nature) program facilities located in the northeast corner. The southern portion of the Project Site is vacant and consists of stockpiled dredged material from Newport Bay. This location was used by the County to place dredged soils from the Back Bay Dredging Project pursuant to the 1990 Amendment to Coastal Development Permit (CDP) 5-83-962.



Path: U:\GIS\GIS\Projects\18xxxx\180261 Newport L Dunes Resort - Hotel\03\_MXD\03\_Projects\AB-52\Fig1\_Regional\_Location\_Map.mxd, sgressler, 8/26/2019

SOURCE: Open Street Map, MapBox, 2019.

Bayside Family Resort Hotel  
**Figure 1**  
 Regional Location Map



Path: U:\GIS\GIS\Projects\18xxxx\180261 Newport Dunes Resort - Hotel\03 MXDs - Projects\AB-52\Fig2 - Project Vicinity Map.mxd, spears.slr, 8/26/2019

SOURCE: Open Street Map, MapBox, 2019.

Bayside Family Resort Hotel

**Figure 2**  
Project Vicinity Map

**Project Components:** The Newport Bayside Resort, LLC (“Project Applicant”) is proposing to construct a three-level “family-style” hotel with up to 275 rooms. A portion of the rooms will consist of suites that include kitchenettes to provide amenities for families. The proposed three levels, 275 rooms, and the provision of kitchenettes, are consistent with the 38.5-foot height limit and the 275-room cap set forth in the 1983 Settlement Agreement, as amended, entered between the City of Newport Beach and the County of Orange.

The proposed hotel building footprint would encompass approximately 1.72 acres (or approximately 79,215 square feet). The Project would also include approximately 5.21 acres of surface parking uses comprised of approximately 432 vehicular spaces reserved for hotel guests and approximately 7.36 acres of recreational uses, landscaping, trails, other amenities and miscellaneous areas. The outdoor recreational areas and amenities may include a pool, tennis courts, sand volleyball courts and a picnic area for hotel guests, which will all operate between sunrise and sunset. The Project would include a shoreline trail along the Newport Dunes Swimming Lagoon that will be open to hotel guests and the general public.

The 201,499-square foot hotel would include approximately 178,904 square feet of hotel rooms and ancillary areas, approximately 13,000 square feet of meeting rooms, 3,190 square feet of full service hotel restaurant uses, 917 square feet of coffee shop, 1,648 square feet of spa or retail uses, 1,523 square feet of business center uses, and 2,317 square feet of fitness facilities. Refer to **Figure 3** for the project’s conceptual site plan.

**Hotel Operations/Events:** The proposed hotel would be designed as a “family inn style” that would use meeting rooms and outdoor areas for special events such as weddings, family events, and business functions of approximately 100 guests or less. The special events will be mostly staffed by hotel employees with the exception of valet parking, if needed. The special events held within the hotel will occur between the hours of 9:00 a.m. to 11:00 p.m., and the special events held within the exterior areas of the hotel will be scheduled between 10:00 a.m. and 10:00 p.m. The proposed hotel is estimated to have approximately 93 employees who will work over four shifts (i.e., morning, afternoon, evening, and graveyard).

**Access:** Access to the Project Site is off of Bayside Drive by way of East Coast Highway (State Route 1). The internal site circulation consists of a vehicular circulation route to the parking lots with a drop-off zone directly in front of the main lobby. The project will be self-parked, with valet parking provided only on an “as needed” basis.

The hotel will be designed to include pedestrian trails and access paths throughout the site as well as along the beach front. The publicly-accessible beach front path will also double as an emergency vehicle only access road.

**Construction:** The Project will be built in one phase. Project construction is estimated to take approximately 24 months. During construction activities, the Project Site will be graded and the earthwork will require approximately 3,842 cubic yards of export. Approximately 95 workers will be required during the construction phase of the project.

D:\180261.00 - Newport Dunes Resort Hotel EIR\05 Graphics-GIS-Modeling



SOURCE: Newport Bayside Resort LLC, 2019

Bayside Family Resort Hotel

**Figure 3**  
Conceptual Site Plan



Discretionary Approvals: The Project will require the following discretionary approvals:

- Certification of the Bayside Family Resort Hotel EIR to address reasonably foreseeable environmental impacts resulting from the legislative and Project specific discretionary approvals (City of Newport Beach);
- Approval of a Planned Community Development Plan to establish land uses and development standards for the Project Site (City of Newport Beach);
- A Major Site Development Review for the development of the proposed hotel, recreational areas and amenities, associated surface parking lots, and the installation of additional landscaping and lighting in accordance with the adopted Planned Community and Zoning Code development standards (City of Newport Beach);
- A Conditional Use Permit to ensure site compatibility and allow for ongoing regulation of hotel operations and ancillary facilities (City of Newport Beach);
- Pursuant to the 1983 Settlement Agreement, the Project will be subject to discretionary approvals issued by the City per City standards (City of Newport Beach);
- A Traffic Study to analyze the projected increase in vehicle trips resulting from the Project pursuant to the City's Traffic Phasing Ordinance (City of Newport Beach); and
- An Approval in Concept and Amendment to the Coastal Development Permit (CDP) 5-83-962) (California Coastal Commission).

## 9. Surrounding Land Uses and Setting.

The Project Site is located within the Newport Dunes on the Upper Newport Bay. The existing Newport Dunes Marina with approximately 430 boat slips, a marina clubhouse and associated ancillary facilities are located to the north of the Project Site. The Newport Dunes Waterfront Resort includes recreational vehicle and cabins/cottages sites is located west and south of the Project Site. Also located to the west is the 270-space Bayside Village mobile home park. Located to the east of the Project Site is Newport Dunes swimming lagoon and beach, day use parking, boat trailer parking, boat launch ramps and the Back Bay Bistro restaurant.

## 10. Other public agencies whose approval is required

California Coastal Commission.

## 11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

*Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.*

The California Native American tribes that are listed on the City of Newport Beach Assembly Bill 52 list will be contacted, and consultation will be requested by the City.

## Environmental Factors Potentially Affected

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

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

### **DETERMINATION: (To be completed by the Lead Agency)**

On the basis of this initial study:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

# Environmental Checklist

## Aesthetics

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>I. AESTHETICS — Except as provided in Public Resources Code Section 21099, would the project:</b>				
a) Have a substantial adverse effect on a scenic vista?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) In non-urbanized 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 publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Discussion

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

**Potentially Significant Impact.** A scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. According to the City of Newport General Plan, adopted July 25, 2006 (“General Plan”), and the City of Newport Beach General Plan 2006 Update Environmental Impact Report (EIR), certified July 25, 2006 (“General Plan EIR”), there are no officially designated scenic vistas located within the City but many natural features such as the ocean and bay provide coastal views. In addition, parks and viewing areas throughout the City also provide significant views. The City has identified coastal views such as coastal view roads and public view points which are identified in the City’s General Plan and the certified Local Coastal Program (LCP) Coastal Land Use Plan (CLUP). The City has designated East Coast Highway and Back Bay Drive within the vicinity of the Project Site as coastal view roads. The Project Site is located within the Newport Dunes of the Upper Newport Bay and is therefore, visible from the nearby East Coast Highway and Back Bay Drive, as well as from the viewpoint at Newport Dunes. Surrounding sites across the Upper Newport Bay and Newport Dunes include public parks and trails designated as public view points. These parks include the Back Bay View Park, Galaxy View Park, Westcliff Park, and Castaways Park. As such, the Project Site may be considered part of a scenic vista. In addition, panoramic views of Upper Newport Bay (including adjacent bluffs to the east and west of the bay) may be visible from the Project Site and therefore the Project Site may also be considered a vantage point for a scenic vista. Implementation of the Project would result in the construction of a hotel,

recreational areas and amenities, associated surface parking lots, and the installation of additional landscaping and lighting that may obstruct or modify a scenic vista. Thus, impacts are considered potentially significant and further analysis of this issue will be included in an EIR. Visual simulations will be incorporated into an EIR evaluation to demonstrate the level of impact due to project implementation.

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

**Potentially Significant Impact.** The Project Site includes ornamental trees located within the on-site landscaped areas, throughout the parking areas, and within the vacant area consisting of stockpiled dredged material from Newport Bay, but the trees are not considered scenic resources. These trees are typical of landscaped ornamental trees in urban areas of Southern California, and the project's landscape plan includes additional ornamental trees. There are no rock outcroppings or any other scenic resources on-site. The northern portion of the Project Site currently operates as a boat storage facility and parking lot with Camp James facilities located in the northeast corner. The southern portion of the Project Site is vacant and consists of stockpiled dredged material from Newport Bay. No historic buildings are located on-site.

State Route 1 (SR-1), also known as Pacific Coast Highway (or as East or West Coast Highway within the City), is located adjacent to and south of the Project Site. The State of California Department of Transportation designates scenic highway corridors. The Project Site is not located within a state scenic highway, nor is the Project Site visible from any officially designated scenic highway, and there are no state scenic highways adjacent to or near the Project Site. However, SR-1 is identified as Eligible for State Scenic Highway designation. As discussed above, the City's General Plan and certified CLUP designates East Coast Highway as a Coastal View Road. As such, impacts are considered potentially significant and further analysis of this issue will be included in an EIR.

- c) ***In non-urbanized 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 publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?***

**Potentially Significant Impact.** The Project Site is located within an urbanized area of the City; however, it is also situated within the Upper Newport Bay. Implementation of the Project would result in the construction of a hotel, recreational areas and amenities, associated surface parking lots, and the installation of additional landscaping and lighting that could substantially alter the existing visual character or quality of public views of the Project Site and its surroundings. The EIR will describe the character of existing development and the physical setting of the proposed project, and provide a detailed description, including graphics, to disclose the potential project impacts to visual

resources. The proposed hotel would be up to three levels and would not exceed the 38.5-foot height limited established in the 1983 Settlement Agreement entered between the City of Newport Beach and the County of Orange. The Project Site is currently zoned PC-48 (Newport Dunes Planned Community). An EIR will further address the Project's consistency with the applicable zoning and other regulations governing scenic quality.

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

**Potentially Significant Impact.** The Project would introduce new three-story buildings, recreational areas and amenities, associated surface parking lots, installation of additional landscaping, and related lighting that could increase existing sources of light and glare on-site. Specifically, the Project will include exterior lighting for the outdoor areas of the hotel and parking lot including illuminated walkways. An EIR will analyze the potential impacts to daytime or nighttime views in the area resulting from implementation of the Project and will provide applicable information regarding architectural treatments and lighting plans.

## References

City of Newport Beach, General Plan, Adopted July 25, 2006, Chapter 10 Natural Resources Element, [https://www.newportbeachca.gov/PLN/General\\_Plan/11\\_Ch10\\_NaturalResources\\_web.pdf](https://www.newportbeachca.gov/PLN/General_Plan/11_Ch10_NaturalResources_web.pdf). Accessed August 2019.

City of Newport Beach General Plan, Figure NR3, Coastal Views, July 24, 2006, [https://www.newportbeachca.gov/PLN/General\\_Plan/Figures/FigNR3\\_CoastalViews\\_17x11color\\_web.pdf](https://www.newportbeachca.gov/PLN/General_Plan/Figures/FigNR3_CoastalViews_17x11color_web.pdf). Accessed August 2019.

City of Newport Beach, General Plan 2006 Update, Draft EIR, SCH No. 200601119, dated April 2006, certified July 25, 2006, Section 4.1, Aesthetics and Visual Quality, [http://newportbeachca.gov/PLN/General\\_Plan/GP\\_EIR/Volume\\_1/06\\_Sec4.1\\_Aesthetics.pdf](http://newportbeachca.gov/PLN/General_Plan/GP_EIR/Volume_1/06_Sec4.1_Aesthetics.pdf). Accessed August 2019.

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## Agriculture and Forestry Resources

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>II. AGRICULTURE AND FORESTRY RESOURCES —</b>				
<p>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.</p>				
<b>Would the project:</b>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion

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

**No Impact.** The Project Site does not contain agricultural uses or related operations and is not located on designated Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program. The Project Site is mapped as Urban and Built-Up Land on the Orange County Important Farmland 2016 map issued by the California Department of Conservation (Department of Conservation, 2019). Therefore, the Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses. No impact would occur and further analysis of this issue in an EIR is not necessary.

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

**No Impact.** The Project Site is currently zoned PC-48 (Newport Dunes Planned Community). No portion of the Project or surrounding land uses are zoned for agriculture and no nearby lands are enrolled under the Williamson Act. As such, the Project would not conflict with existing zoning for agricultural use or a Williamson Act contract, and no impact would occur in this regard. Further analysis of this issue in an EIR is not necessary.

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

**No Impact.** As discussed above under Response II.b, the Project Site is currently zoned PC-48 (Newport Dunes Planned Community). No forest land or timberland zoning is present on the Project Site or in the surrounding area. As such, the Project would not conflict with existing zoning for forest land or timberland, and no impact would occur in this regard. Further analysis of this issue in an EIR is not necessary.

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

**No Impact.** No forest land exists on the Project Site or in the surrounding area. As such, the Project would not result in the loss of forest land or conversion of forest land to non-forest use. No impact would occur, and further analysis of this issue in an EIR is not necessary.

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

**No Impact.** Since there are no agricultural or forest uses or related operations on or near the Project Site, the Project would not involve the conversion of farmland or forest land to other uses, either directly or indirectly. No impacts to agricultural land or uses would occur. Further analysis of this issue in an EIR is not necessary.

## References

State of California Department of Conservation, 2016, California Important Farmland Finder, <https://maps.conservation.ca.gov/dlrp/ciff/>. Accessed August 2019.

## Air Quality

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>III. AIR QUALITY —</b>				
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.				
<b>Would the project:</b>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Discussion

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

**Potentially Significant Impact.** The Project Site is located within the 6,600-square-mile South Coast Air Basin (Basin). The South Coast Air Quality Management District (SCAQMD) together with the Southern California Association of Government (SCAG) is responsible for formulating and implementing air pollution control strategies throughout the Basin. The current Air Quality Management Plan (AQMP) was adopted March 3, 2017, and outlines the air pollution control measures needed to meet Federal particular matter (PM<sub>2.5</sub>) and Ozone (O<sub>3</sub>) standards. The AQMP also proposes policies and measures currently contemplated by responsible agencies to achieve Federal standards for healthful air quality in the Basin that are under SCAQMD jurisdiction. In addition, the current AQMP addresses several Federal planning requirements and incorporated updated emissions inventories, ambient measurements, meteorological data, and air quality modeling tools from earlier AQMPs.

Future construction of the Project would generate exhaust from construction equipment and vehicle trips, fugitive dust from demolition and ground disturbing activities, and off-gas emissions from architectural coatings and paving. The Project would increase the amount of operational air emissions which could affect implementation of the AQMP due to increased traffic and energy consumption, including potential increases in the amounts of gas and electricity needed to support the Project. Pollutant emissions resulting from construction of the Project could also have the potential to affect implementation of the AQMP. Therefore, an EIR will provide further analysis of potential impacts to the implementation of the AQMP. An air quality assessment will be prepared and findings from the assessment will be incorporated into an EIR.

- b) ***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?***

**Potentially Significant Impact.** The Project Site is located within the Basin, which is characterized by relatively poor air quality. According to the AQMP, the Basin is designated nonattainment for Federal and State ozone (O<sub>3</sub>) standards, as well as the current particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) standards. The Project would result in increased air emissions from construction and operational traffic in the Basin, within an air quality management area currently in non-attainment of Federal and State air quality standards for O<sub>3</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. As such, implementation of the Project could potentially contribute to cumulatively significant air quality impacts, in combination with other existing and future emission sources in the Project area. Therefore, an EIR will provide further analysis of potential cumulative impacts associated with an increase in criteria pollutants. An air quality assessment will be prepared and findings from the assessment will be incorporated into an EIR.

- c) ***Expose sensitive receptors to substantial pollutant concentrations?***

**Potentially Significant Impact.** An air quality impact is considered potentially significant if emission levels exceed the state or federal ambient air quality standards, thereby exposing sensitive receptors to substantial pollutant concentrations. Certain population groups are especially sensitive to air pollution and should be given special consideration when evaluating potential air quality impacts. These population groups include children, the elderly, persons with pre-existing respiratory or cardiovascular illness, and athletes and others who engage in frequent exercise. As defined in the SCAQMD CEQA Air Quality Handbook, a sensitive receptor to air quality is defined as any of the following land use categories: (1) long-term health care facilities; (2) rehabilitation centers; (3) convalescent centers; (4) retirement homes; (5) residences; (6) schools; (7) parks and playgrounds; (8) child care centers; and (9) athletic fields. The existing residential uses within the adjacent mobile home park to the west are the nearest sensitive receptors to the Project Site, which could be exposed to air pollutants associated with construction of proposed future development on-site. Further, the mobile home park residents would be exposed to project-related operational emissions in the long-term as well. An EIR will evaluate the potential for construction and operation of the Project to exceed SCAQMD's localized significance thresholds (LSTs) in accordance with SCAQMD's guidance methodology. An air quality assessment will be prepared and findings from the assessment will be incorporated into an EIR.

- d) ***Result in other emissions (such as those leading to odors adversely affecting a substantial number of people)?***

**Less Than Significant Impact.** Odors are typically associated with industrial activities involving the use of chemicals, solvents, petroleum products, and other strong-smelling elements used in manufacturing processes. Odors are also associated with such uses as

sewage treatment facilities and landfills. Implementation of the Project would result in the construction of a hotel, recreational areas and amenities, associated surface parking lots. These uses would not introduce any major odor-producing uses that would have the potential to affect a substantial number of people. Activities and materials associated with construction would be typical of construction projects of similar type and size. On-site trash receptacles would be covered and properly maintained in a manner that promotes odor control. Any odors that may be generated during construction of the Project would be localized and would not be sufficient to affect a substantial number of people or result in a nuisance as defined by SCAQMD Rule 402. Odors associated with Project operation would be limited to those typical activities associated with on-site waste generation and disposal (e.g., trash cans, dumpsters) and occasional minor odors generated during food preparation activities. Thus, Project operation is not expected to create substantial objectionable odors. Impacts with regard to odors would be less than significant, and no mitigation measures would be required. No further analysis of this topic in an EIR is required.

## References

South Coast Air Quality Management District, Final 2016 Air Quality Management Plan, March 2017, <https://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2016-air-quality-management-plan/final-2016-aqmp/final2016aqmp.pdf?sfvrsn=15>. Accessed August 2019.

## Biological Resources

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>IV. BIOLOGICAL RESOURCES — Would the project:</b>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Discussion

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

**Potentially Significant Impact.** The Project Site, while not known to contain substantial biological resources or habitats, is located south of the Newport Dunes Marina, west of the Newport Dunes Swimming Lagoon and located adjacent to the Upper Newport Bay, which contains various sensitive species and related habitats. Further, the Project Site includes ornamental trees and landscaped areas, that could be used for foraging by birds and bats, or nesting by birds. Implementation of the Project could result in direct and indirect impacts to sensitive resources. As such, impacts are considered potentially significant and future analysis of this issue in an EIR is required. A biological resource assessment will be prepared and findings from the assessment will be incorporated into an EIR.

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

**Potentially Significant Impact.** Riparian habitats are those habitats located along banks or rivers or streams. Sensitive natural communities are natural communities that are considered rare in the region by the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), or local regulatory agencies; that are known to provide habitat for sensitive animal or plant species; or are known to be significant wildlife corridors. There are no rivers or streams on the Project Site. However, the Project Site is located south of the Newport Dunes Marina and west of the Newport Dunes Swimming Lagoon. The Project Site is also located adjacent to Upper Newport Bay, which contains a number of aquatic habitats and other sensitive natural communities. The EIR will assess whether the proposed Project could impact sensitive habitats in the Upper Newport Bay. As such, impacts are considered potentially significant. A biological resource assessment will be prepared and findings from the assessment will be incorporated into an EIR.

- c) *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?*

**Potentially Significant Impact.** Wetlands are defined under the federal Clean Water Act as land that is flooded or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that normally does support, a prevalence of vegetation adapted to life in saturated soils. Wetlands include areas such as swamps, marshes, bogs, mudflats, and vernal pools. Future development on-site would involve the construction and operation of the Project along the shoreline adjacent to Newport Dunes Marina, Newport Dunes Swimming Lagoon and the Upper Newport Bay, which could have direct or indirect effects on wetlands. Upper Newport Bay is a particular type of wetland called an estuary, a place where seawater and freshwater mix. As such, impacts are considered potentially significant and future analysis of this issue in an EIR is required. A biological resources assessment and wetland delineation will be prepared and findings from the assessments will be incorporated into an EIR.

- d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

**Potentially Significant Impact.** A variety of biological resources are known to exist within the vicinity of the Project Site. The Project Site includes ornamental trees and landscaped areas, that could be used for foraging by birds and bats, or nesting by birds. Implementation of the Project may have the potential to directly or indirectly impact sensitive species and habitats including the trees onsite, wetlands, and riparian habitat. Given the potential presence of sensitive biological resources on the Project Site and in

the Upper Newport Bay area surrounding the Project site, potential impacts to biological resources will be evaluated in an EIR. A biological resources assessment will be prepared and findings from the assessment will be incorporated into an EIR.

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

**Potentially Significant Impact.** All projects proposed in the City shall comply with City Council Policy G-1, Retention, Removal, and Maintenance of City Trees. However, there are no City trees located on the Project Site. Nevertheless, the City's General Plan and certified CLUP include a number of policies related to the protection of sensitive natural resources, including biological resources. Therefore, impacts would be considered potentially significant and further analysis of this issue in an EIR is required. A biological resources assessment will be prepared and findings from the assessment will be incorporated into an EIR.

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

**Potentially Significant Impact.** The Project Site is located within the Coastal Subarea of the Orange County Central-Coastal Natural Communities Conservation Plan (NCCP) as designated as "Developed" (R.J. Meade, 1996). However, the site is not in an area designated as "Preserve" under the NCCP. The nearest designated NCCP preserve is Upper Newport Bay Ecological Reserve located approximately 1,000 feet north of the Project Site. The Project Site is not located within the plan areas of any habitat conservation plans other than the NCCP. Due to the proximity of the Newport Dunes Marina and Upper Newport Bay to the Project Site, an EIR will further evaluate the potential for the Project to conflict with the provisions of the NCCP.

## References

R.J. Meade Consulting, Inc., Final Natural Community Conservation Plan & Habitat Conservation Plan, County of Orange, Central and Coastal Subregion Parts I & II: NCCP/HCP, Figure 4, Habitat Vegetation Central and Coastal Subregion NCCP, July 17, 1996.

## Cultural Resources

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>V. CULTURAL RESOURCES — Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Discussion

- a) ***Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?***

**No Impact.** A historical resource is defined in Section 15064.5(a)(3) of the CEQA Guidelines as any object, building, structure, site, area, place, record, or manuscript determined to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California. Historical resources are further defined as being associated with significant events, important persons, or distinctive characteristics of a type, period or method of construction; representing the work of an important creative individual; or possessing high artistic values. Resources listed in or determined eligible for the California Register of Historical Resources, included in a local register, or identified as significant in a historic resource survey are also considered historical resources under CEQA.

The northern portion of the Project Site currently operates as a boat storage facility and parking lot with Camp James facilities located in the northeast corner. The southern portion of the Project Site is vacant and consists of stockpiled dredged material from Newport Bay. As such, the Project would not cause a substantial adverse change in the significance of a historical resource.

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

**Potentially Significant Impact.** Section 15064.5(a)(3)(D) of the State CEQA Guidelines generally defines archaeological resources as any resource that “has yielded, or may be likely to yield, information important in prehistory or history.” Archaeological resources are features, such as tools, utensils, carvings, fabric, building foundations, etc., that document evidence of past human endeavors and that may be historically or culturally important to a significant earlier community.

The northern portion of the Project Site currently operates as a boat storage facility and parking lot with Camp James facilities located in the northeast corner. The southern portion of the Project Site is vacant and consists of stockpiled dredged material from Newport Bay. The Project would introduce new three-story buildings, recreational areas and amenities, and associated surface parking lots. Project construction would require grading and excavation activities for building foundations that could extend into native soils and could disturb existing but as yet undiscovered archaeological resources. Therefore, this topic will be analyzed further in an EIR to determine the potential for, and significance of, any impacts on archaeological resources. A cultural resources assessment will be prepared and findings from the assessment will be incorporated into an EIR.

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

**Potentially Significant Impact.** The Project Site is located in an urbanized area of the City. Nevertheless, the Project Site would require excavation that could extend into native soils, with the potential to encounter previously unknown human remains. A Sacred Land File (SLF) review will be conducted to determine the need for monitoring the presence of human remains during project construction. A summary of the search results and a more detailed analysis of potential impacts to human remains will be included in an EIR. A cultural resources assessment will be prepared and findings from the assessment will be incorporated into an EIR.

## References

None

## Energy

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>VI. ENERGY — Would the project:</b>				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Discussion

- a) *Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*

**Potentially Significant Impact.** Energy resources, such as electrical power, would be consumed to construct and operate the Project. The demand would be largely supplied from existing electrical services in the vicinity of the Project Site. An assessment regarding the Project's energy demand will be further assessed in an EIR.

- b) *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

**Potentially Significant Impact.** Construction and operation of the Project would result in additional use of energy that could conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Therefore, impacts are considered potentially significant, and this issue will be further analyzed in an EIR.

## References

None

## Geology and Soils

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>VII. GEOLOGY AND SOILS — Would the project:</b>				
a) 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.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Discussion

- a.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.)***

**Less Than Significant Impact.** The seismically active region of Southern California is crossed by numerous faults. A fault is a fracture in the crust of the earth along which rocks on one side have moved relative to those on the other side. Most faults are the result of repeated displacements over a long period of time. A fault trace is the line on the earth's surfacing defining the fault. Fault rupture is the displacement that occurs along the surface of a fault during an earthquake. The California Geological Survey has established earthquake fault zones known as Alquist-Priolo Earthquake Fault Zones around the surface traces of active faults to assist cities and counties in planning, zoning, and building regulation functions. These zones identify areas where potential surface rupture

along an active fault could prove hazardous and identify where special studies are required to characterize hazards to habitable structures.

The Project Site is not located with an Alquist-Priolo Earthquake Fault Zone. The nearest active fault to the Project Site is the Newport-Inglewood fault zone (Newport Beach, 2006). A site-specific geotechnical evaluation is being prepared for the Project Site which will fully assess the potential for seismic-related impacts, including those from fault-rupture. Since the Project Site is located within the seismically active Southern California region and near the Newport-Inglewood fault zone, the Project could expose people or structures to substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault. As with any new development in the State of California, Project building design and construction would be required to conform to the current seismic design provisions of the City's Building Code, which incorporates relevant provision of the 2016 California Building Code (CBC), that became effective on January 1, 2017. A less than significant impact would occur in this regard as the Project Site is not located within an Alquist-Priolo Earthquake Fault. Further, application of standard building requirements of the 2016 CBC would further reduce impacts to less than significant. Further analysis of this issue in an EIR is not necessary.

a.ii) ***Strong seismic ground shaking?***

**Potentially Significant Impact.** The Project Site is located within the seismically active Southern California region and located in close proximity to the Newport-Inglewood fault zone. Thus, the Project Site would be subject to shaking during earthquake events. The level of ground shaking that would be experienced at the Project Site from faults in the region would be a function of several factors including earthquake magnitude, type of faulting, rupture propagation path, distance from the epicenter, earthquake depth, duration of shaking, site topography, and site geology. Faults that could produce shaking at the Project Site include the Newport Inglewood fault zone, the Whittier fault zone, the San Joaquin Hills fault zone, the Elysian Park fault zone, and numerous other smaller faults found throughout the region. As discussed above, with any new development in the State of California, Project building design and construction would be required to conform to the current seismic design provisions of the City's Building Code, which incorporates relevant provision of the 2016 CBC). The 2016 CBC, as amended by the City's Building Code, incorporates the latest seismic design standards for structural loads and materials to provide for the latest in earthquake safety. Nonetheless, a site specific geotechnical evaluation is being prepared for the Project Site which will fully assess the potential for seismic-related impacts, including those from ground shaking. This topic will be analyzed further in an EIR. The results of the geotechnical evaluation will be included in an EIR.

a.iii) ***Seismic-related ground failure, including liquefaction?***

**Potentially Significant Impact.** Liquefaction is a seismic phenomenon in which loose, saturated, granular soils behave similarly to a fluid when subject to high-intensity ground

shaking. Liquefaction occurs when the shock waves from an earthquake of sufficient magnitude and duration compact and decrease the volume of the soil; if drainage cannot occur, this reduction in soil volume will increase the pressure exerted on the water contained in the soil, forcing it upward to the ground surface. This process can transform stable soil material into a fluid-like state. This fluid-like state can result in horizontal and vertical movements of soils and building foundations from lateral spreading of liquefied materials and post-earthquake settlement of liquefied materials. Liquefaction occurs when three general conditions exist: 1) shallow groundwater; 2) low density non-cohesive (granular) soils; and 3) high-intensity ground motion.

According to the General Plan EIR, the Project Site is located in area with liquefaction potential (Newport Beach, 2006). As such, with the Project Site being located in an area of potentially high seismic activity, the potential for liquefaction will be analyzed further in an EIR. A site specific geotechnical evaluation is being prepared for the Project Site which will fully assess the potential for seismic-related ground failure, including liquefaction. The results of the geotechnical evaluation will be included in an EIR.

a.iv) ***Landslides?***

**No Impact.** The Project Site is relatively flat. There are no slopes on or near the Project Site that could pose a landslide hazard. According to the General Plan EIR, the Project Site is not located within an area with landslide potential (Newport Beach, 2006). Further analysis of this issue in an EIR is not necessary.

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

**Potentially Significant Impact.** During construction, the Project Site would be subject to ground-disturbing activities (e.g., excavation, grading, soil stockpiling, foundation construction, the installation of utilities). These activities would expose soils for a limited time, allowing for possible erosion. In addition, the post-construction change in on-site drainage patterns resulting from the Project could also result in limited soil erosion. Thus, an EIR will provide further analysis of the potential for soil erosion resulting from Project construction and operation.

c) ***Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?***

**Potentially Significant Impact.** As previously discussed under Responses VII.a.iii and a.iv above, liquefaction was concluded to be potentially significant and landslide hazards were concluded to have no impact. Subsidence occurs when a void is located or created underneath a surface, causing the surface to collapse. Common causes of subsidence include withdrawal of groundwater or oil resources or wells beneath a surface. As no oil wells are located on or near the Project Site, subsidence associated with extraction activities is not anticipated. Nevertheless, the Project Site is subject to potentially high seismic activity. Therefore, an EIR will provide further analysis of potential impacts

related to soil stability hazards. A site-specific geotechnical evaluation is being prepared for the Project Site which will fully assess the potential for seismic-related impacts, including those from unstable soils. The results of the geotechnical evaluation will be included in an EIR.

- d) ***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?***

**Potentially Significant Impact.** Expansive soils are typically associated with fine-grained clayey soils that have the potential to shrink and swell with repeated cycles of wetting and drying. A site-specific geotechnical evaluation is being prepared for the Project Site which will fully assess the potential for expansive soils. The results of the geotechnical evaluation will be included in an EIR.

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

**No Impact.** The Project Site is located in an urbanized area where wastewater infrastructure is currently in place. The Project would connect to existing infrastructure and would not use septic tanks or alternative wastewater disposal systems. Therefore, no impact would occur, and no mitigation measures would be required. No further analysis of this topic in an EIR is required.

- f) ***Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?***

**Potentially Significant Impact.** The northern portion of the Project Site currently operates as a boat storage facility and parking lot with Camp James facilities located in the northeast corner. The southern portion of the Project Site is vacant and consists of stockpiled dredged material from Newport Bay. There are no unique geologic features on the Project site that would be impacted by the proposed Project. However, as the Project would require grading and excavation for building foundations that could extend into native soils, it may encounter soils potentially containing paleontological resources. Therefore, this topic will be analyzed further in an EIR to determine the potential for, and significance of, any impacts on paleontological resources.

## References

City of Newport Beach General Plan 2006 Update, Draft Environmental Impact Report, SCH No. 2006011119, Figure 4.5-1, Regional Faults, and Figure 4.5-2, Seismic Hazards, certified July 25, 2006.

## Greenhouse Gas Emissions

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>VIII. GREENHOUSE GAS EMISSIONS —</b>				
<b>Would the project:</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion

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

**Potentially Significant Impact.** Construction and operation of the Project would increase greenhouse gas (GHG) emissions which have the potential to either individually or cumulatively result in a significant impact on the environment. In addition, the Project would generate vehicle trips that would contribute to the emission of GHGs. The amount of GHG emissions associated with the Project has not been estimated at this time. Therefore, this topic will be further evaluated in an EIR and include a quantitative assessment of Project-generated GHG emissions resulting from construction equipment, vehicle trips, electricity and natural gas usage, and water conveyance. Relevant Project features that reduce GHG emissions, such as green building design, will also be discussed in an EIR. A greenhouse gas evaluation will be prepared and findings from the evaluation will be incorporated into an EIR.

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

**Potentially Significant Impact.** The Project would be required to comply with the California Green Building Standards Code (CALGreen) (Title 24, Part 11). In conformance with these requirements, the Project would be designed to reduce GHG emissions through various energy conservation measures. In addition, the Project is required to implement applicable energy conservation measures to reduce GHG emissions such as those described in California Air Resources Board Assembly Bill (AB) 32 Scoping Plan, which describes the approaches California will take to achieve the goal of reducing GHG emissions to 1990 levels by 2020. The Project would incorporate sustainable elements of design during construction and operation. However, the amount of GHG emissions associated with the Project have not been estimated at this time. Therefore, further evaluation of this topic will be included in an EIR to determine if the Project would achieve consistency with applicable plans, policies or regulations adopted for the purpose of reducing GHG emissions. A greenhouse gas evaluation will be prepared and findings from the evaluation will be incorporated into an EIR.

## References

None

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## Hazards and Hazardous Materials

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>IX. HAZARDS AND HAZARDOUS MATERIALS —</b>				
<b>Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion

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

**Less Than Significant.** Construction of the Project would involve the temporary use of hazardous substances in the form of paint, adhesives, surface coatings and other finishing materials, and cleaning agents, fuels, and oils. All materials would be used, stored, and disposed of in accordance with applicable laws and regulations and manufacturers' instructions. Furthermore, any emissions from the use of such materials would be minimal and localized to the Project Site.

Operation of the Project would involve the use and storage of small quantities of potentially hazardous materials in the form of cleaning solvents, pool cleaning chemicals, painting supplies, and pesticides and fertilizers for landscaping. The use of these materials would be in small quantities and in accordance with the manufacturers' instructions for use, storage, and disposal of such products. As with construction, any

emissions from the use of such materials regarding the operation of the Project would be minimal and localized to the Project Site.

Therefore, neither construction nor operation of the Project would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials and no mitigation measures would be required. No further analysis of this topic in an EIR is required.

- b) ***Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?***

**Potentially Significant Impact.** Project construction activities would result in a temporary increase in the use of typical construction materials at the Project Site, including concrete, hydraulic fluids, paints, cleaning materials, and vehicle fuels. The use of these materials during Project construction would be short-term in nature and would occur in accordance with standard construction practices, as well as with applicable federal, state, and local regulations. Potentially hazardous materials would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations.

Operation of the Project would involve the use and storage of small quantities of potentially hazardous materials in the form of cleaning solvents, pool cleaning chemicals, painting supplies, and pesticides and fertilizers for landscaping. The use of these materials would be in small quantities and in accordance with the manufacturers' instructions for use, storage, and disposal of such products. As with construction, any emissions from the use of such materials regarding the operation of the Project would be minimal and localized to the Project Site. However, there is the potential for unknown hazardous materials to be located on the Project Site, which could expose people to health risks encountered during construction or operation of the proposed uses. Therefore, impacts are considered potentially significant, and this issue will be further analyzed in an EIR. A Phase I environmental site assessment will be prepared and findings from the assessment will be incorporated into an EIR.

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

**Less Than Significant Impact.** There are no schools located within one-quarter mile of the Project Site. The nearest school, Newport Harbor High School, is located 0.85 miles northwest of the Project Site. Construction of the Project would involve the temporary use of hazardous substances in the form of paint, adhesives, surface coatings and other finishing materials, and cleaning agents, fuels, and oils. All materials would be used, stored, and disposed of in accordance with applicable laws and regulations and manufacturers' instructions. Any emissions from the use of such materials would be minimal and localized to the Project Site. Project construction could encounter on-site subsurface hazardous materials. However, these materials are required to be handled in

accordance with applicable regulations and would likely be localized to the Project Site. Existing schools are located at a sufficient distance from the Project Site to not be significantly impacted if hazardous materials are encountered during Project construction.

Operation of the Project would involve the use and storage of small quantities of potentially hazardous materials in the form of cleaning solvents, pool cleaning chemicals, painting supplies, and pesticides and fertilizers for landscaping. The use of these materials would be in small quantities, and would be handled in accordance with the manufacturers' instructions for use, storage, and disposal of such products. During Project operation, the limited quantities and any prescribed handling procedures of hazardous materials would not pose a risk to schools in the Project vicinity, since there would be minimal emissions, and they would be localized to the Project Site. As such, the Project would result in less than significant impacts regarding hazardous materials at any existing or proposed schools within a one-quarter mile radius of the Project Site. No mitigation measures would be required, and no further analysis of this topic in an EIR is required.

- d) ***Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?***

**Potentially Significant Impact.** The northern portion of the xxx Project Site currently operates as a boat storage facility and parking lot with Camp James facilities located in the northeast corner. The southern portion of the Project Site is vacant and consists of stockpiled dredged material from Newport Bay. Government Code Section 65962.5, amended in 1992, requires the California Environmental Protection Agency (CalEPA) to develop and update annually the Cortese List, which is a list of hazardous waste sites and other contaminated sites. While Government Code Section 65962.5 makes reference to the preparation of a list, many changes have occurred related to web-based information access since 1992 and information regarding the Cortese List is now compiled on the websites of the Department of Toxic Substances Control (DTSC), the State Water Board, and CalEPA. The DTSC maintains the EnviroStor database, which includes sites on the Cortese List and also identifies potentially hazardous sites where cleanup actions (such as a removal action) or extensive investigations are planned or have occurred. The database provides a listing of Federal Superfund sites [National Priorities List (NPL)]; State Response sites; Voluntary Cleanup sites; and School Cleanup sites. GeoTracker is the State Water Resources Control Board's data management system for managing sites that impact groundwater, especially those that require groundwater cleanup [USTs, Department of Defense, Site Cleanup Program] as well as permitted facilities such as operating USTs and land disposal sites. CalEPA's databased includes list of sites with active Cease and Desist Orders (CDO) or Cleanup and Abatement Orders (CAO) from the State Water Board.

The southern portion of the Project Site, which is vacant and consists of stockpiled dredged material from Newport Bay, was used by the County to place dredged soils from the Back Bay Dredging Project pursuant to the 1990 Amendment to Coastal Development Permit (CDP) 5-83-962. Past or present uses either onsite or within the surrounding area could have the potential to result in hazardous materials impacts through the release and/or mitigation of toxic substances. A Phase I environmental site assessment will be prepared for the Project. Results of the assessment will be summarized in an EIR.

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

**Potentially Significant Impact.** The Project Site is not located within the Clear Zone/Runway Protection Zones or the Accident Potential Zone for John Wayne Airport (JWA), as designated in the General Plan (Newport Beach, June 20, 2006). In 1975, the Airport Land Use Commission (ALUC) of Orange County adopted an Airport Environs Land Use Plan (AELUP) that included JWA (formerly Orange County Airport). The AELUP is the authoritative planning document for the ALUC. The ALUC is an agency authorized under State law to assist local agencies in ensuring compatible land uses in the vicinity of airports. Primary areas of concern for ALUCs are noise, safety hazards, and airport operational integrity. The Project Site is located within the AELUP for JWA which involves a code amendment and could potentially result in a safety hazard for people residing or working in the Project area. Therefore, ALUC approval is required for the Project. The AELUP for JWA contains policies governing the land uses within the JWA area. Specifically, these policies establish development criteria that protect sensitive receptors from airport noise, protect persons from risk of airport operations, and establish height guidelines to ensure aircraft safety. The Project would be required to implement the guidelines contained in the AELUP. The project's consistency with the AELUP for JWA will be analyzed in detail in an EIR.

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

**Less Than Significant Impact.** The City has an adopted Emergency Response Plan and the City of Newport Beach Fire Department ("NBFD") is the lead department for coordinating all emergency management activity in the City.

The Project Site is located in an established urban area that is well-served by a roadway network. While it is expected that the majority of Project construction activities would be confined on-site, short-term construction activities may temporarily affect access on portions of adjacent streets during certain periods of the day. In these instances, the Project would implement traffic control measures (e.g., construction flagmen, signage, etc.) to maintain flow and access.

Project operation would generate traffic in the project vicinity. The Project would require modifications to vehicle or pedestrian access (i.e., new curb cuts or Project driveways) to the Project Site. Specifically, access to the Project Site would continue to be off Bayside Drive and East Coast Highway (State Route 1). The internal site circulation consists of a vehicular circulation route to the parking lots with a drop-off zone directly in front of the main lobby. The Project will be designed to include pedestrian trails and access paths throughout the site as well as along the beach front. The publicly-accessible beach front path will also double as an emergency vehicle only access road. Emergency vehicle access would also continue to be available via Bayside Drive and East Coast Highway. As a result, emergency access to the Project Site and surrounding area would continue to be provided as under existing conditions. The City Public Works Department and the Nbfd would review all design plans, site access, and circulation plans to ensure that there are no hazardous design features which would impede access along Bayside Drive and East Coast Highway with the Project vicinity.

Based on the above, the Project would not impair implementation or physically interfere with adopted emergency response or emergency evacuation plans. Since the Project Site is not located adjacent to, and would not cause an impediment along a City-designated emergency evacuation route, and the Project would not impair implementation of the City's emergency response plan, the Project would have a less than significant impact with respect to these issues. As such, no further evaluation of this topic in an EIR or mitigation measures are necessary.

g) ***Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?***

**No Impact.** There is no native habitat or extensive vegetation susceptible to wildland fires on the site. According to the General Plan, the Project is located in an area designated as "low/none wildfire hazard" (Newport Beach, September 18, 2006). The Project would not place buildings or structures at any risk from wildland fires, and therefore no impacts would occur and further analysis of this issue in an EIR is not required.

## References

City of Newport Beach General Plan, Figure S4, Fire Susceptibility, dated September 18, 2006.

City of Newport Beach General Plan, Figure S5, JWA Clear Zone/Runway Protection Zones and Accident Potential Zones, dated June 20, 2006.

## Hydrology and Water Quality

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>X. HYDROLOGY AND WATER QUALITY —</b>				
<b>Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) 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:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) result in substantial erosion or siltation on- or off-site;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk or release of pollutants due to project inundation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Discussion

- a) ***Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?***

**Potentially Significant Impact.** Construction of the Project would require earthwork activities, including grading and excavation of the Project Site. During precipitation events in particular, construction activities associated with the Project have the potential to result in the conveyance of soils due to minor soil erosion during grading and soil stockpiling and subsequent siltation, as well as other pollutants into municipal storm drains. Operational activities associated with maintenance activities, vehicular operations (i.e., oil and grease), landscaping, etc. could also produce pollutants that could enter into the storm drain system.

The Project would be required to implement a Stormwater Pollution Prevention Plan (SWPPP) during construction since the site area is greater than one acre in size (5.21 acres) and a Water Quality Management Plan (WQMP) for operation of the development following construction. The SWPPP includes Best Management Practices to reduce

pollutants in stormwater runoff from the Project Site, and also would be required to comply with the City's Low Impact Development Ordinance and Standard Urban Stormwater Mitigation Plan requirements that include the implementation of good housekeeping practices intended to preclude sediment and hazardous substances from entering stormwater flows. While these are expected to avoid significant impacts to water quality standards and waste discharge requirements, further analysis of water quality impacts will be provided in an EIR to evaluate potential impacts and identify appropriate design features and regulatory compliance mechanisms. A hydrology and water quality assessment and preliminary water quality management plan will be prepared and findings from these evaluations will be incorporated into an EIR.

- b) ***Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?***

**Potentially Significant Impact.** The Project may result in development due to the hotel use and water demand that could substantially reduce groundwater supplies and increase impervious surfaces that could reduce the potential for groundwater recharge. Further analysis of this issue is required in an EIR. A preliminary grading and drainage plan, hydrology and water quality assessment, and preliminary water quality management plan will be prepared and findings from these evaluations will be incorporated into an EIR.

- c.i) ***Would the project result in substantial erosion or siltation on- or off-site;***

**Potentially Significant Impact.** The Project would involve soil disturbance and earthmoving during construction activities, which could increase soil erosion and stormwater flow volumes generated on-site. The Project would be required to implement a Stormwater Pollution Prevention Plan (SWPPP) during construction that includes Best Management Practices to reduce pollutants in stormwater runoff from the Project Site, and will help control soil erosion conditions, if present, which would address these potential impacts. Because the Project would alter the existing drainage pattern of the project area, which could result in substantial erosion or sedimentation on- or off-site if appropriate measures are not implemented, potential impacts are considered potentially significant, and this issue will be further analyzed in an EIR. A preliminary grading and drainage plan will be prepared and findings from this evaluation will be incorporated into an EIR.

- c.ii) ***Would the project substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;***

**Potentially Significant Impact.** Future development of the site would potentially alter the site due to physical site changes such as an increase of impervious surfaces. The increase in impervious surfaces would increase the amount of surface runoff that could result in flooding on- or offsite. Therefore, this issue will be further evaluated in an EIR. A preliminary water quality management plan (WQMP) as well as a drainage plan will be prepared and findings from this evaluation will be incorporated into an EIR.

- c.iii) *Would the project create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or*

**Potentially Significant Impact.** As discussed under Response X.cii, the project implementation is anticipated to result in an increase in the amount of impervious surface area. Further, changes to drainage features and infrastructure as part of future site development could have the potential to exceed the capacity of the stormwater drainage system serving the project area. However, compliance with State water quality requirements that address the need to minimize and capture site runoff will address this potential impact. This issue will be further evaluated in an EIR. A preliminary grading and drainage plan will be prepared and findings from this evaluation will be incorporated into an EIR.

- c.iv) *Would the project impede or redirect flood flows?*

**No Impact.** The Federal Emergency Management Agency (FEMA) maintains and updates the National Flood Insurance Program (NFIP) maps, which identify community flood hazard zone designations. The Project Area is not located within a 100- or 500-year floodplain. The Project Site is located within Flood Zone X, which is an area determined to be outside the 0.2 percent annual chance floodplain (FEMA, 2019). There are no streams or potential flood zones on or adjacent to the site where the project could impede or redirect flows toward Newport Back Bay. Thus, no impacts would occur, and further analysis of this issue in an EIR is not required.

- d) *In flood hazard, tsunami, or seiche zones, risk or release of pollutants due to project inundation?*

**Potentially Significant Impact.** A tsunami is a great sea wave, commonly referred to as a tidal wave, produced by a significant undersea disturbance such as tectonic displacement of the sea floor associated with large, shallow earthquakes. A seiche is an oscillation of a body of water in an enclosed or semi-enclosed basin, such as a reservoir, harbor, lake, or storage tank. Mudflows result from the downslope movement of soil and/or rock under the influence of gravity.

The project area is subject to tsunami hazards given the site's proximity to the Pacific Ocean and low elevation of the project area relative to sea level (2016 Update, Newport Beach). The Project Site is adjacent to the Newport Dunes Marina, Newport Dunes Swimming Lagoon and the Upper Newport Bay. Therefore, the Project could be subject to flooding hazards associated with seiches during large seismic events. Additionally, given the lack of steep hillsides near the Project Site, the potential for mudflows to affect the proposed uses would be negligible given the distance of significant hillsides from the Project and amount of intervening development. Furthermore, the gently sloping topography of the project area is not conducive to sustaining mudflows.

Based on the above, potentially significant adverse impacts associated with inundation by seiche and tsunamis could occur with future project implementation. Further analysis of this issue in an EIR is necessary. A sea level rise study will be prepared and findings from this study will be incorporated into an EIR.

e) ***Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?***

**Potentially Significant Impact.** As discussed under Response X.a., the Project's compliance to applicable water quality regulatory requirements would largely be expected to avoid significant impacts relating to water quality standards. Nonetheless, further analysis of water quality impacts will be provided in an EIR to evaluate potential impacts and identify appropriate design features and regulatory compliance mechanisms. The analysis will include an assessment of the Project's compliance with applicable water quality control plan(s) or sustainable groundwater management plan(s). A hydrology and water quality assessment and preliminary water quality management plan will be prepared and findings from these evaluations will be incorporated into an EIR.

## References

FEMA Flood Map, Panel 382 of 539, per Flood Insurance Rate Map number 06059C0382K, dated March 21, 2019.

City of Newport Beach, *Local Hazard Mitigation Plan*, 2016 Update.  
[ftp://newportbeachca.gov/LHMP/NB\\_DMP\\_Complete\\_pdf](ftp://newportbeachca.gov/LHMP/NB_DMP_Complete_pdf). Accessed August 2019.

## Land Use and Planning

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>XI. LAND USE AND PLANNING —</b>				
<b>Would the project:</b>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Discussion

### a) *Physically divide an established community?*

**Less than Significant Impact.** The Project Site is located within the Newport Dunes within the Upper Newport Bay area. The existing Newport Dunes Marina with approximately 430 boat slips with a marina clubhouse and ancillary facilities is located to the north of the Project Site. The Newport Dunes Waterfront Resort that includes recreational vehicle and cabins/cottages sites is located west and south of the Project Site. Also located to the west is the 270-space Bayside Village mobile home park. Located to the east of the Project Site is the Newport Dunes Swimming Lagoon and Beach, Day Use Parking, Boat Trailer Parking, Boat Launch Ramps and the Back Bay Bistro restaurant. The Project Site is also located adjacent to the Upper Newport Bay estuary. The northern portion of the Project Site currently operates as a boat storage facility and parking lot with Camp James facilities located in the northeast corner. The southern portion of the Project Site is vacant and consists of stockpiled dredged material from Newport Bay. Implementation of the Project would result in the construction of a hotel, recreational areas and amenities and associated surface parking lots. The proposed uses would result in a less than significant impact related to the physically division of the existing established communities in the Newport Dunes area, such as the Bayside Village mobile home park and the Newport Dunes Waterfront Resort & Marina. The project would continue to include the pedestrian trail and access along the Swimming Lagoon beachfront, which would retain the unification of the uses within the Newport Dunes area. Therefore, this issue will not be further evaluated in an EIR.

### b) *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?*

**Potentially Significant Impact.** The development entitlements of the Newport Dunes area are governed by the Settlement Agreement between the County and City. The Settlement Agreement was originally executed in 1983 (and has been subsequently amended) and established the maximum permitted level of development and uses at Newport Dunes, as well as the type and location of the permitted uses. Among the uses established under the Settlement Agreement was a 275-room family inn.

The Project requires an approval of a Planned Community Development Plan to allow the classification of land with the Project boundaries and establishment of development standards; site development review for the development of the hotel and associated structures and improvements; a conditional use permit for ongoing regulation of certain hotel operations and ancillary facilities; an amendment to Coastal Development Permit 5-83-962 that will be submitted to the California Coastal Commission; and other approvals. The Project's uses are consistent with the General Plan, zoning and certified CLUP which reflect the 1983 Settlement Agreement; however, to provide a detailed assessment of the Project's consistency with all applicable policies in the General Plan and CLUP, this issue will be examined in the EIR.

## References

None

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## Mineral Resources

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>XII. MINERAL RESOURCES — Would the project:</b>				
a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion

- a-b) *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?*

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

**No Impact.** There are no known local mineral resources within the project area. No known State-designated mineral resource areas have been identified within the project area. Figure 4.5-4 (Mineral Resource Zones) of the General Plan Update EIR identifies the site is bisected by zones MRZ-1 (Areas with No Significant Mineral Deposits) and MRZ-3 (Areas Containing Mineral Deposits of Undetermined Significance). The Project does not incorporate heavy industrial uses of any type or proposed mineral development activities. Further, implementation of the Project would not impede the potential for direct use or future exploration of mineral resources. Therefore, implementation of the Project would result in no impact regarding mineral resources. Further analysis of this issue in an EIR is not necessary.

## References

None

## Noise

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>XIII. NOISE — Would the project result in:</b>				
a) 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Discussion

- a) ***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?***

**Potentially Significant Impact.** Construction of the Project would require the use of heavy construction equipment (e.g., bulldozers, backhoes, cranes, loaders, etc.) that would generate noise on an intermittent short-term basis. Additionally, operation of the Project may increase existing noise levels as a result of Project-related traffic, the operation of heating, ventilation, and air conditioning (HVAC) systems, outdoor use areas, increased vehicle usage in parking areas, and loading and unloading of trucks. As such, nearby noise sensitive uses such as residential uses could potentially be affected. Therefore, the Project's potential to exceed noise standards will be analyzed further in an EIR. A noise evaluation will be prepared and findings from this study will be incorporated into an EIR.

- b) ***Generation of excessive groundborne vibration or groundborne noise levels?***

**Potentially Significant Impact.** Construction of the Project may generate groundborne vibration and noise due to site grading, clearing activities, and haul truck travel. As such, the Project would have the potential to generate or expose people to excessive groundborne vibration and noise levels during short-term construction activities. Therefore, this topic will be analyzed further in an EIR. A vibration evaluation will be prepared, and findings from this evaluation will be incorporated into an EIR.

Post-construction on-site activities would be limited primarily to hotel uses that would not generate excessive groundborne noise or vibration. As such, project operation would not have the potential to expose people to excessive groundborne vibration or noise,

resulting in a less than significant impact. Therefore, no further analysis of operational groundborne vibration or noise is required in an EIR.

- c) *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 Impact.** John Wayne Airport is located approximately 3.25 miles to the north of the Project Site and the Project Site is located within the boundaries of the corresponding Airport Environs Land Use Plan (AELUP). The Project Site is located outside of the 60 dBA noise contour for John Wayne Airport. Table N2 of the General Plan identifies hotel, motel, and transient lodging uses as clearly compatible uses beyond the 60 dBA noise contour. Therefore, while the project would require Airport Land Use Commission approval for the establishment of a Planned Community Development Plan land use and development standards, noise impacts are determined to be less than significant. Further analysis in an EIR is not necessary.

## References

None

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## Population and Housing

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>XIV. POPULATION AND HOUSING — Would the project:</b>				
a) 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion

- a) ***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)?***

**Less Than Significant Impact** Implementation of the Project would result in the construction of a hotel, recreational areas and amenities and associated surface parking lots. The Project would not provide new housing, but will add jobs to a housing-rich City. As the development of a hotel in the Newport Dunes site has been considered in the City's General Plan and zoning, this would not be considered unplanned population growth, but the impact of an increase in new long-term employment opportunities will be analyzed in the EIR.

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

**No Impact.** The northern portion of the Project Site currently operates as a boat storage facility and parking lot with Camp James and FiiN program facilities located in the northeast corner. The southern portion of the Project Site is vacant and consists of stockpiled dredged material from Newport Bay. As such, no dwelling units are currently located on the Project Site, nor will project implementation result in a displacement of a substantial number of people. Because no housing or people would be displaced, the construction of replacement housing elsewhere would not be necessary. No impact would occur, and no mitigation measures would be required. No further analysis of this topic in an EIR is required.

## References

None

## Public Services

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>XV. PUBLIC SERVICES — Would the project:</b>				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government 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 following public services:				
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Discussion

### a.i) *Fire protection?*

**Less Than Significant Impact.** Fire protection and emergency medical services are provided to the City by the Newport Beach Fire Department (Nbfd); a full service fire department providing emergency services to the City through a network of fire stations, personnel, and equipment. Changes in land use associated with the Project would allow an increased level of urban development within the Project Site. Construction and operation of the Project would introduce temporary construction workers, hotel guests, and long-term employees on the Project Site which could result in the inducement of population growth. This potential inducement of population growth is not anticipated to increase demand on Nbfd services and facilities which could result in the need for new or physically altered facilities to maintain service. However, further evaluation on the Project's potential impacts on fire protection will be provided in an EIR.

### a.ii) *Police protection?*

**Less Than Significant Impact.** Police services for the project site are provided by the City of Newport Beach Police Department (NBPD). Changes in land use associated with the Project will allow an increased level of urban development on the Project Site. Construction and operation of the Project would introduce temporary construction workers, hotel guests, and long-term employees on the Project Site which could result in the inducement of population growth. This potential inducement of population growth is not anticipated to increase demand on NBPD services and facilities which could result in the need for new or physically altered facilities to maintain service. However, further evaluation on the Project's potential impacts on police protection will be provided in an EIR.

a.iii) ***Schools?***

**Less Than Significant.** The Project Site is located within the Newport-Mesa Unified School District (NMUSD), which operates seven elementary schools, one intermediate school, and one high school within two miles of the Project Site. The Project would not provide housing with school-aged children. Operation of the Project would introduce new long-term employees on the Project Site; however, the majority of hotel employees would most likely be drawn from surrounding areas in Orange County, and substantial impacts to school facilities requiring new construction is not anticipated. Also, pursuant to State law, the Project would be required to pay statutory school fees. While this impact is considered less than significant, further evaluation on the Project's potential impacts on schools will be provided in the EIR.

a.iv) ***Parks?***

**Less Than Significant Impact.** Construction and operation of the Project would introduce temporary construction workers, hotel guests, and long-term employees on the Project Site. This population increase is not anticipated to increase demand on parks services and facilities which could result in the need for new or physically altered facilities to maintain service. The Project Applicant is required to pay Park Impact fees. Further, the Project may provide new recreational amenities such as improved facilities for Camp James/FiiN programs at an alternative location, a public parking component for beach access, and a marine interpretation center, to serve the project area. These amenities will be analyzed further in an EIR.

a.v) ***Other public facilities?***

**Less Than Significant Impact on Library Facilities.** The Project would not provide housing. However, construction and operation of the Project would introduce temporary construction workers, hotel guests, and long-term employees on the Project Site which could result in the inducement of population growth. This potential inducement of population growth is not anticipated to increase demand on library services and facilities which could result in the need for new or physically altered facilities to maintain service. However, further evaluation on the Project's potential impacts on libraries, including other public facilities will be provided in an EIR.

## References

None

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## Recreation

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>XVI. RECREATION:</b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Discussion

- a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

**Potentially Significant Impact.** Construction and operation of the Project would introduce temporary construction workers, hotel guests, and long-term employees on the Project Site. This daytime population increase is not anticipated to increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility could occur or be accelerated. Implementation of the Project would result in the construction of a hotel, recreational areas and amenities, and associated surface parking lots. The outdoor recreational areas and amenities include a pool, tennis courts, sand volleyball courts and a picnic area. The Project would include a shoreline trail that will be open to the public. The Project may provide new recreational amenities such as improved facilities for Camp James/FiiN programs at an alternative location, a public parking component for beach access, and a marine interpretation center, to serve the project area. While the availability of on-site recreational facilities to hotel guests may reduce project-related demand for area parks and recreational facilities, the Project would nonetheless contribute to the demand for parks and other recreational facilities in the area through a potential inducement of population growth, as well as the potential loss or relocation of Camp James facilities. This issue will be further evaluated in an EIR.

- 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?*

**Potentially Significant Impact.** Implementation of the Project would result in the construction of a hotel, recreational areas and amenities, and associated surface parking lots. The Project would include outdoor recreation areas, including a pool, tennis courts, sand volleyball courts and a picnic area. The Project would include a shoreline trail that will be open to the public. The potential adverse physical effects resulting from the addition of new facilities will be addressed in an EIR.

## References

None

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## Transportation

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>XVII. TRANSPORTATION — Would the project:</b>				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Discussion

- a) ***Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?***

**Potentially Significant Impact.** The proposed hotel uses would add traffic to local and regional transportation systems that could adversely affect the existing capacity of the street system or exceed an established LOS standard. Project construction would also result in a temporary increase in traffic due to construction-related truck trips and worker vehicle trips. Therefore, traffic impacts during construction could also adversely affect the street system. As the Project has the potential to result in a significant traffic impact, further analysis of this topic will be provided in an EIR. A traffic study will be prepared for the Project. The analysis and result of the traffic study will be included in an EIR.

The Project would include construction activities that could temporarily disrupt pedestrian and bicycle circulation and public transit routes in the project vicinity, and increase the on-site visitor and employee population which would create a greater demand for public transit during project operation. Therefore, the project's potential for conflicts with the City's policies, plans, and programs supporting alternative transportation will be evaluated in an EIR.

- b) ***Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?***

**Potentially Significant Impact.** CEQA Guidelines section 15064.3 describes specific considerations for evaluating a project's transportation impacts. Generally, vehicle miles traveled (or "VMT") is identified as the most appropriate measure of transportation impacts. For the purposes of this CEQA section, "vehicle miles traveled" refers to the amount and distance of automobile travel attributable to a project. Lead agencies are required to approve a VMT significance threshold by July 1, 2020. Because the City of Newport Beach is in the process of developing VMT thresholds of significance and does

not have an approved VMT significance threshold at this time, the applicability of a VMT threshold will be evaluated further in an EIR.

- c) ***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.** The roadways adjacent to the Project Site are part of an established urban roadway network and contain no sharp curves or dangerous intersections. The Project would require modifications to vehicle or pedestrian access (i.e., new curb cuts or Project driveways) to the Project Site. Specifically, access to the Project Site would continue to be off Bayside Drive by way of East Coast Highway (State Route 1). The internal site circulation consists of a vehicular circulation route to the surface level parking lots with a drop-off zone directly in front of the main lobby. The Project will be designed to include pedestrian trails and access paths throughout the site as well as along the beach front. The publicly-accessible beach front path will also double as an emergency vehicle only access road. Therefore, a less than significant impact would occur, and no mitigation measures would be required. No further analysis of this topic in an EIR is required.

- d) ***Result in inadequate emergency access?***

**Less Than Significant Impact.** The Project Site is located in an established urban area that is well-served by a roadway network. While it is expected that the majority of Project construction activities would be confined on-site, short-term construction activities may temporarily affect access on portions of adjacent streets during certain periods of the day. In these instances, the Project Applicant would provide a construction management plan and would implement traffic control measures (e.g., construction flagmen, signage, etc.) to maintain flow and access. Therefore, construction is not expected to result in inadequate emergency access.

Project operation would generate traffic in the project vicinity. The Project would require modifications to vehicle or pedestrian access (i.e., new curb cuts or Project driveways) to the Project Site. Specifically, access to the Project Site would continue to occur from Bayside Drive by way of East Coast Highway. The internal site circulation consists of a vehicular circulation route to the parking lots with a drop-off zone directly in front of the main lobby. The Project will be designed to include pedestrian trails and access paths throughout the site as well as along the beach front. The publicly-accessible beach front path will also double as an emergency vehicle only access road. Emergency vehicle access would also continue to be available via Bayside Drive and East Coast Highway. As a result, emergency access to the Project Site and surrounding area would continue to be provided as under existing conditions. The City Public Works Department and the Nbfd would review all design plans, site access, and circulation plans to ensure that there are no hazardous design features which would impede access along Bayside Drive and East Coast Highway within the Project vicinity.

Based on the above, since the Project Site is not located adjacent to, and would not cause an impediment along a City-designated emergency evacuation route, and the proposed hotel uses would not impair implementation of the City's emergency response plan, the Project would have a less than significant impact with respect to emergency access. As such, no further evaluation of this topic in an EIR or mitigation measures are required.

## **References**

None

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## Tribal Cultural Resources

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>XVIII. TRIBAL CULTURAL RESOURCES — Would the project:</b>				
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 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:				
i) 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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Discussion

- a.i-aii) ***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***

***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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.***

**Potentially Significant Impact.** AB 52 establishes a formal consultation process for California Native American Tribes to identify potential significant impacts to tribal cultural resources, as defined in Public Resources Code Section 21074, as part of CEQA. AB 52 applies to projects that file a Notice of Preparation or Notice of Negative Declaration/Mitigated Negative Declaration on or after July 1, 2015, which includes the Project. As specified in AB 52, lead agencies must provide notice to tribes that are traditionally and culturally affiliated with the geographic area of a proposed project if the tribe has submitted a written request to be notified. The City will be providing AB 52 notice to the tribes that have requested to be on the City's AB 52 list. The tribe must respond to the lead agency within 30 days of receipt of the notification if it wishes to engage in consultation on the project, and the lead agency must begin the consultation process within 30 days of receiving the request for consultation. Should any information

be gained during the consultation process, it would be used to analyze impacts to tribal cultural resources in an EIR. There are no known cultural resources on the Project site that are either listed or have been determined to be eligible for listing in the California Register of Historic Places or in a local register of historical resources; however, the existence of tribal cultural resources on the Project Site is currently unknown. Therefore, further analysis of the topic will be provided in an EIR to determine the potential for, and significance of, the Project's impacts on tribal cultural resources.

## References

None

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## Utilities and Service Systems

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>XIX. UTILITIES AND SERVICE SYSTEMS —</b>				
<b>Would the project:</b>				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and responsibly foreseeable future development during normal, dry and multiple dry years?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Discussion

- a) ***Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?***

**Potentially Significant Impact.** The Project would result in the development of the site with new urban uses at a substantially higher intensity than existing on-site development. As such, given the associated increase in demand for water service and wastewater treatment, the potential exists for the Project to require the relocation or construction or expansion of water and/or wastewater treatment facilities. Therefore, further analysis of this issue in an EIR is necessary.

- b) ***Have sufficient water supplies available to serve the project and responsibly foreseeable future development during normal, dry and multiple dry years?***

**Potentially Significant Impact.** The Project would consist of a hotel use. As this use would not generate a water demand greater than that of 500 dwelling units, the Project would not be subject to Senate Bill (SB) 610 which requires that a water supply assessment be conducted by the water service provider to determine if there is sufficient water supply to serve the project during normal, single dry, and multiple dry water years.

However, although a water supply assessment is not required for the Project, water supply will be analyzed further in an EIR.

- c) ***Result in a determination by the 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?***

**Potentially Significant Impact.** As discussed above, the Project would result in the development of the site with new urban uses at a higher intensity than under existing conditions. As such, given the associated increase in demand for wastewater treatment, the potential exists for the Project to exceed the capacity of wastewater treatment facilities serving the project area. Therefore, further analysis of this issue in an EIR is necessary.

- d) ***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?***

**Potentially Significant Impact.** Future construction of the Project would generate inert solid waste (e.g., export soils, construction and demolition debris) which would require disposal at an unclassified landfill. In addition, during future project operation, the project's hotel uses would generate solid waste which would be disposed of at the landfill(s) serving the City. Although recycling would extend the life of the landfill(s) serving the project area, implementation of the Project would increase demand for landfill services and potentially accelerate projected landfill closures. As such, project implementation could 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. Therefore, the impact of the Project with respect to solid waste disposal will be further analyzed in an EIR.

- e) ***Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?***

**Less Than Significant Impact.** The Project would comply with applicable regulations related to solid waste, including those pertaining to waste reduction and recycling. As all solid waste collection from the Project Site would be managed by Waste Management, Inc., which is in compliance with federal, state, and local statutes and regulations, the Project would be consistent with respective regulatory measures. Further analysis of this issue in an EIR is not required.

## References

None

## Wildfire

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>XX. WILDFIRE — If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</b>				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion

a-d) *Substantially impair an adopted emergency response plan or emergency evacuation plan?*

*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?*

*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?*

*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?*

**No Impact.** The Project Site is not located within or near an area designated as a state responsibility area (Cal Fire, 2007, 2011) nor is it classified as a very high fire hazard severity zone or located near a very high fire hazard severity zone (VHFHSZ) (Cal Fire, 2007, 2011). The Project Site is mapped as Non-VHFHSZ per the California Department of Forestry and Fire Protection (Cal Fire) Fire Hazard Severity Zone Maps prepared under the Fire and Resource Assessment Program (FRAP). The nearest VHFHSZ is located approximately 2.5 miles east of the Project. Therefore, there would be no project or cumulative impacts.

## References

California Department of Forestry and Fire Protection (Cal Fire), *Orange County Fire Hazard Severity Zones in State Responsibility Area (SRA)*, Adopted by Cal Fire on November 7, 2007. Accessed at [http://www.fire.ca.gov/fire\\_prevention/fire\\_prevention\\_wildland\\_zones\\_maps](http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones_maps). Accessed on May 21, 2019.

Orange County *Very High Fire Hazard Severity Zones in Local Responsibility Area (LRA)*, November, 2011. Accessed at [http://www.fire.ca.gov/fire\\_prevention/fire\\_prevention\\_wildland\\_zones\\_maps](http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones_maps). Accessed on May 21, 2019.

Newport Beach *Very High Fire Hazard Severity Zones in LRA*, October, 2011. Accessed at [http://www.fire.ca.gov/fire\\_prevention/fire\\_prevention\\_wildland\\_zones\\_maps](http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones_maps). Accessed on May 21, 2019.

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## Mandatory Findings of Significance

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>XXI. MANDATORY FINDINGS OF SIGNIFICANCE —</b>				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion

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

**Potentially Significant Impact.** As discussed above under Responses IV and V, the Project could potentially result in significant impacts regarding biological resources and cultural resources. Impacts related to either of these issue areas would be considered to degrade the quality of the environment. This impact is considered potentially significant and will be further analyzed in the EIR.

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

**Potentially Significant Impact.** As discussed above, the Project could potentially result in significant impacts regarding aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population, public services, recreation, transportation, tribal cultural resources, and utilities/service systems-

related impacts. The EIR will assess potential cumulative impacts associated with these issues.

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

**Potentially Significant Impact.** Due to the potentially significant impacts associated with implementation of the Project, the Project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Thus, a potentially significant impact associated with this issue could occur, and as such, further analysis will be provided in the relevant sections of the EIR.

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