

Regent Newport Beach Hotel Project Initial Study

Prepared for:

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SECTION 1 INTRODUCTION

1.1 PURPOSE

The purpose of this Initial Study (IS) is to identify the potential environmental impacts associated with the proposed Regent Newport Beach Hotel project. This IS has been prepared in conformance with the State CEQA Guidelines (Guidelines) that implement the California Environmental Quality Act (CEQA) and the City's Implementation Procedures for CEQA.

The City of Newport Beach, through a vote of the electorate in this instance, has primary responsibility for approval or denial of the proposed project. Accordingly, pursuant to Section 15367 of the Guidelines, the City is the lead agency in the preparation of a project-level Environmental Impact Report (EIR). The City Council of Newport Beach will certify the EIR prior to submittal for voter approval or denial.

Because the City has determined that an EIR is required for this project, this IS is organized in a manner that:

- Identifies potentially significant impacts that require analysis in the forthcoming project-level EIR;
- Identifies environmental factors that are less than significant or have no impact and therefore will only be described briefly in the EIR; and
- Provides sufficient information to public agencies and other interested parties in formulation of a meaningful written response to the Notice of Preparation in accordance with Section 15082(b) of the Guidelines.

This document is organized into the following sections:

Section 1 - Introduction. Describes the project location and its environmental setting, a list of project design features, a detailed project description, a list of project objectives, identification of alternatives proposed for evaluation in the EIR, and intended uses of the EIR.

Section 2 - Environmental Checklist. Provides an environmental checklist that identifies the level of impact associated with each environmental issue.

Section 3 - Discussion of Environmental Evaluation. Provides a narrative discussion of each environmental issue contained in the environmental checklist.

Section 4 - Reference Sources. Provides a list of references used in the preparation of this document.

1.2 PROJECT LOCATION

The project is located in the southwestern portion of the City of Newport Beach in Orange County, California (see Exhibit 1). The project site encompasses approximately 8.10 acres and is located along the north side West Balboa Boulevard between 15th Street and 18th Street (see Exhibit 2). Major arterial access is provided along West Balboa Boulevard with secondary access along 15th Street and 18th Street. Regional freeway access to the site is provided by the Costa Mesa Freeway (SR 55) and the San Joaquin Hills Transportation Corridor (SR 73).

1.3 SITE HISTORY

Historically, the site has been comprised of the approximately 8.10-acre Marinapark mobile home park, a public beach and Las Arenas Park. The Marinapark mobile home park is a 40-year old facility with approximately 15 full-time residents and 41 part-time tenants. Las Arenas Park consists of a metered public parking lot with 21 stalls, a City of Newport Beach Community Center, the Neva B. Thomas Girl Scout House, four public tennis courts, a children's play area, and a public beach located in front of the mobile home park along the site's northern boundary.

1.4 ENVIRONMENTAL SETTING

The existing site encompasses 8.10 acres and is built-up in nature with a variety of residential (i.e., mobile home park) community service (e.g., community center, public tennis courts, beach access, etc.), and surface parking lot uses. The site is bordered on the east by an asphalt parking lot, Veteran's Park, the American Legion Post 291 and residential and commercial uses, to the south by West Balboa Boulevard and residential uses, and to the west by 18th Street, a hotel and residential uses.

1.5 PROJECT DESCRIPTION

This IS evaluates the development of the proposed Regent Newport Beach Hotel project on an approximate 8.10-acre site situated along West Balboa Boulevard between 15th Street and 18th Street (see Exhibit 3).

The proposed project is the development of the 110-room luxury resort Regent Newport Beach hotel consisting of one and two-story villas in sixteen buildings with ancillary hotel structures including an administration building, a two-story hotel lobby building, a spa villa, and a 100-space, partly subterranean parking structure that will support four roof-top public tennis courts at approximately five (5) feet above the grade of Balboa Boulevard. The project also includes the displacement of the 56-space mobile home park, and the removal of the existing onsite uses associated with Las Arenas Park (e.g., Balboa Community Center, Girl Scouts House, children's play area, four public tennis courts, and a metered 21-space parking lot), and their replacement with a 6,191 square foot Community Center/Girls Scouts House, a 3000 square-foot tot lot, and a new 41-space, shared parking lot. In all, the proposed project will include approximately 360,000 square feet of development on 8.10 acres.

Primary access to the project will be via West Balboa Boulevard and secondary access will be via a controlled exit/entrance off of 18th Street. Additional fire and delivery access will occur from 15th Street. The proposed project will also include beach enhancements including a marina consisting of 12 new yacht slips (including four slips for public use) within the Newport Bay and a public beachfront walkway that will extend from the project's eastern property line to 18th Street. Public access to the walkway will be provided via four access points, two along West Balboa Boulevard, one along the project's eastern boundary, and one along 18th Street.

1.5.1 Discretionary Approvals

The project proposes the following discretionary approvals:

- Planned Community Development Plan
- General Plan Amendment
- Zone Change
- Building Permits
- Grading Permit
- Use Permit
- Coastal Development Permit
- Coastal Harbor Activities Permit and/or Harbor Permit
- Traffic Study
- Parcel Map
- Final Precise Plan
- Water Quality Management Plan
- Stormwater Pollution Prevention Plan
- Encroachment Permits
- Local Coastal Program Amendment
- Long Term Ground Lease
- Mobile Home Relocation Impact Report

1.5.2 Responsible Agencies

According to Sections 15050 and 15367 of the State CEQA Guidelines, the City is the Lead Agency. Responsible agencies are those agencies that have discretionary approval over one or more actions involved with the development of a proposed project. Trustee agencies are State agencies having discretionary approval or jurisdiction by law over natural resources affected by a proposed project that are held in trust of the people of the State of California. The State Water Resources Control Board (i.e., NPDES permit), a responsible agency, and the California Coastal Commission (i.e., Coastal Development Permit), a trustee agency, would have discretionary approval over the proposed project. Development of the project is also subject to approval by the State Lands Commission, as a trustee agency, of the proposed lease of tidelands by the City of Newport Beach to the project proponent.

1.6 CUMULATIVE IMPACTS

A discussion of the cumulative, significant irreversible, and growth-inducing consequences of a project that adversely affects the environment is required by the CEQA Guidelines on the adoption, amendment, or enactment of public plans, ordinances, or policies. According to the Guidelines, attention must be given to impacts that limit the number of beneficial uses of the environment or pose long-term risks to health or safety. The growth inducing effects are also evaluated.

An EIR must discuss the “cumulative impacts” of a project when its incremental effect will be cumulatively considerable. This means that the incremental effects of the individual project would be considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects (Guidelines’ Section 15065[c]).

For purposes of evaluating the potential of the proposed project to have cumulatively considerable incremental effects, the effects of related past, current, and probable future projects will be evaluated in the EIR.

1.7 ALTERNATIVES TO THE PROPOSED ACTION

The EIR will analyze a range of reasonable alternatives to the proposed project. Each alternative will be described and analyzed to determine if it can reasonably attain the identified objectives of the proposed project. The analysis will focus on whether the alternatives are capable of eliminating or reducing to a level of insignificance any significant adverse environmental impact of the proposed project. A comparison of the alternatives will also be provided in tabular format. The EIR could analyze the following alternatives including, but not limited to:

- **Alternative 1 – No Project/No Development Alternative.** This mandatory alternative evaluates the potential impacts of not approving the proposed project. Alternative 1 assumes continuation of existing uses and improvements on the site pursuant to current General Plan and Zoning designations.
- **Alternative 2 - Reduced Intensity Alternative.** This alternative evaluates the potential impacts of reducing the intensity of development onsite. Alternative 2 assumes development of a smaller hotel and a freestanding restaurant subject to approval of a General Plan Amendment and a Zoning Ordinance Amendment.
- **Alternative 3 – No Project/Development Pursuant to Existing General Plan Designation** This alternative evaluates the potential impacts of developing the site consistent with the current General Plan designation. Alternative 3 assumes development of a marine recreation facility to include boat slips and on-site parking.

1.8 ENVIRONMENTAL DETERMINATION

Through the preparation of this IS, the City has determined that the proposed project may have a significant impact on the environment and that a project-level EIR (Guidelines’ Section 15161) will be prepared in compliance with Section 15120 of the Guidelines. The preliminary scope and content of the EIR have been determined based on the results of the IS and information obtained from application materials submitted to the City by the project proponent. The scope and content will be further evaluated based on input received from public agencies and interested members of the public during the 30-day Notice of Preparation (NOP) comment period.

1.8.1 Effects Not Found To Be Significant

The City has determined that the potentially significant effects to the environment in the following environmental issue categories are less than significant or of no impact and, therefore, will only be described briefly in the EIR, in accordance with Section 15128 of the Guidelines. These factors are:

- Agricultural Resources
- Cultural Resources
- Mineral Resources
- Population and Housing
- Recreation

1.8.2 Effects Found To Be Potentially Significant

Through the preparation of this IS, the City has determined that the proposed project has the potential to result in potentially significant impacts on the environment. The EIR prepared for the proposed project will analyze all impacts associated with the following environmental issues:

- Aesthetics
- Air Quality
- Biological Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Public Services
- Transportation/Traffic
- Utilities/Service Systems

1.9 INTENDED USES OF THIS DOCUMENT

This IS document has been prepared to determine the appropriate scope and level of detail required in completing the environmental analysis for the proposed project. This document will also serve as a basis for soliciting comments and input from public agencies and interested members of the public regarding the proposed project, following the distribution of the NOP of the EIR. The NOP will be circulated for a total of 30 days, during which written comments regarding the forthcoming EIR for the proposed project are invited to be sent to:

City of Newport Beach
Planning Department
3300 Newport Boulevard
Newport Beach, CA 92658-8915
Attn: James Campbell, Senior Planner

SECTION 2 ENVIRONMENTAL CHECKLIST FORM

Environmental Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
I. Aesthetics - Would the project:				
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 building within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<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 day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
II. Agriculture Resources - 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. Would the project:				
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) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
III. Air Quality - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) 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 (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
IV. Biological Resources - Would the project:				
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 type="checkbox"/>	<input checked="" 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, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" 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 wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
V. Cultural Resources - Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VI. Geology and Soils - Would the project:				
a) Expose people or structures to 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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 type="checkbox"/>	<input checked="" 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 risks to life or property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VII. Hazards and Hazardous Materials - Would the project:				
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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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 for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VIII Hydrology and Water Quality – Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k) Result in significant alteration of receiving water quality during or following construction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l) Result in a potential for discharge of stormwater pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m) Result in the potential for discharge of stormwater to affect the beneficial uses of the receiving waters?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
n) Create the potential for significant changes in the flow velocity or volume of stormwater runoff to cause environmental harm?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
o) Create significant increases in erosion of the project site or surrounding areas?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
IX. Land Use and Planning - Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with any applicable habitat conservation plan or natural communities conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
X. Mineral Resources - Would the project:				
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"/>
XI. Noise - Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" 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 expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XII. Population and Housing - Would the project:				

Environmental Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., 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 housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
XIII. Public Services - Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire Protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Police Protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v) Other public facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
XIV. Recreation:				
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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
XV. Transportation/Traffic - Would the project:				
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XVI. Utilities and Service Systems - Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Would the project include a new or retrofitted stormwater treatment control Best Management Practice (BMP), (e.g., water quality treatment basin, constructed treatment wetland), the operation of which could result in significant environmental effects (e.g., increased vectors and odors)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
XVII. Mandatory Findings of Significance:				
a) Does the project have the potential to 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, 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"/>

Environmental Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Earlier Analyses:				
<p>Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case a discussion should identify the following on attached sheets:</p> <ul style="list-style-type: none"> a) Earlier analyses used. Identify earlier analyses and state where they are available for review. b) Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis. c) Mitigation measures. For effects that are “Less than Significant with Mitigation Incorporated,” describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project. 				

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.

Environmental Factors That Could Result in a Potentially Significant Impact		
The environmental factors checked below would be potentially affected by the project, involving at least one impact that is a “potentially significant impact” as indicated by the preceding checklist and supported by evidence provided in Section 3.		
<input checked="" type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture Resources	<input checked="" type="checkbox"/> Air Quality
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Geology/Soils
<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 type="checkbox"/> Population/Housing
<input checked="" type="checkbox"/> Public Services	<input type="checkbox"/> Recreation	<input checked="" type="checkbox"/> Transportation/Traffic
<input checked="" type="checkbox"/> Utilities/Service Systems	<input checked="" type="checkbox"/> Mandatory Findings of Significance	

Environmental Determination

On the basis of this initial evaluation (To be completed by the Lead Agency.):

- 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 measure 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.

Signed _____

Date _____

SECTION 3 DISCUSSION OF ENVIRONMENTAL EVALUATION

ENVIRONMENTAL CHECKLIST RESPONSES

The following Initial Study Environmental Checklist responses discuss and briefly analyze the potential impacts resulting from the proposed project.

I. AESTHETICS

Existing Conditions

Presently, the project site is developed with a mobile home park, and Las Arenas Park, which includes a metered 21-stall parking lot, Balboa Community Center/Girl Scouts House, four public tennis courts, and a children's play area. The site is adjacent to Newport Bay, which fronts the property's northern perimeter. Minimal vegetation is present onsite, with the exception of some non-native, ornamental landscaping and a row of palm trees that line the boardwalk adjacent to the public beach situated along the northern portion of the project. Site topography is relatively flat with little or no variation.

Environmental Checklist Responses

- a) *Have a substantial adverse effect on a scenic vista.*

Potentially Significant Impact. View corridors to Newport Bay from public rights-of-way adjoining the project site are obstructed by existing improvements on the site. Development consistent with the proposed project would provide limited view corridors from public rights-of-way to the Bay. A visual simulation analysis will be conducted and impacts on view corridors will be evaluated. Changes in the project or mitigations measures, as appropriate, will be recommended

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

No Impact. The proposed project is not located within the viewshed area of any State scenic highway and there are no scenic vistas within proximity to the site. Moreover, there are no resources such as rock outcrops or designated historic buildings located on or adjacent to the site.

- c) *Substantially degrade the existing visual character or quality of the site and its surroundings?*

Potentially Significant Impact. The transformation of the project site from its current land uses to hotel/hospitality land uses will alter the overall visual character of the site. Currently, views of the Newport Bay from West Balboa Boulevard are obstructed by the various uses at Las Arenas Park and the mobile home park. With the implementation of the proposed project, views of Newport Bay will still be somewhat obstructed. The proposed project incorporates public access view corridors. However, the project site is immediately adjacent to Newport Bay and the proposed project will result in a change and intensification of land uses on the project site, in addition to introducing two-story structures on a site that is currently developed within single-story structures.

Boundary landscaping will be provided along the project's frontage with West Balboa Boulevard, 18th Street, and the public beach. The landscaped grounds that will cover ten percent or greater of the net useable area of the parcel will consist of a combination of evergreen or deciduous trees, shrubs, and groundcover, with walkways and covered arbors that will be accessible to the public.

The EIR will address the aesthetic impacts as a result of the transformation of the site from mobile home park and community uses to the proposed 110-room luxury resort hotel and community uses through the use of a series of visual simulations. As appropriate, mitigation measures will be recommended.

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

Potentially Significant Impact Unless Mitigation Incorporated. Presently, the project site is developed with urban uses that contribute to nighttime illumination within the project area. Existing lighting sources include security lighting at Las Arenas Park and the Marinapark mobile home park as well as residential lighting from the mobile home park and residential traffic. Interior and exterior lighting for the proposed project may increase light and glare and will be analyzed in the EIR. Mitigation measures, as appropriate, will be recommended.

II. AGRICULTURAL RESOURCES

Existing Conditions

The project site and surrounding areas are highly developed with urban uses. There are no agricultural lands within the vicinity of the proposed project.

Environmental Checklist Responses

- 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.*
- b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*
- c) *Involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland, to non-agricultural use?*

No Impact. The project site and the surrounding area are not zoned for agricultural uses, are not currently in agricultural use or subject to a Williamson Act contract. Therefore, the proposed project does not involve any significant changes to the environment that will result in the conversion of farmland to non-agricultural uses. No impacts will occur and no mitigation is required.

III. AIR QUALITY

Existing Conditions

Regional Setting

The project site is located within the South Coast Air Basin (SCAB), which is the jurisdictional responsibility of the South Coast Air Quality Management District (SCAQMD) and to a lesser extent the California Air Resources Board (CARB).

Like most of southern California, the climate within the project area is strongly influenced by the strength and location of a semi-permanent, subtropical high-pressure cell that is located over the Pacific Ocean.

Locally, the wind speeds are considered to be very low, which result in a limited capacity to horizontally disperse air contaminants. The dominant daily wind pattern is an onshore 8 to 12 miles per hour (mph) daytime breeze and an offshore 3 to 5 mph nighttime breeze. The typical wind flow pattern only fluctuates occasionally during winter storms or when Santa Ana winds occur. During the summer, pollutant accumulation is intensified due to the high temperatures and increased sunlight, which results in ozone formation and inversions, which do not allow for the dispersal of air contaminants. During the winter, ground inversions are severe, especially on cold and clear mornings.

Local Setting

Overall, Orange County retains a higher level of air quality than the rest of the SCAB, with the exception of when the area experiences Santa Ana winds. Generally, on-site conditions do not contribute to air pollution; however, on-site soil stockpiling may potentially contribute to airborne dust during high winds if no precautions are exercised.

Criteria for Determining Significance

A project would normally be considered to have a significant effect on air quality if it would violate any ambient air quality standard, contribute substantially to an existing air quality violation, expose sensitive receptors to substantial pollutant concentrations, or conflict with adopted environmental plans and goals of the community in which it is located.

Environmental Checklist Responses

- a) *Conflict with or obstruct implementation of an applicable air quality plan.*

Potentially Significant Impact Unless Mitigation Incorporated. There is no long-term resident population or significant number of employees (i.e., approximately 50 employees) associated with the project in comparison to the existing labor force (i.e., 48,000 employees) within the City. Although the proposed project is not regionally significant, as defined in CEQA, there is a potential it is inconsistent with the local and regional growth projections and the SCAB Air Quality Management Plan. A technical air quality analysis will be prepared in accordance with SCAQMD and the CEQA Air Quality Handbook. The analysis will provide a discussion of the project's consistency with applicable air quality plans. As appropriate, mitigation measures will be recommended.

- b) *Violate any air quality standard or contribute to an existing or projected air quality violation?*

Potentially Significant Impact Unless Mitigation Incorporated. The SCAQMD has established thresholds for air pollutants. Construction and operation of the project site have the potential to generate significant air quality impacts. In the short-term the proposed project will result in construction related air quality impacts. Activities such as earth moving, excavation, grading operations, construction vehicle traffic, and wind blowing over exposed earth will generate fugitive particulate matter emissions and exhaust emissions that may affect local and regional air quality. In the long term, vehicle emissions are the primary source of air pollution. The change of traffic patterns or the addition of traffic has the potential to affect local and regional air emissions. A technical air quality analysis will be prepared in accordance with SCAQMD and the CEQA Air Quality Handbook. The analysis will describe the ambient air quality conditions, evaluate construction emissions and both local and regional operational emissions. A carbon monoxide hotspot analysis will be prepared and included in the analysis. The technical air quality analysis will be summarized in the EIR and included in its entirety as an appendix to the document. As appropriate, mitigation measures will be recommended.

- c) *Result in cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?*

Potentially Significant Impact Unless Mitigation Incorporated. The U.S. Environmental Protection Agency has designated the SCAB as being a non-attainment area for ozone, carbon monoxide, and suspended particulates. Therefore, construction and operation of the project has the potential to generate significant air quality impacts. A technical air quality analysis will be prepared in accordance with SCAQMD and the CEQA Air Quality Handbook. The analysis will describe the ambient air quality conditions, evaluate construction emissions and both local and regional operational emissions. A carbon monoxide hotspot analysis will be prepared and included in the analysis. The technical air quality analysis will be summarized in the EIR and included in its entirety as an appendix to the document. As appropriate, mitigation measures will be recommended.

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

Potentially Significant Impact Unless Mitigation Incorporated. Construction and operation of the project site has the potential to generate significant air quality impacts. Project implementation will result in the generation of air pollutants during both the short-term and long-term. There are residential land uses located to the south and west of the proposed project. Moreover, the project site is directly adjacent to a public beach. There is the potential for sensitive receptors to be exposed to substantial pollutant concentrations, especially during the short-term construction period. A technical air quality analysis will be prepared in accordance with SCAQMD and the CEQA Air Quality Handbook. The analysis will describe the ambient air quality conditions, evaluate construction emissions and both local and regional operational emissions. A carbon monoxide hotspot analysis will be prepared and included in the analysis. The technical air quality analysis will be summarized in the EIR and included in its entirety as an appendix to the document. Mitigation measures will be recommended, as appropriate.

- e) *Create an objectionable odor affecting a substantial number of people?*

Less Than Significant Impact. The proposed project will utilize diesel-operated machinery during construction activities. The use of diesel may produce odors that may affect adjacent residents. Construction activities are short-term in duration and, therefore, potential objectionable odors are not considered significant. No significant impacts will occur and no mitigation measures are required.

IV. BIOLOGICAL RESOURCES

Existing Conditions

The project site itself is located within a highly developed area of the City of Newport Beach and currently supports urbanized uses, including a 56-space mobile home park and associated parking, a metered 21-stall surface parking lot, and Las Arenas Park, which includes the Balboa Community Center/Girl Scouts House, a children's play area and four public tennis courts. Little vegetation is present onsite, with the exception of some non-native, ornamental landscaping and a row of palm trees that line the boardwalk adjacent to the public beach located along the north portion of the site. However, the project site is directly adjacent to Newport Bay, which supports species such as eelgrass (*zostera marina*), an important marine plant that provides shelter for many species of juvenile fish and invertebrates and also serves as a foraging area for federally and State listed endangered and threatened bird species. Within the project area, the Bay also supports fish nursery habitat or marine resources (plants, invertebrates, fishes, marine mammals, seabirds, federally listed and State-listed marine associated species and sensitive habitats).

Environmental Checklist Responses

- 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?*
- 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 the U.S. Fish and Wildlife Service?*
- c) *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through the direct removal, filling, hydrological interruption, or other means?*

Potentially Significant Impact Unless Mitigation is Incorporated. The proposed project will result in the development of a new 12-slip yacht marina in Newport Bay and approximately 360,000 square feet of development directly adjacent to the Bay. There is the potential that eelgrass and other fish nursery habitat or marine resources (plants, invertebrates, fishes, marine mammals, seabirds, federally listed and State-listed marine associated species and sensitive habitats) will be affected as a result of development. The EIR will include the preparation of a Marine Resources Assessment (MRA). The MRA will include a review of available marine biological data for the local area and a site survey. Potential impacts to marine biological resources and the surrounding marine environment will be analyzed and where impacts are identified, mitigation measures will be recommended as appropriate. Moreover, the Southern California Eelgrass Mitigation Policy adopted by the

National Marine Fisheries Service in 1991 has detailed specifications on how to perform eelgrass mitigation. If appropriate, such mitigation will be recommended. The Marine Resources Assessment will be summarized in the EIR and included in its entirety as an appendix to the EIR.

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

Potentially Significant Impact Unless Mitigation Incorporated. The project site is located in a highly urban area and the site itself is developed with a mobile home park and community service type land uses. There are no migratory corridors within the project area. However, there may be habitat that would support nursery sites for native resident or migratory fish. Therefore, significant impacts related to wildlife movement may occur. The Marine Resources Assessment will address these impacts and provide mitigation measures, as appropriate.

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

No Impact. There are no locally protected biological resources on the project site. Therefore impacts to these resources are not anticipated as a result of the proposed project and no mitigation measures are required.

- 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?*

No Impact. The project site is not located within the Natural Community Conservation Plan (NCCP). The NCCP has been developed to protect diversity of natural wildlife within Orange County. The proposed project will not conflict with the NCCP. Implementation of the proposed project will not result in impacts and no mitigation measures are required.

V. CULTURAL RESOURCES

Existing Conditions

The project site is highly developed with urban uses including a 56-space mobile home park and Las Arenas Park, which includes a metered 21-stall parking lot, the Balboa Community Center/Girl Scouts House, four public tennis courts, and a children's play area. MBA conducted a cultural resources record search for the proposed project at the South Central Coastal Information Center which is located at the California State University, Fullerton and reviewed the 1992 Ad Hoc Historic Preservation Advisory Committee Historic Resource Inventory (HRI) for the City of Newport Beach. The record search and HRI indicated there are no cultural resources located on or directly adjacent to the project site. Therefore, the prehistoric and historic sensitivity of the area is considered to be low. The project site also contains the geologic Topanga Formation and Pleistocene terraces, which have potential for high paleontologic sensitivity.

Environmental Checklist Responses

- a) *Cause a substantial change in the significance of a historical resource as defined in Section §15604.5?*

No impact. There are no historical resources located on the project site. No impact will occur and no mitigation is required.

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

Less Than Significant Impact. The proposed project has been previously graded and developed. Any archeological resources located on-site most likely would have been recovered in conjunction with the past development activities. Therefore, impacts to archeological resources would be less than significant and no mitigation measures are required.

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

Less Than Significant Impact. The proposed project has been previously graded and developed. Any paleontological resources located on-site most likely would have been recovered in conjunction with the past development activities. Therefore, impacts on paleontological resources would be less than significant and no mitigation measures are required.

- d) *Disturb any human remains, including those interred outside formal cemeteries?*

Less Than Significant Impact. No remains are known to be present on site. The project site has been previously graded. In the event that unknown remains are discovered on the project site, the proposed project will be in compliance with the State Health and Safety Code 7050.5, as required and cited below:

If human remains are encountered, the state Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the county coroner has made a determination of the origin and disposition pursuant to Public Resources Code 5097.98. The county coroner must be notified immediately of the find. If the remains are determined to be prehistoric, the coroner is required to notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the owner of the land or his/her authorized representative, the descendant may inspect the site of the discovery. The descendant shall complete the inspection within 24 hours of notification of the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

VI. GEOLOGY AND SOILS

Existing Conditions

Southern California is a seismically active area. The five major fault zones within the project area that are considered to be active are: the San Andreas fault; the San Jacinto fault; the Sierra Madre/Cucamonga/San Fernando fault system; the Whittier/Elsinore fault system; and the Newport-Inglewood fault. All of these faults are capable of generating earthquakes up to a magnitude of 7.0. The City of Newport Beach, including the project site, is located along the southwesterly edge of the Los Angeles basin. The underlying geology of the project site consists of sandstone and siltstone of the Topanga formation and terraced deposits. The project site is not located within a currently designated Aliquist-Priolo Earthquake Fault zone.

The primary seismic hazard affecting the project will be groundshaking from a regional seismic event (earthquake) along a known active fault in the Southern California area. Groundshaking is the primary cause of structural damage during an earthquake. The duration and frequency of ground shaking will vary depending on the distance to the epicenter, the depth of shock, and magnitude of the earthquake. The nearest active fault is the Newport-Inglewood Fault.

Environmental Checklist Responses

- a) *Expose people or structures to potential adverse effects, including the risk of loss, injury, or death involving:*
- i) *Rupture of known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zone Map issued by the State Geologist for the area of based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

Less Than Significant Impact. The project site is not located within a currently designated Alquist-Priolo Earthquake Fault Zone. Therefore, the potential for fault rupture on the site is considered less than significant and no mitigation measures are required.

- ii) *Strong Seismic Shaking?*

Potentially Significant Impact Unless Mitigation Incorporated. The proposed project is likely to be exposed to strong seismic shaking during its lifetime. The severity of the groundshaking will depend upon the distance to the epicenter, the depth of shock, and the magnitude of the earthquake. A geotechnical report addressing this issue of strong seismic shaking will be prepared for the proposed project, which will be summarized in the EIR and included in its entirety as an appendix to the document. As appropriate, mitigation measures will be recommended.

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

Potentially Significant Impact Unless Mitigation Incorporated. According to the City of Newport Beach the project site is located in an area that is susceptible to liquefaction. However, the General Plan does not identify the project site as an area unacceptable for development. Engineering design standards, including adherence to the Uniform Building Code, as required, generally can reduce project related liquefaction impacts. A geotechnical report, addressing seismic related ground failure, will be prepared for the proposed project, which will be summarized in the EIR and included in its entirety as an appendix to the document. Mitigation measures will be recommended, as appropriate.

- iv) *Landslides?*

No Impact. The project site is relatively flat and there is minimal topographic variation throughout the development envelope. The potential for landslides is considered to be low. Therefore, no impacts would occur and no mitigation measures are required.

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

Less Than Significant Impact. The project site will require minimal excavation. The proposed project will be implemented in accordance with the provisions of the City Excavation and Grading Code, as well as the Development Project Guidance requirements of Chapter 14.36 of the Municipal Code to safeguard against soil erosion and loss of topsoil. Furthermore, the proposed project will implement Best Management Practices (i.e., use of sand bags, hydroseeding of graded pads, installation of landscaping after completion of grading, etc.) during construction activities. Therefore, significant impacts related to soil erosion will not result from the proposed project and no additional mitigation measures are required to reduce soil erosion impacts of the project.

- 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?*
- d) *Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.*

Potentially Significant Unless Mitigation Incorporated. The site is located in an area that is considered to be susceptible to liquefaction. Additionally, due to the site's proximity to Newport Bay, there is the potential of the lateral spreading of soils towards the water. A geotechnical report, which will address unstable and expansive soils, will be prepared for the proposed project and be summarized in the EIR. The report will be included in its entirety as an appendix to the document. As appropriate, mitigation measures will be recommended.

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

No Impact. The project site will not utilize septic tanks or alternative waste water disposal systems. Therefore, no impacts to soils from alternative wastewater disposal systems will result from the proposed project and no mitigation measures are required.

VII. HAZARDS AND HAZARDOUS MATERIALS

Existing Conditions

The project site is developed with a mobile home park, a Community Center/Girl Scouts facility, four tennis courts, and a children's play area. Such land uses are not typical generators of hazardous wastes or materials.

Environmental Checklist Responses

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

No Impact. The proposed project will not utilize or dispose of any hazardous materials of reportable quantities in its typical operations. Substances for landscaping, such as fertilizers and pesticides, will be subject to all applicable regulations. No impacts will occur and no mitigation measures are 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?*

Less than Significant Impact. Project construction consists of limited grading and trenching. These activities on the 8.10-acre site involve typical construction methods and equipment onsite for a relatively limited and short duration. Construction equipment will include diesel and gasoline powered engines. A very small (incalculable) risk is present from gasoline or diesel tank rupture. However, compliance with construction site safety regulations limits the risk of upset to less than significant levels. Also, because of the limited and short duration of these activities, there is minimal risk of spillage. Development of the proposed project will not create a health hazard or the potential for a health hazard related to pollutants. Therefore, no significant impacts related to the release of hazardous materials will result from the proposed project and no mitigation measures are required. OK

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

Potentially Significant Impact. The proposed project is located within one-quarter mile of Newport Elementary School. An inventory of materials and their respective quantities to be used in construction or operation of the project will be developed. Any material identified as inherently hazardous or hazardous as a result of the quantity to be handled on the project site will be identified and appropriate mitigation measures defined.

- 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 Unless Mitigation Incorporated. Past or present uses either onsite or within the surrounding area also have the potential to result in hazardous materials impacts through the release and/or migration of toxic substances. Moreover, project implementation will require the removal of onsite structures, which depending on date of construction may contain lead or asbestos materials. A regulatory database review will be conducted for the proposed project, results of the database review will be summarized in the EIR and the review results will be included in their entirety as an appendix to the document. Mitigation measures will be recommended, as appropriate.

- 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 for people residing or working in the project area?*

- f) *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?*

No Impact. The proposed project is not located within an airport land use plan, within two miles of a public or public use airport, or private airstrip. Therefore, no impacts related to this issue will result from the proposed project and no mitigation measures are required.

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

No Impact. Access to the peninsula is primarily obtained via Newport and Balboa Boulevards, and the project site is situated on Balboa Boulevard. The proposed project will not constrict access or result in modifications to Balboa or Newport Boulevard. The proposed project will not alter emergency access to surrounding uses and onsite emergency access will be provided via the onsite circulation system. Twenty-foot fire access corridors will be provided on both the eastern and western portions of the property and two additional twenty-foot fire access corridors will be provided in the central portion of the property, all of which provide access to the existing public beach. The onsite circulation system has been designed to accommodate emergency vehicles (i.e., turning radii, etc). Therefore, no impacts would occur and no mitigation measures are required.

- h) *Expose people or structures to a significant loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.*

No Impact. The proposed project is located in a highly urbanized area and is surrounded primarily by residential development and Newport Bay. The vicinity of the project site is considered to have a low fire hazard. Fire risk is dependent upon the moisture level in the plants and the presence of incendiary sources. Although fire is a risk for any kind of structure, the proposed project would not be at any greater risk than other uses adjacent to the site. Project design includes emergency fire access routes and the proposed development will be reviewed by the Newport Beach Fire Department to ensure that the design meets the Fire Department standards including building materials, sprinklers, internal fire walls, access for emergency vehicles, etc. Therefore, the proposed project will not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. No impacts would occur and no mitigation measures are required.

VIII. HYDROLOGY AND WATER QUALITY

Existing Conditions

The proposed project is located on the Balboa Peninsula, which separates the Pacific Ocean from Newport Bay. Newport Bay is comprised of the upper and lower bays. Upper Newport Bay is an estuary that receives drainage from a 150 square mile area of Orange County and Lower Newport Bay is the recreational and commercial harbor, known as Newport Harbor. The project site is relatively flat, rectangular in shape and approximately 8.10 acres in size. The site is primarily built-up in nature with areas of ornamental vegetation.

Environmental Checklist Responses

- a) *Violate any water quality standards or waste discharge requirements?*
- c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?*

- d) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in flooding on- or off-site?*
- e) *Create or contribute runoff water, which would exceed the capacity of the existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*
- f) *Otherwise substantially degrade water quality?*
- k) *Result in significant alteration of receiving water quality during or following construction?*
- l) *Result in a potential for discharge of stormwater pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas?*
- m) *Result in the potential for discharge of stormwater to affect the beneficial uses of the receiving waters?*
- n) *Create the potential for significant changes in the flow velocity or volume of stormwater runoff to cause environmental harm?*
- o) *Create significant increases in erosion of the project site or surrounding areas?*

Potentially Significant Impact Unless Mitigation Incorporated. Implementation of the proposed project will alter the existing drainage pattern of the site. In the short-term, construction activities may result in siltation and erosion as well as potential fuel oil spills, which could result in a decrease in water quality and an increase in turbidity and sedimentation as it relates to the amount of pollution flowing to Newport Bay and the ocean. The project site is under the jurisdictional responsibility of the Santa Ana Region of the California Water Quality Control Board, a state agency, which regulates discharges into the State's waters. As part of its oversight, the state ensures the project is implemented in accordance with federal water quality requirements during grading and construction. More specifically, the Federal Clean Water Act (Section 402[p]) requires discharges of stormwater associated with industrial and construction activity to be regulated by National Pollutant Discharge Elimination System (NPDES) permits. NPDES compliance requires implementation of Best Management Practices (BMPs) for water quality control. A Storm Water Pollution Prevention Plan (SWPPP) emphasizing stormwater BMPs during construction will require approval by the City. In addition, a Water Quality Management Plan (WQMP), which focuses on long-term operation of the project, will also be prepared and requires approval by the City.

A hydrological study is being prepared for the proposed project. The study will be summarized in the EIR and included in its entirety as an appendix to the EIR. The EIR will describe potential drainage and water quality impacts from construction activities and long-term operation of the project, including project facilities designed to mitigate these effects.

- b) *Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a*

lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

No Impact. The project site is developed with urban uses and there are very few permeable surfaces onsite. Conversely, project design incorporates two detention vaults and a landscape scheme that may result in increasing the amount of rainfall that will infiltrate into the ground and, thus, result in a decrease in stormwater runoff. The project would not require the pumping of groundwater and, therefore, would not result in a depletion of groundwater supplies or interfere with groundwater recharge.

- g) Place housing within a 100-year flood hazard as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?*
- h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flow.*
- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?*

No Impact. According to the Flood Insurance Rate Maps, the project site is not located within a 100-year flood zone or within a dam inundation area.

- j) Inundation by seiche, tsunami, or mudflow?*

Potentially Significant Impact. Given the generally flat topography of the project site and the surrounding area, and the distance from the mouth of a canyon stream, the project is not subject to mudflow. Potential impact of a tsunami will be evaluated and mitigation measures, as appropriate, recommended.

IX. LAND USE AND PLANNING

Existing Conditions

Presently, the project site is developed with a mobile home park, a public beach, Los Arenas Park and a metered 21-stall parking lot, a Community Center/Girl Scouts house, four public tennis courts, and a children's play area. A public beach is located to the north of the project site. Primarily residential uses and some commercial uses, including a hotel, surround the project site.

Environmental Checklist Responses

- a) Physically divide an established community?*

No Impact. The proposed project will not physically divide an established community. Project implementation will not result in any barriers that would preclude travel throughout the project area. There are residential land uses directly south of West Balboa Boulevard and west of 18th Street. The proposed project will enhance access to the public beach through four on-site public access corridors and reconstruction of the public walkway. Therefore, no impact related to this issue will result from the proposed project and no mitigation measures are required.

- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific*

plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Potentially Significant Impact. The project site is currently designated as Recreational and Environmental Open Space and zoned as the Marina Park Planned Community. The proposed project will require a General Plan Amendment, zone change, amendment of the Land Use Plan of the Local Coastal Program, the adoption of the Regent Planned Community District Plan, and a Use Permit. In accordance with Chapter 20.35 of the City of Newport Beach Municipal Code, a district plan is to “. . . include various types of land uses, consistent with the general plan, through the adoption of a development plan and text materials which set forth land use relationships and development standards.” Additionally, the proposed project is located within the coastal zone and as such is subject to the California Coastal Act. An evaluation of the project’s compatibility with existing land uses and environmental plans and policies in the City’s General Plan and other applicable regional plans and policies will be included in the EIR. Mitigation measures will be recommended, as appropriate.

- c) *Conflict with any applicable habitat conservation plan or natural community conservation plan?*

No Impact. The proposed project is not located in an area that is designated within a habitat conservation plan or Natural Community Conservation Plan (NCCP). Therefore, project implementation will not conflict with the existing NCCP or any other applicable habitat conservation plans. No impact will occur and no mitigation measures are required.

X. MINERAL RESOURCES

Existing Conditions

The proposed project is not utilized for mineral extraction, nor has it been identified by the California Division of Mines and Geology as an important mineral resource zone.

Environmental Checklist Responses

- 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?*

No Impact. The City of Newport Beach’s General Plan does not identify any known minerals on the project site or within the surrounding area. The project will not result in the loss of a known mineral resource that would be of state, regional, or local value. Therefore, no mineral resource impacts are expected to occur and no mitigation measures are required.

- 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?*

No Impact. The project site is not delineated as a locally-important resource recovery site in the City’s General Plan. Therefore, no impacts in relation to locally important mineral resources will result from the implementation of the proposed project and no mitigation measures are required.

XI. NOISE

Existing Conditions

The noise environment within the project area is dominated primarily by vehicle traffic and community activity. Within the project area, there is noise sensitive residential land uses to the south and west and across the Bay to the north on Lido Isle. The City of Newport Beach has established a maximum permissible interior noise level of 45 dBA for noise sensitive land uses. Sensitive land uses typically include residences, parks, churches, schools and hospitals. Traffic along West Balboa Boulevard generates the majority of the ambient noise in the project area. Occasional aircraft overflight and motorcycle drive-bys generate relatively high noise levels, but are not the major noise events in the project area.

Environmental Checklist Responses

- a) *Expose persons to or generation of noise levels in excess of standards established in the local General Plan or noise ordinance, or applicable standards of other agencies?*
- b) *Exposure of persons to or generation of excessive groundbourne vibration or groundbourne noise levels?*
- c) *A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*
- d) *A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

Potentially Significant Impact Unless Mitigation Incorporated. Sensitive receptors within the project area include the residential land uses to the south, west, and north of the project site. The proposed project will contribute to the ambient noise environment in both the short-term and long-term, which may impact sensitive receptors. In the short-term, typical construction activities such as the operation of bulldozers, front loaders, scrapers, pumps, generators, compressors, etc., will elevate noise levels on the project site and the surrounding areas. In the long-term, project-related traffic will contribute to the ambient noise environment. Noise measurements will be taken at a variety of locations in the vicinity of the project site to establish the existing noise levels and traffic mix in the project vicinity. Community noise standards relevant to this project are contained in the City Noise Element and Noise Ordinance. These standards will be summarized and their relevance to the project discussed in the EIR.

The potential for noise impacts can be divided into short-term construction noise impacts on surrounding land uses, long-term on-site noise, and impacts of adjacent road noise on proposed uses. The application of the City's Noise Ordinance will be discussed in the EIR.

The noise impacts associated with the project's traffic on adjacent land uses will be assessed in terms of the Community Noise Equivalent Level (based upon 24 hours of measurement) noise scale for the without-project and with-project conditions. Areas that will experience a significant noise increase will be identified. Noise associated with operation and occupancy of the proposed hotel including the sounds of human voices and music and their potential impact on nearby sensitive uses will be

evaluated. The absolute noise levels experienced in these areas will then be determined, and the resulting land use/noise compatibility discussed in the EIR.

Noise levels generated by stationary sources will also be assessed for compatibility with the proposed land uses. Noise levels from stationary sources that potentially impact noise sensitive land uses will be estimated. The City's Noise Ordinance standards will be used to assess impacts. Based upon identification of cumulative noise impacts, the cumulative-plus project noise impacts in the area including mobile as well as any stationary sources of noise, will be assessed and discussed in the EIR.

Mitigation for construction and/or operational impacts will be identified, as necessary. Residual impact, if any, would be compared with the impact criteria to assess adequacy of any proposed mitigation measures. The entire noise study will be summarized in the EIR, and included as an appendix to the EIR. As applicable, mitigation measures will be recommended.

- 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 a public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

No Impact. The proposed project is not located within an area that is regulated by an airport land use plan or within two miles of a public or public use airport. Therefore, impacts due to aircraft noise would not occur and no mitigation measures are required.

- f) *For projects within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?*

No Impact. The project site is not located with the vicinity of a private airstrip. Therefore, there are no impacts related to this issue and no mitigation measures are required.

XII. POPULATION AND HOUSING

Existing Conditions

The Marinapark mobile home park is comprised of 56 mobile homes each situated on a pad, which is rented by the owner of the respective mobile home. Twenty-seven percent of the tenants of the Marinapark mobile home park identify the park as their primary residences. The remaining seventy-three percent of tenants identify their units as vacation homes. There are residential neighborhoods located directly to the south and west of the proposed project.

Environmental Checklist Responses

- a) *Induce substantial population growth in an area either directly (for example by proposing new homes or businesses) or indirectly (for example through the extension of roads or other infrastructure).*

Less Than Significant Impact. The proposed project will generate employment for approximately 50 people. This is considered nominal in comparison to the approximate 48,000-person labor force within the City of Newport Beach. Due to

the minor amount of employees being generated by the proposed project, it is not anticipated that such employment will directly or indirectly induce substantial population growth in the project area, which would require new housing or extension of roads or other infrastructure. Therefore, no significant population growth impacts would occur and no mitigation measures are required.

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

Less Than Significant Impact. The proposed project will result in displacing the tenants of the 56 mobile homes. Seventy-three percent of the mobile home park's tenants are not year-round residents of Newport Beach and utilize their units as vacation homes. According to the City of Newport Beach, mobile homes comprise approximately three percent of the City's housing stock and, currently, there are ten mobile home parks located within the City. In addition, the City of Newport Beach currently has a housing supply of approximately 37,000 units of which approximately four percent are vacant (1,480 units). Although not considered substantial, as defined by CEQA, any displacement of existing housing or people resulting from the proposed project could be adequately served by the existing housing supply within the City. Consequently, implementation of the proposed project is not considered to result in the displacement of a substantial number of existing housing necessitating the construction of replacement housing.

In addition, prior to the displacement of the Marinapark mobile home park residents, the City will prepare a Relocation Impact Study in compliance with the State's Mobile Home Residency law. Therefore, the proposed project would not result in significant population and housing impacts and no mitigation measures are required.

XIII. PUBLIC SERVICES

Existing Conditions

The project site is developed primarily with residential and community service-type land uses. Currently, the site requires fire and police services and to a lesser degree schools and park services.

- **Fire Services.** The City of Newport Beach Fire Department currently serves the project site. The Fire Department provides emergency fire protection, non-emergency service calls, paramedic services, and inspection services. The Fire Department operates eight fire stations throughout the City.
- **Police Services.** The City of Newport Beach Police Department serves the project site. Crimes reported within the project area are generally larceny and burglary.
- **School Services.** The public school district serving the project site is the Newport-Mesa Unified School District, which operates four elementary schools, one intermediate school, and one high school.
- **Park Services.** Currently, the City owns and maintains 309 acres of parkland.

Environmental Checklist Responses

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

- i) *Fire protection?*
- ii) *Police protection?*
- v) *Other public facilities?*

Potentially Significant Impact The proposed project will replace and enhance the existing onsite recreational facilities (Community Center/Girl Scouts House, tennis courts, children's play area). However, the project will result in an intensification and change of land uses, which may result in an increased demand for police and fire services. If traffic increases in the area, it is likely there will be an increase in traffic related accidents and emergencies, which will require the response of the police and/or the fire department. Additionally, an increase in development may result in an incremental increase in theft, burglaries, and other such crimes that require police services. Potential impacts on public services will be further addressed in the EIR and, as applicable, mitigation measures will be recommended.

- iii) *Schools?*
- iv) *Parks?*

No Impact. The project includes no permanent housing and will not result in population increase in the area that would create a demand for additional schools or parks.

XIV. RECREATION

Existing Conditions

Presently, the City owns and maintains 309 acres of parkland, in addition to community centers, school recreation land, gymnasiums, senior centers, and picnic areas. Las Arenas Park, which includes a Community Center/Girl Scouts House, public tennis courts, and a children's play area is located onsite.

Environmental Checklist Responses

- 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?*

No Impact. The proposed project will not result in a resident population increase in the project area; thus it will not result in an increased demand for recreational services and facilities.

- b) *Does the project include recreational facilities or require the construction of or expansion of recreational facilities, which might have an adverse physical effect on the environment?*

Less than Significant Impact. The proposed project will demolish existing onsite recreational uses, including the Balboa Community Center/Girl Scouts House, four public tennis courts, and children's play area. However, project implementation will replace all of these recreational facilities at Las Arenas Park with new facilities. The children's play area will be replaced with a tot lot and the four public tennis courts will be replaced with four new public tennis courts to be located atop the project's subterranean parking structure. The Balboa Community Center and Girl Scouts House will be replaced with a new structure that will accommodate both functions. In addition, the proposed project will install 12 new yacht slips, four of which will be for public use. The City of Newport Beach intends to continue to offer its full schedule of children's sailing programs from the beachfront adjoining the Newport Beach Regent property, in addition to offering tennis programs at the hotel's tennis courts. Environmental impacts associated with the development of these new recreational facilities, such as hydrology, traffic, etc., will be addressed within the EIR. As appropriate, mitigation measures will be recommended.

XV. TRANSPORTATION AND CIRCULATION

Existing Conditions

Upper and lower Newport Bay divides the City and creates barriers which result in lengthy circuitous vehicular traffic movements. The proposed project is located on the Balboa Peninsula. The site is bordered by West Balboa Boulevard to the south, 18th Street to the West and 15th Street to the East. Access to the site is currently provided from West Balboa Boulevard.

Environmental Checklist Responses

- a) *Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?*

Potentially Significant Unless Mitigation Incorporated. Existing traffic generated by the project site is primarily attributed to the mobile home park; however, since only twenty-seven percent of the tenants are full time residents of the park, traffic generation fluctuates seasonally. Therefore, implementation of the proposed project may increase the existing traffic load on nearby roadways. A detailed Traffic Impact Analysis (TIA) will be prepared as part of the EIR to evaluate the Newport Beach Regent Hotel project, its effects on the local street network and the ability of the roadway system to accommodate traffic generated by the proposed project. This study will conform to City Charter Section 423 and the Traffic Phasing Ordinance (TPO) analysis procedures specified by the City and be summarized in the EIR. Appropriate project design features or mitigation measures will be recommended as necessary.

- b) *Exceed either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?*

Potentially Significant Impact Unless Mitigation Incorporated. Implementation of the proposed project may result in exceeding the level of service standards for the project area's circulation system. A detailed TIA will be prepared as part of the EIR to evaluate the Newport Beach Regent project, its effects on the local street network and the ability of the roadway system to accommodate traffic generated by the proposed project. This study will conform to City Charter Section 423 and the TPO analysis procedures specified by the City and be summarized in the EIR. Appropriate project design features or mitigation measures will be recommended as necessary.

- c) *Result in a change of air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?*

No Impact. Impacts to air traffic patterns are not anticipated due to the nature of the proposed project. As the project is planned to provide no more than 110 rooms, the project will not result in an increase in air traffic or substantial safety risk due to an increase in air traffic levels. Therefore, there will be no impact to air traffic patterns and no mitigation is required.

- d) *Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersection) or incompatible uses (farm equipment)?*

No Impact. Primary access to the project site is via West Balboa Boulevard. Controlled secondary access is provided via 18th Street. The project will not result in the construction of new roadways or the alteration of the existing off-site circulation system. The project area is highly urbanized and it is not anticipated that hazards will occur as a result of incompatible uses. Therefore, there will be no impacts related to design hazards and no mitigation is required.

- e) *Result in inadequate emergency access?*

No Impact. The proposed project will not alter emergency access to surrounding uses and onsite emergency access will be provided via the onsite circulation system. Twenty-foot fire access corridors will be provided on both the eastern and western portions of the property and two additional twenty-foot fire access corridors will be provided in the central portion of the property, all of which provide access to the existing public beach. The onsite circulation system has been designed to accommodate emergency vehicles (i.e., turning radii, etc). Therefore, there will be no impacts related to emergency access and no mitigation measures are required.

- f) *Result in inadequate parking capacity?*

Potentially Significant Impact Unless Mitigation Incorporated. The proposed project will result in the construction of a 100-space subterranean parking structure and 68 surface parking spaces for hotel uses. According to the City's regulations, only 55 parking spaces are required. In addition, the proposed project will replace the existing 21-space metered surface parking lot with a 41-space shared parking lot for the non-hotel uses onsite. A parking study is being prepared to verify the adequacy of parking being provided by the proposed project. This study will be summarized in the EIR and mitigation measures will be provided, as appropriate.

- g) *Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?*

No Impact. No conflicts with any adopted alternative transportation policies, plans or programs are anticipated. Therefore, no impacts would result from project implementation and no mitigation measures are required.

XVI. UTILITIES AND SERVICE SYSTEMS

Existing Conditions

The existing development requires electrical, natural gas, water, wastewater, solid waste, and communication services.

- Electrical and natural gas services within the project site and surrounding area are provided by SCE and The Gas Company, both of which have various transmission and distribution systems located throughout the project area.
- Water services are provided by both the City of Newport Beach, which maintains the storm drain systems within the project area and the Irvine Ranch Water District, which provides water supply and wastewater services to the site.
- Solid Waste collection services within the project area are provided by the City of Newport Beach (Barrel service for residents and businesses) or private collection companies. Solid waste collected within the City is disposed of at the Frank R. Bowerman Canyon Landfill, located on Sand Canyon Road in the City of Irvine and operated by the County of Orange.
- SBC Communications and Cox Cable provide telephone and cable service to the project site, respectively.

Environmental Checklist Responses

- Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*
- Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*
- Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*
- Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?*
- 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*
- Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?*
- Comply with federal, state, and local statutes and regulations related to solid waste?*

- h) *Would the project include a new or retrofitted stormwater treatment control Best Management Practice (BMP), (e.g., water quality treatment basin, constructed treatment wetland), the operation of which could result in significant environmental effects (e.g., increased vectors and odors)?*

Potentially Significant Impact Unless Mitigation Incorporated. An intensification and change in the type of land uses on the project site may result in increasing the demand placed upon utility and service systems. The proposed project may require additional extensions and hookups to existing infrastructure. The EIR will examine the project related impacts upon utility and service systems. As applicable, mitigation measures will be recommended.

XVII. MANDATORY FINDINGS OF SIGNIFICIANCE

- a) *Does the project have the potential to 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, 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. No sensitive resources have been identified at the project site. However, the project has the potential to degrade the quality of the environment (i.e., aesthetics, air quality, transportation/traffic, etc.). This issue will be evaluated 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. The project site is located in a highly developed urban environment and is considered an in-fill parcel. An assessment of cumulative impacts including other current and probable future projects will be included in the EIR, as required by CEQA.

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

Potentially Significant Impact. Increases in traffic, air pollutant emissions, alteration of views and traffic congestion may have effects on persons in the vicinity of the project site. The EIR will assess the level of these effects generated by the proposed project as it relates any features that would directly or indirectly expose human beings to adverse effects.

SECTION 4 REFERENCES

The following enumerated documents are available at the offices of the City of Newport Beach, Planning Department, 3300 Newport Boulevard, Newport Beach, California 92660.

1. Final Program EIR - City of Newport Beach General Plan.
2. General Plan, including all its elements, City of Newport Beach.
3. Specific Plan, District #8, Central Balboa.
4. Title 20, Zoning Code of the Newport Beach Municipal Code.
5. City Excavation and Grading Code, Newport Beach Municipal Code.
6. Chapter 10.28, Community Noise Ordinance of the Newport Beach Municipal Code.
7. South Coast Air Quality Management District, Air Quality Management Plan 1997.
8. South Coast Air Quality Management District, Air Quality Management Plan EIR, 1997.