

**CITY OF NEWPORT BEACH  
CITY COUNCIL STAFF REPORT**

**Agenda Item \_\_\_\_\_  
July 13, 2004**

**TO:** HONORABLE MAYOR AND  
MEMBERS OF THE CITY COUNCIL

**FROM:** James Campbell, Senior Planner

**SUBJECT:** Marinapark Resort & Community Plan  
Final Environmental Impact Report (PA 2003-218)  
1700 West Balboa Boulevard

**APPLICANT:** Marinapark LLC (Formerly Sutherland Talla Hospitality)

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**ISSUE**

Should the City Council certify the Final Environmental Impact Report (EIR).for the Marinapark Resort and Community Plan (formerly the Regent Newport Beach)?

**RECOMMENDATION**

Review the Final Environmental Impact Report (EIR), receive public comments during the public hearing, and continue the public hearing to July 27, 2004.

**DISCUSSION**

Background

The project background, project description, and a summary of the Draft EIR are provided in the report provided to the City Council for the June 8<sup>th</sup> study session (Attachment 1).

EIR Certification Process

A Draft Environmental Impact Report (EIR) was prepared for the project and circulated for public comment from April 26, 2004, through June 9, 2004, as required by the California Environmental Quality Act (CEQA). During that time,

affected government agencies and the public submitted written comments on the Draft EIR. The Planning Commission received public comments on the Draft Environmental Impact Report for this project at a study session on June 3, 2004, and then provided comment and requested clarification and additional information on various impacts analyzed in the document. Planning Commission comments and responses to those comments are included in the Final Environmental Impact Report together with comments received during the public circulation period for the Draft EIR and the respective responses to those comments. The City Council also held a study session on June 8; no additional comments on the DEIR were received.

On July 8<sup>th</sup>, the Planning Commission will hold a public hearing, and recommend to the City Council whether or not to certify the Final EIR. A summary of Planning Commission deliberations and the adopted Resolution recommending City Council action on the EIR will be sent to City Council members on July 9<sup>th</sup>.

In order to provide adequate opportunity for public input, the City Council will hold public hearings on the Final EIR on July 13, 2004 and on July 27, 2004. On July 27<sup>th</sup>, the City Council may certify the Final EIR if, after reviewing the document and considering the Planning Commission recommendation, the Council finds that: 1) the Final EIR has been completed in compliance with the California Environmental Quality Act (CEQA); 2) the City Council reviewed and considered information contained in the Final EIR; and, 3) the Final EIR reflects the independent judgment of the City Council as the legislative body of the City as lead agency in preparation of the Final EIR.

At that time, the City Council may also take action as appropriate to place the General Plan Amendment proposed with this project on the November ballot.

#### Final EIR Summary:

The Marinapark Resort and Community Plan Final EIR is comprised of the Draft EIR, a listing of persons and organizations that commented on the Draft EIR during the public circulation period, a compilation of those comments, and responses to those comments provided by the City as lead agency for the project pursuant to CEQA.

#### *Comments and Responses to Comments*

The Final EIR includes all written comments on the Draft EIR received through June 9<sup>th</sup> and comments received from three agencies after that date. Correspondence from each commenter is accompanied by responses to comments set forth in that correspondence. Responses were prepared by the City's EIR consultant and City staff. Responses may provide clarification on an

issue by referral to an EIR section, may include additional discussion as clarification of an issue raised by the commenter and addressed in the EIR, or may indicate an additional or revised mitigation measure formulated in response to a comment. Comments not relating to environmental impacts may simply be noted for the record.

In response to comments received, additional mitigation measures have been formulated and previously defined mitigation measures have been modified to further reduce adverse impacts. These mitigation measures and the reasons for their inclusion or modification are as follow:

#### Mitigation Measure LU-1

Environmental impacts identified in the Draft EIR included those associated with bulkhead and groin wall placement, dredging, fill placement on the sandy beach, and extension of the slips beyond the pierhead line. Although the impacts associated with placement of this structure were determined to be less than significant, the project proponent has agreed to incorporate the modified dock specifications into the project as set forth in Mitigation Measure LU-1 to further reduce potential impacts. The modified dock eliminates the twelve boat slips originally proposed and replaces them with a 260-foot long "marginal" dock. This will reduce the amount of dredge material from 1,750 cubic yards to a maximum of 500 cubic yards, reduce the amount of bay bottom that will be disturbed, and eliminate the need for approval to construct improvements beyond the pierhead line.

#### Mitigation Measure HM-1

This new mitigation measure requires that the project proponent provide a listing of all hazardous materials and their quantities that may be used or stored on the project site during construction. The impact relative to hazardous materials used or stored on site during construction previously was determined to be less than significant with mitigation and the new mitigation measure was added to further reduce the potential impact level in response to comments received on the Draft EIR.

#### Mitigation Measure BR-6

Modification of the dock plan as in Mitigation Measure LU-1 results in a reduction in the area of benthic and shorebird foraging habitat that is disturbed and a consequent reduction in the amount of replacement habitat that must be developed off-site. Revision of this mitigation measure reflects the reduced habitat replacement area.

Mitigation Measure HWQ-1

Modification of this mitigation measure adds a requirement that in-water construction activities be limited to the period from October 1 to March 31. This mitigation measure was modified in response to comments from the Regional Water Quality Control Board indicating this would be a condition of permit approval for construction of the dock. The time period restriction will prevent construction activities that would interfere with wildlife reproductive activities.

**PUBLIC NOTICE**

A Notice of Public Hearing was published on July 3, 2004, in the Daily Pilot. The notice was also mailed on July 2, 2004, to owners of property within 300' of the proposed project and to those who previously requested notification of public hearings on this matter and the notice was posted at the site in multiple locations.

Submitted by:

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James Campbell  
Senior Planner

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Sharon Wood  
Assistant City Manager

Attachments: 1. June 8, 2004, staff report to City Council  
2. Draft Environmental Impact Report  
3. Response to Comments

## **ATTACHMENT 1**

[June 8, 2004, staff report to City Council]

## **ATTACHMENT 2**

### **DRAFT ENVIRONMENTAL IMPACT REPORT SCH#200311021**

[Distributed separately due to bulk.  
Available for public review at the City's Planning Department]

## **ATTACHMENT 3**

### **RESPONSES TO COMMENTS SCH#200311021**

[Distributed separately due to bulk.  
Available for public review at the City's Planning Department]