

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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Long Beach, CA 90802-4302  
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# Th12a



February 19, 2016

**TO:** Commissioners and Interested Persons

**FROM:** Sherilyn Sarb, Deputy Director  
Karl Schwing, Coastal Program Manager  
Charles Posner, Supervisor of Planning  
Amber Dobson, Coastal Program Analyst

**RE: Concurrence with the Executive Director's determination that the action of the City of Newport Beach accepting certification with suggested modifications of LUP Amendment No. 3-14 (LCP-5-NPB-14-0831-3) is legally adequate. For Commission review at the March 9-11, 2016 meeting in Santa Monica.**

On September 24, 2014, the City submitted Local Coastal Program (LCP) Amendment Request No. 3-14 for Commission certification. The LCP amendment request was submitted to the Commission's South Coast District office with City Council Resolution No. 2014-81. City of Newport Beach LCP Amendment 3-14 amends the Coastal Land Use Plan designation for the former City Hall site located at 3300 Newport Blvd. from Public Facility (PF) to Visitor-Serving Commercial (CV-LV) and allow an exception to the 35-foot Shoreline Height Limitation Zone.

On October 7, 2015, the Commission approved LCP Amendment No. 3-14 with suggested modifications to the land use designation and the specific height limitation exception. On February 9, 2016 the Newport Beach City Council unanimously adopted Resolution No. 2016-029 and rescinded Resolution No. 2014-081, incorporating into the Certified LUP the modifications suggested by the Commission pursuant to its approval of LCP Amendment No. 3-14 (see Exhibit D of attached resolution). The City has submitted the modifications to the Executive Director for a determination that they are consistent with the Commission's October 7, 2015 action (see attachment).

Pursuant to Section 13544 of the California Code of Regulations, Title 14, Division 5.5, the Executive Director must determine that the action taken by the City of Newport Beach acknowledging receipt and acceptance of and agreement with the Commission's certification of the above-referenced LCP amendment with suggested modifications is legally adequate and report that determination to the Commission. In this case, the Executive Director has determined that the City's action is legally adequate. Unless a majority of the Commissioners present object to the Executive Director's determination, the certification of City of Newport Beach Coastal Land Use Plan Amendment No. 3-14 shall become effective upon the filing of the required Notice of Certification with the Secretary of Resources as provided in Public Resources Code Section 21080.5(d)(2)(E).

### STAFF RECOMMENDATION

Staff recommends that the Commission concur with the Executive Director's determination that the City's action is legally adequate.

## RESOLUTION NO. 2016-29

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, ACCEPTING THE SUGGESTED MODIFICATIONS FROM THE CALIFORNIA COASTAL COMMISSION (LCP-5-NPB-14-0831-3) AND APPROVING REVISED GENERAL PLAN AMENDMENT NO. GP2012-002 AND REVISED COASTAL LAND USE PLAN AMENDMENT NO. LC2012-001 FOR THE FORMER CITY HALL COMPLEX LOCATED AT 3300 NEWPORT BOULEVARD AND 475 32<sup>ND</sup> STREET (PA2012-031)**

**WHEREAS**, On April 24, 2012, the City of Newport Beach (City) initiated amendments of the General Plan, Coastal Land Use Plan (CLUP), and Zoning Code (collectively, Amendments) with respect to the former City Hall Complex (Property), legally described in Exhibit A, attached hereto and incorporated by reference, located at the northeast corner of the intersection of Newport Boulevard and 32<sup>nd</sup> Street at 3300 Newport Boulevard and 475 32<sup>nd</sup> Street;

**WHEREAS**, the Amendments change the land use categories and zoning district from Public Facilities to Mixed Use. Additionally, the CLUP amendment modifies Policy 4.4.2-1 allowing buildings to exceed the 35-foot Shoreline Height Limit;

**WHEREAS**, pursuant to Section 65352.3 of the California Government Code, the appropriate tribal contacts identified by the Native American Heritage Commission were provided notice of the proposed General Plan Amendment on October 4, 2012. The City received an inquiry from one tribal representative. The Native American representative indicated that he could coordinate monitoring services during grading/construction if it is determined that such monitoring is required. The tribal representative did not indicate any knowledge of the presence of any significant cultural or archaeological resources on the Property. The Property is located within a highly developed area and has been completely disturbed. As such, impacts related to archaeological resources are not expected to occur. However, in the unlikely event that buried cultural resources or human remains are discovered during excavation activities, Mitigation Measure CUL-1 requires an archeologist and Native American Monitor be present during earth removal or disturbance activities related to rough grading and other excavation for utilities, and as such, a less than significant impact would occur in this regard;

**WHEREAS**, on April 25, 2013, the City sent a surplus land notice consistent with California Government Code Section 54222. No entities expressed an interest in acquiring the Property for the development of affordable housing, parks and open space, or schools;

**WHEREAS**, the Planning Commission held a public hearing on August 11, 2014, in the City Hall Council Chambers, 100 Civic Center Drive, Newport Beach, California. A notice of the time, place and purpose of the public hearing was provided in accordance with the California Environmental Quality Act (CEQA) and the Newport Beach Municipal Code (NBMC). The environmental documents for the project comprising the Draft Environmental Impact Report (DEIR), Final Environmental Impact Report (FEIR) which consists of Responses to Comments, and Mitigation Monitoring and Reporting Program (MMRP), the draft Findings and Facts in Support of Findings (Findings), Errata, staff report, and evidence, both written and oral, were presented to and considered by the Planning Commission at these hearings;

**WHEREAS**, on August 11, 2014, the Planning Commission adopted Resolution No. 1952 by a vote of 5-0 recommending certification of the Lido House Hotel Final EIR (Commissioner Hillgren abstained and Commissioner Kramer absent) (ER2014-003, SCH No. 2013111022) the Former City Hall Amendments (PA2012-031) and Lido House Hotel (PA2013-217);

**WHEREAS**, on August 11, 2014, the Planning Commission adopted Resolution No. 1953 by a vote of 5-0 recommending approval of the Former City Hall Amendments (Commissioner Hillgren abstained and Commissioner Kramer absent) (PA2012-031) without a mixed-use/residential component and approval of the Lido House Hotel (PA2013-217);

**WHEREAS**, on September 9, 2014, in the City Hall Council Chambers, at 100 Civic Center Drive, Newport Beach, California, the City Council held a public hearing to consider the Amendments and a FEIR prepared for the project. A notice of the time, place and purpose of the public hearing was provided in accordance with CEQA and the NBMC;

**WHEREAS**, on September 9, 2014, the City Council adopted Resolution No. 2014-80 certifying the Lido House Hotel FEIR No. ER2014-003 (SCH No. 2013111022) to be in compliance with CEQA, the State CEQA Guidelines, and City Council Policy K-3;

**WHEREAS**, on September 9, 2014, the City Council adopted Resolution No. 2014-81 approving General Plan Amendment No. GP2012-002 and Coastal Land Use Plan Amendment No. LC 2012-001. These amendments were adopted contingent upon approval by the California Coastal Commission;

**WHEREAS**, on September 23, 2014, the City Council adopted Ordinance No. 2014-16 adopting Zoning Code Amendment No. CA2013-003;

**WHEREAS**, on September 24, 2014, the City submitted Coastal Land Use Plan Amendment No. LC 2012-001 (LCP-5-NPB-14-0831-3) to the California Coastal Commission;

**WHEREAS**, on October 7, 2015, the California Coastal Commission certified the City's application request (LCP-5-NPB-14-0831-3) with suggested modifications to the proposed CLUP land use category and Policy 4.4.2-1. The suggested modifications changed the proposed CLUP land use category from Mixed-Use to Visitor-Serving Commercial, Lido Village. This change in policy language allows for the same range of allowed commercial uses as the City-approved amendment and prohibits all forms of timeshares or fractional ownership visitor accommodations. The modification also does not increase development intensity beyond what the City authorized. The suggested modifications to CLUP Policy 4.4.2-1 provided increased setbacks from streets and limited the area and size of structures that could exceed 35 feet in height. The modification of CLUP Policy 4.4.2-1 is more restrictive than the City-approved amendment but still allows the proposed Lido House Hotel;

**WHEREAS**, the certified FEIR showed that the proposed project would not result in any significant and unavoidable impacts and all potential impacts would be reduced to a less than significant level with the incorporation of several mitigation measures. Although the proposed amendments have changed from "mixed-use" to "visitor-serving commercial," the modified amendments: 1) do not change the development potential or intensity of use; 2) do not significantly change allowed uses; and 3) are more restrictive in terms of setbacks and structure heights. Therefore, modifying the previously approved amendments consistent with

the Coastal Commission's suggested modifications are not substantial and the FEIR does not require revisions as the changes to the project do not result in new impacts or increases in the severity of impacts previously identified and addressed in the certified Lido House Hotel FEIR (SCH No. 2013111022);

**WHEREAS**, on November 5, 2015, the Planning Commission held a public hearing in the City Hall Council Chambers, 100 Civic Center Drive, Newport Beach, California to consider modifications of the Amendments as a result of the Coastal Commission's action. A notice of the time, place and purpose of the hearing was provided in accordance with the NBMC. Evidence both written and oral was presented to and considered by the Planning Commission during the hearing. At the conclusion of the hearing, the Planning Commission adopted Resolution No. 1999 by a vote of 4 ayes, 0 noes, 2 absent and 1 abstaining recommending approval of the revised Amendments making them consistent with the suggested modifications from the California Coastal Commission;

**WHEREAS**, on November 24, 2015, the City Council held a public hearing in the City Hall Council Chambers, 100 Civic Center Drive, Newport Beach, California to consider the revised Amendments. A notice of the time, place and purpose of the hearing was provided in accordance with Newport Beach Municipal Code. Evidence both written and oral was presented to and considered by the City Council during the hearing;

**WHEREAS**, on February 9, 2016, the City Council held a public hearing in the City Hall Council Chambers, 100 Civic Center Drive, Newport Beach, California to consider the revised Amendments. A notice of the time, place and purpose of the hearing was provided in accordance with Newport Beach Municipal Code. Evidence both written and oral was presented to and considered by the City Council during the hearing;

**WHEREAS**, amendments to the General Plan are legislative acts. Neither the City nor State Planning and Zoning Law set forth any required findings for either approval or denial of such Amendments otherwise found to be within the public interest;

**WHEREAS**, the Property is located in proximity to commercial services, recreational uses, and transit opportunities with routine bus service provided along Newport Boulevard. The proposed General Plan Amendment provides for variety of land uses for the site including a luxury hotel that will promote revitalization of the Lido Village area while ensuring neighborhood compatibility. The proposed hotel will serve visitors and residents and increase access opportunities in the Coastal Zone;

**WHEREAS**, the proposed amendment of Coastal Land Use Plan Policy 4.4.2-1, as modified as suggested by the California Coastal Commission, to provide an exception to the 35-foot height limit of the Shoreline Height Limitation Zone is necessary and appropriate to accommodate the proposed intensity of use, significant open space on the site and the project's lack of impact to public views. This finding is based upon the public view impact analysis within *Section 5.2 (Aesthetics Light/Glare) of the Lido House Hotel FEIR* showing that there will not be a significant impact to protected public views from General Plan and Coastal Land Use Plan designated vantages. Additionally, there are no public views through the Property from abutting roadways and public spaces; and

**WHEREAS**, pursuant to City Charter Section 423 and Council Policy A-18, proposed General Plan amendments are reviewed to determine if a vote of the electorate would be required because a project (separately or cumulatively with other projects in the same Statistical Area over the prior 10 years) exceeds certain thresholds provided in City Charter Section 423. The proposed General Plan Amendment is located in Statistical Area B5. This is the fifth amendment that affects Statistical Area B5 since the General Plan update in 2006. The four prior amendments are GP 2010-005, GP 2011-003, GP 2011-010, and GP 2012-005. The following table shows the increased peak hour traffic trips, dwelling units and non-residential floor area attributable to the subject amendment and eighty percent of the four prior amendments as required by City Charter Section 423, and the resulting totals. Based upon these totals, a vote of the electorate to approve the proposed General Plan Amendment for the City Hall site is not required.

	AM Peak Trips	PM Peak Trips	Dwelling units	Non-residential floor area
Prior Amendments (80%)	49	65	7	16,275
Proposed Amendment	0	0	0	23,725
Total	49	65	7	40,000
Exceed Threshold for Vote of the Electorate?	No	No	No	No

**NOW THEREFORE**, the City Council of the City of Newport Beach hereby resolves as follows:

**Section 1:** The recitals provided above are true and correct and are incorporated into the operative part of this resolution.

**Section 2:** The City Council of the City of Newport Beach hereby rescinds Resolution Nos. 2014-81 and 2015-104 as they are not consistent with the California Coastal Commission's certification of LCP-5-NPB-14-0831-3 with suggested modifications.

**Section 3:** Pursuant to CEQA Guidelines Section 15062, the changes to the project are not substantial, as they do not involve new significant effects or a substantial increase in the severity of previously identified significant effects, and therefore, a subsequent EIR does not need to be prepared.

**Section 4:** Pursuant to CEQA Guidelines Section 15091, the City Council has reviewed and hereby adopts the CEQA Findings and Facts in Support of Findings as shown on the Exhibit B, entitled Findings and Facts in Support of Findings for the Lido House Hotel, Final Environmental Impact Report, State Clearinghouse No. 2013111022, which exhibit is incorporated herein by reference.

**Section 5:** The City Council of the City of Newport Beach hereby approves General Plan Amendment No. GP2012-002 as depicted in Exhibit C, which is attached hereto and incorporated by reference.

**Section 6:** The City Council of the City of Newport Beach hereby approves Coastal Land Use Plan Amendment No. LC2012-001 as depicted in Exhibit D, which is attached hereto and incorporated by reference.

**Section 7:** The Community Development Director is hereby directed to revise all applicable General Plan and Coastal Land Use Plan figures to reflect the changes in the land use designations upon the effective date of the amendments. Staff is also hereby directed to correct any typographical or scrivener's errors in compiling the final documentation.

**Section 8:** The City Council of the City of Newport Beach hereby authorizes submittal of this resolution to the California Coastal Commission for a determination that it is legally adequate and consistent with the Coastal Commission's approval of LCP-5-NPB-14-0831-3.

**Section 9:** The City's certified Coastal Land Use Plan as amended by Coastal Land Use Plan Amendment No. LC2012-001, shall be implemented in a manner fully in conformity with the California Coastal Act.

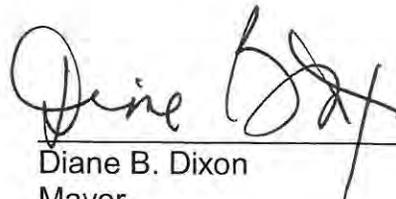
**Section 10:** The approval of General Plan Amendment No. GP2012-002 shall take effect immediately upon adoption of this resolution.

**Section 11:** The approval of Coastal Land Use Plan Amendment No. LC2012-001 shall take effect automatically upon a determination by the California Coastal Commission that the adoption of Coastal Land Use Plan Amendment No. LC2012-001 by this resolution is legally adequate and conforms to the Coastal Commission's Certification of LCP-5-NPB-14-0831-3 on October 7, 2015.

**Section 12:** If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared invalid or unconstitutional.

**Section 13:** This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

**ADOPTED** this 9<sup>th</sup> day of February, 2016.

  
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Diane B. Dixon  
Mayor

ATTEST:



Leilani I. Brown, City Clerk  
City Clerk



## EXHIBIT A

### Legal Description

#### LEGAL DESCRIPTION:

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF ORANGE, CITY OF NEWPORT BEACH, AND IS DESCRIBED AS FOLLOWS:

#### PARCEL 1:

THAT PORTION OF LOTS 3, 6 AND 7 IN SECTION 28, TOWNSHIP 6 SOUTH, RANGE 10 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT FILED IN THE DISTRICT LAND OFFICE, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY LINE OF "THE HUDSON" WITH THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF LOT 21 IN BLOCK 431 OF "LANCASTER'S ADDITION TO NEWPORT BEACH", AS SHOWN ON A MAP RECORDED IN BOOK 5, PAGE 14 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA; THENCE NORTH 0°44'30" WEST ALONG SAID NORTHERLY PROLONGATION 400.00 FEET; THENCE WESTERLY PARALLEL WITH SAID NORTHERLY LINE AND LOT 1 IN BLOCK "A" OF SAID LANCASTER'S ADDITION TO NEWPORT BEACH 461.53 FEET TO A POINT IN THE EASTERLY LINE OF SAID CENTRAL AVENUE, AS SHOWN ON TRACT NO. 108, AS SHOWN ON A MAP RECORDED IN BOOK 2, PAGES 1 OF SAID MISCELLANEOUS MAPS; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID CENTRAL AVENUE 401.79 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE EASTERLY ALONG THE NORTHERLY OF SAID LOT 1 AND SAID NORTHERLY LINE OF "THE HUDSON" 495.33 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE LAND DESCRIBED IN THE DEED ATTACHED TO THAT CERTAIN RESOLUTION NO. 3284 OF THE CITY COUNCIL OF NEWPORT BEACH, A CERTIFIED COPY OF WHICH RECORDED MARCH 11, 1946 IN BOOK 1404, PAGE 130 OF OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA.

ALSO EXCEPTING THEREFROM THE LAND DESCRIBED AS PARCEL 2 IN DEED TO THE GRIFFITH COMPANY RECORDED MARCH 23, 1948 IN BOOK 1741, PAGE 174 OF SAID OFFICIAL RECORDS.

#### PARCEL 2:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 2 IN BLOCK "A" OF "LANCASTER'S ADDITION TO NEWPORT BEACH", AS SHOWN ON A MAP RECORDED IN BOOK 5, PAGE 14 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA; THENCE EASTERLY ALONG THE NORTHERLY LINE OF WASHINGTON AVENUE, NOW KNOWN AS 32<sup>ND</sup> STREET, TO THE INTERSECTION WITH THAT PORTION OF THE BULKHEAD LINE ESTABLISHED BY THE WAR DEPARTMENT IN 1936 AND SHOWN ON THE WAR DEPARTMENT MAP OF NEWPORT BAY SHOWING HARBOR LINE, EXTENDING BETWEEN BULKHEAD STATION NO. 124 AND BULKHEAD STATION NO. 125; THENCE NORTH 27°30'00" WEST ALONG SAID BULKHEAD LINE TO ITS INTERSECTION WITH THE NORTHERLY LINE OF "THE HUDSON" AS SHOWN ON SAID MAP OF LANCASTER'S ADDITION; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID "THE HUDSON" TO THE NORTHEAST CORNER OF LOT 1 OF SAID BLOCK "A"; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID LOTS 1 AND 2 TO THE POINT OF BEGINNING.

PARCEL 3:

THAT PORTION OF LOT 3 OF TRACT NO. 1117, AS SHOWN ON A MAP RECORDED IN BOOK 35, PAGES 48 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, TOGETHER WITH THAT PORTION OF THE 20.00 FOOT ALLEY AS VACATED BY RESOLUTION NO. 3280 OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, A CERTIFIED COPY OF WHICH RECORDED MARCH 11, 1946 IN BOOK 1400, PAGE 189 OF OFFICIAL RECORDS OF SAID ORANGE COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID LOT 3; THENCE NORTH 0'44'30" WEST ALONG THE EASTERLY LINE OF SAID LOT 3, A DISTANCE OF 90.00 FEET; THENCE NORTH 40'47'07" WEST 170.97 FEET TO A POINT IN THE WESTERLY LINE OF SAID 20.00 FOOT ALLEY; THENCE SOUTH 0'44'30" EAST ALONG THE WESTERLY LINE OF SAID ALLEY 220.89 FEET TO THE SOUTHWESTERLY CORNER OF TRACT NO. 907, AS SHOWN ON A MAP RECORDED IN BOOK 28, PAGES 25 TO 36 INCLUSIVE OF MISCELLANEOUS MAPS, RECORDS OF SAID ORANGE COUNTY; THENCE NORTH 89'15'30" EAST ALONG THE SOUTHERLY LINE OF SAID TRACT NO. 907 AND SAID LOT 3, A DISTANCE OF 110.00 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE LAND DESCRIBED AS PARCEL 1 IN DEED TO THE GRIFFITH COMPANY RECORDED MARCH 23, 1948 IN BOOK 1741, PAGE 174 OF OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA.

ALSO EXCEPTING THEREFROM THE LAND DESCRIBED IN DEED TO THE GRIFFITH COMPANY RECORDED JUNE 15, 1953 IN BOOK 2520, PAGE 577 OF OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA.

PARCEL 4:

THAT PORTION OF LOT 3 OF TRACT NO. 1117, AS SHOWN ON A MAP RECORDED IN BOOK 35, PAGE 48 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID LOT 3; THENCE NORTH 0'44'30" WEST 74.46 FEET ALONG THE EAST LINE OF SAID LOT TO THE MOST SOUTHERLY CORNER OF THE LAND DESCRIBED AS PARCEL 1 IN DEED TO THE GRIFFITH COMPANY RECORDED MARCH 23, 1948 IN BOOK 1741, PAGE 174 OF OFFICIAL RECORDS OF SAID ORANGE COUNTY, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 40'47'07" WEST ALONG THE SOUTHWESTERLY LINE OF SAID LAND OF GRIFFITH COMPANY, A DISTANCE OF 69.945 FEET; THENCE NORTH 89'15'30" EAST 45.00 FEET TO THE EAST LINE OF SAID LOT 3; THENCE SOUTH 0'44'30" EAST 53.54 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 5:

LOTS ONE (2) AND TWO (2) IN BLOCK "A" OF "LANCASTER'S ADDITION TO NEWPORT BEACH" AS SHOWN ON A MAP RECORDED IN BOOK 5, PAGE 14 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA

## EXHIBIT B

### CALIFORNIA ENVIRONMENTAL QUALITY ACT FACTS AND FINDINGS IN SUPPORT OF THE APPROVAL OF THE FORMER CITY HALL REUSE AMENDMENTS (PA2012-031) AS MODIFIED BY THE CALIFORNIA COASTAL COMMISSION

#### 1. INTRODUCTION

The California Environmental Quality Act and the State CEQA Guidelines (collectively, CEQA), and in particular, Public Resources Code Section 21081 and Section 15091 of Title 14 of the California Code of Regulations, require that a public agency consider the significant adverse environmental impacts of a project before a project is approved and make specific findings. State CEQA Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an Environmental Impact Report (EIR) has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
  - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
  - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can or should be adopted by such other agency.
  - 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially

lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

Because, as explained below, all significant impacts of the Project will be reduced to less than significant levels through adoption of mitigation measures, the City is not required to also adopt a Statement of Overriding Considerations. (See CEQA Guidelines Section 15093.)

Having received, reviewed, and considered the Draft Environmental Impact Report (Draft EIR) and the Final Environmental Impact Report (Final EIR) for the Lido House Hotel Project, SCH No. 2013111022 (collectively, the EIR), as well as all other information in the record of proceedings on this matter, the following Findings and Facts in Support of Findings (Findings) are hereby adopted by the City of Newport Beach (City) in its capacity as the CEQA Lead Agency.

These Findings set forth the environmental basis for the discretionary actions to be undertaken by the City for the development of the project. These actions include the certification and/or approval of the following for the Lido House Hotel:

- Environmental Impact Report No. ER2014-003 (SCH#2013111022).
- General Plan Amendment No. GP2012-002
- Coastal Land Use Plan Amendment No. LC2012-001.
- Code Amendment No. CA2012-003.
- Site Development Review No. SD2014-001.
- Use Permit No. UP2014-004.
- Traffic Study No. TS2014-005.

These actions are collectively referred to herein as the project.

**A. Document Format**

These Findings have been organized into the following sections:

- (1) Section 1 provides an introduction to these Findings.

- (2) Section 2 provides a summary of the project, overview of the discretionary actions required for approval of the project, and a statement of the project's objectives.
- (3) Section 3 provides a summary of previous environmental reviews related to the project area that took place prior to the environmental review done specifically for the project, and a summary of public participation in the environmental review for the project.
- (4) Section 4 sets forth findings regarding the environmental impacts that were determined to be—as a result of the Notice of Preparation (NOP), and consideration of comments received during the NOP comment period—either not relevant to the project or clearly not at levels that were deemed significant for consideration at the project-specific level.
- (5) Section 5 sets forth findings regarding significant or potentially significant environmental impacts identified in the EIR that the City has determined are either not significant or can feasibly be mitigated to a less than significant level through the imposition of Project Design Features, standard conditions, and/or mitigation measures. In order to ensure compliance and implementation, all of these measures will be included in the Mitigation Monitoring and Reporting Program (MMRP) for the project and adopted as conditions of the project by the Lead Agency. Where potentially significant impacts can be reduced to less than significant levels through adherence to Project Design Features and standard conditions, these findings specify how those impacts were reduced to an acceptable level.
- (6) Section 6 sets forth findings regarding alternatives to the proposed project.

#### **B. Custodian and Location of Records**

The documents and other materials that constitute the administrative record for the City's actions related to the project are at the City of Newport Beach Community Development Department, 100 Civic Center Drive, Newport Beach, California 92660. The City of Newport Beach is the custodian of the Administrative Record for the project.

## **2. PROJECT SUMMARY**

### **A. Project Location**

Regionally, the project site is located near the Pacific Ocean in the west-central portion of Orange County, within the City of Newport Beach. Locally, the project site is generally located at the northeast corner of the intersection of Newport Boulevard and 32<sup>nd</sup> Street on the Balboa Peninsula in the Lido Village area of the City.

Regional access to the site is provided via State Route 55 (SR-55) and SR-1 (Pacific Coast Highway). The primary local roadways providing access to the site are Newport Boulevard, 32nd Street, and Finley Avenue.

## **B. Project Description**

The proposed project consists of the requested legislative approvals (Amendments to General Plan, Coastal Land Use Plan, and Zoning Code,) for the project site, as well as related for approvals of a, Site Development Review, Conditional Use Permit and Traffic Study. In order to allow for the development of a 130-room hotel on the project site, amendments to the General Plan and Coastal Land Use Plan are required to change the project site land use designation to a "Visitor-Serving Commercial" designation that provides for a range of accommodations (e.g. hotels, motels, hostels), goods, and services intended to primarily serve visitors to the City of Newport Beach. A fire station is allowed in its current location. Limited Use Overnight Visitor Accommodations and residences are not allowed. Subsequent permits include a Coastal Development Permit from the California Coastal Commission.

## **C. Discretionary Actions**

Implementation of the project will require several actions by the City, including

- **Certification of Environmental Impact Report No. ER2014-003 (SCH# 2013111022).** An Environmental Impact Report (EIR) to evaluate the environmental impacts resulting from the proposed project, in accordance with the California Environmental Quality Act of 1970 (CEQA), as amended (Public Resources Code Sections 21000 et seq.), and the State CEQA Guidelines for Implementation of CEQA (California Code of Regulations, Title 14, Sections 15000 et seq.).
- **General Plan Amendment No. GP2012-002:** To allow the proposed 130-room hotel development by changing the land use designation of the site from Public Facilities (PF) to a new visitor-serving commercial land use category Visitor Serving Commercial - Lido Village (CV-LV), and establish density and intensity limits within Land Use Element Table LU2, Anomaly Locations, by establishing a new anomaly location. The CV-LV designation provides for a range of accommodations (e.g. hotels, motels, hostels), goods, and services intended to primarily serve visitors to the City of Newport Beach. A fire station is allowed in its current location. Limited Use Overnight Visitor Accommodations and residences are not allowed. Approval of the General Plan Amendment will result in the creation of a new Anomaly Location within Table LU-2, as indicated below, and amend the Land Use Map to reflect the CV-LV land use designation for the project site.

**Table LU2  
Anomaly Locations**

Anomaly Number	Statistical Area	Land Use Designation	Development Limit (sf)	Development Limit (other)	Additional Information
85	B5	CV-LV	98,725 sf hotel		<p>Accessory commercial floor area is allowed in <i>conjunction</i> with a hotel and it is included within the hotel floor area limit.</p> <p>Municipal facilities are not restricted or included in any development limit.</p>

- Coastal Land Use Plan Amendment No. LC2012-001:** allow the development of a 130-room hotel by changing the land use designation of the site from Public Facilities (PF) to a new Visitor-Serving Commercial - Lido Village (CV-LV) land use category, and establish density and intensity limits within Table 2.1.1-1. The proposed amendment also includes a change to Policy 4.4.2-1 to establish the policy basis for higher height limits, as described below.

**Table 2.1.1-1  
Land Use Plan Categories**

Land Use Category	Uses	Density/Intensity
<p>CV-LV Visitor-Serving Commercial – Lido Village</p>	<p><i>The CV-LV category is intended to allow for a range of accommodations (e.g. hotels, motels, hostels), goods, and services intended to primarily serve visitors to the City of Newport Beach. A fire station is allowed in its current location. Limited Use Overnight Visitor Accommodations and residences are not allowed. Note: The CV-LV (Visitor Serving Commercial - Lido Village) category applies to the former City Hall Complex that includes Fire Station # 2 (3300 Newport Boulevard and 475 32nd Street).</i></p>	<p><i>98,725 gross square feet not including a fire station. A fire station may not occupy more than 10% of the total project site.</i></p>

In order to establish a higher height limit, CLUP Policy 4.4.2-1 is also proposed to be amended to add the following exception site:

“Former City Hall Complex at 3300 Newport Blvd and 475 32nd Street (the site):

- At least 75% of the total area of the site shall be 35 feet in height or lower.
- Buildings and structures up to 55 feet in height with the peaks of sloping roofs and elevator towers up to 60 feet in height, provided it is demonstrated that development does not adversely impact public views.
- Architectural features such as domes, towers, cupolas, spires, and similar structures may be up to 65 feet in height.
- Buildings and structures over 35 feet in height, including architectural features, shall not occupy more than 25 percent of the total area of the site.
- Buildings and structures over 45 feet in height, architectural features, shall not occupy more than 15 percent of the total area of the site.
- With the exception of a fire station, all buildings and structures over 35 feet in height, including architectural features, shall be setback a minimum of 60 feet from the Newport Boulevard right-of-way and 70 feet from the 32nd Street right-of-way.
- A fire station may be located in its current location and may be up to 40 feet in height. A fire station may include architectural features up to 45 feet in height to house and screen essential equipment.

The purpose of allowing limited exceptions to the 35-foot height limit on this site is to promote vertical clustering resulting in increased publically accessible on-site open space and architectural diversity while protecting existing coastal views and providing new coastal view opportunities.”

- **Code Amendment No. CA2012-003:** To amend the Zoning Map of the Zoning Code to replace the existing PF zoning designation for the site with a new zone CV-LV designation (Commercial, Visitor-Serving – Lido Village) to establish density and intensity limits consistent with the proposed General Plan Amendment. Development standards and allowed uses would also be established.

Approval of the Zoning Code Amendment will result in the creation of the following new mixed-use zoning district:

CV-LV (Commercial, Visitor-Serving – Lido Village)

Purpose: The CVLV designation applies to the former City Hall Complex located at the northeast corner of the intersection of Newport Boulevard and 32nd Street. The CV-LV designation provides for a range of accommodations (e.g. hotels, motels, hostels), goods, and services intended to primarily serve visitors to the City of Newport Beach. A fire station is allowed in its current location. Limited Use Overnight Visitor Accommodations and residences are not allowed.

Allowed Uses: A range of visitor accommodations, but no Limited Use Overnight Visitor Accommodations or residential use, commercial uses primarily intended to serve visitors and a fire station.

Maximum density/intensity: 98,725 gross square feet of hotel. Municipal facilities are not restricted or included in this development limit.

Structure height: up to 55 feet with a flat roof and up to 60 feet with a sloped roof. Architectural features such as domes, towers, cupolas, spires, and similar structures may be up to 65 feet in height. Fire Station No. 2 may be up to 40 feet in height and may include architectural features up to 45 feet in height to house and screen essential equipment. Building setbacks:

Newport Boulevard	Subterranean <sup>1</sup>	1 foot
	Structures up to 35 feet	20 feet
	Structures over 35 feet	60 feet
32nd Street <sup>2</sup>	Subterranean <sup>1</sup>	1 foot
	Structures up to 35 feet	1 foot
	Structures over 35 feet	70 feet
Interior <sup>2</sup>	Subterranean <sup>1</sup>	1 foot
	Above grade	5 feet
<sup>1</sup> Not more than 1 foot above abutting public sidewalk. <sup>2</sup> Setbacks do not apply to Fire Station No. 2		

Open Space: 20% of the project site to be maintained as public open space (e.g., public plazas, pedestrian promenades, outdoor recreational spaces, patios, landscaping, etc.).

Parking and other development standards: Subject to Zoning Code

Development Review Process: Consistent with the Zoning Code – Site Development Review (SDR) or Planned Development Permit (PDP).

The Final EIR identified all the reasonably foreseeable and potentially significant adverse environmental impacts of the Project to the public, responsible agencies, trustee agencies, and other public agencies that may be required to grant approvals and permits or coordinate with the City of Newport Beach as a part of project implementation. These agencies include, but are not limited to:

- **Regional Water Quality Control Board (RWQCB).** The Santa Ana RWQCB would approve the project's compliance with the National Pollution Discharge Elimination System (NPDES) Statewide General Construction Activity permit (2009-0009-DWQ) and Municipal Separate Stormwater Sewer System (MS4) permit.

- **South Coast Air Quality Management District (SCAQMD).** Future construction of the project would include demolition and construction requiring permitting by SCAQMD for Rules 201 (permit to construct), 402 (nuisance odors), 403 (fugitive dust), 1113 (architectural coatings), 1403 (asbestos emissions from demolition), and for future operation of the project, 1186 (street sweeping).
- **California Coastal Commission (CCC).** The Coastal Commission will review the proposed Coastal Land Use Plan amendment for consistency with the California Coastal Act. After a certification the proposed amendment as consistent with the Coastal Act, the Coastal Commission would review a Coastal Development Permit application for the development and operation of the proposed Lido House Hotel.

#### **D. Statement of Project Objectives**

The statement of objectives sought by the project and set forth in the Final EIR is provided as follows:

1. Enhance Newport Beach and Lido Village by creating a highly visible, iconic development with distinctive architecture, significant landscaped areas, and focal points to serve as a gateway to the Balboa Peninsula.
2. Help implement the City's goal to revitalize Lido Village by creating a catalytic development consistent with the Lido Village Design Guidelines that enhances economic activity and contributes to Newport Beach's reputation as a premier destination for shopping and recreation.
3. Create a pedestrian oriented development that is physically well-connected to the community while not significantly increasing traffic to the site when compared to the prior use of the site.
4. Provide and enhance public access to the property by creating publically accessible open space and visitor accommodations.
5. Provide needed services to residents and visitors including visitor accommodations, recreational, personal services, shopping, dining, and assembly opportunities.
6. Create a premier boutique hotel that is a financially viable operation.
7. Create City revenue through lease payments and transient occupancy tax.

### 3. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The Final EIR includes the Draft Environmental Impact Report (Draft EIR) dated April 28, 2014, written comments on the Draft EIR that were received during the 45-day public review period, written responses to those comments, clarifications/changes to the Final EIR, an Errata and Mitigation Monitoring and Reporting Program. In conformance with CEQA and the State CEQA Guidelines, the City conducted an extensive environmental review of the Lido House Hotel project:

- Completion of the Notice of Preparation (NOP), which was released for a 30-day public review period from November 6, 2013, through December 5, 2013. The NOP was sent to all responsible agencies, trustee agencies, and the Office of Planning Research and posted at the Orange County Clerk-Recorder's office and on the City's website on November 6, 2013.
- During the NOP review period, a Scoping Meeting was held to solicit additional suggestions on the content of the Lido House Hotel EIR. Attendees were provided an opportunity to identify verbally or in writing the issues they felt should be addressed in the EIR. The scoping meeting was held on Wednesday, November 20, 2013, at the City of Newport Beach former City Council Chambers, located at 3300 Newport Boulevard, Newport Beach, California 9266.
- Preparation of a Draft EIR by the City that was made available for a 45-day public review period (April 29, 2014 to June 13, 2014). The Draft EIR consisted of analysis of the Lido House Hotel project and the technical appendices. On April 25, 2014, a Notice of Availability (NOA) for the Draft EIR was mailed to property owners and occupants within 450-feet of the project site. The NOA was also sent to all interested persons, agencies and organizations. The Notice of Completion (NOC) was sent to the State Clearinghouse in Sacramento for distribution to public agencies. The NOA was posted at the Orange County Clerk-Recorder's office on April 29, 2014. Copies of the Draft EIR were made available for public review at the City of Newport Beach Community Development Department, Newport Beach Central Branch Library, Newport Beach Balboa Branch Library, Newport Beach Mariners Branch Library, and Newport Beach Corona del Mar Branch Library. The Draft EIR was available for download via the City's website: <http://www.newportbeachca.gov/eir>.
- Preparation of a Draft Final EIR including Draft EIR, comments on the Draft EIR, responses to those comments, Mitigation Monitoring and Reporting Program and appended documents. The preliminary Response to Comments were provided to the City Planning Commissioners on July 11, 2014, and posted on the City's website.
- The Planning Commission held a study session on the Project on June 5, 2014, in the City Hall Council Chambers, at 100 Civic Center Drive, Newport Beach, California. A public hearing was scheduled for July 17, 2014, but to allow the public additional opportunity to review the staff report, the hearing was continued to August 7, 2014. The August 7, 2014 was canceled, so a special meeting was

conducted on August 11, 2014. Notices of time, place, and purpose of the public hearing were provided in accordance with CEQA and NBMC. The Draft Final EIR, staff report, and evidence, both written and oral, were presented to and considered by the Planning Commission at this hearing. Notice for this public hearing was published in the *Daily Pilot*, mailed to all property owners within a minimum of 450 feet of the project site and to all interested persons, agencies and organizations, and posted at the project site a minimum of 10 days in advance of the hearing, consistent with the Municipal Code. Additionally, the item appeared on the agenda for the meeting, which was posted at City Hall and on the City website.

- In compliance with Section 15088(b) of Title 14 of the California Code of Regulations (State CEQA Guidelines), the City provided written Responses to Comments to public agencies on July 21, 2014, at least 10 days prior to certifying the Final EIR.
- The City Council held a public hearing on September 9, 2014, in the City Hall Council Chambers, at 100 Civic Center Drive, Newport Beach, California. A notice of the time, place and purpose of the aforesaid meeting was provided in accordance with CEQA and NBMC. The Final EIR, staff report, and evidence, both written and oral, were presented to and considered by the City Council at this hearing. Notice for the meeting was published in the *Daily Pilot*, mailed to all property owners within a minimum 450 feet of the project site and to all interested persons, agencies and organizations, and posted at the project site a minimum of 10 days in advance of the hearing, consistent with the Municipal Code. Additionally, the item appeared on the agenda for the meeting, which was posted at City Hall and on the City website.

For purposes of CEQA and these Findings, the Record of Proceedings for the Project consists of the following documents and other evidence, at a minimum:

- All project application materials submitted to the City by the Applicant and its representatives;
- NOP and all other public notices issued by the City in conjunction with the proposed project;
- The Scoping Meeting notes held during the 30-day NOP period;
- The Final EIR, including the Draft EIR and all appendices, the Responses to Comments, Mitigation Monitoring and Reporting Program (MMRP) and all supporting materials referenced therein. All documents, studies, EIRs, or other materials incorporated by reference in the Draft EIR and Final EIR;
- Written comments submitted by agencies and members of the public during the 45-day public review comment period on the Draft EIR;
- All responses to the written comments submitted by agencies and members of the public provided at the Planning Commission meeting on July 17, 2014,

Planning Commission public hearing on August 11, 2014, and City Council public hearing on September 9, 2014;

- The testimony provided by agencies and members of the public at the Planning Commission meeting on July 17, 2014, Planning Commission public hearing on August 11, 2014, and City Council public hearing on September 9, 2014;
- All final City Staff Reports relating to the Draft EIR, Final EIR, and the project;
- All other public reports, documents, studies, memoranda, maps, or other planning documents relating to the project, the Draft EIR, and the Final EIR prepared by the City, consultants to the City, or Responsible or Trustee Agencies.
- The MMRP adopted by the City for the project; the Ordinances and Resolutions adopted by the City in connection with the proposed project; and all documents incorporated by reference therein;
- These Findings of Fact adopted by the City for the project, any documents expressly cited in these Findings of Fact; and
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

The documents and other material that constitute the record of proceedings on which these findings are based are located at the City of Newport Beach Community Development Department. The custodian for these documents is the City of Newport Beach. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and 14 California Code Regulations Section 15091(e).

#### **4. ENVIRONMENTAL ISSUES THAT WERE DETERMINED NOT TO BE POTENTIALLY AFFECTED BY THE PROPOSED PROJECT**

##### Impacts Determined to be Less Than Significant

The following impacts were evaluated in the EIR and determined to be less than significant solely through adherence to the project design and standard conditions of the City of Newport Beach.

Based upon the environmental analysis presented in the EIR, and the comments received by the public on the Draft EIR, no substantial evidence was submitted to or identified by the City indicating that the project would have an impact on the following environmental areas:

- (a) *Aesthetic/Light and Glare*: The project would not have a substantial adverse effect on scenic vistas, or substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.

- (b) *Air Quality*: The project would not create objectionable odors affecting a substantial number of people.
- (c) *Biological Resources*: The project would not have a substantial adverse effect on any special status species, sensitive natural community, federally protected wetlands, or conflict with an adopted Habitat Conservation Plan.
- (d) *Cultural Resources*: The project would not cause a substantial adverse change in the significance of a historical resource, or disturb any human remains.
- (e) *Geology and Soils*: The project would not expose people or structures to potential substantial adverse effects from the rupture of a known earthquake fault, and would not result in substantial soil erosion or the loss of topsoil.
- (f) *Greenhouse Gas Emissions*: The project would not generate greenhouse gas emissions that would have a significant impact on the environment, and would not conflict with the plans adopted for the purpose of reducing GHG emissions.
- (g) *Hazards and Hazardous Materials*: The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; emit hazardous emissions or handle hazardous materials within one-quarter mile of an existing or proposed school; create a safety hazard for people residing or working in the project area as a result on being within a private airstrip or an airport land use plan; interfere with an adopted emergency response or evacuation plan; or expose people or structures to wildland fires.
- (h) *Hydrology and Water Quality*: The project would not substantially deplete groundwater supplies or interfere with groundwater recharge; alter the existing drainage pattern of the site that would result in substantial soil erosion or flooding; create runoff water that would exceed the existing or planned capacity of the stormwater drainage systems; place housing within a 100-year floodplain; expose people or structures to injury or death from flooding; or result in inundation by seiche, tsunami, or mudflow.
- (i) *Land Use and Planning*: The project would not divide an established community, conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the City's General Plan and Local Coastal Program CLUP, SCAG regional plans, Airport Environs Land Use Plan, the California Coastal Act, or the City's Municipal Code) adopted for the purpose of avoiding or mitigating an environmental effect, or conflict with any applicable habitat conservation plan or natural community conservation plan.
- (j) *Noise*: Project implementation would not generate excessive vibration levels to nearby sensitive receptors, result in a substantial permanent increase in ambient noise levels, or expose people residing/working in the project area to excessive noise levels within the vicinity of a private airstrip or airport land use plan.

- (k) *Population and Housing:* The project would not result in substantial increase in population or housing.
- (l) *Public Services and Utilities:* The project would not create significant impacts related to fire protection, police protection, parks/recreation, schools, or library services. In addition, the project would meet the City's parkland dedication requirements, and physical impacts to recreational and park spaces would not be significant. The project would not exceed wastewater treatment requirements or require the construction of new stormwater drainage/water/wastewater treatment facilities, and would have sufficient water supplies to serve the project. Lastly, the project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs, and would comply with Federal, State, and local regulations related to solid waste.
- (m) *Transportation and Traffic:* The project-generated traffic would not conflict with an applicable congestion management program, result in a change in air traffic patterns, substantially increases hazards due to a design feature, result in inadequate emergency access, or conflict with any applicable land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Project implementation would close one existing vehicular access point to Via Lido Plaza shopping center from 32nd Street. Lido Partners, the owner of Via Lido Plaza, provided comments on the EIR indicating that closing the access will negatively impact delivery truck and fire access. Two comment letters were received from Lido Partners and written responses were prepared and were included in the Final EIR. These comments and responses and information presented by staff were considered by the Planning Commission and City Council. The request to close through traffic to Via Lido Plaza at this location is based on the applicant's need for efficient operation of the hotel's valet parking lot and to avoid losing parking spaces. The issue of delivery truck access and fire access was extensively evaluated and based upon the information in the record (Draft EIR, Final EIR and information presented by staff during the hearings); no significant impact to Via Lido Plaza or the community would result with the project closing vehicle access from 32nd Street to Via Lido Plaza and no mitigation measures necessary and further consideration of project alternatives are not warranted.

**5. FINDINGS REGARDING POTENTIALLY SIGNIFICANT ENVIRONMENTAL EFFECTS**

The following potentially significant environmental impacts were analyzed in the EIR, and the effects of the project were considered. As a result of environmental analysis of the project and the identification of project design features; compliance with existing laws, codes, and statutes; and the identification of feasible mitigation measures (together referred herein as the Mitigation Program), all of the potentially significant adverse impacts have been determined by the City to be reduced to a level of less than significant, and the City has found—in accordance with CEQA Section 21081(a)(1) and State CEQA Guidelines Section 15091(a) (1)—that “Changes or alterations have been

required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment. This is referred to herein as "Finding 1." Where the City has determined—pursuant to CEQA Section 21081(a)(2) and State CEQA Guidelines Section 15091(a)(2)—that "Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency," the City's finding is referred to herein as "Finding 2."

**A. Aesthetics/Light and Glare**

- (1) **Potential Impact:** Project construction activities could temporarily degrade the visual character/quality of the site and its surroundings.

**Finding: 1.** Mitigation measures would reduce visual character/quality impacts from project construction activities to less than significant levels. The City hereby makes Finding 1 and determines that this impact is mitigated to less than significant.

**Facts in Support of Finding**

Mitigation Measure AES-1 requires action to be taken prior to construction activities in order to avoid adverse visual impacts from the stockpiling of materials, construction traffic, and vehicle staging areas. Therefore, visual character/quality impacts from construction activities would be less than significant.

Mitigation Measures

**Mitigation Measure AES-1:** Prior to issuance of any grading and/or demolition permits, whichever occurs first, a Construction Management Plan shall be submitted for review and approval by the Director of Community Development. The Construction Management Plan shall, at a minimum, indicate the equipment and vehicle staging areas, stockpiling of materials, fencing (i.e., temporary fencing with opaque material), and haul route(s). Staging areas shall be sited and/or screened in order to minimize public views to the maximum extent practicable. Construction haul routes shall minimize impacts to sensitive uses in the City.

- (2) **Potential Impact:** Project implementation could degrade the visual character/quality of the site and its surroundings.

**Finding: 1.** Mitigation measures would reduce long-term visual character/quality impacts from the proposed project to less than significant levels. The City hereby makes Finding 1 and determines that this impact is mitigated to less than significant.

### **Facts in Support of Finding**

Mitigation Measure AES-2 requires action to be taken prior to construction activities in order to avoid adverse long-term visual impacts from the proposed Landscape Concept Plan and Plant Palette. Therefore, long-term visual character/quality impacts from project implementation would be less than significant.

### **Mitigation Measures**

**Mitigation Measure AES-2:** Prior to issuance of a building or grading permit for new construction, the Landscape Concept Plan and Plant Palette shall be submitted to the Director of Community Development for review and approval. Landscaping shall complement the proposed site design and surrounding streetscape and must also be consistent with the Lido Village Design Guidelines.

- (3) **Potential Impact:** Implementation of the proposed project could generate additional light and glare beyond existing conditions.

**Finding: 1.** Mitigation measures would reduce light and glare impacts from the proposed project to less than significant levels. The City hereby makes Finding 1 and determines that this impact is mitigated to less than significant.

### **Facts in Support of Finding**

Mitigation Measure AES-3 requires action to be taken prior to construction activities in order to avoid adverse visual impacts from light and glare from the proposed project. Therefore, light and glare impacts from project implementation would be less than significant.

### **Mitigation Measures**

**Mitigation Measure AES-3:** All construction-related lighting shall be located and aimed away from adjacent residential areas and consist of the minimal wattage necessary to provide safety and security at the construction site. A Construction Safety Lighting Plan shall be approved by the Director of Community Development prior to issuance of the grading or building permit application.

## **B. Air Quality**

- (1) **Potential Impact:** Short-term construction activities associated with the proposed project could result in air pollutant emission impacts or expose sensitive receptors to substantial pollutant concentrations.

**Finding: 1.** Mitigation measures would reduce impacts related to short-term construction air emissions to less than significant levels. The City hereby makes Finding 1 and determines that this impact is mitigated to less than significant.

### **Facts in Support of Finding**

Mitigation Measure AQ-1 requires one or more actions to be taken prior to and during construction activities in order to avoid adverse air quality emission impacts. Mitigation Measure AQ-2 requires action to be taken prior to construction activities to reduce impacts from fugitive dust from the hauling of excavated or graded material. Therefore, short-term construction air quality impacts would be less than significant.

### Mitigation Measures

**Mitigation Measure AQ-1:** Prior to issuance of any Grading Permit, the Community Development Department shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with SCAQMD Rule 403, excessive fugitive dust emissions shall be controlled by regular watering or other dust prevention measures, as specified in the SCAQMD's Rules and Regulations. In addition, SCAQMD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. Implementation of the following measures would reduce short-term fugitive dust impacts on nearby sensitive receptors:

- All active portions of the construction site shall be watered every three hours during daily construction activities and when dust is observed migrating from the project site to prevent excessive amounts of dust;
- Pave or apply water every three hours during daily construction activities or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas. More frequent watering shall occur if dust is observed migrating from the site during site disturbance;
- Any on-site stockpiles of debris, dirt, or other dusty material shall be enclosed, covered, or watered twice daily, or non-toxic soil binders shall be applied;
- All grading and excavation operations shall be suspended when wind speeds exceed 25 miles per hour;

- Disturbed areas shall be replaced with ground cover or paved immediately after construction is completed in the affected area;
- Track-out devices such as gravel bed track-out aprons (3 inches deep, 25 feet long, 12 feet wide per lane and edged by rock berm or row of stakes) shall be installed to reduce mud/dirt trackout from unpaved truck exit routes. Alternatively a wheel washer shall be used at truck exit routes;
- On-site vehicle speed shall be limited to 15 miles per hour;
- All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust prior to departing the job site; and
- Trucks associated with soil-hauling activities shall avoid residential streets and utilize City-designated truck routes to the extent feasible.

**Mitigation Measure AQ-2:** All trucks that are to haul excavated or graded material on-site shall comply with State Vehicle Code Section 23114 (Spilling Loads on Highways), with special attention to Sections 23114(b)(F) and (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads. Prior to the issuance of grading permits, the Applicant shall coordinate with the Community Development Department on hauling activities compliance.

City of Newport Beach Standard Conditions

There are no specific City-adopted standard operating conditions of approval related to air quality that are applicable to the proposed project at this time; however, future project-specific conditions of approval may be applied to the project by the City during the discretionary approval (site development review, tentative tract map, etc.), subsequent design, and/or construction process.

**C. Biological Resources**

- (1) **Potential Impact:** Implementation of the proposed project could interfere with the movement of a native resident or migratory species.

**Finding: 1.** The City hereby makes Finding 1 and determines that this impact is less than significant with the incorporation of the proposed mitigation measures.

## **Facts in Support of Finding**

Mitigation Measure BIO-1 requires all vegetation removal activities to be scheduled outside of the nesting season to avoid potential impacts to nesting birds; however, if vegetation removal is to occur during the nesting season, a survey for the presence of nesting birds by a qualified biologist would be required. Further action is required if active nests are found on-site during nesting season. The requirements set forth in Mitigation Measures BIO-1 would reduce potential impacts to migratory birds to a less than significant level.

### Mitigation Measures

**Mitigation Measure BIO-1:** To the extent feasible, all vegetation removal activities shall be scheduled outside of the nesting season (typically February 15 to August 15) to avoid potential impacts to nesting birds. However, if initial vegetation removal occurs during the nesting season, all suitable habitat shall be thoroughly surveyed for the presence of nesting birds by a qualified biologist prior to commencement of clearing. If any active nests are detected, a buffer of at least 300 feet for raptors shall be delineated, flagged, and avoided until the nesting cycle is complete as determined by the City.

### City of Newport Beach Standard Conditions

There are no specific City-adopted standard operating conditions of approval related to biological resources that are applicable to the proposed project at this time; however, future project-specific conditions of approval may be applied to the project by the City during the discretionary approval (site development review, tentative tract map, etc.), subsequent design, and/or construction process.

- (2) **Potential Impact:** The project could conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

**Finding: 1.** The City hereby makes Finding 1 and determines that this impact is less than significant with the incorporation of the proposed mitigation measures.

## **Facts in Support of Finding**

Mitigation Measure BIO-2 requires the City to locate an existing *Ficus benjamina* tree or other suitable tree into a City park and dedicate the tree in the name of William Lawrence "Billy" Covert. Mitigation Measure BIO-3 requires the City shall to an existing tree in a very prominent location within a City park or at the new Civic Center and dedicate it as The Freedom Tree. Mitigation Measure BIO-4 requires the City to locate an existing tree within a City park and dedicate it in the name of Walter and Cordelia Knott, and locate an existing tree in a prominent

location within a City park or at the new Civic Center and dedicate it in honor of the State of California. The requirements set forth in Mitigation Measures BIO-2 through BIO-4 would reduce potential impacts to biological resources to less than significant levels.

#### Mitigation Measures

**Mitigation Measure BIO-2:** The City shall locate an existing *Ficus benjamina* tree or other suitable tree into a City park and dedicate the tree in the name of William Lawrence "Billy" Covert. Should an appropriate tree not be found, the City shall attempt to transplant the existing tree or plant a new tree of the same variety at an appropriate location. The re-dedicated tree shall have a permanent marker or plaque. Every effort shall be made to involve the Covert family in this process.

**Mitigation Measure BIO-3:** Because the Freedom Tree also cannot be effectively transplanted, the City shall locate an existing tree in a very prominent location within a City park or at the new Civic Center and dedicate it as The Freedom Tree. An appropriate permanent marker or plaque shall be provided and the dedication should be accomplished with community and veterans groups' participation.

**Mitigation Measure BIO-4:** Because the Walter Knott Tree and the California Bicentennial Tree cannot be effectively transplanted, the City shall locate an existing tree within a City park and dedicate it in the name of Walter and Cordelia Knott. The City shall also locate an existing tree in a prominent location within a City park or at the new Civic Center and dedicate it in honor of the State of California. The re-dedicated trees shall have permanent markers and every effort shall be made to involve the Knott family and the community in the process.

#### City of Newport Beach Standard Conditions

There are no specific City-adopted standard operating conditions of approval related to biological resources that are applicable to the proposed project at this time; however, future project-specific conditions of approval may be applied to the project by the City during the discretionary approval (site development review, tentative tract map, etc.), subsequent design, and/or construction process.

## D. Cultural Resources

- (1) **Potential Impact:** The proposed project may cause a significant impact to unknown archaeological resources that could occur on-site.

**Finding: 1.** The City hereby makes Finding 1 and determines that this impact is less than significant with the incorporation of the proposed mitigation measures.

### Facts in Support of Finding

Mitigation Measure CUL-1 requires a professional archaeologist and a Native American Monitor to be retained to monitor ground-disturbing activities, determine potential to disturb cultural resources, and halt construction activities if necessary. The requirements set forth in Mitigation Measure CUL-1 would reduce potential impacts to archaeological resources to less than significant.

### Mitigation Measures

**Mitigation Measure CUL-1:** An archaeologist and a Native American Monitor appointed by the City of Newport Beach shall be present during earth removal or disturbance activities related to rough grading and other excavation for utilities. If any earth removal or disturbance activities result in the discovery of cultural resources, the Project proponent's contractors shall cease all earth removal or disturbance activities in the vicinity and immediately notify the City selected archaeologist and/or Native American Monitor, who shall immediately notify the Director of Community Development. The City selected archaeologist shall evaluate all potential cultural findings in accordance with standard practice, the requirements of the City of Newport Beach Cultural Resources Element, and other applicable regulations. Consultation with the Native American Monitor, the Native American Heritage Commission, and data/artifact recovery, if deemed appropriate, shall be conducted.

### City of Newport Beach Standard Conditions

The following City-adopted standard operating conditions of approval would apply to the proposed project:

- The City of Newport Beach has standard conditions requiring a qualified archaeologist and a paleontologist to observe construction activities and to establish procedures for redirecting work, evaluating resources, and recommending appropriate actions. More specific requirements have been prepared for this project by the cultural resources consultant, and in lieu of the standard conditions, are included in the mitigation measures above.

- (2) **Potential Impact:** The proposed project may cause a significant impact to unknown paleontological resources that could occur on-site.

**Finding: 1.** The City hereby makes Finding 1 and determines that this impact is less than significant with the incorporation of the proposed mitigation measures.

### **Facts in Support of Finding**

Mitigation Measure CUL-2 requires an Orange County Certified Paleontologist to be appointed by the City of Newport Beach, and to prepare a Paleontological Resource Monitoring and Mitigation Program prior to earth removal or disturbance activities at the project site. The requirements set forth in Mitigation Measure CUL-2 would reduce potential impacts to paleontological resources to less than significant.

#### Mitigation Measures

**Mitigation Measure CUL-2:** An Orange County Certified Paleontologist appointed by the City of Newport Beach shall prepare a Paleontological Resource Monitoring and Mitigation Program prior to earth removal or disturbance activities at the project site. The City selected paleontologist shall be present during earth removal or disturbance activities related to rough grading and other excavation for utilities. Paleontological monitoring shall include inspection of exposed rock units during active excavations within sensitive geologic sediments. If any earth removal or disturbance activities result in the discovery of paleontological resources, the Project proponent's contractors shall cease all earth removal or disturbance activities in the vicinity and immediately notify the City selected paleontologist who shall immediately notify the Community Development Director. The City selected paleontologist shall evaluate all potential paleontological findings in accordance with the Paleontological Resource Monitoring and Mitigation Program Monitoring, standard practice, the requirements of the City of Newport Beach Historic Resources Element, and other applicable regulations. Upon completion of the fieldwork, the City selected paleontologist shall prepare a Final Monitoring and Mitigation Report to be filed with the City and the repository to include, but not be limited to, a discussion of the results of the mitigation and monitoring program, an evaluation and analysis of the fossils collected (including an assessment of their significance, age, geologic context), an itemized inventory of fossils collected, a confidential appendix of locality and specimen data with locality maps and photographs, and an appendix of curation agreements and other appropriate communications.

## City of Newport Beach Standard Conditions

The following City-adopted standard operating conditions of approval would apply to the proposed project:

- The City of Newport Beach has standard conditions requiring a qualified archaeologist and a paleontologist to observe construction activities and to establish procedures for redirecting work, evaluating resources, and recommending appropriate actions. More specific requirements have been prepared for this project by the cultural resources consultant, and in lieu of the standard conditions, are included in the mitigation measures above.

### **E. Geology and Soils**

- (1) **Potential Impact:** The proposed project may expose people or structures to potential substantial adverse effects involving strong seismic ground shaking.
- (2) **Potential Impact:** The proposed project may expose people or structures to potential substantial adverse effects associated with seismically induced liquefaction and settlement.
- (3) **Potential Impact:** Development of the proposed project could be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project.
- (4) **Potential Impact:** The proposed project may be located on expansive soil creating substantial risks to life or property.

**Finding: 1.** The City hereby makes Finding 1 and determines that these impacts are less than significant with the incorporation of the proposed mitigation measures.

### **Facts in Support of Finding**

Given the highly seismic character of the Southern California region and proximity to active and potentially active faults, the project site would be likely to be subject to significant ground motion, strong seismic ground shaking, and a moderate potential for liquefaction due to seismic-induced settlement. Mitigation Measure GEO-1 requires that all grading operations and construction associated with the proposed project be conducted in conformance with the recommendations included in the geotechnical investigation for the project, and the City of Newport Beach and California Building Codes. In addition, the geotechnical investigation provides recommendations to reduce impacts from compressibility/static settlement, and expansive soils to less than significant levels. Compliance with Mitigation Measure GEO-1 would ensure that risks associated with strong seismic ground shaking, liquefaction, unstable geologic

units, and expansive soils are reduced to acceptable levels. As such, impacts would be less than significant.

### Mitigation Measures

**Mitigation Measure GEO-1:** All grading operations and construction shall be conducted in conformance with the recommendations included in the geotechnical report for the proposed project site prepared by GMU Geotechnical, Inc., titled *Report of Geotechnical Investigation, Lido House Hotel – City Hall Site Reuse Project, 3300 Newport Boulevard, City of Newport Beach, California* (December 4, 2013) (included in Appendix 11.6 of this EIR and incorporated by reference into this mitigation measure). Design, grading, and construction shall be performed in accordance with the requirements of the City of Newport Beach Building Code and the California Building Code applicable at the time of grading, appropriate local grading regulations, and the recommendations of the project geotechnical consultant as summarized in a final written report, subject to review by the City of Newport Beach Building Official or designee prior to commencement of grading activities.

### City of Newport Beach Standard Conditions

There are no specific City-adopted standard operating conditions of approval related to geology and soils that are applicable to the proposed project at this time; however, future project-specific conditions of approval may be applied to the project by the City during the discretionary approval (site development review, tentative tract map, etc.), subsequent design, and/or construction process.

- (5) **Potential Impact:** Development of the proposed project could encounter corrosive soils potentially resulting in damage to foundations and buried pipelines.

**Finding: 1.** The City hereby makes Finding 1 and determines that these impacts are less than significant with the incorporation of the proposed mitigation measures.

### **Facts in Support of Finding**

According to the geotechnical investigation for the project site, the soils on-site would be very mildly corrosive to ferrous metals and possess a negligible sulfate exposure to concrete. Consequently, metals structures in contact with the soil may be subject to slight corrosion. Mitigation Measure GEO-1 provides recommendations for reducing corrosion potential due to soil and groundwater. Mitigation Measure GEO-2 requires a corrosion engineer to be consulted during preparation of the Final Soils/Geotechnical Engineering Report for the project.

Compliance with Mitigation Measures GEO-1 and GEO-2 would reduce potential impacts associated with corrosive soils to less than significant levels.

#### Mitigation Measures

**Mitigation Measure GEO-1:** All grading operations and construction shall be conducted in conformance with the recommendations included in the geotechnical report for the proposed project site prepared by GMU Geotechnical, Inc., titled *Report of Geotechnical Investigation, Lido House Hotel – City Hall Site Reuse Project, 3300 Newport Boulevard, City of Newport Beach, California* (December 4, 2013) (included in Appendix 11.6 of this EIR and incorporated by reference into this mitigation measure). Design, grading, and construction shall be performed in accordance with the requirements of the City of Newport Beach Building Code and the California Building Code applicable at the time of grading, appropriate local grading regulations, and the recommendations of the project geotechnical consultant as summarized in a final written report, subject to review by the City of Newport Beach Building Official or designee prior to commencement of grading activities.

**Mitigation Measure GEO-2:** Prior to issuance of a building permit, the City of Newport Beach Building Official or designee shall verify that the City has retained the services of a licensed corrosion engineer to provide detailed corrosion protection measures. Where steel may come in contact with on-site soils, project construction shall include the use of steel that is protected against corrosion. Corrosion protection may include, but is not limited to, sacrificial metal, the use of protective coatings, and/or cathodic protection. Additional site testing and final design evaluation regarding the possible presence of significant volumes of corrosive soils on site shall be performed by the project geotechnical consultant to refine and enhance these recommendations. On-site inspection during grading shall be conducted by the project geotechnical consultant and City Building Official to ensure compliance with geotechnical specifications as incorporated into project plans.

#### City of Newport Beach Standard Conditions

There are no specific City-adopted standard operating conditions of approval related to geology and soils that are applicable to the proposed project at this time; however, future project-specific conditions of approval may be applied to the project by the City during the discretionary approval (site development review, tentative tract map, etc.), subsequent design, and/or construction process.

## F. Hazards and Hazardous Materials

- (1) **Potential Impact:** The proposed project could create a significant hazard to the public or environment through accident conditions involving the release of hazardous materials.

**Finding: 1.** The City hereby makes Finding 1 and determines that this impact would be reduced to less than significant levels with the incorporation of the proposed mitigation measures.

### Facts in Support of Finding

Mitigation Measures HAZ-1 through HAZ-5 address known and potential hazardous materials conditions on the project site, and would require future characterization and remediation of hazardous materials that may exist on the property. Implementation of applicable mitigation measures would reduce risks associated with on-site hazardous materials to an acceptable level. Impacts, therefore, would be less than significant.

### Mitigation Measures

**Mitigation Measure HAZ-1:** Prior to demolition activities, an asbestos survey shall be conducted by an Asbestos Hazard Emergency Response Act (AHERA) and California Division of Occupational Safety and Health (Cal/OSHA) certified building inspector to determine the presence or absence of asbestos containing-materials (ACMs). If ACMs are located, abatement of asbestos shall be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the South Coast Air Quality Management District (SCAQMD) Rule 1403.

**Mitigation Measure HAZ-2:** If paint is separated from building materials (chemically or physically) during demolition of the structures, the paint waste shall be evaluated independently from the building material by a qualified Environmental Professional. If lead-based paint is found, abatement shall be completed by a qualified Lead Specialist prior to any activities that would create lead dust or fume hazard. Lead-based paint removal and disposal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Contractors performing lead-based paint removal shall provide evidence of abatement activities to the City Engineer.

**Mitigation Measure HAZ-3:** Any transformers to be removed or relocated during grading/construction activities shall be evaluated under the purview of the local utility purveyor (Southern California Edison) in order to confirm or deny the presence of PCBs. In the event that PCBs are identified, the local utility purveyor shall identify proper handling procedures regarding potential PCBs.

**Mitigation Measure HAZ-4:** The Contractor shall verify that all imported soils, and on-site soils proposed for fill, are not contaminated with hazardous materials above regulatory thresholds in consultation with a Phase II/Site Characterization Specialist. If soils are determined to be contaminated above regulatory thresholds, these soils shall not be used as fill material within the boundaries of the project site, unless otherwise specified by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup (e.g., Department of Toxic Substances Control, Regional Water Quality Control Board, Orange County Health Care Agency, etc.).

**Mitigation Measure HAZ-5:** If unknown wastes or suspect materials are discovered during construction by the contractor that are believed to involve hazardous waste or materials, the contractor shall comply with the following:

- Immediately cease work in the vicinity of the suspected contaminant, and remove workers and the public from the area;
- Notify the Building Official of the City of Newport Beach;
- Secure the area as directed by the Building Official; and
- Notify the Orange County Health Care Agency's Hazardous Materials Division's Hazardous Waste/Materials Coordinator (or other appropriate agency specified by the Community Development Director). The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required.

#### City of Newport Beach Standard Conditions

There are no specific City-adopted standard operating conditions of approval related to existing hazardous materials contamination that are applicable to the proposed project at this time; however, future project-specific conditions of approval may be applied to the project by the City during the discretionary approval (site development review, tentative tract map, etc.), subsequent design, and/or construction process.

## **G. Hydrology and Water Quality**

- (1) **Potential Impact:** Grading, excavation, and construction activities associated with the proposed project could impact water quality.

**Finding: 1.** The City hereby makes Finding 1 and determines that this impact would be reduced to less than significant levels with the incorporation of the proposed mitigation measures.

### **Facts in Support of Finding**

Construction activities for the proposed project could generate soil erosion as well as on- and off-site transport via storm run-off or mechanical equipment. Poorly maintained vehicles and heavy equipment leaking fuel, oil, antifreeze, or other vehicle-related fluids on the project site could create stormwater pollution and soil contamination impacts. Mitigation Measures HWQ-1 and HWQ-2 require the project to prepare and submit a Notice of Intent, and a Storm Water Pollution Prevention Plan (SWPPP) to the State Water Resources Board, respectively. Mitigation Measure HWQ-3 requires the project applicant to submit a Notice of Termination (NOT) to the SWRCB upon completion of project construction. Implementation of applicable mitigation measures would reduce impacts to water quality from short-term construction activities acceptable levels. Impacts, therefore, would be less than significant.

**Mitigation Measure HWQ-1:** Prior to Grading Permit issuance and as part of the project's compliance with the NPDES requirements, a Notice of Intent (NOI) shall be prepared and submitted to the State Water Resources Quality Control Board (SWRCB), providing notification and intent to comply with the State of California General Permit.

**Mitigation Measure HWQ-2:** The proposed project shall conform to the requirements of an approved Storm Water Pollution Prevention Plan (SWPPP) (to be applied for during the Grading Plan process) and the NPDES Permit for General Construction Activities No. CAS000002, Order No, 2009-0009-DWQ, including implementation of all recommended Best Management Practices (BMPs), as approved by the State Water Resources Quality Control Board (SWRCB).

**Mitigation Measure HWQ-3:** Upon completion of project construction, the project applicant shall submit a Notice of Termination (NOT) to the State Water Resources Quality Control Board (SWRCB) to indicate that construction is completed.

### City of Newport Beach Standard Conditions

There are no specific City-adopted standard operating conditions of approval related to hydrology and water quality that are applicable to the proposed project at this time; however, future project-specific conditions of approval may be applied to the project by the City during the discretionary approval (site development review, tentative tract map, etc.), subsequent design, and/or construction process.

- (2) **Potential Impact:** Implementation of the proposed project could potentially result in increased run-off amounts and degraded water quality.

**Finding: 1.** The City hereby makes Finding 1 and determines that this impact would be reduced to less than significant levels with the incorporation of the proposed mitigation measures.

#### **Facts in Support of Finding**

The project site would likely experience pollutant generation due to the proposed land uses, potentially increasing the generation of suspended solids/sediments, nutrients, heavy metals, pathogens, pesticides, oil and grease, toxic organic compounds, and trash and debris. Due to the fact that the Lower Newport Bay is listed on the 303(d) list for chlordane, copper, DDT, indicator bacteria, nutrients, PCBs, pesticides, and sediment toxicity, and has a TMDL for metals, nutrients, pathogens, pesticides, priority organics, and siltation, the proposed development could have a significant adverse impact to storm water quality. Mitigation Measure HWQ-4 requires the project applicant to submit a Final Water Quality Management Plan to ensure long-term operational water quality impacts from the proposed project are mitigated to acceptable levels. Therefore, impacts would be less than significant with implementation of the applicable mitigation measures.

**Mitigation Measure HWQ-4:** Prior to issuance of a grading permit, the project applicant shall submit a Final Water Quality Management Plan for approval by the Building Official that complies with the requirements of the latest Orange County Public Works Drainage Area Management Plan.

### City of Newport Beach Standard Conditions

There are no specific City-adopted standard operating conditions of approval related to hydrology and water quality that are applicable to the proposed project at this time; however, future project-specific conditions of approval may be applied to the project by the City during the discretionary approval (site development review, tentative tract map, etc.), subsequent design, and/or construction process.

## H. Noise

- (3) **Potential Impact:** Grading and construction within the area could result in significant temporary noise impacts to nearby noise sensitive receivers.

**Finding: 1.** The City hereby makes Finding 1 and determines that this impact would be reduced to less than significant levels with the incorporation of the proposed mitigation measures.

### **Facts in Support of Finding**

Construction activities associated with the proposed project could temporarily increase noise levels in the project vicinity and along nearby roadways. Mitigation Measure N-1 would reduce short-term construction noise impacts by requiring mobile equipment to be muffled and requiring best management practices for hauling activities. Mitigation Measure N-1 would also implement the City's Municipal Code Section 10.28.040, requiring construction activities to be conducted during the City's allowable construction hours. With implementation of applicable mitigation, impacts would be less than significant.

### Mitigation Measures

**Mitigation Measure N-1:** Prior to issuance of any Grading Permit or Building Permit for new construction, Community Development Department shall confirm that the Grading Plan, Building Plans, and specifications stipulate that:

- All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other State required noise attenuation devices.
- The Applicant shall provide a qualified "Noise Disturbance Coordinator." The Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Disturbance Coordinator shall notify the City within 24-hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the City Development Services Department. The contact name and the telephone number for the Disturbance Coordinator shall be clearly posted on-site.
- When feasible, construction haul routes shall be designed to avoid noise sensitive uses (e.g., residences, convalescent homes, etc.).

- During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.
- Construction activities that produce noise shall not take place outside of the allowable hours specified by the City's *Municipal Code Section 10.28.040* (7:00 a.m. and 6:30 p.m. on weekdays, 8:00 a.m. and 6:00 p.m. on Saturdays; construction is prohibited on Sundays and/or federal holidays).

#### City of Newport Beach Standard Conditions

The following City-adopted standard operating conditions of approval would apply to the proposed project:

- The project must comply with the exterior noise standards for residential uses of the Noise Ordinance. The exterior noise level standard is 65 dBA between the hours of 7:00 AM and 10:00 PM and 60 dBA between the hours of 10:00 PM and 7:00 AM. An acoustic study shall be performed by a qualified professional that demonstrates compliance with these standards of the Noise Ordinance. This acoustic study shall be performed and submitted to the Community Development Department as part of the Site Development Review permit application for each residential structure. If the exterior noise levels exceed applicable standards, additional mitigation shall be required, which may include the installation of additional sound attenuation devices as recommended by the acoustic study and subject to the approval of the Community Development Director.
- The operator of the proposed commercial uses shall be responsible for the control of noise generated by the subject facility including, but not limited to, noise generated by patrons, food service operations, and mechanical equipment. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code. The maximum noise shall be limited to no more than noise limits specified in Table 5.10-3 for the specified time periods unless the ambient noise level is higher.
- All mechanical equipment shall be screened from view of adjacent properties and adjacent public streets for each residential structure, as authorized by a Site Development Review permit, and shall be sound-attenuated in accordance with Chapter 10.26 of the Newport Beach Municipal Code, Community Noise Control.

- The City of Newport Beach Municipal Code Chapter 10.32, Sound-Amplifying Equipment requires a permit for use of any sound-amplifying equipment and regulates the volume so sound-amplifying equipment is not a nuisance to persons. The use of sound-amplifying equipment is prohibited outdoors between the hours of 8:00 PM and 8:00 AM.

## I. Transportation and Traffic

- (1) **Potential Impact:** Project construction would not cause a significant increase in traffic for existing conditions when compared to the traffic capacity of the street system.

**Finding: 1.** The City hereby makes Finding 1 and determines that this impact would be reduced to less than significant levels with the incorporation of the proposed mitigation measures.

### Facts in Support of Finding

Construction activities associated with the proposed project would generate traffic as a result of equipment being transported to the site and vehicular traffic related to construction works and delivery of materials to the project site. Construction related trips associated with trucks and employees traveling to and from the project site may result in minor traffic delays within the project area. Mitigation Measure TRA-1 would require implementation of a construction management plan, consisting of a variety of measures to minimize traffic and parking impacts upon the local circulation system. Implementation of Mitigation Measure TRA-1 would reduce potential short-term traffic impacts from project construction to less than significant levels.

### Mitigation Measures

**Mitigation Measure TRA-1:** Prior to Issuance of any grading and/or demolition permits, whichever occurs first, a Construction Management Plan shall be submitted for review and approval by the Community Development Department/City Traffic Engineer. The Construction Management Plan shall, at a minimum, address the following:

- Traffic control for any street closure, detour, or other disruption to traffic circulation.
- Identify the routes that construction vehicles will utilize for the delivery of construction materials (i.e., lumber, tiles, piping, windows, etc.), to access the site, traffic controls and detours, and proposed construction phasing plan for the project.

- Specify the hours during which transport activities can occur and methods to mitigate construction-related impacts to adjacent streets.
- Require the Applicant to keep all haul routes clean and free of debris, including but not limited to gravel and dirt as a result of its operations. The Applicant shall clean adjacent streets, as directed by the City Engineer (or representative of the City Engineer), of any material which may have been spilled, tracked, or blown onto adjacent streets or areas.
- Hauling or transport of oversize loads shall be allowed between the hours of 9:00 AM and 3:00 PM only, Monday through Friday, unless approved otherwise by the City Engineer. No hauling or transport will be allowed during nighttime hours, weekends, or Federal holidays.
- Use of local streets shall be prohibited.
- Haul trucks entering or exiting public streets shall at all times yield to public traffic.
- If hauling operations cause any damage to existing pavement, streets, curbs, and/or gutters along the haul route, the applicant shall be fully responsible for repairs. The repairs shall be completed to the satisfaction of the City Engineer.
- All construction-related parking and staging of vehicles shall be kept out of the adjacent public roadways and shall occur on-site or in public parking lots.

This Plan shall meet standards established in the current California Manual on Uniform Traffic Control Device (MUTCD) as well as City of Newport Beach requirements.

#### City of Newport Beach Standard Conditions

There are no specific City-adopted standard operating conditions of approval related to project construction traffic that are applicable to the proposed project at this time; however, future project-specific conditions of approval may be applied to the project by the City during the discretionary approval (site development review, tentative tract map, etc.), subsequent design, and/or construction process.

- (2) **Potential Impact:** Implementation of the project would not conflict with the requirements of Newport Beach municipal code chapter 20.40, off-street parking.

**Finding: 1.** The City hereby makes Finding 1 and determines that this impact would be reduced to less than significant levels with the incorporation of the proposed mitigation measures.

### **Facts in Support of Finding**

Mitigation Measure TRA-2 requires the implementation of a Parking Management Plan that would include restricted parking, time limit parking, parking guide signage, and addresses staff parking to ensure that parking is managed on-site. Implementation of Mitigation Measure TRA-2 would reduce potential impacts associated with parking supply during peak demand to a less than significant level.

### Mitigation Measures

**Mitigation Measure TRA-2:** Prior to issuance of Certificates of Occupancy, the applicant shall submit a Parking Management Plan for review and approval by the Community Development Department. The Parking Management Plan shall, at a minimum, include the following and be implemented at all times:

- Restrict all on-site parking spaces to either a time limit or a valet parking arrangement.
- Restrict access to on-site parking areas (with the exception of visitor parking by the hotel lobby) to either valet staff, or guests and visitors only through a manned gate, a gate with intercom access, or a gate that reads the room keys.
- Restrict parking for in-demand parking spaces by time limits. The time limit should apply from 6:00 AM to 6:00 PM Monday through Friday.
- Post signs at locations where motorists can be redirected from curb parking or desirable parking areas to convenient off-street lots and structures.
- Encourage on-site employee parking by providing free parking on-site or providing incentives for using alternative modes of transportation, such as providing free or discounted bus passes; an employee bike rack, entering employees who take the bus, carpool, walk, or ride a bicycle in a monthly raffle; providing a monthly stipend for bicycle commuting; providing carpool parking spaces, or other incentives.

## City of Newport Beach Standard Conditions

There are no specific City-adopted standard operating conditions of approval related to parking that are applicable to the proposed project at this time; however, future project-specific conditions of approval may be applied to the project by the City during the discretionary approval (site development review, tentative tract map, etc.), subsequent design, and/or construction process.

### **6. FINDINGS REGARDING ALTERNATIVES**

#### **A. Alternatives Considered and Rejected During the Scoping/Project Planning Process**

In addition to the guidance cited above regarding purpose and contents of an analysis of alternatives to a proposed project, CEQA Guidelines Section 15126.6(c) states that an EIR should identify alternatives that were considered for analysis but rejected as infeasible and briefly explain the reasons for their rejection. According to the CEQA Guidelines, the following factors may be used to eliminate alternatives from detailed consideration: the alternative's failure to meet most of the basic project objectives, the alternative's infeasibility, or the alternative's inability to avoid significant environmental impacts. One alternative that has been considered and rejected as infeasible is discussed below.

- One alternative that has been considered and rejected as infeasible is the Alternative Location Alternative. The project site is available for development because it is a vacant and underutilized site within the City of Newport Beach. It is unlikely that the Applicant would be able to acquire another property within the City on which to develop a project of similar size and scale to that currently proposed. In addition, no significant and unavoidable impacts have been identified to be associated with the proposed project. Therefore, considering development of the project at an alternative location would serve no purpose. Furthermore, it is a key objective of the proposed project, and a key aspect of its design, to enhance the Lido Village area. As such, this alternative has been rejected from further consideration by the City.

#### **B. Alternatives Selected for Analysis**

Based on the criteria listed above, the following three alternatives, in addition to the required No Project Alternative, were determined to represent a reasonable range of alternatives that could potentially attain most of the basic objectives of the project and have the potential to avoid or substantially lessen one or more of the significant effects of the project. These alternatives are analyzed in detail in the following sections.

- No Project/No Build Alternative
- No Project/Existing General Plan Land Use Designation Alternative

- Reduced Density Alternative
- Mixed Use Alternative

An EIR must identify an “environmentally superior” alternative, and where the No Project Alternative is identified as environmentally superior, the EIR is required to identify as environmentally superior an alternative from among the others evaluated. Each alternative's environmental impacts are compared to the proposed project and determined to be environmentally superior, neutral, or inferior. However, only significant and unavoidable impacts are used in making the final determination of whether an alternative is environmentally superior or inferior to the proposed project. However, no impacts analyzed in the Draft EIR were found to be significant and unavoidable after the imposition of mitigation. Subsection 7.4 in Chapter 7, Alternatives, of the Draft EIR identifies the environmentally superior alternative.

The proposed project is analyzed in detail in Chapter 7 of the DEIR.

**1. Alternatives Comparison**

Table 1, *Comparison of Impacts Associated with the Alternatives and Impacts of the Proposed Project*, below, provides a summary matrix that compares the impacts associated with the project with the impacts of each of the proposed alternatives.

**Table 1**

**Comparison of Impacts Associated with the Alternatives and Impacts of the Proposed Project**

	<b>Project Impact</b>	<b>Alternative 1: No Project/No Build</b>	<b>Alternative 2: No Project/Existing General Plan Land Use Designation</b>	<b>Alternative 3: Reduced Density</b>	<b>Alternative 4 Mixed use</b>
<b>Aesthetics/Light and Glare</b>	Less Than Significant with Mitigation	Less (Less Than Significant)	Less (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)
<b>Air Quality</b>	Less Than Significant with Mitigation	Less (Less Than Significant)	Less (Less Than Significant)	Less (Less Than Significant)	Greater (Potentially Significant Impact)
<b>Biological Resources</b>	Less Than Significant with Mitigation	Less (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)
<b>Cultural Resources</b>	Less Than Significant with Mitigation	Less (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)
<b>Geology and Soils</b>	Less Than Significant with Mitigation	Less (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)
<b>Greenhouse Gas Emissions</b>	Less Than Significant	Less (Less Than Significant)	Less (Less Than Significant)	Less (Less Than Significant)	Greater (Potentially Significant Impact)

	<b>Project Impact</b>	<b>Alternative 1: No Project/No Build</b>	<b>Alternative 2: No Project/Existing General Plan Land Use Designation</b>	<b>Alternative 3: Reduced Density</b>	<b>Alternative 4 Mixed use</b>
<b>Hazards and Hazardous Materials</b>	Less Than Significant with Mitigation	Less (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)
<b>Hydrology and Water Quality</b>	Less Than Significant with Mitigation	Greater (Potentially Significant Impact)	Similar (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)
<b>Land Use and Relevant Planning</b>	Less Than Significant	Less (Less Than Significant)	Less (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)
<b>Noise</b>	Less Than Significant with Mitigation	Less (Less Than Significant)	Less (Less Than Significant)	Similar (Less Than Significant)	Greater (Potentially Significant Impact)
<b>Public Services and Utilities</b>	Less Than Significant	Less (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)
<b>Traffic and Circulation</b>	Less Than Significant with Mitigation	Less (Less Than Significant)	Similar (Less Than Significant)	Less (Less Than Significant)	Greater (Potentially Significant Impact)

**a) No Project/No Build Alternative**

**Description:** In accordance with the CEQA Guidelines, the No Project/No Build Alternative for a development project on an identifiable property consists of the circumstance under which the project does not proceed. Section 15126.6(e)(3)(B) of the CEQA Guidelines states that, “in certain instances, the No Project/No Build Alternative means ‘no build’ wherein the existing environmental setting is maintained.” Accordingly, for purposes of this analysis, the No Project/No Build Alternative (Alternative 1) assumes that no new development would occur within the project site.

The No Project/No Build Alternative would retain the project site in its current condition. With this Alternative, the City Hall Complex would remain vacant and unimproved although the City would likely continue very limited use of existing buildings suitable of occupancy. The existing 60,600 square feet of administration/office floor area would not be removed. The existing landscaping would be retained and maintained. Public open spaces consisting of pedestrian plazas, landscape areas, and other amenities would not be constructed along Newport Boulevard or 32<sup>nd</sup> Street. None of the improvements as part of the Lido House Hotel would be constructed. Under the No Project/No Build Alternative, the land use, zoning, and CLUP categories would not be amended.

**Environmental Effects:** A full discussion of the No Project/No Build Alternative’s environmental impacts as compared to the proposed project is set forth in Subsection 7.1.1 in Chapter 7, Alternatives, of the Draft EIR, which is hereby incorporated by reference. In comparison to the proposed project, as shown above in Table 1, the No Project/No Build Alternative would reduce impacts to aesthetics/light and glare, air

quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, land use and relevant planning, noise, public services and utilities, and traffic and circulation. Water quality impacts under this Alternative would be greater than the proposed project. Overall, the No Project/No Build Alternative would have less environmental impacts than the proposed project.

*Ability to Achieve Project Objectives:* The No Project/Development Alternative would not attain any of the project's basic objectives. An iconic development that would revitalize the Lido Village and create a pedestrian oriented development would not be constructed. Shopping, dining, assembly opportunities, publically accessible open space, and visitor accommodations for visitor and residents of Newport Beach would not be provided on the project site. The No Project/No Build Alternative would also not create City revenue through lease payments and transient occupancy tax.

*Feasibility:* Since the No Project/No Build Alternative would allow the existing City Hall Complex to remain vacant and unimproved, the feasibility of this Alternative would rely on the economic feasibility of indefinite operation of these uses. No changes to the existing conditions would occur, and all operations would continue indefinitely.

*Finding:* In comparison to the proposed project, the No Project/No Build Alternative would reduce impacts to aesthetics/light and glare, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, land use and relevant planning, noise, public services and utilities, and traffic and circulation. Water quality impacts under this Alternative would be greater than the proposed project. This alternative would fail to fully meet any of the project objectives. Overall, the No Project/No Build Alternative would have fewer environmental impacts than the proposed project, making it the environmentally superior alternative. However, since the No Project/No Build Alternative fails to meet any of the project objectives, it has been rejected by the City in favor of the proposed project.

#### **b) No Project/Existing General Plan Land Use Designation Alternative**

*Description:* The "No Project/Existing General Plan Land use Designation" Alternative proposes development of what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on the property's current General Plan land use and zoning designations of "Public Facilities." The Public Facilities Zoning District is intended to provide for areas appropriate for public facilities, including community centers, cultural institutions, government facilities, libraries, public hospitals, public utilities, and public schools. Neither the General Plan nor the Zoning Code (Title 20 of the Newport Beach Municipal Code) identifies a maximum development density or intensity for this use, but requires a Minor Use Permit (MUP). The City does not currently have a need for municipal offices at this location and does not plan to relocate the police station to the project site. Additionally, the City sent a notice of surplus land to the school district, affordable housing advocates, and park districts in accordance with Section 54222 of the Government Code and did not get a response. Therefore, this Alternative assumed a development of 60,600 square feet of municipally-sponsored uses that could include government offices, community

meeting rooms, and parking necessary to support on-site uses of a similar development intensity as the former City Hall Complex. The development associated with this alternative would include the demolition of the existing outdated structures, and would construct a new modern facility that would serve the community for meetings, recreation, and ancillary uses.

***Environmental Effects:*** A full discussion of the No Project/Existing General Plan Land Use Designation Alternative's environmental impacts compared to those of the proposed project is set forth in Subsection 7.1.2 in Chapter 7, Alternatives, of the Draft EIR, which is hereby incorporated by reference. In comparison to the proposed project, as shown above in Table 1, the No Project/Existing General Plan Land Use Designation Alternative would reduce impacts to aesthetics/light and glare, air quality, greenhouse gas emissions, land use and relevant planning, and noise. Biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology/water quality, public services and utilities, and traffic and circulation impacts would be similar to the proposed project.

***Ability to Achieve Project Objectives:*** The No Project/Existing General Plan Alternative would not attain the project's fundamental objective to revitalize the Lido Village and create a pedestrian oriented development. Shopping, dining, assembly opportunities, publically accessible open space, and visitor accommodations for visitors and residents of Newport Beach would not be provided on the project site.

***Feasibility:*** Although the No Project/Existing General Plan Land Use Alternative would be physically feasible, it may not be economically feasible. It is uncertain whether this Alternative would yield a reasonable return on investment, as The No Project/No Build Alternative would also not create City revenue through lease payments and transient occupancy tax and is therefore less desirable than the proposed project.

***Finding:*** This Alternative would not meet any of the project's objectives. It would reduce environmental impacts to aesthetics/light and glare, air quality, greenhouse gas emissions, land use and relevant planning, and noise. However, it would result in similar impacts related to biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology/water quality, public services and utilities, and traffic and circulation. Also, because it does not include the development of a hotel, this Alternative it would not require a General Plan Amendment, CLUP Amendment, Zoning Code Amendment, or a Conditional Use Permit. Moreover, it would not create City revenue through lease payments and transient occupancy tax, and may be economically infeasible. For these reasons, the City finds that the proposed project is preferred over this Alternative.

### **c) Reduced Density Alternative**

***Description:*** Under the Reduced Density Alternative, proposes the development of a hotel use on the project site that would have approximately 108 rooms and would be three floors. The Reduced Density would have the same basic building footprint, architecture,

open space areas, and vehicular access as the proposed project. The development associated with this alternative would include the demolition of the existing outdated structures. Under the Reduced Density Alternative, the land use, zoning, and CLUP categories would still need to be amended similar to the proposed project.

**Environmental Effects:** A full discussion of the Reduced Density Alternative's environmental impacts compared to those of the proposed project is set forth in Subsection 7.2 in Chapter 7, Alternatives, of the Draft EIR, which is hereby incorporated by reference. In comparison to the proposed project, as shown above in Table 1, the Reduced Density Alternative would reduce impacts to air quality, greenhouse gas emissions, and traffic and circulation. Aesthetics/light and glare, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology/water quality, land use and relevant planning, noise, and public services and utilities impacts would be similar to the proposed project.

**Ability to Achieve Project Objectives:** The Reduced Density Alternative would attain all of the project's objectives provided it is financially viable. As with the proposed project, a reduced density hotel project would help revitalize the Lido Village area and create a pedestrian oriented development. Shopping, dining, assembly opportunities, publically accessible open space, and visitor accommodations for visitors and residents of Newport Beach would also be provided on the project site but to a lesser degree when compared to the proposed project.

**Feasibility:** As with the proposed project, the Reduced Density Alternative would be economically feasible. However, the Reduced Density Alternative would create less City revenue through lease payments and transient occupancy tax.

**Finding:** The Reduced Density Alternative would reduce impacts to air quality, greenhouse gas emissions, and traffic and circulation. Impacts related to aesthetics/light and glare, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology/water quality, land use and relevant planning, noise, and public services and utilities would be similar to the proposed project. While this Alternative would attain all of the project's objectives provided it is financially feasible, it would create less City revenue through lease payments and transient occupancy tax. For these reasons, the City finds that the proposed project is preferred over this Alternative.

#### **d) Mixed Use Alternative**

**Description:** The Mixed Use Alternative would remove the existing City Hall Complex and include the development of 99 multifamily dwelling units and 15,000 square feet of commercial uses on the project site. Based on the number of dwelling units and commercial space, the potential building footprint would likely be similar to the proposed project and building heights would also be similar. This alternative would amend the General Plan, CLUP, and Zoning Code designations from "Public Facilities" for the project site.

**Environmental Effects:** A full discussion of the Mixed Use Density Alternative's environmental impacts compared to those of the proposed project is set forth in Subsection 7.3 in Chapter 7, Alternatives, of the Draft EIR, which is hereby incorporated by reference. In comparison to the proposed project, as shown above in Table 1, the Mixed Use Alternative would result in greater impacts related to air quality, greenhouse gas emissions, noise, and traffic and circulation. Aesthetics/light and glare, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology/water quality, land use and relevant planning, and public services and utilities impacts would be similar to the proposed project. This Alternative would not reduce any impacts compared to the proposed project.

**Ability to Achieve Project Objectives:** The Mixed Use Alternative would attain the project's objective to revitalize the Lido Village by creating a pedestrian-oriented development; however, it would have a lesser overall economic impact to the community. Shopping, dining, assembly opportunities, publically accessible open space, and visitor accommodations for visitors and residents of Newport Beach would not be provided on the project site.

**Feasibility:** As with the proposed project, the Mixed Use Alternative would be economically feasible. However, the Mixed Use Alternative would not create City revenue through the transient occupancy tax.

**Finding:** The Mixed Use Alternative would result in greater impacts related to air quality, greenhouse gas emissions, noise, and traffic and circulation. Impacts related to aesthetics/light and glare, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology/water quality, land use and relevant planning, and public services and utilities impacts would be similar to the proposed project. While this Alternative would attain all of the project's objectives, it would have a lesser overall economic impact to the community, and would not create City revenue through the transient occupancy tax. For these reasons, the City finds that the proposed project is preferred over this Alternative.

## EXHIBIT C

### General Plan Amendment No. GP2012-002 (PA2012-031)

**A. Amend Table LU1 of the Land Use Element of the General Plan to add the following land use category:**

“Visitor-Serving Commercial, Lido Village (CV-LV)

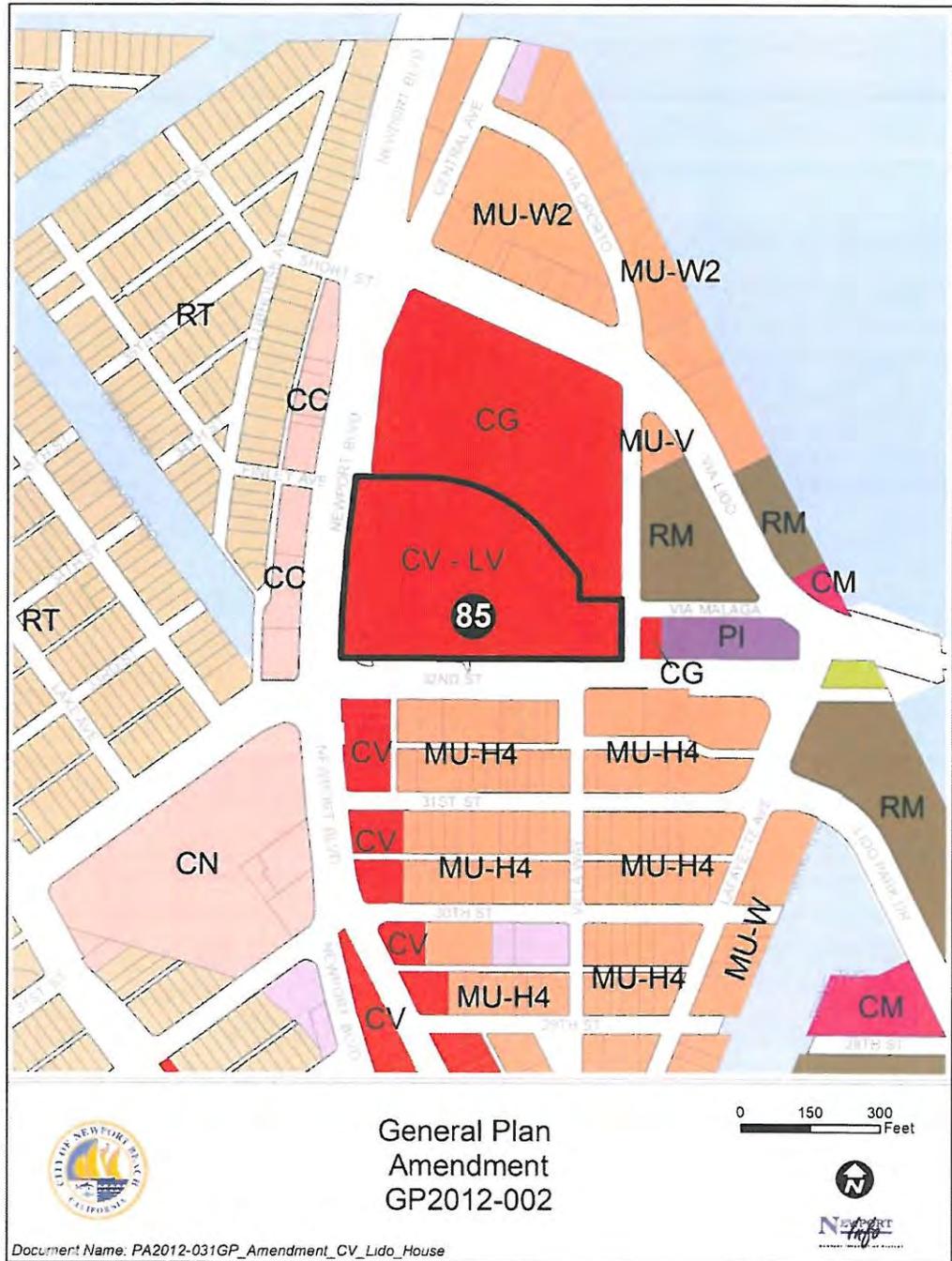
The CV-LV category is intended to allow for a range of accommodations (e.g. hotels, motels, hostels), goods, and services intended to primarily serve visitors to the City of Newport Beach. A fire station is allowed in its current location. Limited Use Overnight Visitor Accommodations and residences are not allowed.”

**B. Amend Table LU-2 to add Anomaly Location #85 as shown in the following table:**

<b>Table LU2 Anomaly Locations</b>					
<u>Anomaly Number</u>	<u>Statistical Area</u>	<u>Land Use Designation</u>	<u>Development Limit (sf)</u>	<u>Development Limit (Other)</u>	<u>Additional Information</u>
85	B5	CV-LV	98,725 sf of hotel		Accessory commercial floor area is allowed in conjunction with a hotel and it is included within the hotel development limit. Municipal facilities are not restricted or included in any development limit.

All existing provisions within Table LU-2 remain unchanged

**C. Amend Figure LU6 (Land Use Map) as it relates to 3300 Newport Boulevard & 475 32nd Street only as depicted in the following diagram:**



All related maps or diagrams within the General Plan shall be amended to maintain consistency with the new land use category and Anomaly Location #85 as shown above. Additionally, any maps or diagrams within the General Plan that label the site as “City Hall” shall be removed from the General Plan. Labeling the new City Hall site as “City Hall” on any General Plan map or diagram is also authorized.

## EXHIBIT D

### Coastal Land Use Plan Amendment No. LC2012-001 (PA2012-031)

**A. Amend the Table 2.1.1-1 of the Coastal Land Use Plan add the following land use category:**

Table 2.1.1-1 Land Use Plan Categories		
<i>Land Use Category</i>	<i>Uses</i>	<i>Density/Intensity</i>
<i>CV-LV Visitor-Serving Commercial – Lido Village</i>	<i>The CV-LV category is intended to allow for a range of accommodations (e.g. hotels, motels, hostels), goods, and services intended to primarily serve visitors to the City of Newport Beach. A fire station is allowed in its current location. Limited Use Overnight Visitor Accommodations and residences are not allowed. Note: The CV-LV (Visitor Serving Commercial - Lido Village) category applies to the former City Hall Complex that includes Fire Station # 2 (3300 Newport Boulevard and 475 32nd Street).</i>	<i>98,725 gross square feet not including a fire station. A fire station may not occupy more than 10% of the total project site.</i>

All other existing provisions within Table 2.1.1-1 remain unchanged.



**C. Amend Coastal Land Use Policy 4.4.2-1 to add the following exception site:**

“Former City Hall Complex at 3300 Newport Blvd and 475 32nd Street (the site):

- At least 75% of the total area of the site shall be 35 feet in height or lower.
- Buildings and structures up to 55 feet in height with the peaks of sloping roofs and elevator towers up to 60 feet in height, provided it is demonstrated that development does not adversely impact public views.
- Architectural features such as domes, towers, cupolas, spires, and similar structures may be up to 65 feet in height.
- Buildings and structures over 35 feet in height, including architectural features, shall not occupy more than 25 percent of the total area of the site.
- Buildings and structures over 45 feet in height, architectural features, shall not occupy more than 15 percent of the total area of the site.
- With the exception of a fire station, all buildings and structures over 35 feet in height, including architectural features, shall be setback a minimum of 60 feet from the Newport Boulevard right-of-way and 70 feet from the 32nd Street right-of-way.
- A fire station may be located in its current location and may be up to 40 feet in height. A fire station may include architectural features up to 45 feet in height to house and screen essential equipment.

The purpose of allowing limited exceptions to the 35-foot height limit on this site is to promote vertical clustering resulting in increased publically accessible on-site open space and architectural diversity while protecting existing coastal views and providing new coastal view opportunities.”

STATE OF CALIFORNIA            }  
COUNTY OF ORANGE            }  
CITY OF NEWPORT BEACH        }        ss.

I, Leilani I. Brown, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; that the foregoing resolution, being Resolution No. 2016-29 was duly and regularly introduced before and adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 9<sup>th</sup> day of February, 2016, and that the same was so passed and adopted by the following vote, to wit:

AYES: Council Member Peotter, Council Member Duffield, Council Member Selich,  
Council Member Curry, Council Member Petros, Mayor Pro Tem Muldoon, Mayor Dixon  
NAYS: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 10<sup>th</sup> day of February, 2016.



Leilani I. Brown, MMC  
City Clerk  
Newport Beach, California

(Seal)

