



## 2.0 INTRODUCTION AND PURPOSE

### 2.1 PURPOSE OF THE EIR

The City of Newport Beach (City) is the Lead Agency under the California Environmental Quality Act (CEQA), and has determined that an Environmental Impact Report (EIR) is required for the Lido House Hotel (the project) (State Clearinghouse No. 2013111022). This EIR has been prepared in conformance with CEQA (California Public Resources Code [PRC] Section 21000 et seq.); *CEQA Guidelines* (California Code of Regulations [CCR], Title 14, Section 15000 et seq.); and the rules, regulations, and procedures for implementation of CEQA, as adopted by the City of Newport Beach. The principal *CEQA Guidelines* sections governing content of this document include Article 9 (*Contents of Environmental Impact Reports*) (Sections 15120 through 15132), and Section 15161 (*Project EIR*).

The purpose of this EIR is to review the existing conditions, analyze potential environmental impacts, and identify feasible mitigation measures to reduce potentially significant effects of the proposed project, which includes a hotel use within the Balboa Peninsula of the City of Newport Beach. For more detailed information regarding the proposal, refer to Section 3.0, *Project Description*.

This EIR addresses the environmental effects of the project, in accordance with Section 15161 of the *CEQA Guidelines*. As referenced in Section 15121(a) of the *CEQA Guidelines*, the primary purposes of this EIR are to:

- Inform decision-makers and the public generally of the significant environmental effects of a project;
- Identify possible ways to minimize the significant effects of the project; and
- Describe reasonable alternatives to the project.

Mitigation measures are provided that may be adopted as conditions of approval to minimize the significance of impacts resulting from the project. In addition, this EIR is the primary reference document in the formulation and implementation of a mitigation monitoring program for the proposed project.

The City of Newport Beach (which has the principal responsibility of processing and approving the project) and other public (i.e., responsible and trustee) agencies that may use this EIR in the decision-making or permit process will consider the information in this EIR, along with other information that may be presented during the CEQA process. Environmental impacts are not always mitigatable to a level considered less than significant; in those cases, impacts are considered significant unavoidable impacts. In accordance with Section 15093(b) of the *CEQA Guidelines*, if a public agency approves a project that has significant impacts that are not substantially mitigated (i.e., significant unavoidable impacts), the agency shall state in writing the specific reasons for approving the project, based on the Final EIR and any other information in the public record for the project. This is termed, per Section 15093 of the *CEQA Guidelines*, a “statement of overriding considerations.”



This document analyzes the environmental effects of the project to the degree of specificity appropriate to the current proposed actions, as required by Section 15146 of the *CEQA Guidelines*. The analysis considers the activities associated with the project to determine the short-term and long-term effects associated with their implementation. This EIR discusses both the direct and indirect impacts of this project, as well as the cumulative impacts associated with other past, present, and reasonably foreseeable future projects.

## **2.2 COMPLIANCE WITH CEQA**

### **PUBLIC REVIEW OF DRAFT EIR**

In accordance with Sections 15087 and 15105 of the *CEQA Guidelines*, this Draft EIR will be circulated for a 45-day public review period. The public is invited to comment in writing on the information contained in this document. Persons and agencies commenting are encouraged to provide information that they believe is missing from the Draft EIR and to identify where the information can be obtained. All comment letters received before the close of the public review period will be responded to in writing, and the comment letters, together with the responses to those comments, will be included in the Final EIR.

Comment letters should be sent to:

City of Newport Beach  
Community Development Department  
100 Civic Center Drive  
Newport Beach, California 92660  
Attn: Mr. James Campbell, Principal Planner

### **FINAL EIR**

The Final EIR will consist of the Draft EIR, revisions to the Draft EIR (if any), and responses to all written comments addressing concerns raised in the comments of responsible agencies, the public, and any other reviewing parties. After the Final EIR is completed, and at least ten days prior to the certification hearing, a copy of the response to comments made by public agencies on the Draft EIR will be provided to the commenting agencies.

## **2.3 NOTICE OF PREPARATION/ EARLY CONSULTATION (SCOPING)**

In compliance with the *CEQA Guidelines*, the City of Newport Beach has provided opportunities for various agencies and the public to participate in the environmental review process. During preparation of the Draft EIR, efforts were made to contact various Federal, State, regional, and local government agencies and other interested parties to solicit comments on the scope of the review in this document. This included the distribution of a Notice of Preparation (NOP) to various responsible agencies, trustee agencies, and interested parties. In addition, a public scoping meeting was held on November 20, 2013 at the City of Newport Beach former City Council Chambers located at 3300 Newport Boulevard.



Pursuant to Section 15082 of the *CEQA Guidelines*, as amended, the City of Newport Beach circulated an NOP directly to public agencies (including the State Clearinghouse Office of Planning and Research), special districts, and members of the public who had requested such notice. The NOP was distributed on November 6, 2013, with the 30-day public review period concluding on December 5, 2013.

The purpose of the NOP was to formally announce the preparation of a Draft EIR for the proposed project, and that, as the Lead Agency, the City was soliciting input regarding the scope and content of the environmental information to be included in the EIR. The NOP provided preliminary information regarding the anticipated range of impacts to be analyzed within the EIR.

Notice of a public scoping meeting for the proposed project was included within the NOP. The public scoping meeting was held at the City of Newport Beach old City Council Chambers on November 20, 2013. The meeting was held with the specific intent of affording interested individuals, groups and public agencies a forum in which to orally present input directly to the Lead Agency in an effort to assist in further refining the intended scope and focus of the EIR, as described in the NOP.

The NOP and NOP comments are provided as Appendix 11.1, *Notice of Preparation and Comment Letters*. The NOP comments included, but were not limited to, the following issues to be resolved:

- Parking spillover into residential areas; adequacy of parking capacity; and overall on-site and off-site parking impacts (refer to Section 5.5, *Traffic and Circulation*).
- Preservation of existing fire station at current site (refer to Section 3.0, *Project Description* and Section 5.12, *Public Services and Utilities*).
- Potential impacts to archaeological resources, including Native American resources (refer to Section 5.4, *Cultural Resources*).
- Traffic impacts to all intersections within the City of Costa Mesa where the proposed project potentially increases peak hour traffic by 50 trips (refer to Section 5.5, *Traffic and Circulation*).
- Consideration of a hotel of similar capacity with accommodations to lower cost visitors and a hotel respecting the constraints of the 35-foot Shoreline Height Limitation Zone as project alternatives (refer to Section 7.0, *Alternatives*).
- Associated construction-related traffic, project-related operational traffic, internal circulation, and emergency access (refer to Section 5.5, *Traffic and Circulation*).
- Potential impacts associated with the gated entry and removal of the existing 32<sup>nd</sup> Street access on Via Lido Plaza and adjacent land uses, including access by emergency vehicles, as well as stacking, queuing, peak and off peak hour trips; detailed operations analysis and geometric design for driveway at Newport Boulevard and Finley Avenue (refer to Section 5.5, *Traffic and Circulation*).



- Cumulative traffic impacts that considers pending zone change for Via Lido Plaza; (refer to Section 5.5, *Traffic and Circulation*).
- Shared parking analysis for Via Lido Plaza and proposed Lido House Hotel sites; (refer to Section 5.5, *Traffic and Circulation*).
- Consistency with the City's Coastal Land Use Plan related to the provision of lower-cost visitor and recreation facilities, Chapter 3 policies of the California Coastal Act of 1976 with the City's certified Coastal Land Use Plan as guidance, compatibility of proposed height with the surrounding area and potential impacts on views (refer to Section 5.1, *Land Use* and Section 5.2, *Aesthetics*).
- Potential adverse air quality impacts (refer to Section 5.6, *Air Quality*).

## 2.4 FORMAT OF THE EIR

The Draft EIR is organized into 11 sections, as follows:

- Section 1.0, *Executive Summary*, provides a brief project description and summary of the environmental impacts and mitigation measures.
- Section 2.0, *Introduction and Purpose*, provides CEQA compliance information.
- Section 3.0, *Project Description*, provides a detailed project description indicating project location, background, and history; project characteristics, phasing, and objectives; as well as associated discretionary actions required.
- Section 4.0, *Basis for the Cumulative Analysis*, describes the approach and methodology for the cumulative analysis.
- Section 5.0, *Environmental Analysis*, contains a detailed environmental analysis of the existing conditions, potential project impacts, recommended mitigation measures, and possible unavoidable adverse impacts for a number of environmental topic areas.
- Section 6.0, *Other CEQA Considerations*, discusses the long-term implications of the proposed action. Irreversible environmental changes that would be involved in the proposed action, should it be implemented, are considered. The project's growth-inducing impacts, including the potential for population growth, and energy conservation impacts are also discussed.
- Section 7.0, *Alternatives to the Proposed Action*, describes a reasonable range of alternatives to the project or to the location of the project that could avoid or substantially lessen the significant impact of the project and still feasibly attain the basic project objectives.
- Section 8.0, *Effects Found Not to be Significant*, provides an explanation of potential impacts that have been determined not to be significant.
- Section 9.0, *Organizations and Persons Consulted*, identifies all Federal, State, and local agencies, other organizations, and individuals consulted.



- Section 10.0, *Bibliography*, identifies reference sources for the EIR.
- Section 11.0, *Appendices*, contains technical documentation for the project.

## 2.5 RESPONSIBLE AND TRUSTEE AGENCIES

Certain projects or actions undertaken by a Lead Agency require subsequent oversight, approvals, or permits from other public agencies in order to be implemented. Such other agencies are referred to as Responsible Agencies and Trustee Agencies. Pursuant to Sections 15381 and 15386 of the *CEQA Guidelines*, as amended, Responsible Agencies and Trustee Agencies are respectively defined as follows:

*“Responsible Agency” means a public agency, which proposes to carry out or approve a project, for which [a] Lead Agency is preparing or has prepared an EIR or Negative Declaration. For the purposes of CEQA, the term “responsible agency” includes all public agencies other than the Lead Agency, which have discretionary approval power over the project. (Section 15381)*

*“Trustee Agency” means a state agency having jurisdiction by law over natural resources affected by a project, which are held in trust for the people of the State of California. Trustee Agencies include; The California Department of Fish and Game, The State Lands Commission; The State Department of Parks and Recreation and The University of California with regard to sites within the Natural Land and Water Reserves System. (Section 15386)*

Responsible and Trustee Agencies and other entities that may use this EIR in their decision-making process or for informational purposes include, but may not be limited to, the following:

- California Coastal Commission;
- California Department of Transportation;
- California Department of Toxic Substances Control;
- Orange County Transportation Authority;
- Orange County Sanitation District;
- Orange County Health Care Agency;
- Santa Ana Regional Water Quality Control Board;
- South Coast Air Quality Management District;
- Southern California Association of Governments; and
- State Water Resources Control Board.

## 2.6 INCORPORATION BY REFERENCE

Pertinent documents relating to this EIR have been cited in accordance with Section 15150 of the *CEQA Guidelines*, which encourages incorporation by reference as a means of reducing redundancy and the length of environmental reports. The following documents are hereby incorporated by reference into this EIR. Information contained within these documents has been utilized for each section of this EIR. These documents are available for review at the City of Newport Beach, Community Development Department located at 100 Civic Center Drive, Newport Beach, California 92660. Additionally, many of the documents are available on the City website at [www.newportbeachca.gov](http://www.newportbeachca.gov).





- City of Newport Beach General Plan (adopted July 25, 2006, as amended periodically since). The *City of Newport Beach General Plan* (General Plan) provides a general, comprehensive, and long-range guide for community decision-making. The General Plan is organized into ten elements: Land Use; Harbor and Bay; Housing; Historical Resources; Circulation; Recreation; Arts and Cultural; Natural Resources; Safety; and Noise. Each General Plan element presents an overview of its scope, summary of conditions and planning issues, goals, and policies. Goals and policies of the General Plan are applicable to all lands within the City's jurisdiction. Consistent with state statutes, it also specifies policies for the adopted Sphere of Influence (SOI). The General Plan was utilized throughout this document as the fundamental planning document governing development at the project site. Background information and policy information from the General Plan is cited in several sections of this document.
- City of Newport Beach Final Environmental Impact Report General Plan 2006 Update (Certified July 25, 2006, as amended periodically since) SCH No. 2006011119. The *City of Newport Beach Final Environmental Impact Report General Plan 2006 Update* (General Plan EIR) reviews the City's and Planning Area's existing conditions, analyzes potential environmental impacts from implementation of the General Plan Update, identifies policies from the proposed General Plan Update that serve to reduce and minimize impacts, and identifies additional mitigation measures, to reduce potentially significant impacts of the General Plan Update. The EIR presents a worst-case scenario based upon the City's and adjacent areas' maximum potential development from 2002 through 2030.
  - The EIR was prepared as a Program EIR (CEQA Guidelines Section 15168, *Program EIR*), and as such, was intended to serve as the environmental document for a series of actions contemplated by the General Plan, including amending the Zoning Ordinance to bring it into consistency with the General Plan. CEQA provides for using a Program EIR to ensure consideration of cumulative impacts, avoid duplicative reconsideration of basic policy issues, and allow early identification and evaluation of program wide mitigation measures.
- City of Newport Beach Local Coastal Program Coastal Land Use Plan (Adopted July 14, 2009, as amended periodically since). The *City of Newport Beach Local Coastal Program Coastal Land Use Plan* (CLUP) sets forth goals, objectives, and policies that govern the use of land and water in the coastal zone within the City of Newport Beach and SOI, with the exception of Newport Coast and Banning Ranch. The CLUP addresses public access, recreation, marine environment, land resources, development, and industrial development within three chapters: Land Use and Development; Public Access and Recreation; and Coastal Resource Protection. Each chapter is divided into sections and subsections. Each section or subsection begins with the identification of the Coastal Act sections that are relevant to Newport Beach, followed by a narrative of the local setting and policy direction adopted by the City to address the requirements of the Coastal Act and a listing of specific policies. The City reviews pending development projects for consistency with the CLUP before an applicant can file for a coastal development permit with the Coastal Commission.



- Newport Beach Municipal Code. The *Newport Beach Municipal Code* (Municipal Code) consists of regulatory, penal, and administrative ordinances of the City. It is the method the City uses to implement control of land uses, in accordance with General Plan goals and policies. The City Planning and Zoning Code, Title 20 of the Municipal Code, is to promote growth in Newport Beach in an orderly manner, while promoting public health, safety, peace, comfort, and general welfare. The Zoning Code also establishes zoning districts and regulations for the use of land and development for properties within the City. Where applicable, development standards and related relevant requirements prescribed in the Zoning Code have been identified and summarized and their relationship to the proposed Lido House Hotel Project identified and described in this EIR.
- Lido Village Design Guidelines (December 2011). The Lido Village Design Guidelines (Guidelines) establish guidelines for the visual character and aesthetic quality within Lido Village, including the project site. The Guidelines are intended to streamline the design and approval process by requiring property owners to adhere to the contents within. These Guidelines are to be used by owners who intend to renovate or rehabilitate existing structures, are planning for new construction, or have decided to make significant exterior or site improvements to property, or by the City while reviewing plans for approval.



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