



## 8.0 EFFECTS FOUND NOT TO BE SIGNIFICANT

The City of Newport Beach (City) conducted an analysis of the proposed project's effect on specific environmental topic areas, included as part of the Environmental Checklist form presented in Appendix G of the *CEQA Guidelines*, during the preparation of this EIR. In the course of this evaluation, certain impacts of the project were found to be less than significant due to the inability of a project of this scope to create such impacts or the absence of project characteristics producing effects of this type. The effects determined not to be significant are not required to be included in primary analysis sections of the Draft EIR. In accordance with *CEQA Guidelines* Section 15128, the following section provides a brief description of potential impacts found to be less than significant.

### **AESTHETICS. *Would the project:***

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

**No Impact.** No designated State scenic highways are located adjacent to the site.<sup>1</sup> However, Pacific Coast Highway (PCH), located approximately 0.27-mile north of the project site (trending in an east/west direction), is eligible to become a State scenic highway, but has not yet been officially designated. This segment of road is also designated as a "Coastal View Road" within the City's General Plan. Even after consideration of proposed height increases at the project site, the project site is not located within the viewshed of PCH due to intervening structures, topography, and vegetation. Thus, the proposed project would not damage any scenic resources within the viewshed of PCH. No impacts would occur in this regard.

**AGRICULTURE AND FORESTRY RESOURCES. *In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:***

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

**No Impact.** The project site is developed with non-agricultural uses and does not support agricultural use and is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Thus, project implementation would not result in the conversion of farmland to non-agricultural uses. No impact would occur.

<sup>1</sup> State of California Department of Transportation, *California Scenic Highway Mapping System*, [http://www.dot.ca.gov/hq/LandArch/scenic\\_highways/](http://www.dot.ca.gov/hq/LandArch/scenic_highways/), accessed on April 26, 2011.



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

**No Impact.** The existing zoning and proposed zoning does not include any agricultural-related zoning designations, nor is the site part of a Williamson Act contract. As illustrated on the City of Newport Beach General Plan Land Use Map and Zoning Map, the project site is designated and zoned Public Facilities (PF). The City of Newport Beach Coastal Land Use Plan (CLUP) also designates the project site as Public Facilities (PF). The land uses surrounding the project site are not zoned for agricultural uses or in a Williamson Act contract. Thus, no impact would occur.

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

**No Impact.** The project vicinity is developed with the former Newport Beach City Hall Complex. Forestry operations do not occur at the project site or in the project vicinity. Per Public Resources Code Section 12220(g), the property does not support any trees that can support a 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. Project implementation would not result in the rezoning of forest land, timberland, or timberland zoned Timberland Production. No impact would occur in this regard.

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

**No Impact.** Refer to the response under Agricultural Resources (c).

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

**No Impact.** Refer to the responses under Agricultural Resources (a) through (c). The project site consists of the former Newport Beach City Hall Complex and is surrounded by developed mixed land uses (including commercial, institutional, and residential uses). Implementation of the proposed project would not result in the conversion of designated farmland or forest land to non-agricultural/non-forest land use. No impacts would occur in this regard.

### **GEOLOGY AND SOILS. *Would the project:***

a) *Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*

1) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?*

**No Impact.** According to the California Geological Survey, a fault is defined as a fracture in the crust of the earth along which rocks on one side have moved relative to those on the other side. Most faults are the result of repeated displacements over a long period of time. An inactive fault is a fault that has not experienced earthquake activity within the last three million years. In comparison, an active fault is one that has experienced earthquake activity



in the past 11,000 years. A fault that has moved within the last two to three million years, but has not been proven by direct evidence to have moved within the last 11,000 years, is considered potentially active.

The Alquist-Priolo Earthquake Fault Zoning Act, Public Resources Code Sections 2621-2624, Division 2, Chapter 7.5 regulates development near active faults in order to mitigate the hazard of surface fault-rupture. Under the Act, the State Geologist is required to delineate “special study zones” along known active faults in California. The Act also requires that, prior to approval of a project, a geologic study be conducted to define and delineate any hazards from surface rupture for projects that are within 50 feet of an active fault. A geologist registered by the State of California, within or retained by the lead agency for the project, must prepare this geologic report. A 50-foot setback from any known trace of an active fault is required.

The project site is not located within the published Newport Beach Quadrangle Alquist-Priolo Earthquake Fault Zone dated July 1, 1986, and no known active faults are shown on current geologic maps for the site. Thus, there is no potential for people or structures to be exposed to adverse effects as a result of a rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning.

4) *Landslides?*

**No Impact.** The project site is generally flat and surrounding properties are flat, with no unusual geographic features. Therefore, there is no potential for people or structures to be exposed to landslide conditions, and no impacts would occur in this regard.

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

**No Impact.** No septic tanks or alternative wastewater systems are currently located within the project site and none would be constructed as part of the proposed project. Thus, no impacts would occur in this regard.

**HAZARDS AND HAZARDOUS MATERIALS. *Would the project:***

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

**Less Than Significant Impact.** Hazardous materials are not typically associated with hotel uses. Minor cleaning products, typical pool water treatment chemicals, along with the occasional use of pesticides and herbicides for landscape maintenance of the project site are the extent of materials used as a result of the proposed project. Thus, the presence and on-site storage of these materials are common for hotel uses and would not be in substantial quantities such that regulatory reporting would be required, impacts in this regard are less than significant.

Limited amounts of some hazardous materials could be used in the construction of the project, including standard construction materials (e.g., paints and solvents), vehicle fuel, and other hazardous materials. The routine transportation, use, and disposal of these materials would be



required to adhere to standard State and local procedures and regulations for handling, storage, and disposal of these hazardous substances. With compliance with the existing State and local procedures that are intended to minimize potential health risks associated with their use or the accidental release of such substances, impacts associated with the handling, storage, and transport of these hazardous materials would be less than significant. Refer to Section 5.10, *Hazards and Hazardous Materials*, for an analysis of potential transport or disposal of hazardous materials, as a result of existing conditions, prior to construction of the proposed project.

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

**No Impact.** Hotel development and operation will not generate hazardous emissions or handle hazardous or acutely hazardous materials or waste. No existing or proposed schools are located within 0.25-mile of the project site. Thus, no impacts would result in this regard.

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

**Less Than Significant Impact.** The nearest aviation facility to the project site is the John Wayne International Airport (JWA), located approximately 4.4 miles northeast. According to the Airport Environs Land Use Plan (AELUP) for the JWA, the project site is not located within the Airport Planning Area, the Airport Impact Zones, the AELUP Notification Area for JWA, or the Airport Safety Zones (Figure 1). Further, according to Appendix D of the AELUP, the project site is not located within the FAR Part 77 Obstruction Imaginary Surfaces and Notification Area for the JWA.

In addition, per FAR Part 77, Section 77.13(a), notice to the Federal Aviation Administration (FAA) is required for any proposed structure more than 200 feet above ground level (AGL) of its site. The proposed project would construct new structures up to 58.5 feet AGL. Thus, no impacts would occur in this regard. There are no other public or private airports within the vicinity of the project site.

The Newport Beach General Plan Safety Element identifies the Balboa Peninsula (including the project site) as an area vulnerable to aviation hazards. Additionally, due to the age of many of the structures on the Balboa Peninsula and the fact that these structures were built prior to adoption of current fire codes, the General Plan indicates that a fire resulting from an aviation accident could spread quickly. Refer to Section 5.10, *Hazards and Hazardous Materials*, for an analysis of potential impacts pertaining to emergency evacuation and urban fire hazards. As discussed in Section 5.10, these impacts have been determined to be less than significant.

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

**No Impact.** There are no private airstrips within the project vicinity. Accordingly, the project would not result in a safety hazard for people residing or working in the area caused by private airstrips, and no impact would occur in this regard.



**HYDROLOGY AND WATER QUALITY. *Would the Project:***

- b) *Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?*

**Less Than Significant Impact.** The proposed project would not result in any groundwater extraction or the depletion of groundwater supplies. Ground water was encountered at depths of 4.5 to 5 feet below existing grades. Per the Geotechnical report, groundwater levels were observed to fluctuate with the tide in the bay, indicating that the groundwater is tidally influenced. The project site does not rest above a drinking water aquifer, as ground water beneath the site is from the ocean/bay. Thus, the project would not interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or lowering of the groundwater table. Impacts in this regard would be less than significant.

- g) *Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?*

**No Impact.** According to the Flood Insurance Rate Maps (FIRM) available for the project site through the Federal Emergency Management Agency (FEMA), the project site is not located within a 100-year flood hazard area.<sup>2</sup> In addition, the project does not propose development of housing. Thus, no impacts would occur in this regard.

- h) *Place a structure within a 100-year flow hazard area structures which would impede or redirect flood flows.*

**No Impact.** Refer to the response under Hydrology and Water Quality (g) above.

- i) *Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?*

**No Impact.** According to Plate H-9, Dam Failure Inundation Map, of the City's Emergency Operations Plan, the project site is not located within an inundation area of a dam. Thus, no impact would occur in this regard.

**LAND USE AND PLANNING. *Would the project:***

- a) *Physically divide an established community?*

**No Impact.** The project site is 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. The site is currently occupied by the former Newport Beach City Hall Complex, which includes the existing Newport Beach Fire Department Fire Station No. 2 (Fire Station No. 2) and is surrounded by commercial, office, institutional, and residential uses. Although part of the Lido Village area, the project site, as currently developed, is not well integrated into the Lido Village Area. The site is separated from other uses by Newport Boulevard, 32<sup>nd</sup> Street, and Via Oporto. Project

<sup>2</sup> Federal Emergency Management Agency, *Flood Insurance Rate Map*, map number 06059C0381J, map revised December 3, 2009.



implementation would not result in the division of an established community. Implementation of the proposed project would provide improved connections and accessibility between the project site and surrounding area. No impact would occur in this regard.

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

**No Impact.** The project site is currently developed as the former Newport Beach City Hall and municipal offices. As a result, the project site does not support either sensitive habitat and/or species. Furthermore, the property is not subject to a habitat conservation plan area or natural community conservation plan area. Therefore, no impacts would occur in this regard. Also, refer to Impact Statement BIO-6 in [Section 5.3, \*Biological Resources\*](#).

**MINERAL RESOURCES. *Would the project:***

a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*

**No Impact.** Based on Figure 4.5-4, *Mineral Resource Areas*, of the General Plan EIR, the project site is not known to contain mines, mineral deposits, or other mineral resources. Further, the project site has been significantly disturbed as a result of construction of the existing on-site building and no mineral resources were discovered on-site at that time. Thus, no impacts are anticipated in this regard.

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

**Less Than Significant Impact.** Refer to the response under Mineral Resources (a) above.

**NOISE. *Would the project:***

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

**No Impact.** General Plan EIR Figure 4.9-3, *Existing Noise Contours – Northern Planning Area* and Exhibit 4.9-6, *Future Noise Contours – Northern Planning Area*, indicate that the 60 and 65 dBA CNEL noise contour for JWA extends into Newport Beach; however, no portion of the project site is located within either the 60 or 65 dBA CNEL noise contour for the airport. The proposed project involves development of a 130-room hotel. Implementation of the proposed project would not expose new residential uses to excessive noise levels associated with the operation of a public airport or private airstrip. No impacts would result in this regard.

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

**No Impact.** Refer to the response under Noise (e). There are no private airstrips within the City of Newport Beach. Therefore, no impacts would occur and no mitigation measures are required.



**POPULATION AND HOUSING. *Would the project:***

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

**No Impact.** Construction of the proposed project would require the demolition of the former Newport Beach City Hall Complex. No existing housing is present on-site. Thus, implementation of the proposed project would not result in the displacement of existing housing. No impact would result in this regard.

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

**Less Than Significant Impact.** Refer to the response under Population and Housing (b).

**RECREATION. *Would the project:***

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

**Less Than Significant Impact.** The proposed 130-room hotel does not include any residential land uses. Although hotel visitors would potentially use nearby regional parks, the bay, and the beach, the project would not increase the use of existing neighborhood and regional parks or other recreational facilities to a point that would cause physical deterioration. The proposed project includes public open spaces consisting of pedestrian plazas, landscape areas, and other amenities to be located along Newport Boulevard and 32<sup>nd</sup> Street. Such open space, although passive in nature, would accommodate the future residents and visitors to the site and offset potential demands for additional recreational facilities. Therefore, potential impacts to park and recreational facilities will be less than significant.

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

**Less Than Significant Impact.** Refer to the response under Recreation (a).

**TRANSPORTATION/TRAFFIC. *Would the project:***

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

**No Impact.** JWA is located approximately 4.5 miles north of the project site. As the proposed project is a 130-room hotel, it would not result in a change in air traffic patterns at this airport facility. Additionally, the project site is not located within the limits of the JWA AELUP and, therefore, is not subject to the provisions established by the AELUP. Impacts in this regard are less than significant.

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



***Less Than Significant Impact.*** Primary vehicular access to the proposed hotel site would occur from Newport Boulevard at the Finley Avenue intersection. This access would provide a valet loading area with storage for approximately 18 vehicles. The valet loading area would be removed from the travel way in order to prevent valet loading from blocking Finley Avenue.

A gated visitor and hotel service entry would also be provided off 32<sup>nd</sup> Street. The location of the control arms would be designed to allow storage for two vehicles without blocking travel on 32<sup>nd</sup> Street. Vehicular access to Fire Station No. 2 is proposed to occur from Via Oporto through a new curb cut and driveway and existing access on 32<sup>nd</sup> Street would remain unchanged.

The City is also considering relocating a portion of the existing, angled, metered parking on the north side of 32<sup>nd</sup> Street (just south of the old City Council Chambers) further to the east in front of St. James Church, which is located just west of Lafayette Road. Currently, there is excess street capacity along 32<sup>nd</sup> Street (just west of Lafayette Road) that would be modified in order to accommodate angled parking spaces along the north side of 32<sup>nd</sup> Street in front of the church and travel lanes without creating dangerous conditions the availability of space to accommodate the parked vehicles, limited amount of traffic on the street, and relatively low travel speeds. This would also pull the curb line along the project site south and 32<sup>nd</sup> Street would be restriped with the intent to modestly “straighten” out the westbound traffic lane to improve vehicle maneuvering. As a result, the 32<sup>nd</sup> Street/Lafayette intersection would be modified resulting in the elimination of a westbound lane and one eastbound left turn lane. Overall, the proposed improvements would improve safety along 32<sup>nd</sup> Street. Thus, impacts would be less than significant in this regard.