

# ***1. Executive Summary***

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## **1.1 INTRODUCTION**

This Draft Environmental Impact Report (DEIR) addresses the environmental effects associated with the implementation of the Hyatt Regency Newport Beach expansion (proposed project). The California Environmental Quality Act (CEQA) requires that local government agencies, prior to taking action on projects over which they have discretionary approval authority, consider the environmental consequences of such projects. An Environmental Impact Report (EIR) is a public document designed to provide the public and local and State governmental agency decision-makers with an analysis of potential environmental consequences to support informed decision-making. This document focuses on those impacts determined to be potentially significant as discussed in the Initial Study completed for this project (see Appendix A).

This DEIR has been prepared pursuant to the requirements of CEQA (California Public Resources Code, Division 13, Section 21000, et seq.), the State CEQA Guidelines (Title 14 of the California Code of Regulations, Division 6, Chapter 3, Section 15000, et seq.), and the City of Newport Beach's CEQA procedures to determine if approval of the discretionary actions requested and subsequent development could have a significant impact on the environment. The City of Newport Beach, as the Lead Agency, has reviewed and revised as necessary all submitted drafts, technical studies, and reports to reflect its own independent judgment, including reliance on applicable City technical personnel from other departments and review of all technical subconsultant reports.

Data for this DEIR was obtained from on-site field observations; discussions with affected agencies; analysis of adopted plans and policies; review of available studies, reports, data and similar literature, and specialized environmental assessments; (e.g., air quality, biological resources, cultural resources, hydrology and water quality, and transportation and traffic). Environmental studies conducted specifically for the proposed project are included as appendices to this DEIR.

## **1.2 ENVIRONMENTAL PROCEDURES**

This DEIR has been prepared pursuant to CEQA to assess the environmental effects associated with implementation of the proposed project, as well as anticipated future discretionary actions and approvals. The six main objectives of this document as established by CEQA are to:

- 1) Disclose to decision makers and the public the significant environmental effects of proposed activities.
- 2) Identify ways to avoid or reduce environmental damage.
- 3) Prevent environmental damage by requiring implementation of feasible alternatives or mitigation measures.
- 4) Disclose to the public reasons for agency approval of projects with significant environmental effects.
- 5) Foster interagency coordination in the review of projects.
- 6) Enhance public participation in the planning process.



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An EIR is the most comprehensive form of environmental documentation identified in CEQA and the CEQA Guidelines and provides the information needed to assess the environmental consequences of a proposed project, to the extent feasible. EIRs are intended to provide an objective, factually supported, full-disclosure analysis of the environmental consequences associated with a proposed project that has the potential to result in significant, adverse environmental impacts.

An EIR is also one of various decision-making tools used by a lead agency to consider the merits and disadvantages of a project that is subject to its discretionary authority. Prior to approving a proposed project, the lead agency must consider the information contained in the EIR, determine whether the EIR was properly prepared in accordance with CEQA and the CEQA Guidelines, determine that it reflects the independent judgment of the lead agency, adopt findings concerning the project's significant environmental impacts and alternatives, and must adopt a Statement of Overriding Considerations if the proposed project would result in significant impacts that cannot be avoided.

## **1.2.1 EIR Format**

This DEIR has been formatted as described below.

**Section 1. Executive Summary:** Summarizes the background and description of the proposed project, the format of this EIR, project alternatives, any critical issues remaining to be resolved, and the potential environmental impacts and mitigation measures identified for the project.

**Section 2. Introduction:** Describes the purpose of this EIR, background on the project, the Notice of Preparation, the use of incorporation by reference, and Final EIR certification.

**Section 3. Project Description:** A detailed description of the project, the objectives of the proposed project, the project area and location, approvals anticipated to be included as part of the project, the necessary environmental clearances for the project, and the intended uses of this EIR.

**Section 4. Environmental Setting:** A description of the physical environmental conditions in the vicinity of the project as they existed at the time the Notice of Preparation was published, from both a local and regional perspective. The environmental setting provides baseline physical conditions from which the lead agency determines the significance of environmental impacts resulting from the proposed project.

**Section 5. Environmental Analysis:** For each environmental parameter analyzed, provides a description of the thresholds used to determine if a significant impact would occur; the methodology to identify and evaluate the potential impacts of the project; the existing environmental setting; the potential adverse and beneficial effects of the project; the level of impact significance before mitigation; the mitigation measures for the proposed project; the level of significance of the adverse impacts of the project after mitigation is incorporated and the potential cumulative impacts associated with the proposed project, and other existing, approved, and proposed development in the project area.

Each topical area (e.g., air quality, noise, land use) within this section includes subsections detailing federal, state, and local laws, regulations, plans, policies and guidelines applicable to the proposed project, including relevant policies of the City of Newport Beach General Plan. These regulations, policies, and programs typically serve to mitigate potential impacts associated with the proposed project, but they do not constitute CEQA mitigation. Therefore, if significant impacts remain after compliance with the applicable regulations, policies, and programs, mitigation measures are provided to eliminate or reduce the significance of the impact. In instances where mitigation measures are not feasible, or cannot reduce the impact to a less than significant level, the impact is identified as "Significant and Unavoidable."

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**Section 6. Significant Unavoidable Adverse Impacts:** Describes the significant unavoidable adverse impacts of the proposed project.

**Section 7. Alternatives to the Proposed Project:** Describes the impacts of the alternatives to the proposed project, including the No Project Alternative, and a Reduced Intensity Alternative.

**Section 8. Impacts Found Not to be Significant:** Briefly describes the potential impacts of the proposed project that were determined not to be significant by the Initial Study and were therefore not discussed in detail in this DEIR.

**Section 9. Significant Irreversible Changes Due to the Proposed Project:** Describes the significant irreversible environmental changes associated with the proposed project.

**Section 10. Growth-Inducing Impacts of the Project:** Describes the growth inducing impacts of the proposed project.

**Section 11. Organizations and Persons Consulted:** Lists the people and organizations that were contacted during the preparation of this DEIR for the proposed project.

**Section 12. Qualifications of Persons Preparing EIR:** Lists the people who prepared this DEIR for the proposed project.

**Section 13. Bibliography:** A bibliography of the technical reports and other documentation used in the preparation of this DEIR for the proposed project.

**Appendices.** The appendices for this document (presented in PDF format on a CD attached to the front cover) contain the following supporting documents:

- A. Notice of Preparation and Initial Study
- B. NOP Responses
- C. Air Quality Modeling
- D. Biological/Regulatory Constraints Analysis
- E. Cultural Resources Assessment Report
- F. Geotechnical Feasibility Study
- G. Site Assessment Information
- H. Fire Protection Plan
- I. Preliminary Hydrology/Hydraulic Report and Water Quality Report
- J. Noise Monitoring and Modeling Data
- K. Service Provider Letters
- L. Traffic Impact Analysis



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## **1.2.2 Type and Purpose of This DEIR**

According to Section 15121(a) of the CEQA Guidelines, the purpose of an EIR is to “inform public agency decision makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.”

This DEIR has been prepared as a “Project EIR” as defined by CEQA Guidelines (Section 15161, California Code of Regulations, Title 14, Division 6, Chapter 3). This type of EIR examines the environmental impacts of a specific development project and should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction, and operation.

## **1.3 PROJECT LOCATION**

The proposed project would consist of improvements within the existing site boundary of the Hyatt Regency Newport Beach at 1107 Jamboree Road within the City of Newport Beach, County of Orange, California. The 25.7-acre site occupies Assessor’s Parcel Nos. 440-132-40 and 440-132-41 on the northwest corner of Jamboree Road and Back Bay Drive.

## **1.4 PROJECT SUMMARY**

The proposed project would include 88 new timeshare units within seven buildings, a timeshare clubhouse, a new 800-seat ballroom, a new spa facility, a new housekeeping and engineering building, and a new two-level parking garage. Implementation of the proposed project would require the demolition of 12 villas, the 3,190-square-foot Terrace Ballroom, and the engineering and maintenance building. Additionally, the existing nine-hole golf course would be removed to accommodate the new timeshare units, parking areas, drive aisles, and other hardscape and landscape. The proposed project would also require the removal and reconfiguration of a recreational courtyard located in the center of the main hotel complex, and associated hotel parking areas, hardscape, and landscape.

## **1.5 SUMMARY OF PROJECT ALTERNATIVES**

The CEQA Guidelines (Section 15126[a]) state that an EIR must address “a range of reasonable alternatives to the project, or to the location of the project, which could feasibly attain the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives.” The alternatives were based, in part, on their potential ability to reduce or eliminate the following impact, determined to be significant and unavoidable for the proposed project:

### **Noise**

- **Impact 5.10-6. Construction Noise.** Construction activities would substantially elevate the daytime noise environment in the vicinity of noise-sensitive residential and recreational uses.

As described in Chapter 7 of this DEIR, two project alternatives were identified and analyzed for relative impacts as compared to the proposed project:

- No-Project Alternative
- Reduced Intensity Alternative – Eliminate New Ballroom and Parking Structure

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The following presents a summary of each of the alternatives analyzed in this DEIR. Please refer to Section 7.0 of this DEIR for a complete discussion of how the alternatives were selected and the relative impacts associated with each alternative.

### 1.5.2 No-Project Alternative

Section 15126.6(e) of the CEQA Guidelines requires that an EIR evaluate and analyze the impacts of the “No Project” alternative. Under the No Project alternative, existing conditions would remain. No buildings would be demolished and none of the proposed expansion improvements would be implemented. The Hyatt Regency would continue to operate as a 403-room resort hotel with existing ballroom/conference facilities. The existing golf course would also remain.

In comparison to the proposed project, the No Project alternative would reduce impacts to aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use, noise, public services, transportation and traffic, and utilities and service systems. It would eliminate the significant impact of the project as proposed: short-term construction-related noise. Overall, this alternative would substantially reduce environmental impacts in comparison to the proposed project. However, this alternative would not achieve any of the objectives of the proposed project.

### 1.5.3 Reduced Intensity Alternative

Under this project alternative, expansion of the Hyatt Regency would be limited to development of 88 new timeshare units, a spa and fitness building, and a clubhouse. The new ballroom and parking structure would not be constructed under this alternative. The existing Terrace Ballroom would remain. The proposed new storm drain in Jamboree Road would be included under this alternative, but it would connect to the existing storm drain to outlet as surface flow across the parking lot. The new drain included in the proposed project across the parking lot would not be required. Similarly, the new water and sewer lines in this portion of the site would not be required (see Figure 3-9).

The Reduced Intensity alternative would increase short-term construction-related air quality impacts and result in a new significant construction impact during grading activities primarily due to the increase in material export. This alternative would, however, substantially reduce construction-related noise impacts. Due to construction noise related to the new storm drain in Jamboree Road and noise impacts associated with timeshare unit improvements and impacts to the adjacent tennis club, construction-related noise still could not be mitigated to less than significant. Construction noise levels for the Bay View Landing residents, however, would be reduced to less than significant, and the duration of significant construction noise impacts for the Sea Island residents would be reduced substantially. Cultural resource, public services, and traffic impacts, would be reduced in comparison to the proposed project. These impacts are less than significant without mitigation for both this alternative and the proposed project. Similar impacts would result for aesthetics, biological resources, hydrology and water quality, and land use. Overall, impacts for this alternative would be less than for the project as proposed. The Reduced Intensity alternative, however, would not achieve the specific objective to develop a larger ballroom facility to assist in meeting conference needs for the City of Newport Beach (Objective No. 3).

## 1.6 SUMMARY OF ENVIRONMENTAL IMPACTS, MITIGATION MEASURES, AND LEVELS OF SIGNIFICANCE AFTER MITIGATION

Table 1-1 summarizes the conclusions of the environmental analysis contained in this DEIR. Impacts are identified as significant or less than significant and for all significant impacts mitigation measures are identified. The level of significance after imposition of the mitigation measures is also presented.



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**Table 1-1**  
**Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation**

<i>Environmental Impact</i>	<i>Level of Significance Before Mitigation</i>	<i>Mitigation Measures</i>	<i>Level of Significance After Mitigation</i>
<b>5.1 AESTHETICS</b>			
5.1-1: The proposed project would not have a substantial adverse effect on scenic vistas or substantially alter the visual appearance of the project site.	Less than significant	No mitigation measures are necessary.	Less than significant
5.1-2: The proposed project would generate additional nighttime light and glare.	Less than significant	No mitigation measures are necessary.	Less than significant
<b>5.2 AIR QUALITY</b>			
5.2-1: The proposed project is consistent with the applicable Air Quality Management Plan.	Less than significant	No mitigation measures are necessary.	Less than significant
5.2-2: The proposed project is not a regionally significant project that could potentially cumulatively contribute to climate change impacts in California.	Less than significant	No mitigation measures are necessary.	Less than significant
5.2-3: Construction activities associated with the proposed project would not generate short-term emissions in exceedance of SCAQMD's threshold criteria.	Less than significant	No mitigation measures are necessary.	Less than significant
5.2-4: Long-term operation of the project would not generate additional vehicle trips and associated emissions in exceedance of SCAQMD's threshold criteria.	Less than significant	No mitigation measures are necessary.	Less than significant
5.2-5: The proposed project would not expose sensitive receptors to substantial pollutant concentrations.	Less than significant	No mitigation measures are necessary.	Less than significant

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<b>5.3 BIOLOGICAL RESOURCES</b>			
5.3-1: The proposed development and related fuel modification would not remove any coastal sage scrub and would comply with the City's Coastal Act policies set forth to protect environmentally sensitive habitat areas (ESHAS).	Less than significant	No mitigation measures are necessary.	Less than significant
5.3-2: Construction-related activities could have a temporary adverse impact on coastal California gnatcatchers nesting in preserved areas of coastal sage scrub adjacent to the site.	Potentially significant	<p>3-1 The applicant shall comply with all requirements of the NCCP/HCP, including construction-related minimization and mitigation measures that minimize impacts to the coastal California gnatcatcher and other coastal sage scrub species. These include:</p> <ul style="list-style-type: none"> <li>To the maximum extent practicable, no grading of coastal sage scrub habitat that is occupied by nesting gnatcatchers shall occur during the breeding season (February 15 through July 15). It is expressly understood that this provision and the remaining provisions of these "construction-related minimization measures" are subject to public health and safety considerations. These considerations include unexpected slope stabilization, erosion control measures, and emergency facility repairs. In the event of such public health and safety circumstances, landowners or public agencies/utilities will provide USFWS/CDFG with the maximum practicable notice (or such notice as is specified in the NCCP/HCP) to allow for capture of gnatcatchers, cactus wrens, and any other coastal sage scrub Identified Species that are not otherwise flushed, and shall carry out the following measures only to the extent practicable in the context of public health and safety considerations.</li> <li>Prior to commencement of grading operations or other activities involving significant soil disturbance, all areas of coastal sage scrub habitat to be avoided under the provisions of the NCCP/HCP shall be identified with temporary fencing or other markers clearly visible to construction personnel. Additionally, prior to the commencement of grading operations or other activities involving disturbance of coastal sage scrub, a survey shall be conducted to locate gnatcatchers and cactus wrens within 100 feet of the outer extent of projected soil disturbance activities and the locations of any such species shall be clearly marked and identified on the construction/grading plans.</li> <li>Following the completion of initial grading/earth movement activities, all areas of coastal sage scrub habitat to be avoided by construction equipment and personnel</li> </ul>	Less than significant

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		<p>shall be marked with temporary fencing and other appropriate markers clearly visible to construction personnel. No construction access, parking, or storage of equipment or materials shall be permitted within such marked areas.</p> <ul style="list-style-type: none"> <li>In areas bordering the NCCP Reserve System or Special Linkage/Special Management areas containing significant coastal sage scrub identified in the NCCP/HCP for protection, vehicle transportation routes between cut-and-fill locations shall be restricted to a minimum number during construction consistent with project construction requirements. Waste dirt or rubble shall not be deposited on adjacent coastal sage scrub identified in the NCCP/HCP for protection. Preconstruction meetings involving the monitoring biologist, construction supervisors, and equipment operators shall be conducted and documented to ensure maximum practicable adherence to these measures.</li> <li>Coastal sage scrub identified in the NCCP/HCP for protection and location within the likely dust drift radius of construction areas shall be periodically sprayed with water to reduce accumulated dust on the leaves as recommended by the monitoring biologist.</li> </ul>	
		<p>3-2 If construction occurs during the CAGN breeding season (February 15 to July 15), a biological monitor shall conduct weekly surveys of the coastal sage scrub within 300 feet of grading activities. If CAGN nest are located within 300 feet, noise monitoring shall be implemented and where construction noise exceeds 60 decibels and the birds appear to be distressed, noise mitigation shall be implemented and may include (but is not limited to), construction of noise barriers, change in grading arrays, or other means determined appropriate by the project biologist.</p>	
		<p>3-3 To ensure that project lighting along the northern perimeter of the site does not cause significant impacts to nesting gnatcatchers, the following measures shall be implemented:</p> <ul style="list-style-type: none"> <li>All lighting within 100 feet of coastal sage scrub shall be directed away from coastal sage scrub habitat.</li> <li>All lighting within 100 feet of coastal sage scrub shall consist of the lowest intensities that still provide for adequate safety.</li> </ul>	

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		<ul style="list-style-type: none"> <li>A qualified biologist shall review lighting plans prior to construction to ensure that the proposed lighting minimizes potential impacts on the California gnatcatcher.</li> </ul>	
5.3-3: Development of the proposed project would not impact any sensitive plant species.	Less than significant	No mitigation measures are necessary.	Less than significant
5.3-4: Project development could impact migratory birds and raptor foraging habitat.	Potentially significant	<p>3-4 During project construction, all trees to be removed shall be identified. Such trees should be removed outside the avian nesting season, which extends from March 14 to July 15.</p> <p>3-5 If for some reason it is not possible to remove all trees during the nonnesting season, then trees to be removed shall be surveyed by a qualified biologist no more than three days prior to removal. If no nesting birds are found, the tree may be removed. If nesting birds are detected, then removal must be postponed until the fledglings have vacated the nest or the biologist has determined that the nest has failed. Furthermore, the biologist shall establish an appropriate buffer zone where construction activity may not occur until the fledglings have vacated the nest or the biologist has determined that the nest has failed.</p> <p>3-6 For trees being preserved, if construction is to occur during the nesting season, preserved trees shall be surveyed for the presence of nesting birds. If nesting birds are detected, the biologist shall establish an appropriate buffer zone where construction activity may not occur until the fledglings have vacated the nest or the biologist has determined that the nest has failed.</p>	Less than significant
5.3-5: The proposed project would not affect wildlife movement.	Less than significant	No mitigation measures are necessary.	Less than significant
5.3-6: The proposed project would not conflict with any local policies or ordinances and would comply with the provisions of the central/coastal HCP/NCCP.	Less than significant	No mitigation measures are necessary.	Less than significant
5.3-7: The proposed project would comply with the provisions of the central/coastal HCP/NCCP.	Potentially significant	Mitigation Measures 3-1 through 3-3 apply.	Less than significant

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<b>5.4 CULTURAL RESOURCES</b>			
5.4-1: Development of the project could impact archaeological resources.	Potentially significant	<p>4-1 Prior to the issuance of a grading permit, the project applicant shall provide written evidence to the City of Newport Beach that the project applicant has retained an Orange County Certified Professional Archaeologist. The archeologist shall be retained for the duration of the excavation and grading activities to provide professional services and monitoring during all such activities. The archaeologist shall comply with the following tasks.</p> <ol style="list-style-type: none"> <li>1) The archaeologist shall determine the extent of monitoring that is required during excavation and grading activities. The qualified archaeologist must have knowledge of both prehistoric and historical archaeology. The methods of archaeological monitoring, including timing, location, types of artifacts anticipated, and procedures for additional analysis, if necessary, shall be described in an archaeological monitoring plan. The extent and duration of the monitoring program shall be dependent upon the City-approved grading plans. The construction manager shall adhere to the stipulations of the archaeological monitoring plan.</li> <li>2) The archaeological monitoring plan shall be developed prior to commencement of on-site grading activities.</li> <li>3) Should any subsurface cultural resources be encountered, the archaeological monitor shall have the authority to halt grading activities until uncovered resources are evaluated and a determination of significance is made. If cultural resources are encountered, a Native American monitor with a Tongva/Gabrielino lineage, the project applicant, and the City of Newport Beach shall evaluate the significance of the resources and, if appropriate, shall determine appropriate treatment and mitigation of the resources. If cultural artifacts are recovered, any eligibility testing and/or determination of additional mitigation should be done in consultation with the Native American monitor.</li> <li>4) During construction, if buried cultural resources, such as chipped or ground stone, historical artifacts, specimens, fossils, or human bone, are inadvertently discovered during ground-disturbing activities, the contractor shall ensure that all work will stop in that area and within 100 feet of the find until the qualified on-call archaeologist arrives on-site and can assess the significance of the find and, if necessary,</li> </ol>	Less than significant

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		<p>develop appropriate treatment measures in consultation with the City.</p> <p>5) Suspension of ground disturbances in the vicinity of the discoveries shall not be lifted until the archaeological monitor has evaluated discoveries to assess whether they are classified as historical resources or unique archaeological sites, pursuant to the California Environmental Quality Act (CEQA).</p> <p>6) A report that documents the findings of the program shall be prepared. The report shall provide an itemized inventory of the recovered specimens. Submission of the final report and inventory to the City of Newport Beach shall represent completion of the mitigation monitoring program for archeological resources. The report shall include a list of resources recovered, documentation of each site/locality, and interpretation of resources recovered and shall include all specialists' reports as appendices. All project documents, including field records and the report itself, should be included on a CD in portable document format. The CD shall be included a pocket at the rear of each copy of the report.</p>	
	4-2	<p>Prior to the issuance of grading permits, a preconstruction testing plan for cultural resources shall be implemented. Testing may be conducted during the same period as demolition activities. However, ample time shall be allowed for the results of the testing to be evaluated and for possible redesign to avoid the findings sites or mitigation of destructive construction impacts on the sites. Testing shall be conducted as follows:</p> <ul style="list-style-type: none"> <li>Proposals to conduct testing shall include construction fencing and warning signs to protect patrons of the Hyatt Regency and the shoring of deep units and/or trenches to meet Occupational Safety and Health Administration (OSHA) standards.</li> <li>A trench at least 20 meters in length within the footprints of Timeshare Buildings 1, 2, 4, and 5, for a total of four trenches. The depth of the trenches shall be 20 centimeters below any cultural or potential cultural levels and must be sufficient to determine site stratigraphy. Soil profiles and stratigraphic columns are required to document the site integrity or lack thereof.</li> <li>If intact site deposits are demonstrated to be present within the footprints of Timeshare Buildings 1, 2, 4, and 5, then a minimum of two 1-meter-square units shall be placed in intact site areas, to be determined by the principal investigator. The units shall be dug in natural stratigraphic levels if possible and in 10-centimeter</li> </ul>	

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		<p>levels otherwise. These units will document the potential of the site to contribute new information to prehistory. Documentation shall be thorough and detailed.</p> <ul style="list-style-type: none"> <li>• A minimum of 10 to a maximum of 50 test pits shall be utilized to determine the boundaries of the site. The test pits should test the limits of the site at the limits of the project along the project footprint in the vicinity of timeshare buildings 1–7, the timeshare clubhouse, the new ballroom, and the new spa facility.</li> <li>• Limited testing of the new ballroom area shall be conducted to determine if resources exist in the area in order to avoid construction delays caused by unanticipated finds.</li> <li>• Artifacts recovered will be in the custody of the principal investigator until they are transported to the designated accredited repository and will be prepared, identified, and cataloged prior to transport.</li> </ul>	
5.4-2: The proposed project could destroy paleontological resources or a unique geologic feature.	Potentially significant	<p>4-3 Prior to the issuance of a grading permit, the project applicant shall provide written evidence to the City of Newport Beach that the applicant has retained an Orange County Certified Professional Paleontologist. The paleontologist shall be retained for the duration of the excavation and grading activities to provide professional services and monitoring during all such activities. The paleontologist shall comply with the following tasks.</p> <ol style="list-style-type: none"> <li>1) The paleontologist shall be responsible for implementing the mitigation plan and maintaining professional standards of work at all times.</li> <li>2) The paleontologist shall attend the pregrade construction meeting and shall be invited to briefly define paleontological resources, discuss cooperation with the paleontological monitor, and outline the on-call procedures to be followed in the event of a discovery when the monitor is not present.</li> <li>3) The paleontologist shall prepare monthly progress reports to be filed with the City. The principle investigator shall prepare a final report to be filed with the City. The report shall include a list of resources recovered, documentation for each locality, and interpretation of resources recovered. All specialists' reports shall be included as appendices.</li> </ol>	Less than significant

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		<p>4) Monitoring shall include inspection of exposed surfaces and microscopic examination of matrix.</p> <p>5) The monitor will have authority to temporarily divert grading from exposed resources in order to recover the specimens and contextual data.</p> <p>6) If the discovery of paleontological resources meets the criteria for fossil locality, formal locality documentation activities shall be performed. In addition, samples shall be submitted for dating and other special analyses.</p> <p>7) If microfossil localities are discovered, the monitor shall collect matrix for processing. To limit downtime, the monitor may request heavy machinery assistance to move large quantities of matrix out of the path of construction to designated stockpile areas. Testing of stockpiles shall consist of screen washing small samples (200 pounds) to determine if fossils are present. Productive tests shall result in screen washing of additional matrix from the stockpiles to a maximum of 6,000 pounds per locality.</p> <p>8) Fossils recovered shall be prepared, identified, and cataloged before donation to the accredited repository that will maintain the collection for future scientific study and exhibition within Orange County, to be designated by the City. Such fossils shall be prepared, prior to donation, to the point of dedication. The project proponent shall be prepared to pay potential curation fees to the county or other suitable repository for long-term curation and maintenance of the donated collection. Any resources determined not to meet the significance criteria can be used in school education programs.</p>	
5.4-3: The proposed project's grading activities could result in the disturbance of human remains.	Potentially significant	<p>4-4 Prior to issuance of grading permits, the project applicant shall place the following note on all grading plans: "If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his or her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection</p>	Less than significant

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		within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials." This requirement shall also be discussed at the pregrade meeting(s).	
<b>5.5 GEOLOGY AND SOILS</b>			
5.5-1: Persons and existing and future structures within the project site would be subjected to potential seismic-related hazards.	Potentially significant	<p>5-1 Prior to issuance of grading permits, the project applicant shall demonstrate that all grading operations and construction will be conducted in conformance with the City of Newport Beach Grading Ordinance and the most recent version of the Uniform Building Code, to the satisfaction of the City Engineer.</p> <p>5-2 Prior to issuance of grading permits, the project applicant shall include a note on all grading plans indicating that grading and earthwork shall be performed under the observation of a Registered Civil Engineer specializing in Geotechnical Engineering in order to achieve proper subgrade preparation, selection of satisfactory fill materials, placement and compaction of structural fill, stability of finished slopes, and incorporation of data supplied by the engineering geologist. The geologist shall geologically map the exposed earth units during grading to verify the anticipated conditions, and if they are different, provide findings to the geotechnical engineer for possible design modifications.</p> <p>5-3 Prior to issuance of grading permits, a detailed design-level geotechnical investigation report shall be prepared and submitted with engineered grading plans to further evaluate expansive soils, soil corrosivity, slope stability, landslide potential, settlement, foundations, grading constraints, and other soil engineering design conditions and provide site-specific recommendations to address these conditions, if determined necessary. The geotechnical reports shall be prepared and signed/stamped by a Registered Civil Engineer specializing in geotechnical engineering and a Certified Engineering Geologist. Geotechnical rough grading plan review reports shall be prepared in accordance with the City of Newport Beach Grading Ordinance.</p> <p>5-4 Prior to issuance of grading permits and based upon the soil corrosivity tests conducted for the proposed project, the project applicant shall include a note on all grading plans indicating that soils testing in the areas proposed for development shall be performed under the observation of a registered corrosion engineer specializing in soil corrosivity</p>	Less than significant

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		for any areas proposed to be developed with structures. The corrosion engineer shall evaluate the corrosion potential of the soils on proposed improvements, recommend further testing if deemed necessary, and identify specific construction methods to address soil corrosivity, if detected.	
5.5-2: The proposed project would not result in substantial soil erosion or the loss of topsoil.	Less than significant	No mitigation measures are necessary.	Less than significant
5.5-3: Unstable geologic unit or soils conditions, including soil corrosivity, could result due to development of the project.	Potentially significant	Mitigation Measures 5-1 through 5-4 apply.	Less than significant
5.5-4: The project site is located on expansive soil that could result in substantial risks to life or property.	Potentially significant	Mitigation Measures 5-1 through 5-4 apply.	Less than significant
<b>5.6 HAZARDS AND HAZARDOUS MATERIALS</b>			
5.6.1: The proposed project could create a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. A possibility exists that hazardous demolition debris containing asbestos and/or lead-based paint may require remediation and off-site transportation.	Less than significant	No mitigation measures are necessary.	Less than significant
5.6.2: The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, development would not be expected to create a significant hazard to the public or the environment.	Less than significant	No mitigation measures are necessary.	Less than significant

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5.6.3: Although the project site is located within the boundaries of an airport land use plan, it is 3.5 miles from the airport and project implementation would not be expected to result in a safety hazard for people residing or working in the project area.	Less than significant	No mitigation measures are necessary.	Less than significant
5.6-4: Design measures and mitigating actions detailed in the fire protection plan (FPP) would minimize the potential risks to people and/or structures to loss, injury, or death.	Potentially significant	<p>6-1 The project applicant or successor in interest shall comply with the provisions in the Fire Protection Plan (FPP) as reviewed and approved by the Newport Beach Fire Department (NBFD), including but not limited to the following specific provisions:</p> <p><i>Water Supply and Fire Flow</i></p> <ul style="list-style-type: none"> <li>Fire hydrants and fire flow capacity shall be approved by the fire Chief. A reduction in required fire flow of up to 50 percent, as approved by the Fire Chief, may be allowed when the building is provided with an approved automatic sprinkler system. The resulting fire flow shall not be less than 1,500 gallons per minute.</li> </ul> <p><i>Fire Access</i></p> <ul style="list-style-type: none"> <li>New driveway entrance areas shall be designed to City requirements with all-weather driving surface of A.C. paving over approved base and a capacity rating of at least 75,000 pounds, to accommodate fire apparatus. Approach/departure angles associated with development driveways shall not exceed 3 degrees.</li> <li>The minimum width of fire lanes shall be 26 feet.</li> <li>There are no planned traffic calming devices.</li> <li>Adequate fire apparatus turnarounds shall be provided and approved by the NBFD (current plans include a minimum 28-foot turning radius adjacent to Building TS-7 and another turnaround located adjacent to Building TS-4/Clubhouse).</li> <li>Unobstructed firefighter access to all portions of the buildings via walkways, driveways, or trails shall be provided. A minimum of 3 feet for firefighter access shall be maintained along both sides of all structures adjacent to fuel modification zones.</li> <li>Roads and access components (gates, sign, etc.) shall be maintained in perpetuity by the property owner.</li> </ul>	

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		<p><i>Building Fire and Ignition Resistance</i></p> <ul style="list-style-type: none"> <li>The project shall include ignition-resistant construction features consistent with current fire and building codes for the proposed structures exposed to wildland vegetation (buildings TS-1, TS-2, TS-3, and TS-4). Enhanced structural requirements shall be provided for the following as detailed in the FPP: roofing, fire-resistive walls, eaves protection, venting, glazing, skylights, insulation, gutters and downspouts, appendages and projections, spark arrestors, exterior doors, and detached accessory structures.</li> </ul> <p><i>Fire Protection Systems</i></p> <ul style="list-style-type: none"> <li>Buildings shall be fully sprinklered per the appropriate National Fire Protection Association sprinkler standard for the occupancy.</li> </ul> <p><i>Defensible Space</i></p> <ul style="list-style-type: none"> <li>The Fuel Modification Plan (see details, Section 3.4.3 of this Draft EIR and the FPP, Appendix H) shall be reviewed and modified as appropriate to obtain approval by the NBFD. The approved final fuel modification plan shall be installed under the supervision of the NBFD. Brush removal must be completed prior to commencing any flammable construction, and final inspection and approval must be obtained prior to issuance of certificates of occupancy for any structures adjacent to the fuel modification area.</li> <li>Fuel Modification Zones shall be subject to an annual inspection conducted by a representative of the City in order to assure that zones are maintained in compliance with the applicable fuel modification requirements. The property owner shall maintain defensible space in accordance with the Fuel Modification Plan as approved.</li> </ul> <p><i>Vegetation Management</i></p> <ul style="list-style-type: none"> <li>The fuel modification area along the northern boundary of the project lies partially on the Hyatt Regency property, partially on property owned by the City of Newport Beach, and partially on property owned by the Irvine Company.</li> </ul>	

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		<ul style="list-style-type: none"><li>• The proposed landscape plan/fuel modification zone plant palette shall be reviewed and approved by the NBFD. Landscape plans shall comply with all landscaping requirements.</li><li>• Defensible space vegetation management responsibility is assigned to persons/company(ies) owning buildings or structures on this property.</li><li>• Maintenance of defensible spaces shall occur annually, prior to May 1, or more often, as determined by the NBFD. Maintenance of the defensible space shall include modifying or removing nonfire-resistive vegetation and keeping leaves, needles, and other dead vegetative material regularly removed from roofs of buildings and structures.</li><li>• Maintenance and funding for vegetation management shall be required and enforced by deed encumbrances, which are attached to the property. Such deed encumbrances shall be reviewed and approved by NBFD Chief.</li><li>• An agreement with the neighboring property owners (as described above), to be conveyed with deed, for permanent maintenance of landscape area that also serves as extended Less than significant fuel modification area for Hyatt property.</li><li>• Vegetation management shall be completed prior to the start of and continue throughout the construction phase. Prior to site demolition, adequate fuel breaks shall be constructed between demolition areas and existing flammable vegetation.</li><li>• Vegetation maintenance includes ensuring operation of irrigation systems.</li><li>• Vegetation maintenance is required following wind and rain storms to remove combustible plant-related debris from fuel modification zones.</li><li>• Caution must be exercised on steep slopes to minimize erosion with the removal of vegetation and the addition of irrigation.</li></ul>	

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<b>5.7 HYDROLOGY AND WATER QUALITY</b>			
5.7-1: The proposed project would not violate any water quality standards or waste-discharge requirements, provide substantial additional sources of polluted runoff, or otherwise degrade water quality.	Less than significant	No mitigation measures are necessary.	Less than significant
5.7-2: Expansion of the Hyatt Regency Newport Beach would not substantially alter the existing drainage pattern of the site or area, resulting in substantial erosion or siltation, or flooding on- or off-site.	Less than significant	No mitigation measures are necessary.	Less than significant
<b>5.8 LAND USE AND PLANNING</b>			
5.8-1: The proposed Hyatt Regency expansion is consistent with applicable local plans, including the City of Newport Beach General Plan, zoning code, and local coastal program land use plan.	Less than significant	No mitigation measures are necessary.	Less than significant
5.8-2: Implementation of the project would be in accordance with the vested entitlement for the project site under the 1993 CIOA.	Less than significant	No mitigation measures are necessary.	Less than significant
5.8-3: The proposed Hyatt Regency expansion would comply with the John Wayne Airport AELUP.	Less than significant	No mitigation measures are necessary.	Less than significant

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<b>5.9 NOISE</b>			
5.9-1: The increase in traffic from operation of the Hyatt Regency expansion project would not significantly increase traffic noise levels.	Less than significant	No mitigation measures are necessary.	Less than significant
5.9-2: New stationary noise sources from long-term operation of the Hyatt Regency Newport Beach expansion would not substantially elevate noise levels in the vicinity of noise-sensitive land uses.	Less than significant	No mitigation measures are necessary.	Less than significant
5.9-3: Newly expanded on-site noise-Sensitive Uses would be compatible with the noise environment.	Less than significant	No mitigation measures are necessary.	Less than significant
5.9-4: Construction of the Hyatt Regency Newport Beach expansion would not generate vibration levels that exceed the FTA criterion for human annoyance at nearby residential structures.	Less than significant	No mitigation measures are necessary.	Less than significant
5.9-5: Construction activities at the Hyatt Regency would significantly elevate the daytime and potentially nighttime noise environment in the vicinity of noise-sensitive residential and recreational uses.	Potentially significant	9-1 Temporary sound blankets (fences typically comprised of poly-vinyl-chloride-coated outer shells with adsorbent inner insulation) shall be placed alongside the boundary of project-related site during construction activities that are located in the vicinity of residential and recreational land uses affected by significant levels of construction noise, which includes the areas adjacent to the Palisades Golf Course, the Newporter North Environmental Study Area, and the Bayview Landing senior community. The temporary sound blankets shall be to prevent direct line-of-sight from construction activities occurring directly adjacent to this property.  9-3 The Construction Contractor shall ensure that all construction equipment on-site is properly maintained and tuned to minimize noise emissions.  9-4 The Construction Contractor shall ensure that construction equipment is fit with properly operating mufflers, air intake silencers, and engine shrouds no less effective than as originally equipped by the manufacturer.	Significant and unavoidable

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		9-5 The Construction Contractor shall locate all stationary noise sources (e.g., generators, compressors, staging areas) as far from residential and recreational receptor locations as is feasible.	
		9-6 Material delivery, soil haul trucks, equipment servicing, and construction activities shall be restricted to the hours set forth in the City of Newport Beach Municipal Code, Section 10.28.040.	
5.9-6: The Hyatt Regency is located outside the 60 and 65 dBA CNEL noise contour of the John Wayne Airport and would not result in substantial aircraft noise exposure to future occupants and workers.	Less than significant	No mitigation measures are necessary.	Less than significant
<b>5.10 PUBLIC SERVICES</b>			
<b>FIRE PROTECTION AND EMERGENCY SERVICES</b>			
5.10-1: The proposed project's incremental increase in demand for city fire protection services would not significantly impact the Newport Beach Fire Department's ability to provide fire and emergency/medical services.	Less than significant	No mitigation measures are necessary.	Less than significant
<b>POLICE PROTECTION</b>			
5.10-2: The proposed project's introduction of new structures, workers, and visitors into the City of Newport Beach police service boundaries would not substantially increase the demand for police protection services.	Less than significant	No mitigation measures are necessary.	Less than significant

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<b>5.11 TRANSPORTATION/TRAFFIC</b>			
5.11-1: The proposed project would generate an estimated total of 661 daily vehicle trips and 51 AM and 58 PM peak hour trips. These project-related trips would not impact levels of service for the existing area roadway system.	Less than significant	No mitigation measures are necessary.	Less than significant
5.11-2: The project-related V/C increase of 0.001 and 0.002 in the AM and PM peak hours for Coast Highway/MacArthur Boulevard intersection, (the only CMP intersection in the study area) would be less than the 0.010 V/C increase that would be classified as a significant impact. The project, therefore, would not result in a designated road or highway exceeding County Congestion Management Agency service standards.	Less than significant	No mitigation measures are necessary.	Less than significant
5.11-3 On-site site access and circulation to accommodate the new timeshare units, ballroom facility, and ancillary uses would not increase hazards or incompatible uses.	Less than significant	No mitigation measures are necessary.	Less than significant
5.11-4: A total of 912 parking spaces would be provided to serve the proposed project. However, the project's valet parking component could result in an on-site parking impact.	Potentially significant	11-1 Prior to the issuance of a building permit for the proposed ballroom facility, the project applicant shall submit a valet parking plan to the Planning Director and City Traffic Engineer for review and approval. All valet parking services provided pursuant to the valet parking plan shall comply with the measures outlined in the parking plan.	Less than significant
5.11-5: Temporary construction impacts would result in a significant impact to the Jamboree Road/San Joaquin Hills intersection during the PM peak period.	Potentially significant	11-2 During the construction of the Hyatt Regency expansion, no construction vehicle trips shall be permitted to enter or exit the project site during the PM peak period between 4:00 PM and 6:00 PM. Construction vehicles shall be defined as dirt haulers, material delivery trucks, construction-vehicle transport trucks, and other similar large vehicles. Construction employee trips are not included in this restriction.	Less than significant

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5.11-6: Adequate on-site parking would not be available during some phases of project construction.	Potentially significant	11-3 The Hyatt Regency shall maintain a minimum of 467 parking spaces for use by hotel guests and visitors during the full duration of construction activities. This minimum requirement of 467 may be provided through either self-parking or valet parking. In addition, the project applicant shall submit a Parking Management Plan prior to the initiation of construction activities to the City of Newport Beach for review and approval prior to the issuance of building permits. The Parking Management Plan shall clearly identify how and where the 467 necessary parking spaces would be accommodated on-site during construction.	Less than significant